

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

Council Chambers

Tuesday, May 28th,
2002

Tom Davies Square

Commencement: 7:30 p.m.
Adjournment: 8:45

p.m.

COUNCILLOR DAVE KILGOUR PRESIDING

Present

Councillors Bradley, Craig, Dupuis, Gainer, Lalonde, McIntaggart,
Petryna, Portelance

Staff

D. Nadorozny, General Manager of Economic Development and
Planning Services; G. Clausen, Director of Engineering Services;
A. Potvin, Manager of Development 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

**REZONING APPLICATION IN ORDER TO PERMIT A LANDSCAPING
CONTRACTOR BUSINESS ON THE SITE KNOWN AS 4 JOSEPH STREET, LIVELY
- DEAN DIXON/CITY OF GREATER SUDBURY**

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

Report dated May 17th, 2002, was received from the Director of Planning
Services and the General Manager, Economic Development and Planning
Services

regarding a rezoning application by Dean Dixon/City of Greater Sudbury in order
to permit a landscaping contractor business on the site known as 4 Joseph
Street, Lively, which was formerly used as a municipal parks and public works
maintenance depot.

PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT A LANDSCAPING CONTRACTOR BUSINESS ON THE SITE KNOWN AS 4 JOSEPH STREET, LIVELY - DEAN DIXON/CITY OF GREATER SUDBURY (Contd.)

Letter dated May 24, 2002 from Gilles Arseneault, 39 Joseph Street, Lively, expressing concern regarding traffic congestion, noise, appearance and access to their mailboxes was distributed to Committee Members.

Letter dated May 27, 2002 from Elwood and Sonja Shields, 1 William Avenue, Lively, was distributed to Committee Members indicating this development should have access from Municipal Road 55 for various reasons including less traffic on Joseph Street, etc. They also indicated that "it would be a safety factor to the subdivision if the entrance was off Municipal Road 55 and close both entrances from Joseph Avenue."

The applicant, Mr. Dean Dixon, 19 Kathleen Street, Naughton, was present.

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

Mr. Dixon advised that he was satisfied with the staff recommendation but was unsure he could meet the conditions of the Site Plan Agreement relating to the buffer strip and drainage prior to his Offer on this property expiring. The Committee noted that the new closing date for the Offer to Purchase is July 16, 2002. He pointed out that the proposed landscaping contractor business is similar to what the former Town of Walden was using the building for, that being a Parks and Recreation Maintenance Shop. His landscape contracting business is a smaller operation than that of the former Town of Walden and there would be less noise, less traffic and less employees. He indicated that the appearance of the building would be improved. With respect to the concerns regarding access to the mailboxes, he pointed out that the mailboxes were not directly across from his property and wondered why they were put that close in the first place. It was suggested that Canada Post could be contacted and asked to move the mailboxes.

With respect to the buffer strip, the Manager of Development Services advised that there are trees and a fence already in place and that condition may already be satisfied. He indicated that the City of Greater Sudbury would prepare a Site Plan Agreement which would be registered on title. This process usually takes approximately thirty days. He indicated that an extension may be required and if an extension is necessary, it would probably be arranged.

PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT A LANDSCAPING CONTRACTOR BUSINESS ON THE SITE KNOWN AS 4 JOSEPH STREET, LIVELY - DEAN DIXON/CITY OF GREATER SUDBURY (Contd.)

The Director of Engineering Services indicated that the proposed development would generate less traffic movement on Joseph Street than the previous use. He expressed concern regarding the northerly entrance onto Joseph Street as it is located within the sight triangle. He also indicated that he does not like an entrance onto the former Regional Highway 55 as it is a major arterial with high speed traffic. The entrances will be reviewed during the site plan control process.

No objectors were present.

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

2002-85 Gainer-McIntaggart: That the application by Dean Dixon/City of Greater Sudbury to amend By-law 83-303 being the Zoning By-law for the former Town of Walden by changing the zoning classification of Parcel 19439, being Part 1, Plan SR-2537 and Part 1, Plan SR-2957, 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 the only permitted uses shall be a landscaping contractors' business and related accessory uses which, among other uses, may include a maintenance shop, rental shop, storage facilities and office.
- b) That the only permitted building shall be the existing building restricted to its existing size.
- c) That prior to the passing of an amending by-law the applicant enter into a Site Plan Control Agreement with the City to cover, among other matters, the issues discussed in the staff report.
- d) That the amending by-law permit 1 business identification wall sign per exterior yard, each wall sign having a maximum sign area of 1 m².

