Planning Rationale

To: Thomas Demming, CPT, Principal Planner
From: RFA Planning Consultant Inc.
Cc: Shehzad Haroon, Applicant
Date: January 28, 2019
Re: Application for an Amendment to the Zoning By-law – 665 Dundas Street East, City of Belleville (Shehzad Haroon)

This memo is to summarize our planning opinion in support of the Application for an Amendment to the Zoning By-law for Shehzad Haroon, for conformity to the Provincial Policy Statement and the Belleville Official Plan general policies within the Industrial land use designation and the Bayshore Planning Area. We have also assessed the applicable Zoning By-law provisions and offer the following planning opinion in support of the applications.

BACKGROUND

We were retained in September, 2019 by the applicant, Shehzad Haroon, to undertake a rezoning application for the subject property. The land described as Part of Lot 13, Concession Broken Front, Township of Thurlow, Parts 1, 2 and 3 Plan 21R-8596, Now in the City of Belleville, County of Hastings being formerly of PIN 40611-0010 (LT) due to a recent severance. The subject property has an area of 2.794 hectares (6.906 acres) with 189.30 metres (621.06 feet) of frontage on the south side of Dundas Street East. The land to be rezoned contains an approximate 11,799-square-metre (127,000-square-foot) principal building gross floor area. This gross floor area includes a mezzanine level. The subject property is serviced by municipal piped water and sanitary services. The west property line is bordered by hydro easement, which connects with another hydro easement abutting the south...
property line. The east property line is bordered by a right-of-way, which crosses a second hydro easement and extends to provide legal access to four (4) waterfront lots immediately to the south of the subject property. A loading area is located within the eastern side yard of the building complex. A heavily vegetated buffer, approximately 54 metres in width, is located between the loading area and eastern property line and the nearest dwelling to the east. Another heavily vegetated buffer is located the length of the southern property line, approximately 60 metres in width, between the existing building complex and the lots to the south. Two tenants currently occupy a portion of the existing building. The property is the site of a former carpet manufacturer originally constructed in 1970s. Along with various renovations and additions, various general industrial uses have existed on the subject property for almost 50 years. Refer to enclosed Existing Conditions and Parking Plan for further detail.

On August 15, 2019, the Belleville Committee of Adjustment granted consent (File No. B 23/19) to separate and convey part of the subject property to an abutting parcel. The southerly area, legally described as Parts 4, 5, 6, 7 and 8 on Plan 21R-8596, has been severed and conveyed to the lands to the west (No. 621) known as the former Bakelite property.

The subject property is designated “Industrial Land Use” in the City of Belleville Official Plan and within the “General Industrial (M2) Zone” of Zoning Bylaw Number 10245. The surrounding land uses are a mix of industrial (former Bakelite brownfield site), residential, commercial.

The applicant met with the City of Belleville development review team on August 2, 2019 to review the submission requirements for a rezoning to add a Cannabis Production Facility as a permitted use on the subject property. Through a letter issued the same date by the City’s principal planner several technical studies and drawings were outlined as requirements to support a site-specific rezoning application. In support of the subject rezoning application, the following technical studies and drawings were prepared and have been submitted under separate cover:

- Site Plan (showing lot layout, fencing, lighting, parking and rights-of-way and easements); and
- Functional Servicing Brief.
We have prepared an Existing Conditions & Parking Plan – enclosed – which illustrates the existing conditions on and surrounding the subject property, the land proposed for rezoning, along with light and fencing detail.

The following photographs depict the existing conditions of the subject lands:

**Subject Lands** – green outline.
665 Dundas Street East – front yard, view looking west.

665 Dundas Street East – shipping/receiving loading area, view looking west.
665 Dundas Street East – 54-metre wide vegetated buffer, view looking east.

665 Dundas Street East – rear yard, view looking east; former carpet manufacturing building (left), 60-metre wide vegetative buffer (right).
665 Dundas Street East – side yard, view looking north.

