

## Request for Decision

### 1916596 Ontario Ltd. - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury

Presented To: Planning Committee

Presented: Wednesday, Mar 28, 2018

Report Date: Wednesday, Mar 14, 2018

Type: Public Hearings

File Number: 751-6/17-27

## Resolution

THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "M1-1", Business Industrial and "M2", Light Industrial to "M1-1(S)", Business Industrial Special to permit a recreation and community centre in the form of a public arena on those lands described as PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9, Concession 4, Township of Neelon, as outlined in the report entitled "1916596 Ontario Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 28, 2018, subject to the following conditions:

- 1.a) That in addition to the uses permitted in the M1-1 zone, a recreation and community centre shall also be permitted;
- b) That an outdoor plaza shall be permitted as an outdoor accessory use to a recreation and community centre, and that no parking shall be required for the outdoor plaza;
- c) That a maximum building height of 35 m shall be permitted;
- d) That a 0 metre interior side yard shall be permitted;
- e) That the amending by-law includes an "H", Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-law applying the "H", Holding symbol. The "H", Holding symbol shall only be removed by Council upon:

i. The submittal of a Transportation Demand Management Plan to the satisfaction of the General Manager of Growth and Infrastructure.

ii. The submittal of a Risk Management Plan under Section 58 of the Clean Water Act submitted to the satisfaction of The Risk Management Official.

## Signed By

### Report Prepared By

Alex Singbush  
Senior Planner  
*Digitally Signed Mar 14, 18*

### Manager Review

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Mar 14, 18*

### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Mar 14, 18*

### Financial Implications

Jim Lister  
Manager of Financial Planning and Budgeting  
*Digitally Signed Mar 14, 18*

### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Mar 14, 18*

### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Mar 14, 18*

2. That prior to the enactment of the amending by-law the owner shall provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law.
3. That conditional approval shall lapse on April 10, 2020 unless condition #2 above has been met or an extension has been granted by Council.
4. That Site Plan Control By-law 2010-220 as amended be further amended to provide that the lands abutting Streets A and C on draft plan of subdivision, prepared by Terry DelBosco O.L.S, dated May 7, 2010, file 780-6/10002, in Lots 9 and 10, Concession 4, Township of Neelon, are subject to site plan control.
5. That the City of Greater Sudbury's delegated official be directed to amend the conditions of draft plan approval for plan of subdivision File 780-6/10002, on those described as PIN 73561-0261, PIN 73561-0258 and PIN 73561-0264, Lot 9 and 10, Concession 4, Neelon Township, as follows:
  - i. That a new condition 41 be added as follows:

"41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services."

## **Relationship to the Strategic Plan / Health Impact Assessment**

Greater Together, the 2015 – 2018 Corporate Strategic Plan, identifies a number of strategic priorities with respect to growth and economic development including investing in large projects to stimulate growth and increase conferences, sports and events tourism, and cultural diversity. The development of an event centre has been identified as one of four priority projects in the implementation plan that supports the corporate strategic plan.

## **Report Summary**

This report provides information for the second of two public hearings on the proposed rezoning for a recreation and community centre in the form of a public arena on the north side of the Kingsway, west of Levesque Street in Sudbury.

The owner has requested to rezone the subject lands from "M1-1", Business Industrial and "M2", Light Industrial to "M1-1(S)", Business Industrial Special to permit a recreation and community centre.

The application to amend the Zoning By-law to permit the development of a public arena on the subject lands fits with the City's long term plans for this area to grow into a mixed residential and employment neighbourhood and relevant provincial policies.

The subject lands are situated at the northwest corner of the Kingsway, Levesque intersection in a developed and growing neighbourhood.

- The lands south of the site, on the opposite side of the Kingsway, are built up with a mix of residential, commercial and institutional land uses. These lands are also expected to see additional residential development over time.
- Lands to the west are approved for additional industrial growth, which will connect the site to the established commercial and industrial corridor around the Third Street area.

- Lands to the north and east include the sanitary landfill and additional commercial and industrial land uses primarily along the south side of the Kingsway corridor.

The subject lands are designated and zoned for a range of industrial and commercial land uses. The frontage along the Kingsway can be developed with office, hotel, bulk retail, warehouse and commercial recreation centre uses. The lands are also draft approved for a 33 block business park/industrial plan of subdivision.

The land use planning question is whether the introduction of this additional institutional land use on the subject lands is appropriate. To address this question, regard must be had to the appropriateness of the location, the appropriateness of the use in this location given the existing and planned context, whether the site is or can be serviced (active transit, public transit, vehicular traffic, water, sanitary and storm-water), whether the development meets the Source Water Protection Plan and other considerations. The evaluation of these considerations is guided by the legislative planning framework, formed primarily by the Provincial Policy Statement, the Growth Plan for Northern Ontario and the City's Official Plan.

The location of the proposed development is appropriate. The site is situated within the community of Sudbury and will reinforce its role as the regional service centre for Greater Sudbury and Northeastern Ontario. The site is also located within the city's settlement area and is adjacent to existing and planned development. The application would improve the mix of land uses in this area, consistent with the long term vision for this area to grow as a mixed residential and employment neighbourhood. The proposed institutional use in this location is also appropriate. The subject lands are situated within an employment area. Provincial and local planning policies recognize and encourage a mix of commercial, industrial and institutional uses in employment areas, subject to various considerations. This flexibility is key to promoting economic development and competitiveness.

As described in this report, the site is or can be serviced by active transportation, public transit, vehicular traffic, municipal water and sanitary services and storm-water management facilities. Upgrades to the Levesque Street Lift Station will be required to accommodate development in the area, including this proposed use. It is anticipated that the lift station improvements will be complete in 2019.

The site is situated in the Intake Protection Zone 3 for the Ramsey Lake Area and is subject to Source Water Protection Plan policies relating to salt and snow. As noted in the report, the applicant is taking the necessary steps to ensure that the development conforms to the Source Water Protection Plan. These discussions are ongoing. As part of this process a Risk Management Plan can be submitted to the Risk Management Official for decision. Until then, any decision to allow the proposed use on the site should be subject to an "H" or hold. This H can be lifted once this additional information is provided.

Similarly, the applicant has identified several Transportation Demand Management related measures to help encourage event centre patrons to take public transit to the site. These measures represent a starting point. These discussions are ongoing. Until then, any decision to allow the proposed use on the site should also be subject to an "H" or hold.

As summarized above, and as further described in this report, the application represents good planning and should be approved, subject to the conditions noted in the resolution section of the report.

## **Financial Implications**

If approved, this rezoning will assist in the future development of a proposed recreation and community centre on this property to be constructed and owned by the City. The City is exempt from development charges and the City will not collect increased property taxes for this rezoning.

This development falls within the Kingsway Industrial Park – Sewer and Water Enhancements project area and would be subject to Section 391 Charges relating to this growth related infrastructure project from 2007. The Section 391 Charge cannot be estimated at this time as the final design is unknown, but provision has been made for the charge in the capital budget of the recreation and community centre.

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## **STAFF REPORT**

### **Applicant:**

1916596 Ontario Ltd.

### **Location:**

PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9, Concession 4, Township of Neelon, Kingsway, Sudbury (see attached sketch)

### **Application:**

To amend [By-law 2010-100Z](#) being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from “M1-1”, Business Industrial and “M2”, Light Industrial to “M1-1(S)”, Business Industrial Special to permit a recreation and community centre and to provide exceptions to the required interior side yard setback and maximum height permitted.

### **Proposal:**

The application proposes to rezone the property to permit a recreation and community centre in the form of a public arena. A 5,800 seat recreation and community centre with 1,250 parking spaces are proposed on lands bounded by Streets A and C on the draft plan of subdivision. The 11.96ha (29.56 ac.) site is proposed to have three points of access on north/south Street C and four points of access on east/west Street A.

The recreation and community centre site is proposed to be immediately adjacent to a proposed 7,696 m<sup>2</sup> (82,839 sq. ft.) casino and 15 storey hotel project with 825 parking spaces on a 6.96 ha (17.2 ac.) site that is the subject of separate official plan amendment and rezoning applications to permit a place of amusement in the form of a casino. The casino and hotel are proposed to be connected, via an enclosed pedestrian bridge, to the recreation and community centre and the projects will share an outdoor plaza referred to as “Festival Square” on the conceptual development plan. The applicant has provided the attached conceptual elevations of the proposed development.

Studies and submittals made with respect to the applications and in the review of the applications have been attached as Appendix # 3.

### **Event Centre Background:**

#### November 2, 2015

On November 2, 2015 City Council invited organizers (public and private) of large projects seeking municipal funding to share their ideas for key projects that could have a significant impact on the future of the community. Sixteen projects were presented, including two proposals to construct multi-use sports facilities in the Kingsway east and Regent/Algonquin Road areas. Both proposals anticipated a partnership with the City. These projects were reviewed and analyzed by staff.

#### April 12, 2016

On April 12, 2016 Council received a [Summary and Analysis Report on Large Projects](#) presented at Public Input Meeting of November 27, 2015 for information only. At that meeting, Council agreed to prioritize the sixteen projects at a session on April 26, 2016.

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April 26, 2016

On April 26, 2016 Council met to prioritize the sixteen projects. At that meeting, Council passed Resolution CC2016-149, as follows:

THAT the City of Greater Sudbury endorses the following projects as presented at the Public Input Session on November 27, 2015:

1. Art Gallery of Sudbury/Library
2. Event Centre
3. Place des Arts
4. Synergy Centre

AND THAT staff be directed to take the next steps in implementation for each of the projects listed above as described in the report titled, *Summary and Analysis Report on the Large Projects Session of November 27, 2015*, from the meeting of April 12, 2016;

AND FURTHER THAT staff be directed to report back to Council as these next steps are completed;

AND THAT any request for funds be brought to Council by resolution.

With respect to the event centre projects, the next steps included were as follows:

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to create a project working group comprised of senior staff from appropriate corporate divisions including CAO, Planning, Leisure Services, Purchasing, and Legal to oversee the development of this process.
2. Direct staff to proceed with engaging the services of a consultant on a staged scope of work (which may include a market analysis and pro forma) to assist Council and Senior staff to determine criteria for a new sports & entertainment complex (size, type, amenities, etc.), to review and decide on potential funding models and partnership structures, and ultimately to assist with the development of a Terms of Reference *for*, and evaluation *of*, an RFP for a competitive bidding process for this project.
3. Direct staff to identify a funding source for an allocation of up to \$275,000 to fund this initial phase.

July 12, 2016

On July 12, 2016 Council received an [update report](#) from the CAO on the Four Large Projects. At this meeting, Council passed Resolution CC2016-259, as follows:

THAT the City of Greater Sudbury approves a one time allocation of \$125,000.00 to secure a consultant to assist with the development of the Arena/Entertainment Centre project, as outlined in the staff report dated June 21, 2016;

AND THAT this option be funded through a contribution of \$62,500 from the Economic Development Reserve Fund and \$62,500 from the Tax Rate Stabilization Reserve;

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AND FURTHER THAT Council directs staff to develop a business case option for an additional \$150,000 towards this project, for consideration as part of the 2017 Budget

December 13, 2016

On December 13, 2016, City Council received an [update report](#) from the CAO on the Four Large Projects. This report described the next steps in the Event Centre project as follows:

1. Meet with community stakeholders including members of City Council
2. Conduct a market and future needs assessment
3. Develop location criteria
4. Develop facility concept and cost estimates
5. Develop capital budget and financing options
6. Develop an operational model
7. Report to City Council on February 28, 2017

March 7, 2017

On March 7, 2017 Council received a [report](#) from the CAO that outlined key findings from the Phase 1 consultant report for the Event Centre and recommended next steps in the process, at this meeting, Council passed five resolutions, as follows:

CC2017-61: THAT the City of Greater Sudbury Council receives the *Phase I Market Analysis and Business Case Assessment* report dated March 7, 2017 from the Special Advisor to the CAO

CC2017-62: THAT the City of Greater Sudbury Council endorses the recommendations from PWC as contained in *Appendix A: Phase 1 Market Analysis and Business Case Assessment* as attached to the report dated March 7, 2017 from the Special Advisor to the CAO, for the design and construction of a 5,800 seat Event Centre.

CC2017-63: THAT the City of Greater Sudbury Council approves the process described in the report dated March 7, 2017 from the Special Advisor to the CAO for evaluating and recommending a site to serve as a location for a new Event Centre;

AND THAT the site evaluation criteria and their weighting as described on pages 45-49 *Appendix A: Phase I Market Analysis and Business Case Assessment* as attached to the report dated March 7, 2017 from the Special Advisor to the CAO also be approved;

AND THAT an evaluation of potential sites and a recommendation for a preferred site be reported to Council no later than June 2017.

CC2017-64: THAT the City of Greater Sudbury Council direct that technical specifications for a 5,800 seat Event Centre be developed concurrently with the site selection process based on a Design/Build procurement method and incorporated into a Request for Proposals with a target release date of June, following Council's site selection decision as described in the *Appendix A: Phase I Market Analysis and Business Case Assessment* as attached to the report dated March 7, 2017 from the Special Advisor to the CAO;

AND THAT the City of Greater Sudbury complete a prequalification process to create a short-list of prospective design-build teams that will receive the Event Centre Request for Proposals from the City of Greater Sudbury in June 2017;

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AND THAT a Request for Proposals for an Event Centre Operator be issued concurrent with the release of the Event Centre Request for Proposals;

AND THAT prior to the issuance of an RFP to select a venue operator, that the City negotiate a "term sheet" of key lease terms with the Sudbury Wolves;

AND THAT PWC's current engagement be extended to include assistance with the recommended next steps as described in the report dated March 7, 2017 from the Special Advisor to the CAO, with funding of up to \$200,000 provided from the Tax Rate Stabilization Reserve.

CC2017-65: THAT the City of Greater Sudbury direct staff to develop a budget for the design and construction of a 5,800 seat Event Centre, with that budget to be included in the 2018 capital for Council's consideration, which budget reflects all known or anticipated costs at that time;

AND THAT Staff be directed to prepare a funding plan that minimizes or eliminates any tax impacts.

#### April 11, 2017

On April 11, 2017 City Council considered a [report](#) from the CAO regarding the evaluation criteria for the site selection exercise approved on March 7, 2017. At this meeting, Council passed Resolution CC2017-92, as follows:

THAT the City of Greater Sudbury approves Option 3 for the purposes of evaluation and recommendation of a preferred site as outlined in the report dated March 29, 2017 from the Chief Administrative Officer titled "Event Centre Site Evaluation Matrix".

Option Three: That each of "cost", "economic impact" and "parking" are equally of highest importance, while "complimentary benefits", "access" and "ease of development" would be extremely important and "vision" and "city building" would continue to be important.

#### June 27, 2017

On June 27, 2017 Council considered a [report](#) from the CAO regarding discussing the evaluation results and the results of the site selection exercise for the proposed event centre, which identified 2 possible sites. At this meeting, Council passed five resolutions as follows:

CC2017-183: THAT the City of Greater Sudbury selects the Kingsway location, as identified in the attached report from PWC attached as Appendix A and assessed by the Site Evaluation Committee as being the highest rated site for two of the three criteria identified by City Council as being of the highest importance, as the preferred location to construct the Arena/Event Centre as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-184: THAT the City of Greater Sudbury approves a financing plan for inclusion in the 2018 capital budget that utilizes the following funding sources:

- a) Contributions from senior governments where available
- b) Operating funds assigned to completed community grant obligations
- c) Debt financing



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- d) Fundraising
- e) Other non-property tax based funding sources, as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-185: THAT the City of Greater Sudbury execute the Option to Purchase Agreements negotiated for the selected site and that any necessary funding required to execute these agreements be provided from the Land Acquisition Reserve Fund, Industrial Park Reserve Fund and the WSIB Schedule 2 Reserve Fund at a value no greater than \$100.00, which funds will be replenished through the Arena/Event Centre debt financing plan as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-186: THAT the City of Greater Sudbury approves an honorarium of \$150,000 to each unsuccessful Design/Build team, total \$300,000 to be included in the total project costs as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CC2017-187: THAT the City of Greater Sudbury approves the recommended next steps as presented in the report from the Special Advisor to the CAO dated June 14, 2017 as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

August 22, 2017

On August 22, 2017 City Council considered a [report](#) from the CAO regarding the creation of an integrated site design strategy, delegation of authority for project approvals, a financing plan and evaluation criteria for selecting a proponent to complete construction. At this meeting, Council passed three Resolutions, as follows:

CC2017-257: THAT the General Manager of Community Development be authorized to enter into the following agreements:

- a. On a single-source basis with Cumulus Architects Inc. for the development of a Site Design Strategy at a cost not to exceed \$387,000 plus applicable taxes, with costs to be shared by Gateway Casinos and Entertainment Limited and with 1915695 Ontario Limited (Zulich) such that the City's share does not exceed one-third of the total cost;
- b. With Gateway Casinos and Entertainment Limited and with Zulich for sharing the cost of a site concept plan on terms satisfactory to the Chief Administrative Officer and Executive Director, Finance, Assets and Fleet;

CC2017-258: THAT staff be authorized to submit a re-zoning application on behalf, and with the consent, of the property owner to include "public arena" as a permitted use;

CC2017-259: THAT the General Manager of Community Development be delegated authority to negotiate, execute and subsequently amend or extend any agreements, including, without limitation, agreements for cost-sharing, professional and consulting services and for non-competitive purchases with a total acquisition cost of \$50,000 or more, including instruments, assurances and any other documents as may be necessary to complete the Event Centre Project subject to Council's approval of and in accordance with:

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- A Site Design Strategy
- A financing plan
- Criteria used to evaluate proposals leading to the selection of a successful proponent to Construct the Event Centre;

AND THAT a by-law be presented to formalize the decisions and authorities delegated to staff herein.

November 22, 2017

On November 22, 2017 City Council received a [report](#) from the CAO regarding the site design strategy for the Kingsway Entertainment District. At this meeting Council passed one Resolution, as follows:

CC2017-330: THAT the City of Greater Sudbury accept the Site Design Strategy for the Kingsway Entertainment District as outlined in the report entitled "Site Design Strategy for Kingsway Entertainment District", from the General Manager of Community Development, presented at the City Council meeting of November 22, 2017.

December 12, 2017

The City of Greater Sudbury [2018 Budget](#) included a [business case](#) with respect to Financing for a new arena/event centre.

**Site Description & Surrounding Land Uses:**

The subject lands are located on the north side of the Kingsway west of the intersection of Levesque Street and the Kingsway in the settlement area of the community of Sudbury. The community of Sudbury is the regional service centre for the City of Greater Sudbury and Northeastern Ontario providing a mix of employment and residential uses. The lands form a part of the City's employment area and are designated General Industrial in the City of Greater Sudbury Official Plan.

The lands form a part of a draft approved industrial plan of subdivision referred to as the Jack Nicholas Business and Innovation Park, City file reference 780-6/10002. The plan of subdivision was draft approved on October 26, 2010, proposing a total of 33 blocks of land to the north of the Kingsway Boulevard in the community of Sudbury. The subdivision is accessed via two proposed roads (Streets "A" and "C" on the draft plan) from Kingsway. At this time no lots within the draft plan of subdivision have been registered.

The south western portion of the community recreation centre site has limited frontage on the Kingsway with additional frontage provided by Streets "A" and "C" of the draft approved industrial plan of subdivision. The property encompasses approximately 11.96 ha (29.56 acres) and is currently vacant and consists of undulating bedrock and a lowland area, located at the south west corner of the site. An air photo of the subject lands is attached to this report. The lands are subject to the [Source Water Protection Plan](#), located partly within the Intake Protection Zone 3 of the Lake Ramsey Issue Contributing Area.

Immediately to the south of the subject lands, on the north side of the Kingsway there are four properties located in the "FD", Future Development zone. The easternmost property is owned by the applicant and is vacant while the other three properties, 2600, 2618, and 2626 Kingsway, are occupied by a duplex and two single detached dwellings. Land to the east, west and north within the draft approved industrial plan of subdivision are vacant and zoned "M1-1", Business Industrial, "M2", Light Industrial and "M3", Heavy Industrial. There are two other draft approved industrial plans of subdivision in the area.

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On the south side of the Kingsway, south and southeast of the subject lands, is a developed area within the Sudbury community referred to as the Minnow Lake area which had a 2016 Census population of approximately 9,500 persons. Commercial and institutional uses are located in close proximity to the Kingsway and residential land uses are located further to the south. There are six draft approved residential plans of subdivision in this area.

In October 2014 the City Council ratified Planning Committee recommendation 2014-14 which recommended approval of an application for rezoning of a portion of the lands subject to this application from "M1", Mixed Light Industrial/Service Commercial and "M1(31)", Mixed Light Industrial/Service Commercial Special to "M1-1", Business Industrial. The application proposed the development of a complex with office, hotel, bulk retail, warehouse, and commercial recreation centre uses. The report presented to Planning Committee concluded that the uses proposed were consistent with the goals of the City in terms of promoting potential for employment growth within the Community.

### **Neighbourhood 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 and to those who requested notice. The owner 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 first public hearing on the application was held before the Planning Committee on January 22, 2018. The staff report considered at the first public hearing is attached for the Committee's reference along with the minutes of the meeting. At the first public hearing 28 members of the public spoke on the application.

Comments provided by the public, received at the public meeting and in writing through the Clerk's office can be grouped into the following themes: consistency with the [Provincial Policy Statement](#) (PPS), conformity with the City of Sudbury Official Plan, environmental impacts, financial impacts, site accessibility, facility design, the site selection process, and the impact on downtown Sudbury.

At the first public hearing, the Planning Committee resolved:

PL2018-15: THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on File 751-6/17-27, as outlined in the report entitled "1916596 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 22, 2018;

AND THAT staff complete their review of application File 751-6/17-27 and schedule a second public hearing on this matter before the Planning Committee when complete.

The motion carried and was ratified by Council on February 27, 2018.

This staff report will provide additional information with respect to consistency with the PPS, conformance with the Official Plan, environmental impacts including endangered species and water resources, issues related to traffic and site access, and facility design. City Council met in June 2017 to consider two possible locations for the proposed event centre. At that time, City Council considered the merits of the two possible locations and selected the subject lands as the preferred site for the proposed event centre. Speakers at the public hearing also raised concerns regarding the financial impacts associated with the proposal. City Council approved a plan for finance the proposed event centre last year. Speakers also raised concerns regarding this decision and its impact on Downtown Sudbury. City Council continues to take other steps to support and encourage downtown revitalization, consistent with the opportunity-based Downtown Sudbury Master Plan.

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### **The Planning Framework:**

Council's decision on this land use planning matter must be consistent with the Provincial Policy Statement (PPS), conforms to/does not conflict with the Growth Plan for Northern Ontario (Growth Plan) and conform to the City of Greater Sudbury Official Plan.

The PPS and Growth Plan indicate that they are to be read in their entirety and the relevant policies are to be applied to each situation; they are more than a set of individual policies. When more than one policy is relevant, consideration should be given to all of the relevant policies to understand how they work together. Similarly, the Official Plan for the City of Greater Sudbury provides a policy framework for the implementation of a wide range of land use planning policies that require consideration when evaluating multiple facets of a development application.

### Provincial Policy Statement

The PPS was issued under Section 3 of the [Planning Act](#) and came into effect on April 30, 2014.

The following policies of the PPS are relevant to the application:

Policy 1.1.1, relating to sustaining healthy, liveable and safe communities;

Policy 1.1.2, relating to land availability;

Policy 1.1.3, relating to settlement areas;

Policy 1.2.6, relating to land use compatibility;

Policy 1.3, relating to employment;

Policy 1.6, relating to infrastructure and public service facilities;

Policy 1.7, relating to long-term economic prosperity;

Policy 1.8, relating to energy conservation, air quality and climate change;

Policy 2.1, relating to natural heritage; and

Policy 2.2, relating to water.

