

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

Council Chamber

**Tuesday, October 8th,
2002**

Tom Davies Square

Commencement: 7:00 p.m.

p.m.

Adjournment: 8:25

COUNCILLOR DAVE KILGOUR PRESIDING

Present

Bradley, Dupuis, McIntaggart, Portelance

Councillor Gainer

Staff

B. Lautenbach, Director of Planning Services; B. Tanos, Cartographer/G.I.S. Technologist; D. Nadorozny, General Manager of Economic Development and Planning; D. Belisle, General Manager of Public Works; H. Salter, Acting Director of Legal Services/Deputy City Solicitor; A. Haché, Deputy City Clerk; L. Moulaison, Technician, Planning and Development; K. Bowschar-Lische, Planning Committee Secretary

News Media

MCTV

Declarations of
Pecuniary Interest

None declared.

PUBLIC HEARINGS

**DEVELOPMENT CHARGES APPEAL APPLICATION AT 605 MAIN STREET,
LIVELY - LIVELY PHARMACY**

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

Report dated September 25th, 2002, was received from the General Manager, Corporate Services and the Director of Legal Services/City Solicitor regarding a development charges appeal by the Lively Pharmacy at 605 Main Street, Lively.

The Acting Director of Legal Services/Deputy City Solicitor outlined the application to the Committee.

...Cont'd

PUBLIC HEARINGS (Contd.)

DEVELOPMENT CHARGES APPEAL APPLICATION AT 605 MAIN STREET, LIVELY - LIVELY PHARMACY (Cont'd)

The Acting Director of Legal Services/Deputy City Solicitor pointed out that the building was used as office and retail space for 40 years. Legal Services has determined, using the Vernon Directory, that this location has been used as a hair salon at least as far back as 1992. She advised that the Development Charges By-law indicates that if a dwelling unit is reconstructed within two years after demolition then development charges do not apply, however, if it is more than two years then development charges are imposed.

Councillor Gainer was present on behalf of Mr. M. Palys, President of Lively Pharmacy Limited. He indicated that after 1½ years of vacancy, Mr. Palys decided to downsize the use and return it to an apartment. The renovation required major upgrading at considerable expense. He pointed out that Mr. Palys asked why he should pay development charges as apartments existed there previously and the use is going from a commercial use (hairdresser) to an apartment unit. There would be less traffic and less demand on municipal sewer and water with the apartment use as opposed to the commercial use. He pointed out that there are other parts of the building that will become vacant and Mr. Palys may convert them to apartments as well. Councillor Gainer indicated this is an unfair application of development charges.

The Director of Planning Services advised that development charges are not imposed on commercial and industrial development. He said that they are applied to residential dwellings. He indicated that anyone building a new apartment building or converting a building to residential use would be required to pay development charges.

Councillor McIntaggart, Ward Councillor, agreed that this was an injustice. He said that it did not seem fair if less services were being used such as sewer and water that development charges be imposed. He suggested that the effectiveness of the existing development charges by-law be reevaluated as it relates to reinstating residential uses in buildings.

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.

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PUBLIC HEARINGS (Contd.)

**DEVELOPMENT CHARGES APPEAL APPLICATION AT 605 MAIN STREET,
LIVELY - LIVELY PHARMACY (Cont'd)**

Recommendation 2002-68

That the calculation and the application of the Development Charges for Lively Pharmacy Limited for 605 Main Street, Lively in the amount of \$1,591.00 be refunded.

CONCURRING MEMBERS: Councillors Bradley; Dupuis; McIntaggart;
Portelance; Kilgour

CARRIED

**BY-LAW 2002-241, BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO
STOP-UP, CLOSE AND SELL SURPLUS LANDS BEING PART 3 ON PLAN
SR-3012 ON LASALLE BOULEVARD TO NORMAND GUENETTE AND PAULETTE
GUENETTE**

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

Report dated September 30th, 2002, was received from the General Manager, Corporate Services regarding By-law 2002-242, being a By-law of the City of Greater Sudbury to stop-up, close and sell surplus lands being Part 3 on Plan SR-3012 on Lasalle Boulevard to Normand Guenette and Paulette Guenette.

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

The Committee Chair asked if there was anyone present in the audience who claims that his or her land would be prejudicially affected by By-law 2002-241.

No objectors were present and no objections were received by the City Clerk's Office.

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

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PUBLIC HEARINGS (Contd.)

