

**THE TENTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11
Tom Davies Square**

**Tuesday, December 10, 2002
Commencement: 6:30 p.m.
Adjournment: 8:45 p.m.**

COUNCILLOR RON DUPUIS PRESIDING

Present Councillors Bradley, McIntaggart, Portelance

Staff D. Braney, Property Negotiator / Appraiser; D. Belisle, General Manager of Public Works; Angie Haché, Deputy City Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2002-99**

Portelance-Dupuis: That we move "In Camera" to deal with a property matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5).

CARRIED

Recess At 6:55 p.m., the Planning Committee recessed.

Reconvene At 7:00 p.m. the Planning Committee reconvened in the **Council Chambers** for the regular meeting.

COUNCILLOR RON BRADLEY PRESIDING

Present Councillors Dupuis, McIntaggart, Portelance

Councillors Davey, Gainer

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; D. Nadorozny, General Manager of Economic Development & Planning Services; D. Belisle, General Manager of Public Works; A. Haché, Deputy City Clerk; K. Bowschar-Lische, Legal Services; F. Bortolussi, Planning Committee Secretary

News Media MCTV, Northern Life, Sudbury Star

Declarations of Pecuniary Interest None declared.

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report Councillor Ron Dupuis, as Vice Chair of the Planning Committee, reported the Committee met in closed session to deal with a property matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, R.S.O. 1990, c.M.45, s.55(5) and the following resolution emanated therefrom:

Purchase of Land 65 Fourth Avenue Coniston Report dated December 4, 2002, was received from the Director of Legal Services/City Solicitor and the General Manager of Corporate Services and Acting General Manager of Emergency Services regarding the purchase of 65 Fourth Avenue in Coniston

Recommendation #2002-100

Dupuis-Portelance: That the City of Greater Sudbury purchase Lot 132, Plan M-678, Parcel 38384 S.E.S. Neelon Township located at 65 Fourth Avenue, Coniston for the purpose of securing an unregistered easement for a storm sewer, subject to the terms and conditions as outlined in the report dated December 4th, 2002.

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

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

CARRIED

PUBLIC HEARINGS

REZONING APPLICATION TO PERMIT A CHIROPRACTOR'S OFFICE IN ADDITION TO A DWELLING UNIT WITHIN THE EXISTING BUILDING, 5 AGNES STREET, LIVELY - BONTE AND ROBERT McJANNET

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

PUBLIC HEARINGS (contd)

REZONING APPLICATION TO PERMIT A CHIROPRACTOR'S OFFICE IN ADDITION TO A DWELLING UNIT WITHIN THE EXISTING BUILDING, 5 AGNES STREET, LIVELY - BONTE AND ROBERT McJANNET (contd)

Report dated December 3, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit a chiropractor's office together within a single dwelling at 5 Agnes Street, Lively, - Bonte & Robert McJannet

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

Mr. Dave Dorland, D. S. Dorland Limited, addressed the Committee on behalf of the applicants. He advised that he had reviewed the staff recommendations with his client. He pointed out that they canvassed the area and obtained 26 signatures from residents in support of the application.

Mr. Dave Dorland presented a letter dated November 3, 2002 from David Krmpotic and Jessica Kind attaching a petition with 26 signatures in support of the application.

Councillor Gainer, Ward Councillor, advised that he has not heard any opposition or concerns regarding the proposed development.

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.

Recommendation #2002-101

Portelance-McIntaggart: That the application by Bonte and Robert McJannet to amend By-law 83-303 being the Zoning By-law for the former Town of Walden by changing the zoning classification of Parcel 24782, being Lot 28, Plan M-531 in Lot 8, Concession 4, Waters Township from "R1.D18", Single Residential to "R1.D18-Special", Single Residential Special be approved subject to the following:

- (a) That in addition to "R1" uses, a chiropractor's office together with a single dwelling within the same building shall be permitted;
- (b) That prior to the issuance of a building permit for the introduction of the chiropractor's office the owner shall enter into a Site Plan Control Agreement with the City;

PUBLIC HEARINGS (contd)

REZONING APPLICATION TO PERMIT A CHIROPRACTOR'S OFFICE IN ADDITION TO A DWELLING UNIT WITHIN THE EXISTING BUILDING, 5 AGNES STREET, LIVELY - BONTE AND ROBERT McJANNET (contd)

Recommendation #2002-101 (contd)

