

0 Duhamel Road, Lively

Presented To:	Planning Committee
Meeting Date:	March 18, 2024
Type:	Public Hearing
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-8/23-04

Report Summary

This report provides a recommendation regarding an application to amend the City of Greater Sudbury's Zoning By-law, 2010-100Z in order to permit the construction of three industrial buildings being Commercial or Public Garage and Vehicle Repair Shop, a Contractor's Yard, and Heavy Equipment Sales and Rental.

This report is presented by Bailey Chabot, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by 1930115 Ontario Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification from "M5", Extractive Industrial to "M3(H)", Heavy Industrial with Holding provisions on lands described PIN 73372-0230, Part Lot 3, Concession 5, Township of Waters, being Parts 1,2,6,8,15,16 & 17, on Plan 53R15832 Except Part 1 on Plan 53R-17519; (0 Duhamel Road, Lively), as outlined in the report entitled "0 Duhamel Road, Lively", from the General Manager, Growth and Infrastructure, presented at the Planning Committee meeting on March 18, 2024 subject to the following conditions:

1. That the amending by-law includes the following site holding provisions:
 - a. That all uses associated with the M3, Heavy Industrial zone be prohibited until the upgrading of Duhamel Road to the satisfaction of the General Manager of Growth and Infrastructure.
 - b. That the only permitted uses be a Commercial or Public Garage and Vehicle Repair Shop to a maximum gross floor area of 557.36 metres square, a Contractor's Yard to a maximum gross floor area of 557.36 metres squared, and Heavy Equipment Sales and Rental to a maximum gross floor area of 399.8 metres squared, until such a time as municipal wastewater services are provided to the subject lands.

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 represents redevelopment of an existing lot and is therefore consistent with the goals and objectives of the Strategic Plan. As the proposal promotes a mix of density in a built-up area the

proposal aligns with the recommendations of the Community Energy & Emissions Plan.

Financial Implications

If approved, staff are unable to estimate taxation revenues as the assessment value of these three building would be determined by Municipal Property Assessment Corporation (MPAC).

Any additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by the Building Services department.

Report Overview:

An application for Zoning By-law Amendment has been submitted to permit three industrial buildings supporting a Commercial or Public Garage and Vehicle Repair Shop, a Contractor's Yard, and Heavy Equipment Sales and Rental on the property municipally known as 0 Duhamel Road, Lively. Two holding provisions are recommended relating to the upgrading of Duhamel Road to a municipal standard and the prohibition of additional uses or building sizes until municipal wastewater services are available. The parcel is vacant.

Staff is of the opinion that the application is appropriate and is recommending approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

STAFF REPORT

PROPOSAL:

An application for a Zoning By-law Amendment to rezone the lands from “M5”, Extractive Industrial to “M3(H)”, Heavy Industrial with Holding provisions has been submitted to permit the construction of three industrial buildings being a Commercial or Public Garage and Vehicle Repair Shop, a Contractor’s Yard, and Heavy Equipment Sales and Rental. The parcel is proposed to be serviced by private well and private septic system. Two holding provisions are recommended; the first holding provision relates to the construction of Duhamel Road to a municipal standard to the front lot line of the subject parcel and the second holding provision is being recommended by staff to address servicing constraints.

Location and Site Description:

The subject parcel is legally described as PIN 73372-0230, Part Lot 3 Concession 5, Township of Waters being Parts 1,2,6,8,15,16 & 17 on Plan 53R-15832 except Part 1 on Plan 53R17519 and is known municipally as 0 Duhamel Road, Lively. The lands are located at the southern terminus of Duhamel Road. The parcel is generally rectangular in shape, with a frontage along Duhamel Road of only approximately 30.5 metres. The lot depth is approximately 315 metres with a total lot area of 5.2 hectares. The parcel is generally vacant of structures with some vegetation throughout.

The parcel is located in an industrial area where the predominant uses and built forms are general industrial in nature. There are existing single detached dwellings along Duhamel Road that pre-date industrial development.

Existing Zoning: “M5”, Extractive Industrial

The “M5” zone permits industrial uses per Part 8.2, Table 8.1 – Permitted Uses of the City’s Zoning By-law. The development standards associated with the “M5” zone are outlined under Part 8.3, Table 8.2 – Standards for Industrial Zones. The “M5” zone permits a limited number of uses associated with extractive industries, as well as uses that do not impede future extractive industrial uses, including an aggregate transfer site, agricultural use, forestry use, a pit, and a quarry.

