

**THE FORTY-SECOND MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

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

**Tuesday, February 14th, 2006
Commencement: 4:17 p.m.
Adjournment: 8:00 p.m.**

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley (A4:40pm); Caldarelli; Dupuis; Reynolds
(A4:31pm)

Councillor Craig

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; G. Clausen, Director of Engineering Services; R. Swiddle, Director of Legal Services/City Solicitor; G. Mazza, Director of Building Services/Chief Building Official; R. Webb, Supervisor of Development Engineering; K. Forrester, Real Estate Co-ordinator; M. Leduc, Deputy Fire Chief; D. Canniff, Risk Management/Insurance Officer; E. Labelle, Clerk Designate; A. Haché, City Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2006-14:**

Caldarelli-Thompson: That we move "In Camera" to deal with property matters and solicitor client advice in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess At 5:05 p.m., the Planning Committee recessed.

Reconvene At 5:38 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

COUNCILLOR RON DUPUIS PRESIDING

Present Councillors Bradley, Caldarelli, Reynolds, Thompson

Councillor Craig

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; G. Clausen, Director of Engineering Services; D. Nadorozny, General Manager of Growth and Development; R. Swiddle, Director of Legal Services/City Solicitor; G. Mazza, Director of Building Services/Chief Building Official; R. Webb, Supervisor of Development Engineering; M. Leduc, Deputy Fire Chief; E. Labelle, Clerk Designate; A. Haché, City Clerk; M. Laalo, Licensing & Assessment Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report Councillor Thompson reported the Committee met in closed session to deal with property matters and solicitor client advice and the following recommendations emanated therefrom:

Property Acquisition, Storm Water Retention Pond, Countryside Drive, Sudbury The Committee noted that the property acquisition will be funded by the land acquisition account in the 2006 Capital Roads Budget.

Recommendation #2006-15:

Thompson-Caldarelli: THAT part of Parcel 25851 S.E.S., being part of Lots 5 and 6, Concession 5, Township of Broder, measuring approximately 7.2 acres in size be purchased from Pagnutti Development Ltd.

CARRIED

Sale of Land Pearl Street Water Tower **Recommendation #2006-16:**

Caldarelli-Thompson: THAT the property legally described as:

Firstly: Part of PIN 02132-0067, being designated as Parts 2 and 4 to 8 on Plan 53R-17879;

Secondly: Part of PIN 02132-0073, being designated as Parts 9 to 13 on Plan 53R-17879;

MATTERS ARISING FROM THE "IN CAMERA" SESSION (cont'd)

Sale of Land
Pearl Street
Water Tower
(cont'd)

Recommendation #2006-16 (cont'd):

Thirdly: Part of PIN 2132-0025, being designated as Parts 14 to 18 on Plan 53R-17879; Pearl Street,

be sold pursuant to the procedures governing the disposal of full marketability property as set out in By-Law 2003-294;

AND THAT an appropriate by-law be passed authorizing the execution of the documents necessary to complete the real estate transaction.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING TO PERMIT A MEDICAL OFFICE FOR CLINICAL TRIALS AND PATIENT FOLLOW-UP AS A TEMPORARY USE FOR A TEMPORARY PERIOD OF THREE (3) YEARS, 208 CASWELL DRIVE, SUDBURY - LUIGINA PICCOLI (AGENT: DR. SHAH NAWAZ)

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

Report dated January 30th, 2006, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit a medical office for clinical trials and patient follow-up as a temporary use for a temporary period of three (3) years, 208 Caswell Drive, Sudbury, Luigina Piccoli (Agent: Dr. Shah Nawaz).

Dr. Shah Nawaz, Galaxy Court, Sudbury, agent for the applicant, was present.

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

Dr. Shah Nawaz indicated he can not carry out the clinical trials and patient follow-up at his present office. He further indicated this new business will create four to six new jobs. He stated that, at any given time, there will only be approximately three employees and a maximum of two patients visiting the premises per day. Also, the business will be closed at night. He therefore feels this will not cause concerns or problems for the neighbours.

Councillor Caldarelli, Ward Councillor, feels this project should not cause any disruptions to the neighbourhood and requested the Committee's support for the application.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A MEDICAL OFFICE FOR CLINICAL TRIALS AND PATIENT FOLLOW-UP AS A TEMPORARY USE FOR A TEMPORARY PERIOD OF THREE (3) YEARS, 208 CASWELL DRIVE, SUDBURY - LUIGINA PICCOLI (AGENT: DR. SHAH NAWAZ) (cont'd)

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

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 #2006-17:

Caldarelli-Thompson: THAT the application by Dr. Shah Nawaz to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by passing a temporary use by-law in accordance with Section 39 of the Planning Act with respect to Parcel 18247 S.E.S., Lot 2, Plan M-140, Lot 6, Concession 1, Township of McKim, 208 Caswell Drive, Sudbury to permit a medical office for clinical trials and patient follow-up on the subject property for a maximum temporary period of three (3) years be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

RULES OF PROCEDURE

The Planning Committee, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with Item R-1 (Request for Exemption from the City's Fire Flow Policy, Yvon and Joanne Henry) at this time.