- (c) That the amending by-law permit the following signage in connection with the chiropractor's office:
 - 1. 1 ground sign, single-sided with a maximum sign area of 2.8 m², a maximum height of 1.5 m, located outside of the sight triangle and a minimum of 3 m from other lot lines.
 - 2. 1 projecting sign having a maximum sign area of 1.8 m².
- (d) That the amending zoning by-law restrict the chiropractor's office to a maximum net floor area of 150 m².
- (e) That parking for the chiropractor's office be provided at a ratio of one space per 30 m² net floor area.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Portelance, Bradley

CARRIED

REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A CHURCH, INTERSECTION OF NIEMI ROAD AND TURNER DRIVE, LIVELY PAOC WESTERN ONTARIO CORP.

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

Report dated December 2, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the construction of a church, intersection of Niemi Road and Turner Drive, Lively - PAOC Western Ontario Corp.

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

Greg Bland, 7 Polvi Avenue, Lively and Ron Tait, Whitefish were present on behalf of the applicant.

PUBLIC HEARINGS (contd)

**REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A CHURCH,
INTERSECTION OF NIEMI ROAD AND TURNER DRIVE, LIVELY
PAOC WESTERN ONTARIO CORP. (contd)**

Letter received from Glory Ann Doré relating her concern with the traffic at the nearby intersection of Turner Drive and Niemi Road which is already problematic. She sees the entrance to the proposed Church's parking lot, not far from Turner Avenue, as dangerous.

The Director of Planning Services stated the Traffic and Transportation Section in their comments were also concerned about access and on-site circulation. Issues related to access, sight lines and on-site circulation will be reviewed as part of the Site Plan Control Agreement.

Mr. Tait and Mr. Bland have discussed the entrances with the Day Care. The Day Care agreed they would both use the day care entrance which was some distance from the intersection of Turner Drive and Niemi Road.

Councillor Gainer stated there is an existing problem at the above noted intersection; however, this development should have no impact on the traffic problem, as the applicant's entrance is at the other end of the 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.

Recommendation #2002-102

Portelance-McIntaggart: That the application by PAOC Western Ontario Corp. to amend By-law 83-303 being the Comprehensive Zoning By-law for the (former) Town of Walden from "RU", Rural to "I", Institutional with respect to those lands described as Parcel 28805 S.W.S. being Part 3, Plan 53R-8177 in Lot 7, Concession 5, Township of Waters be recommended for approval.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Portelance, Bradley

CARRIED

REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL STYLE BUILDING WHICH WOULD ACCOMMODATE THE BUSINESS OFFICES OF THE YWCA AND PROVIDE GUEST ACCOMMODATION FOR THEIR CLIENTS, ST. RAPHAEL STREET, SUDBURY - 676597 ONTARIO LIMITED (FRANK MASOTTI) AND THE CITY OF GREATER SUDBURY

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

Report dated December 2, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the construction of a residential style building which would accommodate the business offices of a non-profit organization, and further, provide guest accommodation for their clients on St. Raphael Street, Sudbury - 676597 Ontario Limited (Frank Masotti) and the City of Greater Sudbury

Letter was received from Gwen Kutchaw, 571 Howey Drive, Sudbury, objecting to the application.

Letter was received from Maxine Based, 468 Howey Drive, Sudbury, objecting to the application.

Letter dated December 5, 2002 was received from Councillor Doug Craig, Ward Councillor, in support of the application.

Letter dated December 10, 2002 was received from Pauline Loyer, Manager/Coordinator, Village International Sudbury, 900 LaSalle Court Mall, Sudbury which included petition with 25 signatures supporting this application.

Mr. Mac Sinclair, solicitor for the application, Tannys Laughren, President of YWCA and Colette Prevost, Executive Director of YWCA were present on behalf of the applicant.

Mr. Sinclair also introduced Dennis Castellan, architect, and Marty Kivistik, planning consultant, who were present in the audience.

The Director of Planning Services outlined the application to the Committee. He advised that the recommendation in the staff report had been slightly modified. The modification requires the owner of the property to enter into a Site Plan Control Agreement prior to the issuance of the building permit as opposed to prior to the passing of the amending by-law.

Mr. Sinclair showed the Committee a model of the proposed development. He advised that the applicants are satisfied with the staff recommendation.

