

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

**Council Chamber
Tom Davies Square**

**Tuesday, October 7th, 2003
Commencement: 7:00 p.m.
Adjournment: 10:35 p.m.**

COUNCILLOR RON BRADLEY PRESIDING

Present Councillors Dupuis, McIntaggart, Petryna

Councillor Courtemanche

Staff Art Potvin, Manager of Development Services; Greg Clausen,
Director of Engineering Services; Don Belisle, General Manager of
Public Works; 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.

PUBLIC HEARINGS

**BY-LAW 2002-141T, A BY-LAW OF THE CITY OF GREATER SUDBURY TO
CHANGE THE NAME OF SOLIDARITY LANE TO BRIAN MCKEE LANE AND TO
GIVE THE NAME OF SOLIDARITY LANE TO AN UNOPENED LANE NORTH OF
VAN HORNE STREET**

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

Report dated October 1st, 2003, was received from the General Manager,
Corporate Services regarding By-law 2002-141T, A By-law of the City of Greater
Sudbury to change the name of Solidarity Lane to Brian McKee Lane and to give
the name of Solidarity Lane to an unopened Lane North of Van Horne Street.

The Director of Engineering Services outlined the report to the Committee.

No objectors were present.

PUBLIC HEARINGS (cont'd)

BY-LAW 2002-141T, A BY-LAW OF THE CITY OF GREATER SUDBURY TO CHANGE THE NAME OF SOLIDARITY LANE TO BRIAN MCKEE LANE AND TO GIVE THE NAME OF SOLIDARITY LANE TO AN UNOPENED LANE NORTH OF VAN HORNE STREET (cont'd)

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 #2003-169

McIntaggart-Dupuis: That we recommend to City Council that the following by-law be given third reading:

By-law 2003-141T, A By-law of the City of Greater Sudbury to change the name of Solidarity Lane to Brian McKee Lane and to give the name of Solidarity Lane to an unopened Lane North of Van Horne Street.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

BY-LAW 2003-205, A BY-LAW OF THE CITY OF GREATER SUDBURY TO CLOSE A PART OF RIDEAU AVENUE, CONISTON, TO DECLARE IT SURPLUS AND TO AUTHORIZE ITS SALE IN ACCORDANCE WITH THE PURCHASING BY-LAW

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

Report dated October 1st, 2003, was received from the General Manager, Corporate Services regarding By-law 2003-205, A By-law of the City of Greater Sudbury to close a part of Rideau Avenue, Coniston, to declare it surplus and to authorize its sale in accordance with the Purchasing By-law.

The Director of Legal Services/City Solicitor outlined the report to the Committee.

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)

BY-LAW 2003-205, A BY-LAW OF THE CITY OF GREATER SUDBURY TO CLOSE A PART OF RIDEAU AVENUE, CONISTON, TO DECLARE IT SURPLUS AND TO AUTHORIZE ITS SALE IN ACCORDANCE WITH THE PURCHASING BY-LAW (cont'd)

The following recommendation was presented:

Recommendation #2003-170

Dupuis-McIntaggart: That we recommend to City Council that the following by-law be given third reading:

By-law 2003-205, A By-law of the City of Greater Sudbury to close a part of Rideau Avenue, Coniston, to declare it surplus and to authorize its sale in accordance with the Purchasing By-law.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

**APPLICATIONS TO AMEND THE CITY OF SUDBURY SECONDARY PLAN AND FOR REZONING TO PERMIT THE EXPANSION OF THE COMMERCIAL AREA TO PERMIT APPROXIMATELY 213,000 SQUARE FEET OF ADDITIONAL FLOOR SPACE, EAST OF THE BARRYDOWNE SOUTH EXTENSION
- TRINITY DEVELOPMENT GROUP**

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

Report dated September 30th, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications to amend the City of Sudbury Secondary Plan and a rezoning application to permit the expansion of the commercial area to permit approximately 213,000 square feet of additional floor space, east of the Barrydowne south extension - Trinity Development Group.