Requested Zoning: “M3”, Heavy Industrial

The rezoning is being pursued to allow for the construction of three industrial buildings to permit the operation of a Commercial or Public Garage and Vehicle Repair Shop, a Contractor’s Yard, and Heavy Equipment Sales and Rental. The full list of permitted uses is listed in Part 8.2, Table 8.1 – Permitted Uses of the City’s Zoning By-law while the associated development standards associated with the “M3” zone are outlined under Part 8.3, Table 8.2 – Standards for Industrial Zones.

A holding provision has been requested by applicant to permit the rezoning ahead of the construction of Duhamel Road to a municipal standard. The holding provision would remain until such time as the road is constructed to the satisfaction of the City of Greater Sudbury. A second holding provision is recommended by staff limiting the parcel to the proposed uses and building sizes until such time as municipal wastewater is available to subject parcel. This is to ensure that the daily wastewater volumes do not exceed the maximum permitted 4,500 litres per day.

Surrounding Land Uses:

North: Adjacent – A single detached dwelling on lands zoned “M3”, Heavy Industrial and vacant lands zoned “M5”, Extractive Industrial
Further North – Heavy Industrial uses, two small residential parcels

East: Adjacent – Vacant lands zoned “M5”, Extractive Industrial
Further East – Vacant lands zoned “M5”, Extractive Industrial and Heavy Industrial uses

South: Adjacent – Vacant lands zoned “M5”, Extractive Industrial and “M3”, Heavy Industrial
Further South – Highway 17 and Rural parcels

West: Adjacent – “M3”, Heavy Industrial uses
Further West – “M3”, Heavy Industrial uses

The existing zoning and location map are attached to this report and together indicate the location of the parcel subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

A site visit was conducted January 26, 2024 and site photos generally depict a cleared site with large machinery and other industrial equipment and construction materials stored on site. Vegetation is dispersed along the property lines. While the site is sloped gently to the south, there is a steep grade change to the east as shown in the photos.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands on December 13, 2023. The statutory Notice of Public Hearing dated February 22, 2024 was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands.

At the time of writing this report no public comment has been received.

POLICY AND REGULATORY FRAMEWORK:

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

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

The PPS and the Growth Plan for Northern Ontario, along with the City’s Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision, and site plans.

2020 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 2020 PPS. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. Resilient development and land use pattern policies set forth in section 1.1.1 state that healthy, liveable and safe communities are sustained by promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

2. Settlement area policies set forth in section 1.1.3.2 state that settlement areas shall be the focus of growth and development and that land use patterns shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, infrastructure, and minimize negative impacts to air quality and climate change.
3. Settlement area policies identified in section 1.1.3.6 require that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
4. Employment policies in section 1.3 oblige municipalities to promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities and ensuring the necessary infrastructure is provided to support current and projected needs.

Growth Plan for Northern Ontario:

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. There are no policies that are relevant to this application, therefore the application does not conflict with the Growth Plan.

Official Plan for the City of Greater Sudbury:

The Official Plan defines 'intensification' as the development of a property, site or area at a higher density than currently exists through redevelopment, the development of vacant or underutilized lots, infill and the expansion or conversion of existing buildings. The proposed development is considered intensification.

The subject land is designated as General Industrial, which focuses on supporting economic activity in the industrial sector and permits uses such as manufacturing and processing facilities. Policy 4.1 promotes:

- the intensification and revitalization of industrial areas;
- ensuring that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites; and,
- ensuring that new developments do not preclude future extraction of known or potential mineral or aggregate deposits.

Policies in 4.5.1 require that general industrial uses have minimal environmental impact and that any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened (4.5.1.3) and that development occurring in areas that are not fully serviced, only dry industries that generate less than 4,500 litres of wastewater a day may be permitted (4.5.1.4).

Finally, policy 19.5.4 Holding Zones permits the use of holding provisions to specify the use to which lands, buildings, or structures may be put at some time in the future in instances when the level of community services and/or infrastructure is not yet adequate to support the proposed use (19.5.4 a.ii.).

