

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

Council Chambers

Tuesday, July 9th,

2002

Tom Davies Square

Commencement: 2:00 p.m.

Adjournment: 4:23 p.m.

COUNCILLOR GERRY MCINTAGGART PRESIDING

Present

Councillors Bradley, Dupuis, Portelance

Councillors Craig, Courtemanche, Gainer

Staff

B. Lautenbach, Director of Planning Services; B. Tanos, Cartographer/G.I.S. Technologist; D. Braney, Property Negotiator/Appraiser; P. Baskcomb, Manager of Community and Strategic Planning; D. Belisle, General Manager of Public Works; D. Nadorozny, General Manager of Economic Development and Planning Services; R. Swiddle, Director of Legal Services/City Solicitor; R. Irwin, Senior Planner; G. Clausen, Director of Engineering Services; J. Lahti, Legal Services; A. Haché, Deputy City Clerk; K. Bowschar, Planning Committee Secretary

Media

The Box; MCTV; Sudbury Star

Declarations of

None declared.

Pecuniary Interest

PUBLIC HEARINGS

SUBDIVISION APPROVAL AND REZONING APPLICATIONS ON PARCEL 20525 S.E.S., BEING PART 2, PLAN SR-794, LOT 2, CONCESSION 5, TOWNSHIP OF MCKIM AT BUCKINGHAM DRIVE, SUDBURY - DALRON CONSTRUCTION

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

Report dated July 3, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding applications for rezoning and for subdivision approval by Dalron Construction Limited to permit 28 lots for single residential use, Buckingham Drive (former site of the Colonel David Younger Public School).

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PUBLIC HEARINGS (Contd.)

SUBDIVISION APPROVAL AND REZONING APPLICATIONS ON PARCEL 20525 S.E.S., BEING PART 2, PLAN SR-794, LOT 2, CONCESSION 5, TOWNSHIP OF MCKIM AT BUCKINGHAM DRIVE, SUDBURY - DALRON CONSTRUCTION (Cont'd)

Letter dated July 3rd, 2002, was received from Max Schjerning, expressing concerns with respect to the above-noted application.

Petition dated July 4th, 2002, was received from the area residents against the applications.

Letter dated July 9th, 2002, from M. Chambers and Aristide (Babe) Marion, was received expressing concerns with respect to flooding and sewer back-up.

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

Ms. Celia Teale, Planner for Dalron Construction Limited, 130 Elm Street, Sudbury, was present. Ms. Teale stated that Dalron held two public meetings with the area residents to address some of the concerns regarding sewage capacity, traffic flow and greenbelt area. She stated that Dalron had also met with City staff on a number of occasions. She advised that she was aware of the Petition against the application. She pointed out that some of the area residents oppose the application and some do not.

Councillor Courtemanche, representing Ward 6, indicated that during the public meeting, area residents expressed concern with recent incidents of sewage back-up which suggest there is not sufficient sewage capacity and this development would only add to the problem. He also pointed out that at this time it is not known whether there is sufficient sewage capacity to service this development and if there is not the developer would not receive draft approval. He questioned whether the section of sewer pipe which has sagged should be replaced. He also asked if staff had concerns regarding water pressure because of the condition in the subdivision draft plan approval requiring the construction of a watermain loop. He inquired where the walkway would be located and if the existing road structure could handle the traffic because of this development.

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PUBLIC HEARINGS (Contd.)

SUBDIVISION APPROVAL AND REZONING APPLICATIONS ON PARCEL 20525 S.E.S., BEING PART 2, PLAN SR-794, LOT 2, CONCESSION 5, TOWNSHIP OF MCKIM AT BUCKINGHAM DRIVE, SUDBURY - DALRON CONSTRUCTION (Cont'd)

The General Manager of Public Works advised that there is sufficient sewage capacity today. There was a sewer back-up occurrence in March of 2002 due to an obstruction in the pipe. That pipe is on regular maintenance for cleaning. With respect to replacing the portion of the sewer pipe which is sagging, the General Manager of Public Works indicated that the sag is not significant to warrant repair at this time. He also advised that there is not a problem with water pressure in the area. There is a situation with water pressure being insufficient for fire fighting purposes. With respect to traffic, it was noted that the Traffic and Transportation Section had no comments concerning this development.

With respect to the walkway, Ms. Teale advised that the walkway that has become an issue is the one off of Attlee Avenue and this walkway is outside the area being discussed this evening. She advised that at one of the public meetings she indicated Dalron would preserve whatever trees they could to create a buffer.

