

Request for Decision

1916596 Ontario Ltd. – Application for rezoning to permit parking lots in addition to the uses permitted in the M2, Light Industrial and M3, Heavy Industrial zones, Kingsway, Sudbury

Presented To: Planning Committee

Presented: Wednesday, Mar 28, 2018

Report Date: Wednesday, Mar 14, 2018

Type: Public Hearings

File Number: 751-6/17-26

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 “M2”, Light Industrial and “M3”, Heavy Industrial to “M2(S)”, Business Industrial Special and “M3(S)”, Heavy Industrial Special on those lands described as Part of PINs 73561-0261, 73561-0264 & 73561-0282, Parts 2, 3, 5, 8, 14, 15, and part of Part 10, Plan 53R-19391, Lots 9 & 10, 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 M2 and M3 zones, a parking lot shall also be permitted;
- b) 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 & Infrastructure.
 - ii. The submittal of Risk Management Plan under Section 58 of the Clean Water Act to the satisfaction of the Risk Management Official.

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

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
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Financial Implications

Jim Lister
Manager of Financial Planning and Budgeting
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Recommended by the Department

Tony Cecutti
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Recommended by the C.A.O.

Ed Archer
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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 proposed parking lots support the proposed development of an arena (event centre) that has been identified as one of four priority projects in the implementation plan that supports the corporate strategic plan.

Report Summary

The owner has requested to rezone the subject lands to permit parking lots in addition to the uses permitted in the M2 and M3 zones within the Jack Nicholas Industrial Park located on the Kingsway, Sudbury.

Planning Staff are recommending that the application be approved subject to the conditions noted in the resolution section of this report.

Financial Implications

There are no financial implications associated with this report.

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STAFF REPORT

Applicant:

1916596 Ontario Ltd.

Location:

Part of PINs 73561-0261, 73561-0264 & 73561-0282, Parts 2, 3, 5, 8, 14, 15, and part of Part 10, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon (Kingsway, Sudbury)

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 “M2”, Light Industrial and “M3”, Heavy Industrial to “M2(S)”, Business Industrial Special and “M3(S)”, Heavy Industrial Special to add parking lot to the list of permitted uses.

Proposal:

The application proposes to rezone the property to permit parking lots in addition to the uses permitted in the M2 and M3 zones.

The parking lot use is proposed to be located on lands across the street from a 5,800 seat public arena with 1,250 parking spaces on a 11.96ha (29.56 ac.) site that is the subject of a separate rezoning application to permit a recreation and community centre in the form of a public arena in the M1-1 zone. The parking lot use is intended to support the anticipated demand for parking associated with special events at the proposed recreation and community centre which the [Traffic Impact Study](#) has identified as requiring 1,400 parking spaces beyond those proposed to be provided on the arena site.

Also proposed on adjacent lands is a 7,696 m² (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 in the M1-1 zone.

Studies and submittals made with respect to the application and in the review of the application have been attached as Appendix #2.

Site Description & Surrounding Land Uses:

The subject lands are located north 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 parking lot use is proposed on lands encompassing approximately 23.5 ha (58.07 acres) located immediately north and east of the place of amusement and recreation and community centre sites (both subject to separate planning applications), on the north side of Street A and the east side of Street C within the draft approved industrial plan of subdivision as illustrated on the attached sketch. The lands are currently vacant and consist of undulating bedrock. An air photo of the subject lands has been attached to this report. The lands are subject to the Source Water Protection Plan, as lands are located within the Intake Protection Zone 3 of the Lake Ramsey Issue Contributing Area.

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Lands located to the east zoned “M6”, Disposal Industrial are occupied by the Sudbury Landfill & Waste Diversion Site. Vacant lands to the north are zoned “H2FD”, Holding Future Development and “FD”, Future Development. Lands to the west and south are within an undeveloped industrial draft plan of subdivision and are zoned “M1-1”, Business Industrial.

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.

