

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

Committee Room C-11
Tom Davies Square

Tuesday, June 5th, 2007
Commencement: 4:34 p.m.
Adjournment: 7:08 p.m.

COUNCILLOR ANDRÉ RIVEST PRESIDING

Present Councillors Cimino, Berthiaume, Dutrisac (A.4:39pm), Caldarelli

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; D. Braney, Assets Manager; S. Paxy, Property Administrator; T. Lamarche, Deputy Clerk

Declarations of Pecuniary Interest None declared.

Closed Session **Recommendation #2007-156:**

Cimino-Berthiaume: That we meet in closed session to deal with three disposition of land matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2006-100 and the Municipal Act, 2001, s.239(2).

CARRIED

Recess At 4:49 p.m., the Planning Committee recessed.

Reconvene At 5:33 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

COUNCILLOR FRANCES CALDARELLI PRESIDING

Present Councillors Cimino, Berthiaume, Dutrisac, Rivest

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; R. Webb, Supervisor of Development Engineering; D. Nadorozny, General Manager of Growth and Development; T. Lamarche, Deputy Clerk; M. Laalo, Licensing & Assessment Clerk; F. Bortolussi, Planning Committee Secretary

News Media MCTV; Northern Life

Declarations of Pecuniary Interest None declared

MATTERS ARISING FROM THE CLOSED SESSION

Rise and Report

Councillor Rivest reported the Committee met in closed session to deal with three disposition of land matters and the following recommendations emanated therefrom:

Sale of Land, Lane, West of Aubrey Street, Coniston

Recommendation #2007-157:

Cimino-Berthiaume: THAT the Council of the City of Greater Sudbury authorize the sale of part of the lane west of Aubrey Street, Coniston, described as part of PIN 73560 - 1084 (LT), formerly Parcel 8191 S.E.S., Plan M-147, Part 2, Plan 53R-18072, Township of Neelon, City of Greater Sudbury to Michel Beaulieu pursuant to the procedures governing the disposal of limited marketability property as set out in the Property By-law;

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

CARRIED

Sale of Land, Vacant Lot on Oak Street, Capreol

Recommendation #2007-158:

Cimino-Berthiaume: THAT the property legally described as PIN 73507 - 1489 (LT), Lot 20, Plan 53M-1211, Township of Capreol, City of Greater Sudbury be sold pursuant to the procedures governing the disposal of full marketability property as set out in By-law 2003-294;

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

CARRIED

Sale of Land, Parcel 11394 S.E.S. and a Portion of Old Falconbridge Road, Sudbury

Recommendation #2007-159:

Berthiaume-Cimino: THAT the Council of the City of Greater Sudbury authorize the sale of PIN 73565 - 0932 (LT), being Parcel 11394 S.E.S. and part of PIN 73565 - 0897 being a part of Old Falconbridge Road, Sudbury, part of Lot 10, Concession 6, Township of Neelon, City of Greater Sudbury to Donald K. Morrison pursuant to the procedures governing the disposal of limited marketability property as set out in the Property By-law 2003-294;

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

CARRIED

PUBLIC HEARINGS

APPLICATION FOR A TEMPORARY USE BY-LAW IN ORDER TO PERMIT A SECOND DWELLING UNIT OVER A GARAGE AS A GARDEN SUITE, 17 LINDSLEY STREET, FALCONBRIDGE - ANNA KOSICKA AND RIK CORMIER

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

Report dated May 22nd, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for a temporary use by-law in order to permit a second dwelling unit over a garage as a garden suite, 17 Lindsley Street, Falconbridge, Anna Kosicka and Rik Cormier.

Rik Cormier, one of the applicants, was present.

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

As the servicing of water to the temporary unit must be made through the existing house, Rik Cormier asked if the meter could be moved from the house to the garage. He was advised that, as long as there is only one meter on the property, it could be in the garage.

