

Municipal Road 80, Val Therese

Presented To:	Planning Committee
Meeting Date:	April 26, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/20-04

Report Summary

This report provides a recommendation regarding a rezoning application in order to permit an elementary school and day care centre, Municipal Road 80, Val Therese – Georgette Paquette

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Georgette Paquette to amend Zoning By-law 2010-100Z by changing the zoning classification from "FD", Future Development to "I", Institutional and "OSP", Open Space Private on lands described as Part of PIN 73505-0340, Part of Part 2, Plan 53R-5645 in Lot 7, Concession 2, Township of Hanmer, as outlined in the report entitled "Municipal Road 80, Val Therese", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 26, 2021, subject to the following conditions:

- a) That the owner provides the Development Approvals Section with a final plan of survey in order to enact the amending by-law;
- b) That the lands be rezoned in accordance with the preliminary survey plan prepared by D.S. Dorland Limited and dated January 21, 2021 as follows:
 - i) Part 1 to be rezoned "I", Institutional;
 - ii) Part 2 to be rezoned "OSP", Open Space Private.
- c) That the following matters shall be addressed as part of the Site Plan Control Agreement based on the recommendations of the Traffic Impact Study:
 - i) The owner shall be required to install a full set of traffic signals at the intersection of Municipal Road 80 and Shirley Avenue prior to the opening of the school; and further, that the cost of the design and installation of the traffic signals be fully funded by the owner; and,
 - ii) A paved pedestrian/bike path on the west side of Municipal Road 80 (removed from the vehicular roadway) shall be provided from the school driveway to Jeanne d'Arc Street.

- d) Conditional approval shall lapse on May 11, 2023 unless Condition a) above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by enhancing the City's educational sector.

Financial Implications

This report has no financial implications.

Report Summary

An application for rezoning has been submitted in order to permit a new elementary school and day care centre on undeveloped lands located on the west side of Municipal Road 80 opposite Shirley Avenue in Val Therese. The new school is being developed by the Conseil scolaire catholique du Nouvel-Ontario (CSCNO) and is intended to replace École Ste-Thérèse, École St-Joseph and École Notre-Dame.

The main land use considerations are related to access and the designated flood plain. The construction of the Hope Municipal Drain has realigned the boundaries of the flood plain, which is now contained within the channel of the municipal drain. There is no conflict with the Provincial Policy Statement, which does not permit elementary schools on lands subject to flooding.

In terms of providing safe access for all modes of transportation, it has been determined that the school cannot operate without benefit of full signalization at Shirley Avenue. In order to facilitate walking and cycling for those students within walking distance of the school, the Board will institute various programming elements to encourage active transportation in a safe manner. As a condition of approval, it is recommended that the installation of full signalization be required and that the cost of the design and installation of the traffic signals be fully funded by the owner.

The application demonstrates conformity with the Living Area policies of the Official Plan and presents consistency with Provincial policies applied to new institutional uses in designated growth areas.

Staff Report

Proposal:

An application for rezoning has been submitted in order to permit a 5,472 m² elementary school and day care centre on vacant lands located on the west side of Municipal Road 80 opposite Shirley Avenue in Val Therese. The proposed 6.57 ha lot will have approximately 349 metres of frontage on MR80 and would be accessed by a driveway that is aligned with the Shirley Avenue intersection.

The proposed elementary school will accommodate up to Grade 8 and have an enrolment of approximately 570 students and 74 staff, as well as a day care centre for 73 children with 28 staff. The new school is being developed by the Conseil scolaire catholique du Nouvel-Ontario and is intended to replace École Ste-Thérèse, École St-Joseph and École Notre-Dame.

As part of a complete application, the proponents provided the following background materials in support of the application:

- Traffic Impact Study, Proposed New Elementary School, Municipal Road 80, Val Therese (Tranplan Associates – November 2019);
- Ecological Site Assessment, Lot 7, Concession 2, Township of Hanmer, Val Therese, Ontario (DST

Consulting Engineers – August 12, 2019); and,

- Sewer and Water Capacity Analysis (September 24, 2019).