The agent for the applicant, Mr. Donald McCullough, Planning Consultant, 1231 Drummond Avenue, Sudbury, was present.

The Manager of Development Services outlined the application to the Committee.

PUBLIC HEARINGS (cont'd)

APPLICATIONS TO AMEND THE CITY OF SUDBURY SECONDARY PLAN AND FOR REZONING TO PERMIT THE EXPANSION OF THE COMMERCIAL AREA TO PERMIT APPROXIMATELY 213,000 SQUARE FEET OF ADDITIONAL FLOOR SPACE, EAST OF THE BARRYDOWNE SOUTH EXTENSION - TRINITY DEVELOPMENT GROUP (cont'd)

Councillor Mike Petryna, representing the Ward, asked questions regarding a Community Improvement Plan for the area and if any consideration had been given as to a green space in the area. He indicated that he wanted to ensure that by approving the application this evening, the Planning Committee was not approving any road or transportation decisions. He asked that before decisions are made regarding road and transportation elements, input be received from the business owners and residents of the area. He pointed out that some of the existing businesses have been there for many years, have invested considerable time and money and are wondering what is going to happen with respect to the proposed road work.

With respect to a Community Improvement Plan, the Manager of Development Services advised that once Council made a decision to sell lots for commercial use, that was the end of the CIP. He indicated that the Community Improvement Plan is a direction statement of Council and the Secondary Plan and/or Official Plan amendment is what the Committee is required to deal with this evening. He advised that the City owns the lots right now and the Offer to Purchase and Sale does not require a dedication of land for public purposes.

Mr. McCullough briefly highlighted Phase I and Phase II of the RioCan Centre development and brought the Planning Committee up-to date on Phase III of the RioCan Centre. He advised that Phase III will permit an additional 213,000 square feet of retail space. The construction value is estimated at \$4.7 million and will create 200 full and part time jobs. Estimated taxes would be in the order of \$225,000. They are currently proceeding with the finalization of the Site Plan and are almost at the stage where it can be submitted for approval. With respect to the remainder of the site, there will be 3 or 4 smaller buildings which will be developed as tenants are secured. The proposed Official Plan amendment and zoning by-law are necessary in order for this project to proceed. They require approval in principle in order to continue with other activities. He advised that in his view, the proposed development will compliment what currently exists in the area. He pointed out that this evening the Committee is not approving the road work. He advised that the Traffic Study is being conducted and is substantially complete. He stated that he would not be adverse to holding a public meeting with the businesses and residents of the area to explain the details of the traffic plan and receive input. He will also keep the Ward Councillor up-to-date with respect to the development.

PUBLIC HEARINGS (cont'd)

**APPLICATIONS TO AMEND THE CITY OF SUDBURY SECONDARY PLAN AND FOR REZONING TO PERMIT THE EXPANSION OF THE COMMERCIAL AREA TO PERMIT APPROXIMATELY 213,000 SQUARE FEET OF ADDITIONAL FLOOR SPACE, EAST OF THE BARRYDOWNE SOUTH EXTENSION
- TRINITY DEVELOPMENT GROUP (cont'd)**

Donald Bruce McCulloch, Cambrian Ford, was present. He advised that they do not have any objection to the rezoning application, however, he voiced his concern regarding the redirection of the roadway to Second Avenue. He stated that last time they saw the proposed roadway it was considerably south of their location and now it is adjacent to their used car lot. He advised that currently there are major traffic problems at the intersection of Second Avenue and the Kingsway because of left turns being made onto the Kingsway. He wants to ensure that they do not get caught in gridlock. He advised that he did speak with the General Manager of Public Works regarding two left-turns lanes to the Kingsway. He also questioned whether Cambrian Ford would be permitted to have access on to the Marcus Street extension should the traffic situation deteriorate.

The General Manager of Public Works advised that the Transportation Consultant was asked to examine dual left turn lanes from Second Avenue to the Kingsway. He also indicated that Trinity Development Group has no objection to the internal road connection, so that Cambrian Ford has an alternate route out of their property.

