

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

Council Chamber
Tom Davies Square

Tuesday, June 6th, 2006
Commencement: 5:35 p.m.
Adjournment: 9:11 p.m.

COUNCILLOR RON DUPUIS PRESIDING

Present Councillors Bradley, Reynolds (D 7:53 pm), Thompson
Councillor Craig

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; R. Webb, Supervisor of Development Engineering; M. Manzon, Senior Planning Technician; E. Labelle, Clerk Designate; M. Laalo, Licensing & Assessment Clerk; F. Bortolussi, Planning Committee Secretary

News Media MCTV; Sudbury Star

Declarations of Pecuniary Interest None declared

PUBLIC HEARINGS

APPLICATION FOR REZONING TO PERMIT A RETAIL ART GALLERY AND CUSTOM FRAMING SHOP, 153 APPLGROVE STREET, SUDBURY - JOHN STOPCIATI

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

Report dated May 26th, 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 retail art gallery and custom framing shop, 153 Applegrove Street, Sudbury, John Stopciati.

John Stopciati, the applicant, was present.

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

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 RETAIL ART GALLERY AND CUSTOM FRAMING SHOP, 153 APPLGROVE STREET, SUDBURY - JOHN STOPCIATI (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 #2006-104:

Bradley-Thompson: THAT the application by John Stopciati to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury as it applies to Lot 27, Plan 3-S, in Lot 6, Concession 3, Township of McKim, by changing the zoning classification from "C4", Office Commercial Zone to "C4-S", Office Commercial Special zone be approved.

CONCURRING MEMBERS: Councillors Bradley, Reynolds, Thompson, Dupuis

CARRIED

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT A ONE STOREY PROFESSIONAL MEDICAL OFFICE BUILDING, 761 LASALLE BOULEVARD, SUDBURY - DESIMONE FOOT AND ANKLE CENTRE INC.

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

Report dated May 26th, 2006 was received from the Director of Planning Services and the General Manager of Growth and Development regarding applications for Official Plan amendment and rezoning to permit a one storey professional medical office building, 761 Lasalle Boulevard, Sudbury, DeSimone Foot and Ankle Centre Inc.

Claude Lacroix, 36 Elgin Street, Sudbury, agent for the applicant, and Julie DeSimone, 761 Lasalle Boulevard, Sudbury, the applicant, were present.

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

Claude Lacroix stated the applicant's medical practice has been at this location since 1996; however, they have now outgrown the facility. The new facility will provide better access for clients as parking is presently in the rear where there is an incline. He indicated the applicant requires more treatment rooms and assessment areas as she would like to accommodate more patients. The end result would be a more efficient modern facility with no residential component. He advised the applicant is satisfied with the staff recommendations.

PUBLIC HEARINGS (cont'd)

**APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT
A ONE STOREY PROFESSIONAL MEDICAL OFFICE BUILDING, 761 LASALLE
BOULEVARD, SUDBURY - DESIMONE FOOT AND ANKLE CENTRE INC. (cont'd)**

Councillor Reynolds, Ward Councillor, indicated she supports this application and is pleased to see a reduction of residential uses on this roadway.

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 #2006-105:

Thompson-Bradley: THAT the application by DeSimone Foot and Ankle Centre Inc. to amend the Official Plan for the Sudbury Planning Area by redesignating the lands forming PIN 02123-0272, Parts 1, 2 and 3, Plan 53R-16350, in Lot 3, Concession 5, Township of McKim, from "Medium Density Residential District" to "Linear Mixed Use" in the Secondary Plan for the City of Sudbury, be approved, subject to the following condition:

- a) that the permitted uses be limited to office, business or professional, medical or dental clinics and laboratories and multiple dwellings and their accessory uses.

CONCURRING MEMBERS: Councillors Bradley, Reynolds, Thompson, Dupuis

CARRIED

Recommendation #2006-106:

Bradley-Thompson: THAT the application by DeSimone Foot and Ankle Centre Inc. to amend By-law 95-500Z being the Zoning By-law for the (former) City of Sudbury to change the zoning classification of the lands forming PIN 02123-0272, Parts 1, 2 and 3, Plan 53R-16350, in Lot 3, Concession 5, Township of McKim, from "R4-25", Multiple Residential Special to "C3-Special", Limited General Commercial Special, be approved, subject to the following conditions:

- a) that the permitted uses be limited in the by-law to office, business or professional, medical or dental clinics and laboratories and multiple dwellings and their accessory uses;

PUBLIC HEARINGS (cont'd)

**APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT
A ONE STOREY PROFESSIONAL MEDICAL OFFICE BUILDING, 761 LASALLE
BOULEVARD, SUDBURY - DESIMONE FOOT AND ANKLE CENTRE INC. (cont'd)**

Recommendation #2006-106 (cont'd):

- b) that exceptions be provided in the by-law to:
- i) reduce the rear yard setback from 7.5m to 3m and the interior side yard from 3m to 1.8m for a one storey building;
 - ii) reduce the required lot frontage from 30m to 18m;
 - iii) reduce the required lot area from 900m² to 840m²; and
 - iv) reduce the required setbacks for a ground sign from 3m to 1.5m from the front lot line and from 15m to 1.8m from a residential zone.

