

Presented To:	Planning Committee
Presented:	Monday, Sep 29, 2014
Report Date	Friday, Sep 12, 2014
Type:	Public Hearings
File Number:	751-6/13-35

## Request for Decision

**Application for rezoning in order to permit the development of a complex with office, hotel, bulk retail, warehouse, and commercial recreation centre uses. Kingsway, Sudbury - 1777222 Ontario Ltd. & 1777223 Ontario Ltd**

### Recommendation

THAT the City of Greater Sudbury approve the application by 1777222 Ontario Ltd. & 1777223 Ontario Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification of lands described as Part of PINs 73561-0258, 73561-0263, 73561-0261 & 73561-0264, Part of Parcels 4187, 10114 & 11376, Lots 9 & 10, Concession 4, Township of Neelon from "M1-1" and "M1(31)" to "M1-1" to permit a broader range of industrial uses subject to the following conditions:

1. That the owner provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law.
2. That the conditions of draft plan approval for the Jack Nicholas Business and Innovation subdivision, File 780-6/10002, be amended to add a condition requiring the construction of a sidewalk on the north side of the Kingsway between Levesque Street and the westerly public road connection to the subdivision to the satisfaction of the General Manager of Infrastructure Services.

### STAFF REPORT

#### Applicant:

1777222 Ontario Ltd. & 1777223 Ontario Ltd.

#### Location:

Part of PINs 73561-0258, 73561-0263, 73561-0261 & 73561-0264, Part of Parcels 4187, 10114 & 11376, Lots 9 & 10, Concession 4, Township of Neelon (Kingsway, Sudbury)

### Signed By

#### Report Prepared By

Alex Singbush  
Senior Planner  
*Digitally Signed Sep 12, 14*

#### Reviewed By

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Sep 12, 14*

#### Recommended by the Division

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Sep 12, 14*

#### Recommended by the Department

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Sep 12, 14*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Sep 12, 14*

**Application:**

To amend Zoning By-law 2010-100Z by changing the zoning classification from "M1", and "M1(31)" to "M1-1" to permit a broader range of industrial uses.

**Proposal:**

The application proposes the development of a complex with office, hotel, bulk retail, warehouse, and commercial recreation centre uses. The owner had submitted Official Plan Amendment and Rezoning applications to permit a place of amusement (casino) and an amusement park in September 2013. These applications were withdrawn in June 2014.

**Official Plan Conformity:**

The subject lands are designated "General Industrial" in the Official Plan for the City of Greater Sudbury. 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;
- f. ensure that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites;

Section 4.5 Industrial Area Designations, states:

*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.

Policy 4.5.1 indicates 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.

The Official Plan recognizes the need to designate sufficient lands to accommodate existing and potential

industrial uses. The provision of industrial lands is closely aligned with the City's long-term strategic goals related to economic development.

Complementary uses which do not detract from industrial uses are permitted on lands designated as General Industrial. General industrial uses must also have minimal environmental impacts, and uses that may impact surrounding areas and cause nuisance are to be buffered and screened, the proposed uses are expected to have minimal environmental impacts and the subject lands afford opportunities to buffer the proposed uses from residential uses in the area.

The application conforms to the Official Plan.

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

The subject property is located on the north side of the Kingsway across from Levesque Street and consists of approximately 25.9 hectares (64 acres). The subject property is currently undeveloped, and is the subject of an approved draft plan of subdivision for industrial uses which includes additional abutting lands.

The Sudbury Landfill site is located to the north east of the subject property. Lands to the north, outside of the draft approved plan of subdivision, are currently vacant and zoned "FD", Future Development. Lands to the west of the subject property consist of a recreational vehicle sales establishment and an automotive dealership and to the south, on the north side of the Kingsway, are three residential properties zoned "FD", Future Development.

### **Departmental & Agency Comments:**

#### Building Services

No objection.

#### Development Engineering

This site is not currently serviced with sanitary sewer or municipal water. Development Engineering's technical concerns have been addressed through the Subdivision Development process.