PART II - REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

Item R-1 Request for Exemption from City's Fire Flow Policy, Yvon & Joanne Henry	Report dated December 1st, 2005, was received from the General Manager of Growth and Development regarding request for exemption from the City's Fire Flow Policy, Yvon and Joanne Henry.
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PART II - REGULAR AGENDA (cont'd)

REFERRED AND DEFERRED MATTERS (cont'd)

Item R-1
Request for
Exemption from
City's Fire Flow
Policy, Yvon &
Joanne Henry
(cont'd)

Stanley Thomas, Counsel for the applicants, requested some clarification regarding the requirement of a minimum fire flow of 75 litres per second. He asked how the 75 litres per second minimum fire flow required was arrived at, why it has to be adhered to and why 66 litres per second is not acceptable.

The Director of Engineering Services indicated that in the fall of 2004, the present City Council adopted and reaffirmed the previous policy of the former Region that a fire flow of 75 litres per second would be the minimum that the City would accept for a new subdivision based on requirements of the Fire Underwriters' Association. It was approved by the former Region in 1987 and has been the standard used by the Region and the City as the volume of water required. It is staff's position not to deviate from this policy because it has been consistently adhered to since adoption.

The Deputy Fire Chief indicated that all pumpers carry a water supply ranging from 500 to 800 gallons. The rural areas have pumpers with larger water capacity. The standard pumpers with one line would use 500 gallons in five minutes. He also indicated that more than one unit is hooked up to the hydrant. He stated that the fire department never dispatches only one pumper to a fire; they always send two or three. He indicated that two pumpers with four lines each would require more than the 75 litres per second minimum as each line uses ten litres per second. He further indicated that standards are usually minimum requirements and they have to look at the maximum response and whether the hydrant can supply that response.

Mr. Thomas asked if Council would consider changing the policy as the pipes were installed by the Ministry of the Environment to service what was already developed without consideration to future development. He also asked what the impact would be to the City of Greater Sudbury if a subdivision was allowed to be developed below standards.

The Director of Engineering Services indicated that there are a number of areas in the municipality that do not have a minimum fire flow of 75 litres per second as they were developed with the standards of the day. When a system is upgraded or improved, they try to achieve the minimum requirement. The upgrading of a system would be at a cost to the developer. However, if development involves an older system needing repair, it would be on a cost shared between the developer and the City.

PART II - REGULAR AGENDA (cont'd)

REFERRED AND DEFERRED MATTERS (cont'd)

Item R-1
Request for
Exemption from
City's Fire Flow
Policy, Yvon &
Joanne Henry
(cont'd)

Mr. Thomas asked what deviation from the standard can occur without causing liability to the City and still allow the development to proceed. He also asked if the system can be tested again and at what cost.

The Director of Engineering Services stated that his research during the preparation of the Report revealed the Planning Committee has always required a minimum fire flow of 75 litres per second. He indicated that based on the accuracy of the testing, if the number come in within a few of 75 litres per second, they would consider it. At this location, the flows were measured at 62 and 64 litres per second. They were not close to 75 litres per second which did not give staff the confidence to deviate from the requirement.

The Director of Building Services/Chief Building Official indicated that testing is done at various times of the year as it is a requirement of the Fire Underwriters. This is 50% of the mark when the system is quantified and given a standard. With respect to carrying out another test for the applicants, a pump test could be undertaken based on a theoretical model, however he stated that it would be difficult to test accurately as testing is undertaken at various times of the year.

Mr. Thomas indicated that the watermain now runs down Percy Street on the other side of the road from the subject property. If the applicants could run the new line on their side and not have to connect all existing services, the cost would be reduced by half.

The Director of Engineering Services indicated that, as a general policy, the City does not want dual services on one street because of the increased costs for maintenance and repairs. From a design standard perspective, it is not preferred and would not be recommended by staff.

The Committee Members agreed that they do not oppose this alternative if it is possible and directed staff to permit the alternative to maintain the 75 litre per second fire flow requirement.