CONCURRING MEMBERS: Councillors Bradley, Reynolds, Thompson, Dupuis

CARRIED

APPLICATION FOR REZONING TO PERMIT THE CONVERSION OF THE PEARL STREET ABANDONED WATER TOWER INTO RESTAURANT, COMMERCIAL OFFICE SPACE, OFF SITE PARKING AND ADVERTISING BILLBOARDS, PEARL STREET, SUDBURY - CITY OF GREATER SUDBURY & ADVENTURE CONSTRUCTION (AGENT: CORY PRAUSE, WESTAR INVESTMENTS)

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

Report dated May 29th, 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 conversion of the Pearl Street abandoned water tower into restaurant, commercial office space, off site parking and advertising billboards, Pearl Street, Sudbury, City of Greater Sudbury & Adventure Construction (Agent: Cory Prause, Westar Investments).

Cory Prause of Westar Investments, agent for the applicants, was present.

The Director of Planning Services outlined the application to the Committee. He indicated that the application proposed 12 advertising billboards and Planning staff is recommending 6 advertising billboards for aesthetic reasons.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONVERSION OF THE PEARL STREET ABANDONED WATER TOWER INTO RESTAURANT, COMMERCIAL OFFICE SPACE, OFF SITE PARKING AND ADVERTISING BILLBOARDS, PEARL STREET, SUDBURY - CITY OF GREATER SUDBURY & ADVENTURE CONSTRUCTION (AGENT: CORY PRAUSE, WESTAR INVESTMENTS) (cont'd)

Cory Prause made an electronic presentation regarding the water tower redevelopment project. He indicated this is a \$3.5 million project with 66% of the revenue from the three commercial floors, 30% from the billboards or artboards and 4% from tax improvement plan. He stated the investors require a minimum 12% rate of return. He compared this project with the Lethbridge Water Tower project. He also listed the increased cost of materials since 2004 when this project was started.

He showed slides of the proposed three levels of the water tower and outside of the tower with the artboards. He indicated that the plans have changed since the application was made. A conference centre is no longer proposed and has been replaced with commercial office space. This change reduces the amount of parking spaces required and therefore only two parcels of land will be need for this development - the water tower property and the property across the street from the water tower. The Mont Adam property will not be required for parking.

Mr. Prause indicated that the artboards will be tasteful and their content will be mainly controlled by public opinion. As they are costly, he feels an advertiser will not put up an artboard that is not tasteful only to have it removed shortly thereafter due to public pressure. Also, the lighting of the artboards will be at minimum and they are looking at the possibility of using solar panels. His presentation included a panoramic view from the water tower.

Mr. Prause also listed the benefits of this project to the City of Greater Sudbury, such as: tourism; notoriety for Sudbury in marketing; job creation; capital infusion, reduction in liabilities and support to the downtown sector.

Mr. Prause stated that it is not viable to proceed with this project if the application is approved as recommended by staff. He indicated that the plan is to install one artboard for a few months to see if it generates revenue. If it does, two more will be installed and then two more at a time until 12 artboards are installed in 12 months. During this time, the columns and centre well will be painted as the painting can not occur after the artboards are installed. At the end of twelve months, they will assess the situation and if the artboards are determined to be viable, they will continue with the project. If the artboards determine the project not to be viable, the project will be closed and the developer will look at constructing condominium units or, alternatively, demolishing the water tower and subdividing and selling the land.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONVERSION OF THE PEARL STREET ABANDONED WATER TOWER INTO RESTAURANT, COMMERCIAL OFFICE SPACE, OFF SITE PARKING AND ADVERTISING BILLBOARDS, PEARL STREET, SUDBURY - CITY OF GREATER SUDBURY & ADVENTURE CONSTRUCTION (AGENT: CORY PRAUSE, WESTAR INVESTMENTS) (cont'd)

When asked if the area residents were aware of this project prior to receiving notice, Mr. Prause advised that the Manager of Development Approvals suggested meeting with the residents; however, he did not have a chance to do so.

When asked why staff reduced the number of billboards allowed, the Manager of Development Approvals stated that the focus of the by-law dealing with signs is to reduce the number of billboard signs in urban areas. Also, the recommendation for six billboard signs is based on the view corridor through the structure. At the time of the application, staff was not aware of the developer's revenue structure.

Randy Baldelli, area property owner, indicated he purchased the building at 38-52 Pearl Street three years ago. The building had been neglected and he renovated same in an attempt to improve the area. He also bought 45 Pearl Street. He is in favour of this project as it will regenerate the area.

Mr. Baldelli stated that he has been using City property for parking for his tenants and is concerned this will take away from his parking. He also stated that a major concern is Pearl Street in the event of a fire as the street is very narrow.

Don Prevost, area resident, stated he was concerned the rezoning would affect his property taxes and was advised it would not.