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 #2003-171

McIntaggart-Petryna: That the application by Trinity Development Group to amend the City of Sudbury Secondary Plan by changing the land use designation of Part of Parcel 10180 S.E.S., Lot 12, Concession 4, Township of Neelon from "Light Industrial/Service Commercial District" to "General Commercial District" be approved.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

PUBLIC HEARINGS (cont'd)

**APPLICATIONS TO AMEND THE CITY OF SUDBURY SECONDARY PLAN AND FOR REZONING TO PERMIT THE EXPANSION OF THE COMMERCIAL AREA TO PERMIT APPROXIMATELY 213,000 SQUARE FEET OF ADDITIONAL FLOOR SPACE, EAST OF THE BARRYDOWNE SOUTH EXTENSION
- TRINITY DEVELOPMENT GROUP (cont'd)**

Recommendation #2003-172

McIntaggart-Petryna: That the application by Trinity Development Group to amend By-law 95-500Z, being the Zoning By-law for the former City of Sudbury, by changing the zoning classification of Part of Parcel 10180 S.E.S., Lot 12, Concession 4, Township of Neelon from "M1-42", Light Industrial/Service Commercial Zone-Special and "FD", Future Development Zone to "C2-Special", General Commercial Zone-Special, be approved, subject to the following condition:

- a) That the amending by-law recognize the lack of public road frontage for the most south westerly portion of the subject lands.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE REDEVELOPMENT OF AN EXISTING MONUMENT AND PRECIOUS STONE WORKS BUSINESS, SOUTHWEST CORNER OF THE INTERSECTION OF LORNE STREET AND CLEWOW AVENUE, SUDBURY (983 LORNE STREET, SUDBURY)
- FRANCIS DIONNE, MARIA ELLERO, PETER ELLERO & SON LIMITED**

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

Report dated September 22nd, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application in order to permit the redevelopment of an existing monument and precious stone works business, southwest corner of the intersection of Lorne Street and Clewov Avenue, Sudbury (983 Lorne Street, Sudbury) - Francis Dionne, Maria Ellero, Peter Ellero & Son Limited.

The solicitor for the applicant, Mr. M. Sinclair, 214 Alder Street, Sudbury, and Fred and Kathy Ellero, were present.

PUBLIC HEARINGS (cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE REDEVELOPMENT OF AN EXISTING MONUMENT AND PRECIOUS STONE WORKS BUSINESS, SOUTHWEST CORNER OF THE INTERSECTION OF LORNE STREET AND CLEWOW AVENUE, SUDBURY (983 LORNE STREET, SUDBURY)
- FRANCIS DIONNE, MARIA ELLERO, PETER ELLERO & SON LIMITED (cont'd)**

The Manager of Development Services outlined the application to the Committee. He advised that 38 parking spaces represent a significant increase in the amount of available parking at this location. Recognizing the limitations of the site with respect to parking, the applicants have eliminated some of the standard C-2 Special uses in their application - those which require substantial lot area and/or parking. Based on the parking standards contained in the zoning by-law and on experience with such site development, Planning staff are recommending that the following additional uses be excluded from the "C2-Special" rezoning submission: an automotive dealership, a car wash, a parking lot, a refreshment room, a restaurant and a taxi stand.

Mr. Sinclair indicated that the applicants agree with the staff recommendation with the exception of removing the automotive dealership use. He stated that at one time the subject property was designated C-2 and then in 1986 the use was changed to permit the expansion of an existing stoneworks business. Times have changed and the Ellero's operate a facility on Second Avenue and would like to, with time, relocate most of their business to that site. They would like to redevelop the subject property to make it a viable rental property. Three of the existing buildings will be torn down immediately and the redevelopment will be a very significant improvement to the north side of Lorne Street in a very long time. Part of the factory facility for the stonework business will remain because of the equipment in the building and will be used from time to time as the need arises. He advised that the Ellero's held an Open House in order to discuss the proposal with the area residents. It was not well attended but the area residents are aware of the application coming forward. He requested the Committee to approve the application with the automotive dealership use.