These policies are included in Appendix 2 for the Planning Committee's information and will be referenced throughout the remainder of this report.

### Growth Plan for Northern Ontario

The Growth Plan was prepared and approved under the Places to Grow Act and came into effect on March 3, 2011.

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The following policies of the Growth Plan for Northern Ontario are relevant to the application:

Section 2.2, relating to existing and emerging priority economic sectors;

Section 2.3.10, relating to tourism;

Section 4.2, relating to long range planning for all communities; and

Section 4.4.4 relating to strategic core areas.

These policies are included in Appendix 2 for the Planning Committee's information and will be referenced throughout the remainder of this report.

#### Official Plan

The Official Plan was adopted on June 14, 2006, approved by the then Ministry of Municipal Affairs and Housing on March 7, 2007 and upheld by the Ontario Municipal Board in an April 10, 2008 decision.

The following policies are relevant to this application:

Section 2.1, relating to pattern of development;

Section 2.2, relating to defining the urban structure;

Section 4.0, relating to employment areas;

Section 8.0, regarding water resources;

Section 9.0, relating to the natural environment; and,

Section 11.0, regarding transportation;

Section 12.2, regarding sewer and water; and,

Section 14.2, regarding community design.

These policies are included in Appendix 2 for the Planning Committee's information and will be referenced throughout the remainder of this report.

The Official Plan contains a holistic set of goals, objectives, and policies to manage and direct growth and change and its effects on the social, economic and natural environment of Greater Sudbury. All applications for rezoning are reviewed against the policies of the Official Plan. It is the policy of Council to ensure that zoning by-law amendments conform to the plan, and the plan indicates that it is the intent of Council to evaluate each rezoning application according to all applicable policies.

The subject lands are designated "General Industrial" in the City of Greater Sudbury [Official Plan](#). Section 4.4 of the Official Plan which indicates that Institutional uses, which include community facilities intended for public use, are permitted throughout the municipality in accordance with the needs of area residents. Institutional Area Policy 2. contained in Section 4.4 indicates that:

In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;
- b. adequate traffic circulation can be provided;
- c. adequate parking for the public is provided on-site;
- d. public transit services can be provided economically for the site;
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,
- f. adequate buffering and landscaping is provided.

Consideration with respect to these policies is provided later in this report.

#### Zoning By-law

[By-law 2010-100Z](#), the Zoning By-law for the City of Greater Sudbury implements the policies of the City of Greater Sudbury Official Plan by regulating land uses and built form throughout the municipality.

The subject lands are currently zoned “M1-1”, Business Industrial and “M2”, Light Industrial. These zones permit a variety of land uses but do not permit a recreation and community centre and, as such, the applicant is requesting a rezoning to “M1-1(S)”, Business Industrial Special to permit a recreation and community centre. The application requests an exception to permit a building height of 35 m (114.83 ft.) in the M1-1 Zone where the maximum building height permitted in the by-law is 12.0 m (39.37 ft.). An additional exception to permit a minimum interior side yard of 0 m where the minimum interior side yard required in the by-law is 3.0 m (9.84 ft.).

By-law 2010-100Z defines a Recreation and Community Centre as:

A building or structure, or part thereof, owned or operated by a private club, a non-profit or charitable institution or a public agency including a facility developed or operated as a public-private partnership, where facilities are provided primarily for athletic or recreational activities or events, and includes, without limiting the generality of the foregoing, an arena and a public pool.

defines an Arena as:

A building housing ice making equipment and infrastructure capable of enclosing an artificial ice surface intended for year round recreational use and may include uses such as special events and competitions, circuses, concerts, conventions, weddings/banquets/anniversaries, auctions, restaurants, flea markets and trade shows or exhibits with a retail component.

and defines a Public Agency as:

- a) The Government of Canada, the Government of Ontario, the City of Greater Sudbury or any other municipal corporation.

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- b) Any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Ontario, the City of Greater Sudbury or any other municipal corporation; or,
- c) Any *public utility*.

The parking standard for a recreation and community centre use and for an arena use is 1 parking space for every six (6) persons of capacity of the facility.

The by-law defines a Commercial Recreation Centre as:

An establishment where participatory athletic, recreational or physical fitness facilities are provided for gain or profit, and includes without limiting the generality of the foregoing, a commercial fitness centre and exercise spa or club, a commercial ice or roller skating rink, a commercial squash, tennis or golfing facility and a commercial outdoor recreation area, but does not include a riding stable, place of amusement or amusement park.

The maximum height permitted in the M1-1 zone is 12.0 m. The applicant has requested an exception to this by-law standard to permit a maximum height of 35.0 m.

The M1-1 zone requires an interior side yard setback of 3.0 m on at least one side of the lot; the subject lands, as configured would only have one interior side yard, on the west side of the lot. The applicant has requested an exception to this by-law standard to permit an interior side yard of 0 m.

The site plan indicates that the subject lands will be sharing an outdoor accessory space referred to as the "Festival Square" with the abutting place of amusement and hotel project. A site specific zoning provision should be considered in order to allow this land use accessory to the proposed recreation and community centre.

**Departmental/Agency Circulation:**

The Nickel District Conservation Authority advised that they had no concerns with the application. Building Services, Environmental Planning Initiatives, Environmental Services and Transit Services have not indicated any objection to the application and provided additional comments for the information of the applicant.

Development Engineering has advised that municipal water services are available at the Kingsway for the development to connect to as part of the construction of Streets A and C in the subdivision plan and that water supply for the development should be sufficient. With respect to sanitary sewer services Development Engineering has advised that no additional upgrades are required to the linear collection system. The Levesque Lift Station is required to be upgraded and the City is in the process of issuing a Request For Proposal (RFP) for the upgrades which are expected to be completed in 2019. Storm water management can be finalized as part of the development of the review of the plans for the subdivision and at the site plan stage.

Infrastructure Capital Planning Services (Roads) have advised that sufficient parking can be provided within the subdivision lands to satisfy the needs of the arena. A single left turn lane is sufficient at Street "A" and Street "C" to accommodate the expected volume of vehicles that will be attending the site on event nights. Improvements to provide the turn lane are required in accordance with the current conditions of draft plan approval for the subdivision.



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Water/Wastewater Services has indicated that a Risk Management Plan is required before the development application may receive final approval.

Detailed department and agency comments are attached in Appendix 1.

### **Planning Review and Considerations:**

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](#) (PPS). The PPS acknowledges the complex relationships between environmental, economic and social factors in land use planning.

The PPS includes policies designed to build strong and healthy communities. These policies are intended, in part, to ensure that land uses are managed and directed to achieve efficient and resilient development and land use patterns.

The PPS states that healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; ... ; and promoting cost effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1 a) e).

These broad outcomes are further articulated in the PPS policies that speak to settlement areas, rural areas in municipalities and rural lands in municipalities. With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities.

#### Location:

The PPS states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted (Policy 1.1.3.1). The proposal is consistent with this policy as the site is located within the settlement area of the Sudbury community.

The PPS states that land use patterns within settlement areas shall be based on: densities and mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change, and promote energy efficiency, support active transportation, are transit-supportive, where transit is planned, exists or may be developed... (Policy 1.1.3.2 a) 1-5). The proposal for a public arena on the subject lands furthers the goal of providing a mix of land uses in this portion of the Sudbury community through the development of an institutional facility on the subject lands, supplementing the existing residential, commercial, and industrial land uses in the area. Comments regarding infrastructure and public service facilities, active transportation, transit, air quality, climate change and energy efficiency are provided later in this report.

The PPS states that new development taking place in designated growth areas should occur adjacent to the existing built up area and shall have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Policy 1.1.3.6). The proposal is consistent with this policy. It is adjacent to a built up portion of the Sudbury community located to the south and southeast. There are also three draft-approved residential subdivisions and two draft-approved industrial subdivisions southwest and west of the site which supports a mix of built form, uses and densities in this part of the Sudbury community. Comments regarding infrastructure and public service facilities are provided later in this report.



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Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform/does not conflict with the [Growth Plan for Northern Ontario](#). The Growth Plan for Northern Ontario is “in part an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan” and as such, only select portions of the plan are relevant to this application for rezoning to permit a community recreation centre in the form of a public arena.

The Growth Plan contains policies that speak to community planning and design. These policies are intended to support community planning in Northern Ontario that balances the equally important priorities of human, economic and environmental health. These policies speak to long range planning in all communities, economic and service hubs, strategic core areas and regional economic planning. The City of Greater Sudbury can be considered an economic and service hub for the purposes of the Growth Plan.

The Growth Plan states that economic and service hubs should be designed to: accommodate a significant portion of future ... employment growth in Northern Ontario, function as service centres that deliver important region-wide public services to broader surrounding regions, and function as economic hubs linking Northern Ontario with other significant economic regions in Ontario (Policy 4.3.2). The proposal conforms/does not conflict with this policy. The Proposed Sports and Entertainment Centre Feasibility and Business Case Assessment prepared by PWC and presented to City Council in March 2017 concludes that construction of the proposal would generate some 495 years of direct employment and \$31.4 million in direct employment income impact. The report also concluded that the operation of the proposal would directly sustain approximately 60 years of person employment and approximately \$1.9 million in annual salaries and wages. The proposal is expected to reinforce Greater Sudbury's role as a regional service centre.

The Growth Plan also states that economic and service hubs shall be the areas for investment in regional transportation, energy, information and communications technology, and community infrastructure (Policy 4.3.4). The proposal conforms/does not conflict with this policy. The proposal represents an investment in community infrastructure.

In terms of urban structure, the Official Plan recognizes three forms of settlement: communities, non-urban settlements, and rural and waterfront areas. The Official Plan establishes communities as the primary focus of residential and employment growth. Within these communities, Sudbury is the regional service centre for the city and region and is the main residential and employment centre (Sections 2.1, 2.2.1). The proposal to create a community and recreation facility in the form of a public arena on the site conforms to these policies and would reinforce Sudbury's role as the main employment area within the City.

The proposed development is located on lands designated General Industrial in the City of Greater Sudbury Official Plan and are located within the serviced community of Sudbury, consistent with the policies of Section 1.1. of the PPS. Municipalities are encouraged to support land use patterns having a mix of densities and land uses, including recreation uses, within settlement areas. The application conforms to Section 4.3 of the Growth Plan respecting Economic and Service Hubs as it is located within the City of Greater Sudbury which is identified in the plan as being an economic hub that benefits all of Northern Ontario. Economic service hubs are intended to deliver region-wide public services to broader surrounding regions, the proposal to construct a new community arena conforms with this intent. The Official Plan for the City of Greater Sudbury indicates in Section 4.4 that institutional uses, which include community facilities intended for public use, are permitted throughout the community.

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The lands are located within a draft approved industrial plan of subdivision within the community of Sudbury abutting another draft approved industrial plan of subdivision. The lands are located immediately north of the Living Area designation in the Minnow Lake area of the community of Sudbury. This portion of the Living Area, with five draft approved plans of subdivisions has, in recent years, been a focus of new residential development in the east end of Sudbury. It is anticipated that the development of the subject lands with a community recreation centre will contribute positively to the completion of this portion of the community in terms of encouraging continued residential and industrial development.

In these respects, the proposal to locate an institutional land use (arena) within the settlement area of the community of Sudbury adjacent to existing and planned development is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the pattern of development and urban structure policies of the Official Plan.

### Land Use

The location of an institutional use in an employment area is consistent with the PPS, Policy 1.3, and the City of Greater Sudbury Official Plan. The application proposes the construction of a new public service facility in the form of a public arena to meet current and projected needs for recreational facilities in the City of Greater Sudbury, consistent with the PPS. The application conforms to Section 4.2 of the Growth Plan respecting Long Range Planning for All Communities as it supports the replacement of a community recreational amenity with a new facility that will accommodate the recreational needs of residents into the future. The Employment Area objectives of the City of Sudbury Official Plan intend to ensure that institutional facilities are provided at suitable locations to meet the evolving needs of residents.

With respect to the integration of the proposed institutional use into the area and the compatibility of surrounding uses, Official Plan Section 4.4.2.e., staff are of the opinion that the proposed recreation and community center in the form of a public arena can be integrated into the area and will be compatible with surrounding uses. The balance of the lands contained in the draft approved industrial subdivision where the project is proposed to be located are undeveloped and there are no issues related to integrating the proposed institutional use with other uses in the immediate vicinity. The subject lands are proximate to a municipal sanitary landfill site, however they are located outside of the 500 m buffer zone that has been established to ensure the long-term viability of the sanitary landfill site by limiting the introduction of uses which may be adversely affected by the ongoing operations of the landfill site.

Significant setbacks and the location of the proposed stormwater management pond at the south boundary of the subject lands will serve to buffer and protect existing residential uses located in the "FD", Future Development Zone from adverse impacts from the proposed recreation and community centre use. Buffering and landscaping issues (4.4.2.f.) will be subject to further review through the City's review of the development project.

The City of Greater Sudbury Zoning By-law currently permits a commercial recreation centre on the portion of the subject lands zoned M1-1. The proposed recreation and community centre use is similar to the commercial recreation centre use currently permitted in the M1-1 zone, with the primary difference being public versus private ownership.

In conformance with the Policy 2 of Section 4.4 of the Official Plan, the sketch provided by the applicant indicates that the arena site will accommodate approximately 1,250 parking spaces, in excess of the 967 parking spaces required for a 5,800 seat community recreation centre. Detailed review of the layout and function of the proposed parking areas will occur through the City's review of the development project. Additional parking supporting the arena use, based on the peak demand anticipated in the Traffic Impact Study, has been proposed on lands to the north of the subject lands and are subject to a separate application for rezoning.

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The proposal to establish an institutional land use within an employment area is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the Employment Area objectives of the Official Plan.

### Infrastructure

The site is to be serviced through the construction of Streets A and C along with the associated municipal services in the draft approved plan of subdivision. Sanitary sewers, watermains and storm sewers are to be provided in the subdivision as required in the conditions of draft approval. The site is subject to a Section 391 Municipal Act Charge for water and sanitary sewer upgrades that the City undertook in 2007 and for future sanitary upgrades to be constructed that would benefit the subject lands.

#### *Kingsway Sewer and Water Enhancements – Section 391 Municipal Act Charge February 28, 2007*

On February 28, 2007 Council considered a report from the Acting General Manager of Infrastructure and CFO/treasurer respecting [Kingsway Sewer and Water Enhancements](#). Council adopted Resolution 2007-98 as follows:

The City proceed with the installation of new water and wastewater services along the Kingsway from Falconbridge Road to Moonlight Avenue, in conjunction with the 2007 road widening project, an estimated cost of \$2.565 million;

The City fund its share of this project (\$768,800) through the 2006 Water Capital Envelope and the 2008 Water and Wastewater Capital Envelopes;

Proceed with the necessary downstream upgrading works (estimated at \$3 million) as the projects are required, funding the city's share from the appropriate Capital Envelopes, and financing the recoverable portion through the Capital Fund;

Recover \$3.8 million, based on a 6% interest rate and a 20-year recovery period, through a Section 391 Charge, as outlined in Option 2 of the report dated 2007-02-21 from the Acting General Manager of Infrastructure and CFO/Treasurer and in the Hemson Report dated February 2007;

Collect these fees at the building permit stage for all new residential, commercial and industrial development in the catchment area; and

Have the Section 391 Charge By-law prepared for Council approval.

The Section 391 Charge By-law 2007-309F was enacted by Council on December 12, 2007.

The City's Water and Wastewater Policy and Water and Wastewater Rates and Charges in General and for Special Projects, By-law 2017-6, includes on Schedule F, the Section 391 Fee Schedule for the Kingsway Sewer and Water Project. The commercial /industrial fee from January 1, 2018 to December 31, 2022 is \$16.49 per m<sup>2</sup>, increasing to \$22.06 per m<sup>2</sup> from January 1, 2023 to December 31, 2027.

The subject lands are located within the area benefitting from the installation of new sewer and water services along the Kingsway in 2007 and future upgrades to the Levesque Street Lift Station and downstream sanitary sewer upgrades.

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### *Wastewater*

The 2007 cost estimates for the Levesque lift station upgrade was \$1,000,000 with the City's share being \$100,000 and \$900,000 to be recovered from Section 391 Charges. To date, the works associated with upgrading the Levesque Street Lift Station have not occurred as development in the catchment area of the lift station has not proceeded to the point where the upgrade has been required.

Based on the total peak sewage flow calculations provided by the applicant's agent, J. L. Richards, of 97.9 litres/second to be generated by the arena, casino and ancillary uses and the remainder of the lands in applicant's plan of subdivision, upgrades will be required to the Levesque lift station.

The 2007 cost estimates for downstream upgrades was \$1,990,000 with the City's share being \$435,520 and \$900,000 to be recovered from Section 391 Charges. In 2011 the City undertook improvements to Levesque and Rheal Streets including upgrades to water and sanitary sewers. The sanitary sewers were upgraded from 400 mm to a combination of 450 mm and 500 mm mains.

WSP on behalf of the City has reviewed the impact of the estimated 97.9 litres/second sanitary sewer flows to be generated by the proposed arena, casino and the balance of the applicant's industrial subdivision on the downstream capacity of the sanitary sewer system. Based on hydraulic modeling assessment, the sanitary sewer system has enough capacity to handle these new flows with no additional upgrades to the linear collection system. However, the Levesque Lift station, as previously identified in the development of the Section 391 charge, will need upgrades to remedy existing capacity deficiencies in terms of peak flows and to provide equipment upgrades. The upgrades will also account for new flows coming from the proposed arena, casino and the balance of the applicant's industrial subdivision. The City is in the process of issuing a Request For Proposal (RFP) for the Levesque Lift Station upgrades and it is expected that detailed design/Schedule B Environmental Assessment (EA) will be completed by the end of year 2018 with construction completed by the end of year 2019.

### *Water*

Street A connects to an existing 300 mm diameter main on the north side of the Kingsway and Street C connects to a 200 mm diameter stub provided for the subdivision at the Kingsway/Levesque Street intersection. Both watermains were constructed by the City as part of the Kingsway Sewer and Water Project in 2007. The development is proposing to connect to the watermain to be constructed on Street A. Development Engineering has advised that the municipal water supply for the site should be sufficient.

### *Water and Sewer Discussion*

The proposed development is to be serviced by municipal sewer and water services consistent with Section 1.6.6.2 of the PPS which provides such services as being the preferred form of servicing in settlement areas. Consistent with Section 1.1.3.6 of the PPS, the proposed development will make efficient use of the investments in infrastructure that the City has already made in sewer and water along the Kingsway.

The proposed development conforms with the Growth Plan policies in Section 5.2.1 respecting the co-ordination of land-use planning and infrastructure investments. In this regard, the City has taken actions to provide water and sanitary services to the east Kingsway area, through the installation of services on the Kingsway in 2007 and the establishment of the Section 391 Municipal Charge and planned upgrades to the Levesque lift station and downstream sewers to accommodate the planned development in the area including on the subject lands. The proposed developments will contribute to the sharing of the costs of the installation and upgrading of the services.

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The Official Plan in Section 12.0 Utilities, Section 12.2.2 New Development Policy 1. Provides that:

1. Development in urban areas is permitted provided that existing and planned public sewage and water services have confirmed capacity to accommodate the demands of the proposed development. Alternatively, the proponent of the development will upgrade, at their own expense, the existing sewage and water systems to ensure adequate delivery and treatment facilities consistent with City standards, including adequacy of fire flows.

The Official Plan in Section 4.4 2. provides that:

In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;

As set out in this report, a significant portion of infrastructure works included in the Kingsway Sewer and Water Enhancements have been completed, with the upgrades to the Levesque lift station expected to be completed in 2019.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

#### Transportation System

Infrastructure Capital Planning Services (Roads) have advised that sufficient parking can be provided within the subdivision lands to satisfy the needs of the arena site in conformity with the Official Plan (Section 4.4 2. c)). They have advised the applicant that maintenance agreements between arena site and proposed overflow parking lot site(s) should be required in order to ensure that an appropriate standard of maintenance is provided.

Roads have advised that a single left turn lane is sufficient at Street "A" and Street "C" to accommodate the expected volume of vehicles that will be attending the site on event nights. Condition of approval #15 on the industrial draft plan of subdivision currently requires that the owner agrees to participate in the cost of any improvements or upgrades identified in the Traffic Impact Study. The developer will be required to satisfy this condition before this phase of the subdivision will be permitted to proceed to registration. This is consistent with the PPS (1.3.1 d., and 1.6.1 b.) and conforms to the Official Plan (Section 4.4. 2.b).

Roads have indicated in their comments that they have concerns with respect to the amount of development that can occur in the balance of the industrial subdivision and the impact of that development on the City's road network. Condition of approval #15 on the industrial draft plan of subdivision currently requires that the owner prepare a traffic impact study to identify any roadway improvements or upgrades to traffic control required to accommodate the development. The condition also provides that the owner agrees to participate in the cost of any improvements or upgrades identified in that study. The developer will be required to do additional Traffic Impact Studies to satisfy this condition before further phases of the subdivision will be permitted to proceed to registration.

The Safety and Access policies of the Official Plan (Section 14.3) which addresses traffic speeds, pedestrian safety and barrier free access to buildings have been addressed, in part, in the Traffic Impact Study submitted by the project proponents and will be addressed through the site plan review process.

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In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

*Transit*

The site is currently served by four transit routes including Routes 101 (Howey/Moonlight), 102 (Howey/Third), 241 (Howey/Moonlight/Shopping Centre) and 103 (Coniston). Route 101 operates at hourly intervals Monday through Saturday until 10 pm. Route 102 operates at hourly intervals (staggered with Route 101) during weekly peak periods. Route 241 is the “Sunday” service for Routes 101 and 102 and operates on hourly intervals. Route 103 services Coniston and operates every two to three hours, seven days a week. Routes 101 and 102 have a stop approximately 150 metres south of the Kingsway on Levesque Street. Routes 241 and 103 stop at the Kingsway/Levesque intersection.

The PPS requires that transportation and land use considerations be integrated at all stages of the planning process (Policy 1.6.7.5). The proposal is consistent with this policy. The proposed integrated site plan and Traffic Impact Study include transit considerations and the draft approved plan of subdivision can be serviced by public transit.

The proposal is also consistent with Policy 1.6.7.2 of the PPS, which requires that efficient use be made of infrastructure (including transit corridors and facilities). As indicated in the comments from Transit Services, the three urban routes (101, 102 and 241) that serve the site currently operate at an average capacity of 36 percent. It is anticipated that a proportion (approximately 5%) of patrons and employees of the proposal will rely on public transit. These additional riders will improve the efficiency of the existing service. Comments from Transit Services indicate that during event nights, transit service to the Event Centre can be enhanced by express shuttles to the Downtown and New Sudbury Shopping Centre transit hubs.

Similarly, the proposal also conforms to Section 5.3.1 and 5.3.2 a) c) of the Growth Plan as it optimizes the capacity and efficiency of existing routes and meets the needs of the tourism sector, which is identified as an emerging priority economic sector.

Finally, the proposal also conforms to Section 11.3.2, Policy 7 in the Official Plan as public transit has been integrated into the long term planning for this Employment Area.

Water Quality

*Stormwater Management*

The PPS addresses issues related to water to planning for stormwater in Section 1.6.6.7. Section 8 of the Official Plan, Water Resources, contains policies with respect to stormwater (8.6). Stormwater management for the subject lands will be addressed through the implementation of existing conditions of draft plan approval and the provision of additional volumes of stormwater retention, as the project is located within the Ramsey Lake watershed, and applied through the City's review of the development proposal for the public arena consistent with the PPS and in conformity with the Official Plan. A stormwater management pond, intended to serve the stormwater requirements of the arena site, casino site and a portion of the needs of the balance of the industrial subdivision has been identified on the southern portion of the arena site.