Zoning By-law 2010-100Z:

The existing "M5", Extractive Industrial zone does not permit the uses proposed by the applicant. The rezoning is required to permit the proposed uses. The holding provisions relate to the construction of Duhamel Road to a municipal standard to the front lot line of the subject parcel and the assurance that not more than 4,500 litres of wastewater per day are produced.

Site Plan Control:

The proposed development is not within 150 metres of a residential area or an arterial road or Provincial Highway, therefore site plan control does not apply.

Department/Agency Review:

The application, including relevant accompanying materials, has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Building Services, Community Safety (Fire Services), Conservation Sudbury, Drainage, and Roads Operations each advised that they have no concerns from their respective areas of interest.

Development Engineering has no objection to the proposed development and note that the site is not serviced by municipal water or wastewater.

Strategic and Environmental Planning has advised that the proposed development is anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are adequately mitigated as indicated on the relevant site plans and sketches.

Strategic and Environmental Planning has also advised that the owners are solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the provincial *Endangered Species Act* and the federal *Migratory Birds Convention Act*.

Transportation and Innovation Support has indicated that they do not have any concerns with the application and that the applicant will construct the extension of Duhamel Road to City standards.

There was no opposition to the proposed rezoning identified by any circulated department or agency.

PLANNING ANALYSIS:

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to the applicable policies, including issues raised through agency and department circulation.

The PPS contains policies that are relevant to this application as noted in earlier sections. The proposed rezoning conforms to these policies as this development represents an intensification of use and development of lands that are within the settlement area and adjacent to other industrial uses, representing an effective development pattern and a minimization of land consumption and servicing costs (policy 1.1.1).

The rezoning is consistent with the policies of 1.1.3.2 and 1.1.3.6 as the parcel is within the settlement area and is serviced by an existing municipal right-of-way, being Duhamel Road. Adding to the existing cluster of industrial uses aids in creating a more compact industrial area and represents an efficient use of land, which also helps to minimize negative impacts to air quality and climate change as there are existing roads, nearby services, and complimentary uses that support industry.

Finally, this rezoning is consistent with section 1.3 in that it supports employment for the City of Greater Sudbury in a manner that is compact and compatible with the existing industrial uses and contains the necessary infrastructure to support the development.

Staff is of the opinion that this rezoning application is consistent with, and does not conflict, the Provincial Policy Statement, 2020.

The relevant policies of the City of Greater Sudbury's Official Plan were considered. This rezoning represents an intensification of an industrial area, a logical extension of general industrial uses, and is not within the aggregate reserve where there are known or anticipated mineral deposits. The rezoning does not present concern for environmental impacts as there are no known environmental or natural heritage features on the subject lands. The uses are consistent with the adjacent parcels and are not expected to create a nuisance to surrounding properties.

The subject lands are not serviced by municipal water nor wastewater. As a result, the applicant has provided a wastewater volume calculation report in support of the application done per the Ontario Building Code Part 8. The report calculates that proposed uses and the size of the proposed buildings will produce a daily wastewater volume of 4,499 litres per day, 1 litre less than the maximum permitted in Official Plan policy 4.5.1.4. Given that the daily volumes do not allow for an expansion of use or an enlargement of buildings, staff is recommending a holding provision within the amending zoning by-law that limits the proposed uses and building sizes to a Commercial or Public Garage and Vehicle Repair Shop (557.36 square metres), a Contractor's Yard (557.36 square metres), and Heavy Equipment Sales and Rental (399.8 square metres). The holding provision would be lifted upon the extension of municipal wastewater to the parcel.

In accordance with policies in 19.5.4, the applicant has requested a holding provision that prohibits the use of the lands until such time as Duhamel Road is upgraded. This is due to the fact that the portion of Duhamel Road that extends to this parcel is not an open part of the road nor is it built to municipal standards. The upgrades are required as the City's Zoning By-law 2010-100Z prevents the issuance of building permits where parcels are not accessed by public roads. To allow for the rezoning to progress ahead of the upgrade of Duhamel Road, the applicant has proposed a holding provision that prohibits the use of the lands until such time as the road is upgraded to the satisfaction of the City. Staff does not take issue with this approach.

In consideration of the requested "M3", Heavy Industrial zone, staff is of the opinion that the zone is appropriate for both the parcel itself and the area in general given the size and shape of the parcel, lack of environmental features, the surrounding industrial uses, and the availability of public roads to support the industrial uses.

Given the above noted analysis, staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, conforms to the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

CONCLUSION:

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