

30 Ste. Anne Rd and 38 Xavier Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	December 9, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-19

Report Summary

This report provides a recommendation with respect to an application to rezone the subject lands to “I(24)”, Institutional Special, in order to prevent a split-zoning, which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize the entrance areas and transfer ownership of the internal sidewalks.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Dalron Construction Limited to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “C4(16), Office Commercial Special to “I(24)”, Institutional Special on those lands described as Firstly: PINs 02138-0199 and 02138-0200, Lot 93 on Plan 85-S, Part of Lot 92 on Plan RCP 8559, Lots 316 and 317, Part of Lots 315, 318, 319-322, Lane and Part of Block Z on Plan 1-SC designated as Parts 1-3 on Plan 53R-16526 except Parts 6-8, Plan 53R-20995 and including Parts 2-4 on Plan 53R-20995, Part Lots 5 and 6, Concession 4, Township of McKim; Secondly: PIN 02138-0077, Lot 94, Plan 85-S, Part Lot 5, Concession 4, Township of McKim, as outlined in the report entitled “30 Ste. Anne Rd and 38 Xavier Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of December 9, 2024, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on December 10, 2026, unless Condition #1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The application to amend the City’s Zoning By-law is an operational matter under the Planning Act to which the City is responding. Preventing a split-zoning that would result from a lot line adjustments between abutting properties does not either directly align with or negatively impact any of strategic goals and

objectives that are identified within the City's Strategic Plan. The rezoning application would facilitate a lot line adjustment between abutting properties and it is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

Financial Implications

There are no financial implications associated with the report.

Report Overview:

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification on the subject lands from "C4(16), Office Commercial Special to "I(24)", Institutional Special in order to prevent a split-zoning due to a lot line adjustment between abutting properties to formalize entrance areas and transfer ownership of the internal sidewalks. The split-zoning would result from the consolidation of the subject lands with those abutting lands known municipally as 20 Ste. Anne Road in Sudbury.(Red Oak Villa) The benefitting lands are presently zoned "I(24)", Institutional Special in the City's Zoning By-law. The Planning Services Division is recommending that the application be approved as outlined and noted in the Resolution section of this report.

STAFF REPORT

PROPOSAL:

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from "C4(16), Office Commercial Special to "I(24)", Institutional Special in order to prevent a split-zoning which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize entrance areas and transfer ownership of the internal sidewalks. The subject lands will be consolidated with the abutting lands known municipally as 20 Ste. Anne Road in Sudbury, which contains a retirement home (Red Oak Villa).

The applicant has submitted two Concept Plans in support of the application.

Existing Zoning: "C4(16), Office Commercial Special

The "C4(16)" Zone permits a range of commercial uses with site-specific parking rates and development standards.

Requested Zoning: "I(24)", Institutional Special

The I(24) special zone additionally permits a retirement home with a maximum of 198 guest rooms and related accessory uses. The development standards for the Institutional zone apply with exceptions for parking and setbacks. A minor variance approved in 2017 permitted an increase in the number of guest rooms from 198 to 207, and approval of two retaining walls having reduced yard setbacks.

Location and Site Description:

The subject lands are located on a portions of 30 Ste. Anne Road and 38 Xavier Street in the community of Sudbury. The lands are shown on the concept plan as Area 1, 2 and 3, described as follows:

- Area 1: approximately 1139 square metres and includes the parking area beside the driveway entrance
- Area 2: approximately 990 square metres and includes an internal pedestrian sidewalk
- Area 3: approximately 958 square metres and includes an undeveloped parking area

The property known as 38 Xavier Street is a Designated Heritage Site though the building on the property has been demolished.

Surrounding Land Uses:

North: office on retained lands at 30 Ste. Anne Road, Designated Heritage Site 162 Mackenzie Street (formerly known as St. Louis de Gonazgue), Marymount Academy

East: retained lands at 38 Xavier Street used for parking, Native People of Sudbury Development Corporation

South: Main Public Library, Red Oak Villa, Ste. Anne Road

West: Mackenzie Street, Sudbury Secondary School, low density residential use

The existing zoning and location map is attached to this report indicating the location of the subject lands that are to be rezoned, as well as the applicable zoning in the immediate area. The submitted Concept Plans are also attached to this report for reference purposes.

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on September 26, 2024. 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 120 metres of the property on November 14, 2024.

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. As of the date of this report, one question from the public regarding the purpose of the application was received. No public input has been received.

POLICY AND REGULATORY FRAMEWORK:

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

- [2024 Provincial Planning Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2024 Provincial Planning 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 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning application be approved.