Existing Zoning: "FD", Future Development

The subject land is currently zoned "FD", Future Development, which is typically applied to lands within settlement areas that are earmarked for future development in conformity with the underlying land use designation in the Official Plan. A single detached dwelling is permitted as an interim use on a legal existing lot zoned FD.

Requested Zoning: "I", Institutional and "OSP", Open Space Private

The proposed zoning would allow all uses permitted in the "I", Institutional zone as follows:

Children's home, a day care centre, a place of worship, a hospital, a private club, a non-profit or charitable institution, a group home type 1, a group home type 2, a special needs facility, a recreation and community centre, an arena, a public museum, a public library, a public business, a public fire hall, a public or private school other than a trade school, or any public use other than a public utility.

It is further proposed to rezone the southerly and easterly portions of the lands to "OSP", Open Space Private in recognition of the Hope Municipal Drain and the associated flood plain. In OSP zones, the only permitted use is a park. Public uses such as a municipal drain are permitted in all zones.

Location and Site Description:

Part of PIN 73505-0340, Part of Part 2, Plan 53R-5645 in Lot 7, Concession 2, Township of Hanmer (Municipal Road 80, Val Therese)

The subject property forms the southeast portion of a large undeveloped parcel located opposite Shirley Avenue in Val Therese. The area is fully serviced by municipal water and sanitary sewer. MR80 is not urbanized at this location, as there are no curbs, gutters or sidewalks. There is a centre turn lane along this portion of MR80, as well as transit stops located at Shirley Avenue on both sides of the road.

Total area of the land to be rezoned is 6.57 ha, with 349 metres of frontage on MR80. The land is currently vacant and noted for its open space areas and intermittent treed areas. The Hope Municipal Drain extends along the easterly limit of the property, extending westerly on the southerly portion of the land. This area forms part of a designated flood plain as illustrated on the attached regulation area map. It should be noted that the watercourse that bisected the parcel has been realigned to the easterly limit of the subject land, which remains part of a regulated area.

Low density housing is located on the east side of MR80. Vacant lands designated as Living Area 1 that form the remainder of the parent parcel are located to the west and north. Pinecrest Gardens subdivision abuts the southerly limit of the property. One (1) phase of the planned subdivision has been registered, with 34 lots remaining with draft approved status.

Public Consultation:

Notice of complete application was circulated to the public and surrounding property owners on March 2, 2020. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 244 metres of the property on April 8, 2021.

The applicant 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.

The Board conducted consultation with parents and other stakeholders as part of the site selection process. In regards to the rezoning process, a public open house was initially proposed at École Ste-Thérèse prior to

the restrictions on public gatherings. Due to the emergency order, the proponents subsequently conducted an online virtual meeting.

As of the date of this report, two (2) phone calls have been received seeking clarification. No written submissions have been received.

Policy and Regulatory Framework:

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Policy Statement (PPS):

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.

Settlement areas are defined as the full extent of lands designated for development as delineated in the Official Plan. Designated growth areas are lands within settlement area boundaries that are designated to accommodate growth but are not yet fully developed.

Under Section 1.1 of the PPS, the municipality shall accommodate an appropriate range and mix of uses, including institutional uses such as schools. The focus of growth and development shall be settlement areas. New development in designated growth areas should occur adjacent to the existing built-up area.

A portion of the property falls within a designated flood plain. Under Section 3.1.5, development shall not be permitted to locate in hazardous lands and hazardous sites where the use is an institutional use, including pre-schools, school nurseries, day cares and schools.

Growth Plan for Northern Ontario (GPNO):

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 GPNO contains policies intended to strengthen educational attainment and expand learning opportunities for residents. Most notably, Section 3.2.4 states that the Province will work with school boards and other partners to support an educational system (kindergarten to grade 12) that continues to accommodate the unique needs and circumstances of all Northern Ontario communities.