BY-LAW 2002-241, BEING A BY-LAW OF THE CITY OF GREATER SUDBURY TO STOP-UP, CLOSE AND SELL SURPLUS LANDS BEING PART 3 ON PLAN SR-3012 ON LASALLE BOULEVARD TO NORMAND GUENETTE AND PAULETTE GUENETTE (Cont'd)

Recommendation 2002-69

That we recommend to City Council that By-law 2002-241, Being a By-law of the City of Greater Sudbury to stop-up, close and sell surplus lands being Part 3 on Plan SR-3012 on Lasalle Boulevard to Normand Guenette and Paulette Guenette, be given third reading.

CONCURRING MEMBERS: Councillors Bradley; Dupuis; McIntaggart; Portelance; Kilgour

CARRIED

REZONING APPLICATION IN ORDER TO PERMIT ANY "C1" USE AND A BUTCHER SHOP AT 3386 FALCONBRIDGE HIGHWAY, GARSON - RICHARD DOUGON AND DARLENE BARD

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

Report dated October 1st, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning by Richard Dougou and Darlene Bard in order to permit any "C1" use and a butcher shop at 3386 Falconbridge Highway, Garson.

Letter dated October 8, 2002, was received from Councillor Ted Callaghan, Ward Councillor, indicating his support of the application.

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

Mr. Richard Dougou and Ms. Darlene Bard, applicants, were present. Mr. Dougou indicated that he was satisfied with the recommendation.

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.

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PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT ANY "C1" USE AND A BUTCHER SHOP AT 3386 FALCONBRIDGE HIGHWAY, GARSON - RICHARD DOUGON AND DARLENE BARD (Cont'd)

Recommendation 2002-70

That the application by Richard Dougon and Darlene Bard to amend By-law 83-304 being the Zoning By-law for the former Town of Nickel Centre by changing the zoning classification of Parcel 10678, being Parts 1, 2 and 3, Plan 53R-11488, in Lot 5, Concession 2, Garson Township from "C1-2", Local Commercial Special to a revised "C1-Special", Local Commercial Special be approved subject to the following:

1. That the only permitted uses shall be "C1", Local Commercial uses and a butcher shop.
2. That prior to the passing of an amending zoning by-law the applicants make the necessary arrangements with the Technical Services Section for the installation of a Maintenance Access Structure on the existing sanitary sewer service on the subject property to the satisfaction of the General Manager of Public Works.

CONCURRING MEMBERS: Councillor Bradley; Dupuis; McIntaggart; Portelance; Kilgour

CARRIED

REZONING APPLICATION IN ORDER TO PERMIT THE EXISTING BUILDING TO BE RENOVATED IN ORDER TO ACCOMMODATE A FILM/THEATRE/TELEVISION ENTERTAINMENT PRODUCTION FACILITY AND ONE DWELLING UNIT AT 381 PINE STREET, SUDBURY - SUDBURY REGIONAL CREDIT UNION LIMITED (PROPONENT - ROBERT J. IVEY)

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

...Cont'd

PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT THE EXISTING BUILDING TO BE RENOVATED IN ORDER TO ACCOMMODATE A FILM/THEATRE/TELEVISION ENTERTAINMENT PRODUCTION FACILITY AND ONE DWELLING UNIT AT 381 PINE STREET, SUDBURY - SUDBURY REGIONAL CREDIT UNION LIMITED (PROPONENT - ROBERT J. IVEY) (Cont'd)

Report dated October 1st, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an application for rezoning by the Sudbury Regional Credit Union (Proponent - Robert J. Ivey) in order to accommodate a film/theatre/television entertainment production facility consisting of a scenery production studio and the related design of such items at 381 Pine Street, Sudbury.

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

Mr. Robert Ivey, 445 Pine Street, proponent was present. He indicated that he planned to create a small production shop which would have a low impact on the community. He indicated that his group had met with the local residents last Friday. There were no objections to this proposal. He said that they plan to fix the exterior of the building.

Councillor Bradley, Ward Councillor, indicated that his only concern was with on-street parking. He stated that he was pleased that the building would be renovated.

Mr. Ivey indicated that employees would not utilize 3 parking spaces at the same time and there is room inside the building for 3 vehicles. He stated that they received permission from the owner of the vacant lot behind their building for parking purposes. He said that there would not be many vehicles since the public would not be entering the building. He pointed out that this building has been empty for 2½ years.

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.

