

THE FIRST MEETING OF THE WHOLE - PLANNING OF THE CITY OF GREATER SUDBURY

Council Chambers, Tom Davies Square, Tuesday, January 16, 2001, Commencement: 7:01 p.m.
Adjournment: 10:10 p.m.

COUNCILLOR DAVE KILGOUR PRESIDING

PRESENT

Councillors Bradley, Courtemanche, Craig, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Petryna, Portelance,

Mayor Gordon

COMMUNICATION

Councillor Callaghan

STAFF

J. Rule, Chief Administrative Officer; D. Nadorozny, General Manager Economic Development and Planning Services; B. Lautenbach, Director of Planning Services; A. Potvin, Senior Planner, Planning Services; T. Mowry, City Clerk; A. Haché, Deputy City Clerk, H. Salter, Deputy Solicitor, G. Clausen, Director of Engineering Services; L. Moulaison, Planning Technician; S. Hotti, Recording Secretary

MEDIA

The Box, Northern Life, Sudbury Star, MCTV,

Committee Chair Welcome

The Committee Chair welcomed everyone to the very first meeting of the Committee of the Whole - Planning for the City of Greater Sudbury. He pointed out that this evening's meeting is the first time the entire Council of the City of Greater Sudbury is sitting and performing the duties of a Planning Committee. He stated that it is a great way to show the citizens how much importance this particular Council is placing on the entire area of planning. A second, less obvious feature of the meeting is for first time the areas of planning will be more closely linked with economic development under the same mast and guidance. There will also be other important aspects of planning, such as social and cultural development, as well as sustainability.

He pointed out that over the past three years a vast amount of information and ideas have been developed. This information will be valuable in taking the next steps toward the development of our new community.

He stressed that Council must make use of this vast vault of resources to make our community a better place to live in.

He stated that they have made commitments to work toward more economic development, to provide for a more friendly community in which to develop new businesses. This Committee will allow them to work toward these goals. He challenged all Committee Members and citizens in the City of Greater Sudbury to step forward, give ideas, give constructive criticism, and when asked give of their time to assist in making change.

ORIENTATION SESSION

Committee of the Whole - Planning Process Orientation

The Director of Planning Services gave a brief power point presentation to the Committee on the key Planning Act processes and how they are dealt with. He outlined the procedure followed from when an application is received to when the process is completed.

Committee of the Whole - Planning Process Orientation dated January 16, 2001, was circulated to Members of Committee of the Whole - Planning.

PUBLIC HEARING

REZONING APPLICATION TO PERMIT THE RETAIL SALE OF AQUARIUM STOCK AND SUPPLIES AS A TEMPORARY USE, 252 CATHERINE DRIVE, GARSON - PETER JOWSEY

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated January 10, 2001 was received from the Director of Planning Services and General Manager, Economic Development and Planning Services regarding a rezoning application to permit the retail sale of aquarium stock and supplies as a temporary use, 252 Catherine Drive, Garson - Peter Jowsey.

Letter of support dated January 8, 2001 was received from Charles F. Murray, 256 Catherine Drive, Garson regarding the above-noted rezoning application.

Letter of support dated January 16, 2001 from Ted Callaghan, Councillor, Ward, City of Greater Sudbury regarding the above-noted rezoning application was circulated to Committee of the Whole - Planning Members at the meeting.

Letter dated January 15, 2001 from the applicant, Peter Jowsey regarding letters of support from seven neighbours in the immediate vicinity of his home, was circulated to Committee of the Whole - Planning Members at the meeting.

The Director of Planning Services outlined the application to the Committee.

Mr. Peter Jowsey, applicant addressed the Committee explaining that the intent of the application is to test the market for the sale of aquarium stock and supplies for a limited time period.

Mr. Jowsey stated that he has resided in the neighbourhood for over 20 years. He has also spoken to most of his immediate neighbours and advised that they have no objection to his rezoning application and have submitted letters in support of his operation. He explained that there has never been a problem with traffic or parking because the majority of his customers come by appointment and this will continue in the future operation. He also advised that he retired from his job as of December 1, 2000 in order to pursue this adventure on a full time basis.

The Committee noted that Mr. Jowsey has been operating his business since April 1998 when he received a business license from the Town of Nickel Centre.

Ms. Terry Cudney representing Pet Paradise, 900 Lasalle Boulevard, Sudbury addressed the Committee opposed to the rezoning application.

