



City of
Peterborough

To: Members of the Planning Committee

From: Ken Hetherington, Manager, Planning Division

Meeting Date: May 9, 2016

**Subject: Report PLPD16-038
Official Plan Amendment and Zoning By-law Amendment for
1400 Crawford Drive and 586 Harper Road**

Purpose

A report to evaluate the planning merits of amending the Official Plan and Zoning By-law for the property at 1400 Crawford Drive to permit the property to be used for a gaming establishment/casino, hotel and restaurant.

Recommendations

That Council approve the recommendations outlined in Report PLPD16-038 dated May 9, 2016, of the Manager, Planning Division, as follows:

- a) That Council confirm that the City-initiated applications for Official Plan Amendment and Rezoning to permit a casino in the City of Peterborough at a location consistent with Report PLPD13-013(A) are consistent with its direction previously given in Closed Session on November 16, 2015;
- b) That Section 2.3 – Commercial Structure of the Official Plan be amended in accordance with the draft amendment attached as Exhibit “C” to Report PLPD16-038;
- c) That Section 1 of the City’s Comprehensive Zoning By-law 97-123 be amended to include a definition for a “Gaming Establishment/Casino” and “Gaming Position” in accordance with the draft amendment attached as Exhibit “D” to Report PLPD16-038;

- d) That the City's Comprehensive Zoning By-law 97-123 be amended in accordance with Exhibit "D" of Report PLPD16-038 by adding Section 393 – Special District 363 to identify a gaming establishment/casino, hotel and restaurant as permitted uses and associated regulations under the SP.363 zoning district;
- e) That the zoning of the property at 1400 Crawford Drive be amended from M2.2-SP.268 to SP.363, from M2.2-SP.268 to SP.363-"H" and from M2.2-SP.268 to OS.1, in accordance with Exhibit "D" of Report PLPD16-038;
- f) That the "H"-Holding Symbol be removed from the subject property following the completion of an environmental impact study acceptable to the Otonabee Region Conservation Authority identifying the precise location of the wetland feature on 540 Harper Road and/or providing technical justification for a reduction in the provisional 30 metre buffer provided on 1400 Crawford Drive;
- g) That Section 3.9 Exceptions of the Comprehensive Zoning By-law 97-123 be amended in accordance with Exhibit "D" of Report PLPD16-038 by adding the following: ".306 In addition, a parking lot or parking garage is a permitted use"; and
- h) That the zoning of the property at 586 Harper Road be amended from M2.1-18b to M2.1,18b-306 in order to permit a parking lot as an additional permitted use in accordance with Exhibit "D" of Report PLPD16-038.

Budget and Financial Implications

The development of the subject site will necessitate the completion of the planned improvements to The Parkway/Crawford Drive intersection as well as the realignment of Harper Road. All roadworks are contemplated in the approved Class Environmental Assessment. The infrastructure costs for such improvements will need to be reflected in the 2017 Capital Budget. A portion of the capital costs will likely be funded from Development Charges.

Construction of the proposed casino and hotel are estimated to generate approximately \$900,000 in Development Charges.

Through the Site Plan Approval process off-site works, such as intersection improvements and turning lanes, that are attributable to the development, will be identified and such costs will be borne by the developer.

Report CPFS13-012 Financial Considerations of a Proposed Casino dated February 19, 2013 provided an analysis of the financial considerations of the municipality hosting a casino under OLG's hosting fee formula.

Background

OLG Modernization Process

In 2012, the Province began a process to modernize the provincial lottery and gaming business following a strategic business review completed by the Ontario Lottery and Gaming Corporation (OLG). The business review concluded that the private sector delivery of lottery and gaming should be expanded and OLG should move from direct delivery of lottery and gaming to oversight of operations. As a result, OLG began working closer with private operators and municipalities to further the modernization process for gaming.

The intent of OLG was to serve eastern Ontario with zones centered on Peterborough, Belleville and Kingston under the control of one operator. The Peterborough zone included the City and portions of Selwyn Township, Otonabee-South Monaghan Township and Cavan Monaghan Township.

As part of the process, OLG requested that municipalities identify potential sites, pass resolutions to confirm interest and ultimately ensure land use approvals were secured. In the summer of 2012, the Province passed Ontario Regulation 81/12 to give further clarity to the expectations of OLG's process and in particular, the role of a municipal council. Under Regulation 81/12 a municipal host must seek public input into the establishment of a proposed gaming site and must provide a written description of the steps it took to consult and a summary of the public input received. A host municipality is also required to pass a resolution supporting a gaming site.

City as Host Municipality

On February 11, 2013, Report PLPD13-013 was presented to Planning Committee recommending that if Council continued to support the establishment of a casino within the City as was first resolved on April 2, 2012 then a formal resolution would need to be approved and that public delegations be received in respect of the resolution and on the location options for a proposed casino. The report outlined 4 general location options for inclusion in the public discussion:

- Option A: The Central Area (Downtown)
- Option B: East Peterborough Commercial Catalyst
- Option C: The Gateway Zone
- Option D: The Strategic Zone (west of the City)

On March 5, 2013, a special Planning Committee was held to review location options for a casino within the City and receive delegations. After hearing public delegations, Planning Committee passed the following resolution:

“Pursuant to Section 2 of Ontario Regulation 81/12, the Council of the City of Peterborough hereby gives notice to the Ontario Lottery and Gaming Corporation of the City’s support for the establishment of a gaming site in the municipality, and

That the Ontario Lottery and Gaming Corporation be advised that the City is prepared to give full consideration to an appropriate gaming site in the following location options as described in Planning Report PLPD13-013 appended to this report:

- i) Option A: The Central Area (Downtown)
- ii) Option B: Commercial Catalyst Zone (East)
- iii) Option C: The Gateway Zone (Southwest)”

City Council at its meeting on March 19, 2013 ratified the decision of Planning Committee and the record fulfilling the obligations of Ontario Regulation 81/12 was forwarded to the OLG. OLG formally advised the City that the local process satisfied the requirements of Ontario Regulation 81/12 deeming the City as a willing host municipality.

