

**THE TWENTY-SEVENTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

Council Chamber
Tom Davies Square

Tuesday, November 25th, 2003
Commencement: 7:00 p.m.
Adjournment: 8:55 p.m.

COUNCILLOR RON BRADLEY PRESIDING

Present Councillors Dupuis, McIntaggart, Petryna, Portelance (D. 7:55 p.m.)

Staff Bill Lautenbach, Director of Planning Services; Art Potvin, Manager of Development Services; Greg Clausen, Director of Engineering Services; Doug Nadorozny, General Manager of Economic Development and Planning Services; Ron Swiddle, Director of Legal Services/City Solicitor; Angie Haché, Deputy City Clerk; Melissa Burtch, Licencing and Assessment Clerk; Katherine Bowschar-Lische, Planning Committee Secretary

News Media Sudbury Star

Declarations of Pecuniary Interest None declared.

INCOMPLETE BUSINESS

APPLICATION FOR REZONING TO PERMIT THE SUBJECT PROPERTY TO BE SPLIT INTO 5 INDIVIDUAL LOTS FOR SINGLE RESIDENTIAL USE, WITH ALL LOTS SERVICED BY A PRIVATE RIGHT-OF-WAY, WEST END OF TORBAY ROAD - GILBERT CHARETTE , IN TRUST

Report dated November 17th, 2003, was received from the Director of Legal Services/City Solicitor regarding a rezoning application by Gilbert Charette, In Trust, and a legal interpretation of the Agreement between the area residents and the developer.

Excerpt from the Planning Committee Minutes of November 4th, 2003 regarding the above-noted application was received.

Report dated October 28th, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the subject property to be split into 5 individual lots for single residential use, with all lots serviced by a private right of way, west end of Torbay Road, Sudbury - Gilbert Charette, In Trust._

INCOMPLETE BUSINESS

APPLICATION FOR REZONING TO PERMIT THE SUBJECT PROPERTY TO BE SPLIT INTO 5 INDIVIDUAL LOTS FOR SINGLE RESIDENTIAL USE, WITH ALL LOTS SERVICED BY A PRIVATE RIGHT-OF-WAY, WEST END OF TORBAY ROAD - GILBERT CHARETTE , IN TRUST (cont'd)

The Public Hearing regarding this matter was held by the Planning Committee on November 4th, 2003. The Planning Committee deferred the application in order to receive a legal interpretation of the Agreement between the area residents and the developer. The Committee noted that no further input could be received from the public at this meeting as the Public Hearing had already been held and had been closed. The Committee also noted that only Members who were present for the public hearing could discuss and vote on the application and make a recommendation to Council who will make the final decision.

The Director of Legal Services/City Solicitor briefly highlighted the contents of the report. He advised that lack of registering the document on title by the applicant does not dramatically change things in regards to the owner. Whether the agreement is registered or not, it is still binding and if the owner of the property does not comply, he may be faced with legal action. Neither the City or Region took any role in the agreement. The registration of the agreement was solely an item between the parties to the agreement. He advised that it was his understanding that the applicant is willing to have a condition placed on the rezoning that would reflect height requirements outlined in the agreement. This would restrict the heights of new buildings to the height specified in the by-law.

The following recommendation was presented:

Recommendation #2003-205

Bradley-Petryna: That the application by Gilbert Charette (In Trust) to amend By-law 95-500Z being the zoning by-law for the former City of Sudbury by changing the zoning classification of Parcel 624 S.E.S, in Lot 1, Concession 3, McKim Township from "R1-4", Single Residential Special to a revised "R1-Special", Single Residential Special be approved subject to the following:

1. That the subject property remain an area of site plan control pursuant to Section 41 of the Planning Act and the existing Site Plan Control Agreement shall remain registered on title of the whole of the subject property.

INCOMPLETE BUSINESS

APPLICATION FOR REZONING TO PERMIT THE SUBJECT PROPERTY TO BE SPLIT INTO 5 INDIVIDUAL LOTS FOR SINGLE RESIDENTIAL USE, WITH ALL LOTS SERVICED BY A PRIVATE RIGHT-OF-WAY, WEST END OF TORBAY ROAD - GILBERT CHARETTE , IN TRUST (cont'd)

Recommendation #2003-205 (cont'd)

2. That all provisions of "R1", Single Residential zones shall apply subject to the following modifications:
 - (a) That the only permitted uses shall be single dwellings and related accessory uses;
 - (b) That road frontage shall not be required where access to a lot is provided by a registered right of way;
 - (c) That a lot with public road frontage shall have a minimum road frontage of 7.6m;
 - (d) That the minimum lot size shall be 1028m²;
 - (e) That for purposes of determining building setbacks, the north lot line shall be deemed to be the front lot line;
 - (f) Minimum building setbacks for single dwellings and garages:
 - 12.19m from the north boundary of Part 1, 53R-14209
 - 7.62m from the south boundary of Part 1, 53R-14209
 - 4.57m from a side lot line
 - (g) Minimum building setback for other accessory buildings:
 - 12.19m from the north boundary of Part 1, 53R-14209.