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A stormwater management pond is proposed to the east and south of the proposed arena and casino sites which will also serve the applicant's industrial subdivision. The storm water management for the site will need to address the requirements of the Ministry of Environment and Climate Change (MOECC), respecting source water protection under the Clean Water Act, 2006 as this area is located with the Intake Protection Zone (IPZ) 3 of Ramsey Lake with a vulnerability score of 9 in the Greater Sudbury Source Protection Plan. As a result, storm water facilities in this area, must provide enhanced level water quality control and an additional 20 percent water quantity control in addition to the requirements for the MOECC Stormwater Management and Planning Manual. The details of the stormwater management for the site will be finalized as part of satisfying the servicing conditions on the draft plan of subdivision, prior to registration and as part of the site plan for the casino and development plans for the arena. The PPS addresses issues related to water in Section 2.2 of the PPS and Section 8 of the Official Plan, Water Resources, contains policies with respect to drinking water resources (8.3).

Section 1.6.6.7 of the PPS provides that planning for stormwater management shall address various matters to prevent contaminant loads, minimizing changes in water balance and erosion, risks to human health, safety and property damage, use of pervious surfaces and promoting stormwater management best practices. Section 8.6 of the City's Official Plan includes policies which address storm water management and the requirement for a stormwater management reports for new development. The draft plan of subdivision on the subject lands includes conditions 18 and 19, requiring the preparation of a storm water management report and plan. Additional storm water management details will be finalized as part of the required site plan for the casino and arena development.

#### *Sourcewater Protection*

The applicant has submitted an application for Restricted Land Use Review Application for Section 59 Notice in accordance with the Greater Sudbury Source Protection Plan. On January 12, 2018 the applicant was advised that a Risk Management Plan (under Section 58 of the Clean Water Act) is required to manage the future threats related to the handling and storage of road salt, the on-site application of road salt, and the storage of snow. The Clean Water Act requires that decisions under the Planning Act conform to significant threat/condition policies identified in the Greater Sudbury Source Protection Plan.

Two significant threat policies, Sa3EF-RMP and Sa4E-RPM, have been identified by Water/Wastewater Services with respect to the subject lands; these threats are described as follows in the Greater Sudbury Source Protection Plan:

Sa3EF-RMP Where it could be a significant threat and where Policy Sa6F-SA does not apply, the application of road salt (existing and future) and storage of snow (existing) is designated for the purpose of Section 58 of the *Clean Water Act*, requiring risk management plans for those properties with exterior parking lots equal to or greater than one (1) hectare in area. Expansions to existing activities are permitted provided that the activity can be adequately managed.

All land uses except residential in the City of Greater Sudbury Zoning By-Law 2010-100Z are designated for the purpose of Section 59 of the *Clean Water Act* in the vulnerable areas where the application of road salt and the storage of snow could be a significant threat.

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Sa4E-RMP     The existing handling and storage of road salt is designated for the purpose of s. 58 requiring Risk Management Plans in the vulnerable areas where the activity is a significant threat. In the Ramsey Lake Issue Contributing Area, this policy applies to 0.5 tonnes of road salt and greater.

The risk management plan shall require at a minimum that a permanent structure be constructed to house the salt and/or sand/salt mixture. The structure will be constructed on an impermeable pad and drainage will either be treated (e.g. collected and transferred to an appropriate treatment facility) or directed to flow

away from sources of municipal drinking water. If excess outdoor storage space is required, the sand/salt will be stored on an impermeable pad, covered by a tarp, and drainage will either be treated or redirected to flow away from sources of municipal drinking water. Expansions to existing activities are permitted provided that the activity can be adequately managed.

All land uses except residential in the City of Greater Sudbury Zoning By-Law 2010-100Z are designated for the purpose of Section 59 of the *Clean Water Act* in the vulnerable areas where the handling and storage of road salt could be a significant threat.

Dillon Consulting has provided the City with a Preliminary Report on the Risk Management Plan, (RMP), providing a summary of the components to be included and outlining best management practices for design and operation of the site that will be considered for application after additional details regarding the site are determined. The components to be included in the RMP are summarized below:

1.     The identification of traffic areas and sensitive features that may provide an opportunity for increased infiltration of salt into the subsurface or that may need to be protected.
2.     The identification of snow storage areas and the transport of snow from these areas to approved snow dump facilities.
3.     Consideration of alternatives to the use of road salt, or lower sodium concentrations, such as the application of sand, where it is safe and effective to do so.
4.     Engineering measures, such as on-site grading and the location of roof downspouts to reduce ice formation and the use of fencing and vegetation to minimize snow drifting.
5.     A winter operations plan with measures to minimize the use of road salt including details on the amount of salt to be stored on-site, the maintenance and washing of snow removal equipment to occur offsite, monitoring of weather conditions to remove snow quickly after snowfall events, and limiting the use of road salt.
6.     On-going monitoring and management through logging winter maintenance activities including the amount of road salt used and the creation of a baseline winter maintenance conditions at the site to identify opportunities for improvement.



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Planning staff note that the Preliminary Report on the RMP, provides an overview of the components to be considered in finalizing the RMP. The discussions regarding the Risk Management Plan are ongoing.

#### Holding Provision

It is recommended that the amending by-law include an “H”, Holding provision restricting the use of the subject lands to those uses which legally existed on the date the by-law applying the “H”, Holding symbol is enacted.

In order to ensure that a Risk Management Plan has been accepted as part of the planning approvals, the use of a holding provision is recommended. Policy 20.5.4 of the Official Plan provides for the use of holding symbols (H) in certain instances which include:

- i. when certain details of development have not yet been determined, or where certain conditions of development have not yet been met such as, but not limited to, development or servicing agreement with the City;
- ii. when the level of community services and/or infrastructure is not yet adequate to support the proposed use;
- iii. where environmental conditions or constraints temporarily preclude development; and,
- iv. where required studies have not yet been approved by the City.”

The “H”, Holding symbol may be removed by Council upon the Risk Management Official advising that a Risk Management Plan under Section 58 of the Clean Water Act has been submitted to his satisfaction.

Subject to the comments noted above, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

#### Long Term Economic Prosperity

The application for rezoning to permit a public arena conforms with Section 2.3.10 1. a) of the Growth Plan for Northern Ontario relating to growing and diversifying the tourism sector through investment in strategic public infrastructure and is consistent with Section 1.7.1 g. of the PPS relating to long term economic prosperity. The proposed new community arena which will enhance the visitor experience at Ontario Junior Hockey League games and will provide a venue for major entertainment events that will draw attendees from other parts of Northern Ontario to the City of Greater Sudbury. The project proposed the replacement of an existing public service facility (community arena) to provide continued access to this form of recreation amenity in the community, consistent with the PPS (1.7.1. a. and b.). The project proposes a replacement of an existing public service facility (community arena) currently located within downtown Sudbury. The site of the existing facility is proposed to be reused for new and expanded public service facilities in the form of a public library, expanded art gallery, and new convention centre, maintaining and enhancing the vitality and viability of downtown Sudbury, consistent with the PPS (1.7.1 c.).

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Supporting Section 17 of the Official Plan, Economic Development, [From the Ground Up](#), the City of Greater Sudbury's Community Economic Development Strategic Plan 2015 – 2025 indicates in Goal Seven: One of Ontario's top tourist destinations that "the development of a new arena/entertainment complex could help unlock the potential for continued growth and economic prosperity in the community."

Section 4.4.4 of the Growth Plan respecting Strategic Core Areas indicates that economic and service hubs shall be focal areas for investment in community infrastructure which includes facilities for recreation and socio-cultural activities like community arenas. The Growth Plan identifies the City of Greater Sudbury as having strategic core areas and the plan encourages municipalities to plan for these areas.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

#### Energy Conservation, Air Quality and Climate Change

The proposal for a public arena, which is both an employment land use and a travel-intensive land use, is located proximate to existing transit routes and will be designed to benefit from direct transit access, consistent with the PPS (1.8.1. c). The PPS promotes improving the mix of employment uses to shorten commute journeys and decrease traffic congestion (1.8.1 e.). The proposed development is located on lands designated General Industrial in the City of Greater Sudbury Official Plan and are located in close proximity to the Living Areas of the Sudbury community, consistent with the PPS.

The PPS promotes design and orientation which maximizes energy efficiency and conservation (1.8.1 f.). The proposed recreation and community centre project will be built in compliance with the current Ontario Building Code requirements for energy conservation, consistent with the PPS. The proposed recreation and community centre will replace an existing facility constructed in 1951. As part of the site plan approval process, the applicant will be encouraged to design the facility in accordance with LEED (Leadership in Energy and Environmental Design) standards.

#### *Transportation Demand Management*

Transportation Demand Management (TDM) is a term used to refer to a wide range of tools (e.g. policies, programs, services and products) that influence how, why, when and where people travel to make travel behaviours more sustainable. Within the context of this application, TDM means a set of strategies that result in a more efficient use of the transportation system, by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route or cost.

The PPS requires that existing and planned infrastructure be used efficiently, including through the use of transportation demand management strategies, where feasible (Policy 1.6.7.2). This policy complements other policies which speak to connectivity within and among transportation systems, land use patterns that support public transit and active transportation, transit and active transportation supportive land use patterns and infrastructure being provided in a manner that considers climate change while accommodating projected needs (Policies 1.1.3.2, 1.6.1, 1.6.7.3 and 1.6.7.4).

Similarly, the Growth Plan calls for transportation systems to be planned and managed to emphasize opportunities to optimize capacity and efficiency, enhance connectivity between transportation modes and reducing emissions and other environmental impacts (Section 5.3.2).

**Date: March 12, 2018**

The Official Plan's public transportation and active transportation policies support these broad policy outcomes. The plan states that pedestrian walkways, intersections of major roads, and pedestrian access systems are integrated with transit stops and connected to trail systems (wherever possible) (Section 11.3, Policy 6). The plan also requires that development proposals be reviewed to ensure adequate pedestrian access and bicycle facilities, requires for sidewalks on one side of local roads and two sides of collector roads, high quality pedestrian connections to public transit, pedestrian connections to major attractions/generators (Section 11.7 Policies 2, 5).

The subject site is served by public transit. There is a sidewalk along the east side of Levesque Street, which connects to Bancroft Drive. There are bicycle lanes on Bancroft Drive, which form part of the Ramsey Lake Cycle Tour.

Given the location, it is anticipated that the majority of transportation trips to and from the site will be automobile trips. The proposed integrated site plan includes a number of design features intended to influence travel behaviour including: prioritized car pool parking for the proposed event centre; a "looped" driveway that would provide prioritized transit access to the proposed Event Centre and Festival Square; prioritized transit egress from the looped driveway; and pedestrian crossings across Street A. City Council's previous approval of the draft plan of subdivision includes conditions that require the owner to construct Streets A and C to an urban standard (including sidewalks) and a sidewalk along the north side of the Kingsway to connect Streets A and C. The provision of bicycle parking is required by the Zoning By-law and implemented through the site plan process.

The Traffic Impact Study Addendum dated March 9, 2018 has identified several Transportation Demand Management (TDM) measures related to events at the arena to help ensure that a minimum of 5% of event goers utilize transit. However, the study did not provide details about how these measures would be operated and what the financial implications would be. With over 2,200 vehicle trips expected to be generated from a sold out OHL game, a small increase in the percentage of event goers utilizing transit will result in a significant reduction in the number of vehicles traveling to the site. Staff recommend that a detailed TDM plan be developed for the arena to determine the details of the identified TDM measures and potentially identify additional measures to be implemented during the operation of the event site. These discussions are ongoing.

#### *Holding Provision*

In order to ensure that Transportation Demand Management has been comprehensively addressed before development proceeds, the use of a holding provision is recommended.

The use of an "H", Holding provision limiting the use of the property until such time as the Transportation Demand Management Plan has been submitted to the satisfaction of the General Manager of Growth & Infrastructure in conformance with the policies in Section 20.5.4 of the Official Plan is appropriate.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

#### Natural Environment

The PPS prohibits development and site alteration in significant wildlife habitat, habitat of endangered and threatened species (except in accordance with provincial and federal requirements) and on adjacent lands, provided certain conditions have been met (Policy 2.15 d., 2.1.7 and 2.1.8). These outcomes are reiterated in Section 9.2.2 of the Official Plan.

**Title: 1916596 Ontario Ltd. (Recreation and Community Centre)**

**Date: March 12, 2018**

The applicant has submitted correspondence from the Ministry of Natural Resources and Forests dated September 23, 2015 indicating that the Ministry has determined that activities associated with development of the site have a low probability of contravening the Endangered Species Act for Blanding's Turtle and Whip-poor-will.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

#### Site Plan Control

The City's Site Plan Control By-law 2010-220 designates the whole of the municipality as a site plan control area under Section 41 of the Planning Act and excludes specific zones from being subject to site plan control. Lands zoned Industrial that are located more than 152.4 m (500 feet) from the nearest residential zone and from the nearest Municipal Road (designated with an "MR" number) or Provincial Highway are excluded from site plan control.

The proposed casino and associated parking would be subject to site plan control as they are located on lands within 152.4 m of lands zoned Residential to the south of the Kingsway and the lands about the Kingsway which forms part of Municipal Road 55.

Most of the lands on which the arena and associated parking are proposed are located beyond 152.4 m of the Kingsway (MR #55); other than the stormwater management pond and some parking immediately to the north of the pond.

In addition to the casino lands, Lots 1, 25 and 26 on the draft approved subdivision plan would be subject to site plan control.

Section 20.6 of the Official Plan provides that, "Council may impose site plan control on exempted properties during the development application review process where warranted".

Given the significance of the development being proposed, the extension of site plan control to apply to all lands abutting Streets A and C on the draft plan of subdivision is recommended. This will permit the City to review the design details of the development surrounding the arena and casino sites to ensure that they reflect a high level of urban design, and landscaping features.

The Official Plan contains policies with respect to the Community Design (Section 14.2), Built Heritage and Natural Environment Feature Integration (Section 14.4), and Design Features, Views and Corridors (Section 14.5). Review for compliance with the policies will form a part of the City's review of the development project, through the site plan control process. Compliance with the barrier free access policy will be addressed through the City's review of the development project through assessment of both on-site and off-site accessibility and will be integrated with the building design as required by Building Services through their review of the permit drawings for the facility.

The proposed development is adjacent to a landfill site and periodic nuisances should be expected and considered in the design of the site, especially the proposed hotel. The lands are currently zoned for industrial uses and the proposed addition of a greater range of industrial uses is not expected to pose land use conflicts with the landfill site.

**Title: 1916596 Ontario Ltd. (Recreation and Community Centre)**

**Date: March 12, 2018**

### Urban Design

To assist in the implementation of site plan control on the subject lands and the lots abutting Streets “A” and “C” on the draft plan, it is recommended that urban design guidelines specific to the draft plan of subdivision be prepared by the owner. The design guidelines will encourage a high level of design quality and promote a built environment that is safe and aesthetically pleasing. The design guidelines will establish recommendations respecting but not limited to, building massing and placement, building materials, landscaping, parking lot design, lighting, paving, fencing, pedestrian walkways and signage. It is recommended that the conditions of draft approval be amended by adding a condition requiring urban design guidelines for the subdivision.

### Zoning By-law Standards

As noted previously, the maximum height permitted in the M1-1 zone is 12.0 m and the applicant has requested an exception to this by-law standard to permit a maximum height of 35.0 m to accommodate the proposed arena building. The M1-1 zone also requires an interior side yard setback of 3.0 m on at least one side of the lot; the subject lands, as configured would only have one interior side yard, on the west side of the lot. The applicant has requested an exception to this by-law standard to permit an interior side yard of 0 m in order to permit the proposed enclosed connection between the arena and the proposed casino and hotel project located on lands immediately to the west of the subject lands.

Planning staff are of the opinion that relief requested is appropriate within the context of the area and in keeping with the purpose and intent of both the Zoning By-law and Official Plan.

### **Conclusion**

The proposed rezoning application is considered to be consistent with the Provincial Policy Statement, in conformity with the Northern Growth Plan, and in conformity with the City of Greater Sudbury Official Plan. The application represents good planning and is in the public interest. There do not appear to be any adverse impacts that will result from the approval of the application, and it is therefore recommended for approval subject to the conditions noted in the resolution section of this report.

# Appendix 1

## Departmental & Agency Comments

**File:** 751-6/17-27

**RE: Application for Rezoning – 1916596 Ontario Ltd  
PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9,  
Concession 4, Township of Neelon, Kingsway, Sudbury**

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### Nickel District Conservation Authority

No concerns or objection.

### Building Services

Building Services can advise of the following comments:

1. The property will require a site plan control agreement and further minor variances may be required.
2. The bridge will need to comply with the Ontario Building Code requirements for 0 m lot line development.
3. Parking for “Festival Square” will need to be determined as the capacity is unknown as events will be held in addition to those at the arena.

### Development Engineering

No objection. The subject property is within the boundaries of the draft approved subdivision known as the Jack Nicholas Business & Innovation Park. The subject property is not presently serviced with municipal water, sanitary sewer, or a storm sewer system. Through the development of the draft approved subdivision, municipal infrastructure will become available.

Municipal water and sanitary sewer has been provided within the Kingsway road allowance through a Section 391 Charge of the Municipal Act, 2001. As such, the owner/applicant will be required to pay \$16.49/square meter of development for the place of amusement and hotel towards the Kingsway Sewer and Water Project provided that a building permit is issued prior to December 31, 2022. Higher rates apply starting in 2023 to 2027. This Section 391 charge offsets the cost of construction relating to the existing infrastructure on the Kingsway and the cost of upgrading the Levesque sewage lift station. The upgrades to the Levesque sewage lift station are required to support this development.

The owner/applicant's agent provided the City with peak sewage flow calculations to determine what, if any, downstream sewage improvements are required as a direct result of the development of these lands as proposed along with the development of the Arena lands and the balance of the lands within the draft approved subdivision known as the Jack Nicholas Business & Innovation Park. The sewage flow from this application was assumed to enter the existing City system at the intersection of Street A and the Kingsway. The total peak sewage flow calculated by the owner/applicant's agent J. L. Richards for the entire development was 97.9 litres/second. In 2011 the City undertook improvements to Levesque and Rheal Streets including upgrades to water and sanitary sewers. The sanitary sewers were upgraded from 400 mm to a combination of 450 mm and 500 mm mains.

The City has reviewed the impact of the estimated 97.9 l/s sanitary sewer flows coming from the new development on Kingsway on the downstream capacity of the sanitary sewer system and based on hydraulic modeling assessment the sanitary sewer system has enough capacity to handle this additional new flows with no additional upgrades to the linear collection system. The Levesque Lift station, as identified in section 391 previously, will need upgrades first to remedy existing capacity deficiencies in terms of peak flows, but also to provide some needed equipment upgrades. The upgrades will also account for new flows coming from the new development. The City is in the process of issuing a Request For Proposal (RFP) for the Levesque Lift Station upgrades and the City is expecting to complete detailed design/Schedule B Environmental Assessment (EA) by the end of year 2018 with construction complete by the end of year 2019.

The municipal water supply for this site should be sufficient provided that the watermain within the Jack Nicholas Business & Innovation Park is sized sufficiently by the subdivision developer's engineer through the subdivision approval process. This site will connect to municipal water within the Street A road allowance once the subdivision has been constructed. Street A connects to an existing 300 mm diameter main on the north side of the Kingsway that was provided as part of the Kingsway Sewer and Water Project and Street C connects to a 200 mm diameter stub provided for this development at the Kingsway/Levesque Street intersection that was also provided as part of the Kingsway Sewer and Water Project.

It is our understanding that this Casino site and the Arena site will utilize a combined stormwater management facility with the stormwater management pond that is required for the overall subdivision. The stormwater management facilities for this development must address the requirements of the Ontario Ministry of Environment and Climate Change (MOECC) sourcewater protection requirements under the Clean Water Act, 2006 as this area within the Intake Protection Zone (IPZ) 3 of Ramsey Lake with a vulnerability score of 9 defines the stormwater works as a significant threat and as such, the stormwater management facilities must provide enhanced level water quality control and an additional 20% water quantity control in addition to the requirements of the MOECC Stormwater Management and Planning Manual. Furthermore, through the review of the detailed design for Phase 1 of the Jack Nicholas Business & Innovation Park, there is a constraint as to the peak flow that can leave this development through the existing 1.8 metre x 0.9 metre concrete box culvert that crosses the Kingsway west of Levesque Street. The peak storm sewer flow that can be released into the area south of the Kingsway is 2,200 litres/second.

This development must proceed by way of a Site Plan Control Agreement concurrent with, or following, the development of the Jack Nicholas Business & Innovation Park subdivision. Our concerns regarding the site, including site servicing, and stormwater management will be addressed at that time.

### **Environmental Planning Initiatives**

Field surveys were undertaken in 2014 and 2015 by NAR Environmental Consultants Inc. to determine if the Blanding's Turtle or the Eastern Whip-poor-will or their habitat were present on the Subject Lands. Both species and their habitat are protected by the Endangered Species Act.

Based on a review of the information provided by NAR Environmental Consultants Inc, the Ministry of Natural Resources and Forestry (MNRF) determined that the activities associated with the development of the site, as currently proposed, have a low probability of contravening section 9 (species protection) and/or section 10 (habitat protection) of the Endangered Species Act, 2007 (ESA 2007) for Blanding's Turtle and Eastern Whip-poor-will. A letter dated September 23, 2015 from the MNRF outlines this determination as well as its conditions.

## **Environmental Services**

The Sudbury Landfill & Waste Diversion Site will continue to receive, process and dispose of waste. Environmental Services expects over time to increase the processing or diverting of waste as new programs develop under the Waste Free Ontario Act. Environmental Services will conduct our operation as required and take the appropriate action to mitigate nuisances associated with the operation of this site. This action will also continue as Environmental Services vertically expands the waste disposal footprint and as we expand the waste diversion/processing areas to the southwest of our property (permitted under our current MOECC Environmental Compliance Approval).

Environmental Services can continue in this fashion with on-going operational funds to conduct inspections, monitoring and regular operational tasks. Capital funding to regularly cap filled areas, manage/expand storm water, leachate and landfill gas systems will also be required.

It is understood that the proponent will manage their storm water on-site and since their property is located outside the 500 meter buffer zone, no assessment will be required. Environmental Services recommends however, that the proponent consider MOECC regulations and guidelines on land use near landfill sites.

## **Roads, Traffic and Transportation**

### Initial TIS Review Comments

We have reviewed the submitted Traffic Impact Study (TIS) and provide the comments below. Included separately are comments from a peer review of the study completed by [WSP](#). We require that both sets of comments be addressed.

### *Trip Generation Rate – Arrival/Departure Rate*

We note that the study proposes to use an alternate arrival rate from a 1976 ITE report entitled “Traffic Considerations for Special Events”. Although a table from the report was provided, the complete report has not been included so it is unclear what assumptions were made and if it is applicable to the proposed development. To use this reduced arrival rate, the TIS must include the complete report and provide a justification explaining why it is applicable.

### *Interaction Between Land Uses*

We require the TIS provide a justification for interaction reductions that are assumed in the study.

### *Parking Generation*

It is unclear from the TIS how the arena operator will be able to ensure the proposed shared parking areas will not be used during event nights. We require the TIS include details on the types of agreements that will need to be in place and how they will be enforced to ensure parking is available on event nights.