665 Dundas Street East – north-west parking area, view looking north.
APPLICATION FOR REZONING

The purpose of the rezoning application is to add Cannabis Production Facility as a permitted use on the subject property and to recognize the existing 14.5-metre front yard depth and 11-metre wide access driveway. The front yard depth of the subject property on the opposite side of the street to a Residential Holding Zone is a pre-existing condition that predates the Zoning By-law, but is deficient. The existing access driveway width is approximately 2 metres wider that the Zoning By-law allows and relief is requested. The proposed Cannabis Production Facility will utilize approximately 5,982 square metres of the existing building, which may increase over time to occupy the entire building. A Cannabis Production Facility is not a permitted as-of-right use in any zone, which has necessitated the subject rezoning application. All other provisions of the M2 Zone can be met and no other special provisions are necessary.

The applicant, Shehzad Haroon, has applied to Health Canada to obtain a licence for standard production in accordance with the new Cannabis Act (Canada) and its cannabis regulations, which came into effect October 17, 2018. Health Canada will not issue a licence unless it meets municipal zoning regulations. In accordance with By-law Number 2019-56, Cannabis Production Facility means “a premises used for primarily growing and processing of cannabis authorized by a license issued by Health Canada. Testing, research, storing, and/or distribution of cannabis may be permitted as an accessory use.” The proposed Cannabis Production Facility will operate as defined in the Zoning By-law. It is important to note that manufacturing, assembling, processing and/or fabricating of goods and/or materials are permitted as-of-right uses on the subject property. This is consistent with the proposed Cannabis Production Facility, but where cannabis is a regulated product under Health Canada. The subject rezoning is required in accordance with City of Belleville policy on this basis only.

CONFORMITY TO THE PROVINCIAL POLICY STATEMENT (2014)

The Provincial Policy Statement (PPS) has applied to all planning applications since April 30, 2014. It provides policy direction on matters of provincial interest related to land use planning and development. All decisions related to land use planning matters “shall be consistent with” the PPS. The application for Official Plan Amendment is consistent with the 2014 PPS.
The subject proposal will benefit the financial well-being of the Province and municipality over the long term since the commercial use will add to the local tax base by contributing to the viability of an underutilized industrial site and distributing its products throughout the province under applicable legislation (PPS 1.1.1(a)). The development is an adaptive re-use of an existing industrial site with municipal services, which is a cost effective development pattern that mitigates land consumption and servicing costs (PPS 1.1.1e)). Due to the nature of the proposed cannabis production facility, the subject property was selected as the required electricity infrastructure is available to the site to meet current needs and there are no apparent concerns for the electricity infrastructure to meet projected needs due the previous carpet manufacturing operation (PPS 1.1.1g)).

The proposed use is considered regeneration growth within a settlement area, which shall be promoted (PPS 1.1.3.1). The proposed use will be a pharmaceutical-grade facility, which will consist of a “clean” operation that is not anticipated to contribute to any negative impact to air quality. The projected $1.8 million in required renovations is intended to implement modern energy efficiency standards (PPS 1.1.3.2a3.) along with Health Canada requirements, specifically security and air filtration system to remove potential odours emitted to the outside. Municipal transit stops are located nearby along the Dundas Street East and Haig Road, approximately 290 metres and 230 metres from the site, respectively. An increase in the number of employees working on-site may support the existing transit system through adding potential users (PPS 1.1.3.2a5.). The subject property is considered freight-supportive due to its close proximity (approximately four kilometres) to the nearest Highway 401 transportation corridor on-ramp.

The business will provide additional employment opportunities. At full capacity it is anticipated that the proposed facility will employ approximately 40 shift workers. (1.3.1a)). The site is located within Belleville’s Bayshore industrial area, which provides facilities along the Canadian Pacific Railway corridor for diverse economic activity and restricted light industrial/employment uses that do not have characteristics that warrant a location in a heavy/general industrial area or that have been long established and intermixed with sensitive (residential) land uses (1.3.1b)). It is important to consider the proposed development as a Class I industrial use in accordance with the Ministry of the Environment, Conservation and Parks (MOECP) Guideline D-6 for compatibility between industrial facilities and sensitive land uses. The proposed cannabis production facility will not have outside storage and will be small scale, self-contained within a building, which produces, stores and packages...
product with daytime operations only and infrequent movement of product and/or heavy trucks. This, combined with the fact that sensitive uses are currently limited and intermixed with employment uses between Newberry Street and Haig Road, the proposed development is a compatible employment use within a mixed-use area. To reiterate, general industrial uses have existed on the subject property for approximately 50 years. The site is already developed, is within a built-up area of the Bayshore industrial area – a designated employment area – and it is considered compact development on this basis (PPS 1.3.1c)). The necessary infrastructure is provided to support current and projected needs (PPS 1.3.1d)).