CONCURRING MEMBERS: Councillors Dupuis, Petryna, Bradley

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING A DRIVEWAY AND APPROXIMATE 1 METRE ENCROACHMENT BY THE OFFICE BUILDING LOCATED ON THE LANDS AT 1361 PARIS STREET - PRIME PROPERTIES/DALRON CONSTRUCTION

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

Report dated November 17th, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application to rezone a driveway and an approximate 1 metre encroachment by the office building located at 1361 Paris Street, Sudbury - Prime Properties/Dalron Construction.

The agent for the applicant, Celia Teale, Planner with Dalron Construction, c/o 130 Elm Street, Sudbury, was present.

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

Ms. Teale advised that this application was to cleanup an existing situation. The driveway was not rezoned at the time of the initial rezoning application for the lands occupied by the office building. She indicated that the applicant did not realize that the abutting property was zoned differently than the remainder of the lands. As a result of a recent survey, it was also discovered that the new office building encroaches onto the portion of the lands zoned "R4" by approximately 1 metre.

No objectors were present.

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

The following recommendation was presented:

Recommendation #2003-206

Dupuis-McIntaggart: That the application by Prime Properties/Dalron Construction to amend By-law 95-500Z, being the Comprehensive Zoning By-law for the former City of Sudbury by changing the zoning classification of Part of Parcel 7935, being Parts 2, 3, 4 & 5, Plan 53R-13342, in Lot 6, Concession 2, Township of McKim, from "R4", Multiple Residential Zone to "C4-13", Office Commercial Zone-Special" be approved.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR REZONING TO PROVIDE A "BUFFER AREA" TO ACCOMMODATE A LOT ADDITION TO A WESTERLY ADJOINING RESIDENTIAL PROPERTY AT 2410 SOUTH BAY ROAD, SUDBURY - NICKEL DISTRICT CONSERVATION AUTHORITY

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

Report dated November 18th, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to provide a "buffer area" to accommodate a lot addition to a westerly adjoining residential property at 2410 South Bay Road, Sudbury - Nickel District Conservation Authority.

Letter dated November 21st, 2003, from Colin Pollard, 1962 South Bay Road, Sudbury, in opposition to the above-noted application was distributed at the meeting._____

Mr. Adrian Bortolussi, agent for the applicant and the abutting property owner, Mr. Caruso, was present.

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

Mr. Bortolussi advised that the owner of the property on South Bay Road has no plans to construct a building. Mr. Caruso will use the property as a natural buffer between his property and the NDCA chalet. He advised that nothing can be done with the north half of the property as the City wants an easement over the watercourse. He stated that the remainder of the property has been cleared and has grassy sections which have been there for many years. He said that the owner of the South Bay Road property is the only one who could benefit from this lot addition since it is dead land and the NDCA has no use for it.

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

The following recommendation was presented:

McIntaggart-Dupuis: That the application by the Nickel District Conservation Authority to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "CO", Conservation to "R1.D2.5", Single Residential, in order to permit a lot addition to Parcel 20425 S.E.S., with respect to those lands described as *Part* of Parcel 30495 S.E.S. in Lot 12, Concession 1, Township of Neelon be recommended for approval subject to the following conditions:

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR REZONING TO PROVIDE A "BUFFER AREA" TO ACCOMMODATE A LOT ADDITION TO A WESTERLY ADJOINING RESIDENTIAL PROPERTY AT 2410 SOUTH BAY ROAD, SUDBURY - NICKEL DISTRICT CONSERVATION AUTHORITY (cont'd)

Recommendation (cont'd)

1. Prior to the passage of an amending zoning by-law the Development Services Section shall be advised by the General Manager of Public Works that the owner has provided the City of Greater Sudbury with an easement over the existing watercourse on the lands to be rezoned to the satisfaction of the General Manager of Public Works.
2. That in order to enable the preparation of an amending zoning by-law the owner shall provide the Development Services Section with a registered plan of survey which describes the lands to be rezoned "R1.D2.5", Single Residential.
3. That the minimum side yard requirement be 66 feet.

The following amendment to the Recommendation was presented:

Recommendation #2003-207

McIntaggart-Dupuis: 3. That we delete Condition #3 and replace it with the following:

"That the amending by-law not permit any buildings or structures on the property that is being rezoned."