### *Business Park Trip Generation (Weekday PM Peak)*

As indicated in the report, the Business Park component of the site is anticipated to generate approximately 1,510 trips during a typical non-event PM peak. This represents 72 percent of the net total site trips that are anticipated to be generated from the entire proposed site. Based on the trip distribution proposed in the study, there will be approximately 950 vehicle trips travelling westbound on the Kingsway from the site during the PM Peak Hour.

The background traffic analysis indicates that, with some adjustments to the traffic signal timing, the intersections of the Kingsway at Falconbridge Road and the Kingsway at Barry Downe Road will operate near full capacity. The analysis indicates that the addition of the Business Park trips



will put these intersections over capacity. No mitigation measures are recommended other than the need to accelerate construction of road links identified in the Transportation Master Plan to divert traffic away from these two intersections.

We require the TIS to identify the amount of site development that can occur prior to these intersections operating over capacity and detail what, if any, measures could be implemented to mitigate these capacity constraints. In addition, we require a phasing plan be included which indicates how much more additional development of the site can occur with the addition of each of the proposed road links in the Transportation Master Plan.

#### *Arena Trip Generation – Pre-Game and Post-Game Peak Hours*

The analysis indicates that a single left turn lane will operate at an acceptable level of service at both the intersections of the Kingsway at Street A and the Kingsway at Street C. We require the TIS provide a justification for why a dual left turn lane is required to the satisfaction of the City. Also, we require the review of these left turn lanes to consider and discuss the expected delay to transit vehicles accessing the site during event nights.

#### *Post-Game Peak Hour Capacity - Street A*

We have concerns regarding the queue length from the signalized intersection of the Kingsway at Street A during the post-game peak hour and the proposed signals for the internal bus loop. It is unclear if the queue from the Kingsway will reach the exit of the bus loop and impede buses trying to exit. We require the TIS provide details on the expected queue length, how the bus loop signals will operate (ex. actuation, timing, coordination schemes) and what the expected delay will be for buses exiting the bus loop.

Transit Services has also expressed concerns with conflicts between pedestrians walking to their parked vehicles on the north side of Street A and buses trying to exit the bus loop. We require the TIS provide an analysis of how vehicles, pedestrians and transit buses will circulate in the area of the bus loop. This analysis should include details on where fencing will be provided, where the parking lots will exit and where marked crossing areas are proposed. Details must also be provided on how site access will be controlled if and when the temporary parking lot areas are developed.

#### *Active Transportation*

The TIS recommends pedestrian crossings be provided east of the exit to the bus loop and west of the parking lot entrance on Street A to the easterly parking lot. While the crossing east of the bus loop entrance can be controlled by the proposed traffic signals, it is unclear if a protected crossing is also proposed for the easterly crossing. Also, the site plan drawing included in Appendix 'A' seems to indicate that a third pedestrian crossing is proposed west of the entrance to the bus loop. We require the TIS clarify the number of pedestrian crossings proposed, if a protected crossing is proposed for the easterly crossing, and as described in the previous section, how will pedestrians safely access the parking lots on the north side of Street A (fencing, parking lot exits, etc).

The TIS also identifies an opportunity to connect the bicycle lanes on Bancroft Drive to the site. We require the TIS include a detailed analysis of the cycling infrastructure that would be recommended on Street A, Street C and Levesque Street (at a minimum) using the three step bicycle facility selection process that is detailed in Book 18 of the Ontario Traffic Manual. The analysis should consider the expected vehicle volumes for an event night.

#### *Transportation Demand Management*

The TIS provides high level recommendations for transportation demand management (TDM) measures that could be considered. It is unclear who would operate or deliver some of the

measures described as well as who would provide ongoing financing to fund these initiatives. We require the TIS include details on how these TDM measures will be operated or delivered, how they will be funded and how the ongoing success of these measures will be measured and reported. In addition, the TIS does not explain how many vehicle trips would be expected to be reduced if these measures were implemented. We require the TIS include this trip reduction analysis.

### TIS Addendum Comments

A traffic impact study (TIS) completed by Dillon Consulting was provided in support of the rezoning applications submitted for the 5,800 seat community arena, casino and parking lots. The TIS also considered the remainder of the subdivision lands, a 200 room hotel and a potential twin pad arena. A memo was also provided by Dillon Consulting on February 23, 2018 as a supplement to the TIS to provide additional information on the time required for a vehicle to exit the site following an event at the proposed arena. The TIS is intended to be used by the City of Greater Sudbury, Gateway Casinos and Entertainment Ltd., and 1777223 Ontario Ltd.

Staff reviewed and provided comments to Dillon Consulting on the December 2017 study. In addition, WSP was retained by the City to complete a peer review of the study. Both sets of comments are included as part of the staff report. Based on the comments provided, Dillon Consulting provided an addendum to the TIS dated March 9, 2018. Staff's comments are based on the December 2017 TIS, the February 23, 2018 memo and the March 9, 2018 addendum.

### **Study Methodology**

The study considered the impact to the transportation network if the site were developed to include the following uses:

- a 5,800 seat arena
- a casino with 780 gaming positions as well as restaurants
- a 200 room hotel with meeting space
- a twin pad arena
- a 93.67 acre business park

To measure the impact, the study reviewed the weekday afternoon peak hour (PM peak hour), the weekday "pre-game" peak hour (the 1 hour prior to the start of an event) and the weekday "post-game" peak hour (the 1 hour period immediately following the end of an event). In addition, a Saturday mid-day peak hour review of the intersection of the Kingsway and Barry Downe Road was completed due to the high traffic volumes through this intersection from the surrounding commercial district.

The review of the impact on the transportation network during the pre-game peak considered a sold out OHL hockey game. As detailed in the study, this can be considered a conservative approach given that the Sudbury Wolves have typically drawn 3,000 to 4,000 spectators per game over the past 6 seasons and only 5% to 10% of games per season draw a capacity crowd. An OHL team typically hosts 34 regular season games per season.

Based on the time frames identified above, the study reviewed a series of intersections identified by staff. The review considered three scenarios:

- how the intersections are currently operating
- how the intersections are expected to operate in 2022 based on an annual growth factor of 1.5%

- how the intersections are expected to operate in 2022 based on an annual growth factor of 1.5% and the number of trips the overall site is expected to generate.

While the arena, casino and hotel are expected to be built out and operational by 2020, the timing for build out for the remainder of the subdivision is unknown and will depend on market conditions. Based on this unknown condition, the year 2022 was chosen for the analysis.

The study also reviewed the expected parking requirements for the overall site.

## **Results of Analysis**

### **Required Parking**

The study utilized a first principles approach to determine the expected parking required for the arena, casino and hotel. When a hockey game is scheduled, the site is expected to require approximately 3,365 parking spaces. The preliminary site plan indicates a total parking supply of 2,142 parking spaces. It is proposed that the surrounding vacant subdivision lands be used for overflow parking while events are occurring at the arena. To ensure this overflow parking remains available as the surrounding lands are developed, the study has identified the need to register this use on the title of the lands. The study has also identified that maintenance agreements for the parking lots may be required to ensure the appropriate standard of maintenance is provided. Staff is satisfied that sufficient parking can be provided within the subdivision lands to satisfy the needs of the site.

### **Pre-Game Transportation Network Operations**

During the pre-game peak hour, it is expected that approximately 2,285 vehicles will be travelling to the site to attend the event. This value considers that 5% of event goers will utilize transit and that a small percentage of event goers will be people who work within the proposed business park or are already at the casino. During the pre-game peak hour, this volume of vehicles exceeds the capacity of the intersections of the Kingsway at Barry Downe Road and the Kingsway at Falconbridge Road.

Specifically, at the intersection of the Kingsway at Barry Downe Road, the southbound left turn movement and eastbound through movement have been identified as not having sufficient capacity to accommodate this expected volume of vehicles. For the southbound left turn movement, vehicle queue lengths are expected to extend to approximately Palm Dairy Road, while for the eastbound through movement, queue lengths are expected to extend just beyond the driveway entrance which serves the Keg Steakhouse and Bar and other commercial properties. In addition, each southbound left turning vehicle is expected to be delayed 110 seconds before being able to travel through the intersection, while each eastbound through vehicle is expected to be delayed 78 seconds.

Similar capacity constraints are identified at the intersection of the Kingsway at Falconbridge Road. Both the southbound left turn movement and eastbound through movement have been identified as not having sufficient capacity to accommodate this expected volume of vehicles.

The southbound left turn movement is expected to have vehicle queue lengths extend 4 or 5 vehicle lengths beyond the driveway entrance to the Ambassador Hotel, while the eastbound through movement will have vehicle queue lengths extend beyond the Cambrian Ford site. In addition, each southbound left turning vehicle is expected to be delayed 116 seconds before being able to travel through the intersection while each eastbound through vehicle is expected to be delayed 109 seconds.

While the study has identified capacity constraints at these intersections, it is the opinion of staff that the existing road network can sufficiently store these vehicles without impacting nearby intersections. However, as identified above, some existing business driveways may be impacted by the expected vehicles queue lengths.

Based on the expected volume of vehicles that will be travelling from west of the site, the study reviewed the need for dual left turn lanes at the intersections of the Kingsway at the proposed Street A and the Kingsway at the proposed Street C. The analysis identified that although vehicle queue lengths will be substantially longer, a single left turn lane will operate more efficiently than a dual left turn lane and result in less delay for vehicles at both intersections. It is the opinion of staff that a single left turn lane is sufficient at both intersections for the expected volume of vehicles that will be attending the site on event nights.

The study also noted that based on the high volume of vehicles that will be travelling eastbound to the site, it is expected that 10% of these vehicles travelling eastbound will use Bancroft Drive as an alternate route to avoid any anticipated congestion on the Kingsway. This represents approximately 220 additional vehicles during the pre-game hour.

### **Afternoon Peak Hour Transportation Network Operations**

During the afternoon peak hour, it is expected that 600 vehicles will be travelling to the site and 1,575 vehicles will be leaving the site. Of these 2,175 total trips, 72% are expected to be generated by the remainder of the subdivision lands or the business park as identified in the study. Staff are satisfied that there is sufficient capacity in the transportation network to support the vehicle trips being generated by the arena, casino and hotel during the afternoon peak hour. However, with the volume of vehicles expected to be generated by the business park, the study has identified that the intersections of the Kingsway at Barry Downe Road and the Kingsway at Falconbridge Road do not have sufficient capacity to accommodate the expected total volume of vehicles. The study has recommended that the capacity constraint be mitigated by accelerating the construction of new roadway links that are identified in the Official Plan, specifically, the northerly extension of Street C and westerly connection to Falconbridge Road and the bypass around New Sudbury from Highway 17 to Maley Drive.

The study also reviewed the amount of development that could occur in the business park before these intersections are beyond their capacity. Staff are not satisfied with the results of analysis that was completed in this regard. For a typical development, mitigation measures are expected to be implemented as critical movements go beyond 85% of their capacity unless there were existing capacity constraints. The study indicated that the critical movements at these intersections would not be beyond 85% of their capacity in the future without the proposed business park. The analysis completed in the study considered the amount of development that could occur in the business park before the critical movements went beyond 100% of their capacity. Since the remaining subdivision lands are not being considered as part of the submitted applications, staff will continue to work with the developer of the subdivision lands to determine the amount of development that can occur prior to the construction of the new roadway links identified in the Official Plan.

Additionally, the study noted that the intersection of the Kingsway at the proposed Street A may benefit from a dual left turn lane based on the volumes expected to be generated during the afternoon peak hour of the business park. Staff will continue to work with the developer of the remaining subdivision lands to determine the need for a dual left turn lane at the intersection of the Kingsway at Street A.

### **Transportation Demand Management Measures**

The study has identified several Transportation Demand Management (TDM) measures related

to events at the arena to help ensure that a minimum of 5% of event goers utilize transit. However, the study did not provide details about how these measures would be operated and what the financial implications would be. With over 2,200 vehicle trips expected to be generated from a sold out OHL game, a small increase in the percentage of event goers utilizing transit will result in a significant reduction in the number of vehicles travelling to the site. Staff recommends that a detailed TDM plan be developed for the arena to determine the details of the identified TDM measures and potentially identify additional measures to be implemented during the operation of the event site.

## **Transit Services**

Greater Sudbury Transit currently provides local transit services to the surrounding area as described in the Traffic Impact Study.

### Capacity for Increased Demand

In order to assess the Transit System's capacity within existing operating hours, both ridership performance and passenger loading standards have been reviewed.

**Ridership Performance:** One of the most effective ways to assess ridership performance on a route is to review boarding per vehicle service hours, also known as rides per revenue hours (RRH). Based on Greater Sudbury Transit Service Design Standards, boarding per vehicle hour by class (urban vs. commuter) and time of day is measured against a set of thresholds. For the purpose of this analysis, the weekday peak and midday threshold should be between 13-45 RRH.

Based on a daily average route level analysis, ridership performance of the routes currently operating in the vicinity of the proposed site fall consistently within average thresholds. In 2016, the average RRH for the urban routes (101, 102 and 241) ranged from 17-20 boarding per service hour.

The average RRH on the current route indicates that the area is well served, and current frequency levels meet the demand.

**Passenger Loading Standards:** The number of buses required for a route may be determined by route loading capacities. Urban routes should not exceed a maximum average load of 150% seating capacity, which equals approximately 55 persons. When passenger loads consistently exceed or fall below the standards targets, a service review is triggered. As the average daily boarding is between 17-20 passengers per service hour, this indicates that the average capacity is at approximately 36%.

Until the passenger loading percentage increases, the current frequency levels would be adequate to meet demand in this urban area.

### Transit Action Plan Recommendations

In June 2017, a comprehensive review of Greater Sudbury Transit Services was launched, known as the Transit Action Plan. The service review work plan consists of three Phases. The study is within the final Phase of the work plan, and final recommendations are anticipated to be presented to Council in early Spring 2018.

The second phase of the Transit Action Plan presented draft recommendations to Council in January 2018. The preliminary recommendations proposed a restructuring of the transit route network system, where routes are reorganized by level of service, to address proper

frequencies based on demand. The preliminary proposals further indicate that the reduced level of service currently operating after 10pm and on Sundays should be eliminated, leaving all routes to be served based on Transit Service Design Standards. The routes are proposed to be redesigned based on a three hub system, reducing the number of routes requiring to transfer at the Downtown Transit Centre.

In the preliminary recommendations of the Transit Action Plan, one route is being proposed to service the site, which is a combination of all routes currently operating in the area.

The proposed route design consists of:

- Similar route pattern with several minor areas being streamlined for efficiency purposes and to ensure on time performance would be achieved with the addition of this site.
- The route would depart the Downtown Transit Centre and the proposed development would become the terminus. A terminus is usually the mid-point or destination of a route and it provides a safe location for a bus to layover for a few minutes before returning to the hub.
- For passengers travelling from the New Sudbury Centre, a connection can be made to the proposed route at the corner of Bancroft and Second Ave.
- Span of service would extend approximately from 7am to midnight, seven days a week.
- The route would be categorized as a neighborhood service level without the proposed development.
- The route would have potential of being a core service level with the proposed development, should ridership increase due to the additional trip generator to the area.
- As a neighborhood service level, frequencies are proposed to be 30 minutes from start of service to 9am, and 3pm to 6pm Monday to Friday, with 60-minute frequency all other times including all day Sunday. This frequency mirrors what is currently being provided to the area.

The introduction of this trip generator in the urban area would trigger careful monitoring of route performance to ensure proper levels of Transit Services are offered. Any increase in service required would be presented to Council for consideration.

### Event Night Transit Services

During Event Nights, in addition to the service provided via the route described above, transit service to and from events would be provided by express shuttles to and from the Downtown Terminal and the New Sudbury Centre. With approximately 5800 number of spectators, and taking a conservative estimate of 5% modal split for transit use, shuttle service would be required for approximately 300 passengers.

The optimal frequency and span of service for this type of event is estimated at a minimum of 15-minutes headway for an hour and a half pre- and post- game. With deadhead and report time calculations for the operator, an estimated minimum 4 hours is being proposed for each bus per event. Schedule time is typically estimated at actual drive time + 15%. An additional 10% is built into the schedule for recovery time, to compensate for unexpected delays.

Direction of Travel	Estimated Time in Minutes					
	Google Estimate	15%	Subtotal	Recovery	Total One Way	Round Trip
New Sudbury Centre	8	1.2	9.2	0.92	10.12	20.24
Downtown Transit Centre	10	1.5	11.5	1.15	12.65	25.3

For the purpose of the estimate, a round trip is being proposed at 30 minutes **without any traffic delay**. As the Traffic Impact Study indicates that there will be traffic delays due to the increase in trips of non-automobile modes to and from the site, the expected delay from origin to destination for the round trip of the bus will need to be added to the round trip peak cycle time. With increase time added to each round trip, the operational cost increases as shown in the table below.

Round Trip Peak Cycle Time (minutes)	Frequency (minutes)	# buses	Total Hours	Cost per Event
30	15	4	16	\$ 2,160.00
45	15	6	24	\$ 3,240.00
60	15	8	32	\$ 4,320.00
75	15	10	40	\$ 5,400.00

#### Mitigating Operational Costs and Improving Transit Efficiency

The Traffic Impact Study provides information on mitigation considerations being proposed to provide prioritization of the movement of Transit Buses. These mitigations will be helpful in reducing the number of hours required to service the area during Event Nights.

In order to further improve on the effectiveness of Transit services, and in consideration of reducing traffic impacts by providing more efficient non-automobile modes of access to the site, the following should be considered:

- A robust Transportation Demand Management plan.
- Bus queue jumping lanes, or bus only lanes to prioritize Transit Vehicles over cars
- Site design considerations to mitigate pedestrian and transit vehicle conflict.
- Amenities for spectators waiting for buses near the entrance such as wayfinding and benches.
- Turning radius consideration for both conventional 40 foot buses, as well as 60 foot articulated buses.

#### **Water/Wastewater Services**

The land use requires a Risk Management Plan, as identified in Part IV of the Clean Water Act, 2006, in order to be carried out within a vulnerable area. The Risk Management Plan is required to manage the future threats related to the handling and storage of road salt, the on-site application of road salt, and the storage of snow.

A Risk Management Plan must be agreed to or established before a Section 59 Notice of Clearance to proceed will be issued. A Section 59 Notice is required before the Development Application may receive final approval.

## **Appendix # 2**

### **Policies Cited - Recreation and Community Centre**

**Files: 751-6/17-27**

**RE: Application for Rezoning – 1916596 Ontario Ltd  
PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9,  
Concession 4, Township of Neelon, Kingsway, Sudbury**

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### **Provincial Policy Statement, 2014**

#### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 Healthy, liveable and safe communities are sustained by:

- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c. avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d. avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e. promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f. improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g. ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and
- h. promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.



Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Nothing in policy 1.1.2 limits the planning for infrastructure and public service facilities beyond a 20-year time horizon.

### **1.1.3 Settlement Areas**

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a. densities and a mix of land uses which:
  - 1. efficiently use land and resources;
  - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - 4. support active transportation;
  - 5. transit-supportive, where transit is planned, exists or may be developed; and
- b. a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
- 1.1.3.7 Planning authorities shall establish and implement phasing policies to ensure:
  - a. that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
  - b. the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

## **1.2 Coordination**

### **1.2.6 Land Use Compatibility**

- 1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

## **1.3 Employment**

- 1.3.1 Planning authorities shall promote economic development and competitiveness by:
  - a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
  - b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
  - c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
  - d. ensuring the necessary infrastructure is provided to support current and projected needs.

## **1.6 Infrastructure and Public Service Facilities**

- 1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.

Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:

- a. financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b. available to meet current and projected needs.

- 1.6.2 Planning authorities should promote green infrastructure to complement infrastructure.

- 1.6.3 Before consideration is given to developing new infrastructure and public service facilities:

- a. the use of existing infrastructure and public service facilities should be optimized; and
- b. opportunities for adaptive re-use should be considered, wherever feasible.

- 1.6.4 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services.

- 1.6.5 Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

### **1.6.6 Sewage, Water and Stormwater**

- 1.6.6.1 Planning for sewage and water services shall:

- a. direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:
  - 1. municipal sewage services and municipal water services; and
  - 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available;
- b. ensure that these systems are provided in a manner that:
  - 1. can be sustained by the water resources upon which such services rely;
  - 2. is feasible, financially viable and complies with all regulatory requirements; and
  - 3. protects human health and the natural environment;
- c. promote water conservation and water use efficiency;

- d. integrate servicing and land use considerations at all stages of the planning process; and
- e. be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

1.6.6.7 Planning for stormwater management shall:

- a. minimize, or, where possible, prevent increases in contaminant loads;
- b. minimize changes in water balance and erosion;
- c. not increase risks to human health and safety and property damage;
- d. maximize the extent and function of vegetative and pervious surfaces; and
- e. promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

## **1.7 Long-Term Economic Prosperity**

1.7.1 Long-term economic prosperity should be supported by:

- a. promoting opportunities for economic development and community investment-readiness;
- b. optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;
- c. maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;
- d. encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- e. promoting the redevelopment of brownfield sites;
- f. providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- g. providing opportunities for sustainable tourism development;

## **1.8 Energy Conservation, Air Quality and Climate Change**

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- a. promote compact form and a structure of nodes and corridors;
- b. promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c. focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d. focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e. improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f. promote design and orientation which:
  - 1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and
  - 2. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
- g. maximize vegetation within settlement areas, where feasible.

## **2.1 Natural Heritage**

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.3 Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.

2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E1; and
- b) significant coastal wetlands.

2.1.5 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;

c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;

d) significant wildlife habitat;

e) significant areas of natural and scientific interest; and

f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 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 features or on their ecological functions.

## **2.2 Water**

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

- a. using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b. minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
- c. identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;
- d. maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- e. implementing necessary restrictions on development and site alteration to:
  1. protect all municipal drinking water supplies and designated vulnerable areas; and
  2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
- f. planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- g. ensuring consideration of environmental lake capacity, where applicable; and

- h. ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.
- 2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

## **Growth Plan for Northern Ontario, 2011**

### **2.2 An Economic Action Plan for Northern Ontario**

- 2.2.1 The Province will collaborate with the federal government, as well as business and industry, municipalities, Aboriginal communities and organizations, the education and research sectors, and community organizations on economic development strategies for *existing and emerging priority economic sectors* as set out in Policies 2.2.2, 2.2.3 and 2.2.4. This collaboration will include ongoing policy research related to northern economic and community development.
- 2.2.2 The Province will focus economic development strategies on the following *existing and emerging priority economic sectors* and the distinct competitive advantages that Northern Ontario can offer within these sectors:
  - a) advanced manufacturing
  - b) agriculture, aquaculture and food processing
  - c) arts, culture and creative industries
  - d) digital economy
  - e) forestry and value-added forestry-related industries
  - f) health sciences
  - g) minerals sector and mining supply and services
  - h) *renewable energy* and services
  - i) tourism
  - j) transportation, aviation and aerospace
  - k) water technologies and services.
- 2.2.3 Economic development strategies for *existing and emerging priority economic sectors* will examine opportunities to:
  - a) strengthen networks and collaboration among businesses, industry, the education and research sectors, economic development organizations and northern communities
  - b) attract investment
  - c) grow and retain existing competitive businesses, including export development activities and diversification into value-added business opportunities
  - d) respond to labour market needs and opportunities through education, training and entrepreneurship supports

**2.2.4** The Province will bring an integrated approach to these economic development strategies through the creation of regular, five-year economic action plans for Northern Ontario that address:

- a) the emergence and development of the *existing and emerging priority economic sectors*
- b) *existing and emerging priority economic sectors* that should be the focus of economic development efforts for the next five-year period.