Mr. John Boxell, corner of Buckingham Drive and Beatrice Crescent, was present. He indicated that different residents in the area have had sewer back-ups for many years. He stated that if you check with insurance companies, you will find some people have had more than one claim. He pointed out that there is no pattern on who gets sewer back-up but everyone in the area has experienced it. He requested that an engineering study into this problem be undertaken before the rezoning is passed.

Mr. Brian Flesher, 982 Soloy indicated he was unable to attend any of the neighbourhood meetings regarding this matter. On March 9, 2002, he had 10 inches of sewer back-up into his basement. Prior to this incidence, he also had a sewer back-up on August 24, 1994. He also pointed out that many homes in the area are not up to Code, as their weeping tiles are connected to the sewer pipe. He indicated that this area has not had regularly scheduled inspections and cleaning and he feels that since the sewer back-up in 1994, this should have occurred. He stated that sewer issues need to be looked at further before the City approves the rezoning.

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PUBLIC HEARINGS (Contd.)

SUBDIVISION APPROVAL AND REZONING APPLICATIONS ON PARCEL 20525 S.E.S., BEING PART 2, PLAN SR-794, LOT 2, CONCESSION 5, TOWNSHIP OF MCKIM AT BUCKINGHAM DRIVE, SUDBURY - DALRON CONSTRUCTION (Cont'd)

The General Manager of Public Works advised that prior to 1985 within the City of Sudbury, it was legal for homes to hook-up their weeping tiles to the sanitary sewer. He pointed out that in August of 1994 an unusual event took place in that 450 homes were flooded. It was not something defective in the pipes that caused the problem, it was because of heavy rainfall. The sagging pipe will accumulate debris and that is why it needs to be cleaned to remove any accumulation that builds up in the sagged portion.

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

Recommendation 2002-27

That the application by Dalron Construction Limited to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury with respect to those lands described as being P.I.N. 02132-0640, being Parcel 20535 S.E.S., Part 2, Plan SR-794, in Lot 2, Concession 5, Township of McKim, by changing the zoning classification from "I" Institutional Zone to "R1", Single Residential Zone, be approved.

CONCURRING MEMBERS: Councillors Bradley; Dupuis; McIntaggart; Portelance

CARRIED

Recommendation 2002-28

That the City of Greater Sudbury Council's delegated official be directed to issue the draft approval for the subject subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51(20) of the Planning Act, and subject to the following conditions:

- (a) That this draft approval applies to the draft plan of subdivision of P.I.N. 02132-0640 in Part of Lot 2, Concession 5, Township of McKim, as shown on a plan prepared by Terry Del Bosco, O.L.S. and dated January 29th, 2002.
- (b) That the standard conditions of draft approval be imposed.

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PUBLIC HEARINGS (Contd.)

**SUBDIVISION APPROVAL AND REZONING APPLICATIONS ON PARCEL 20525
S.E.S., BEING PART 2, PLAN SR-794, LOT 2, CONCESSION 5, TOWNSHIP OF
MCKIM AT BUCKINGHAM DRIVE, SUDBURY - DALRON CONSTRUCTION (Cont'd)**

Recommendation 2002-28 (cont'd)

- (c) That cash in lieu of the 5% of the lands included in the plan of subdivision be dedicated to the City of Greater Sudbury for municipal parks purposes in accordance with Section 51.1 of the Planning Act.
- (d) That a watermain loop be constructed from the proposed street to the existing municipal systems on Soloy Street between proposed Lots 12 and 13 and along the existing walkway noted as Block "B" on Soloy Drive to the satisfaction of the General Manager of Public Works.
- (e) That the final plan be provided in AutoCAD.dwg format to the satisfaction of the Coordinator of Geographic Information, Surveys and Mapping Section.
- (f) If final approval is not granted within three years of the date of draft approval, the draft approval shall lapse in accordance with Section 51(32) of the Planning Act, unless an extension is granted by Council pursuant to Section 51(33) of the Planning Act.
- (g) Draft approval does not guarantee an allocation of water or sanitary sewer capacity. Prior to the signing of the final plan, the Planning and Development Services Division is to be advised by the General Manager of Public Works that sufficient water and sanitary sewer capacity exists to service the development.

CONCURRING MEMBERS: Councillors Bradley; Dupuis; McIntaggart;
Portelance

CARRIED

PUBLIC HEARINGS (Contd.)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING IN ORDER TO PERMIT A RETAIL STORE (HOME SENSE) AS A SECOND USE ON THE SITE AT MARCUS DRIVE, SUDBURY - TRINITY DEVELOPMENT GROUP

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

Report dated July 3, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application to General Commercial District and a rezoning application to "C2" General Commercial Zone by Trinity Development Group, in order to permit a retail store (Home Sense) as a second use on the site, Marcus Drive.

