

828 Beatrice Crescent, Sudbury

Presented To:	Planning Committee
Meeting Date:	June 14, 2021
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-10

Report Summary

This report provides a recommendation regarding an application for a temporary use by-law that has been submitted pursuant to Section 39 of the Planning Act in order to permit the temporary use of the existing building located at 828 Beatrice Crescent, Sudbury by a motion picture staging and equipment rental company for a period of three (3) years.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by the Nickel District Conservation Authority to amend Zoning By-law 2010-100Z in order to permit a motion picture staging and equipment rental company in accordance with Section 39 of the Planning Act for a temporary period of three (3) years, on those lands described as PINs 02132-0402 & 02132-0597, Parcels 31700 & 38788 SES, Lots 1-4, Plan M-797, Lot 6, Plan M-906, Lots 2 & 3, Concession 5, Township of McKim as outlined in the report entitled "828 Beatrice Crescent, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 14, 2021, subject to the following conditions:

1. That the uses be limited to the existing arena building;
2. That there shall be no outdoor storage of equipment or materials, and;
3. That no additional parking, beyond the existing parking area, shall be required for the temporary use.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application aligns with the 2019-2027 City of Greater Sudbury Strategic Plan goals related to business attraction, development and retention. The application aligns with the Community Energy and Emissions Plan (CEEP) by supporting the strategy of compact, complete communities through the continued reuse of an existing underutilized building.

Financial Implications

There are no financial implications associated with this report.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury in order permit a temporary use by-law for a period of three years, pursuant to Section 39 of the Planning Act, to permit a motion picture staging and equipment rental company within the existing former arena building. No exterior construction or additions are proposed in conjunction with this temporary use.

The temporary approval for a motion picture staging and equipment rental business within the former arena building, approved by Planning Committee in February 2015 and extended in 2018, expired on March 31, 2021. The use was initially approved in 2012 for a three year period which expired on May 1, 2015.

The property is owned by the Nickel District Conservation Authority and is leased by the City of Greater Sudbury. The City owns the former arena building. The City is proposing to extend a current lease for portions of the building and to extend the sub-lease of non-exclusive rights to the access and parking areas to a motion picture staging and equipment rental company. The Director of Assets and Fleet Services has been delegated authority to enter into a lease agreement with the current tenants.

Existing Zoning: "P", Park, and "R1-5", Low Density Residential One

The subject lands are zoned "P", Park and the driveway from Beatrice Crescent is zoned "R1-5", Low Density Residential One under By-law 2010-100Z. A motion picture staging and equipment rental company is not permitted in these zones. A portion of the property is located within the "FP", Flood Plain Overlay.

The previous Temporary Use T63 which expired on March 31, 2018, permitted a motion picture staging and equipment rental company limited to the existing building with no outdoor storage and no additional parking.

Requested Zoning

The application proposes to permit a temporary use by-law for a period of three years, pursuant to Section 39 of the Planning Act, to permit a motion picture staging and equipment rental company.

Location and Site Description:

The subject property is described as PINs 02132-0402 & 02132-0597, Parcels 31700 & 38788, Lots 1-4, Plan M-797, Lot 6, Plan M-906, Lots 2 & 3, Concession 5, Township of McKim. The subject lands are generally located west of Beatrice Crescent in Sudbury.

Total property area is approximately 72.70 ha (179.65 acres), with vehicular access on Beatrice Crescent at two locations, one towards the south between 760 and 770 Beatrice Crescent providing access to the Adanac Ski hill and one towards the north between 824 and 836 Beatrice Crescent providing access to the building.

The building is surrounded with an asphalt parking area that can accommodate between 190 and 200 cars. As the former arena is not open to the general public, the parking area is used to accommodate other active and passive recreational uses on site, including the Rotary Park Trail and surrounding recreational facilities including Adanac ski hill. It is also used as an overflow parking lot for the Adanac ski hill during the winter months.

Surrounding Land Uses:

The area surrounding the site includes:

North:	CNR rail line, vacant "FD", Future Development zone
East:	low density residential
South:	vacant "OSP", Open Space – Private zone
West:	CNR rail line and vacant "FD", Future Development zone

The existing zoning & location map indicate the location of the subject lands to be rezoned and the zoning in the immediate area. Aerial photography is also included to show the site in context with the surrounding uses. The property is bounded on the north and west by the CNR rail line.

Site photos show the driveway entrance and low density residential uses along Beatrice Crescent to the east, as well as the existing former arena building and parking areas.

Public Consultation:

The statutory notice of the application was provided by newspaper along with a courtesy mail out to surrounding property owners and tenants within of 240 m of the property on March 29, 2021. 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 statutory notice of the public hearing was provided by newspaper and courtesy mail out on June 3, 2021.

As of the date of this report, one telephone inquiry was received inquiring about the application. One letter has been received raising concerns regarding suppressing competition and renting public space at below fair market value.