Within the Peterborough Zone as defined by OLG only the City of Peterborough and the Township of Cavan Monaghan fulfilled the obligations of the legislation to stand as a willing host. Accordingly, a fully modernized casino operation would only be located within Cavan Monaghan or the City of Peterborough as a replacement facility for the former OLG Kawartha Slots. Through out the procurement process for an Eastern Bundle operator, prospective bidders evaluated the site opportunities within the Peterborough Zone and based their bid submission to OLG on the merits of a preferred location. Host municipalities had no influence over the OLG proponent selection process and no specific knowledge of the location preferences of individual bidders. The modernization program is a business relationship between OLG and the private operator.

The Selected Operator of the Eastern Bundle

In the summer of 2015 OLG announced that Great Canadian Gaming Corporation (operating the eastern bundle as Shorelines Casinos) was the successful Eastern Bundle operator. OLG’s announcement indicated that Great Canadian Gaming would quickly take over OLG’s presence at Kawartha Slots and would be given the opportunity to modernize the gaming business in that community or an acceptable City-based location.

On November 16, 2015 Council gave Closed Session direction to staff to initiate the land use approvals for a City-based site in keeping with the March 5, 2013 resolution of Council if it became clear that Great Canadian Gaming intended to pursue a City-based site. The direction was as follows:

“That staff be directed to initiate the land use approval process (OP and rezoning) for the ‘Gateway site’, and should the proponent be interested in an alternative site, Council will consider it.”

Very late in December of 2015 Great Canadian Gaming advised the City that their business proposition was based on a City site in the Gateway location and that the company had already established a business relationship with Roshan Holdings to develop a hotel as an important component of the overall commercial presence at the 1400 Crawford Drive site, subject to municipal planning approvals.

Background Summary

This background section sets the context for the current land use planning decision before Council. OLG adopted a modernization program for gaming in the province. Municipalities within specified market zones were given an opportunity to declare a municipal interest in hosting a casino. The City passed the requisite resolution following a fulsome consultation program in March of 2013 and identified 3 acceptable location options. In response to a call for proposals Great Canadian Gaming was selected by OLG as the owner/operator of the Eastern bundle. Great Canadian Gaming selected Peterborough as their municipal host and the Gateway site as the specific location. The planning approvals are the logical conclusion of a 4-year engagement program between OLG, municipalities and potential operators.

Land Use Applications

The site selected by Great Canadian Gaming for the Peterborough facility is located in the Gateway Zone at 1400 Crawford Drive. The site is known as the Visitor Centre site and is currently occupied by Tim Hortons and the Tourism Information Centre. The rent-free occupancy of the Visitor Centre by the City (sub-let rent-free to Peterborough Economic Development) will end in September of 2017 and there is no obligation for the City to remain as a rent paying tenant at the site.

In order for a casino to be located at 1400 Crawford Drive, planning approvals, as identified in Report PLPD13-013, are necessary. The approvals sought are an Official Plan Amendment to permit a gaming establishment/casino on the subject lands and a Zoning By-law amendment to create a special district for the subject lands, which will permit a gaming establishment/casino, hotel and restaurant for the property. Although the property is already zoned for a wide range of service commercial uses, including hotel and restaurant uses, the intent is to reduce the range of permitted commercial uses to match the intent of the proposed development.

The subject property is approximately 4.6 hectares (11.4 acres) in size, located in close proximity to the Crawford Drive/Parkway intersection. The site is designated Service Commercial in the Official Plan, and is currently zoned M2.2 and SP.268, permitting prestige industrial uses including regional scale offices and service commercial uses.

The proposed development is comprised of a 4,000 square metre (43,000 square ft) gaming establishment/casino, a 7 storey Hilton-branded 110 room hotel and a restaurant (existing Tim Hortons). A parking lot with approximately 640 spaces would be provided to serve the development.

The gaming facility/casino will generally be comprised of the following:

- Approximately 500 electronic games (slots) and 22 tables on a 2,000 square metre (22,000 square ft) gaming floor
- Single storey building (3,000 square metres) with a second floor mezzanine area (1,000 square metres)
- Approximately 450 square metres (5,000 square ft) “back-of-house” space for facility operations
- Buffet restaurant with approximately 120 seats
- Bar and lounge area for 40 -50 persons
- 280 square metres (3,000 square ft) “flex” space to be used for expanded restaurant seating, special events, rented to local groups, used for small performances for casino and restaurant patrons (approximately 200 persons)
- Off-track betting area
- Multi-purpose room

Adjacent to the property at 1400 Crawford Drive to the north is City-owned land at 586 Harper Road. The City-owned land in this immediate area has been identified for many years as a “Future Intercity Commuter Facility”, and the proposed casino development continues to respect the space requirements of this important facility.

Potential Economic Impacts of the Development:

Casino: Value of Investment – \$49.0 million

Permanent Employment – 148 new full-time jobs over existing employment levels.

Annual Tax Generation Estimate - \$800,000

Annual Operating Expenditures - \$24.5 million

Hotel: Value of Investment - \$17.0 million

Permanent Employment – 37 full-time and 11 part-time positions

Annual Tax Generation Estimate - \$200,000

Annual Operating Expenditures - \$2.0 million

Analysis

a) Official Plan

To assist City staff evaluate the policy implications of the proposed land use applications the firm Sorensen, Gravely, Lowes was retained to provide an independent perspective on the merits of the proposed Official Plan Amendment. The firm also worked closely with the City during the Commercial Policy Review 2000 program which stands today as the Commercial Policy framework the City's Official Plan. The Official Plan policy analysis which follows is a collaboration between Paul Lowes of SGL Planning & Design Inc. and City planning staff.