We have no objection to revising the zoning classifications from "M1", Mixed Light Industrial/Service Commercial and "M1 (31)", Mixed Light Industrial/Service Commercial Special to "M1-1", Business Industrial.

#### Environmental Services

The proponent should be made aware that the development is adjacent to a landfill site. The site expansion will be vertical. Periodic nuisances should be considered on the design of the site, especially the hotel section.

#### Environmental Planning Initiatives

The Sudbury District office of the Ontario Ministry of Natural Resources (MNR) has advised the City of Greater Sudbury's Planning Services Division that it has remaining concerns over the subject lands having the potential to serve as habitat for the Blanding's Turtle and the Whip-poor-will, two species designated as

'Threatened' in Ontario by the MNR.

The proponent will need to contact the Sudbury District MNR and satisfy all requirements set out by the MNR under the Endangered Species Act prior to any site alteration or construction taking place on the subject lands. The proponent will need to demonstrate to the City's Director of Planning Services that the MNR's requirements have been met prior to the approval of a site plan or site alteration permit.

#### Nickel District Conservation Authority

No concerns or objections.

#### Roads and Traffic & Transportation

The application is proposing to include the possible development of a commercial recreation centre, hotel and office uses on the subject property. To help determine the impact that the new proposed development will have on the abutting roadways, the owner has submitted an update to the March 2012 Traffic Impact Study prepared by Tranplan Associates. The update provides trip generation calculations for the various uses proposed. The report indicates that some of the new uses for the property will generate less traffic than those currently approved. However, developments such as a recreation centre can generate significantly higher traffic volumes, especially during the afternoon peak period.

The report concludes that the access requirements for the proposed development, including any additional requirements at the two Kingsway intersections can be determined through a detailed Traffic Impact Study at the site plan agreement stage when the size of the components is known.

Staff is in agreement that a Traffic Impact Study will be required at the site plan stage to determine if any upgrades or improvements are required as a result of the development.

Also, the change in uses from light industrial based to more recreational based will generate more pedestrian traffic from the residential developments on the south side of the Kingsway. In order to safely accommodate pedestrians along the high speed, high volume roadway, we require that as a condition of approval that the owner be required to construct a sidewalk on the one side of the Kingsway between Levesque Street and the westerly public road connection for the subdivision to the satisfaction of the General Manager of Infrastructure Services.

#### Operations and Drainage

No comments or concerns.

#### **Public Consultation:**

The applicant was advised of the City's policy which recommends that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application. The applicant has advised that they will be having a neighbourhood information meeting and that they will provide information with respect to the meeting to the Planning Committee. At the time of writing of this report, there had been one telephone inquiry and one party attended the Planning Services Division with inquiries with respect to the application.

#### **Planning Considerations:**

## **Provincial Policy Statement, 2014**

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 indicates that Planning authorities are to promote economic development by providing for a mix of employment uses and opportunities for a diversified economic base to support a wide range of economic activities. The PPS also indicates that long term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness and providing opportunities for sustainable tourism development.

The application is consistent with the Provincial Policy Statement, 2014.

## **Growth Plan for Northern Ontario**

The Growth Plan for Northern Ontario took effect on March 4, 2011 and is intended to guide decision-making and planning in Northern Ontario. The plan indicates that municipalities are encouraged to support growth and diversify the region's traditional resource-based industries. This Plan also seeks to nurture and develop new and emerging economic sectors that have the greatest potential to bring new jobs and opportunities to the North. Staff advises that the subject Zoning By-law Amendment application addresses Growth Plan policies.

## **Zoning By-law Conformity**

The subject lands are currently are zoned "M1-1", Business Industrial, "M1", Mixed Light Industrial/Service Commercial and "M1(31)", Mixed Light Industrial/Service Commercial Special by By-law 2010-100Z being the City of Greater Sudbury Zoning By-law. The M1(31) provides that the only permitted uses shall be an office of a contractors yard, office, fabrication, manufacturing and outside storage.