Ms. Cudney pointed out that the retail sale of aquarium stock and supplies is a very lucrative business.

She questioned what the applicant hopes to find out in the next three years that he doesn't already know about the business. She stated that they run a legitimate business, pay property taxes, rental space and salary for ten employees. She advised that they pay \$12,000 per month which covers the rent, taxes, etc. She questioned why the applicant should be allowed to run a business out of his home when they have to pay for retail space. She pointed out that he has no overhead expenses, no employees and can undercut other businesses which gives him a great advantage over their business. She stated that she does not believe that is the purpose of a zoning by-law. She also advised that she has visited that applicant's home and had to park on the road because there was no where else to park.

Mr. Chuck Murray, 256 Catherine Drive, Garson, addressed the Committee in support of the application. He indicated that he has resided next door to the applicant for 23 years. He pointed out that the Town of Nickel Centre allowed the "home occupation" to exist with the assurance that

the traffic would not be an issue. He stated that you would not even know the business on Catherine Street. He strongly requested that the Committee support Mr. Jowey's application. Mr. Mike Bandura, owner of Pet Paradise, 900 Lasalle Boulevard, Sudbury, addressed the Committee stating that his suppliers are Canadian and will not sell any supplies to the applicant. He pointed out that they can both purchase a fish for \$10.00 but he would have to mark it up to \$20.00 to make a profit, whereas Mr. Jowsey has very little, if any overhead and can under sell his products. He also stated that it is a very lucrative business and stated it is only fair that Mr. Jowsey also pay for retail space because he pays his share. It should be no different for Mr. Jowsey. He also expressed concern with parking and traffic in the area.

The Committee noted that the applicant must meet the criteria for the establishment of a "home occupation" as outlined in By-law 83-304 on page 7 of the agenda. A "home occupation" is a permitted use in all residential districts.

Mr. Jowsey explained that when he had applied for the temporary zoning it was suggested that a three year period would not be any different than a one year period. He stated the word lucrative is not something he has heard before. He explained that when a fish is taken off a coral it has to be taught how to eat and survive. Many times the fish does not live. He pointed out that part of the problem is not selling, it's how to obtain the merchandise. He advised that many times he has to drive to pick-up the merchandise.

With respect to parking concerns he advised that in reviewing his sales receipts from October to December 2000, he had an average of 1.2 customers per day. He also pointed out that he has a few outside customers of which he maintains their aquariums.

Mr. Jowsey pointed out that he also pays property taxes and that his goal is to relocate his business to a retail outlet if it proves to be viable. He stated that he will not be requesting an extension after the three year term has expired.

The Public Hearing concerning this matter was closed and the Committee of the Whole - Planning resumed in order to discuss and vote on the application.

The following resolution was presented:

That the application by Peter Jowsey the owner of Parcel 39380 S.E.S. being Lot 91, Plan M-891, Lot 5, Concession 2, Township of Garson, to permit the retail sale of aquarium stock and supplies in accordance with the provisions of a "home occupation" save and except Paragraph (iii) of Subsection (2) of Section 12 of Part II of By-law 83-304 being the Comprehensive Zoning By-law for the Town of Nickel Centre, for a maximum temporary period of three (3) years, pursuant to Section 39 of The Planning Act, R.S.O., 1990 be approved.

The following amendment to the above-noted resolution was presented:

Resolution 2001-01

That we amend the resolution by replace the words "three years" with "18 months".

CONCURRING MEMBERS: Councillors Bradley, Courtemanche, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Gordon, Kilgour

NON-CONCURRING MEMBERS: Councillors Craig Petryna

The main resolution as amended was presented:

Resolution 2001-02

That the application by Peter Jowsey the owner of Parcel 39380 S.E.S. being Lot 91, Plan M-891, Lot 5, Concession 2, Township of Garson, to permit the retail sale of aquarium stock and supplies in accordance with the provisions of a "home occupation" save and except Paragraph (iii) of Subsection (2) of Section 12 of Part II of By-law 83-304 being the Comprehensive Zoning By-law for the Town of Nickel Centre, for a maximum temporary period of eighteen (18) months, pursuant

to Section 39 of The Planning Act, R.S.O., 1990 be approved.

CONCURRING MEMBERS: Councillors Bradley, Courtemanche, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Gordon, Kilgour

NON-CONCURRING MEMBERS: Councillors Craig Petryna

Recess

The Committee recessed at 8:50 p.m. and reconvened at 8:57 p.m.

