

STAFF REPORT

PROPOSAL:

An application for rezoning has been submitted in order to permit a private elementary school and preschool (Sudbury Christian Academy). The subject property would essentially revert back to its previous use as an elementary school (former St. Raphael School). The applicant advised that current enrolment is approximately 100 students, with plans to double enrolment over a five-year period.

Existing Zoning: "R4(9)", High Density Residential Special

The property is currently zoned "R4(9)", High Density Residential Special under [Zoning By-law 2010-100Z](#), which permits a mix of residential and small-scale accessory commercial uses as follows:

Notwithstanding any other provision hereof to the contrary, within any area designated R4(9) on the Zone Maps, all provisions of this by-law applicable to the "R4", High Density Residential Zone shall apply subject to the following modifications:

- (i) The only permitted uses shall be a multiple dwelling, a retirement home, and related accessory uses;
- (ii) The development shall not exceed 120 dwelling units or 150 guest rooms or a combination thereof. The formula for determining capacity shall be on the basis on 1.25 guest rooms being the equivalent of 1 dwelling unit;
- (iii) The location of the existing building shall be permitted;
- (iv) The maximum building height of the existing building shall not exceed two (2) storeys;
- (v) New buildings are permitted in accordance with the following provisions:
 - (a) The minimum setback from the southerly interior side lot line abutting Lots 8 to 11, Plan M-382 shall be 80 metres;
 - (b) The maximum building height shall be six (6) storeys;
- (vi) Related accessory uses are permitted in conjunction with a retirement home as follows:
 - (a) A medical office with a maximum gross floor area of 400m²;
 - (b) Not more than one personal service shop and one convenience store, not exceeding 150m² in total net floor area, accessory to, completely enclosed within and accessible only from inside the retirement home;
- (vii) A planting strip with a minimum depth of 1.8 metres shall be provided along the southerly interior side lot line abutting Part 1, Plan 53R-3835;
- (viii) A natural vegetative buffer shall be maintained 10 metres from the southerly, westerly and easterly interior side lot lines abutting the rear yards of Lots 5 and 6, Plan M-1116, Lots 8 to 14, 16 and 17, Plan M-382, and Part 1, Plan 53R-3835;
- (ix) A natural vegetative buffer shall be maintained with a minimum width of 20 metres from the northerly rear lot line;

- (x) A steel guardrail, constructed in manner consistent with applicable provincial standards to prevent vehicles leaving the travelled portion of the South Driveway, adjacent to the slope, shall be constructed along the south boundary of the South Driveway as it extends to the north and the length of the Appellant's property, being Part 1 on Plan 53R-3835, PIN Parcel 02124-0158;
- (xi) A board-to-board fence of quality materials, at the maximum height permitted by the City's By-law(s) relating to fences shall be constructed along the length of the north boundary of Part 1 on Plan 53R-3835, PIN 02124-0158; and,
- (xii) The final form of existing gymnasium located shall be designed and constructed so as to allow for the creation of a covered walkway, within the first floor of the southern portion of the gymnasium built-form, along its entire length, to be integrated into the final design of the pedestrian and vehicular portions of the driveway running along the southerly interior side lot line abutting Part 1 on Plan 53R-3835 and continuing along the entire length of the south façade and portion of gymnasium, with final specifics to be determined during the Site Plan approval process.

Requested Zoning: "I", Institutional

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.

A special needs facility is defined as housing, including dedicated facilities, that are designed to accommodate individuals with specific needs and includes a crisis residence, long term care facilities and retirement homes.

Location and Site Description:

PIN 02124-0103, Part 1, Plan SR-713, Lot 18, Plan M-382 in Lot 2, Concession 5, Township of McKim (1096 Dublin Street, Sudbury)

The subject property comprises the former St. Raphael School at 1096 Dublin Street in New Sudbury. The area is fully serviced by municipal water and sanitary sewer. Dublin Street is designated as a Local Road and is constructed to an urban standard with a sidewalk on the north side.

The closest public transit stops are located on Attlee Avenue, which provides service to the Downtown Hub via Cambrian College during the morning peak period only (21 Grandview Commuter); and on Hawthorne Drive, which provides service to the New Sudbury Hub via Falconbridge Road during off-peak hours in the morning and through the afternoon (23 New Sudbury Local). Transit users could also walk north to Lasalle Boulevard to access Main Line #1.