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 #2007-160:

Cimino-Berthiaume: THAT the application by Anna Kosicka and Rik Cormier to amend By-law 83-304 being the Comprehensive Zoning By-law for the (former) Town of Nickel Centre in order to permit a second dwelling unit over a garage as a garden suite on lands described as PIN 73490 - 0241 (LT), Parcel 41852 S.E.S., Lot 169, Plan M-1038 in Lot 12, Concession 3, Township of Falconbridge, City of Greater Sudbury for a maximum temporary period of ten (10) years, be approved subject to the following condition:

1. That a minimum corner side yard width of 4 metres and a maximum rear yard coverage of 41% shall be permitted.

CONCURRING MEMBERS: Councillors Cimino, Berthiaume, Dutrisac, Rivest, Caldarelli

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATION FOR A SITE SPECIFIC REZONING IN ORDER TO LEGALIZE FOUR EXISTING DWELLING UNITS AND TO PERMIT THE ESTABLISHMENT OF A LANDSCAPING AND LAWN CARE BUSINESS, 240 REGIONAL ROAD 24, LIVELY - WALDEN ELECTRICAL LTD.

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

Report dated May 23rd, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for a site specific rezoning in order to legalize four existing dwelling units and to permit the establishment of a landscaping and lawn care business, 240 Regional Road 24, Lively, Walden Electrical Ltd.

Letter of support dated June 5th, 2007 from Councillor Barbeau, Ward Councillor, was distributed to the Committee.

Mary Lou Hargan, agent for the applicant, and Vincent Gandza, real estate agent for the agent, were present.

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

Vincent Gandza advised he attended at Technical Services and had difficulty getting any information. The Technical Services Clerk called Greater Sudbury Utilities who advised that there was a water meter at the property and the property was not sewer exempt. He therefore stated that it appears the property has municipal sewer and water services.

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 #2007-161:

Cimino-Berthiaume: THAT the application by Walden Electrical Ltd. to amend By-law 83-303 being the Comprehensive Zoning By-law for the (former) Town of Walden by changing the zoning classification on lands described as Parcel 10840 S.W.S., Part 2 of Plan 53R-15349 in Lot 7, Concession 5, Township of Waters, City of Greater Sudbury from "RU", Rural to "RU-Special", Rural Special be approved subject to the following conditions:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR A SITE SPECIFIC REZONING IN ORDER TO LEGALIZE FOUR EXISTING DWELLING UNITS AND TO PERMIT THE ESTABLISHMENT OF A LANDSCAPING AND LAWN CARE BUSINESS, 240 REGIONAL ROAD 24, LIVELY - WALDEN ELECTRICAL LTD. (cont'd)

Recommendation #2007-161 (cont'd):

1. That prior to the passing of the amending by-law, the owner shall initiate a building permit application to the satisfaction of the Chief Building Official;
2. That the amending by-law specify that in addition to those uses permitted in a Rural zone, four (4) apartment units and a landscaping, irrigation and lawn care business shall also be permitted; and,
3. That prior to the issuance of a final building permit, the owner shall enter into a Site Plan Control Agreement.

CONCURRING MEMBERS: Councillors Cimino, Berthiaume, Dutrisac, Rivest, Caldarelli

CARRIED

APPLICATION FOR REZONING TO PERMIT THE EXISTING WAREHOUSE/OFFICE USE ON THE MAIN FLOOR IN CONJUNCTION WITH A RESIDENTIAL USE ON THE SECOND FLOOR, 391 & 395 MORIN STREET - REDDI VEND LTD.

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

Report dated May 9th, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit the existing warehouse/office use on the main floor in conjunction with a residential use on the second floor, 391 & 395 Morin Street, Reddi Vend Ltd.