**2.2.5** Industry will be encouraged to participate in the development and implementation of the Province's five-year economic action plans and *regional economic plans*.

**2.2.6** The Province will work to attract investment to Northern Ontario through:

- a) integrated and timely one-window response to investment opportunities
- b) measures to address barriers to investment, such as *information and communications technology* infrastructure, energy costs, labour and transportation
- c) working with other orders of government to co-ordinate approvals and address complex interjurisdictional issues.

## **2.3 A Growing and Diversified Economy**

### **2.3.10 Tourism**

1. Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the tourism sector should include:
  - a) investing in strategic public infrastructure and the provincial parks system to improve the competitiveness of the tourism industry and enhance the visitor experience
  - b) improving training and skills development in strategic areas such as e-technology, marketing, business planning and customer service to enable the tourism industry to better serve domestic and international travelers
  - c) encouraging regional co-operation to expand and diversify Northern Ontario's tourism offerings and increase tourism visitation and receipts
  - d) encouraging regions and communities to undertake cultural planning that identifies opportunities for promoting tourism, including Aboriginal niche tourism opportunities, and building on the presence of a strong Francophone community to tap into French-speaking markets
  - e) encouraging new, flexible and high-quality tourism products for domestic and international visitors
  - f) linking Northern Ontario tourism to provincial and national marketing campaigns and promoting the uniqueness of the Northern Ontario experience.



## **4 Communities**

### **4.2 Long-range Planning for all Communities**

**4.2.1** All municipalities should, either individually, or collaboratively with neighbouring municipalities and Aboriginal communities, prepare long-term community strategies. These strategies should support the goals and objectives of this Plan, identify local opportunities to implement the policies of this Plan, and be designed to achieve the following:

- a) economic, social and environmental sustainability
- b) accommodation of the diverse needs of all residents, now and in the future
- c) optimized use of existing infrastructure
- d) a high quality of place
- e) a vibrant, welcoming and inclusive community identity that builds on unique local features
- f) local implementation of *regional economic plans*, where such plans have been completed.

**4.2.2** Municipalities and planning boards are encouraged to:

- a) align their official plan policies with their long-term community strategies developed in accordance with Policy 4.2.1
- b) employ the use of available tools to support and facilitate land-use planning that implements their long-term community strategies.

**4.2.3** The Province will encourage collaboration with Aboriginal communities in land-use planning in accordance with the Policies in 7.5.

## **City of Greater Sudbury Official Plan**

### **2.1 PATTERN OF DEVELOPMENT**

The existing urban structure is a result of the historical development of industrial uses. Many outlying settlements were established as company towns linked to specific industrial activities, such as mining and rail transportation. Other settlements originated as agricultural service centres that further expanded in a dispersed nature along major roads. Over time, these communities and settlements have developed their own unique character and demographic mix.

Over half of the total population of Greater Sudbury resides in the former City of Sudbury. The former City of Sudbury, as the location of three quarters of the jobs in the Greater City, is the main employment centre.

The former City of Sudbury has also been the location of most growth. Over the period 1978 – 2002, 58% of approximately 20,000 new residential units were created in areas within the former City of Sudbury. Valley East absorbed the second highest proportion of new housing, at 16% of total units.

## 2.2 DEFINING THE URBAN STRUCTURE

The *Regional Official Plan* (1978) established a hierarchy of settlements that was largely based on population distribution and urban form. Consistent with its central city role, the former City of Sudbury was designated as the regional centre. A growth centre in each area municipality was also identified, acknowledging the autonomy and growth potential of the former cities and towns which comprised the Regional Municipality of Sudbury.

The *Official Plan of the City of Greater Sudbury* adopts an alternative approach to defining the urban structure, with the assignation of settlements essentially tied to the level of municipal services available. It also considers prevailing built form, impacts on the natural environment, and the defining character of the settlement. This approach reflects a number of new realities facing the City, including a requirement for increased residential intensification, the need to provide municipal services in an efficient and responsible manner, and the necessity of promoting sound environmental planning policies consistent with provincial directives. The urban structure is thus defined as containing three forms of settlement: Communities, Non-Urban Settlements, and Rural and Waterfront Areas.

### 2.2.1 Communities

Most people in Greater Sudbury live and work in Communities. Fully serviced by municipal sewer and water, Communities are seen as the primary focus of residential development and will absorb most of our projected growth. Communities also encompass the majority of our designated Employment Areas. A variety of housing forms are permitted in Communities.

Due to its concentration of employment and high-order service activity, the community of Sudbury is the regional service centre for both the amalgamated City and Northeastern Ontario. *Sudbury* contains all major commercial nodes, including the *Downtown* and the three *Regional Centres*, as well as major educational, research and health facilities. Higher density residential uses are also concentrated in Sudbury, including more than three-quarters of the total rental housing stock.

Smaller in population and total area, the remaining Communities are fully serviced urban areas that offer a mix of employment and residential uses. The predominant housing form is low and medium density in nature. *Town Centres* in these Communities provide mostly local services to surrounding residential neighbourhoods and rural areas.

Communities include the following areas:

<i>Sudbury</i>	<i>Azilda</i>
<i>Capreol</i>	<i>Chelmsford</i>
<i>Dowling</i>	<i>Garson</i>
<i>Lively – Mikkola – Naughton</i>	<i>Valley East Urban Area</i>
<i>Coniston</i>	<i>Copper Cliff</i>
<i>Falconbridge</i>	<i>Levack</i>
<i>Onaping</i>	<i>Wahnapitae</i>

## 4.0 Employment Areas

Diversification forms the foundation of the City's approach to economic development, and it remains essential to our future growth prospects. While mining continues to function as our core economic activity and primary export generator, Greater Sudbury has diversified over the last

three decades to evolve as a regional centre of education, health care, government, business, retail, and tourism services. The establishment of several important advanced institutions and research facilities, combined with the City's growth as a retail and tourism destination, has contributed to a local economy now focused on a full range of services production.

The evolution of the service economy has also impacted the mining sector. The maturation of the mineral extraction industry, combined with entrepreneurship, technological advancement, and locally-based education and research, has led to the creation of a robust mining services sector that supports the existing mining complex and presents excellent opportunities for the development of tradable exports. To bolster our position as a leader in the mining industry, this Plan will protect the use of natural resources and provide for future resource development, while accommodating economic activities related to the provision of products and services to the global mining sector.

Employment Area designations acknowledge Greater Sudbury's changing economy and labour force, and are intended to help implement the City's long-term strategic planning goals. These designations encompass lands where people presently work and lands where employment opportunities will be provided in the future. *Employment Area* designations are shown on *Schedules 1a, 1b and 1c, Land Use Map* and can be grouped into four broad categories:

**Commercial:** To service Greater Sudbury's broad market base and high-order service activities, three types of *Centres* are established in this Plan including *Downtown*, *Regional Centres*, and *Town Centres*. *Mixed Use Commercial* allows a balance of mixed uses including commercial, general industrial, institutional, residential, and parks and open space. *Resort and Shoreline Commercial Uses* are addressed in Section 5.2.6.

**Institutional:** The important contribution of the City's institutions and their role in community-based initiatives is acknowledged by creating an *Institutional Areas* designation within the hierarchy of *Employment Area* land uses. In order to harness the potential of the institutional sector in the form of research and product development, *Institutional Areas* that form a concentration of advanced Education, Health & Research activity are identified. Certain compatible uses are permitted in order to facilitate economic development initiatives linked to our post-secondary institutions, hospitals and research facilities.

**Industrial:** Two broad industrial designations, *General Industrial* and *Heavy Industrial*, are established to support economic activity in the industrial sector. *General Industrial* includes activities such as manufacturing and processing facilities, while the *Heavy Industrial* designation encompasses core infrastructure needs such as water and wastewater treatment plants and landfill sites.

**Mining and Aggregate:** Reflecting the importance of natural resources to the local economy, separate land use designations are created for the extraction and processing of mineral and aggregate resources. The Plan designates areas to be included as part of the *Mining/Mineral Reserve* and *Aggregate Reserve*.

## 4.1 OBJECTIVES

It is the objective of the Employment Area policies to:

- a. ensure that an adequate supply and variety of serviced employment land exists throughout Greater Sudbury in accordance with the settlement pattern, allowing for the expansion and diversification of the employment base;

- b. ensure that a broad range of commercial opportunities are provided for residents, employees and tourists;
- c. promote the intensification and revitalization of commercial, industrial and institutional areas;
- d. ensure adequate institutional facilities, such as educational, health care and social service facilities and services, are provided at suitable locations to meet the evolving needs of residents of all ages and physical capabilities in the City;
- e. promote the development of the *Downtown* as an employment and business centre for the City;
- f. ensure that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites;
- g. promote environmentally sound industrial practices and mitigate conflicts with sensitive uses;
- h. ensure that new developments do not preclude future extraction of known or potential mineral or aggregate deposits;
- i. ensure that mining and aggregate operations are located, designed and developed so as to minimize impacts upon the social and natural environment; and,
- j. embrace new technologies to harness emerging areas of growth.

#### **4.4 INSTITUTIONAL AREAS**

Greater Sudbury's major public institutions form some of our largest employers and have a significant impact on the quality of community life. The *Institutional Areas* designation acknowledges the important role of the City's institutions and their contribution to community-based initiatives. Institutional uses are permitted throughout the municipality in accordance with the needs of area residents and policies set forth below.

Several identified engines of growth are directly linked to the research and product development capacity of our post-secondary institutions, hospitals and research facilities. Council recognizes the opportunities and services provided by our institutional partners by further identifying *Institutional Areas* which form a concentration of Education, Health and Research activity. These areas include the Laurentian University campus including the Willet Green Miller Centre and the Northern Ontario School of Medicine, the campuses of Cambrian College and Collège Boréal, the health care complex comprised of the Hôpital régional de Sudbury Regional Hospital and the adjoining Northeastern Ontario Regional Cancer Centre, and the Sudbury Neutrino Observatory.

Most existing institutional uses and certain vacant lands owned by institutions are designated as *Institutional* on *Schedules 1a, 1b and 1c, Land Use Map*. Small scale institutions compatible with surrounding uses, such as elementary schools, libraries, day nurseries, retirement homes, places of worship and recreation centres, are generally not shown on *Schedules 1a, 1b and 1c* but are incorporated within and permitted by the *Living Areas* designation.

#### ***Policies***

1. Institutional uses consist of educational institutions such as secondary schools, colleges and universities, as well as government offices, hospitals and other community facilities intended for public use.
2. In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;
- b. adequate traffic circulation can be provided;
- c. adequate parking for the public is provided on-site;
- d. public transit services can be provided economically for the site;
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,
- f. adequate buffering and landscaping is provided.

## **4.5 INDUSTRIAL AREA DESIGNATIONS**

Given Greater Sudbury's strong industrial base, the designation of sufficient lands to accommodate existing and potential industrial uses is essential. The adequate provision of industrial lands, including the creation of additional Industrial and Research Parks, is closely aligned with the City's long-term strategic planning goals related to economic development.

Two broad industrial designations are established by this Plan. *General Industrial* allows a range of industrial activities, such as manufacturing and processing facilities. *Heavy Industrial* permits all industrial uses, including core infrastructure facilities such as water and wastewater treatment plants and landfill sites. Any expansion to these areas will require an amendment to the Zoning By-law.

### **4.5.1 General Industrial**

#### ***Policies***

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, 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.

## **8.0 Water Resources**

Water plays a vital role in defining Greater Sudbury. Healthy surface water and groundwater ensure access to clean and plentiful drinking water. Hundreds of lakes, rivers, and streams also provide important opportunities for recreation, shoreline living, and fish and wildlife habitat. Addressing water-related issues from a watershed-based planning approach is a critical first step in protecting the City's water resources.

In general, policies contained in this section apply to all forms of development in all designations. Supplementary policies on land uses that have a direct impact on water resources are integrated throughout this Plan. Due to the added concerns posed by unserviced development and the impact of septic systems, additional policies on shoreline residential development and lot creation in *Rural Areas* are established in Sections 5.2.1 and 5.2.2. Chapter 9.0 *Natural Environment*, examines features such as wetlands and fish and wildlife habitat. Policies specific to flooding hazards are found in Section 10.2.

## **8.1 GENERAL PROTECTION OF WATER RESOURCES**

The following general policies apply to protect water resources in the City:

1. Sensitive surface water features, sensitive groundwater features, and their hydrologic functions and linkages shall be determined through a watershed-based planning approach. Sensitive surface water and groundwater features are defined as areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.
2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions and linkages will be protected, improved or restored.
3. Mitigative measures and/or alternative development approaches may be required to protect, improve and restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.
4. Efficient and sustainable use of our water resources, including practices for water conservation, shall be promoted.

## **8.3 DRINKING WATER RESOURCES**

Drinking water is of paramount importance. Provincial legislation requires that source water protection plans be developed for Ontario's watersheds. The goal is to safeguard human health by ensuring that current and future sources of drinking water in Ontario's lakes, rivers and groundwater are protected from potential contamination and depletion.

Private and municipal drinking water supplies in the City are provided by both surface water and groundwater sources. This Plan recognizes that the waters of Ramsey Lake, Lake Wanapitei, Wanapitei River and Vermilion River, along with various groundwater sources, are and will be maintained as the main sources of drinking water for the City.

In addition to these municipal drinking water sources, numerous other lakes provide drinking water for households utilizing private systems.

### ***Policies***

1. Council will work cooperatively with other agencies to protect and, where necessary, improve or restore the quality of drinking water resources.

### **8.6.3 Site-specific Policies**

The City's *Engineering Design Manual* will be kept current and will include Best Management Practices for stormwater management. The *Engineering Design Manual* will be utilized to

determine appropriate stormwater management measures for each site, supplemented by the policies included in this section, and technical and procedural guidance provided in the current version of the Ministry of the Environment's *Stormwater Management Planning and Design Manual*.

These documents will provide guidance for stormwater management measures applicable to activities such as waterfront development and the implementation of stormwater quantity and quality control measures for new development, re-development and retrofit situations, including public infrastructure projects.

### **Policies**

1. For all new developments, an overland flow route must be clearly defined to provide continuous overland drainage of major system flows to the nearest major watercourse. The overland flow route (major system) shall be entirely contained within the road right-of-way or easements. Conveyance of the 100-year or Regional design storm peak flow is required.
2. Applications for industrial development in areas where there are no municipal stormwater services will require a Stormwater Management Report.
3. Applications for draft plan approval of subdivisions and site plan approvals in areas where a subwatershed plan has been completed will demonstrate, through a Stormwater Management Report, how the proposed development will provide stormwater management in accordance with the subwatershed plan.
4. Applications for draft plan approval of subdivisions in areas where a subwatershed plan has not been finalized will include a Stormwater Management Report containing site-specific details as required by the City.
5. A Stormwater Management Report shall contain the following:
  - a. The overall drainage plan for the site, indicating upstream drainage areas conveyed across the site and the ultimate outlet (major overland flow route) from the site to the municipal drainage system;
  - b. A plan of proposed on-site stormwater quantity control measures that will satisfy downstream capacity issues. Post-development peak flow rates from the site will be limited to pre-development peak flow rates, unless detailed analysis shows that such storage is not required;
  - c. A plan for erosion control;
  - d. A description of the measures proposed to control stormwater quality on-site. In particular, special measures must be proposed where a site is intended for industrial development; and,
  - e. A general grading plan, illustrating conformance with the City's overall stormwater management objectives.
6. The City will identify opportunities where retrofits can be effectively utilized to remedy existing stormwater problems.
7. For areas where a subwatershed plan has not advanced in sufficient detail to define regional downstream stormwater management facilities or where a development will result in unacceptable peak flow increases downstream, on-site stormwater management (storage) facilities for peak flow control will be required.

8. For small sites where it is impractical to implement on-site stormwater management measures (due to size or local site conditions), Council may collect cash-in-lieu of on-site stormwater management facilities to apply toward any regional stormwater facilities required.
9. Developers are required to construct, maintain and monitor the operation of all on-site quality ponds at their expense for a minimum period of two years after completion of housing. On-site stormwater management facilities will be designed in a manner that is compatible with the surrounding environment. Where appropriate, such facilities should be connected to recreational trails.
10. Maintenance will consist of annual monitoring of sediment accumulation in the pond forebay and quarterly inspections for trash removal as well as sediment removal and lawn mowing as required.
11. Stormwater management facilities for subdivisions will be on lands transferred at no cost to the City, in addition to any lands required to be dedicated for park purposes under the *Planning Act*.

## **9.0 Natural Environment**

A healthy natural environment is critical to Greater Sudbury's quality of life. Our forests, wetlands, lakes, streams and wildlife are all part of a living system, contributing to clean air, soil, water, and to our overall well-being. Healthy and plentiful natural features \*and areas\* also attract people to live, work, visit and invest in our City. As such, significant natural features \*and areas\* and functions and their relationships must not be compromised in the growth of our City and will be protected for long-term use. The built environment is to be integrated with natural features \*and areas\* and functions in a manner respectful of the natural system's limits. For the purposes of this Plan, the City's significant natural features \*and areas\* consist of:

- Significant Habitat of Endangered and Threatened Species;
- Wetlands;
- Fish habitat;
- Significant Wildlife Habitat;
- Significant Areas of Natural and Scientific Interest; and,
- Sites of Geological Interest.

### **9.2.2 Significant Habitat of Endangered Species and Threatened Species**

Endangered species and threatened species are of particular significance due to their low numbers and likelihood of disappearance without protection. Often the disappearance of a particular species is closely linked to the loss of habitat. Loss of species and their habitats are growing problems worldwide, resulting in action by governments at all levels.

The City maintains records of endangered species and threatened species that are present in the municipality based on information provided by the Ministry of Natural Resources. The dynamic nature and sensitivity of these records prevent them from being displayed in the Official Plan.



## ***Policies***

1. Municipal staff will determine the potential for significant habitat of endangered species and threatened species at the application stage of any new development or redevelopment proposals.
2. Development and site alteration are not permitted in significant habitat of endangered species and threatened species.
3. Development and site alteration are not permitted on lands adjacent to significant 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 are considered to be within at least 50 metres of significant habitat of endangered species and threatened species. This area can be modified if justified by a study.

## **11.0 Transportation**

The City of Greater Sudbury covers a large geographic area, encompassing a number of Communities and Non-Urban Settlements of varying size and distance from the main urban area of *Sudbury*. Efficient and well-designed transportation links thus become essential to connect *Living Areas*, *Employment Areas* and other important uses such as mining and agriculture.

Despite our continued reliance on the automobile, public transit remains a key component of the transportation network. Under amalgamation, transit routes have been expanded to outlying areas. Enhancing the public transportation system and encouraging increased transit use are important objectives, particularly within the context of improving air quality and contributing to Kyoto targets.

Sidewalks, bike lanes, bike paths and walking trails need to be fully integrated components of the overall transportation system, providing safe access for pedestrians and cyclists supported by good urban design principles. Opportunities to engage in recreational and leisure activities are also tied to the transportation network.

### **\*11.2.3 Traffic Studies**

For proposed developments that may affect the function of any municipal road, the City may require that development applications be accompanied by a traffic study to assess such impacts and to propose mitigating measures.\* (2007 MMAH Mod #23)

## **11.3 PUBLIC TRANSPORTATION**

Although the automobile will remain the primary mode of personal transportation for the foreseeable future, public transportation will play an increasingly important role for the municipality. Increased public transit use will help the City improve air quality and achieve Kyoto targets, as well as alleviate traffic congestion on Arterial Roads.

The provision of public transit is also closely aligned with other municipal initiatives. A new emphasis on residential intensification that encourages higher densities within existing built-up urban areas will in turn support the expansion of transit services and increased ridership.

### **11.3.2 Land use policies to support transit needs**

The provision of public transit must be supported by compatible land uses policies and sound urban design principles in order to promote transit use as a viable option for residents. Transit-supportive policies form linkages with other City initiatives, including the need for increased residential intensification, ongoing efforts at downtown revitalization, and objectives established by the *EarthCare Sudbury Local Action Plan*.

#### ***Policies***

1. Urban design and community development that facilitate the provision of public transit will be promoted.
2. Development proposals will be reviewed to ensure efficient transit routing so that all dwellings in the development are ideally within 500 metres walking distance of a bus stop.
3. Mixed uses and higher density housing along Arterial Roads and at other strategic locations are encouraged as a means of enhancing the feasibility of transit services, increasing ridership, alleviating traffic congestion and reducing reliance on the automobile.
4. Buildings should be sited as close to the street as possible to reduce walking distances for transit users.
5. Wherever possible, a well-placed and continuous road grid with relatively close spacing will be provided in order to facilitate the provision of public transit.
6. Pedestrian walkways, intersections of major roads, and pedestrian access systems are to be integrated with transit stops, and wherever possible, connected to trail systems.
7. The provision of public transit will be integrated into the long-term planning of future *Employment Areas*, including facilities for the convenience and comfort of transit users.

### **11.4 PARKING**

The supply and cost of parking play a key role in the operation of the transportation network. These factors also influence the choices we make each day, on how we get to work and even where we shop. Parking policies may even impact preferences as to where we live, an important consideration in the promotion of residential uses in the *Downtown*.

Parking includes metered and unmetered spaces, private off-street lots, and general purpose off-street lots. The City operates a system of municipal parking lots at moderate short-term rates, most notably in the *Downtown* core. The majority of the parking supply, however, is provided by private operators who establish rates in accordance with market demand.

#### ***Policies***

1. New developments generally must provide an adequate supply of parking to meet anticipated demands.

2. Based on a review of parking standards for various land uses in the City, parking requirements may be reduced in those areas that have sufficient capacity, such as the *Downtown* and other major *Employment Areas*.
3. Opportunities to reduce parking standards for mixed use projects or groups of uses that share parking facilities will be reviewed and implemented if feasible.
4. Payment-in-lieu of providing parking spaces may be required provided that any revenue will be used for the construction of consolidated parking facilities in the general area of the development.
5. Standards for the provision of accessible parking will be reviewed to ensure an adequate supply of parking spaces for persons with disabilities, including additional on-street barrier-free parking in the *Downtown*.
6. Parking areas are subject to site plan control and will be landscaped and adequately screened. Wherever possible, it is desirable to have parking lots located to the rear of buildings in order to preserve built form and create pedestrian-friendly streetscapes that retain a sense of enclosure. Parking areas should be developed in an environmentally friendly manner to reduce the impact of large paved areas.

## **11.7 ACTIVE TRANSPORTATION: PEDESTRIAN AND BICYCLE NETWORK**

Protecting and expanding the existing pedestrian and bicycle network in the City is essential to creating quality of place. Trails promote healthy lifestyles and provide an alternative transportation network.

Existing and proposed components of the trail network, including the Trans-Canada Trail and Rainbow Routes, are indicated on *Schedule 5, Trail Route Map*.

### ***Policies***

1. The existing pedestrian and bicycle network will be maintained and expanded through the creation of additional pedestrian walkways, trails and bikeways with adequate signage throughout the City.
2. Development proposals will be reviewed to ensure that there is adequate pedestrian access in new developments. The City may acquire lands to provide pedestrian facilities as a condition of approval. Wherever possible, the provision of adequate bicycle facilities will be encouraged.
3. Bicycle facilities for all new road links and road widening projects will be considered based on an assessment of safety, potential usage, cost, and linkages to major employment, educational, or recreational centres.
4. The maximum level of separation of pedestrians and bicyclists from motor vehicle traffic will be achieved through good road design practices.
5. Sidewalks facilitate active living and are an essential component of good neighbourhood design, providing a safe pedestrian environment and access to other transportation linkages such as transit stops and trails. Curbs and sidewalks in neighbourhoods also encourage walking and provide safety for children. It is policy of this Plan to provide the following on new and reconstructed roads, when feasible:

- a. Sidewalks on both sides of urban Arterial Roads and Collector Roads adjacent to developed lands;
  - b. Sidewalks on at least one side of Local Roads;
  - c. High quality pedestrian connections to transit;
  - d. Pedestrian connections between neighbourhoods; and
  - e. Pedestrian linkages to major attractions/generators.
6. Sidewalks are to be built and maintained to a standard that facilitates the mobility of persons with disabilities.
  7. Barrier-free design of pedestrian facilities will be required through site plans.

