

**Title: Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc.**

**Date: June 9, 2020**

## **STAFF REPORT**

### **PROPOSAL:**

An application for rezoning has been submitted in order to eliminate the split zoning on the subject lands by replacing the M5 zoning with M3 zoning. The entire lands would therefore be subject to one set of zoning regulations.

#### **Existing Zoning:** "M5", Extractive Industrial

"M5", Extractive Industrial zoning is primarily focused on aggregate facilities, where permitted uses include pits, quarries and aggregate transfer sites. Forestry and agricultural uses are also permitted in M5 zones.

#### **Requested Zoning:** "M3", Heavy Industrial

"M3", Heavy Industrial zoning provides for a broader category of industrial use which is typically more intensive than M1-1, M1 and M2 zones. Accessory outdoor storage is permitted subject to the provisions of Section 4.28.

#### **Location and Site Description:**

Part of PINs 73372-0231 & 73372-0232, Part of Parts 1 & 2, Plan 53R-19603 in Lot 3, Concession 5, Township of Waters (234 & 240 Fielding Road, Lively)

The subject lands comprise two properties located on the west side of Fielding Road in Lively. The area is not serviced by municipal water and sanitary sewer. Fielding Road is designated as a Local Road and is constructed to a rural standard. There is no public transit service in this area.

Total area of the lands to be rezoned is 1.85 ha. The subject sites form the westerly portions of the properties municipally known as 234 and 240 Fielding Road. The lands currently zoned M5 were subject to an aggregate licence for a quarry, which was surrendered in June 2014. Extensive site alteration is underway on the northerly portion identified as PIN 73372-0232. Southerly PIN 73372-0231 is occupied by an office and manufacturing facility that is subject to a Site Plan Control Agreement registered in 2011 (MINECAT). Industrial uses are also located on adjacent properties.

A watercourse extends along the easterly limit of the subject lands, which fall within the regulated area of Conservation Sudbury.

#### **Related Applications:**

The current M5 zoning originated in 1982, when Interim By-law 76-327 was amended in order to accommodate the expansion of an existing quarry (By-law 82-28).

In 2011, a consent application was approved in order to sever the southerly lands identified as Part 2, Plan 53R-19603 (File B0069/2011). The site was subsequently developed as a mining manufacturing facility that is subject to a Site Plan Control Agreement dated October 25, 2011.

A site alteration permit was issued by Building Services Section on May 16, 2013 in order to conduct site preparation work on PIN 73372-0232 (Permit # S13-0002). The permit was approved based on a lot grading plan prepared by S.A. Kirchhefer Limited dated April 10, 2012.

Following the approved rehabilitation of the former quarry, the aggregate licence was surrendered by the owner in June 2014, as per Ministry of Natural Resources and Forestry requirements.

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**Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

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 owners' agent indicated that no additional public consultation was to be conducted 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:**

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.

**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.

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.

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**Official Plan for the City of Greater Sudbury:**

The subject lands are designated as General Industrial. The following policies under Section 4.5.1 are applied:

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.

**Zoning By-law 2010-100Z:**

The proposed M3 zoning will eliminate the split zoning on both properties, which is desirable from a land use perspective in order to have the land subject to one set of zoning standards. Furthermore, the M5 zoning can be replaced given that the quarry has ceased operation and the aggregate licence has been surrendered.

**Site Plan Control:**

The subject sites are industrial properties which are located more than 152.4 metres from a Residential zone and a designated Municipal Road. The lands are therefore not subject to site plan control under the Site Plan Control By-law 2010-220. Notwithstanding the above, the MINECAT site is subject to a Site Plan Control Agreement registered in 2011, which was requested by the owner in order to ensure appropriate development of the land.

**Department/Agency Review:**

Building Services advised that there are outstanding matters related to the site alteration permit issued in 2013, which may include renewal of the permit, return of deposits and inspections. The owner is advised to contact Building Services for more information.

**PLANNING ANALYSIS:**

This application is generally viewed as a technical amendment required to eliminate the split zoning on the subject lands. It is desirable from a land use perspective to have the properties subject to one set of zoning standards for clarity. Furthermore, the M5 zoning is no longer relevant given that the aggregate licence was surrendered in 2014. The owners will benefit by having a broader range of uses permitted under the proposed M3 zoning, provided servicing needs can be addressed.

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The rezoning is supported based on the following considerations:

- The proposed zoning is consistent with surrounding properties, which form an industrial node in close proximity to the City's mining complex. There are no issues related to compatibility and no sensitive land uses are located in close proximity to the site.
- The application conforms to the underlying land use designation in the Official Plan related to permitted uses in General Industrial areas, including heavy industrial uses.
- Site alteration conducted on the property was approved through a permitting process in 2013, which effectively sets the stage for additional development. However, there are some outstanding matters related to the permit that need to be addressed to the satisfaction of Building Services and Conservation Sudbury.
- The lands previously licenced for aggregate extraction have been rehabilitated to the satisfaction of the Ministry of Natural Resources and Forestry.
- The proposal demonstrates consistency with the 2020 Provincial Policy Statement. The application does not propose uses that would compromise the viability of employment lands intended for industrial use.
- The application conforms to the 2011 Growth Plan for Northern Ontario, as it aligns with the City's designation as an Economic and Service Hub.

**CONCLUSION:**

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