PART II - REGULAR AGENDA (cont'd)

REFERRED AND DEFERRED MATTERS (cont'd)

Item R-1 The following recommendation was presented:

Request for

Exemption from

City's Fire Flow

Policy, Yvon &

Joanne Henry

(cont'd)

Recommendation #2006-18:

Caldarelli-Thompson: That the draft approval to Yvon and Joanne Henry for the draft plan of subdivision of part of Parcels 33606 and 31217 S.E.S. in part of Lot 9, Concession 6, Township of Blezard, be amended by adding the following condition:

“The owner shall be required to maintain fire flow requirements of 75 litres per second.”

CARRIED

Recess At 7:05 p.m., the Planning Committee recessed.

Reconvene At 7:15 p.m., the Planning Committee reconvened.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A BUSINESS IDENTIFICATION SIGN WITHIN THE MUNICIPAL ROAD ALLOWANCE, 888 REGENT STREET, SUDBURY - 900219 ONTARIO LIMITED (AGENT: GEORGE NICHOLLS)

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

Report dated January 30th, 2006, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit a business identification sign within the municipal road allowance, 888 Regent Street, Sudbury, 900219 Ontario Limited (Agent: George Nicholls).

George Nicholls, Walford Road, Sudbury, agent for the applicant, was present.

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

George Nicholls stated that the tenants of the building have been requesting an identification sign for some time. He advised that a major tenant will be moving into the building and one of their requirements is an identification sign.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A BUSINESS IDENTIFICATION SIGN WITHIN THE MUNICIPAL ROAD ALLOWANCE, 888 REGENT STREET, SUDBURY - 900219 ONTARIO LIMITED (AGENT: GEORGE NICHOLLS) (cont'd)

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

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 #2006-19:

Caldarelli-Thompson: THAT the application by 900219 Ontario Limited (Agent: George Nichols) 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 Regent Street Road Allowance to the west of Parcel 29738 S.E.S., Lot 6, Concession 2, Township of McKim, from "CO", Conservation District to "CO-Special", Conservation District Special to permit the erection of a 10' x 10' business identification ground sign within the municipal road allowance at 888 Regent Street, Sudbury, be approved, subject to the following condition:

1. That prior to the passing of the amending By-law the applicant provide the Manager of Development Approvals a survey identifying the location of the proposed sign for the purposes of describing the lands to be zoned in the amending By-law.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

APPLICATIONS FOR REZONING AND OFFICIAL PLAN AMENDMENTS TO PERMIT GENERAL COMMERCIAL USES, 450 SECOND AVENUE, SUDBURY - VICLAIRE INVESTMENTS LTD.

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

Report dated February 6th, 2006, was received from the Director of Planning Services and the General Manager of Growth and Development regarding applications for rezoning and Official Plan amendments to permit general commercial uses, 450 Second Avenue, Sudbury - Viclaire Investments Ltd.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR REZONING AND OFFICIAL PLAN AMENDMENTS TO PERMIT GENERAL COMMERCIAL USES, 450 SECOND AVENUE, SUDBURY - VICLAIRE INVESTMENTS LTD. (cont'd)

Victor Dubois, Omer Street, Chelmsford, the applicant, and Mart Kivistik, Drummond Avenue, Sudbury, agent for the applicant, were present.

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

Mart Kivistik stated that the applicant had intended on waiting for the new Official Plan to come into place. However, he is making the application now as he has two major tenants moving into his building. He also stated the applicant accepts the recommendations.

Mr. Kivistik indicated that there appears to be a problem with the City's fees by-law. Schedule "A" provides for a statutory newspaper notice fee of \$265 if there is no accompanying application and a notice fee of \$167 if there is an accompanying application. He asked that the Committee check into this matter and refund the fees charged contrary to the by-law.

The Manager of Development Approvals indicated that a new by-law will be before Council shortly and the wording has been changed to make it clearer. He advised that the statutory newspaper notice fee for one application is \$265. If there are two application, the applicant is not charged the fee twice but only an additional \$167. He indicated this fee is to recover newspaper advertising costs. If there is only one application all details (applicant's name, description of property, etc.) are included in the advertising; however, if there are two applications, all details need not be repeated.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

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

The following recommendations were presented:

Recommendation #2006-20:

Thompson-Caldarelli: THAT the application by Viclaire Investments Ltd. to amend the City of Sudbury Secondary Plan by changing the land use designation of the remainder of Parcel 47285 S.E.S., Lot 12, Concession 4, Neelon Township, from "Light Industrial/Service Commercial District" to "General Commercial District" be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR REZONING AND OFFICIAL PLAN AMENDMENTS TO PERMIT GENERAL COMMERCIAL USES, 450 SECOND AVENUE, SUDBURY - VICLAIRE INVESTMENTS LTD. (cont'd)

Recommendation #2006-21:

Thompson-Caldarelli: THAT the application by Viclaire Investments Ltd. in order to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury by changing the zoning classification of the remainder of Parcel 47285 S.E.S., Lot 12, Concession 4, Neelon Township, from "M1-46" Mixed Light Industrial/Service Commercial Special to "C2" General Commercial, be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

APPLICATION FOR REZONING TO PERMIT THE REPLACEMENT OF ONE OF THE EXISTING GROUND SIGNS WITH AN ANIMATED GROUND SIGN, 100 RAMSEY LAKE ROAD, SUDBURY - SCIENCE NORTH

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

Report dated January 30th, 2006, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit the replacement of one of the existing ground signs with an animated ground sign, 100 Ramsey Lake Road, Sudbury, Science North.