At the time of writing this report two requests for notice of public meetings with respect to the proposal have been received by Planning Services.

The Planning Framework:

Council’s decision on this land use planning matter must be consistent with the Provincial Policy Statement (PPS), conform to 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. 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 encourages the management of land to achieve efficient development and land use patterns by directing growth to settlement areas.

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. 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](#).

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.

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The Official Plan establishes goals, objectives, and policies to manage and direct physical change and its effects on the social, economic and natural environment of Greater Sudbury. The goals, objectives, and policies of the plan provide guidance in making decisions affecting land use, economic, and social development. 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](#). 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.

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 “M2”, Light Industrial and “M3”, Heavy Industrial permits a range of industrial and complimentary land uses but do not permit parking lots as a primary use, as such, the applicant is requesting a rezoning to “M2(S)”, Business Industrial Special and “M3(S)”, Heavy Industrial Special to permit parking lots which would support the anticipated demand for parking associated with special events at the recreation and community centre proposed for lands to the south of the subject lands.

Departmental/Agency Circulation:

The Nickel District Conservation Authority and Building Services have advised that they had no concerns with the application. 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, through the development of the draft approved subdivision, municipal infrastructure will become available to the subject lands. Stormwater 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. A Transportation Demand Management Plan (TDM) detailing the operation, delivery, and funding of TDM measures should be considered.

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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:

Location

The proposal to locate a parking lot use 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.

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 sees 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 locate a parking lot use 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 application proposes to establish a parking lot use on the subject lands, in addition to the other uses permitted by the underlying M2 and M3 zones, which are designated and zoned for industrial land uses.

The proposed parking lot use will preserve and protect employment lands, consistent with Section 1.3.2.1 of PPS, by introducing a transitional land use that can accommodate the current peak parking needs of the proposed arena while not precluding the development of the lands. In the future, a shared parking model may be implemented to allow the arena continued access to the parking areas of future industrial uses.

Within the General Industrial land use designation complementary uses which are compatible with the operation of industrial uses are permitted. Staff notes that the parking lot use is permitted in the M1-1 and M1 industrial zones. No issues with respect to land use compatibility are anticipated should this application be approved. In this respect, the application is considered to conform to Official Plan.

Transportation Systems

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).

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 address these circumstances and ensure that Transportation Demand Management has been comprehensively addressed before development proceeds, 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 should only be removed by Council upon the General Manager of Growth and Infrastructure being satisfied with the Transportation Demand Management Plan.

Infrastructure

Water and sewer infrastructure are not required to support the proposed parking lot land use. Municipal services will be provided to the subject lands through the conditions of approval of the underlying draft plan of subdivision.

Stormwater Management and Water Quality

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 subject lands.

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 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).

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 with 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.

Planning staff note that the Preliminary Report on the RMP, provides an overview of the components to be considered in finalizing the RMP.

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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.

The “H”, Holding symbol should only be removed by Council upon the Risk Management Official advising that they have agreed to a Risk Management Plan, as required by the Clean Water Act.

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.

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.

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, consistent with the policies of Section 2.1 (2.1.5 d., 2.1.7, and 2.1.8) of the PPS and consistent with Section 9.2.2 of the Official Plan.

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

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) policies of the Official Plan, review for compliance with the policies will form a part of the City’s review of the development project.

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 subject lands are located beyond 152.4 m of the Kingsway (MR #55) and would not 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.

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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 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.

Summary

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 relevant sections of the City of Greater Sudbury Official Plan. The application represents good planning and should be approved subject to the conditions noted in the resolution section of this report.

Appendix 1

Departmental & Agency Comments

File: 751-6/17-26

**RE: Application for Rezoning – 1916596 Ontario Ltd
Part of PINs 73561-0261, 73561-0264 & 73561-0282, Parts 2, 3, 5, 8, 14, 15,
and part of Part 10, Plan 53R-19391, Lots 9 & 10, Concession 4, Township
of Neelon, Kingsway, Sudbury**

Nickel District Conservation Authority

No concerns or objection.

