

THE NINTH MEETING OF THE COMMITTEE OF THE WHOLE - PLANNING
OF THE CITY OF GREATER SUDBURY

Council Chambers
Tom Davies Square

Tuesday, June 12, 2001
Commencement: 7:31 p.m.
Adjournment: 10:00 p.m.

CHAIR DAVE KILGOUR PRESIDING

Present Councillors Bradley, Callaghan (D. 7:55) (A. 9:24), Courtemanche, Craig, Dupuis, Gainer, Lalonde, McIntaggart, Petryna, Portelance

Staff J. Rule, Chief Administrative Officer; D. Nadorozny, General Manager Economic Development and Planning Services; B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; L. Moulaison, Planning Technician; A. Haché, Deputy City Clerk; S. Hotti, Recording Secretary

Media The Box, MCTV, Sudbury Star

Declarations of Pecuniary Interest None declared.

PUBLIC HEARINGS

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE ESTABLISHMENT OF A MACHINE SHOP AS A PERMANENT LAND USE , 46 DEN LOU ROAD, WHITEFISH - BRIAN AND CATHI SCHOUTEN

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

Report dated June 12, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for Official Plan amendment and rezoning to permit the establishment of a machine shop as a permanent land use, 46 Den Lou Road, Whitefish - Brian and Cathi Schouten.

Letter dated June 3, 2001 was received from Jim and Danielle Toby, 102 River Road, Whitefish objecting to the above-noted applications.

Letter dated June 5, 2001 was received from Donald and Susan McIvor, 433 St. Pothier Road, Whitefish objecting to the above-noted applications.

Letter dated June 5, 2001 from Hilda and Johann (John) Toby, 443 St. Pothier Road, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

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PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE ESTABLISHMENT OF A MACHINE SHOP AS A PERMANENT LAND USE , 46 DEN LOU ROAD, WHITEFISH - BRIAN AND CATHI SCHOUTEN (Cont'd)

Letter dated June 5, 2001 from Mark Rielley and Christine Malley, 47 Den Lou Road, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

Letter dated June 5, 2001 from Edna and Albert Hamilton, 18 Richard Street, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

Letter dated June 4, 2001 from Ray and Patricia Green, 477 St. Pothier Road, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

Letter from William McCauley, 323 St. Pothier Road, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

Letter dated June 7, 2001 from Scott Rogers, 86 River Road, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

Letter dated June 7, 2001 from Orin and Mary Yack, Penage Road, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

Letter dated June 7, 2001 from Edward and Aline Leblanc, 14 Richard Street, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

Letter dated June 7, 2001 from Kelly Senecal and Nina Naumeuko, 493 St. Pothier Road, Whitefish, objecting to the above-noted applications, was circulated to Members of the Committee at the meeting.

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

Brian and Cathi Schouten, applicants were present.

Mrs. Schouten addressed the Committee stating she was notified by Planning Services last Thursday that several letters of objection had been received with respect to their proposed use. She advised they have read all of the letters and believe the residents have valid concerns. She stated that they didn't realize the neighbours had these concerns because they had spoken to several of the area residents in the past and no one had indicated any objection to their business. She pointed out they have been operating their business since March of 2000 and have not received any complaints.

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PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE ESTABLISHMENT OF A MACHINE SHOP AS A PERMANENT LAND USE , 46 DEN LOU ROAD, WHITEFISH - BRIAN AND CATHI SCHOUTEN (Cont'd)

She explained that they had wanted to make the machine shop a permanent land use and expand their business but realized no matter how good their intentions are, they have no control over what the next owner might do. She stated that they would like to formally withdraw their applications to permit the establishment of a machine shop as a permanent land use but requested permission to continue the temporary rezoning approval with outside storage and additional floor space. She requested the area residents to give them some leniency until the end of the temporary approval and the business will be relocated. She stressed if they had been aware of any of the concerns they would have been addressed. She assured the Committee that over the next 21 months they would be relocating their business.

Councillor Gainer addressed the Committee stating that the applicants have paid \$3,000. in application fees. Given the circumstances of withdrawing the applications he requested that the applicants be refunded one half of the application fees.

Mr. John Toby, 443 St. Pothier Road, Whitefish addressed the Committee advising that he lives across the road from the subject property. He pointed out that the staff report refers to a single tier of spruce trees that have been established adjacent to the roadways which in the future may provide some buffering relief. He pointed out that the trees will not provide any buffering for at least 20 years. Their own line of 60 foot high trees that exist between their property and the subject property have not provided any buffering of noise.

He also expressed concern regarding increased safety and traffic hazards on the Den-Lou Road turn-off on Highway 17 as well as on the side roads.