SECONDARY PLAN AMENDMENT APPLICATION TO ESTABLISH A SPECIAL EXEMPTION FROM THE POLICIES OF THE VALLEY EAST SECONDARY PLAN TO PERMIT THE CREATION OF AN ADDITIONAL LOT, 2600 VALLEYVIEW ROAD, VAL CARON - RICHARD AND LORRAINE TREITZ

The Committee of the Whole - Planning meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated January 10, 2001 was received from the Director of Planning Services and General Manager, Economic Development and Planning Services regarding Secondary Plan Amendment application to establish a special exemption from the policies of the Valley East Secondary Plan to permit the creation of an additional lot, 2600 Valleyview Road, Val Caron, - Richard and Lorraine Treitz.

The Director of Planning Services outlined the application stating that the application is site specific to allow the applicant to sever the 27 acre parcel into two parts. The exemption would permit the creation of an approximate 20 acre rural residential lot within the northerly portion of the subject property while maintaining an approximate 7 acre rural residential lot. He gave a brief history of the subject property outlining the three severances that have occurred on the applicant's land and the severance to the east of the subject property. In 1988 an application to sever a one acre lot from the subject lands was approved pursuant to the "Agricultural Reserve" policies of the Official Plan for the Sudbury Planning Area. In April 1990 the former Regional Land Division Committee approved the creation of three lots even though they were advised that it would conflict with the Policies of the Official Plan (by exceeding the number of severances to be permitted on 30 acre parcel of land); nevertheless, the Land Division Committee approved the applications. No appeals were initiated.

He explained that the necessity to deal with unstructured urban areas, urban sprawl, scattered development in non-urban areas and their corresponding outcomes of land use conflict, pressures to improve municipal services which are often financially and physically impractical because of low densities, urbanization of the countryside, pollution, traffic conflicts and transportation demands, loss of agricultural lands etc. were fundamental objectives established within the Official Plan for the Sudbury Planning Area as adopted in 1978.

The Official Plan establishes policies for non-urban development specifically addressing both "Rural Residential Development" and "Agriculture". Key to this Plan objective is the principle that limits must be placed on the number of residential lots to be created (whether in the agricultural reserve, mineral resource areas or rural lands).

He explained that the application proposed requests that Council exceed the lot creation limits prescribed within the "Agricultural Reserve" land use designation of the Valley East Secondary Plan. The Policy states one severance per 25 acres of the total holding shall be permitted. He noted that the holding was approximately 30 acres in size in 1990 and has had four severances. He stated that the proposed application conflicts with the principles of land use as outlined within the Provincial Policy Statement and is not supported by sound land use planning principles. The Planning Services is not able to support the application.

Councillor Davey departed at 9:18 p.m. and returned at 9:25 p.m.

Mr. and Mrs. Treitz, applicants were present. Mr. Treitz circulated copies of the survey and photos to Members of the Committee at the meeting.

Mr. Richard Treitz addressed the Committee stating that the property was purchased in 1974. He explained that even though he was advised by local farmers that the soil on the land was sandy and nothing would grow he still made several attempts with an area farmer to grow crops on the property without success. He ended up paying the farmer. Another attempt was made to grow evergreens. He was told that the growth of the trees would probably be stunted. He advised that eighteen years later he has trees that are only four feet high.

With respect to the staff report, Mr. Treitz pointed out that at one time the Town of Blezard Valley was zoned "Agricultural". He pointed out that now there are no farms up to Belisle Drive. The only farm is the Martin farm. He explained that the reason they received three severances in 1990 was because the property was located on a hill and absolutely nothing would grow. He questioned the Policy of only being allowed one severance per every 25 acres. He pointed out that one mile west of his property it is built up with residential homes. He stated that times have changed and within a few miles from his residence there are residential, commercial, industrial and institutional properties.

He pointed out that his property has a tax base of over one million dollars. He questioned which is the higher use. Land remaining vacant and dormant or the tax dollar. He stated that he believes what

Mrs. Treitz and himself have created in the area is an asset to the community. He advised that they are both retired and would like to downsize their home. If the proposed application is approved there will not be any big changes in the area. The land will still be zoned "Agricultural Reserve". He noted that the property has been developed to the highest and best use and requested the Committee to approve his application.

The following resolutions were presented:

Resolution 2001-03

That the application by Lorraine and Richard Treitz to amend the Valley East Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 36134 S.E.S. being the Remainder of Part 2 and all of Part 3, Plan SR-3585 in Lot 10, Concession 5, Township of Blezard, City of Greater Sudbury to permit the creation of a non-urban residential lot as described in the staff report of January 10th, 2001 be denied.