Councillor McIntaggart, representing the Ward, indicated that the applicants are agreeable to removing the uses as recommended by the Planning staff with the exception of the automotive dealership use. They will be demolishing three older unsightly buildings which will be a marked improvement. He pointed out that most lots in the Gatchell area are only 33 feet wide and very few homes in the area have driveways. Parking in the area is non-conforming. The redevelopment will have increased parking over what it currently and historically had. The existing monument business creates little parking. The applicants have agreed that all recreational vehicles use will be located inside the building and this will not generate much traffic as it is seasonal.

PUBLIC HEARINGS (cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE REDEVELOPMENT OF AN EXISTING MONUMENT AND PRECIOUS STONE WORKS BUSINESS, SOUTHWEST CORNER OF THE INTERSECTION OF LORNE STREET AND CLEWOW AVENUE, SUDBURY (983 LORNE STREET, SUDBURY)
- FRANCIS DIONNE, MARIA ELLERO, PETER ELLERO & SON LIMITED (cont'd)**

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 #2003-173

McIntaggart-Petryna: That the application by Francis Dionne/Maria Ellero/Peter Ellero & Son Limited to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "C2-9", Special General Commercial and "C2", General Commercial to "C2-Special", Special General Commercial with respect to those lands described as Parcels 6832 S.E.S., 7308 S.E.S. and 47375 S.E.S. being Lots 117 to 122 inclusive, Plan M-76 in Lot 8, Concession 2, Township of McKim be recommended for approval subject to the following conditions:

1. The only permitted uses shall be those described by the "Schedule of Selected 'C2-Special' Uses" attached to the Staff Report of September 22, 2003 regarding File # 751-6/03-12 save and except the following uses:
 - a car wash
 - a parking lot
 - a refreshment room
 - a restaurant
 - a taxi stand;

; *further*, a small recreational vehicle sales or rental establishment shall only be permitted within an existing building. No open storage shall be permitted in conjunction with a small recreational vehicle sales or rental establishment.
2. Prior to the passage of an amending zoning by-law a Site Plan Control Agreement with the City of Greater Sudbury respecting the subject lands shall be established to the satisfaction of the Director of Planning Services.

PUBLIC HEARINGS (cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE REDEVELOPMENT OF AN EXISTING MONUMENT AND PRECIOUS STONE WORKS BUSINESS, SOUTHWEST CORNER OF THE INTERSECTION OF LORNE STREET AND CLEMOW AVENUE, SUDBURY (983 LORNE STREET, SUDBURY)
- FRANCIS DIONNE, MARIA ELLERO, PETER ELLERO & SON LIMITED (cont'd)**

Recommendation #2003-173 (cont'd)

3. The minimum number of parking spaces required for all of the permitted uses described by Item # 1. of this Recommendation shall be determined by the Site Plan Control Agreement described in Item # 2.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

Recess At 8:30 p.m., the Planning Committee recessed.

Reconvene At 8:35 p.m., the Planning Committee reconvened.

**APPLICATION FOR REZONING IN ORDER TO DELETE THE RECREATIONAL VEHICLE SALES USE AND TO ADD A COMMERCIAL SCHOOL, AN OFFICE, AN EAT-IN RESTAURANT, A SCIENTIFIC OR MEDICAL LABORATORY, A SERVICE TRADE, A TRADE SCHOOL AND AN AUTOMOBILE DEALERSHIP TO THE LIST OF PERMITTED USES, 1133 NOTRE DAME AVENUE, SUDBURY
- 2752280 CANADA INC. (AGENT: ROBERT LEFEBVRE)**

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

Report dated September 23rd, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to delete the recreational vehicle sales use and to add a commercial school, an office, an eat-in restaurant, a scientific or medical laboratory, a service trade, a trade school and an automobile dealership to the list of permitted uses, 1133 Notre Dame Avenue, Sudbury - 2752280 Canada Inc. (Agent: Robert Lefebvre)