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

The main Recommendation as amended was presented:

Recommendation #2003-208

McIntaggart-Dupuis: That the application by the Nickel District Conservation Authority to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "CO", Conservation to "R1.D2.5", Single Residential, in order to permit a lot addition to Parcel 20425 S.E.S., with respect to those lands described as *Part* of Parcel 30495 S.E.S. in Lot 12, Concession 1, Township of Neelon be recommended for approval subject to the following conditions:

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR REZONING TO PROVIDE A "BUFFER AREA" TO ACCOMMODATE A LOT ADDITION TO A WESTERLY ADJOINING RESIDENTIAL PROPERTY AT 2410 SOUTH BAY ROAD, SUDBURY - NICKEL DISTRICT CONSERVATION AUTHORITY (cont'd)

Recommendation #2003-208 (cont'd)

1. Prior to the passage of an amending zoning by-law the Development Services Section shall be advised by the General Manager of Public Works that the owner has provided the City of Greater Sudbury with an easement over the existing watercourse on the lands to be rezoned to the satisfaction of the General Manager of Public Works.
2. That in order to enable the preparation of an amending zoning by-law the owner shall provide the Development Services Section with a registered plan of survey which describes the lands to be rezoned "R1.D2.5", Single Residential.
3. That the amending by-law not permit any buildings or structures on the property that is being rezoned.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

APPLICATION FOR REZONING TO PERMIT THE USE OF THE SUBJECT PROPERTY WITHIN ITS EXISTING BUILDING ON SITE FOR A VEHICLE REPAIR SHOP AT HIGH STREET, LEVACK - GEORGES BASTIEN

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

Report dated November 18th, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the use of the subject property within its existing building on site for a vehicle repair shop at High Street, Levack - Georges Bastien.

The applicant, Georges Bastien, 0 High Street, was present.

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE USE OF THE SUBJECT PROPERTY WITHIN ITS EXISTING BUILDING ON SITE FOR A VEHICLE REPAIR SHOP AT HIGH STREET, LEVACK - GEORGES BASTIEN (cont'd)

Mr. Bastien advised that the property has been cleaned up since the date the photographs in the Planning Agenda were taken. He stated that a solid 6 foot fence would be built which would be 6 inches off the ground. There will be a chain link fence at the rear of the property facing the ravine. Prior to 1983, the property was registered as commercial until the previous owner passed away and then it was changed to residential.

Councillor Bradley, Ward Councillor, indicated that he is happy that this area has been cleaned up since it has been brought to his attention many times. He stated that people will appreciate the clean up as the property is an "eyesore". He asked what the timeline would be for the work to be completed on the site.

The Manager of Development Services indicated that next summer, By-law Enforcement will visit the property to ensure compliance.

No objectors were present.

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

The following recommendation was presented:

Recommendation #2003-209

Dupuis-McIntaggart: That the application by Georges Bastien to amend By-law 83-300 being the Zoning By-law for the former Town of Onaping Falls by changing the zoning classification of Parcel 24214, being Lot 67, Plan M-1010, in Lot 9, Concession 2, Levack Township from "R2.D37", Double Residential to "M1-Special", Mixed Light Industrial/Service Commercial Special be approved subject to the following:

- (a) That the only permitted uses shall be an automobile repair shop and related accessory uses.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATIONS TO AMEND THE SECONDARY PLAN AND FOR REZONING TO PERMIT THE SALE AND SERVICING OF INDUSTRIAL PUMPS AT 3074 HIGHWAY 144 NORTH, CHELMSFORD - ANDY'S LEATHERCRAFT LTD.

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

Report dated November 17th, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an amendment to the Secondary Plan and a rezoning application to permit the sale and servicing of industrial pumps at 3074 Highway 144 North, Chelmsford - Andy's Leathercraft Ltd.

The solicitor for the applicant, Andre Lacroix, 36 Elgin Street, Sudbury, and the applicant, Andre Rollin, 88 Vaillancourt Crt., Chelmsford, were present.

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

Mr. Lacroix indicated that there is a long history relating to this application. The conditions imposed are extensive but the owner is willing to abide by them. Mr. Rollin anticipated that his applications would be approved and therefore submitted and received approval for a FedNor grant related to the expansion of his business. Mr. Rollin proceeded to build his new facility without obtaining a building permit. He stated that the proposed business doesn't involve the public coming in to purchase goods but involves the mining sector and therefore will not generate a high volume of traffic.

Councillor Bradley, Ward Councillor, indicated that he has been working on this application for years. There was a meeting which was to take place at AMO last year but was subsequently cancelled because the MTO changed their minds at the last minute. He advised that Regional Council supported this proposal in 1991 but the application failed because of objections by the Ministry of Transportation relating to access to the highway.

No objectors were present.