## **12.2 SEWER AND WATER**

### **12.2.2 New Development**

Municipal sewer and water services are the preferred form of servicing for all new developments. Municipal sewer and water systems will accommodate all new development, except in unserviced or partially serviced areas where different land use and servicing policies apply.

#### ***Policies***

1. Development in urban areas is permitted provided that existing \*and planned\* public sewage and water services have \*confirmed\* capacity to accommodate the demands of the proposed development. Alternatively, the proponent of the development will upgrade, at their own expense, the existing sewage and water systems to ensure adequate delivery and treatment facilities consistent with City standards, including the adequacy of fire flows. (2007 MMAH Mod #26a, b)
2. It is policy of this Plan to ensure that water supply and sewer capacity are adequate to service development without major line or plant expansion. Official Plan amendments, rezonings, severance and subdivision approvals, minor variances and building permits \*will\* be denied if a water or sewage facility problems exists. (2007 MMAH Mod #26c)

## **14.2 COMMUNITY DESIGN**

Given the number of diverse Communities and Non-Urban Settlements, Greater Sudbury is very much a city of neighbourhoods. Good urban design that respects existing built form and character can enhance the appeal of these neighbourhoods, including the integration of natural features. The following policies are established in order to promote a higher standard of community design.

## ***Policies***

1. Buildings, structures and other design elements that complement existing built form and character are encouraged.
2. Area streetscapes are to be improved over time through appropriate upgrades, such as landscaping, lighting, sidewalks, paving, and public art. These treatments should complement adjacent built form and open spaces, adding to a neighbourhood's character.
3. Wherever possible, natural features and functions should be integrated into the urban landscape in order to preserve and promote the City's natural beauty and ecology.
4. Council will promote the design, preservation, enhancement and creation of significant public open spaces that contribute to the City's image. These open spaces will complement and support the uses, scale, design features and activities generated by surrounding uses and buildings.
5. To the extent possible, *Living Areas* will be connected through the use of open space corridors, trails, sidewalks and streets so that neighbourhoods and schools are linked and interaction is facilitated.
6. Landscaping will be required in:
  - a. the design of all new developments; and,
  - b. existing underdeveloped locations as an effective environmental upgrading technique.
7. Grassing and tree planting activities in the area are to be continued under the Land Reclamation Program. Additional policies on land reclamation and the urban tree canopy are found in Section 9.4.
8. Council will encourage urban design solutions that enhance winter livability. Such methods may include:
  - a. fostering building design and orientation to take advantage of climatic conditions and utilizing passive solar heating and cooling techniques;
  - b. encouraging the development of arcades or galleries linking parallel streets at mid-block location within the *Downtown*;
  - c. investigating the feasibility of covered sidewalks at key locations;
  - d. increasing the number of bus shelters at key locations;
  - e. encouraging landscaping treatments which enhance winter microclimatic conditions and minimize wind chill level; and,
  - f. encouraging the planting of evergreen tree species to increase the amount of winter greenery within the City.

9. Adequate weather protection, seating, visibility and lighting at transit stops will be provided wherever feasible.
10. The visual appeal of the urban environment will be enhanced by improving area signage. This may occur through the adoption of new sign regulations.
11. Landscape buffers between non-residential development and adjacent residential areas will be provided.

#### **14.4 BUILT HERITAGE AND NATURAL ENVIRONMENT FEATURE INTEGRATION**

The integration of new development and redevelopment with existing built form and natural features is required to ensure the cohesiveness of neighbourhoods and the integrity of streetscapes. Such integration creates an aesthetically pleasing urban environment and will enhance the City's overall image. This is particularly important in the *Downtown*, where demolitions have negatively impacted the unique built form.

##### ***Policies***

1. All community design will be properly integrated with the City's Natural Environment features and existing built form. Natural features will be retained and integrated into proposed developments. Mature trees will be protected in order to provide shade canopy and to maintain their aesthetic and heritage value. The use of plant species native to the Sudbury Basin will be encouraged when creating new landscape features.
2. Building designs will effectively utilize their site's distinctive potential, such as its geologic, biologic and hydrologic character.
3. A diversity of architectural styles and building materials is encouraged by this Plan.
4. New development should achieve a complementary design relationship to adjacent heritage resources. Additional policies on *Heritage Resources* are found in Chapter 13.0.
5. In the City's urban areas, urban landform features such as rock outcrops and hilltops provide visual assets that contribute to defining the image of Greater Sudbury. New developments that are proposed on or near an urban landform feature will ensure, to the satisfaction of Council, that there will be no significant change to the visual asset provided by the landform feature. Council may require such developments to include measures that must be taken to mitigate any impacts on these visual assets.
6. New developments should aim at reducing light pollution, preserving the night skies, and conserving energy through appropriate site design and use of external lighting on development sites.

#### **14.5 DESIGN FEATURES, VIEWS AND CORRIDORS**

The preservation and enhancement of the City's design features, views and corridors has a direct impact on the day-to-day experience of residents and the impressions made upon visitors. It is important to protect those elements that enhance the quality of the urban environment including scenic vistas and natural features, all of which collectively contribute to the City's overall quality of place.

## ***Policies***

1. New land uses or design features that would detract from the enhancement of major focal point areas within the City, such as Science North, the Big Nickel, Bell Park, Tom Davies Square and Laurentian University are discouraged. The open space character and natural aesthetic environment of the Paris Street corridor, especially that section between Walford Road and York Street, will be preserved and enhanced. In particular, the view corridor to and from Science North shall be protected.
2. Those aspects of the *Downtown* that contribute to the image, character and quality of life in the City will be identified and preserved. Viewpoints to landmark features should be preserved as a means of guiding movement through the core and enhancing the visual appeal of the *Downtown*. New landmark features should be developed and integrated into the *Downtown* landscape, including the completion of the Farmers' Market.
3. Landscaping will be used to frame desired views or focal points, direct pedestrian movement, and satisfy functional requirements, such as providing shade and buffering. All new development proposals will be evaluated for their opportunity to create, maximize or enhance existing views through landscaping.
4. Where development or redevelopment is proposed along any Arterial Road, it will be policy of Council to require the following:
  - a. proponents are to submit a landscaping plan as part of the site plan approval process;
  - b. a three-metre landscape strip along the Arterial Road frontage will be provided;
  - c. all areas on a site not used for parking, driveways, storage, loading and buildings are to be landscaped or retained in a natural state;
  - d. wherever possible, encourage parking to be located to the rear of buildings;
  - e. where outside storage is permitted, require that such facilities be located out of view from the Arterial Road corridor; and,
  - f. signage will be integrated with the building wherever possible.
5. This Plan encourages the design and layout of streets, pedestrian walkways and bicycle routes such that they provide vantage points for significant views and vistas along their lengths, including trails and bike paths.
6. View corridors to lakes should be preserved.

## **Appendix # 3**

### **Studies and Submittals – Recreation and Community Centre**

**Files: 751-6/17-27**

**RE: Application for Rezoning – 1916596 Ontario Ltd  
PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9,  
Concession 4, Township of Neelon, Kingsway, Sudbury**

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The following studies and submittals have been submitted in support of and in response to the application and are linked to this appendix:

[Planning Justification](#), Rezoning Application - City of Greater Sudbury Event Centre, Karl Tanner Dillon Consulting Limited, December 4, 2017

[Addendum to Planning Justification](#), Rezoning Application – city of Greater Sudbury Event Centre/Arena, Karl Tanner Dillon Consulting Limited, March 7, 2018

[Stage 1 Planning Hearing – Public Comment Summary](#), Planning Committee Meeting #1 – Public Comment Summary – Event Centre/Arena, Dillon Consulting Limited, March 5, 2018

[Traffic Impact Study](#), Kingsway Sports and Entertainment Complex, Traffic Impact Study, Dillon Consulting, December 2017

[Memo – Post event exit time vs. processing time](#), Kingsway Sports and Entertainment Complex Exit Times vs. Processing Times following Arena Events, Brent Hooton Dillon Consulting, February 23, 2018

[Peer Review Comments – Traffic Impact Study](#), Review for Proposed Kingsway Sports and Entertainment Complex, City of Greater Sudbury, Brett Sears and Ubaid Ali, WSP, February 16, 2018

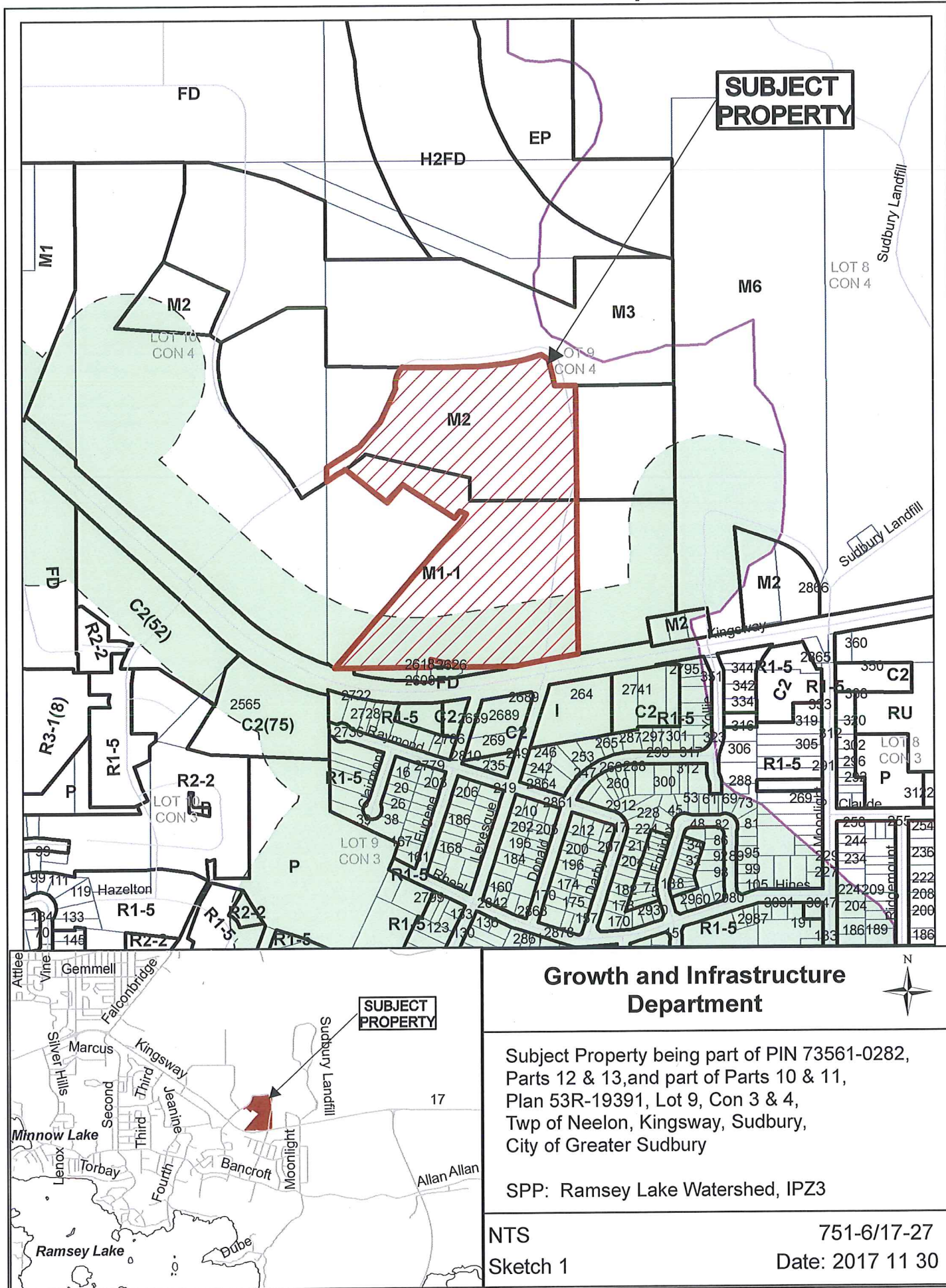
[Addendum to Traffic Impact Study](#), Kingsway Sports and Entertainment Complex Traffic Impact Study addendum, Mike Walters Dillon Consulting, March 9, 2018

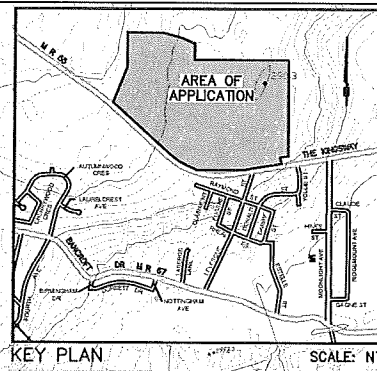
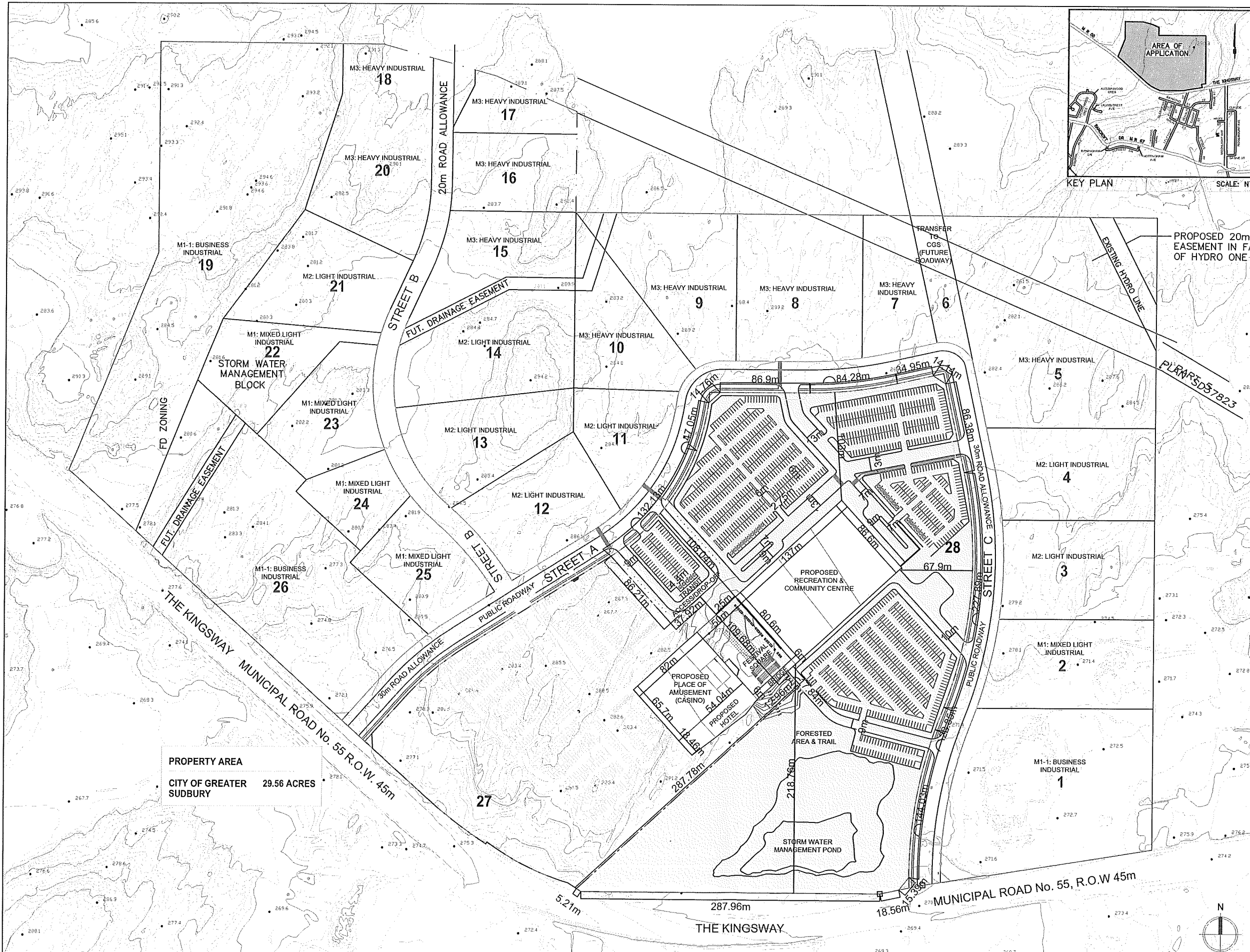


[\*\*Species at Risk Submittal\*\*](#), Jack Nicholas Business Innovation Park – the Kingsway Sudbury Species at Risk Assessment, N.A.R. Environmental Consultants Inc., August 17, 2014

[\*\*Risk Management Plan\*\*](#), Risk Management Plan Kingsway Site – Preliminary report, Rob Kell Dillon Consulting Limited, March 9, 2017

## Source Protection Plan Map





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15	Description	Date
1	ZONING BY-LAW AMENDMENT	15/11/2017

PROJECT:  
**SUDBURY, ONTARIO**

TITLE:  
**CONCEPTUAL KINGSWAY INTEGRATED SITE PLAN**

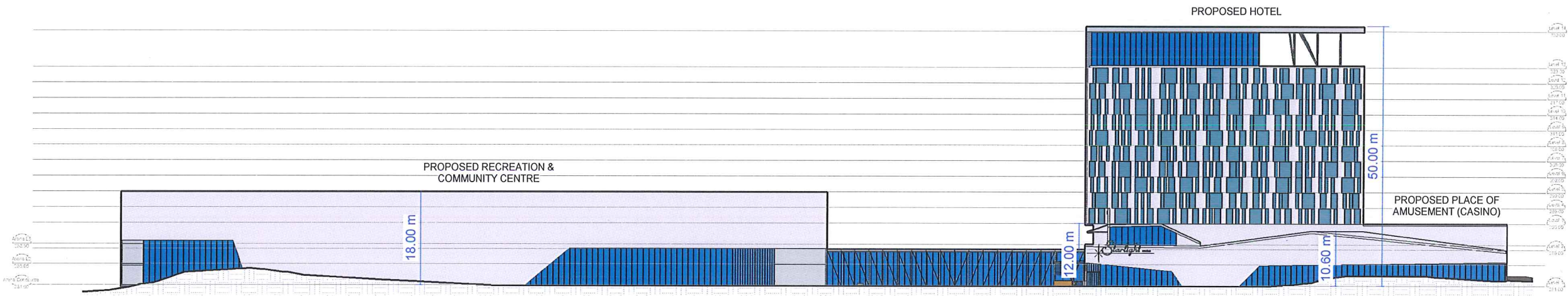
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PROJECT NO:  
17056

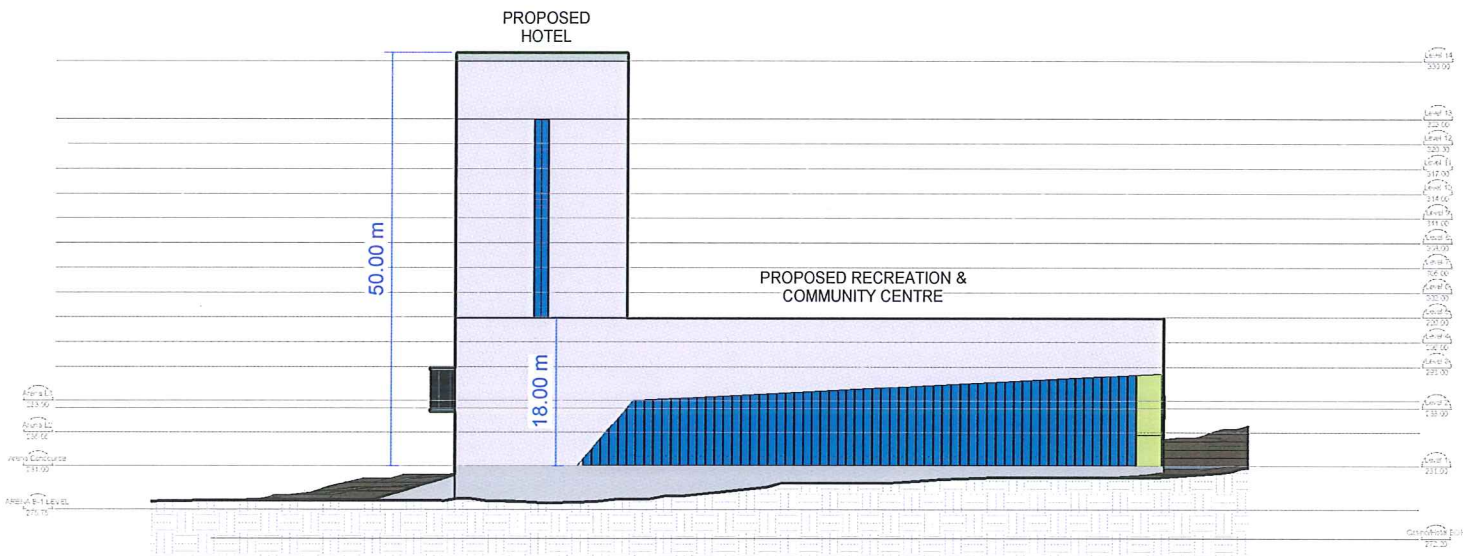
CHECKED:

DRAWING NO:  
**A110**





1 North Elevation  
1 : 400



2 East Elevation  
1 : 400

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NOT TO SCALE

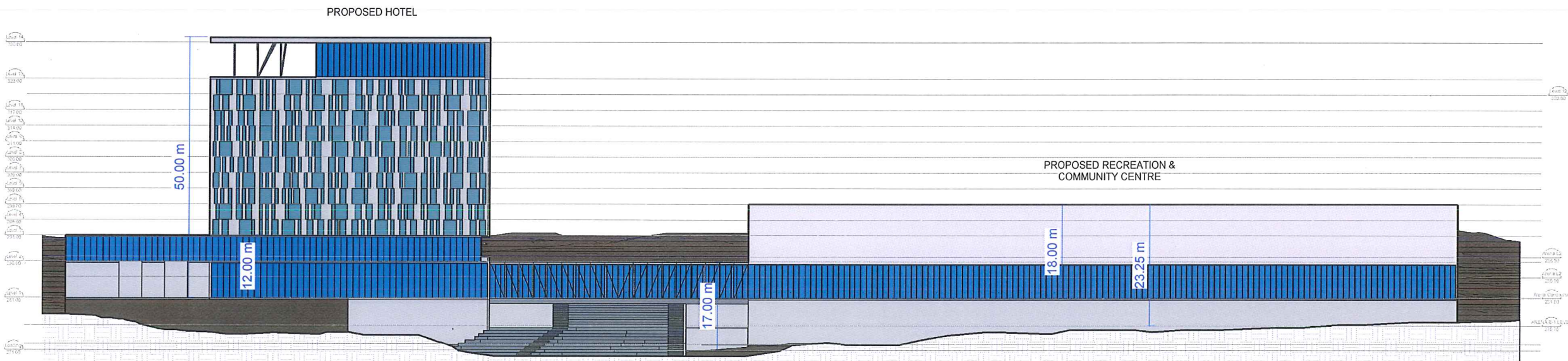
1	Submit for zoning	2017/11/15
No.	Description	Date

PROJECT:  
Kingsway Entertainment District

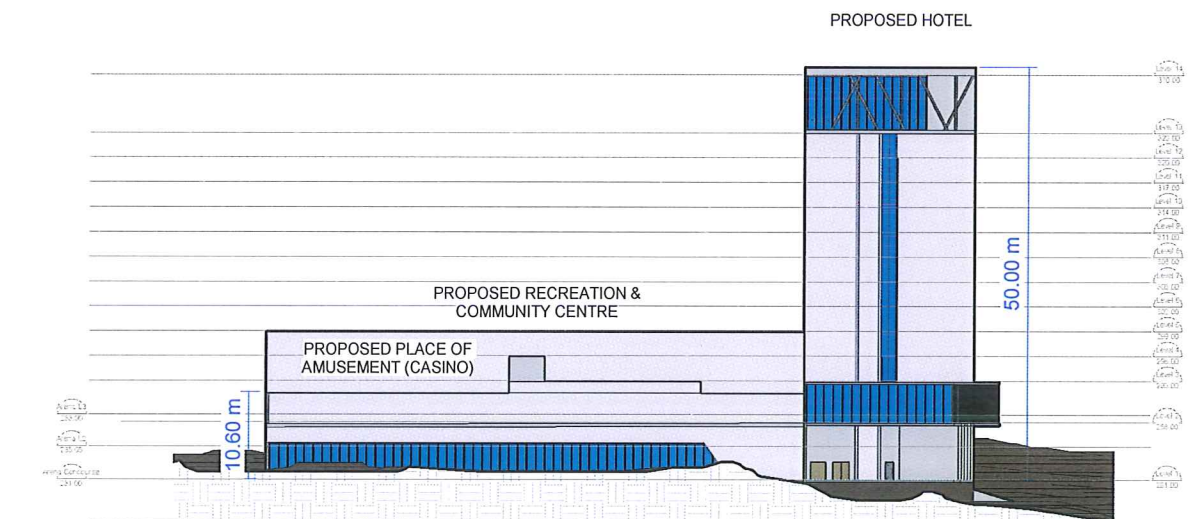
TITLE:  
Elevations

PROJECT NO.:  
17056  
DRAWING NO.:  
A300

CHECKED:  
AH



1 South Elevation  
1 : 400



2 West Elevation  
1 : 400

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**NOT FOR  
CONSTRUCTION**

**NOT TO SCALE**

1	Submit for zoning	2017/11/15
No.	Description	Date
PROJECT: Kingsway Entertainment District		
TITLE: Elevations		
PROJECT NO: 17056	DRAWING NO: <b>A301</b>	
CHECKED: AH		



File: 751-6/17-27  
Kingsway,  
Sudbury  
2017 Orthophotography



Subject Property





## **Request for Decision**

**1916596 Ontario Ltd. – Preliminary Planning Report - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury**

Presented To: Planning Committee

Presented: Monday, Jan 22, 2018

Report Date Monday, Dec 18, 2017

Type: Public Hearings

File Number: 751-6/17-27

### **Resolution**

THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on File 751-6/17-27, as outlined in the report entitled "1916596 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 22, 2018;

AND THAT staff complete their review of application File 751-6/17-27 and schedule a second public hearing on this matter before the Planning Committee when complete.