_____The Manager of Development Services outlined the application to the Committee.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO DELETE THE RECREATIONAL VEHICLE SALES USE AND TO ADD A COMMERCIAL SCHOOL, AN OFFICE, AN EAT-IN RESTAURANT, A SCIENTIFIC OR MEDICAL LABORATORY, A SERVICE TRADE, A TRADE SCHOOL AND AN AUTOMOBILE DEALERSHIP TO THE LIST OF PERMITTED USES, 1133 NOTRE DAME AVENUE, SUDBURY - 2752280 CANADA INC. (AGENT: ROBERT LEFEBVRE) (cont'd)

The agent for the applicant, Mr. Dave Dorland, 298 Larch Street, Sudbury and Robert Lefebvre, were present. He indicated that the applicant purchased the subject property in 2003. Presently there is 2,700 square feet of floor space with a large paved parking lot. The existing zoning permits 6 uses and a number of those uses will be removed and other uses added as the applicant has prospective tenants. He advised that his client has eliminated the RV trailer sales use which was a concern of the adjoining owner to the west. The applicant wants to keep the property clean, well kept and use the property as unobtrusive to the neighbourhood. The applicant canvassed a broad area of people located to the west of the property and held a public meeting. There were eight people in attendance and concerns were received from the residents. Most of the discussion centered around litter in the area. One of the area residents, who is in attendance this evening, expressed concern regarding odours that might be generated from a walk-in restaurant. Concern was also expressed regarding vehicles turning around in their yards, increased traffic congestion and hours of operation for the proposed restaurant. He advised that his client is in the process of closing a deal with a subway type restaurant. This type of restaurant does not generate the volume of traffic that other types of restaurants do. He advised that they are prepared to remove some other uses that are permitted in the recommendation before the Committee such as an automotive repair shop and automotive service station. Mr. Dorland requested the Committee include an eat-in restaurant in the permitted uses. The applicant will try to control the litter and noise through a Site Plan Agreement. The type of restaurant being proposed would not create odours or create additional traffic problems. There would not be any significant increase in the volumes of traffic than there are now. Their primary target for the restaurant would be walk-in traffic. People would be guided by the traffic problems on whether to use the services on the subject property.

Councillor Courtemanche advised he attended the public meeting. He does not oppose the application but is sympathetic to the area residents concerns. He advised that he is not the Ward Councillor but was present and speaking on behalf of the area residents. He indicated that there are major traffic problems in the area and the volume of traffic to the property will increase with any proposed use. There is no buffer zone and the backyards of the area residents will be affected. With respect to the traffic patterns, he is not sure how closely traffic was looked at, as there are 30,000 cars using that intersection per day.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO DELETE THE RECREATIONAL VEHICLE SALES USE AND TO ADD A COMMERCIAL SCHOOL, AN OFFICE, AN EAT-IN RESTAURANT, A SCIENTIFIC OR MEDICAL LABORATORY, A SERVICE TRADE, A TRADE SCHOOL AND AN AUTOMOBILE DEALERSHIP TO THE LIST OF PERMITTED USES, 1133 NOTRE DAME AVENUE, SUDBURY - 2752280 CANADA INC. (AGENT: ROBERT LEFEBVRE) (cont'd)

There are traffic line-ups and cars are stacked at entrances and exits. He also indicated the area residents have concerns regarding restaurants being a permitted use in particular hours of operation and odours. The area residents take a lot of pride in their neighbourhood and have cleaned up the litter in the area.

Mr. Ray Grenier, 1106 Gordon Avenue, Sudbury, was present. He advised that there are many garbage cans in the area. There is more garbage on the ground than in the cans. Students from two schools in the area are littering the area. He pointed out that the students will not walk to the restaurant but that they will drive and make left hand turns on to the residential area. They will have difficulty trying to make left hand turns from the subject property cutting across 6 lanes of traffic. There is already traffic congestion in the area because of Tim Horton's. He also expressed concern regarding odours. They are opposed to a restaurant because of the litter, odours and hours of operation. As it is, they cannot sit in their back yards because of noise caused by transports and traffic and this will make it worse. He advised that the night the Public Meeting was held, the neighbours had a vigil for the police officer who had been killed in the area 10 years ago so therefore, very few people attended the meeting. He is totally against this application. He would not be opposed to an office type use provided it did not generate much traffic.