PUBLIC HEARINGS (contd)

REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL STYLE BUILDING WHICH WOULD ACCOMMODATE THE BUSINESS OFFICES OF THE YWCA AND PROVIDE GUEST ACCOMMODATION FOR THEIR CLIENTS, ST. RAPHAEL STREET, SUDBURY - 676597 ONTARIO LIMITED (FRANK MASOTTI) AND THE CITY OF GREATER SUDBURY (contd)

Ms. Prevost advised the Committee that the YWCA has been providing services in the community since 1955. Geneva House started in 1982 on Elm Street. In the summer of 2001, the Provincial Government selected 5 communities which would have new shelters and the YWCA was selected as the sponsoring agency for a new shelter for women and children. They have been trying for some time to find a suitable site which would house both services provided by the YWCA as well as their administration offices. She advised that this site meets all their requirements. Geneva House provides safe transitional shelter for women and children. The new shelter will house 32 individuals in a residential setting close to the downtown amenities required by their clients. She pointed out that their clients are not allowed to have visitors and 95% to 98% of the women using the shelter do not have vehicles. The proposed building will offer an attractive facility to the residents and the neighbourhood and is expected to cost approximately \$2 million.

Mr. Hub Blais, St. Raphael Street, advised he has been a long time resident of St. Raphael Street. He stated he has nothing against Geneva House or the YWCA, however, expressed concern regarding increased noise in the area and property values being decreased. He pointed out that the majority of people in the audience were present concerning this matter, however, felt intimidated in addressing the Committee. He stated that the majority of people in the area do not want this property to be rezoned.

Ms. Vicki Mitchell, St. Raphael Street, indicated that her home is the closest one to the proposed development. She advised that she can appreciate both points of view as she was on the YWCA Board of Directors and she has resided in this neighbourhood for many years. She appreciates the peaceful environment and the green space. She believes the proposed building will not detract from the neighbourhood. She realizes residents are concerned about their property values and the perception of future home buyers, but at same time she does not think area residents can stop development. She stated that the residents have had a very quiet area for 40 years, always knowing the potential for significant development in the area. She indicated that from her experience with the YWCA she knows they are also concerned regarding security and this would be addressed. She advised that she supports the YWCA in this proposed development and spoke in favour of the proposal.

PUBLIC HEARINGS (contd)

REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL STYLE BUILDING WHICH WOULD ACCOMMODATE THE BUSINESS OFFICES OF THE YWCA AND PROVIDE GUEST ACCOMMODATION FOR THEIR CLIENTS, ST. RAPHAEL STREET, SUDBURY - 676597 ONTARIO LIMITED (FRANK MASOTTI) AND THE CITY OF GREATER SUDBURY (contd)

Councillor Austin Davey, Ward Councillor, indicated that both he and Councillor Craig support the application. They did attend the public meeting that was held which was very well attended. He feels that concerns from the area residents will be addressed in the planning process.

Mr. Gerard Guimond, 771 Crown Street, Sudbury, stated as lawyer in Sudbury he represents battered wives and children and therefore is aware of the need. He supports the location because it is close to downtown and services used by Geneva House clients. He stated the first house his family owned was across the street from Lakeside Centre. He advised that when they sold their house, the property value was not affected and they had no difficulty in selling.

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 #2002-103

Dupuis-Portelance: That the application by 676597 Ontario Ltd. (Frank Masotti) and the City of Greater Sudbury to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Greater Sudbury from "R2", Double Residential and "R4", Multiple Residential to "R4-Special", Special Multiple Residential with respect to those lands described as Part of Lots 114 to 116 inclusive, Plan 19S, Lot 260 and Part of Lots 261 & 262, Plan 35S, Lots 256 & 259 and Part of Lots 257 & 258, Plan 36S, Part of Part 1, Plan 53R-15263, Part of St. Raphael Street, and Part of St. Gabriel Street and an adjoining Lane, Plan 35S in Lot 4, Concession 3, Township of McKim be recommended for approval subject to the following conditions:

1. The amending zoning by-law specify that the only permitted use shall be the offices of a non-profit or charitable institution being comprised of a maximum of 4,000 sq. ft. of net floor area for office use and a maximum of 32 beds for non-profit or charitable guest accommodation.