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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands and benefitting lands are designated Downtown in the Official Plan for the City of Greater Sudbury. Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable Downtown policies in the City's Official Plan. Staff acknowledges that the proposed rezoning is largely technical in nature, and will facilitate lot line adjustments and prevent a split-zoning.

Zoning By-law 2010-100Z:

The subject lands are presently zoned "C4(16), Office Commercial Special in the City's Zoning By-law. The owner is requesting that a portion of the subject lands be rezoned to "I(24)", Institutional Special in order to prevent a split-zoning and facilitate lot additions. No site-specific relief from any zone provisions is being requested.

Site Plan Control

There are site plan control agreements registered over the three properties affected by the application. The proposed changes to the property fabric would not impact the site plan requirements. Area 3 is not included in the site plan control agreement, and if this area will be used for parking or other uses covered under site plan control then a site plan amendment may be required to address grading, access, landscaping, surface treatment, etc.

Related Applications

Consent application B0076/2024 was conditionally approved on October 7, 2024 to consolidate the subject lands with the abutting property known as 20 Ste. Anne Road. The conditions include that the lands must be rezoned to eliminate the split-zoning prior to issues of a final consent certificate.

Previous rezoning application [751-6/15-22](#) resulted the current "I(24)", Institutional Special zone, which was an amendment to the original "I(24)" zone and permitted the expansion of the retirement home at 20 Ste. Anne Road (Red Oak Villa). Minor variance application B0044/2017 was approved in 2017 to permit an increase in the number of guest rooms from 198 to 207, and permit two retaining walls having reduced yard setbacks. The original "I(24)" zone was carried forward in By-law 2010-100 from a 2004 amendment to the previous By-law 95-500Z, which permitted a seniors residence with 85 guest rooms as well as retail stores, offices, personal services shops and a restaurant (File 751-6/04-7).

Department/Agency Review:

The application including relevant accompanying materials was circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

Given the technical nature of the development proposal, only those agencies and departments that are integral to the review were circulated the rezoning application. The owner is therefore cautioned that the related consent application is circulated to a wider range of agencies and departments that may have interest in matters extending beyond the split-zoning issue that this rezoning application is intended to resolve.

No concerns were raised by Infrastructure Capital Planning, Development Engineering or Conservation Sudbury.

Building Services advises of no objections and offers the following comment: The addition of Area 1 located with frontage on Mackenzie would, by zoning definition, change the front lot line for 20 Ste. Anne Rd. The "I(24)" specific standards will need to be revised accordingly with the rotation of the lot fabric, and with additional relief for reduced lot frontage of 26.5m where 30m is required. Alternatively, the existing front lot line on Ste. Anne could be deemed the front lot line.

PLANNING ANALYSIS:

The 2024 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to applicable policies, including any issues raised through agency and department circulation.

The application requests to rezone the subject lands from "C4(16)", Office Commercial Special to "I(24)", Institutional Special in order to prevent a split-zoning which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize entrance areas and transfer ownership of the internal sidewalks.

The principle of developing a retirement home at 20 Ste. Anne Road was established through previous applications. The proposed "I(24)" Zone is appropriate and desirable from the perspective of aligning lands with the retirement home. Preventing a split-zoning is desirable from a good land use planning perspective in order to avoid interpretation challenges as it relates to the City's Zoning By-law.

Further to comments from Building Services, the addition of Area 1 will change the front lot line for 20 Ste. Anne Rd to Mackenzie Street, and the amount of frontage is deficient. Staff recommends that this issue cannot be resolved through an amendment to the "I(24)" special zoning since the lands at 20 Ste. Anne Road are not subject to the current application. This issue will not affect the existing development, and the owner is advised that zoning relief may be required to enable redevelopment of the site at 20 Ste. Anne Road.

It is on this basis that staff has no concerns with the requested zone category and would note that a registered survey plan providing a legal description of the lands to be rezoned is required in order to prepare an amending zoning by-law should the rezoning application be approved.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

- To rezone the subject lands from "C4(16)", Office Commercial Special to "I(24)", Institutional Special in order to prevent a split-zoning which would result from lot additions from 30 Ste. Anne Road and 38 Xavier Street to 20 Ste. Anne Road to formalize entrance areas and transfer ownership of the internal sidewalks.

Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The principle of developing a retirement home at 20 Ste. Anne Road was established through previously-approved planning applications.
- The proposed "I(24)" zone is appropriate and desirable from the perspective of aligning lands with the retirement home.
- Preventing a split-zoning will avoid interpretation challenges as it relates to the City's Zoning By-law.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.