He stated the existing regulations for the control of "Cottage Type Industries" lack some required specific parameters to define where exactly the physical size of such industries regarding staff, workforce and building dimensions end and where the next designation as "Light Industrial" start.

He requested Council to consider amending the land use regulations to require the applicant, at his own expense, to provide the results of an independent impact study, which would encompass all of the social, financial and environmental ramifications which would and could result for the granting of the permit as requested by the applicant. These results should be submitted by the applicant before the commencement of the application process.

He also noted that his letter of objection submitted earlier no longer applies since the applicants have withdrawn their applications.

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PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE ESTABLISHMENT OF A MACHINE SHOP AS A PERMANENT LAND USE , 46 DEN LOU ROAD, WHITEFISH - BRIAN AND CATHI SCHOUTEN (Cont'd)

Mr. Ray Green, 477 St. Pothier Road, Whitefish addressed the Committee stating that he is pleased the applicants have withdrawn their proposal for a permanent use. He advised that over a year ago when asked he had not objected to the temporary use application. He stated that he was not advised of the application for a permanent use and does not agree with it because it belongs in an Industrial Park and will set a precedent.

Mr. Kelly Senecal , 493 St. Pothier Road, Whitefish addressed the Committee stating that he also had concerns with the establishment of a machine shop as a permanent land use because of the environmental and traffic impact on the area. He stated that he is very glad the applicants reconsidered their application.

Ms. Christine Mallay, 47 Den Lou Road, Whitefish addressed the Committee and thanked the applicants for reconsidering their applications. She advised that she has concerns with the storage area for materials, noise from work being done outdoors and the driveways not being wide enough to accommodate delivery trucks.

Mrs. Schouten advised that because the business has grown the building is sometimes not large enough to work in and is very warm. She noted that one driveway had been widen and they have plans to widen the other driveway to accommodate the delivery vehicles.

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.

2001-80 Gainer-Lalonde: A. That the application by Brian & Cathi Schouten to amend the Official Plan for the Sudbury Planning Area by introducing site specific policies to the "Agricultural Reserve" in order to permit a use not related to agriculture, that use being a machine shop with respect to those lands described as Parcel 21618 S.W.S. being Part 1, Plan SR-3500 in Lot 6, Concession 1, Township of Denison; and further,

B. That the application by Brian & Cathi Schouten to amend By-law 83-303 being the Comprehensive Zoning By-law for the (former) Town of Walden from "A", Agricultural Reserve to "A-Special", Special Agricultural Reserve in order to permit a machine shop with respect to those lands described as Parcel 21618 S.W.S. being Part 1, Plan SR-3500 in Lot 6, Concession 1, Township of Denison be denied; however, in the alternative the following is recommended:

1. That Temporary Use By-law 2000-52Z be amended in order to permit the existing buildings on site to be used in conjunction with the operation of a machine shop.

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PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE ESTABLISHMENT OF A MACHINE SHOP AS A PERMANENT LAND USE , 46 DEN LOU ROAD, WHITEFISH - BRIAN AND CATHI SCHOUTEN (Cont'd)

Resolution 2001-80 (Cont'd)

2. Prior to the passage of an amending Temporary Use By-law the applicant shall, to the satisfaction of the Director of Building Services, apply for any building permits deemed to be necessary.
 3. An open storage area for machine shop materials shall be permitted provided that such area does not occupy any required yard.
- C. Whereas the applicants have withdrawn their application for permanent rezoning that they be refunded one-half the application fees - \$1,495.

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

CARRIED

REZONING APPLICATION TO PERMIT A PIT ON THE NORTH PART OF THE PROPERTY, 1408 GRAVEL DRIVE, TOWNSHIP OF HANMER - RHEAL RIVEST

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

Report dated June 1, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit a pit on the north part of the property, 1408 Gravel Drive, Township of Hanmer - Rheal Rivest.

Letter of objection dated June 7, 2001 from Lynn Coyne, 1336 Gravel Drive, Hanmer, was circulated to Members of the Committee at the meeting.

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

Mr. Marty Kivistik, agent and Mr. Rheal Rivest, applicant were present.

Mr. Kivistik addressed the Committee stating that the pit is a sand pit and not a gravel pit. He gave a brief history of the application noting that the initial application for rezoning was submitted in 1991 and Planning Committee's recommendation for a two-year temporary by-law was not approved by Council. Mr. Rivest appealed this decision to the Ontario Municipal Board where the O.M.B. approved a temporary by-law to permit a pit for three years.