PUBLIC HEARINGS (contd)

REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL STYLE BUILDING WHICH WOULD ACCOMMODATE THE BUSINESS OFFICES OF THE YWCA AND PROVIDE GUEST ACCOMMODATION FOR THEIR CLIENTS, ST. RAPHAEL STREET, SUDBURY - 676597 ONTARIO LIMITED (FRANK MASOTTI) AND THE CITY OF GREATER SUDBURY (contd)

Recommendation #2002-103 (contd)

2. Prior to the issuance of a building permit for the subject lands, the owner shall enter into a Site Plan Control Agreement with the City of Greater Sudbury which, in addition to the items to be addressed under Section 41 of the Planning Act, shall establish a development agreement with the owner wherein items 1. to 4. inclusive of the Public Works Department - Technical Services Section/Roads & Drainage Engineer comments as presented in the staff report dated December 2nd, 2002, shall be addressed to the satisfaction of the General Manager of Public Works.
3. Prior to the passage of an amending zoning by-law the proponent shall submit to the Planning Services Division a registered plan of survey which describes the lands to be rezoned to the satisfaction of the Director of Planning Services.

CONCURRING MEMBERS: Councillors Dupuis, McIntaggart, Portelance, Bradley

CARRIED

Recess

The Committee recessed at 8:35 p.m. and reconvened at 8:40 p.m.

PART I - CONSENT AGENDA

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

Recommendation #2002-104

Portelance-Dupuis: That Items C-1 to C-2 contained in the Consent Agenda, be adopted.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-1
Sale of Land
Brady Street/
St. Raphael Area

Report dated December 3, 2002 was received from the General Manager, Corporate Services regarding sale of land, Brady Street/St. Raphael Street Area

Recommendation #2002-105

Dupuis-McIntaggart: That the City of Greater Sudbury enter into an Agreement of Purchase of Sale with 676597 Ontario Ltd. for approximately 4 acres of land in the Brady Street /St. Raphael Street area subject to the terms and conditions outlined in the attached report; and

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

That the proceeds be credited to the Land Acquisition Reserve.

CARRIED

Item C-2
Extension of Draft
Approval, Draft
Plan of Subdivision
Rayside Township
Cecchetto & Sons
Limited

Report dated December 2, 2002 from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding extension of draft approval, draft plan of subdivision of Parcel 2120 S.E.S. in Lot 6, Concession 2, Rayside Township, Cecchetto & Sons Limited (Bayside Estates, Azilda)

Recommendation #2002-106

Portelance-Dupuis: That upon payment of Council's processing fee of \$3,537.50 prior to the January 17th, 2003 lapsing date, the conditions of draft approval for the draft plan of subdivision of Parcel 2120 S.E.S. in Lot 6, Concession 1, Township of Rayside, File No. 780-5/89024, shall be amended as follows:

1. By deleting Condition #22 and replacing it with the following:

"22. That this draft approval shall lapse on October 17th, 2005."
2. By adding the following conditions:

"25. That the draft plan be amended to show all cul-de-sacs with a 17.5 metre radius right-of-way and to show the corner radius of all intersecting streets to be 9 metres.

ROUTINE MANAGEMENT REPORTS (contd)

Recommendation #2002-106 (contd)

Item C-2
Extention of Draft
Approval, Draft
Plan to Subdivision
Rayside Township
Cecchetto & Sons
Limited

26. Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Public Works, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also the report should include design information and recommended construction procedures for the following items: storm and sanitary sewers, watermains, roads, the mass infilling of land, surface drainage works including erosion control, slope stability (if applicable) and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official.

27. Prior to the submission of servicing plans, the applicant/owner shall have a storm water management report and plan prepared by a consulting engineer with a valid certificate of authorization. Said report shall establish how storm water will be managed within the subdivision development and assess the impact of storm water runoff from this developed subdivision on abutting lands, downstream water courses and area waterbodies to the satisfaction of the General Manager of Public Works. The report shall deal with the control of both the 1:5 and Regional storm events, so as to limit the volume of flow leaving the site to pre-development levels. The Regional storm flow path is to be set out on the plan. The report shall set out any necessary improvements to downstream watercourses and define the cost of said works. The formula for cost sharing of any required downstream works will be established to the satisfaction of the General Manager of Public Works after study completion and prior to the signing of the final plans.”

ROUTINE MANAGEMENT REPORTS (contd)

Recommendation #2002-106 (contd)

Item C-2
Extention of Draft
Approval, Draft
Plan to Subdivision
Rayside Township
Cecchetto & Sons
Limited

3. That as required, the conditions of draft approval be amended to address municipal restructuring and the creation of the City of Greater Sudbury.

CARRIED

Adjournment

Recommendation #2002-107

Portelance-Dupuis: That we do now adjourn.
Time: 8:45 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR RON BRADLEY PRESIDING