i) Existing Official Plan Designation and Policy Restrictions

Schedule A of the City of Peterborough Official Plan conceptually shows the designation on the subject property as Commercial. Schedule I conceptually designates the property as Service Commercial. The Service Commercial designation permits:

“commercial services, commercial recreational and institutional uses and a restricted range of retail commercial uses which are not appropriate in the other commercial designations or have particular site, access or storage/display requirements.” (Section 4.3.6.1)

Permitted uses of the Service Commercial designation in Section 4.3.6.3 include:

- automotive - oriented commercial uses and uses which cater to the travelling public;
- hotels, motels, eating establishments and other hospitality and tourist services;
- commercial recreation and assembly uses;
- retail commercial uses requiring large sites to accommodate extensive open or enclosed display or storage areas such as furniture and appliance sales facilities, horticultural centres, home improvement and building supply outlets, and vehicle, farm supply and large equipment sales facilities, flea markets and auction halls;
- personal and financial services;
- light industrial uses with accessory retail and service functions;
- small scale office and studio uses and clinic uses adjacent to Shopping Nodes, Neighbourhood Centres and as a transitional use adjacent to residential areas; and
- institutional and special purpose residential/residential care uses.

A hotel is explicitly permitted while a casino could be considered as a hospitality and tourist service as well as the commercial recreation and assembly uses. However, Section 2.3 of the Official Plan provides direction on the commercial structure of the municipality and indicates that entertainment facilities such as cinemas and theatres, and hospitality and tourist facilities are particular priority functions for the Central Area.

The Official Plan Amendment (OPA) proposes to add a policy to Section 2.3 of the Official Plan that permits a casino and gaming facility on the subject property.

Policy Review

Section 2.3 – Commercial Structure Policies

Section 2.3 outlines the commercial structure of the City of Peterborough for the Central Area, Shopping Nodes and Special Policy Area, none of which the subject site is part of. While the site is not part of any of these areas, these policies are relevant to the consideration of this OPA as the Official Plan policies must be read as a whole. There are relevant Central Area policies that provide direction on where certain uses should locate. In particular, the policies speak to entertainment and commercial uses where they are to be among the prime focuses of the Central Area.

Priority Functions in the Central Area:

Section 2.3.1 states that the Central Area is:

“the prime focus of office, cultural and **entertainment uses** as well as a diverse range of retail facilities including specialty stores, regional uses and services in addition to stores and services which support its residential population. It is also much more than a commercial area and provides the focus for government activities community and **recreational uses**, higher density and specialized forms of housing, heritage sites and buildings, **tourist facilities** as well as the site of several key industries.” [emphasis added]

Further, the section states:

“The following are regarded as the particular priority functions for the Central Area: ...entertainment facilities including cinemas and theatres, and hospitality and tourist facilities, governmental and community facilities ...” [Section (2.3.3.b) i)]

Conformity:

Strict interpretation of these policies would require that a casino as an entertainment use be located in the Central Area; however, at issue is whether a casino is really the kind of entertainment use envisioned by the Plan.

The intent of the Official Plan is to create a multi-functional destination in the Central Area. The February 11, 2013 Staff Report PLPD16-038 noted that, “the conglomeration of major entertainment uses in the Central Area is intended to create a multi-functional destination and generate traffic that in a synergistic way, adds to the vitality of the whole Central Area. Businesses cross-fertilize each other and thus all win.” The Central Area Master Plan speaks, in reference to the other entertainment uses contemplated, that they “animate street life”, are “conducive to the activity” and should have “daily interaction with other complementary cultural activities”. The Central Area Master Plan policies in the Official Plan speak to cultural and entertainment uses such as a multi-purpose outdoor venue, museum, cinema or theater. These are the types of uses that

generate traffic in a synergistic way that adds to the vitality of the Central Area and promotes cross-fertilization of businesses.

Conversely, a Casino tends to be a destination unto itself that does not result in any significant cross-fertilization with other uses. It is a large land user requiring vast parking facilities that is not a use that is easily accommodated in the Central Area. Its locational requirements and land area requirements are similar to uses such as Costco that have regional functions and are located outside of the Central Area.

The February 11, 2013 Staff Report (PLPD13-013) notes that, “a casino is not the kind of entertainment use that fulfills the intent of the entertainment function envisioned by the Plan.” Further as described in PLPD13-013, restricting casino/gaming to the Central Area would “only satisfy the letter of the Official Plan as opposed to the intent of the Plan.” Based on the function of a casino as a relatively unique single-purpose destination, it would not contribute to the overall functionality of the Central Area in the same way as a theater or cinema. Since it would not contribute to the synergies and overall function of the Central Area, the proposed amendment, in locating the use elsewhere, does not compromise the function of the Central Area. Instead, the proposed Official Plan amendment would conform to the overall intent of contributing to the commercial hierarchy in an appropriate manner by bringing an important region-serving use to the City and locating it in an appropriate location.

Further, a gateway location, as proposed, on a service commercial designated site is an appropriate location for such a facility due to its transportation and future transit infrastructure, as well as its visibility at a gateway to the City.

Although a casino located in the Central Area will not achieve the synergies and cross-fertilization envisioned for the Central Area, there may be associated functions to a casino such as a stand-alone performing arts facility that are appropriate in the Central Area. Such facilities and events would have a potential for synergistic relationships and cross fertilization with other commercial facilities in the Central Area. Therefore, in order to maintain conformity with the intent of the Central Area priority policies, it is important that a broader entertainment function is not accommodated as part of the planned casino/gaming facility and that stand-alone performance venues not be permitted.

The Official Plan amendment addresses this concern by restricting the use only to entertainment ancillary to the gaming use and not entertainment that would serve as a draw independent of the casino/gaming function.

Section 4.3.6 – Service Commercial Policies

As previously discussed, the subject site is designated Commercial (Schedule A) and conceptually shown on Schedule I as Service Commercial. This designation permits commercial recreational uses and tourist uses, specifically listing hotels, motels, and other hospitality and tourist services, and commercial recreation and assembly uses under section 4.3.6.3.