Official Plan for the City of Greater Sudbury:

The subject lands have a split land use designation. The central and northerly portions of the property are designated as Living Area 1, which encompass the area proposed to be developed. A southerly portion of the property is designated as Parks and Open Space, which essentially aligns with the designated flood plain.

Living Area 1

Local institutional uses that are compatible with the residential function of neighbourhoods are allowed in all Living Area designations subject to rezoning, including elementary schools and day care centres. In reviewing applications for rezoning in Living Areas, the following criteria under Section 3.2.1 of the Official Plan are to be considered:

- a. the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b. the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c. adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d. the impact of traffic on local streets is minimal.

Built boundary

Schedule 3 of the Official Plan identifies the limits of the settlement area and the built boundaries of the City. Under Section 2.3.2 of the Official Plan, intensification and development within the built boundary is encouraged. Notwithstanding the above, development outside of the built boundary may be considered in accordance with the policies of this Plan.

At this location, the westerly limit of the MR80 right-of-way forms the built boundary. As a result, the subject site is located within the settlement area but is just outside the built boundary of the Valley East urban area.

Policies applied to Species at Risk under Section 9.2.2

Development and site alteration are not permitted in habitat of endangered species and threatened species except in accordance with Provincial and Federal requirements.

Development and site alteration are not permitted on lands adjacent to habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands to endangered species and threatened species may vary depending on general habitat descriptions. Habitat descriptions can be obtained through the Ministry of Natural Resources and Forestry. This area can be modified if justified by a study completed by a qualified professional.

Flooding hazards

The Parks and Open Space designation encompasses a flood plain associated with the municipal drain that traverses the property. Flood plain boundaries are illustrated on the attached regulation area map. Lands with identified natural hazards are generally not suitable for development.

Under Section 10.2, institutional uses such as hospitals, long-term care facilities, retirement homes, pre-schools, elementary schools and secondary schools; essential emergency services and industrial uses involving the disposal, manufacture, treatment or storage of hazardous substances are not permitted on lands subject to flooding or erosion hazards.

Policies applied to Roads and Active Transportation

Under Section 11.2.3, proposed developments that may affect the function of any municipal road may require a traffic study to assess such impacts and to propose mitigating measures.

Municipal Road 80 is designated as a Primary Arterial Road and is subject to the policies outlined under

Chapter 11, Table 2: Road Classifications. The key policies applied to Primary Arterial Roads are summarized as follows:

- Main function is to connect communities and major activity areas within the City;
- Traffic movement is a primary consideration;
- Access is restricted to other Arterial Roads, Collector Roads and driveways to major regional activity centres;
- Design speed ranges from 60 – 100 km/h; and,
- No on-street parking is permitted and buffers are required between the roadway and adjacent uses.

Section 11.7 of the Official Plan addresses active transportation components including sidewalks and cycling infrastructure. Development proposals will be reviewed to ensure that there is adequate pedestrian access in new developments. The City may acquire lands to provide pedestrian facilities as a condition of approval. Wherever possible, the provision of adequate bicycle facilities will be encouraged.

It is policy of this Plan to provide sidewalks on both sides of urban Arterial Roads and Collector Roads adjacent to developed lands on new and reconstructed roads, when feasible.

Zoning By-law 2010-100Z:

There are no issues related to zoning compliance. The proposed severance exceeds the minimum requirements of the Institutional zone. The building layout does not require any site-specific relief.

Site Plan Control:

A Site Plan Control Agreement is required prior to the issuance of a building permit.

Department/Agency Review:

Development Engineering has confirmed that municipal services are adequate for the site following a sewer and water capacity review, including fire flows.

Conservation Sudbury have noted the realignment of the flood plain and have commented accordingly.

Transportation & Innovation Section recommend that approval be contingent upon the installation of a full set of traffic signals at the intersection of MR80 and Shirley Avenue prior to the opening of the school and that the cost of the design and installation of the traffic signals be fully funded by the owner.