Total site area is 3.65 ha, with approximately 65 metres of frontage on Dublin Street. The site is occupied by a 4 000 m² former elementary school built in 1965 that was declared surplus and sold in 2016. Building height varies from one to two storeys. The 9.1-metre setback in the southerly interior side yard abutting Part 1, Plan 53R-3835 is legal non-complying.

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The subject property abuts Junction Creek to the north. A northerly portion of the property forms part of a designated flood plain, as illustrated on the attached map from Conservation Sudbury. An asphalt pathway provides access to a pedestrian bridge and the Junction Creek Waterway Park Trail on the north side of the watercourse, as well as residential neighbourhoods further to the north.

Dublin Street is comprised of low density housing, predominantly single detached dwellings, which directly abut to the south and east. Semi-detached dwellings abut to the west on Cana Court and Arthur Street. A 14-storey apartment building with 112 units also abuts to the west (Bonik Apartments).

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

The 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 applicant advised that an open house would be conducted at the school.

As of the date of this report, two (2) phone calls in support of the application have been received by Planning Services.

POLICY & REGULATORY FRAMEWORK:

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

- [2014 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.

2014 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.

In order to sustain a healthy, liveable and safe community, Section 1.1.1 of the PPS promotes an appropriate range and mix of residential, employment, institutional and other uses to address long-term needs. Such uses should be concentrated in settlement areas, which shall be the focus of growth and development under Section 1.1.3.

Under Section 3.1.5 of the PPS, institutional uses such as schools, preschools and day cares shall not be developed on hazardous lands such as designated flood plains.

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2011 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 identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses.

Official Plan for the City of Greater Sudbury:

Living Area 1

The subject land is designated as Living Area 1, which permits a range of residential uses and neighbourhood-based institutional uses such as an elementary school.

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.

Surplus institutional buildings

Under Section 4.4, rezoning applications related to the conversion of surplus institutional buildings and the rezoning of vacant lands held by institutions shall be considered based on the following criteria:

- a. the need for such lands or buildings for other public uses, and their long-term value to the community;
- b. the compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Official Plan with respect to the proposed uses;
- c. for conversion to residential uses, the appropriateness of the proposed density; and,
- d. the policies of Sections 2.3.2 (Settlement Areas), 11.3.2 (Land use policies to support transit needs) and 11.8 (Accessibility), and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

Zoning By-law 2010-100Z:

The subject property has several legal non-complying features, including the 9.1-metre setback in the southerly interior side yard where 10 metres is required; and, no planting strips along the southerly interior side yard abutting PIN 02124-0158 (1090 Dublin Street) and the easterly interior side yard abutting PIN 02124-0099 (1112 Dublin Street).

Building Services advised that these non-complying elements must be addressed as part of this rezoning process given that the zoning had been amended to an R4 Special.

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Site Plan Control:

There is no Site Plan Control Agreement for the subject land, as construction of the school predates the implementation of site plan control. Given that the size and use of the building is not being substantially increased under this proposal, a Site Plan Control Agreement is not recommended as a condition of approval.

Department/Agency Review:

Building Services advised that the non-complying components of the property should be recognized under the proposed zoning. The new owner is further advised that there are some open building permits on file that should be addressed.

Traffic and Transportation Section indicated that the proposed use will generate less traffic compared to the former St. Raphael School and that the local road network has sufficient capacity.

Development Engineering recommends that a test manhole be installed to bring the property into compliance with the Sewer Use By-law 2010-188.

BACKGROUND:

An application for rezoning was approved on November 20, 2017 in order to permit the residential conversion of the former St. Raphael School and the construction of a new building with a maximum height of six storeys ([File 751-6/17-12](#)). The following uses were proposed:

- A maximum 120 multiple dwelling units (apartments), or an equivalent number of retirement home guest rooms, or a combination of the two uses; and,
- Related accessory uses to a retirement home including medical offices and personal service shops.

The amending by-law was adopted by Council on January 9, 2018.