Municipal sewage and water services are provided to the site, which is the preferred form of servicing for settlement areas (1.6.6.2). The site is already developed with municipal services; however, during pre-consultation, City planning staff expressed capacity and pressure concerns and requested a servicing assessment to support the subject rezoning application. A Functional Servicing Brief has been prepared by the Greer Galloway Group and concludes that relative to the existing servicing demands of the facility, the calculated demands of the proposed cannabis production facility equate to approximately three (3) residential connections and are negligible. The site is already developed and there are no apparent concerns with respect to minimizing or preventing increased contaminant loads or minimizing erosion. It is intended to maintain the landscaped yards, save and except a minor parking area expansion, which will also assist in maximizing the extent and function of vegetation and pervious surfaces (1.6.6.7).

CONFORMITY TO THE OFFICIAL PLAN

The subject property is designated “Industrial Land Use” on Schedule ‘B’ Land Use Plan – Urban Serviced Area, which forms part of the City of Belleville Official Plan. The site is also within “Special Policy Area #1 – Bayshore Planning Area”. The Official Plan was approved by the Ministry of Municipal Affairs and Housing on January 7, 2002. The relevant Industrial Land Use and Bayshore Planning Area policies have been assessed below for conformity to the Official Plan.

Within the Industrial Land Use designation, activities associated with the manufacturing, assembling, fabricating, packaging or processing of goods and services, including transportation/truck terminals, warehouses, railway uses are permitted uses. Other compatible uses such as commercial uses accessory to industrial uses, commercial uses which primarily serve the industrial area, wholesale
establishments, office uses, equipment rental uses, data processing establishments, other quasi-industrial service or business uses such as automotive services uses and utility or service companies and commercial uses which require large sites for storage are permitted (OP 3.12.1). Industrial Land Use areas are intended to serve as major concentrations of industrial activity and employment and are considered major enterprise zones. It is also intended that the Plan provide flexibility to enable firms to respond quickly to changing economic conditions (OP 3.12). On this basis, the proposed adaptive re-use of an existing industrial building is a response to the emerging, high-growth cannabis industry and is supported by the Plan. The proposed Cannabis Production Facility may be considered a service industrial use as activities will be located within an enclosed building, with limited to no outdoor storage and will not produce levels of noise, dust or odours characteristic of general industrial uses (OP 3.12).

The lot area is 2.8 hectares and the overall lot coverage is 39%. The subject property appears to have sufficient area to accommodate the buildings and parking/loading areas along with landscaping, and meets or exceeds the M2 Zone provisions, save and except the front yard setback and driveway width. The existing parking areas on-site are unmarked/delineated and the number of spaces is unknown. Due to the proposed use, it is known that an expansion to the existing parking area is required to accommodate both the resultant warehouse uses and employees for the proposed cannabis production facility. Off-street parking for manufacturing or warehousing uses with employees working in shifts has been calculated. At full capacity, it is anticipated that there will be approximately 40 employees working at the proposed facility per shift, resulting in a need for 60 parking spaces to meet the off-street parking requirements. The precise number of non-shift employees and company vehicles is currently unknown (OP 3.12.2a)).

The existing industrial complex has existed in various forms for approximately 50 years, and any impact from industrial uses in the immediate vicinity is considered to be a pre-existing condition. Notwithstanding this, the building will be outfitted with specialized air filtration systems to mitigate any odours that may occur as a result of the proposed Cannabis Production Facility. There are otherwise no apparent land use concerns that may result from the proposed development and the location (OP 3.12.2b/c)). Furthermore, separation distance to residential uses to the east and south exceed the M2 Zone requirements, by 1.6 times (35.5 metres) and 1.2 times (27.5 metres), respectively. Distances to the Residential Holding Zone to the north is a pre-existing condition, where the required front yard of the complex is deficient.
at approximately 14.5 metres. The existing separation between the M2 Zone and RH Zone is approximately 40 metres, 2 times the required 20-metre minimum for Class I industrial facilities. Separation distances are generally measured from property line to property line in accordance with the MOECP Guideline D-6. As these parcels are separated by Dundas Street East (i.e., 40 metres), there are no apparent concerns regarding the pre-existing setback deficiency, nor is it anticipated that the deficiency will impact the development of the residential parcel.