Building Services

No objections. The applicant is advised that site triangles shall be adhered to.

Development Engineering

No objection provided that the development of these lots proceed by way of site plan to ensure sufficient stormwater management is provided.

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.

The provision of storm sewer through the subdivision development is critical for the functionality of these proposed parking lots. Furthermore, the stormwater generated within these parking lots must be accounted for within the stormwater management facilities developed for the subdivision. The provision of water and sanitary sewer is not required for the proposed parking; however it necessary for the uses permitted in the M2 and M3 zones.

With the proposal of parking on the north side of Street A and Street C and the destination being within the south side, it is our suggestion that sidewalk be provided on both sides of Street A and Street C with sufficient pedestrian crossovers installed to provide safe pedestrian and vehicular access.

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 (MNR) 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 MNR 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.

The addition of parking lots and more parking capacity to the lands around Street A is anticipated to have a negative impact on the movement of transit vehicles when travelling between the Kingsway and the proposed transit access/drop off location on the proposed arena site.

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

Studies and Submittals – Parking Lots

Files: 751-6/17-26

RE: Application for Rezoning – 1916596 Ontario Ltd
Part of PINs 73561-0261, 73561-0264 & 73561-0282, Parts 2, 3, 5, 8, 14, 15,
and part of Part 10, Plan 53R-19391, Lots 9 & 10, Concession 4, Township
of Neelon, Kingsway, Sudbury

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 – Overflow Parking – 1916596 Ontario Ltd., Karl Tanner Dillon Consulting, March 7, 2018

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

[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

[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

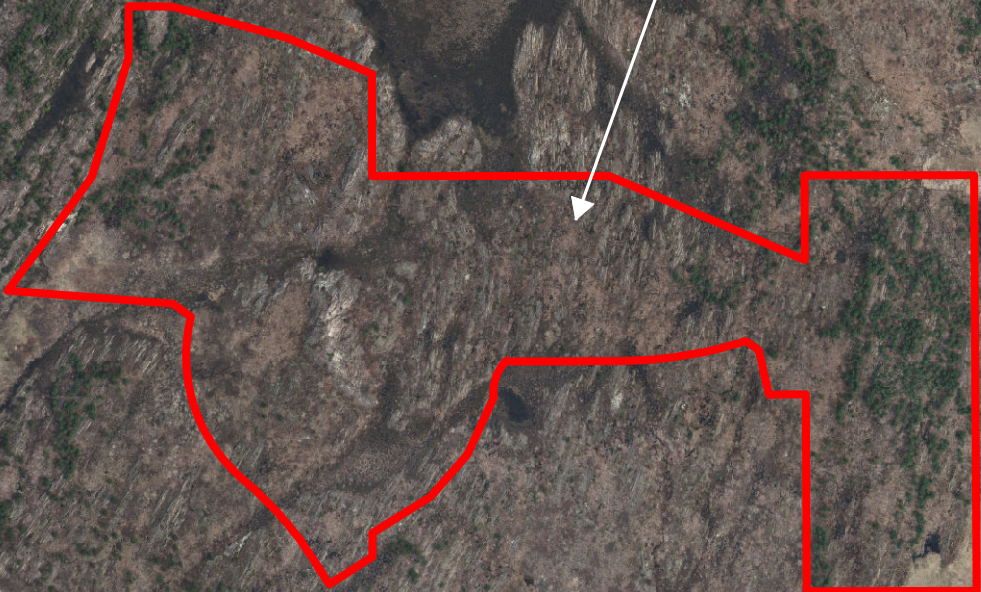
[Addendum to Traffic Impact Study](#), Kingsway Sports and Entertainment Complex Traffic Impact Study addendum, Mike Walters Dillon Consulting, March 9, 2018

[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



Subject Property



Kingsway

Raymond Street

Levesque Street

Donald Street

Rheal Street

Yolite Street

Moonlight Avenue

Hazeltan Drive