Councillor Dupuis, representing the Ward, indicated that this is a very busy intersection and traffic problems have increased because of the gas station and donut shop. He stated that he was not invited to the public meeting as one of the Ward Councillors. He indicated the area residents are subjected to horrendous conditions - slurry trucks drive by there 24 hours a day, noise from transports, problems with litter and debris in their neighbourhood, long grass, etc. The intersection is a nightmare and we cannot compound the problem.

Gerry Martel, stated that he agrees with Mr. Grenier's concerns, but is sympathetic to the application. He stated that if those in attendance lived in the area they would be at the podium with some comments. We have seen many different businesses on the subject property. He is concerned that if a restaurant is permitted there would be more traffic congestion and therefore more accidents.

PUBLIC HEARINGS (cont'd)

**APPLICATION FOR REZONING IN ORDER TO DELETE THE RECREATIONAL VEHICLE SALES USE AND TO ADD A COMMERCIAL SCHOOL, AN OFFICE, AN EAT-IN RESTAURANT, A SCIENTIFIC OR MEDICAL LABORATORY, A SERVICE TRADE, A TRADE SCHOOL AND AN AUTOMOBILE DEALERSHIP TO THE LIST OF PERMITTED USES, 1133 NOTRE DAME AVENUE, SUDBURY
- 2752280 CANADA INC. (AGENT: ROBERT LEFEBVRE) (cont'd)**

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-Petryna: That the application by 2752280 Canada Inc. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury, by changing the zoning classification of Parcels 28706, 13505 and 25128 S.E.S., Lot 4, Concession 5, McKim Township from "C2-29", General Commercial Special to a Revised "C2-Special", General Commercial Special be approved subject to the following:

1. That the only permitted uses shall be
 - (a) any combination of the following:
 - an automobile repair shop
 - an automobile service station
 - an automobile accessories store
 - a merchandise service shop
 - a personal service shop
 - a retail store
 - a commercial school
 - an office
 - an eat-in restaurant
 - a scientific or medical laboratory
 - a service trade
 - a trade school
 - or (b) an automobile dealership without any uses listed in (a).
2. That prior to the passing of an amending zoning by-law the owner shall amend the existing Site Plan Control Agreement for the subject property to establish a new parking layout to the satisfaction of the Traffic and Transportation Section.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO DELETE THE RECREATIONAL VEHICLE SALES USE AND TO ADD A COMMERCIAL SCHOOL, AN OFFICE, AN EAT-IN RESTAURANT, A SCIENTIFIC OR MEDICAL LABORATORY, A SERVICE TRADE, A TRADE SCHOOL AND AN AUTOMOBILE DEALERSHIP TO THE LIST OF PERMITTED USES, 1133 NOTRE DAME AVENUE, SUDBURY - 2752280 CANADA INC. (AGENT: ROBERT LEFEBVRE) (cont'd)

The following amendment to the Recommendation was presented:

Recommendation #2003-174

Dupuis-Petryna: That an eat-in restaurant, trade schools, automotive service station and automotive repair shop be deleted from the permitted uses.

CONCURRING MEMBERS: Councillors Dupuis, Petryna, Bradley

NON-CONCURRING MEMBERS: Councillor McIntaggart

CARRIED

The main Recommendation as amended was presented:

Recommendation #2003-175

McIntaggart-Petryna: That the application by 2752280 Canada Inc. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury, by changing the zoning classification of Parcels 28706, 13505 and 25128 S.E.S., Lot 4, Concession 5, McKim Township from "C2-29", General Commercial Special to a Revised "C2-Special", General Commercial Special be approved subject to the following:

1. That the only permitted uses shall be
 - (a) any combination of the following:
 - an automobile accessories store
 - a merchandise service shop
 - a personal service shop
 - a retail store
 - a commercial school
 - an office
 - a scientific or medical laboratory
 - a service trade
 - or (b) an automobile dealership without any uses listed in (a).

