

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 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. 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.