Conformity:

The proposed hotel is specifically permitted in the Service Commercial Designation and conforms to the “other hospitality and tourist services” permission as well as “commercial recreation and assembly uses”. In addition, the purpose of the Service Commercial designation is to accommodate a “restricted range of retail commercial uses, which are not appropriate in the other commercial designations or have particular site, access or storage/display requirements.” (4.3.6.1) The casino use fits with this description in being a large land user that requires ample parking.

Section 10.6 – Central Area Master Plan

Additional policies pertaining to the Central Area speak to the priority focus of the Central Area as a location for entertainment uses. For example, section 10.6.3 a) of the Central Area Master Plan, states that “the priority functions of the Central Area, worthy of protection, are entertainment and cultural uses, major office uses and institutional uses” and Section 10.6.4.1 b) identifies one of the strategies as “the promotion of “Downtown First” philosophy for public investment in municipal cultural and entertainment facilities”.

Conformity:

As discussed above, the type of proposed facility, due to its regional scale and destination nature, does not contribute to the intent of the Central Area. Section 10.6.3 sets out to “stabilize and strengthen the retail function of the Central Area.” Due to its unique, single-attraction nature, the proposed use would not contribute to this intent, thus the amendment is considered appropriate.

b) Zoning By-law

In order to implement the land use changes anticipated by the proposed Official Plan Amendment to permit a Gaming Club or Casino in the vicinity of The Parkway and Crawford Drive intersection, a draft amendment to the Zoning By-law has been prepared in accordance with the process requirements under the *Planning Act*.

The site is currently zoned M2.2 and SP.268, which permits a wide range of prestige industrial and service commercial uses. Current permitted uses for the site include:

M2.2 Uses:

A warehouse; wholesale establishment; transportation terminal; publishing and printing establishment; research & development laboratory; utility service installation; communications & broadcasting establishment; architectural, engineering or technical service establishment; industrial office; chemical blending establishment; contained assembly, processing or manufacturing plant excluding a plant used for specific industrial uses; a regional scale office facility

SP.268 Uses:

A video rental establishment; a personal service use; a sub post-office; a dry cleaning depot; a place of assembly; a private club; a place of entertainment; an art school, music school, dance school or fine arts school; a gymnasium or health club; a place of amusement; a hotel; a restaurant; a service station; a car wash; a public garage; a retail establishment for the sale of: motor vehicles, motor vehicle parts, building products and contractor supplies, farm equipment, farm supplies, grain and feed, boats, trailers, travel trailers and mobile homes, or furniture and appliances; a nursery or greenhouse; a funeral parlour; a police station; an ambulance station; a fire hall; a church; a library, museum or art gallery; an animal hospital or veterinary office; a rental establishment; a printing shop; a flea market; an auction hall; a parking lot or parking garage; a miniature golf course

The proposed zoning by-law amendment is intended to implement the policy changes proposed in the draft Official Plan Amendment by the creation of a new Special Zoning District (SP.363), with a limited list of commercial uses, which includes the following:

- a) A gaming establishment/casino
- b) A hotel
- c) A restaurant

Uses permitted under the existing M2.2 and SP.268 zoning would be removed including a regional scale office facility, currently permitted in the existing M2.2 – Business Park Zoning District. 1400 Crawford Drive is the last undeveloped site in the City that enjoys the regional scale office permission established 20 years ago as part of an industrial policy review. The M2.2 zoning district facilitated the relocation of the Federal offices from King Street to a suburban location. Dropping the M2.2 zoning category from 1400 Crawford drive will further the Official Plan policies with regard to limiting large scale office development outside of the Central Area.

The proposed amendment also introduces the following proposed definitions to Section 1 of the Comprehensive Zoning By-law 97-123:

“Gaming Establishment / Casino means an establishment primarily engaged in the playing of games of chance, or of mixed chance and skill, licensed by the Province of Ontario, such as slot machines, card games, dice games, video lottery terminals and other casino style games, machines, devices, or lottery scheme for money or other items of value, and may also include ancillary uses such as the sale of food and beverages, live music and other performing acts and associated offices, but shall not include a Place of Assembly, Place of Amusement, a Place of Entertainment or a Bingo Hall.”

“Gaming Position means a seat or standing location in which a person participates in a casino gaming activity, such as slots and video machines or table games.”

In order to provide clarity, the proposed amendment deletes the current definition for 'Permanent Gaming Club or Permanent Casino' and also replaces the reference to 'Permanent Gaming Club or Permanent Casino' with 'Gaming Establishment/Casino' by way of an amendment to the definitions of 'Place of Amusement', 'Place of Assembly' and 'Place of Entertainment'.

The proposed zoning amendment will implement the Service Commercial Designation of the lands in the Official Plan as well as the proposed policy amendment to Section 2.3.1 whereby a gaming club or casino is considered appropriate in the vicinity of The Parkway and Crawford Drive intersection.

The regulations proposed in the SP.363 Zoning District are based on the commercial district regulations that would typically implement the Service Commercial Designated lands in the Official Plan. A maximum height of 7 storeys is proposed for the hotel on site, and is considered appropriate for the scale of the development for the surrounding land uses. Parking is to be provided on site, however, additional parking can also be provided in a shared arrangement with the future inter-city commuter facility on the City lands to the north of the subject property. Therefore, provision has been made in the draft by-law to allow up to 25% of the required parking within 100 m of the subject lands.

Further, it is recommended that the City-owned property at 586 Harper Road be rezoned to permit a parking lot or parking garage to specifically permit parking to occur on this property. Therefore, it is recommended that the following exception be added to Section 3.9 of the Zoning By-law and be applied to 586 Harper Road:

.306 In addition, a parking lot or parking garage is a permitted use.