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PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO PERMIT A PIT ON THE NORTH PART OF THE PROPERTY, 1408 GRAVEL DRIVE, TOWNSHIP OF HANMER - RHEAL RIVEST (Cont'd)

In 1998 Mr. Rivest again submitted a rezoning application to permit the continued operation of the pit on a permanent basis. However, Council only approved another three year temporary by-law. The pit has operated for six years with a Class B License which limits the annual extraction to no more than 20,000 tonnes. During the six years of operation, there has been no official complaint filed with the By-Law Enforcement Department nor the Ministry of Natural Resources. There is no drilling or blasting, and no crushing or screening involved. There is no noise impact on Gravel Drive. The traffic impact is negligible. The pit is located 610 metres north of Gravel Drive and is buffered by vegetation and elevation differences. It is not visible from Gravel Drive.

He advised that Mr. Rivest has invested considerable sums of money to obtain a permanent zoning on his property but to date has only allowed him to operate for two consecutive three-year periods. He strongly urged the Committee to approve the application on a permanent basis pointing out that Mr. Rivest has had a six year trial basis and has operated in an exemplary fashion.

No objectors were present.

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.

2001-81 Bradley-Dupuis: That the application by Rheal Rivest to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East from "A", Agricultural Reserve to "A-S", Agricultural Reserve Special as it applies to Parcel 2076 in Lot 6, Concession 4, Township of Hanmer, be approved subject to the following:

- a) In addition to those uses normally permitted in the Agricultural Reserve Zone, a pit with a Class B license under the Aggregate Resources Act shall be permitted provided that no excavations occur within 610 m of Gravel Drive.
- b) That no accessory uses such as crushing and screening shall be permitted in conjunction with the pit.

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

CARRIED

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PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE REDEVELOPMENT OF THE SUBJECT PROPERTY FOR A MUSIC STORE AND TO CONSOLIDATE THE SITE WITH THE EXISTING COMMERCIAL PROPERTY KNOWN AS 1119 LASALLE BOULEVARD, MCKIM TOWNSHIP - ULYSEE JETT LANDRY

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

Report dated June 4, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for Official Plan amendment and rezoning to permit the redevelopment of the subject property for a music store and to consolidate the site with the existing commercial property known as 1119 Lasalle Boulevard, McKim Township - Ulysee Jett Landry.

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

Mr. Jett Landry Sr. and Mr. Jett Landry Jr., applicants were present and indicated they were satisfied with the staff recommendation.

Mr. Landry Sr. addressed the Committee explaining that they want to consolidate the subject property with the Jugl Holdings property. The retail part of the business will be moved to the house and the existing building will be used for lessons. He stated his son will eventually take over the operation of the music store. They want the site to be an asset to the community and will abide by the Site Plan Agreement.

He advised that prior to submitting the applications he had spoken to the area residents on March 27th and had received no objections. He submitted documentation indicating who he had contacted regarding the proposed applications.

Ms. Manon Gravelle, 1116 Carmen Street, Sudbury addressed the Committee on behalf of the area residents. She circulated a letter of objection signed by eight property owners to Members of the Committee at the meeting.

Ms. Gravelle stated that the proposed redevelopment will be an infringement on their residential neighbourhood. She expressed great concern with an increase of traffic on an already heavily travelled road and noted that property values will be decreased. She stated that they had purchased their homes to live in a residential area. Had they wished to live in a commercial setting they would not have settled where they did. She pointed out that constructing a privacy fence will not alleviate any of their concerns such as increased environmental and noise pollution.

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.

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PUBLIC HEARINGS (Cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE REDEVELOPMENT OF THE SUBJECT PROPERTY FOR A MUSIC STORE AND TO CONSOLIDATE THE SITE WITH THE EXISTING COMMERCIAL PROPERTY KNOWN AS 1119 LASALLE BOULEVARD, MCKIM TOWNSHIP - ULYSEE JETT LANDRY (Cont'd)

2001-82 Bradley-Gainer: That the applications by Ulysee Jett Landry to:

1. Amend the City of Sudbury Secondary Plan from "Low Density Residential District" to "Linear Mixed Use District"; and
2. Amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury from "R1", Single Residential to "C2", General Commercial,

as they apply to Part of Lot 1, Plan M-170, being Parcel 36452 in Lot 1, Concession 5, McKim Township be approved subject to the following:

- a) That prior to the adoption of the Official Plan amendment and amending by-law the applicant consolidate the subject property with the Jugl Holdings property at 1119 Lasalle Boulevard to the satisfaction of the City Solicitor; and,
- b) That prior to the issuance of a building permit the applicant enter into a revised Site Plan Control Agreement for the expanded property to address the issues as outlined in the staff report and other matters to ensure the orderly development and maintenance of the site.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, Gainer, Lalonde, McIntaggart, Kilgour

NON-CONCURRING MEMBERS: Councillors Courtemanche, Craig, Portelance, Petryna,

CARRIED

Adjournment

2001-83 Bradley-Gainer: That we do now adjourn.
TIME: 10:00 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR DAVE KILGOUR