### **Relationship to the Strategic Plan / Health Impact Assessment**

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

### **Report Summary**

This report provides information for the first of two public hearings on the proposed rezoning for a recreation and community centre in the form of a public arena on the north side of the Kingsway, west of Levesque Street in Sudbury.

The owner has requested to rezone the subject lands from "M1-1", Business Industrial and "M2", Light Industrial to "M1-1(S)", Business Industrial Special to permit a recreation and community centre.

Planning Staff are recommending that comments and submissions made at the public hearing be received and that Staff be directed to complete their review of application, File 751-6/17-27, and schedule a second public hearing on this matter before the Planning Committee.

### **Financial Implications**

#### **Signed By**

##### **Report Prepared By**

Alex Singbush  
Senior Planner  
*Digitally Signed Dec 18, 17*

##### **Manager Review**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Dec 18, 17*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Dec 18, 17*

##### **Financial Implications**

Jim Lister  
Manager of Financial Planning and  
Budgeting  
*Digitally Signed Jan 3, 18*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and  
Infrastructure  
*Digitally Signed Jan 3, 18*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 8, 18*

There are no financial implications at this time as this is the first of two public hearings on this matter.



**Title:** 1916596 Ontario Ltd.

**Date:** December 5, 2017

## **STAFF REPORT**

### **Applicant:**

1916596 Ontario Ltd.

### **Location:**

PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9, Concession 4, Township of Neelon, 0 Kingsway, Sudbury

### **Provincial Policy Statement and Northern Growth Plan:**

#### 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.

The following policies of the PPS are relevant to the application:

Policy 1.1.1 relating to sustaining healthy, liveable and safe communities;

Policy 1.1.2 relating to land availability;

Policy 1.1.3 relating to settlement areas;

Policy 1.2.6 relating to land use compatibility;

Policy 1.3 relating to employment;

Policy 1.5 relating to public spaces;

Policy 1.6 relating to infrastructure and public service facilities;

Policy 1.7 relating to long-term economic prosperity;

Policy 1.8 relating to energy conservation, air quality and climate change; and

Policy 2.1 relating to natural heritage.

These, and potentially other, policies will be considered during the review of the application.

#### 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 following policies of the Growth Plan for Northern Ontario are relevant to the application:

Section 2.3.10 relating to tourism;

Section 4.2 relating to long range planning for all communities;

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Section 4.3 relating to economic and service hubs; and

Section 4.4 relating to strategic core areas.

These, and potentially other, sections will be considered during the review of the application.

**Official Plan and Zoning By-law:**

Official Plan

The subject lands are designated "General Industrial" in the City of Greater Sudbury Official Plan. Section 4.1, Employment Area Objectives, states:

It is the objective of the Employment Area policies to:

- a. ensure that an adequate supply and variety of serviced employment land exists throughout Greater Sudbury in accordance with the settlement pattern, allowing for the expansion and diversification of the employment base;
- b. ensure that a broad range of commercial opportunities are provided for residents, employees and tourists;
- c. promote the intensification and revitalization of commercial, industrial and institutional areas;
- d. ensure adequate institutional facilities, such as educational, health care and social service facilities and services, are provided at suitable locations to meet the evolving needs of residents of all ages and physical capabilities in the City;
- e. promote the development of the *Downtown* as an employment and business centre for the City;
- f. ensure that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites;
- g. promote environmentally sound industrial practices and mitigate conflicts with sensitive uses;

General Industrial Policies contained in Section 4.5.1 indicate that:

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, 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.

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Institutional Areas are addressed in Section 4.4 of the Official Plan which indicates that Institutional uses, which include community facilities intended for public use, are permitted throughout the municipality in accordance with the needs of area residents. Institutional Area Policy 2. contained in Section 4.4 indicates that:

In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;
- b. adequate traffic circulation can be provided;
- c. adequate parking for the public is provided on-site;
- d. public transit services can be provided economically for the site;
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,
- f. adequate buffering and landscaping is provided.

These policies will be considered during the review of the application.

Other policies of the Official Plan that are relevant to the application are those respecting:

Water Resources (Section 8.0)

Stormwater (Section 8.6);

Natural Environment (Section 9.0);

Public Transportation (Section 11.3.2);

Parking (Section 11.4);

Active Transportation (Section 11.7);

Sewer and Water (Section 12.2);

Community Design (Section 14.2);

Safety and Access (Section 14.3);

Built Heritage and Natural Environment Feature Integration (Section 14.4); and

Design Features, Views and Corridors (Section 14.5).

These policies, and potentially other policies, will be considered in the review of the application.

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### Zoning By-law

The subject lands are currently zoned "M1-1", Business Industrial and "M2", Light Industrial. These zones permit a variety of land uses but do not permit a recreation and community centre and, as such, the applicant is requesting a rezoning to "M1-1(S)", Business Industrial Special to permit a recreation and community centre. The application requests an exception to permit a building height of 55 m (180.45 ft) in the M1-1 Zone where the maximum building height permitted in the by-law is 12.0 m (39.37 ft.). An additional exception to permit a minimum interior side yard of 0 m where the minimum interior side yard required in the by-law is 3.0 m (9.84 ft.).

By-law 2010-100Z, the Zoning By-law for the City of Greater Sudbury defines a Recreation and Community Centre as:

A building or structure, or part thereof, owned or operated by a private club, a non-profit or charitable institution or a public agency including a facility developed or operated as a public-private partnership, where facilities are provided primarily for athletic or recreational activities or events, and includes, without limiting the generality of the foregoing, an arena and a public pool.

The parking standard for a recreation and community centre is 1 parking space for every six (6) persons of capacity of the facility.

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the north side of the Kingsway west of the intersection of Levesque Street and the Kingsway in a draft approved industrial plan of subdivision referred to as the Jack Nicholas Business and Innovation Park, City file reference 780-6/10002. The plan of subdivision was draft approved on October 26, 2010, proposing a total of 33 blocks of land to the north of Kingsway Boulevard in the community of Sudbury. The subdivision is accessed via two proposed roads (Streets "A" and "C" on the draft plan) from Kingsway Boulevard.

The south western portion of the community recreation centre site has limited frontage on the Kingsway with additional frontage provided by streets "A" and "C" of the draft approved industrial plan of subdivision. The property encompasses approximately 11.96 ha (29.56 acres) and is currently vacant and consists of undulating bedrock and a lowland area, located at the south west corner of the site. An air photo of the subject lands has been attached to this report. The lands are subject to the Source Water Protection Plan, located within the Intake Protection Zone 3 of the Lake Ramsey Issue Contributing Area.

Immediately to the south of the subject lands, on the north side of the Kingsway there are four properties located in the "FD", Future Development zone. The easternmost property is owned by the applicant and is vacant while the other three properties, 2600, 2618, and 2626 Kingsway, are occupied by a duplex and two single detached dwellings. Land to the east, west and north within the draft approved industrial plan of subdivision are vacant and zoned "M1-1", Business Industrial, "M2", Light Industrial and "M3", Heavy Industrial.

### **Application:**

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "M1-1", Business Industrial and "M2", Light Industrial to "M1-1(S)", Business Industrial Special to permit a recreation and community centre and to provide exceptions to the required interior side yard setback and maximum height permitted.

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**Proposal:**

The application proposes to rezone the property to permit a recreation and community centre in the form of a public arena. A 5,800 seat recreation and community centre with 1,250 parking spaces are proposed on lands contained by the loop formed by Streets A and C on the draft plan of subdivision. The 11.96ha (29.56 ac.) site is proposed to have three points of access on north/south Street C and four points of access on east/west Street A.

The recreation and community centre site is proposed to be immediately adjacent to a proposed 7,696 m<sup>2</sup> (82,839 sq. ft.) casino and 15 storey hotel project with 825 parking spaces on a 6.96 ha (17.2 ac.) site that is the subject of separate official plan amendment and rezoning applications. The casino and hotel are proposed to be connected, via an enclosed pedestrian bridge, to the recreation and community centre and the projects will share an outdoor plaza referred to as "Festival Square" on the conceptual development plan. The applicant has provided the attached conceptual elevations of the proposed development.

**Departmental/Agency Circulation:**

Comments from circulated departments and agencies will be provided as part of the review of the application and will be included in the staff report as part of the second public hearing.

**Neighbourhood 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 owner 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.

**Planning Review and Considerations:**

Applicant Studies

The applicant has submitted a Planning Justification letter supporting the proposed zoning by-law amendment for the site; this letter is under review. Comments will be provided on this report at the second public hearing on this application.

The applicant has submitted a Traffic Impact Study for the site; this study is under review. Comments will be provided on this report at the second public hearing on this application.

The applicant has submitted correspondence from the Ministry of Natural Resources and Forests dated September 23, 2015 indicating that the Ministry has determined that activities associated with development of the site have a low probability of contravening the Endangered Species Act for Blanding's Turtle and Whip-poor-will.

The applicant has submitted an application for Restricted Land Use Review Application for Section 59 Notice in accordance with the Greater Sudbury Source Protection Plan. Comments will be provided on this application at the second public hearing on this rezoning application.

Preliminary Planning Review and Considerations

The preliminary review of the application has identified the following matters which will be examined as part of the full review of the application. These include but are not limited to the following:

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Consistency with the Provincial Policy Statement;

Conformity with the Growth Plan for Northern Ontario;

Conformity with the City of Greater Sudbury Official Plan including but not limited to:

- The relationship between the proposed development and policies respecting the natural environment;

- The impact on the proposed development on the transportation network;

- The adequacy of municipal services;

- Opportunities for the provision of public transit services for the site;

- Land use compatibility; and

- The relationship between the development and surrounding area.

## **MINUTES – JANUARY 22, 2018 – 751-6/17-27**

1916596 Ontario Ltd. – Preliminary Planning Report - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury

**The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.**

Report dated December 18, 2017 from the General Manager of Growth and Infrastructure regarding 1916596 Ontario Ltd. – Preliminary Planning Report - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury.

David Shelsted, Project Director for the Event Centre, and Karl Tanner of Dillon Consulting, agents for the applicant, were present.

Alex Singbush, Senior Planner, outlined the report.

Alex Singbush, Senior Planner, stated that the zoning by-law permits certain land uses within certain land use designations. These lands are currently zoned M1-1 and M2. These zones permit a variety of land uses but they do not permit a recreation and community centre in the form of an arena. Due to this fact, the applicant must seek a rezoning approval in order to allow for this land use on this property and that is why the application has been made. While Council has indicated a preferred location, Council, through the Planning Committee, also has a land use planning decision to make with respect to the appropriateness of the proposed land use on these lands in order to comply with the zoning by-law. The decision the Committee will be making is whether or not to allow this particular land use which is defined in the by-law as a recreation/community centre on the parcel outlined in red.

Carl Tanner, registered professional planner with Dillon Consulting, stated that they are a Canadian based professional services firm that specializes in planning, engineering and environmental matters. They have one of the largest planning groups in Canada. He has been with this agency for 23 years and was previously the real estate sector leader for Dillon Canada which involved him in all planning decisions in that particular sector. He stated that his final analysis and professional opinion about the proposed By-law zoning amendment will show how it is consistent with the Northern Growth Plan, the Provincial Policy Statement and the Official Plan. The planning process is fluid and transparent. They are present to listen as it is very important that they take into consideration the public's comments. Based on his experience this is a fairly straightforward application. They will include the comments regarding the land use issues into the planning documents that they submit for this application. It is interesting to note that a private arena is actually permitted on this property and they are looking to add as a permitted use a public arena in the form of a recreation and community centre. Because the properties are tied together, there are a few property setback requirements for the buildings. They are looking for an amendment as well for a zero (0) set back interior side yard setback and a maximum building height of 35 metres, which will be also tied to the planning approval. It is important to note that this property is also part of a draft plan of subdivision for the purpose of the approval process. What they hear tonight and the continuation of the public engagement process is critical in how he will finalize his opinion. A traffic impact assessment has been completed for this application and his colleague from Dillon Consulting is available should there be any questions in relation to that assessment.

Arthemise Camirand-Peterson, President of the New Sudbury Historical Society and past Chair of the New Sudbury Community Action Network (CAN) in Ward 12, stated that she is supporting the rezoning application to allow for a recreation and community centre in the form of a public arena and a place of amusement in the form of a casino. She stated she has heard from many residents at the Ward 12 CAN meetings expressing the need for a community centre and meeting place which they deem are lacking in New Sudbury. Currently, many gather in the New Sudbury Shopping Centre, which does not fall into the category of healthy activity, especially for youths. The New Sudbury population represents approximately 26,000 residents. She stated that they do have a library and a pool in New Sudbury, but they do not have a community centre or an arena which many other smaller neighbourhoods do have. She would like to have a gathering place where friends can meet and interact with other residents as this is beneficial for mental and physical health. She believes that when the event centre opens, it will promote development of many smaller businesses along the Kingsway and will be easily accessible thanks to all of the major highways leading to the area. She further stated that there are many hotels at which travelers can stay, as well as many restaurants and shopping options. She thanked the Committee for making downtown Sudbury the art hub of Sudbury.

Herve Sauve stated that he would like to speak against the rezoning before they have a referendum on the matter. He feels as though the whole matter did not appear to be genuine as the way they voted did not seem correct. He is speaking as a former lawyer, he always had to be careful in the Crown's office that they did not appear to favour one side or the other, and they had to remain impartial. He stated that the Ombudsman or a third party investigator should look into what transpired to reach this decision to have the event centre on the Kingsway. He stated that they should adjourn this matter until the next election so that the new Council can make this decision. A large sum of money is being spent on an arena on the Kingsway when we already have one. He further stated that it will also cost 30 million dollars to prepare the site on someone else's property. He believes the rezoning would be against the master plan, against the advice of the consultants and staff and the voting procedure was not right. He believed that the tie vote for the first resolution would mean that they kept the old arena. He has been speaking to friends that play hockey at the current arena and they don't have any issues with it. The current arena could use improvements but they should be spending money on it rather than a new one. The current arena is a historic place, everyone knows the current arena and we should leave it there. If Mr. Zulich wants to build another arena, he can, but we should not be paying for it.

Steve May stated that he is not here on behalf of his employer or any organization. He is here as a citizen of our community that has an interest in seeing economic development and seeing that land use planning is carried out in support of economic development initiatives. One of his mentors who used to be an Ontario Municipal Board member once identified the Municipal Official Plan as being akin to a public promise in which a decision should run against it only if there is a very good reason. In 2006, when the City adopted its Official Plan, it made a promise to the Community that decisions would be in line with the policies of that plan. He does not believe that the event centre in this location is in keeping with the City's Official Plan. He stated that staff is under the impression that because section four (4) of the Official Plan provides for institutional uses to be located "throughout" the municipality, Official Plan conformity is not in question. If you are to interpret "throughout the municipality" that would mean arenas and institutional uses would be permitted in land use designations such as floodplains and roads. When reading the Official Plan, one must look if the uses being proposed are appropriate for the location in which it is being proposed. This community arena is a facility that is going to operate at a loss of \$800,000 per year, which as a citizen of the community he is ok with because this establishment would be an amenity to attract economic development and residential



development. Therefore, we need to make sure it is in the right location in order to maximize these opportunities. He would suggest that an industrial park on the urban fringe of our City is not the right location for an important public facility. He suggested that there would have been an opportunity to look at whether or not this location made sense in the context of an industrial park, which has not been fully addressed. The permissions that the Official plan currently allows for an industrial park do not include a public facility in the form of an arena/event centre. This zoning amendment does not conform to the City's Official Plan, it is not in keeping with the Provincial Policy Statement, it does have regard to section two (2) of the Planning Act, and it is not in keeping with the Northern Growth Plan.

David Wood stated that the official website for the City states that the Planning Committee's public hearing will occur today regarding an application for rezoning to permit a recreation and community centre in the form of a public arena and an application for an Official Plan Amendment. An outcome of a successful public hearing in terms of supporting the project, according to the official documentation on the website, indicates that it would lead to an Official Plan Amendment, although they heard otherwise from the applicant. The Official Plan which was adopted by City Council in June of 2016 is a blueprint to help guide Greater Sudbury's development over the next 20 years. It is the principal land use planning document. It presents a vision of Greater Sudbury between 2026 and 2037, and has the policies to provide for development decisions which are consistent with the visions of the City. The Official Plan establishes goals, objectives and policies to manage and direct physical change and its effects on the social, economic and natural environment in this period of time. It also forms the basis of the City's zoning By-law and other use controls. It guides land use, infrastructure decisions and future planning initiatives. Within the Official Plan in section 4.2.1.1, under downtown residential development, it states that residential development of the downtown is the key to its future success and is consistent with residential intensification policies. Increasing the number of people living downtown will enhance the existing community dynamic and expand the residential constituency. A residential base also provides support for downtown businesses and acts as a stimulus for small businesses' development. Amenities such as the farmers' market, Sudbury Theatre Centre, Greater Sudbury Public Library and Sudbury Arena contribute to the appeal of the downtown. In order to make it more attractive as a place of residence, additional amenities are necessary to enhance the livability of the downtown. To expand further upon the development of the downtown, the Downtown Sudbury Master Plan was created in four (4) phases between September 2010 and February 2012. The process of the Downtown Master Plan was to create a healthy, active, and successful downtown to make a positive statement about the prosperity of the City and send a positive message to future residents, businesses and investors. The future of our community is critically associated with downtown; therefore, he suggested that the location of the arena should remain in the downtown. The Master Plan notes that while the downtown has a number of strengths, there is greater potential for improvement. The Downtown Sudbury Master Plan presents a series of recommendations to reinforce the downtown's role as the biggest, brightest and best downtown in northern Ontario. It outlines strategies for improving the downtown's economic, cultural and retail activity. The downtown could be considered the capital of North if the plan is followed. It is in his opinion that Council has decided to follow neither the Official Plan nor the Downtown Master Plan, both of which were created to avoid the issues we are currently discussing.

Lilly Noble, representing the Ramsey Lake Stewardship Committee, provided an electronic presentation regarding the proposed rezoning and salt impact it will have to the water in Ramsey Lake. The entire property is in the Ramsey Lake watershed and the water flows south directly to the lake. Significant amounts of water flow under the rock and wetland to the lake, which would flow through the subject property. The entire property is 47 acres and

approximately 27 acres of this property is parking, which will need to be salted and de-iced. Approximately 15,000 - 40,000 pounds of salt will be used per snow event to de-ice the parking lots. Unfortunately, the salt cannot be stopped as it is highly soluble and will flow directly downstream. This salt will then enter our ecosystem. Chloride is toxic at 120mg/L and impedes on osmoregulation of fresh water species. Un-impacted lakes on the Canadian Shield have 1-7 mg/L of Chloride in the water and Ramsey Lake had 100mg/L in 2013. Based on estimates, Ramsey Lake will reach the toxic level of 120mg/L in 13 years without the addition of the salt that will be used on the subject property. Sodium levels are also a concern as they are already over the normal amount. She does not believe that this is a healthy thing for Ramsey Lake, not as an ecosystem on its own or as a drinking water source. There are other good options, therefore she does not understand making this decision that will greatly affect 60,000 citizens' drinking water and a jewel in the centre of Sudbury.

Joel Belliveau stated that he has loved Sudbury since he moved here, and what struck him the most is the potential that the downtown has. He stresses that the downtown is the only spot that can become an area that individuals could meet and walk around outside. He believes the downtown could be at risk given shops beginning to close. He believes that the downtown continues the way it is, it could become a liability and an area that would need to be serviced but bring in very little revenue because it would become a dead zone. Many cities in North America have seen this happen to their downtowns, but it has the potential to be full of people because of the critical mass of things that there are to do. Weekends where there are events and festivals, such as Rib Fest, the downtown thrives. He does not feel that the downtown can risk losing the arena as it would be a big blow, and difficult to overcome. The Kingsway site would be a new urban, recreational and commercial, area somewhere that would take away expendable income from other city centres. This land on the Kingsway is the perfect place for an industrial site and he does not understand why it is not being used as an industrial park. We do not need to go along with the project that a local entrepreneur is taking on because he has not been able to find a use for the property that he has purchased. We should keep our focus firmly on our collective interests as a Municipality. Rather than bringing forward arguments that have already occurred, he is appealing to the independence, openness and any doubts the Councillors may have, as this is an important decision. The project is polarized and this would de-track the project, but it is necessary in order to come up with a project that will rally more of the Community.