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO DELETE THE RECREATIONAL VEHICLE SALES USE AND TO ADD A COMMERCIAL SCHOOL, AN OFFICE, AN EAT-IN RESTAURANT, A SCIENTIFIC OR MEDICAL LABORATORY, A SERVICE TRADE, A TRADE SCHOOL AND AN AUTOMOBILE DEALERSHIP TO THE LIST OF PERMITTED USES, 1133 NOTRE DAME AVENUE, SUDBURY - 2752280 CANADA INC. (AGENT: ROBERT LEFEBVRE) (cont'd)

Recommendation #2003-175 (cont'd)

2. That prior to the passing of an amending zoning by-law the owner shall amend the existing Site Plan Control Agreement for the subject property to establish a new parking layout to the satisfaction of the Traffic and Transportation Section.

CONCURRING MEMBERS: Councillors Dupuis, Petryna, Bradley

NON-CONCURRING MEMBERS: Councillor McIntaggart

CARRIED

APPLICATION FOR REZONING IN ORDER TO PERMIT TWO NEW SIGNS FOR THE RAINBOW OUTLET CENTRE - VISTA SUDBURY HOTEL INC. & VISTA SUDBURY COMPLEX INC.

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

Report dated September 23rd, 2003, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit two new signs for the Rainbow Outlet Centre - Vista Sudbury Hotel Inc. & Vista Sudbury Complex Inc.

Mr. Joe Zito, employee with Vista Sudbury Hospitality Inc., operator of the Rainbow Outlet Centre and Mr. Ray Hirani, owner/shareholder of the Corporation, were present. Karen Piper of the Sudbury Office was present in the audience.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT TWO NEW SIGNS FOR THE RAINBOW OUTLET CENTRE - VISTA SUDBURY HOTEL INC. & VISTA SUDBURY COMPLEX INC. (cont'd)

The Manager of Development Services outlined the application to the Committee. With Respect to the full motion sign, he advised that the Traffic and Transportation Section has concerns with full motion video signs due to their potential for distracting drivers' attention, thus creating a negative impact on road safety. He referred to a study undertaken by the City of Toronto which identified a number of traffic safety concerns, one of which identifies that video advertising signs attracted more glances from drivers than other types of signs. As full motion digital signs are a new technology, their impact on road safety cannot be properly assessed until more time has passed and collision statistics have been assembled and compared. For these reasons, staff has recommended against the approval of the application for rezoning for a "full digital motion sign" and are recommending an animated sign subject to certain conditions.

Proceed _____ **Recommendation 2003-176**

Past 10:00 p.m. _____

_____ Dupuis-McIntaggart: That we proceed past the hour of 10:00 p.m.

CARRIED

_____ Mr. Zito thanked the Planning Department for the prompt processing of their application since it was only filed on August 8th, 2003. He indicated that it is ironic that full motions signs are permitted in the by-law however there are no areas in the City where they are allowed. He advised that they are competing with retail that has been taken out of the downtown area and moved to commercial nodes such as the New Sudbury Shopping Centre and Power Centre. In other areas, the Power Centres are 15 to 20 minutes from the downtown, however in Sudbury they are 4 minutes from the downtown, so that the downtown area relies on innovative ideas to keep it viable. He advised that there is no proof that these signs are anymore or less distractive than cell phones, navigation systems in vehicles, etc. They are trying to keep the Rainbow Mall unique. They have a new design, and they would like a full motion video sign. Thirty-five new businesses have been attracted in the last 18 months which is a real shot in the arm for the downtown. He said that the sign will not be used for advertising, but will be used for public service announcements, emergencies, temperature and time, etc. He requested approval for the full motion video.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT TWO NEW SIGNS FOR THE RAINBOW OUTLET CENTRE - VISTA SUDBURY HOTEL INC. & VISTA SUDBURY COMPLEX INC. (cont'd)

Councillor Courtemanche, Ward Councillor, stated that when Planning and Economic Development functions were merged, we thought there would be a stronger influence by Economic Development around our planning policies. This is a good example of how we have to create a better balance between public safety and the planning approach. This company would like to spend \$300,000 for a Jumbotron. It is an anchor development in the downtown core and brings millions of dollars to the downtown. He stated that this is an example which shows that we have to reassess our commitment to economic development and growth in our community and need a much more open arms approach.