On the draft approved subdivision Lots 2, 22, 23, 24, 25, 27 and 31 are proposed to be rezoned to M1-1.

## **Summary**

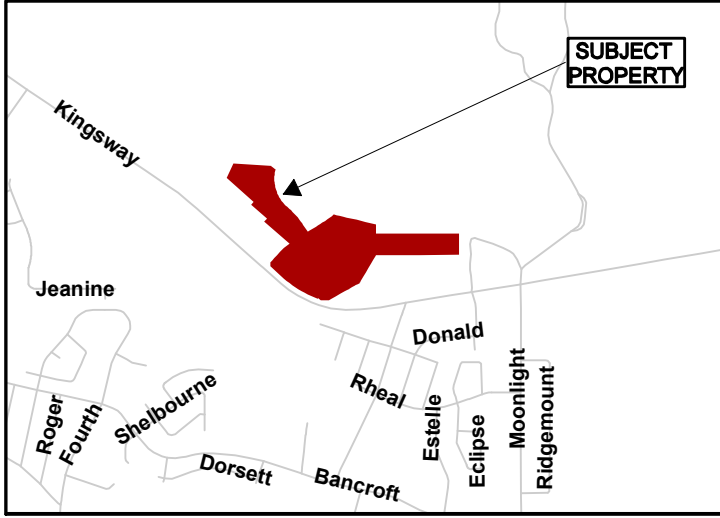
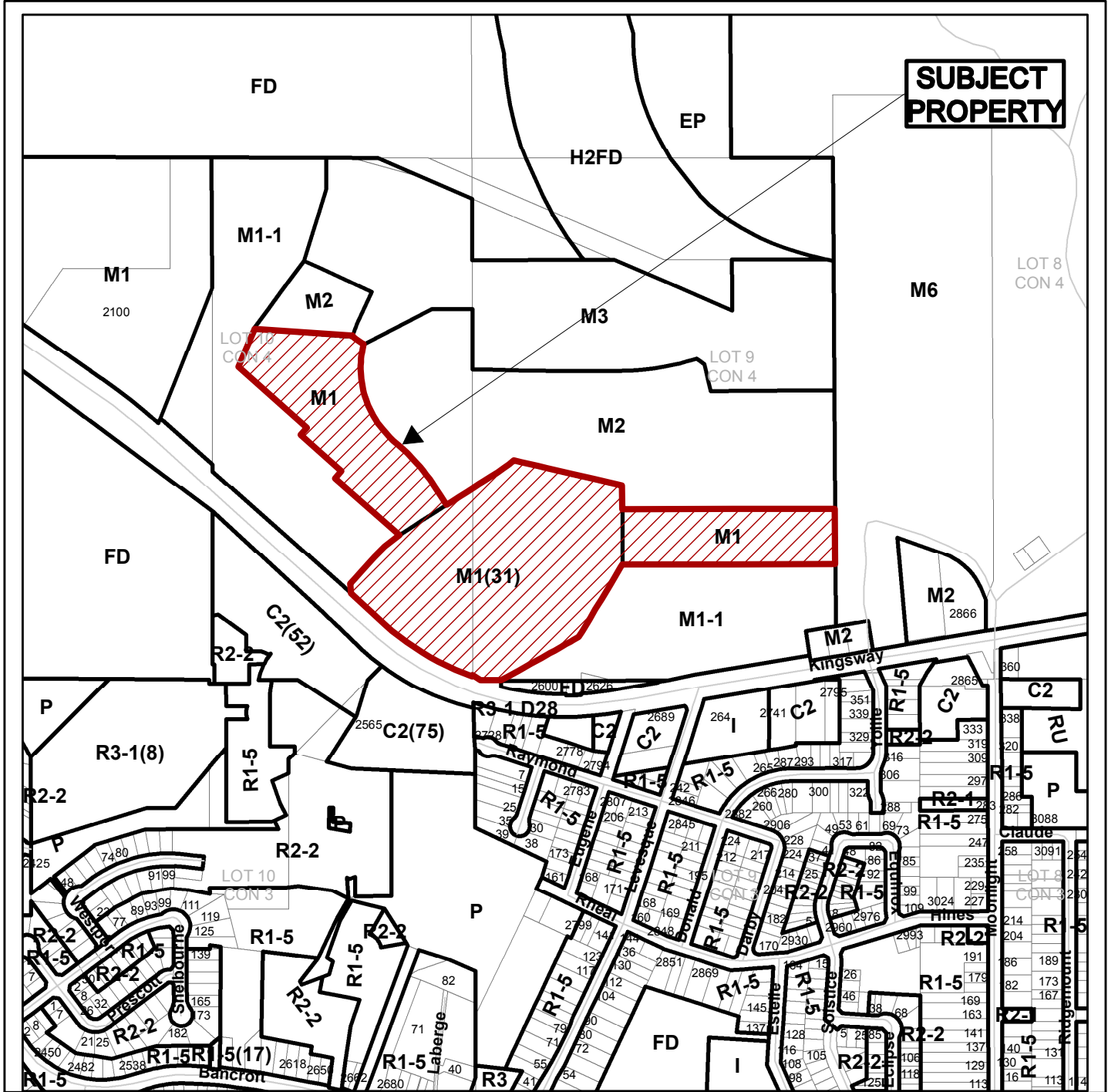
In conclusion, the proposal is anticipated to generate less traffic than those uses currently approved with the potential for higher traffic volumes during the afternoon peak period; and additional pedestrian traffic is also anticipated. As a condition of approval of this application, staff propose that the conditions of draft plan approval for the Jack Nicholas Business and Innovation subdivision, File 780-6/10002, be amended to add a condition requiring the construction of a sidewalk on the north side of the Kingsway between Levesque Street and the westerly public road connection to the subdivision.