With respect to off-street parking requirements, the Existing Conditions and Parking Plan demonstrates sufficient area is available to accommodate the needs of the proposed cannabis production facility. The proposed cannabis processing facility is understood to have minimal to no outdoor storage, as the operations – consisting of production, processing, packaging and distribution – will be contained within the principal building (OP 3.12.2f)).

Within the Bayshore Planning Area, the main objective is “To more fully develop the recreational potential of the bayshore planning area through the establishment of a combination of open spaces, and compatible commercial, public facility and residential land uses, employing sensitivity to issues of urban design, environmental conditions and the area’s setting along the shores of the Bay of Quinte, creating a destination within the City which is strongly oriented to the needs of all residents of and visitors to the community” (OP 4.1.1a)). The subject property is located at the eastern extent of the Bayshore Planning Area, on the east side of Haig Road if it were extended south. The subject rezoning application will not change the physical nature of the property and is not anticipated to impact any future planning or development in the area for recreation. The subject rezoning application does not entail any division of land or Site Plan Approval to support the acquisition of land for the expansion or redevelopment of the City’s open space system. It is understood that no land acquisition was requested during the recent lot addition and that the property therefore on this basis does not consist of strategic value with respect to the City’s open space system (OP 4.1.1c)). While the subject property is proposed to remain as industrial, we wished to be thorough in our review of the applicable planning policies with respect to Section 4.1.1f). As discussed above, the subject property is at the eastern extent of the Bayshore Planning Area and does not appear to be required for an extension or redevelopment of the City’s open space system as no land was requested during the recent lot addition. On this basis, it is understood that the prospective rezoning does not conflict with the main objective for the Bayshore Planning Area. In review of the other criteria of Section 4.1.1f) the proposed use is otherwise permitted as-of-right in the Official Plan Industrial Land
Use designation and M2 General Industrial Zone, and where the site was formerly
the location of a carpet manufacturer. On this basis, and that the proposed Cannabis
Production Facility is considered a Class I industry, the proposed use is considered
appropriate and is not anticipated to create any land use conflict greater than the
current or previous uses. Given the existing complex is a minimum 130 metres from
the Bay of Quinte, approximately 25 to 30 metres from the change in elevation to
the south, with no wetlands present on-site or surface water features, no significant
woodlands and where no change of use is proposed to a more sensitive land use,
there are no apparent environmental issues that require mitigation.

The above analysis has carefully considered the applicable Official Plan general
policies for development within Industrial Land Use areas and the Bayshore
Planning Area. It is our planning opinion that the proposed rezoning application
conforms to the intent of the Official Plan and that policies of the Official Plan appear
to conform to the 2014 PPS.

PLANNING OPINION AND CONCLUSION

It is requested the existing M2 Zone special be amended add site-specific provisions
to add a Cannabis Production Facility as a permitted use and to permit a minimum
front yard depth of 14.5 metres where the opposite side of the street is in a RH
Residential Holding Zone and maximum driveway width of 11 metres. All other
provisions of the M2 Zone can be met and no other special provisions are necessary.
It is understood that the existing tenants of the former carpet manufacturing complex
are aware of the proposed Cannabis Production Facility. It is further understood that
there is no Site Plan Agreement registered on title to the subject property. With
respect to the Existing Conditions sketch, existing lighting and fencing have been
documented. If required, the owner is amenable to upgrading all exterior lighting to
full cut-off fixtures to assist with bringing the property and facility to current site plan
control standards.

The main purpose of this report is to assess whether the 2002 Belleville Official Plan
is in conformity with the 2014 Provincial Policy Statement (PPS). From our analysis
of the relevant policies for the above-noted planning policy documents, it is our
planning opinion that the proposed rezoning application conforms to the intent of the
Official Plan and that policies of the Official Plan appear to conform to the 2014 PPS.
If you have any questions about this information, please do not hesitate to contact me at extension 206.

Yours truly,

\[Signature\]

Shawn Legere, MCIP, RPP
RFA Planning Consultant Inc.

Encl.