By-law 2018-9Z was subsequently appealed to the Ontario Municipal Board (now the Local Planning Appeal Tribunal) on February 5, 2018 by an abutting property owner who resides directly south of the subject site. The appellant objected to a specific component of the proposed development, being the southerly driveway access in the southerly interior side yard. A one-day hearing before the Tribunal was conducted on November 7, 2018. The Tribunal member issued an oral decision as follows:

“The Tribunal Orders that the appeal against By-law No. 2018-9Z of the City of Greater Sudbury is allowed in part and the Tribunal directs the City to amend By-law No. 2018-9Z as set out in Attachment 1 to this Order by adding the following additional modifications to paragraph 2 of that By-law:

- (a) A steel guardrail, constructed in manner consistent with applicable provincial standards to prevent vehicles leaving the travelled portion of the South Driveway, adjacent to the slope, shall be constructed along the south boundary of the South Driveway as it extends to the north and the length of the Appellant’s property, being Part 1 on Plan 53R-3835, PIN Parcel 02124-0158;
- (b) A board-to-board fence of quality materials, at the maximum height permitted by the City’s By-law(s) relating to fences shall be constructed along the length of the north boundary of Part 1 on Plan 53R-3835, PIN Parcel 02124-0158; and

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- (c) The final form of existing gymnasium located shall be designed and constructed so as to allow for the creation of a covered walkway, within the first floor of the southern portion of the gymnasium built-form, along its entire length, to be integrated into the final design of the pedestrian and vehicular portions of the driveway running along the southerly interior side lot line abutting Part 1 on Plan 53R-3835 and continuing along the entire length of the south façade and portion of gymnasium, with final specifics to be determined during the Site Plan approval process.

In all other respects, the appeal is dismissed.”

PLANNING ANALYSIS:

Land use compatibility

There are no issues related to compatibility, as the proposal would re-establish the historical institutional use of the property dating back to the 1960s. Furthermore, existing and proposed enrolment for the private school would be much less than the maximum capacity of the former St. Raphael School (539 students). Accordingly, there will be less traffic generated by the proposal compared to the previous elementary school use.

The existing “R4(9)”, High Density Residential Special zoning would be deleted if this application is approved, including the modifications from the Ontario Municipal Board order related to the interface along the southerly interior side yard, as set out under Clauses (x), (xi) and (xii) of the R4(9) Special zoning (see background above).

Given that the proposed use is less intensive, it is recommended that the legal non-complying features of the property be recognized as part of the site-specific zoning. All other provisions of the “I”, Institutional zone shall apply.

Parking

There are no concerns related to the provision of on-site parking, as there is surplus site area to accommodate parking for employees and visitors. Only a small portion of the school yard is required for parking, as illustrated on the applicant’s sketch. A minimum of 50 parking spaces is required based on a standard of 2 spaces per classroom (25 classrooms). The reduction in required parking compared to the existing R4 Special zoning is significant, allowing portions of the extensive school yard to be regreened, which would in turn mitigate the impacts of urban runoff from the site.

Traffic generation

Traffic and Transportation Section have no concerns related to local traffic impacts. There will be less traffic generated by the proposed use during peak periods compared to the former St. Raphael School. Staff advised that the local road network has sufficient capacity to handle the estimated traffic to and from the site. The traffic calculations and comments are set out in the Appendix to this report.

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Official Plan conformity

The proposal conforms to the Official Plan based on the following observations:

- The site is suitably large to accommodate on-site parking and outdoor school activities;
- Elementary schools and pre-schools are neighbourhood-based institutional uses which are permitted in Living Areas;
- Compatibility is maintained based on the type and intensity of use;
- Existing mature vegetation provides a green buffer around much of the perimeter of the site;
- There is no encroachment into the designated flood plain;
- There will be less traffic generation compared to the historical use of the property as a separate school with a higher enrolment;
- The surplus institutional property is not required for public uses; and,
- The site is within walking distance of public transit.

2014 Provincial Policy Statement

The establishment of a neighbourhood-based institutional use in a residential setting is consistent with the policy framework applied to settlement areas under the PPS. Furthermore, the school building is not located in an area impacted by hazard lands, being the flood plain associated with Junction Creek.

The application is consistent with the 2014 Provincial Policy Statement.

2011 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:

The private elementary school is viewed as an appropriate use for the site, which contains a purpose-built school with 25 classrooms and sufficient capacity to accommodate the new use. Land use compatibility is maintained and the proposal is deemed to be a good fit with the surrounding neighbourhood, which is predominantly low density residential in character.

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