Planning Analysis

There are various layers of Official Plan policies that are applicable to this proposal, as detailed in the above section. This is due to the locational characteristics of the site, being a vacant parcel designated for future development on a major arterial road that is not constructed to an urban standard. Furthermore, the subject property contains a municipal drain and an associated flood plain on a portion of the land.

The review of this proposal is largely focused on two (2) key land use considerations:

- Access to the site, encompassing all modes of transportation; and,
- The presence of a designated flood plain, which is a matter of Provincial interest concerning the siting of new institutional uses.

Land use compatibility

The new school will have direct access to a major arterial road, unlike the elementary schools that are being replaced, which are embedded in low density residential areas. This is a reflection of the increasingly large school catchment areas within the City, for which new schools typically require larger sites on Collector and

Arterial Roads.

No land use conflicts with adjacent low density housing are envisioned with this proposal. The subdivision to the south directly abuts land that will be rezoned as parkland in recognition of the municipal drain and associated flood plain.

Although the lands were historically farmed, the subject site is not designated as part of the Agricultural Reserve, which is located approximately 106 metres to the west and is delineated by the "A", Agricultural zoning on the location map. There are no large-scale farming operations in the vicinity that may result in adverse impacts based on a review of assessment data.

Suitability of site

The proposed lot to be severed from the parent parcel is adequately sized to accommodate the new school and associated accessory uses, including a day care centre and an expansive outdoor play area to the south. There are no concerns related to parking requirements and all building setbacks can be addressed, including the required 45-metre setback from the municipal drain along the easterly limit of the property.

The overall layout has been configured to accommodate future development on the retained lands to the west and north, which are also designated as Living Area 1. The proposed access is 20 metres wide, which is sufficient right-of-way width for a future public road. An access easement is proposed at the consent stage in order to provide driveway access to the school that will align with Shirley Avenue.

The Board advised that the subject site meets their locational criteria as part of the site selection process conducted with parents and staff, and further, that Provincial funding for the project has been approved.

Species at Risk (SAR)

The Ministry of Natural Resources and Forestry (MNR) advised that the site may be utilized by Barn Swallow, Bobolink and Eastern Meadowlark, all of which are bird species listed as threatened under the Endangered Species Act. An Ecological Site Assessment was therefore required as part of a complete application (attached for review).

Four (4) field surveys were conducted in June 2019. The site is described as being an agricultural field consisting of grass, sedges, and forbs. Forested areas mainly comprised of Trembling Aspen, Black Spruce and Birch are present on the westerly portion of the property. No evidence of Barn Swallow, Eastern Meadowlark, Bobolink or their habitat was observed at the time of the field surveys. The field surveys did not identify potential habitat for any of the listed species.

Based on the results of the submitted report as reviewed by the Manager of Environmental Planning Initiatives, there are no concerns related to Species at Risk.

Flood plain

The southerly and easterly portions of the property contain the Hope Municipal Drain and an associated flood plain. It is important to note that the limits of the flood plain have been modified and are not reflected by the current flood plain mapping. The watercourse that bisected the parcel has been realigned along the easterly limit of the parcel.

Based on the Engineering Report for the Hope Drain (K. Smart Associates Ltd., June 20, 2006), the Regional Storm Event is contained by the banks of the improved channel, and as a result, the flood plain does not encroach onto the property. The study recommends a 45-metre setback from the top of the bank of the Hope Drain for any future development. This matter has been reviewed by Conservation Sudbury as outlined in the appendix to this report.

Based on the above information, the proposal addresses an important matter of Provincial interest, which stipulates that institutional uses such as schools and day cares shall not be permitted to locate in hazardous lands and hazardous sites, including flood plains.

As a condition of approval, it is therefore recommended that the municipal drain and associated flood plain be zoned restrictively to “OSP”, Open Space Private in recognition of the physical constraints to development. These lands are identified as Part 2 on the preliminary survey plan submitted by the applicant. The only permitted use in the OSP zone is a park. A municipal drain is permitted in all zones as a type of public use.