Mr. Donald McCullough, MCIP, RPP, Planning Consultant, representing Trinity Development Group was present.

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

Councillor Craig, representing Ward 5, indicated that when this development started two years ago, many phone calls were received regarding blasting. He asked the applicant whether there would be substantial blasting for this development.

Mr. Donald McCullough, Planner, representing the Trinity Development Group, advised that there will be a minor amount of blasting required on this site, unlike Silver City. He indicated that the Planning staff report is quite comprehensive. In April, 2002 he was before the Committee for approval of a 66,500 square foot building. Sears Whole Home would occupy 43,000 square feet and Home Sense would occupy 23,500 square feet. Sears Whole Home is a bulk retail store which features furniture and appliances. Home Sense does not meet bulk retail classification and will sell home decorations, glassware, kitchen accessories, etc. Construction costs are estimated to be three million dollars, approximately 100 retail jobs and 150 construction jobs will be created and taxes are estimated to be \$250,000.00. Site work will begin in one or two weeks and the store is scheduled to open in early spring.

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PUBLIC HEARINGS (Contd.)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING IN ORDER TO PERMIT A RETAIL STORE (HOME SENSE) AS A SECOND USE ON THE SITE AT MARCUS DRIVE, SUDBURY - TRINITY DEVELOPMENT GROUP (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.

Recommendation 2002-29

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, being Parts 3 to 12, Plan 53R-17119, Lot 12, Concession 4, Township of Neelon from "Light Industrial/Service Commercial District" to "General Commercial District" be approved.

CONCURRING MEMBERS: Councillors Bradley; Dupuis; McIntaggart; Portelance

CARRIED

Recommendation 2002-30

That the application by Trinity Development Group to amend the former City of Sudbury Zoning By-law 95-500Z, by changing the zoning classification of Part of Parcel 10180, being Parts 3 to 12, Plan 53R-17119, Lot 12, Concession 4, Township of Neelon from "M1-42", Light Industrial/Service Commercial Zone-Special, to "C2", General Commercial Zone, be approved.

CONCURRING MEMBERS: Councillors Bradley; Dupuis; McIntaggart; Portelance

CARRIED

PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO MODIFY EXISTING APPROVALS RELATED TO THE RETIREMENT COMPLEX ON PARTS 1 AND 2, PLAN 53R-16585, LOT 7, CONCESSION 5, WATERS TOWNSHIP, 18 JACOBSON DRIVE, LIVELY - DALRON LEASING LTD./1323254 ONTARIO INC.

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

Report dated July 3, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning by Dalron Leasing Ltd./1323254 Ontario Inc. in order to modify existing approvals related to the retirement complex on Parts 1 and 2, Plan 53R-16585, Lot 7, Concession 5, Waters Township, 18 Jacobson Drive, Lively.

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

Ms. Celia Teale, Planner representing Dalron Leasing Ltd. advised that they have secured a tenant for 3,500 square feet of commercial space. This tenant would rather own the land than lease it. The remaining property being rezoned will be used for either commercial uses or guest rooms for seniors. She indicated that they will be utilizing the existing foundation prepared for the commercial component of the retirement complex. The Committee noted that the City Consent Official approved a consent application to create a separate commercial lot subject to the approval of the rezoning application.

Mr. Guy Caverson addressed the Committee on behalf of Caverson Associates Ltd., the owners of the Jacobson Plaza located across the street from this development. He pointed out that when Dalron brought municipal services to this site, they needed to raise the entrance by two feet because they intercepted rock. Prior to the reconstruction of Jacobson Drive, the entrance was level with the roadway. He stated that this increase in road elevation was done without municipal approval. In April of 2001 a meeting was held with the Public Works Department in Walden and the drawing did not show a change in design elevation or road height. The as-built drawings, stamped and certified show that the road elevation was not increased. He said that he inquired at the City whether or not the change in design elevation was approved sometime during construction. He was advised by the City that it was within acceptable design parameters. He has sent 11 e-mails to the City regarding what are acceptable design parameters and has yet to receive a reply.

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PUBLIC HEARINGS (Contd.)