Letter of objection dated April 19th, 2007 was received from Paul Lavigne.
Letter of objection was received from B. Mike McFarlane.
Letter of objection was received from Henry and Tammy Bertrand.
Letter of objection was received from a resident at 374 Melvin Avenue, Sudbury.
Letter of objection was received from Denis Riopelle.
Letter of objection was received from Eddy Deault.
Letter of objection was received from S. Feola.
Letter of objection was received from Mr. & Mrs. Danny Cutchaw.
Letter of objection was received from Lise Bedard and Philippe Lafleche.
Letter of objection was received from A. Giroux and W. Belfry.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE EXISTING WAREHOUSE/OFFICE USE ON THE MAIN FLOOR IN CONJUNCTION WITH A RESIDENTIAL USE ON THE SECOND FLOOR, 391 & 395 MORIN STREET - REDDI VEND LTD. (cont'd)

Letter of objection was received from Donald Lecours.

Letter of objection was received from René Deroy and Nicole Carr.

Letter of objection was received from Victor Pinard.

Letter of objection was received from Marguerite Turgeon and Roger Delarosbil.

Letter of objection was received from Jeannine and Andre Collin.

Letter of objection was received from Robert Carroll and Lucille Locke.

Letter of concern dated April 23rd, 2007 was received from Stacey Radey.

Letter of opposition dated April 30th, 2007 was received from Lise Bedard.

Dave Johnson, the applicant, and Marc Rémillard, Counsel for the applicant, were present.

The Director of Planning Services outlined the application to the Committee. He indicated the property had a history of legal non-conforming uses. However, the required Minor Variance application to continue a legal non-conforming use was not made to change the use prior to the present use being established. He advised that the Planning Services Division recommends denial of this application for several land use compatibility issues including: traffic and transportation issues, noise and neighbourhood aesthetics and neighbourhood safety. He stated that the applicant's business has outgrown this site and therefore the use cannot be integrated into the neighbourhood. It would be better suited in an industrial park.

Marc Rémillard stated that the applicant currently has three cube vans for distributing his goods. They are used on the property between 7:30 and 8:30 in the morning and are parked at the drivers' homes when not in use. He indicated the problem is with the suppliers coming at different times of the day between 9:00 a.m. and noon. He stated, however, that the deliveries are minuscule as one supplier delivers three times a month; another once a week, etc. He indicated that some suppliers who once used five-ton trucks are now using transport trucks which is causing the majority of the complaints. He advised that the applicant would probably be capable of curbing the use of larger trucks. He stated that most trucks fit between the laneway and the applicant's building without blocking the laneway. He further stated that the applicant would consider entering into a site plan agreement which could specify when deliveries are made and what type of vehicles could be used.

With respect to the neighbourhood aesthetics issue, Mr. Rémillard stated that the subject property is well maintained and well kept which is not the case with all other neighbourhood properties.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE EXISTING WAREHOUSE/OFFICE USE ON THE MAIN FLOOR IN CONJUNCTION WITH A RESIDENTIAL USE ON THE SECOND FLOOR, 391 & 395 MORIN STREET - REDDI VEND LTD. (cont'd)

With respect to the snow, Mr. Rémillard advised that the applicant had the snow removed four times the first year.

Paul Lavigne, area resident, stated that this application should not be approved as the business activities cause too much noise early in the morning; i.e. waste company picking up garbage between 5:30 and 6:00 a.m.; suppliers and employees loading and unloading trucks; snow removal at night and early hours of the morning. He indicated the large trucks damage the laneway and they also block the laneway. He further stated that the snow is piled too high causing people to trespass over his property and creating a potential for an accident for the children playing in the snow pile. He also stated that, as the laneway is blocked, cars have to go over his property in order to pass causing wear and tear to his paved driveway which was paved due to his wife's disability. He advised that, in January 2007, a transport truck was blocking the lane and refused to move although he had a doctor's appointment. He stated it could be disastrous if emergency vehicles required access. In March 2007, the Personal Support Worker who attends daily to this wife could not gain access to his driveway as an idling, unattended truck was blocking the laneway. In April 2007, a truck backed into the 'sharp curve/hidden intersection' sign. The driver and an employee of the applicant placed the sign back into its hole only to have it fall again shortly after. As this was a safety hazard, he called the City to have the sign repaired. He feels that the business would be best suited in an industrial park where the noise and traffic would not be an inconvenience to anyone.

