

**Title: 1916596 Ontario Ltd.**

**Date: December 6, 2017**

## **STAFF REPORT**

### **Applicant:**

1916596 Ontario Ltd.

### **Location:**

Part of PINs 73561-0282 & 73561-0264, Part 6 and Part of Part 11, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon, 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 1.6 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 2.2 relating to existing and emerging propriety economic sectors;

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.

A place of amusement in the form of a casino is not a permitted use in the General Industrial designation and thus the applicant has submitted an application to amend the Official Plan.

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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.

### **Zoning By-law**

The subject lands are currently zoned "M1-1", Business Industrial. This zone permits a variety of land uses, including hotels and restaurants, but does not permit a place of amusement and, as such, the applicant is requesting a rezoning to "M1-1(S)", Business Industrial Special to permit a place of amusement in the form of a casino. 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.) has been requested.

By-law 2010-100Z, the Zoning By-law for the City of Greater Sudbury defines a Place of Amusement as:

A commercial establishment where indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes, without limiting the generality of the foregoing, a bowling alley, pool hall, billiards parlour, arcade or game establishment, pinball arcade and wax museum.

The parking standard for a place of amusement is 1 parking space for every 20 m<sup>2</sup> net floor area.

### **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.

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The south western portion of the place of amusement site has approximately 240 m (787 ft.) of frontage on the Kingsway with another approximately 287 m (941 ft.) of frontage provided by street "A" of the draft approved industrial plan of subdivision. The property encompasses approximately 6.96 ha (17.2 ac.) and is currently vacant and consists primarily 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, located within the Intake Protection Zone 3 of the Lake Ramsey Issue Contributing Area.

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. Lands on the south side of the Kingsway, south of the subject lands are zoned "C2(52)", General Commercial Special permitting multiple dwellings, retail uses, restaurants, offices or personal service shops and their related accessory uses, "C2(75)", General Commercial Special permitting a trade school offering transport training, storage for an institutional use; and offices and related accessory uses, and "R1-5", Low Density Residential One. These properties are vacant, occupied by a trade school and additional uses, and occupied by a single detached dwelling respectively.

### **Application:**

1. To amend the Official Plan for the City of Greater Sudbury to provide a site specific exception to Section 4.5.1.1 to permit a place of amusement in the form of a casino within the General Industrial area.
2. 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 to "M1-1(S)", Business Industrial Special to permit a place of amusement in the form of a casino and to provide exceptions to the required interior side yard setback and maximum height permitted.

### **Proposal:**

The application proposes to amend the Official Plan for the City of Greater Sudbury and to rezone the property to permit a place of amusement in the form of a casino. A 7,696 m<sup>2</sup> (82,839 sq. ft.) casino and a 15 storey hotel with approximately 825 parking spaces is proposed on the 6.96 ha (17.2 ac.) site contained by the loop formed by Streets A and C on the draft plan of subdivision. The site is proposed to have two points of access on east/west Street A and will have no direct access to the Kingsway.

The casino and hotel site is proposed to be immediately adjacent to a proposed 5,800 seat recreation and community centre project with approximately 1,250 parking spaces on an 11.96ha (29.56 ac.) site that is the subject of a separate rezoning application. 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.

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## **Planning Review and Considerations:**

### Applicant Studies

The applicant has submitted a Planning Justification report supporting the proposed official plan and zoning by-law amendment for the site; this report 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.

The applicant has submitted correspondence from the Ministry of Natural Resources and Forests (MNRF) dated September 23, 2015 indicating that the MNRF 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:

- 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;

  - Land use compatibility; and

  - The relationship between the development and surrounding area.