Access

Access considerations extend to all four (4) major modes of transportation, including driving, public transit, cycling and walking. The subject property presents specific challenges given that the site is not fully integrated into the City’s transportation network. Municipal Road 80 is not constructed to an urban standard at this location, as there are no sidewalks, bike lanes or widened paved shoulders on either side of the street. The site does not benefit from an existing signalized intersection or access via an existing Local or Collector Road. Furthermore, it is disconnected from the built-up area by virtue of its location just outside the built boundary. Notwithstanding the above, there is a transit stop located on the west side of MR80 opposite Shirley Avenue (Route 105).

The proponents submitted a Traffic Impact Study (TIS) in support of the application. The traffic analysis revealed that anticipated traffic volumes do not warrant traffic signals based on Ministry of Transportation guidelines. However, the TIS determined that the school could not function without a fully signalized intersection at Shirley Avenue in order to provide safe access to the site for all modes of transportation. Sudbury Student Services Consortium also advised that signalization is required in order to provide service.

Based on information provided by the Board, the majority of students will be bused given the large catchment area of the new school. A smaller proportion would walk or bike depending on the grade level. The Sudbury Student Services Consortium advised that only students in Grades 7 and 8 would be required to walk to school if they reside within walking distance based on their hazard criteria. The TIS recommends a raised pedestrian holding area on Shirley Avenue on the east side of MR80, as well as a paved pedestrian/bike path on the west side of MR80 (removed from the vehicular roadway) from the school driveway to Jeanne d’Arc Street, a distance of approximately 600 metres.

The Board submitted a summary of initiatives intended to encourage walking and cycling while also providing a safe environment for active modes of transportation (letter attached). Such actions include the following:

- Students are accompanied to the traffic signals by a staff member in order to facilitate crossing of the street;
- Crossing strategies are regularly shared with students who walk or bike to school;
- School Principals collaborate with the Greater Sudbury Police Service to provide educational sessions on various safety practices; and,
- There are regular communications with parents concerning the implementation and benefits of the initiatives.

Roads, Transportation & Innovation and Active Transportation staff have a number of concerns related to existing conditions and the location of the new school. Of particular concern is the provision of safe access to the site and the impact of signalization on the functioning of the Primary Arterial Road and the local road network. Staff met with CSCNO in order to obtain a better understanding of the extent and nature of their programming efforts related to active transportation.

As a result, Staff recommend that the installation of full signalization at MR80 and Shirley Avenue be required prior to the opening of the school, and that the costs of designing and installing full signals be borne by the owner. It is further recommended that a pedestrian/bike path be provided on the west side of MR80 as per the recommendations of the Traffic Impact Study. These matters can be addressed as part of the Site Plan Control Agreement.

Official Plan

The proposal presents conformity with the Official Plan based on the following policy considerations:

- The subject land is designated as Living Area 1, which permits local institutional uses such as elementary schools;
- There are no concerns related to land use compatibility, suitability of the lot, scale and siting of the proposed building, adequacy of parking and traffic generation;
- Development just outside the built boundary is not prohibited by the Official Plan;
- Field surveys determined that there is no habitat of endangered species and threatened species on the subject lands;
- There are no flooding hazards on the portion of the site proposed to be developed, as the flood plain is now contained within the channel of the Hope Municipal Drain; and,
- Access to the site is addressed by the installation of traffic signals, supplemented by the Board's programs to encourage active modes of transportation that are safe and accessible.

Provincial Policy Statement

The proposal aligns with the key policy requirements of the Provincial Policy Statement. The subject land is located in a designated growth area that is fully serviced and located on a major arterial road. Transit service is available on MR80 at Shirley Avenue. The proposed school will not be located on hazard lands, as the limits of the flood plain have been realigned based on improvements to the Hope Municipal Drain, which has been confirmed through a flood plain study.

The application is consistent with the 2020 Provincial Policy Statement.

Growth Plan for Northern Ontario

The proposal supports Greater Sudbury's designation as an Economic and Service Hub by expanding the range of educational facilities available within the community. The application conforms to the 2011 Growth Plan for Northern Ontario.

Conclusion:

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution Section of this report.