When asked, the applicant advised he did not meet with the neighbours regarding this application as no one approached him.

Danny Cutchaw, area resident, stated that one morning, when his wife had a doctor's appointment, a truck was blocking the laneway. He asked the driver to move; however, the driver would not move until he threatened to call the police. He indicated that the laneway is in bad shape because of the large trucks. He further indicated that the snow is piled against the hydro pole causing a safety hazard as it is difficult to see people on the sidewalk when driving.

Recess At 6:40 p.m., the Planning Committee recessed.

Reconvene At 6:43 p.m., the Planning Committee reconvened.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE EXISTING WAREHOUSE/OFFICE USE ON THE MAIN FLOOR IN CONJUNCTION WITH A RESIDENTIAL USE ON THE SECOND FLOOR, 391 & 395 MORIN STREET - REDDI VEND LTD. (cont'd)

Councillor Landry-Altman, Ward Councillor, indicated that the applicant's business has obviously become too successful as it demands large trucks. She stated the neighbours feel they can not function freely and have no access to the back lane. The neighbours need access to their vehicles and full access to the back lane. She also stated that the trucks are idling while they are being loaded. They must be able to leave their properties for medical appointments, etc. She indicated the problem is even worse in the winter. She stated the business and residents cannot co-exist peacefully and safely. She asked the Committee deny this application which will result in the business flourishing elsewhere and the neighbourhood returning to a peaceful environment.

The applicant, when asked of the possibility of relocating, advised that he has been searching for another property and thinks he has found one.

With respect to the snow, the applicant stated he did have four loads of snow removed one year. He stated that, when Mr. Cutchaw called him after the first snow, he kept the hydro pole clear of snow. He indicated he was not aware there was such an issue with the trucks. He further indicated that he has stressed to all suppliers that they are to park on his property and not block the laneway.

Marc Rémillard asked whether the Committee would allow a temporary use for six months in order to allow time for the applicant to relocate his business if they deny this application.

When asked, the Director of Planning Services advised that, if the Committee denies this application and decides to allow the applicant six months to relocate, it is suggested that a temporary use be granted. If the Committee decides to allow three months, it can provide direction to this effect to staff. It will be noted in the minutes, the By-law Enforcement Department will be notified as will the applicant.

Councillor Landry-Altman advised she spoke with the residents in attendance and they would like the business relocated as soon as possible. They feel three months is reasonable; however, six months would not be as it would then be December with snow problems.

The Chair asked whether there was anyone else 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.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE EXISTING WAREHOUSE/OFFICE USE ON THE MAIN FLOOR IN CONJUNCTION WITH A RESIDENTIAL USE ON THE SECOND FLOOR, 391 & 395 MORIN STREET - REDDI VEND LTD. (cont'd)

The following recommendation was presented:

Recommendation #2007-162:

Cimino-Berthiaume: THAT the application by Reddi Vend to amend By-law being 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury as it applies to PINs 02133 - 0232 (LT) and 02133 - 0188 (LT), Parcels 3304 and 9145 S.E.S., Lot 889, Plan M-100 and Lot 76, Plan M-53, Lot 6, Concession 4, Township of McKim, City of Greater Sudbury by changing the zoning classification from "R6", Established Residential Zone to "R6-S", Established Residential Special zone be denied.

CONCURRING MEMBERS: Councillors Cimino, Berthiaume, Dutrisac, Rivest, Caldarelli

CARRIED

The Committee directed that the applicant be allowed three months to vacate the property and that, during the three-month period, the laneway not be blocked.

The Chair stated three reasons the Planning Committee is denying this application are the transport truck traffic, the blocking of the laneway causing inconvenience and safety concerns and the diminishment of property rights for the neighbours caused by the business. Councillor Berthiaume added another reason being that the property is being used for a purpose not allowed in its zoning classification since 2001.