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PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT THE EXISTING BUILDING TO BE RENOVATED IN ORDER TO ACCOMMODATE A FILM/THEATRE/TELEVISION ENTERTAINMENT PRODUCTION FACILITY AND ONE DWELLING UNIT AT 381 PINE STREET, SUDBURY - SUDBURY REGIONAL CREDIT UNION LIMITED (PROPONENT - ROBERT J. IVEY) (Cont'd)

Recommendation 2002-71

That the application by the Sudbury Regional Credit Union (Proponent - Robert J. Ivey) to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R6-9", Special Old City Residential to a *revised* "R6-Special", Special Old City Residential with respect to those lands described as P.I.N. 02134-0313 being Parcel 1791 S.E.S. being Part of Lots 18 and 19, Plan M-26 in Lot 7, Concession 4, Township of McKim, be approved subject to the following conditions:

1. The amending zoning by-law specify that the only permitted uses within an existing building shall be one dwelling unit and/or a film/theatre/television entertainment production facility consisting of a scenery production studio and the related design of such items. An office which is accessory to a film/theatre/television entertainment production facility shall also be permitted.
2. That the amending zoning by-law specify a minimum of two parking spaces shall be required.
3. The amending zoning by-law specify that no loading spaces shall be required.
4. That the amending zoning by-law specify the existing yards, frontage and area shall be permitted.
5. That the owner obtain a Building Permit prior to any change of land use and/or undertaking any building renovations to the satisfaction of the Chief Building Official.

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PUBLIC HEARINGS (Contd.)

REZONING APPLICATION IN ORDER TO PERMIT THE EXISTING BUILDING TO BE RENOVATED IN ORDER TO ACCOMMODATE A FILM/THEATRE/TELEVISION ENTERTAINMENT PRODUCTION FACILITY AND ONE DWELLING UNIT AT 381 PINE STREET, SUDBURY - SUDBURY REGIONAL CREDIT UNION LIMITED (PROPONENT - ROBERT J. IVEY) (Cont'd)

CONCURRING MEMBERS: Councillor Bradley; Dupuis; McIntaggart; Portelance; Kilgour

CARRIED

PART I - CONSENT AGENDA

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

Recommendation 2002-72

Bradley-Dupuis: That Items C-1 to C-3 contained in the Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report No. 9
VETAC Minutes
July 10, 2002

Recommendation 2002-73

Dupuis-Bradley: That Report No. 9, Vegetation Enhancement Technical Advisory Committee Minutes of July 10, 2002, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2 Report dated September 27th, 2002, was received from the
 General
 Extension to Draft Manager, Economic Development and Planning Services
 regarding
 Plan Approval extension to draft plan approval on Part of Parcel 22159"D"
 S.W.S.,
 Part of Parcel Lot 8, Concession 5, Township of Waters (Niemi Road, Lively) -
 22159"D" S.W.S. Dalron Construction Limited.
 Lot 8, Concession 5,
 Twp. of Waters, Recommendation 2002-74
 Niemi Rd., Lively
 - Dalron Portelance-Dupuis: That upon the payment of the processing fee
 of
Construction Limited \$734.75 prior to the October 16th, 2002 lapsing date,
 the conditions
 of draft approval of the plan of subdivision of Part of Parcel
 22159"D" S.W.S. in Lot 8, Concession 5, Township of Waters, City
 of Greater Sudbury, File 780-8/90002, be amended as follows:

a) By deleting Condition #16. and replacing it with the following:

“16. That this draft approval shall lapse on July 30th, 2003.”

CARRIED

Item C-3 Report dated October 1st, 2002 was received from the Director of
 Planning Services and the General Manager, Economic
 Extension to Draft Development and Planning Services regarding extension to draft
 Plan Approval plan approval - Mont Adam Subdivision - Keziah Street.
 - Mont Adam
 Subdivision,
 Keziah Street Recommendation 2002-75

Portelance-Dupuis: That upon payment of the processing fee of
 \$2,005.00, the conditions of draft approval for the draft plan of
 subdivision of P.I.N. #02132-0262, 02132-0264 & 02132-1015,
 Part of Lot 19, Plan M-7, Lot 4, Concession 4, Township of McKim,
 File #780-6/95003, shall be amended as follows:

a) By deleting Condition #13 and replacing it with the following:

ROUTINE MANAGEMENT REPORTS (Contd.)

Item C-3
Extension to Draft
Plan Approval
- Mont Adam

Recommendation 2002-75 (cont'd)

Subdivision,
Keziah St. (cont'd)

"#13. 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, down-stream watercourses 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 costs 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."

b) By deleting Condition #22 and replacing it with the following:

"22. That this draft approval shall lapse on September 30th, 2005".

c) By adding the following Condition #28:

"28. 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.”

CARRIED

CORRESPONDENCE FOR INFORMATION ONLY

Item C-4 Report dated October 2nd, 2002 was received from the General
Jacobson Drive Manager, Public Works, regarding Jacobson Drive Reconstruction

Reconstruction for information only.

Adjournment Recommendation 2002-76

Portelance-Dupuis: That we do now adjourn.
Time: 8:25 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR DAVE KILGOUR