**REZONING APPLICATION IN ORDER TO MODIFY EXISTING APPROVALS
RELATED TO THE RETIREMENT COMPLEX ON PARTS 1 AND 2,
PLAN 53R-16585, LOT 7, CONCESSION 5, WATERS TOWNSHIP, 18 JACOBSON
DRIVE, LIVELY - DALRON LEASING LTD./1323254 ONTARIO INC. (Cont'd)**

Mr. Caverson stated that because of the change in road elevation, vehicles have problems entering and exiting both entrances to his property, there is water entering his property whereas before it did not, and the ditches are at such a slope they are hard to maintain. He questioned why, as abutting property owners, they were not contacted about design of the roadway at the preliminary stage or when there were changes. In his opinion, there are deficiencies that exist in the Site Plan Agreement and as-built drawings and he requested that the rezoning be deferred, in order to obtain answers.

Ms. Teale requested that the land use issue and road issue be kept separate. With respect to the land use, the foundation is in the ground and they have a building permit. She pointed out that Jacobson Drive was a mess prior to reconstruction, not only that Jacobson Drive was on their property and they needed to realign it. There has been a vast improvement.

The General Manager of Public Works advised the matter regarding the road elevation is still outstanding. The road's current elevation was one informally accepted by the Town of Walden. With respect to the road being within acceptable City standards, they are reviewing with the engineering design firm both what was constructed and the as-built drawings. He indicated that the Site Plan Control Agreement exists and is in place. The issue is whether the developer complied with the Agreement. A report regarding this matter will be submitted to the Committee.

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PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO MODIFY EXISTING APPROVALS RELATED TO THE RETIREMENT COMPLEX ON PARTS 1 AND 2, PLAN 53R-16585, LOT 7, CONCESSION 5, WATERS TOWNSHIP, 18 JACOBSON DRIVE, LIVELY - DALRON LEASING LTD./1323254 ONTARIO INC. (Cont'd)

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

Recommendation 2002-31

That the application by Dalron Leasing Limited/1323254 Ontario Inc. to amend By-law 83-303 being the Zoning By-law for the former Town of Walden by changing the zoning classification of Parts 1 and 2, Plan 53R-16585 in Lot 7, Concession 5, Waters Township from "C2-5", General Commercial Special to a revised "C2-Special", General Commercial Special be approved subject to the following:

1. That the applicants provide the Development Services Section with a registered survey plan of the lands being rezoned in order to enable the preparation of an amending by-law.
2. That the only permitted uses on the lands subject to Consent Application B0031/2002, being Part of Parts 1 and 2, Plan 53R-16585 shall be as follows:
 - (i) Personal service shops, offices, retail stores and a restaurant, provided that the total gross floor area shall not exceed 334 square metres.
3. That the only permitted uses on the remainder of Part 2, Plan 53R-16585, after Consent B0031/2002, shall be as follows:
 - (i) Either personal service shops, offices, retail stores and a restaurant, provided that the total gross floor area shall not exceed 1,339 square metres, or,

a maximum of 25 guest rooms designed for seniors or residents thereof who require nursing and/or homecare together with centralized kitchen and dining facilities.

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PART I - CONSENT AGENDA

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

Recommendation 2002-32

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

CARRIED

MINUTES

Item C-1
Report No. 8
VETAC Minutes
June 5, 2002

Recommendation 2002-33

Bradley-Dupuis: That Report #8, Vegetation Enhancement Technical Advisory Committee Minutes of June 5, 2002, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Plan of Subdivision
Dalron Construction
6.
- Mallard's Green
Subdivision,
Phase 6

Report dated July 4, 2002, was received from the General Manager, Corporate Services regarding the Plan of Subdivision - Dalron Construction Limited, Mallard's Green Subdivision, Phase

Recommendation 2002-34

Bradley-Dupuis: That a portion of the road located at the intersection of Sweetberry Drive and Mallard's Landing Drive (Unopened) be stopped up and closed under By-law, and that the lands be re-transferred to the subdivider in accordance with the City's Purchasing By-law governing the disposal of real property.

CARRIED

MANAGERS' REPORTS

Item C-3 Report dated July 2nd, 2002 was received from the General
Sale of Surplus Manager, Corporate Services regarding the City Sale of Surplus
Lands - Notre Dame Lands - Notre Dame St., Azilda.
St., Azilda

Recommendation 2002-35

Dupuis-Bradley: That the offer submitted by Habitat for Humanity Sudbury District to purchase surplus land on Notre Dame Street, in the former Town of Azilda, for a nominal purchase price be accepted.

CARRIED

public The Committee agreed that a policy be prepared on the gifting of

lands to be submitted to the Public and Intergovernmental Affairs
Sub-Committee for consideration.

Adjournment Recommendation 2002-36

Bradley-Dupuis: That we do now adjourn.
Time: 4:23 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR GERRY MCINTAGGART