Arthur Peach stated that he is part of an architectural and planning consulting practice that has been active in Sudbury since 1957. The Planning Committee is governed in their deliberations and decisions by the Official Plan and other statutes. The Committee and staff have a stewardship obligation to assure the implementation of the Official Plan on behalf of the citizens and institutions of Sudbury. He stated that what is unprecedented is the contemplation of spending well over 100 million dollars for an arena/event centre and tens of millions of dollars on supporting infrastructure in an inappropriate location. He and his colleague have great concern that the application, in almost every category of reference to the Official Plan, cannot be justified and must be rejected in favour of rational planning. He stated that it is the Committee's civic duty to reference the Official Plan, to advocate, and to demonstrate rationally how and why a project of this size should be built in the Downtown. Quoting the Official Plan, "the heart of Greater Sudbury, the most urban place", "to enhance the Downtown as location of government, commerce, culture and entertainment facilities." He stated that the new arena should not be remote on the periphery of the built centre of our community. It should not be on lands designated as Heavy Industrial by the Official Plan. It should not be adjacent and connected to a casino or neighbouring the Municipal landfill site. Many detrimental changes have been made to the downtown, it is being hollowed out to serve private commercial interests

without much thought for the peoples' interests. He believes the Planning Committee and Council have failed their responsibilities to the Official Plan. He stated this is an opportunity to be proactive and make a statement about being proud and improving the downtown.

Vicki Jacobs stated that there are many in the community that have lost faith in this process and she is opposing the rezoning of this property for an arena. It does not comply with the Official Plan, the draft Official Plan or the Downtown Master Plan, all of which Council has approved. These are forward thinking documents that this proposal does not fit within. This proposal also does not fit with the City's economic development plan. All of these plans have taken thousands of hours of the community, staff and experts' time. The land in question is zoned to be an industrial park, which makes sense as it is outside of the City and right beside the City landfill site. This site does not work for what the City wants to be the heart of the community, our community arena. Putting our community arena on this industrial property increases infrastructure sprawl that needs to be built, and will be paid for over many years, and our children will have to pay for it. There has been no economic impact assessment on the impact of putting the arena on the Kingsway in regards to the rest of the City. Making these decisions without having this type of information is a bad business practice. Placing the arena on this property provides no benefit to the rest of the City's commercial sector, and it will harm them. This proposal goes against all expert opinions, planning practices and our own well laid plans. She urged that they stick with the plans the City has built over the years.

Jim Hallows stated that he has grown up in Greater Sudbury. He agrees with comments made in regard to opposing the location on the Kingsway. He lives on Lake Ramsey and watches the trains go by, and he is concerned at the possibility of a train being derailed and damaging the lake. He stated that he has heard that CPR has offered their land and track to build the arena. He believes this would be the best location as it would be downtown and remove the concern of a train derailment near Lake Ramsey.

John Lindsey, Chair of the Minnow Lake Restoration Group, stated that he is an environmentalist that is concerned about the environment, which in this case is the City of Greater Sudbury. Narrowing it down, this environment consists of 330 lakes, the jewel of the lakes being Lake Ramsey. The environmentalist concerns are specifically in reference to section 1.1.1 of the Provincial Policy Statement relating to sustaining healthy, liveable, and safe communities and also sections 8.0 Water Resources, 8.6 Storm Water, and 12.1 Sewer and Water of the Official Plan. In reference to drawing A110 which shows storm water management areas and retention ponds proposed for the development, their submission addresses the matter of salt contamination of Ramsey Lake, which is in the watershed of the proposed development. The proposed development would contain over several thousands of parking spaces requiring winter maintenance and application of road salt. He would like it noted that salt is not removed by any form of storm water treatment, including sophisticated treatment facilities such as the facility being built for Minnow Lake presently. These treatments will remove silt and some other contaminants, but salt will pass through in solution. This will be the same situation with respect to any storm water treatment on the proposed lands for development. The increased salt levels in Lake Ramsey will not contribute to a healthy liveable and safe community, and will not satisfy the critical objects and requirements of the Water Resource sections of the Official Plan. He lives on Minnow Lake but cannot swim in it due to the salt and chloride levels; Lake Ramsey is not currently at this level, but could be. The elephant in the room is that we cannot treat salt or remove salt from the environment, yet we continue to put salt on our roads/parking lots and it ends up in the drinking water of 50,000-60,000 Sudbury residents. There is a study currently ongoing pertaining to this situation and they are expecting

the report within the next few months. We are already at critical levels of pollution generated by salt in Lake Ramsey. If this development goes ahead, there will be further increases. We all should be environmentalists and address this problem.

Elaine Porter, Vice-Chair of the Greater Sudbury Watershed Alliance, stated that the group works with the City's Official Plan, and referenced section 8.3 for this particular application. This section states that with respect to drinking water resources, the emphasis is on identifying sensitive features of the City's drinking water resources as well as identifying measures to protect, improve or restore these resources. She stated that her other colleagues, John Lindsey and Lilly Noble, have laid out the dimensions of the problem that exists. She emphasized how much the City has gained a reputation for greening for environmental measures and she would like for individuals to think of this when building a large number of impervious surfaces out by the arena. She wants the lake and the water becoming more salinated to be something people consider. It would reduce the aquatic nutrients, affecting many species including the production of milfoil. There is risk management that needs to be considered when making these decisions. Once the salt is in the water, it cannot be removed and it is accumulating without this development. There are practices that can be used for this problem but the best practice is prevention. The prevention in this case is not increasing impervious surfaces, such as a parking lot of asphalt.

Pam Banks stated that she and Mr. Tossell are representing Friends of Sudbury Transit. She does not believe that this is the best location for citizens that need to take transit to the new community arena for a few reasons. The time it would take to get to and from the new arena from the transit terminal downtown is of concern. They understand that there would be special buses during events, however, which events would have special buses and how would they get there at other times? On different days and at different times, access to public transit would change and they are concerned at how this would work. She further stated that they are concerned about the availability of transit during non-events such as a public skate. She inquired where the funding for this transit system would come from. Would it come from existing transit funding and take away from other essential transit services or would money generated from the casino be used to fund this extra transit? What would the impact of parking be on the buses leaving the event when everyone is leaving at the same time? Would this delay people from getting downtown to get to their connections?

Charles Tossell stated that he is appealing the process because he believes that staff should have directed Council to make a decision. Councillors should not have been able to vote for downtown and for the Kingsway, as they should have been required to vote yes to one and no to the other. The City has spent a large amount of money to do studies to support having everything in the downtown core. As an anti-poverty activist and a disability rights activist, he is very disappointed in Council's decision to have an events centre in the eastern part of town instead of downtown. Currently, the City only has one bus an hour which is concerning for transit users anticipating attending an event such as a concert at night. If a bus is running late and prevents riders from transferring to the Moonlight bus route, they will need to take a taxi or have to wait another hour to leave the terminal, which will result in them missing a large portion of the event. If ever a concert exceeds the 11 p.m. deadline, transit users will have to leave early or wait until near midnight for the next available bus route to make a final transfer at the terminal at 12:30 a.m. Traffic impact is not a large problem for the Kingsway as there is the east and west direction for the 2,100 parked cars trying to leave the proposed Kingsway Entertainment District. Had the event centre been located downtown, it would have been much easier for transit users to get themselves to the current transit terminal. It would avoid the

additional costs associated with having to add another later bus route to accommodate the necessary travel for late events. Handi-transit users will also be affected as they will not be able to stay for the entirety of a concert. In conclusion, he stated that tax payer should have been able to use the 100 million dollars to build more housing for those who are homeless frequenting the downtown core.

Cathy Orlando stated that she is international outreach manager to Citizens' Climate Lobby, she trains citizens in 40 countries around the world in how to engage in a civic manner with politicians. She is very concerned with the current process taking place regarding the arena/events centre. In 2009, the former mayor brought in a designer from Sudbury to provide guidance on how to engage a community in building legacy projects in the City, such as the one before the Committee. The City was advised to be audacious and create beautiful projects and be collaborative. The proposed development goes against the City's Official Plan, the Downtown Master Plan and has environmental concerns associated with it. It is the wrong kind of audacious. In relation to the beautiful aspect of this development, it does not meet this requirement either; it is located beside the municipal landfill. She is a highly engaged citizen and she was not aware of when this project was going to be voted on until a week before the vote in June, which coincided with a casino vote. There has been very little collaboration on this matter and the project already feels like a done deal; this is how democracy dies. This project is not following the ABC's of legacy project building advice. She is recommending that there be no rezoning until proper process is followed.

Shawn Ouimet stated that he does not support the proposed rezoning for this development. He is known to be an activist for the downtown and has gone to various cities in order to have a good understanding of what makes for a profitable downtown and businesses. From his understanding there is not a venue, property or arena management company that is guiding staff with this project. When the architects brought the plans for the arena for Council to view, the architects were reminded that we are in the northern Ontario climate. Although the building construction was nice, there was a concern that the north wind would be blowing right through, which the consultant responded that they will put trees and shrubs to block the wind. However, we live in northern Ontario and the trees lose their leaves in the winter time and they will provide no shelter from the wind; yet another reason why we need local project management companies to guide the City on this historically large project. The City has the "puck on their stick" right now, and once the lands are rezoned it will be given to Mr. Zulich and Gateway casinos before knowing all of the terms that could be going on with the property management, the lease agreement, and contracts with those individuals. The casino could have three (3) restaurants and if a local business wanted to open on that property they could not have a similar business in the area because of terms set out by the casino. This is an example of why it is important to see the terms and contracts of what we are investing 100 million dollars into before the rezoning is approved.

Greg Oldenburg stated that he is in a unique position as he has had many conversations with the individuals before him pertaining to the Master Plan, the Official Plan and the Provincial Policy Statement which the Planning staff do have to follow as insight as to how this City is going to be developed. When he purchased his property there was a very clear intention to recreate the downtown as a community. He has spent a large sum of money to bring forward the very plan that will be the most significant adaptive reuse project that the City of Sudbury will ever see in the downtown as it relates to residential heritage adaptive reuse. He would like to question what the intention the City of Sudbury had when deciding the location of this events centre. When you go to any other city, where is the action? People like grit, they do not want to

go to safe places that are benign and have no intention. People want to go where people have invested their own money; independent businesses, club and bars. Residential places that you can go and feel like you're going to some place that you might not want to be all the time but you know you can go there to enjoy yourself and have some fun. We have a transit centre in the downtown, all of the buses lead directly there and all roads lead to downtown. There are clear policies that the provincial government has provided to municipalities that have to be followed. There are clear indications on how cities have to grow and develop existing infrastructure, transit, water and energy. He is asking that these policies be looked at in order to determine if the intention of the arena project on the Kingsway contradicts them. The site on the Kingsway would be an amazing industrial site but does not create the energy that the City of Sudbury needs to have moving forward.

### Recess

At 6:05 p.m. the Planning Committee recessed.

### Reconvene

At 6:15 p.m. the Planning Committee reconvened.

Chuck Jacobs stated that he wanted to focus on the lack of informed public consultation that was done as a part of this process. The only actual consultation that was done to his knowledge was on a website on the Internet asking "how do you feel about the future?"; this is a pretty esoteric question. He does not feel like the open houses that took place after the design was completed were consultations, as it was clear that it was not a place to take in new comments from citizens. There was no need for this process to be polarized; however, it became polarized because of the misinformation from the start of the process. For example, there was a poll done and almost half of the public was under the impression that the City did not have to pay for a new arena as it was being paid for by the developer. This type of misunderstanding could have been prevented if there had been informed consultation. He does not believe that the Councillors were representing informed constituents when making their choice during the vote. Informed consultations are needed in order to prevent a lot of the misinformation that was circulated and he would hope that the process be redone before the project continues.

Patty Buchanan stated that she is an active member of the Sudbury community. She is opposed to the application for rezoning of this property for similar reasons that have been articulated by many. She believes that this proposal is not in accordance with the Official Plan and the Downtown Master Plan. There probably is a way around it, but why would they seek a way around it, when the plans have been so supported since their development. She would like the Committee to consider the following: the average annual growth rate of the City of Greater Sudbury's property taxes from 2000 to 2015 was 5.2%, compared to the average growth of property taxes across 33 other communities of 2.8%. From 2011 to 2018, the City of Greater Sudbury's population grew by .08% compared to the Ontario average population growth of 4.6%. It is expected that in northern regions, the population growth and net migration of citizens will remain stagnant or decline. The population of seniors in the demographic is rapidly increasing and is expected to increase more quickly in northern communities. The City of Greater Sudbury has an infrastructure deficit of approximately a billion dollars. Most can attest to the quality of the City's roads and the water and wastewater infrastructure. Why build new infrastructure on land that is not already serviced when we have the opportunity to build new infrastructure on already serviced land. Building on land already serviced gives us tremendous

opportunity to upgrade the roads and inground infrastructure that already exist. If we build new and have to upgrade existing infrastructure, have we not doubled the bill? Who will pay for these costs, does incurring more costs than necessary make any sense in a community where the population is declining, the rise of seniors is increasing and is this the debt we wish to leave to our children and grandchildren? This is not financially responsible or sustainable and these are the principals when thinking about rezoning a property. If we put so much money into a new project, we will see the existing infrastructure continue to crumble and decay.

Jeff MacIntyre stated that he would like to state the difference between a private and public event centre. With a private event centres, the investment is the sole risk of the private owner. If the private owner today would like to build the events centre at his own cost, he has every right to do so. A public event centre is different from a planning perspective; you're investing 100 million dollars of the public purse into this project. During the process of selecting the location, the consultants and experts were clear that event centers cannot survive as a standalone, they need to build around it as there needs to be interaction. To accept a public event centre means you must accept a new development zone. That development zone is not warranted. An event centre needs to be right size, much in the way a city needs to be the right size. You need to have the right amount of zoned land to be able for the property to have value. If we develop a new development zone without the population base to support it, we are damaging the property value of the existing areas, not just the downtown but the entire City. We are adding excess inventory without the demand to fill it. Because this is a public event centre, because this is the public purse and because this Council will be held accountable for the success of the event centre, it is important to make it as successful as possible. He stated they are putting themselves in a conflict of having to deal with the good of the entire community versus the good of this single massive investment that they are looking at making. It is a different use and has a different impact to our community. There are two (2) scenarios; the first is that no changes occur with this events centre, it remains industrial use. Our crown jewel events centre surrounded by industrial uses which is what we will have to tell tourists. He stated that we are going well beyond the bound of rezoning this one property, we are making a statement that they are going to change the development of this community going forward, putting pressure on every retail zone of the community because of the over capacity. This is the most anti-development planning change this community will ever make, we are telling developers that Sudbury is a bad investment.

Dorothy Klein stated that she is a resident in ward 11, she has offered in writing, email and to the Councillors that she would like to participate in the committee being organizing for Mr. Zulich. The process of input from the community was very poor for this application. She stated that individuals have said that Mr. Zulich has met with people in the community; she does not feel as though he spoke to the residents, as she was not aware. She used to live in the area surrounding the proposed development and upon visiting some of her former neighbours, she realized that they did not know the facts and people were very misinformed. She hopes that they will reassess the process used and have real input from those in the community. As taxpayers, they take offence that taxes are going up and they don't have any input.

Mathieu Labonte stated that he has read the traffic report and it is concerning, as it appears it will negatively impact economic activity coming in and out of Sudbury from North Bay. He runs a very small delivery service acting as a local agent for out of town companies and ships overnight to North Bay. The 6:30 to 7:00 ranges hurt him and make it more difficult for him to do his job; getting parts from local suppliers to out of town shops, as opposed to them coming from Toronto. This development is going to negatively affect the ability of other local and small

businesses from Sudbury to maintain their business and grow. He further stated that the City is not listed as an applicant in the application for rezoning; however there is a representative from the City sitting in the applicant's seat as opposed to the actual applicant, the numbered corporation. He feels as though local business owners are being scared away from speaking, and he hopes that the meeting will be repeated in a more welcoming and safe environment.

William Crumplin stated that since the early 1980s he has been a student or professor of urban development issues. Since 2010, he has been continuing his study of urban development as a student and as a professor, but doing so with an environmental outlook. His studies have brought him to look at cities differently, to look at cities as if they could be living organisms. He looks at the application for rezoning as a vital organ being moved away from the core of the body. He agrees that the event centre will be great and stimulate the economy but it is just as vital as the heart or the lungs. He feels as though the event centre should be downtown and close to all the other important functions of the City. He believes they should follow the Official Plan.

Allen O'Neil stated that we have heard from other speakers that there are multiple planning documents that do not support the proposed use of the land. These documents are paid for by taxpayers. The KPMG report states that we have a massive infrastructure deficit. There is also the Constellation Report which stated that we should be looking at our City as a community of communities, not as one city and not as a city where the former City of Sudbury is the downtown. Why are we ignoring all of these reports? Despite the fact that the consultant's report for the proposed arena had criterias that were skewed in favor of the Kingsway location and prioritized in a way that skewed in favor of the Kingsway location, the Downtown still came out on top. He stated he supports the previous statement that a referendum be pursued on this matter due to all of the misinformation that has been circulated throughout the community. Oracle did a poll that found nearly a majority of individuals believed the arena would be free and did not agree with the City having a loan backing with a private proposal. 70% of individuals wanted the arena in an area that was already being serviced. He believes an investigation should be held based on the misinformation provided. Youth migration is a large problem in Sudbury and in northern Ontario, and we are looking at a development that is going to negatively impact many businesses, but the businesses that will be most impacted by this decision are those in the hospitality sector. There are many young people who work in jobs within this sector. Therefore, by putting the development on the Kingsway, it is harming the youth disproportionately.

Andre Dumais stated that he opposes the application. There was a time where he was a proponent of True North Strong. When Mr. Zulich did his presentation on the development, there was a large amount of excitement surrounding the project; however, one of the key factors was that he was paying for the arena. At best, this project would be a private/public partnership. Mr. Zulich had convinced the community that he was paying for the project. In October of 2016, Council decided that they wanted this to be a community asset that the City would pay for, but the public was not educated in order to switch that perception. To this day, three (3) out of five (5) people he speaks to believes this is a free arena. There is a concrete fear of other developers addressing this situation as they do business with the City or have contracts with the City, and they are afraid of speaking out. The City changed the rules for development fees, and they have not seen any for this application which is a concern. In any other application, it would be up to the developer to pay for the addition of street lights, infrastructure, lift stations, etc. A city planner stated that this application conforms with the Official Plan, yet on the agenda there is a section that says "conformity to the Official Plan", in which it states a very loose



interpretation on how this application conforms. He further stated that it is concerning that there are Councillors that believe that the plans are out of date pipedreams created by consultants from Toronto, which he does not believe is true. He sat on the GSDC Board where thousands of hours of consulting over many years took place in order to determine how the City should be built, and what the vision for the future is. The plans were developed after a large amount of work and they should be conformed to. In this Council's term, the GS 20-25 plan was put out, and it has no less than eight (8) references to a downtown arena, which is what we should be following.

Scott Merrifield stated that he is a founder of the Northern Lights Festival Boréal, a former artistic director and since he has stopped doing this, he has put on over 200 concerts in Sudbury. He further stated that he had a 33 year career working with the federal government, during which he worked in regional economic development, employment development and territorial development. Through his work, he has learned that amenities are hugely important to development, in particular, cultural and entertainment amenities. This fact was recognized in the Official Plan and has been supported with decisions to augment the amenities that we already have in the downtown by building more amenities in the downtown. He stated we are counteracting this investment in amenities by ripping out one of the most important amenities and putting it on the Kingsway, which is not going to work. There needs to be a critical mass in any city that is known for its culture and entertainment, people know where the entertainment district is. He agrees that many people are confused and believe this is a public/private investment and not a public investment that is increasing the value of another private property. He further stated that many people think that it is a good thing that we are spreading things around by having some things downtown and the arena on the Kingsway, however, there can only be one heart of a city.

Paul Lowenberg stated that he was the artistic director of the Northern Lights Festival Boréal for the 20 years following Mr. Merrifield. Given this information they understand how to build culture in this City as they been at the grasp of it for all of their adult lives as he continues to do. He is happy to echo the sentiments of the previous speakers that we need to rethink the decision that was made and the application that is being made. He further stated that we need to consider the downtown as the heart of our community. We need to consider all of the restaurants where we employ hundreds of students and young working people, and the creative business people downtown within a four (4) block radius of the community arena. How will we survive not having that kind of business impact, being filled 50 times a year? We need an arena and a primary concert presentation centre downtown. He does not believe that the primary concert facility and arena should be on the outskirts of town or a facility under the guise of a casino. The casino will have a huge proximity clause that impacts being able to book certain artists. We need to move forward with the original downtown development plans, the original plans of Council, and the original ideas that are brought forward by educated people. If you want to attract the best and brightest to your community, you need to have community hubs and the development of the downtown core as the development of arts and culture in your community.

Stephen Caruso stated that putting the arena on the Kingsway is correlated with the casino. We should not be putting a community centre and community hub at the casino. When you are bringing your kids to play hockey, it will be next to a casino. He would like the members of Council to think about putting a Community Centre, a hub for community activity, at a casino.

David Robinson stated that there is not much growth in northern Ontario and the province has been concerned about northern Ontario's communities as they get spread out and become

more costly. The Northern Growth Plan has strongly suggested recently that communities should try and concentrate populations. City Council adopted a plan that took this into account and made the wise decision to try to concentrate the population and limit sprawl. As keepers of the Master Plan, it is the duty of members of this Committee not to break it and to make sure there are no variations that are inconsistent with the intent of the plan. He stated that this development is clearly inconsistent with this plan, and the spirit and intent of the Master Plan. The people who have spoken are community leaders and are almost all universally against this because it is inconsistent with the City's Master Plan. The Master Plan is a good plan, and the role of the Planning Committee is to protect it and make sure it is implemented. He is speaking as a citizen who likes the plan that the City has adopted, and wants to see it realized and maintained.

Councillor Signoretti stated that we have heard this evening that this application goes against the Master Plan, the Official Plan, the Economic Development Plan and the Downtown Master Plan. He stated they have clear policies in place that go against the principal that the arena be rezoned. This land is zoned industrial use and we are dealing with an arena, not an events centre. It is an industrial park within close proximity to the municipal waste disposal facility. This is urban sprawl, not infilling. They went against the consultant's report. The arena/events centre was supposed to be free, now it is costing taxpayers 100 million dollars which is misleading the public. There is the issue of the amount of salt being put into our drinking water through the watershed into Ramsey Lake. He further stated that there are the issues with transit. This application is not financially or fiscally responsible. Developers did not want to speak because they were afraid of the repercussions from the City. Consultation from the City was poor. The Council meeting before the decision for the location of the arena, the greenhouse gas emissions, and now we are telling people to get in their vehicles and drive to the Kingsway location putting more emissions into our atmosphere. We have seen other communities that have arenas downtown, 90% of OHL arenas are downtown and six (6) out of seven (7) NHL teams' arenas are downtown, with the exception of Ottawa which is moving their arena downtown. We have heard from people and leaders in other communities who do not have a vested interest, say that the arena should be downtown. The traffic impact report states that the queue leaving the Kingsway location would be 45 minutes to an hour long wait. We have heard from tax payers from across the city in opposition to the rezoning application.

Jason Ferrigan, Director of Planning Services, stated that for the purposes of these applications, the applicant is the land owner. The agent appointed by the land owner to act on their behalf is Mr. Tanner. Mr. Shelsted is here in his capacity to the City project manager for the arena project.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

**The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.**

The following resolution was presented:

PL2018-15 Jakubo/Sizer: THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on File 751-6/17-27, as outlined in the report entitled "1916596 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 22, 2018;

AND THAT staff complete their review of application File 751-6/17-27 and schedule a second public hearing on this matter before the Planning Committee when complete.

**YEAS:** Councillors Lapierre, Jakubo, Sizer, McIntosh and Landry-Altmann.

**CARRIED**