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 #2007-163:

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

CARRIED

PART I - CONSENT AGENDA (cont'd)

MINUTES

Item C-1
Report #3
VETAC Minutes
April 17th, 2007

Recommendation #2007-164:
Cimino-Berthiaume: That Report #3, VETAC Committee Minutes of April 17th, 2007, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Draft Subdivision
Approval
Extension, Willow
Ridge Estates
Subdivision,
Louisa Drive,
Sudbury - Dalron
Construction

Report dated May 24th, 2007 was received from the General Manager of Growth and Development regarding Draft Subdivision Approval Extension, Willow Ridge Estates Subdivision, Louisa Drive, Sudbury, Dalron Construction.

Recommendation #2007-165:
Cimino-Berthiaume: THAT the conditions of draft approval of plan of subdivision, comprising part of Parcel 47429 S.E.S. and Parts 4 and 5, Plan 53R-17363, Lots 3 and 4, Concession 6, Township of Broder, City of Greater Sudbury, File 780-6/02006, be amended as follows:

- a) By deleting Condition 10 and replacing it with the following:
- “10. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated 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 recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.

ROUTINE MANAGEMENT REPORTS

Item C-2
Draft Subdivision
Approval
Extension, Willow
Ridge Estates
Subdivision,
Louisa Drive,
Sudbury - Dalron
Construction
(cont'd)

Recommendation #2007-165 (cont'd):

- b) By deleting in Condition 18 the words, "street "B" and replacing them with "street A".
- c) By deleting in Condition 19, the words "along the revised collector street" and replacing them with "of Street A".
- d) By deleting Condition 21.
- e) By deleting Condition 27 and replacing it with the following:

"Street B shall be revised to form a maximum of two residential lots to the satisfaction of the Director of Planning Services, which may be used as a temporary road access for the lots fronting onto Street A until such time as an alternate access is constructed linking Street A to the municipal road system, to the satisfaction of the General Manager of Public Works.
- f) By adding Conditions #34, #35, #36 as follows:

"34. That the developer prepare a sediment control plan for the construction phase of the project to the satisfaction of the Nickel District Conservation Authority and the Director of Planning Services.

35. That the developer provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.

36. That the final plan be revised as required to provide for the future municipal roadway, as shown abutting the easterly side of the plan, in a location and configuration to the satisfaction of the Director of Planning Services.
- g) By deleting Condition # 31 and replacing it with the following:

"31. That this draft approval shall lapse on April 23, 2009."
- h) In Condition 32 deleting the reference to "#21".

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-3
Draft Subdivision
Approval
Extension, Old
Skead Road/
Gordon Street,
Garson, D. & R.
Butler and
C. & L. Rollins

Report dated May 18th, 2007 was received from the General Manager of Growth and Development regarding Draft Subdivision Approval Extension, Old Skead Road/Gordon Street, Garson, D. & R. Butler and C. & L. Rollins.

Recommendation #2007-166:

Cimino-Berthiaume: THAT upon the payment of the processing fee of \$646.67 prior to the July 11th, 2007 lapsing date, the conditions of draft approval of plan of subdivision on Parcel 22937 S.E.S., Part 1, Plan 53R-13456, Lot 3, Concession 4, Garson Township, City of Greater Sudbury, File 780-3/02004, be amended as follows:

- a) By deleting Conditions # 11, 13 and 16 and replacing them with the following:
- "11. That prior to the signing of the final plan the applicant shall provide a lot grading plan to the satisfaction of the General Manager of Public Works.
 - 13. That the final plan contain a 0.3 metre reserve to be conveyed to the City along the frontage of a reconfigured Lot 2, from the north limit of Lot 2, southerly for 25 metres.
 - 16. That this draft approval shall lapse on December 11, 2007."

CARRIED

Adjournment

Recommendation #2007-167:

Cimino-Berthiaume: That we do now adjourn.
Time: 7:08 p.m.

CARRIED

DEPUTY CLERK

COUNCILLOR FRANCES CALDARELLI