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 #2003-177

McIntaggart-Dupuis: That the application by Vista Sudbury Hotel Inc. and Vista Sudbury Complex Inc. to amend By-law 95-500Z being the zoning By-law for the former City of Sudbury by changing the zoning classification of a part of the Notre Dame Avenue Road allowance near the intersection of Ste. Anne Road from "C8", Metro Centre to "C8-Special", Metro Centre Special to permit an advertising ground sign be approved, subject to the following:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT TWO NEW SIGNS FOR THE RAINBOW OUTLET CENTRE - VISTA SUDBURY HOTEL INC. & VISTA SUDBURY COMPLEX INC. (cont'd)

Recommendation #2003-177 (cont'd)

- (a) that the applicant provide the Development Services Section with a registered survey plan of the subject property to enable the preparation of an amending by-law.
- (b) that the applicant enter into a license of occupation agreement with the City for the use of the land.
- (c) that the amending by-law restrict the height of the ground sign to a maximum of 35 feet and the total sign area to a maximum of 600 square feet (300 square feet maximum per side).
- (d) that the City Property Administrator be advised of the staff report recommendation regarding clearances from the Technical Services Section, the Traffic and Transportation Section and the agreement of the applicant not to use Variance A306/1987 unless the license of occupation agreement is terminated.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

Recommendation #2003-178

Dupuis-McIntaggart: That the application by Vista Sudbury Hotel Inc. and Vista Sudbury Complex Inc. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury as it applies to Units 2 to 16 and 20 to 22, Plan D-132, being P.I.N. numbers 02138-0158, 02138-0159 and 02138-0129, in Lot 5, Concession 4, McKim Township to permit an animated business identification and advertising wall sign be approved subject to the following:

- (a) that the maximum total sign area shall be 120 square feet.
- (b) that the sign brightness and illumination shall not impair the vision of persons driving vehicles.
- (c) the sign shall not have flashing or chaser lights.
- (d) the sign shall not have music or voice messages.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT TWO NEW SIGNS FOR THE RAINBOW OUTLET CENTRE - VISTA SUDBURY HOTEL INC. & VISTA SUDBURY COMPLEX INC. (cont'd)

Recommendation #2003-178 (cont'd)

- (e) the wall sign shall be located at an elevation higher than the ground floor.
- (f) the sign shall not simulate traffic control devices.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Petryna, Bradley

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-2 contained in Part 1 of the Consent Agenda:

Recommendation #2003-179

McIntaggart-Petryna: That Items C-1 to C-2 contained in Part 1, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report #7,
VETAC Minutes
July 30th, 2003

Recommendation #2003-180

Petryna-McIntaggart: That Report #7, Vegetation Enhancement Technical Advisory Committee Minutes of July 30th, 2003, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Request to
Remove “H”
Holding Symbol,
Parcels 6994,
16463, 11736 &
12035 S.E.S.,
Lot 6, Conc. 1,
Township of
McKim-Paris St.
at Maki Ave.

Report dated September 25th, 2003 was received from the Director of Planning Services and the General Manager of Economic Development and Planning Services regarding a request to remove the “H” Holding symbol in order to permit an additional 33 dwelling units at the south east corner of the intersection of Paris Street and Maki Avenue - Dalron Construction Limited.

Recommendation #2003-181

McIntaggart-Petryna: THAT the request by Dalron Construction Limited to remove the “H” Holding designation pertaining to By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury in order to permit the development of the lands described as Parcels 6994, 16463, 11736 and 12035 S.E.S., Lot 6, Concession 1, Township of McKim be approved.

CARRIED

Adjournment

Recommendation #2003-182

Petryna-McIntaggart: That we do now adjourn.
Time: 10:35 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR RON BRADLEY PRESIDING