Based upon a review of parking standards for casino development in other municipalities and discussion with the provider, a parking ratio of 0.75 parking spaces per gaming position is recommended by Planning Staff as appropriate to satisfy the peak demand for parking. In addition to parking provided per gaming position, a minimum of 1 space per 3 seats in the restaurant, together with 1 space per hotel room/suite will be required in accordance with the current provisions of Section 4.2 of the Comprehensive Zoning By-law. The concept site plan illustrates approximately 640 parking spaces. Based on the information provided regarding the proposed uses, a total of approximately 630 parking spaces will be required to support the gaming establishment / casino, restaurant and hotel uses.

Until further seasonal field investigations can be conducted to delineate the exact location of the wetland feature within the woodlot at 540 Harper Road, the 30 metre setback has been applied to the limit of the woody vegetation. The "H" – Holding Symbol could be removed once the wetland feature is delineated and it is shown that the 30 metre buffer can be respected, or once an Environmental Impact Study, which provides technical justification for any reduction to the 30 metre setback, has been reviewed and approved by ORCA.

c) Site Development

The proposal contemplates the development of a 4,000 square metre (43,000 square ft) gaming establishment/casino, a 120 room hotel and the existing Tim Hortons. The existing Tourism Information Centre building would be eliminated as of September of 2017. The conceptual site plan illustrates approximately 640 parking spaces with vehicular access from Harper Road and a realigned Crawford Drive.

In November 2012, the City completed the Crawford Drive and Harper Road Class Environmental Assessment which proposed:

- the closure of Crawford Drive between The Parkway and Harper Road;
- a new arterial street constructed from the Parkway/Crawford Drive intersection to the north to connect with Harper Road at the C.P. Rail line; and
- a realigned Harper Road connection to the new north south arterial street.

The new development respects the conclusions of the Class Environmental Assessment and the new road network will be implemented as necessary to accommodate the development.

i) Traffic Impact Study

Ainley Group Consulting and Engineers & Planners conducted a Traffic Impact Study. Their study recommended a number of road improvements to accommodate the proposed development. These improvements include:

At the intersection of Parkway at Crawford Drive:

- Add a 50 m eastbound left turn lane
- Replace the existing westbound left turn phase with an eastbound/westbound left turn phase, add left turn signal heads for eastbound approach
- Increase the westbound left turn lane to 60 m from the existing 20 m

At the intersection of Crawford Drive extension at southeast access:

- Add a 15 m northbound left turn lane

At the intersection of Crawford Drive extension at the northeast access:

- Add a 15 m northbound left turn lane

At the intersection of Crawford Drive extension at future realigned Harper Road:

- Add a 25 m northbound left turn lane
- Add a 30 m southbound right turn parallel lane and 50 m taper

At the intersection of Harper Road at the north access:

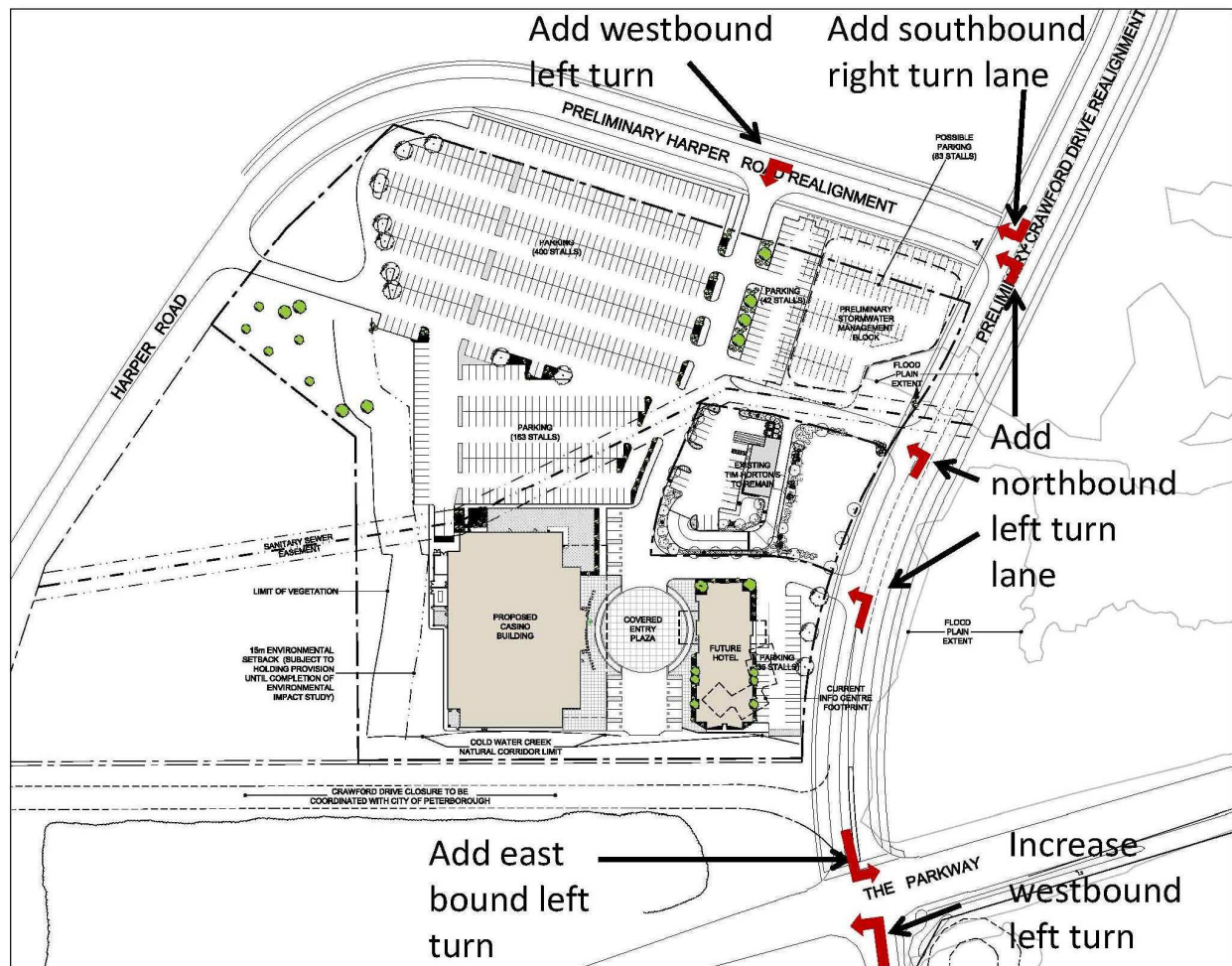
- Add a 15 m westbound left turn lane

At the intersection of Sir Sandford Fleming Drive at Fisher Drive:

- Increase the southbound left turn lane to 50 m from the existing 20 m

At the intersection of Lansdowne Street at Webber Avenue:

- Increase the northbound right turn lane to 45 m from the existing 20 m



BA Group has been retained to review the Ainley Group Traffic Impact Study on behalf of the City of Peterborough. The recommended improvements will be confirmed and implemented through the site plan approval process.

ii) **Environmental Considerations**

Beacon Environmental Limited was retained to complete a preliminary review of the natural heritage features at the subject property.

A wooded area that includes wetland and groundwater discharge is located along the western portion of the site and extends west of the property. Several studies and approvals have been completed for the site and surrounding area in recent years including the Crawford Road Environmental Assessment (EA) and the Visitors Centre Fish Compensation Plan. The natural heritage features and functions are relatively well understood, sufficient to support the ZBA process, although detailed site specific investigations will be required as part of the site plan approval process.

The purpose of the Beacon report is to provide a preliminary overview of natural heritage features located on and adjacent to the property using existing information and knowledge of the subject property and to provide recommendations for the next steps to address natural heritage features through the site plan application phase. These tasks have been completed through a combination of background review, review of applicable natural heritage policies, consultation with the City and Otonabee Region Conservation Authority (ORCA), reconnaissance level site investigation in 2016 and personal knowledge of the site from previous investigations.

Through a review of the natural heritage features adjacent to the site, ORCA confirmed that their policies require a 30 m buffer to be applied to non-provincially significant wetlands unless it can be demonstrated that a reduced buffer will not result in negative impact on the feature or its ecological functions. ORCA identified that seasonal investigations of the wooded/wetland area will be required should a reduced buffer be proposed.

Previous approvals and plans for the subject property were reviewed with a specific focus on the Visitor Centre Fish Compensation Plan (City of Peterborough 2007). The plan was developed by the City and D.M. Wills in 2007 to outline mitigation and compensation for the installation of two culverts as part of the development of the Visitors Center. The plan stipulated compensation measures that included planting woody vegetation along the creek to compensate for the vegetation removal required for the culvert installation. The recommendations from the Visitor Centre Fish Compensation Plan were incorporated as conditions into a *Fisheries Act* approval issued by the Department of Fisheries and Oceans (DFO) for the Visitor Centre works. ORCA has agreed that the limit of the existing woody vegetation along the tributary is considered to still be an appropriate buffer for the Harper Creek tributary.

Beacon advised that through the Zoning By-law Amendment process, a 30 m Holding Provision should be applied to the limit of woody vegetation associated with the natural feature on the western portion of the subject property.

This 30 m limit represents a conservative approach that assumes that: 1) the limit of the woody vegetation coincides with the potential maximum limit of wetland conditions and that 2) a 30 m buffer is the maximum that would be required to protect the function of the feature.

As established through consultation with ORCA and the City the 30 m Holding Provision could be removed once seasonal field investigations delineate the limit of the wetland, creek channel location (to the west) and determine the function of the features. The function of the feature needs to be evaluated through an Environmental Impact Study (EIS), which must be approved by ORCA before the 30 m Holding Provision can be removed.

The proposed Zoning By-law amendment respects the Beacon recommendation.



The proposed site for the casino is not part of Harper Park as depicted on the figure above. Harper Park is well buffered from the casino site by other City owned properties, some of which may be added to the Harper Park designation in time. 1400 Crawford Drive has been zoned for a wider range of commercial and industrial uses for many

years. For the past 10 years the site has been prepared for development including a hotel and convention centre.

iii) **Functional Servicing and Preliminary Stormwater Management Reports**

Municipal services exist or are within close proximity to the site. These services include:

- An existing 1050 mm diameter sanitary trunk sewer which traverses the site between the new proposed north south arterial street to Harper Road. The sewer is within a municipal easement.
- An existing 300 mm diameter watermain is located east of the site, along the west side of the proposed north south arterial street and to the south along Crawford Drive.
- On site stormwater management controls will be used to mitigate post-development stormwater. The site development will be subject to providing enhanced water quality control and ensure post-development flows do not exceed pre-development flows.
- A detailed stormwater management plan will be submitted as part of the Site Plan Approval process and will be approved by the City and Otonabee Regional Conservation Authority. The following studies will be submitted in support of the site plan:
 - geotechnical report
 - hydrogeological study
 - environmental impact study

iv) **Site Plan Approval**

All of the technical requirements associated with the development of the site will be addressed through the Site Plan Approval process. This will include issues such as road improvements, driveway access and parking, storm water management, lighting and landscaping. The Site Plan Approval process will be initiated and led by the developer.

The City's Site Plan Control By-law (By-law 11-081) requires that a Site Plan with a non-residential building floor area in excess of 2,500 square metres (27,000 sq ft) be approved by City Council. If it is Council's desire for the Site Plan for the casino and hotel site to be approved by staff in order to facilitate the timely commencement of construction, the Recommendation section of this report can be amended to include the following resolution:

"Notwithstanding By-law 11-081, the approval of the Site Plan and elevation drawings of the proposed casino and hotel development at 1400 Crawford Drive be delegated to the Administrative Staff Committee."