Policy and Regulatory Framework:

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

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

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

Provincial Policy Statement:

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

Section 1.1.3.3 states that 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.

Section 1.3.1 (b) states that planning authorities shall promote economic development and competitiveness by 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.

Section 1.7.1(a) states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness.

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

Section 2.2.2 (c) states that 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: arts, culture and creative industries.

2.3.4 1(b) states that efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the arts, culture and creative industries sector should include promoting incentives for film and television, interactive digital media, and computer animation and special effects.

Official Plan for the City of Greater Sudbury:

The lands are designated Parks & Open Space in the Official Plan, permitting active and passive recreational uses, arenas, recreation centres and accessory uses, Conservation Areas and cemeteries. Section 20.5.3 of the Official Plan indicates that conformity with the land use policies of the Plan is not required for temporary use by-laws.

Zoning By-law 2010-100Z:

The subject lands are zoned "P", Park and the driveway from Beatrice Crescent is zoned "R1-5", Low Density Residential One under By-law 2010-100Z. A motion picture staging and equipment rental company is not permitted in these zones. A portion of the property is located within the "FP", Flood Plain Overlay.

Site Plan Control:

Site plan control is not required for this development given the temporary nature and scope of the proposed use.

Department/Agency Review:

Planning staff circulated the development application to all appropriate internal departments and external agencies. These responses have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards. Development Engineering, Transit, Transportation & Innovation, Roads Operations, and Drainage Section have advised that they have no concerns with respect to the application. Building Services has advised that there are several outstanding building permits for this property.

By-law Services staff have previously advised that they have not received any complaints with respect to the temporary film studio. Since 2018 there has been one complaint received regarding snow plowing that was investigated and resulted in no further action being required.

Conservation Sudbury indicated that the Board of Directors of the Nickel District Conservation Authority, at the February 11, 2021 Annual General Meeting, passed the following resolution:

"Be it resolved that the Board supports the temporary re-zoning at 828 Beatrice Crescent to allow the continued use of the former Barry Downe Arena for film associated activities for another three-year period. The use of the arena building by a film studio is intended to be a temporary accommodation only. Any future requests for extensions of the temporary re-zoning are to be accompanied by an updated relocation strategy."

Planning Analysis:

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

The application proposes to permit a motion picture staging and equipment rental company for three years within the former arena building. The building was initially permitted to be used in this manner in 2012.

This proposed temporary use in the former arena will serve as an incubator to foster the further development of the film industry in the City. The application conforms to the Growth Plan for Northern Ontario by aligning with the provincial strategy of focusing on emerging sectors including arts, culture and creative industries, and supporting efforts to grow and diversify the arts, culture and creative industries sector. The application is consistent with the Provincial Policy Statement in that it intensifies the use of an existing building, and by providing a location for economic activities.

Given this is an application for a temporary use, there is no requirement for the by-law to conform to the Official Plan. As approved previously, it is recommended that the temporary use by-law continue to be limited to the existing arena building, prohibit outdoor storage of equipment or materials, and limit parking to the existing parking area. With these continued restrictions, the proposed use is expected to continue to be compatible with the adjacent uses and not result in land use conflicts. Given the proposed size and scale of this operation, staff is of the opinion that there is adequate parking on-site to accommodate this use and the other active and passive recreational uses on site.

While onsite, staff observed a semi-trailer and several large white enclosed trailers. Staff notes that the current temporary zoning approval prohibits the outdoor storage of equipment or materials and recommends that the tenants be advised that outdoor storage noted above is not permitted.

It is recommended that the proposed temporary use for a three year period would be appropriate, with the above-noted conditions. The Nickel District Conservation Authority has indicated that the use is intended to be temporary and that any future requests for extensions of the temporary re-zoning are to be accompanied by an updated relocation strategy. Going forward, staff would recommend that the tenants consider alternatives to the temporary use by-law.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific Zoning By-law Amendment:

- to permit the temporary use of the existing building by a motion picture staging and equipment rental company for a period of three (3) years.

Staff is of the opinion that the proposed amendment is appropriate based on the following:

- The application conforms to the Growth Plan for Northern Ontario by aligning with the provincial strategy of focusing on emerging sectors including arts, culture and creative industries, and supporting efforts to grow and diversify the arts, culture and creative industries sector.
- The application is consistent with the Provincial Policy Statement in that it intensifies the use of an existing building, and by providing a location for economic activities.
- The use is compatible with surrounding properties.
- The existing parking facilities and road access are appropriate and can accommodate the expected demand.

The application is considered to be consistent with the Provincial Policy Statement and in conformity with the Growth Plan for Northern Ontario. As noted, conformity with the City of Greater Sudbury Official Plan is not required for temporary use by-laws. Planning Services recommends that the application be approved subject to the above noted conditions which have been included in the recommendation section of this report.