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

CARRIED

REZONING APPLICATION IN ORDER TO PERMIT 'A LAWN CARE, LANDSCAPING AND IRRIGATION BUSINESS' TOGETHER WITH THE RESIDENCE OF THE BUSINESS OWNERS ON THE PROPERTY KNOWN AS 115 FINNWOODS ROAD, LIVELY - ROBERT AND MARY LOU HARGAN

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

Report dated May 17th, 2002, was received from the Director of Planning Services

and the General Manager, Economic Development and Planning Services regarding an application for rezoning by Robert and Mary Lou Hargan in order to permit 'a lawn care, landscaping and irrigation business' together with the residence of the business owners on the property known as 115 Finnwoods Road, Lively.

Mr. Robert Hargan and Mrs. Mary Lou Hargan, 115 Finnwoods Road, Lively, the applicants, were present. They indicated that they were satisfied with the staff recommendation.

Mrs. Hargan advised that there is currently a small amount of outside storage.

The Manager of Development Services suggested that item (b) of the Staff Recommendation could be amended to permit outdoor storage provided it is setback 100 feet from Finnwoods Drive.

No objectors were present.

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

2002-86 Gainer-McIntaggart: That the application by Robert and Mary Lou Hargan to amend By-law 83-303 being the Zoning By-law for the former Town of Walden by changing the zoning classification of Parcel 30408, Part 1, Plan 53R-15474, Lot 3, Concession 3, Waters Township from "RU", Rural to "RU-Special", Rural Special be approved subject to the following:

- (a) That in addition to the normal Rural uses, the following is permitted.
 - i) a landscaping, irrigation and lawn care business together with the residence of the business owners;
 - ii) related accessory uses including an 8 ft. by 8 ft. storage building, a 30 ft. by 50 ft. equipment and supply shelter and a 215 square foot office area for the business.

PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT 'A LAWN CARE, LANDSCAPING AND IRRIGATION BUSINESS' TOGETHER WITH THE RESIDENCE OF THE BUSINESS OWNERS ON THE PROPERTY KNOWN AS 115 FINNWOODS ROAD, LIVELY - ROBERT AND MARY LOU HARGAN (Contd.)

Resolution #2002-86 (cont'd)

- (b) That outdoor storage be permitted provided it is setback 100 feet from Finnwoods Road.
- (c) That the by-law permit the two business accessory buildings to have a 2.1 ft. setback from the east side yard.

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

CARRIED

REZONING APPLICATION IN ORDER TO PERMIT A "TACK SHOP", RIDING INSTRUCTION AND A FUTURE INDOOR RIDING ARENA AT 810 RADAR ROAD - PAUL REGIMBAL AND JUDY PELKMAN

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

Report dated May 17th, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning by Paul Regimbal and Judy Pelkman in order to permit a "tack shop", riding instruction and a future indoor riding arena at 810 Radar Road.

Mr. Paul Regimbal and Ms. Judy Pelkman, 810 Radar Road, were present. They informed the Committee that they were satisfied with the staff recommendation.

Letter dated May 28, 2002, from Councillor T. Callaghan in support of this application was distributed to the Committee at the meeting.

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

No objectors were present.

PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT A “TACK SHOP”, RIDING INSTRUCTION AND A FUTURE INDOOR RIDING ARENA AT 810 RADAR ROAD - PAUL REGIMBAL AND JUDY PELKMAN (Cont’d)

2002-87 Gainer-McIntaggart: That the application to rezone Parcel 12271, in Lot 9, Concession 2, Township of Capreol, from “A”, Agricultural Reserve Zone to “A-Special” to permit a tack shop, horse riding instruction and an indoor riding arena be approved.