Brenda Tremblay, West Bay Road, Skead was present on behalf of the applicant.

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

Brenda Tremblay stated that Science North is in competition with other tourist attractions. They are trying to improve their marketing and sales strategy to bring in more tourists and local residents and this sign is a marketing tool. She indicated the sign is already up as it had to be tested to be sure it worked correctly.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE REPLACEMENT OF ONE OF THE EXISTING GROUND SIGNS WITH AN ANIMATED GROUND SIGN, 100 RAMSEY LAKE ROAD, SUDBURY - SCIENCE NORTH (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 #2006-22:

Caldarelli-Thompson: THAT the application by Science North to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Parcel 47000 S.E.S., Parts 2 to 15, Plan 53R-10202, Lots 5 & 6, Concession 2, Township of McKim, 100 Ramsey Lake Road, Sudbury from "I-1" Institutional Special to a revised "I" Institutional Special to permit the upgrade of the double faced sign to a new full animation electronic signboard and upgrade the single faced sign to a double faced sign, be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Reynolds, Thompson

CARRIED

APPLICATION FOR REZONING TO PERMIT A SIT DOWN RESTAURANT, 1212 LASALLE BOULEVARD, SUDBURY - DAVID JOHANSSON AND GERALD PAQUETTE

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

Report dated January 30th, 2006, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit a sit down restaurant, 1212 Lasalle Boulevard, Sudbury, David Johannsson and Gerald Paquette.

David Johannsson, Moonrock Avenue, Sudbury, and Gerald Paquette, Kormak Street, Sudbury, the applicants, were present.

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

Councillor Reynolds, Ward Councillor, asked the support of the Committee for this application.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

PUBLIC HEARINGS (cont'd)

**APPLICATION FOR REZONING TO PERMIT A SIT DOWN RESTAURANT, 1212
LASALLE BOULEVARD, SUDBURY - DAVID JOHANSSON AND GERALD
PAQUETTE (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 #2006-23:

Dupuis-Caldarelli: THAT the application by David Johannsson & Gerald Paquette to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Parcel 46905 S.E.S., Lot 28 and part of Lot 27, Plan M-219, Lot 1, Concession 6, Township of McKim, 1212 Lasalle Boulevard, Sudbury from "C2-26" General Commercial Special to a revised "C2" General Commercial Special to permit the 1,200 sq ft (111m²) restaurant to include a sit down area where it is currently restricted to take out only, be approved.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis,
Reynolds, Thompson**

CARRIED

PART I - CONSENT AGENDA

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

Recommendation #2006-24:

Caldarelli-Dupuis: THAT Items C-1 to C-3 contained in Part 1, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1
Report #56
DLAC Minutes
Dec. 8, 2006

Recommendation #2006-25:

Dupuis-Caldarelli: That Report #56, Development Liaison Advisory Committee Minutes of December 8th, 2005, be received.

CARRIED

PART I - CONSENT AGENDA (cont'd)

MINUTES (cont'd)

Item C-2 **Recommendation #2006-26:**
Report #10
VETAC Minutes Caldarelli-Dupuis: That Report #10, VETAC Committee Minutes of
Dec. 14, 2006 December 14th, 2006, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-3 Report dated February 8th, 2006, was received from the General
Declaration of Manager of Infrastructure and Emergency Services regarding
Surplus Property declaration of surplus property, Trailridge Drive, Sudbury.
Trailridge Drive,
Sudbury **Recommendation #2006-27:**

Dupuis-Caldarelli: THAT the City of Greater Sudbury declare surplus and transfer to Dalron Construction Limited, Block 23, Plan 53M-1302 & Block 37, 53M-1313, fronting Trailridge Drive and Trailview Drive for the next phase of development being the extension of Trailridge Drive, Sudbury.

AND THAT a by-law be passed authorizing the execution of the documents required to complete the transaction.

CARRIED

Adjournment **Recommendation #2006-28:**

Dupuis-Caldarelli: That we do now adjourn.
Time: 8:00 p.m.

CARRIED

CITY CLERK

COUNCILLOR RON DUPUIS