The applicant undertook a Species at Risk Assessment during the summer of 2014. As noted in the comments from the Manager of Environmental Planning Initiatives, the Ministry of Natural Resources has remaining concerns with respect to potential habitat for threatened species. The proponent must satisfy the MNR prior to any site alteration or construction taking place on the subject lands. As the lands are currently subject to a draft approved plan of subdivision and are currently zoned for industrial uses, staff is of the opinion that the proponent will need to demonstrate to the City's Director of Planning Services that the MNR's requirements have been met prior to the approval of a site plan or site alteration permit.

As noted in the comments provided by Environmental Services, the proponent should be aware that the development is adjacent to a landfill site and that periodic nuisances should be expected and considered in the design of the site, especially the proposed hotel uses. 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.

The uses proposed are consistent with the goals of the City in terms of promoting potential for employment growth within the Community, thus the Planning Services Division recommends that the application to amend the Zoning by-law be approved.

**SUBJECT PROPERTY**



**Growth and Development Department**

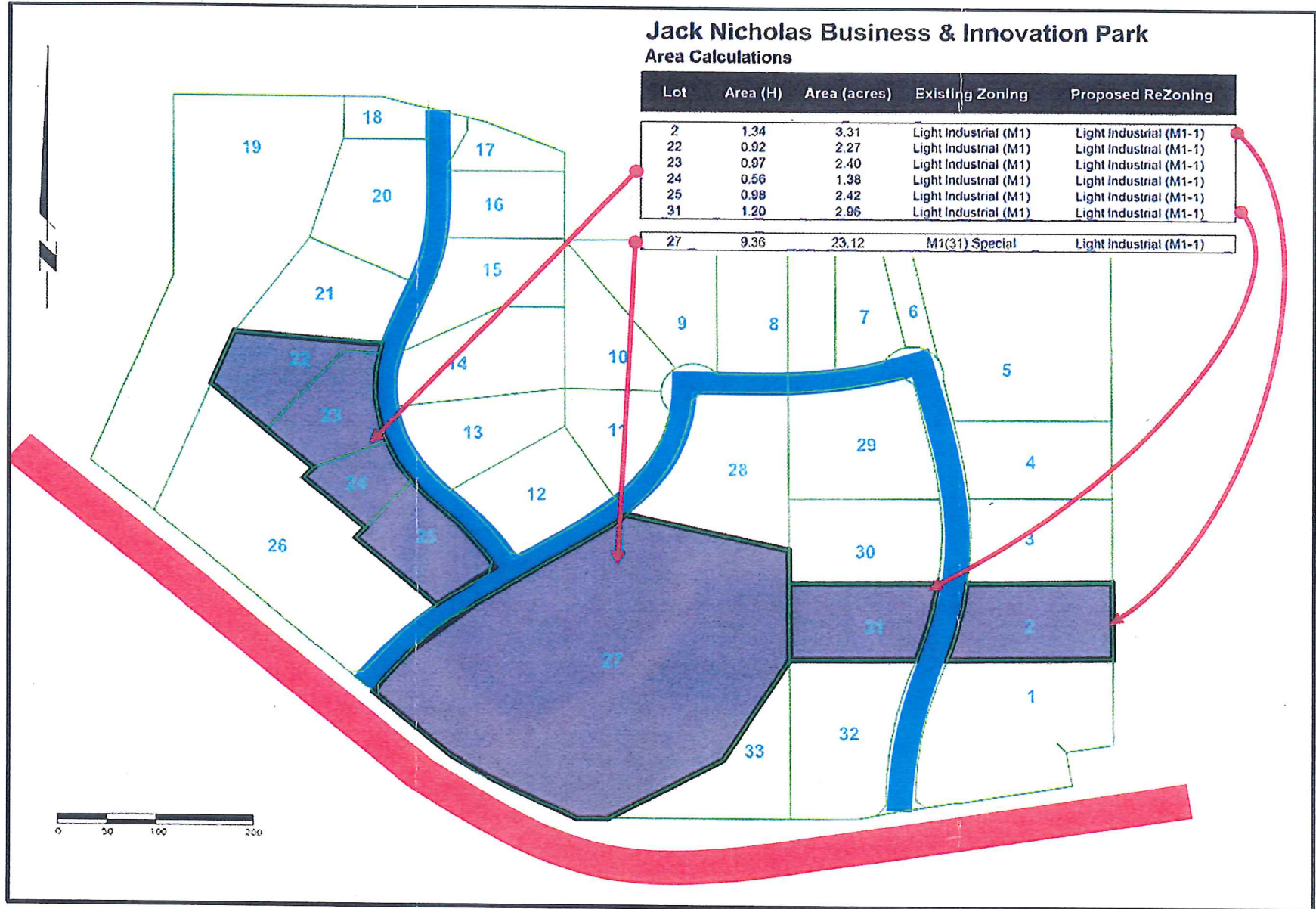


Subject Property being part of PINs 73561-0263, 73561-0282, & 73561-0261, part of Pcls 11376, 4187 & 10114, Lots 9 & 10, Con. 4, Twp. of Neelon, Kingsway, Sudbury, City of Greater Sudbury

Sketch 1  
NTS

751-6/13-35 & 701-6/13-5  
Date: 2014 08 29

Sketch 1





Sketch 2



PROPOSED MASTER PLAN  
**Jack Nicholas IP** June 20, 2014



PHOTO 1 SUBJECT LANDS VIEWED LOOKING NORTH FROM THE KINGSWAY



PHOTO 2 2600 KINGSWAY, EAST AND SOUTH OF THE SUBJECT LANDS VIEWED LOOKING NORTH FROM THE KINGSWAY

751-6/13-35 PHOTOGRAPHY AUG 22, 2014



PHOTO 3 2565 KINGSWAY, SOUTH OF THE SUBJECT LANDS  
VIEWED LOOKING SOUTH FROM THE KINGSWAY



PHOTO 4 2100 KINGSWAY, WEST OF THE SUBJECT LANDS  
VIEWED LOOKING NORTH FROM THE KINGSWAY