

STAFF REPORT

Background:

This update concerns [File 751-6/17-12](#), which is an application for rezoning 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 to accommodate the following:

- 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 following resolution PL2017-166 was passed by Planning Committee on November 20, 2017 and ratified by City Council on December 12, 2017:

“THAT the City of Greater Sudbury approves the application by Dalron Construction Limited to amend Zoning By-law 2010-1002 by changing the zoning classification from "1", Institutional to "R4(S)", High Density Residential Special on lands described as PIN 02124 0103, Part 1, Plan SR-713 in Lot 2, Concession 5, Township of McKim, as outlined in the report entitled "Dalron Construction Limited", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 20, 2017, subject to the following conditions:

- a) The only permitted uses shall be a multiple dwelling, a retirement home, and related accessory uses;
- b) 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 of 1.25 guest rooms being the equivalent of 1 dwelling unit;
- c) The location of the existing building shall be permitted;
- d) The maximum building height of the existing building shall not exceed two (2) storeys;
- e) New buildings are permitted in accordance with the following provisions:
 - i) The minimum setback from the southerly interior side lot line abutting Lots 8 to 11, Plan M-382 shall be 80 metres;
 - ii) The maximum building height shall be six (6) storeys;
- f) Related accessory uses are permitted in conjunction with a retirement home as follows:
 - i) A medical office with a maximum gross floor area of 400 m²;
 - ii) Not more than one personal service shop and one convenience store, not exceeding 150 m² in total net floor area, accessory to, completely enclosed within and accessible only from inside the retirement home;
- g) 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;
- h) 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;
- i) A natural vegetative buffer shall be maintained with a minimum width of 20 metres from the northerly (rear) lot line;

AND THAT at the site plan stage, pedestrian access to Stafford Street be maintained and the southerly access drive include a pedestrian walkway.”

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

Appeal:

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 appeal was subject to the transition provisions of the *Local Planning Appeal Tribunal Act* (O. Reg. 101/18). As such, the rules and procedures related to OMB hearings were applied.

The appellant objected to a specific component of the proposed development, being the southerly driveway access in the southerly interior side yard. The appellant’s position was that there is insufficient width to accommodate vehicular and pedestrian access and an appropriate planting strip for screening and buffering. The appellant also raised issues related to public safety given the grades and the tight access along this portion of the property.

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
- (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.”

Summary:

A copy of the Tribunal order is attached for review. Staff will bring forward the necessary modifications to By-law 2018-9Z as directed by the Tribunal.