Response to Notice

Notice of Public meeting was advertised in the Peterborough Examiner on April 14, 2016 and mailed to property owners within 120 metres of the subject properties.

a) Significant Agency Responses:

There were no significant agency comments regarding the land use approvals. The site is easily serviced with municipal servicing and traffic impacts can be addressed with the recommended improvements of the traffic impact study.

Otonabee Conservation is satisfied that their recommended setbacks from nearby features are maintained until they have reviewed and approved an environmental impact study that recommends any reductions in these setbacks.

b) Summary of Public Responses:

Public comments referred primarily to the environment impacts on Harper Park. Concerns expressed included:

- Watershed impacts due to disrupting stormwater flows
- Impacts on brook trout in Harper Creek
- Impacts of light pollution on wildlife
- Impacts of increased traffic on wildlife corridors.
- Potential encroachment of development on lands adjacent to and within Harper Park.

The proposed site for the casino is not part of Harper Park nor is it adjacent to the Park. The C.P. Rail line, municipal operations and industrially developed properties separate Harper Park from the subject lands.

The existence of the cold water fisheries and wetland block in the immediate area are well documented and will be respected and protected to the respective agency's satisfaction through the development. Site Approval will detail matters such as stormwater management controls to protect the cold water tributaries, traffic improvements, landscaping, and low level lighting.

Comments were also raised stating that the casino should be located in the downtown area. This report previously discusses the policy rationale for the proposed site.

Submitted by,

Ken Hetherington
Manager, Planning Division

Paul Lowes
SGL Planning & Design Inc.

Concurred with,

Malcolm Hunt, Director
Planning and Development Services

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Attachments:

Exhibit A – Land Use Map
Exhibit B – Concept Site Plan and Development Renderings
Exhibit C – Draft Official Plan Amendment
Exhibit D – Draft Zoning By-law Amendment

Exhibit A, Page 1 of 1

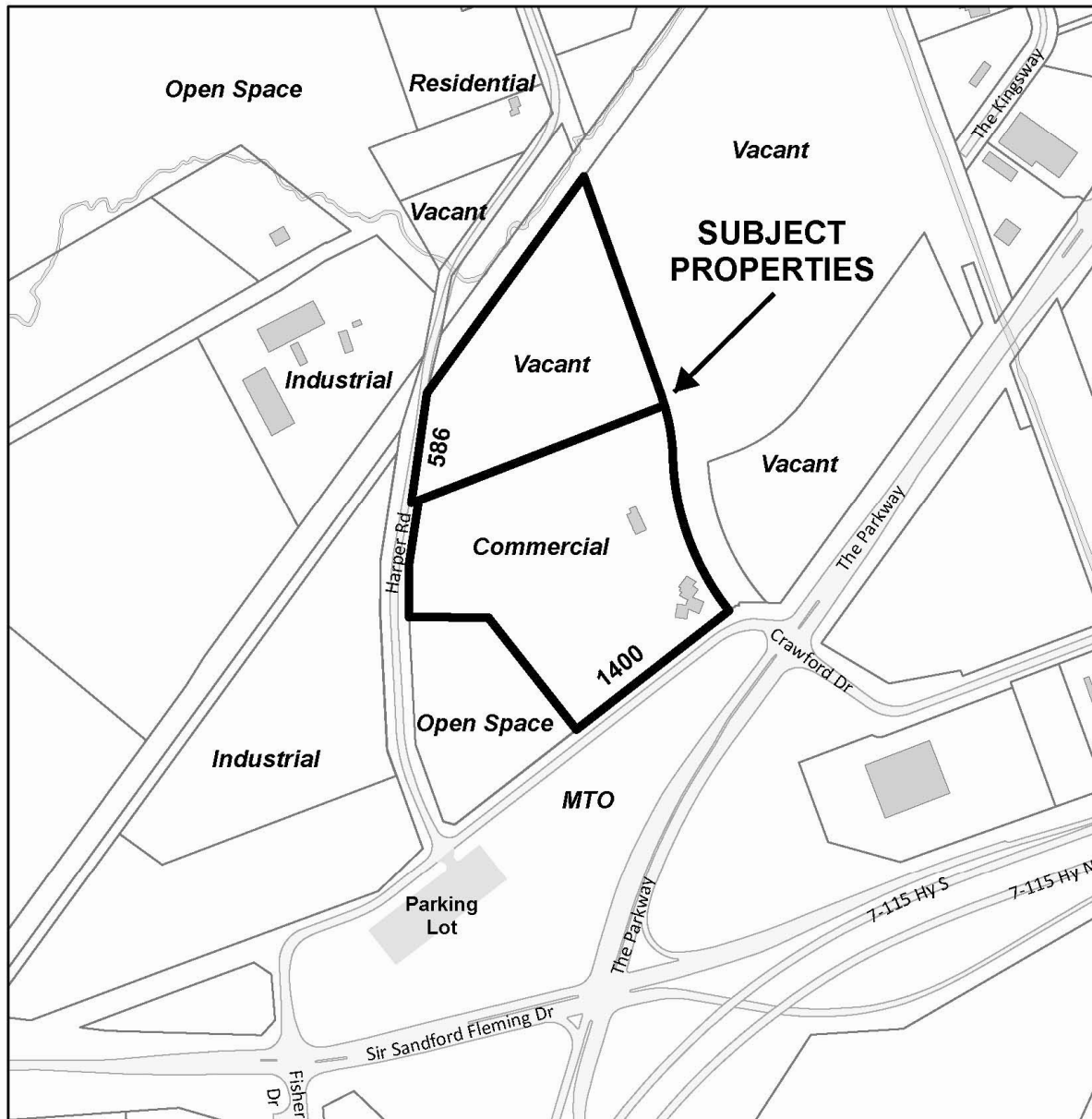
Land Use Map

File: Z1611 & O1601

Property Location: 586 Harper Road & 1400 Crawford Drive

EXHIBIT

SHEET OF



The City of Peterborough Planning Division

The "City of Peterborough" its employees, or agents, do not undertake to guarantee the validity of the contents of this digital or handcopy mapfile, and will not be liable for any claims for damage or loss arising from their application or interpretation, by any party. It is not intended to replace a survey or to be used for a legal description.