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

CARRIED

PART I - CONSENT AGENDA

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

2002-88 Gainer-McIntaggart: That Items C-1 to C-2 contained in the Consent Agenda, be adopted.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-1 Subdivision Referral Request for Consent subdivision Applications B0015/2002 and and B0016/2002, R. & G. 3, Waters Larmon - Parcel 30519, Lots 4 and 5, Concession 3, Waters Township 405 Kantola Road, Lively	Report dated May 14 th , 2002 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a referral request for Consent Applications B0015/2002 and B0016/2002 by R. & G. Larmon, Parcel 30519, Parts 7, 13 16 to 19, Plan 53R-14963, Lots 4 and 5, Concession Township (405 Kantola Road, Lively). 2002-89 Gainer-McIntaggart: That Consent Applications B0015/2002 and B0016/2002 with respect to Parcel 30519 in Lots 4 and 5, Concession 3, Waters Township be permitted to proceed by way of the Consent process.
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CARRIED

ROUTINE MANAGEMENT REPORTS (Cont'd)

Item C-2
Extension of Draft
Approval, Draft Plan
of Subdivision of
Parcels 22302'A'
and 7337, Lot 5,
Concession 6,
Broder Township
- Dalron
Construction Limited
(Algonquin II)

Report dated May 17th, 2002 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an extension of draft approval, draft plan of subdivision, Parcels 22302'A' and 7337, Lot 5, Concession 6, Broder Township by Dalron Construction Limited (Algonquin II).

2002-90 Petryna-Portelance: That upon payment of the processing fee of \$798.17, the conditions of draft approval for the draft plan of subdivision of Parcels 22302'A' and 7337, Lot 5, Concession 6, Broder Township, File #780-6/89002, shall be amended as follows:

a) By deleting Condition #15 and replacing it with the following:

“15. That this draft approval shall lapse on June 16, 2003.

b) By adding the following condition:

“A detailed lot grading plan that includes the Regional Storm Flow Path will be required. Should a watershed storm water management study which is to be prepared by the City of Greater Sudbury determine that off-site improvement works are required as a result of this development, the owner will be required to cost share in the implementation of said works all to the satisfaction of the General Manager of Public Works.”

c) By deleting Condition #18 and replacing it with the following:

“A cash contribution of \$3,000.00 per hectare of land to be developed shall be provided to the satisfaction of the General Manager of Public Works for the future upgrading of the Green Avenue Liftstation.”

d) By adding the phrase “and temporary turn-arounds” after “open sides of road allowances” in the first line of Condition #2.

ROUTINE MANAGEMENT REPORTS (Cont'd)

Resolution #2002-90 (cont'd)

- Item C-2
Extension of Draft
Approval, Draft Plan
of Subdivision of
Parcels 22302'A'
and 7337, Lot 5,
Concession 6,
Broder Township
- Dalron
Construction Limited
(Algonquin II)(cont'd)
- e) By adding the following condition:
"That the subdivision agreement contain provisions whereby the owner agrees to construct a 300 mm diameter watermain through the Algonquin Subdivision to the Mallard's Green Subdivision to the satisfaction of the General Manager of Public Works."
- f) By adding the following condition:
"That the subdivision agreement contain provisions whereby the owner agrees to construct the road from Algonquin Road and looping to connect with the Mallard's Green Subdivision, as indicated in Condition #11, to a collector standard with a sidewalk on one side to the satisfaction of the General Manager of Public Works."

CARRIED

REFERRED AND DEFERRED MATTERS

- Item C-3
Sale of Surplus
Lands, Martindale
Road, Sudbury
- Report dated May 22, 2002 was received from the General Manager, Corporate Services regarding the City sale of surplus lands - Martindale Road, Sudbury.
- This matter was deferred by the Committee of the Whole - Planning on May 14, 2002, in order that further information could be obtained regarding what the proposed purchaser intended to do with the property.
- 2002-91 Petryna-Portelance: THAT the City of Greater Sudbury enter into an Agreement of Purchase and Sale, with Carmine Berardelli "In Trust" for the property located at Martindale Road, Sudbury, being Parcel 24043 S.E.S., Part of Lot 7, Concession 2, Township of McKim, upon the terms and conditions as outlined in the report dated May 22, 2002 from the General Manager of Corporate Services;

REFERRED AND DEFERRED MATTERS (Contd.)

Resolution #2002-91 (cont'd)

Item C-3
Sale of Surplus
Lands, Martindale
Road, Sudbury
(cont'd)

AND 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;

AND THAT the proceeds from the sale of this property be credited against tax write offs.

CARRIED

Adjournment

2002-92 Petryna-Portelance: That we do now adjourn.
Time: 8:45 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR DAVE KILGOUR