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

PUBLIC HEARINGS (cont'd)

APPLICATIONS TO AMEND THE SECONDARY PLAN AND FOR REZONING TO PERMIT THE SALE AND SERVICING OF INDUSTRIAL PUMPS AT 3074 HIGHWAY 144 NORTH, CHELMSFORD - ANDY'S LEATHERCRAFT LTD. (cont'd)

The following recommendation was presented:

Recommendation #2003-210

McIntaggart-Dupuis: That the applications by Andy's Leathercraft Ltd. to amend the Rayside-Balfour Secondary Plan by changing the land use designation of Parcel 7240 S.W.S., Lot 4, Concession 3, Township of Balfour, from "Agricultural Reserve", establishing site specific policies to permit the "sale and servicing of industrial pumps in addition to Agricultural uses"; and to rezone the property from "A", Agricultural Reserve to "A-Special", be approved subject to the following conditions:

- a) That the amending by-law specify that in addition to "A" uses the sale and servicing of industrial pumps shall also be permitted:
- b) That prior to the adoption of the Official Plan Amendment and the passing of an amending by-law, the owner shall obtain a right-of-way over abutting Parcel 19215 to be used to provide access to Highway 144;
- c) That prior to the adoption of the Official Plan Amendment and prior to the passing of an amending by-law, the owner shall enter into a Site Plan Control Agreement with the City of Greater Sudbury which among other matters, shall include the following provisions:
 - i) That all future access to the subject property be obtained from the existing entrance to the abutting Parcel 19215;
 - ii) That the existing entrance be removed to the satisfaction of the Ministry of Transportation;
 - iii) That a 1 foot reserve be deeded to the Ministry of Transportation along the entire frontage of Parcel 7240 S.W.S.;
 - iv) That a new entrance permit be obtained from the Ministry of Transportation to reflect the upgraded shared use of the entrance to Parcel 19215.

PUBLIC HEARINGS (cont'd)

APPLICATIONS TO AMEND THE SECONDARY PLAN AND FOR REZONING TO PERMIT THE SALE AND SERVICING OF INDUSTRIAL PUMPS AT 3074 HIGHWAY 144 NORTH, CHELMSFORD - ANDY'S LEATHERCRAFT LTD. (cont'd)

Recommendation #2003-210 (cont'd)

- d) That prior to the adoption of the Official Plan Amendment and prior to the passing of an amending by-law, the applicant shall initiate the building permit process for the existing building on the site.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Item C-1 to C-3 contained in Part 1 of the Consent Agenda:

Recommendation #2003-211

Dupuis-McIntaggart: That Item C-1 to C-3 contained in Part 1, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report #9,
VETAC Minutes
October 8th,
2003

Recommendation #2003-212

McIntaggart-Petryna : That Report #9, Vegetation Enhancement Technical Advisory Committee Minutes of October 8th, 2003, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Request for a
Second
Entrance, 1100
Kingsway

Report dated November 19th, 2003, was received from the General Manager, Public Works regarding a Request for a Second Entrance - 1100 Kingsway.

Recommendation #2003-213

Petryna-McIntaggart: That a second entrance to 1100 Kingsway be permitted at the east limit of the property.

That the entrance be constructed to the City standards to the satisfaction of the General Manager of Public Works.

CARRIED

Item C-3
Sale of Land in the
Walden Industrial
Park, Part of Parcel
31081 S.W.S. to
Sandvik Tamrock
Canada Inc. for
\$25,000.00

Report dated November 19th, 2003, was received from the General Manager, Corporate Services regarding the Sale of Land in the Walden Industrial Park.

Recommendation #2003-214

McIntaggart-Petryna: That the City of Greater Sudbury enter into an Agreement of Purchase and Sale with Sandvik Tamrock Canada Inc., for Part 6, Plan 53R-16847, Part of Lot 5, Concession 5, Township of Waters, upon the terms and conditions outlined in the report dated November 19th, 2003,

That the Council of the City of Greater Sudbury pass the necessary by-laws, and

That the Clerk and the Property Negotiator/Appraiser be authorized to execute all documents required to complete the transaction.

That the proceeds of the sale be credited to the Industrial Reserve Fund in accordance with By-law 2003-110F.

CARRIED

Other Matters

The Director of Planning Services thanked the Planning Committee for their commitment over the past 3 years. He indicated that according to his review of statistics, there were 137 rezonings, 87 Official Plan Amendments, 19 subdivisions and 68 site plans which this Committee discussed.

Other Matters
(cont'd)

The Chair and Members of the Planning Committee extended their appreciation to the Planning Staff for their assistance and expertise. They indicated that sitting on the Planning Committee was enjoyable and quite an incredible learning experience.

Adjournment

Recommendation #2003-215

McIntaggart-Petryna: That we do now adjourn.
Time: 8:55 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR RON BRADLEY PRESIDING