Date: April 4, 2016

Map by: NSchleifer

0 20 40 80 120 160 200 Metres

LEGEND

PROPOSED CASINO BUILDING

COVERED ENTRY PLAZA

FUTURE HOTEL

PARKING (183 STALLS)

PARKING (42 STALLS)

PARKING (83 STALLS)

PRELIMINARY HARPER ROAD REALIGNMENT

PRELIMINARY CRAWFORD DRIVE REALIGNMENT

THE PARKWAY

FLOOD PLAIN EXTENT

LIMIT OF VEGETATION

1st ENVIRONMENTAL SETBACK (SUBJECT TO SETBACK STUDY AND ENVIRONMENTAL IMPACT STUDY)

SANDARY CENTER EASEMENT

COLD WATER CREEK

NATURAL CORRIDOR LIMIT

CRAWFORD DRIVE CLOSURE TO BE COORDINATED WITH CITY OF PETERBOROUGH

CONTEXT PLAN

A100

Exhibit B, Page 2 of 3



Exhibit B, Page 3 of 3



Exhibit C, Page 1 of 1



The Corporation of the City of Peterborough

By-Law Number 16-

Being a By-law to adopt Amendment No. XXX to the Official Plan of the City of Peterborough as it relates to Section 2.3 – Commercial Structure

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

That **Section 2.3.1 – Role and Components** of the Official Plan of the City of Peterborough be amended as follows:

- i) After the sixth paragraph, a new paragraph be added as follows:

“Despite the Central Area being the prime focus for entertainment uses, a gaming club or casino is an appropriate facility to be located in the vicinity of The Parkway and Crawford Drive intersection. Such facility shall not include a live performance venue or theatre but may include live music and other performing acts ancillary to the operation of the gaming club or casino.”

By-law read a first, second and third time this day of , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Page 1 of 5



The Corporation of the City of Peterborough

By-Law Number 16-

Being a By-law to Amend Section 1, Definitions of the Zoning By-law, together with the Zoning for the properties known as 1400 Crawford Drive and 586 Harper Road

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That Section 1 – Definitions of By-law 97-123 be amended by:
 - a) Deleting 'Permanent Gaming Club or Permanent Casino' together with the definitions.
 - b) Adding the following definitions:

“Gaming Establishment / Casino means an establishment primarily engaged in the playing of games of chance, or of mixed chance and skill, licensed by the Province of Ontario, such as slot machines, card games, dice games, video lottery terminals and other casino style games, machines, devices, or lottery scheme for money or other items of value, and may also include ancillary uses such as the sale of food and beverages, live music and other performing acts and associated offices, but shall not include a Place of Assembly, Place of Amusement, a Place of Entertainment or a Bingo Hall.”

“Gaming Position means a seat or standing location in which a person participates in a casino gaming activity, such as slots and video machines or table games.”

Exhibit D, Page 2 of 5

- c) Amending the following definitions:

Place of Amusement: delete “permanent gaming club or permanent casino” and replace with “Gaming Establishment / Casino”

Place of Assembly: delete “permanent gaming club or permanent casino” and replace with “Gaming Establishment / Casino”

Place of Entertainment: delete “permanent gaming club or permanent casino” and replace with “Gaming Establishment / Casino”

2. That Section 3.9 – Exceptions of By-law 97-123 be amended by adding the following:

“.306 In addition, a parking lot or parking garage is a permitted use.”

3. That Section 393 – Special District 363 (SP.363) be added to By-law 97-123 as follows:

“Section 393

Special District 363 (SP. 363)

393.1 For the purpose of this by-law, land use district ‘Special District 363’ is hereby established and may be referred to by the symbol ‘SP.363’.

Permitted Uses

393.2 No person within a SP.363 District shall use any land or erect, alter or use any building or part thereof for any purpose other than:

- a) a gaming establishment /casino
- b) a hotel
- c) a restaurant

Regulations

393.3 No person shall within a SP.363 District use any land or erect, alter or use any building or part thereof except in accordance with the following regulations:

Exhibit D, Page 3 of 5

Type	Requirement
a) minimum lot width	30 metres
b) minimum lot depth	45 metres
c) minimum building setback side lot line or rear lot line	10 metres
d) maximum building coverage	20%
e) maximum building height	7 storeys for a hotel 3 storeys for all other uses
f) minimum landscaped open space	15% of the area of the lot
g) minimum landscaped open space	1.5 metres along all lot lines provided such open space may be interrupted by driveways
h) an accessory building, waste receptacle or garbage storage area may be erected or located within the district, excepting within the minimum required landscaped open space area, provided the following regulations are complied with: i) minimum setback ii) maximum height iii) maximum building or site area	 3 metres 3 metres 15 square metres
i) minimum motor vehicle parking requirements: i) gaming establishment/casino ii) restaurant iii) hotel	 0.75 spaces per gaming position In accordance with Section 4.2 In accordance with Section 4.2
j) notwithstanding the provisions of Section 4.2, 25% of the required motor vehicle parking may be permitted off site within 100m of lands zoned SP.363.	
393.4 SP.363 District is hereby designated as a commercial district"	

4. Map 21 forming part of Schedule 'A' to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule 'A' from **M2.1-18b** to **M2.1,18b-306**, from **M2.2-SP.268** to **SP.363**, from **M2.2-SP.268** to **SP.363-H**, and from **M2.2-SP.268** to **OS.1**.
5. That the 'H' Holding Symbol be removed subject to the completion, review and approval of an Environmental Impact Study by Otonabee Region Conservation Authority to establish an appropriate setback from the westerly property line.

Exhibit D, Page 4 of 5

By-law read a first, second and third time this day of , 2016.

Daryl Bennett, Mayor

John Kennedy, City Clerk

Exhibit D, Page 5 of 5

Schedule A