NON-CONCURRING MEMBERS: Councillors Bradley, Courtemanche, Craig, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Gordon, Kilgour

Resolution 2001-04

That the application by Lorraine and Richard Treitz to amend the Valley East Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 36134 S.E.S. being the Remainder of Part 2 and all of Part 3, Plan SR-3585 in Lot 10, Concession 5, Township of Blezard, City of Greater Sudbury to permit the creation of a non-urban residential lot as described in the staff report of January 10th, 2001 be approved and that a consent application which results in the creation of any new lot proceed by way of the consent process.

CONCURRING MEMBERS: Councillors Bradley, Courtemanche, Craig, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Gordon, Kilgour

CONSENT AGENDA

The following resolution was presented to adopt Items C-1 to C-2 inclusive, contained in the Consent Agenda:

2001-05 Craig-Courtemanche: That Consent Agenda Items C-1 to C-2 inclusive contained in the Consent Agenda, be adopted.

CARRIED

ADOPTION OF MINUTES

Item C-1 V.E.T.A.C. Minutes of Nov. 1/00

2001-06: Criag-Courtemanche: That Report #9, Vegetation Enhancement Technical Advisory Committee Minutes of November 1, 2000, be received.

CARRIED

Item C-2 V.E.T.A.C. Minutes of Dec. 13/00

2001-07: Criag-Courtemanche: That Report #10, Vegetation Enhancement Technical Advisory Committee Minutes of December 13, 2000, be received.

CARRIED

After the Hour of 10:00 p.m.

2001-08: Bradley-Courtemanche: That we proceed after the hour of 10:00 p.m.

CARRIED

CORRESPONDENCE FOR INFORMATION ONLY

Item C-3 Exemption Approval - Official Plan Amendments

Report dated January 10, 2001 from the Director of Planning Services and General Manager, Economic Development and Planning Services regarding exemption from approval - Official Plan Amendments was received for information.

Item C-4 New Townships - Zoning Controls and Official Plan for Areas being Added to the City of Greater Sudbury

Report dated January 10, 2001 from the Director of Planning Services and General Manager, Economic Development and Planning Services regarding new townships - zoning controls and Official Plan in place for the areas being added to the City of Greater Sudbury was received for information.

REGULAR AGENDA

MANAGERS' REPORTS

Item R-1 Amendment to Property Standards By-law

Report dated January 10, 2001 was received from the Director of Planning Services and General Manager, Economic Development and Planning Services regarding an amendment to the Property Standards by-law to control dust on vacant lots including lots where buildings have been removed.

20001-09 Gainer-Bradley: That Council amend By-law 98-100 being the Property Standards By-law to include provisions pertaining to the control of dust from vacant lands.

CARRIED

REGULAR AGENDA

MANAGERS' REPORTS

Item R-2 Subdivision Referral Request for Consent Application B0097/2000 A. & S. Kangas

Report dated January 10, 2001 was received from the Director of Planning Services and General Manager, Economic Development and Planning Services regarding subdivision Referral request for Consent Application B0097/2000 for Parcels 2967 and 10927 S.E.S., Lots 7 and 8, Concession 5, Broder Township, 2903 Treeview Road, Sudbury - Aulis and Shirley Kangas.

2001-10 Bradley-Gainer: That Consent Application B0097/2000 with respect to Parcels 2967 and 10927 S.E.S., Lots 7 and 8, Concession 5, Broder Township be permitted to proceed by way of the Consent process.

CARRIED

Item R-3 Subdivision Referral Request for Consent Application B0092/2000 F. Dutrisac

Report dated January 10, 2001 was received from the Director of Planning Services and General Manager, Economic Development and Planning Services regarding subdivision Referral request for Consent Application B0092/2000 for Parcel 4712 S.W.S., Lot 11, Concession 1, Township of Rayside, 285 Montee Genereux, Azilda - Fernand Dutrisac.

2001-11 Bradley-Petryna: That Consent Application B0092/2000 with respect to Parcel 4712 S.W.S., Lot 11, Concession 1, Township of Rayside be permitted to proceed by way of the consent process.

CARRIED

Adjournment

2001-12 Bradley-Petryna: That we do now adjourn. TIME: 10:10 p.m.

CARRIED

SECRETARY

COUNCILLOR DAVE KILGOUR