Mr. Prevost stated he is in favour of the project. However, he has traffic concerns, namely residents backing out of their driveways and vehicles turning left onto Pearl Street. He stated the area residents have narrow driveway and have to back onto the street when leaving their homes. He feels more traffic will add to an already troublesome situation. With respect to left hand turns of east bound traffic onto Pearl Street, he stated that vehicles have to cross two lanes where there is not always a good view of oncoming traffic making it dangerous. The Director of Planning Services stated these two concerns will be reviewed in the traffic impact and safety study required by Transportation Engineering Services.

Pat Charles, area resident, stated she is the Property Administrator for Sal-Dan Developments. She indicated they are promoting a family oriented community. They are not against the proposed restaurant. However, they do not want to be looking at billboards, even if they are tasteful, nor do they want to be looking at a parking lot when leaving the area. She feels a commercial development should not be in a residential area.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONVERSION OF THE PEARL STREET ABANDONED WATER TOWER INTO RESTAURANT, COMMERCIAL OFFICE SPACE, OFF SITE PARKING AND ADVERTISING BILLBOARDS, PEARL STREET, SUDBURY - CITY OF GREATER SUDBURY & ADVENTURE CONSTRUCTION (AGENT: CORY PRAUSE, WESTAR INVESTMENTS) (cont'd)

Mr. Prause indicated that trees will hide the view of the parking lot for the residents of the Sal-Dan development.

James Lachapelle, area resident, indicated he is in favour of the project. His concern is the additional traffic on Pearl Street. He asked if traffic to the proposed property could be directed through Mont Adam.

John MacDonald, area resident of ten years, stated his concern is with traffic on Mont Adam. He indicated that it is used as a short cut between the Kingsway and Notre Dame Avenue. This development will result in additional traffic on roads that were not constructed to handle such traffic. He also stated there are no sidewalks and most of the traffic does not adhere to the speed limit. He feels traffic should be limited to persons living or working in the area.

Don Jackson, area resident, stated he is opposed to the billboards on the water tower as he feels it will diminish the value of homes in the area. He also feels this will set a precedent for billboards in other residential areas.

Fred Slade, area resident, stated he is in favour of this project. He feels that the billboards will be more aesthetically pleasing than an abandoned water tower. He also feels that due to the cost of the billboards, the advertisers will try to appeal to the public not upset them. He is concerned with the roads which are used as a short cut between the Kingsway and Notre Dame Avenue and as access to the Sal-Dan development.

Councillor Reynolds, Ward Councillor, indicated she supports this application and understands the concerns of the area residents.

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.

The following recommendation was presented:

Bradley-Thompson: THAT the application by City of Greater Sudbury and Adventure Construction (Agent: Cory Prause, Westar Investments) to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury as it applies to Parts 2, 4 to 18 and 20, Plan 53R-17879 and Part 4,

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONVERSION OF THE PEARL STREET ABANDONED WATER TOWER INTO RESTAURANT, COMMERCIAL OFFICE SPACE, OFF SITE PARKING AND ADVERTISING BILLBOARDS, PEARL STREET, SUDBURY - CITY OF GREATER SUDBURY & ADVENTURE CONSTRUCTION (AGENT: CORY PRAUSE, WESTAR INVESTMENTS) (cont'd)

Plan 53R-14688, in Lots 4 and 5, Concession 4, Township of McKim, by changing the zoning classification from "R6", Established Residential Zone and "R5.D87-7", High Rise Multiple Residential Special, to "C3-S", Limited General Commercial Special zone be approved subject to the following:

- 1) That prior to passing the amending by-law the applicant be required to enter into a site plan control agreement.
- 2) That a maximum of six advertising signs, measuring not more than 20 feet by 32 feet, shall be permitted in conjunction with the occupancy of the tower structure.
- 3) That the only permitted use on the vacant portions of the subject lands shall be parking for the water tower site.
- 4) That prior to the passing of the amending by-law the applicant will be required to complete a traffic impact study and safety analysis to the satisfaction of the Manager of Infrastructure and Emergency Services.

The following amendments to the recommendation were presented:

Recommendation #2006-107:

Bradley-Reynolds: That condition 2 be amended by replacing "six advertising signs" with "twelve advertising signs".

CONCURRING MEMBERS: Councillors Bradley, Reynolds, Thompson, Dupuis

CARRIED

Recommendation #2006-108:

Reynolds-Thompson: That the following condition be added:

- 5) That a temporary use by-law be passed allowing the existing structure to be used to display a maximum of twelve advertising signs, measuring not more than 20 feet by 32 feet, for a maximum period of two years.

CONCURRING MEMBERS: Councillors Bradley, Reynolds, Thompson, Dupuis

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONVERSION OF THE PEARL STREET ABANDONED WATER TOWER INTO RESTAURANT, COMMERCIAL OFFICE SPACE, OFF SITE PARKING AND ADVERTISING BILLBOARDS, PEARL STREET, SUDBURY - CITY OF GREATER SUDBURY & ADVENTURE CONSTRUCTION (AGENT: CORY PRAUSE, WESTAR INVESTMENTS) (cont'd)

The main recommendation as amended was presented:

Recommendation #2006-109:

Bradley-Thompson: THAT the application by City of Greater Sudbury and Adventure Construction (Agent: Cory Prause, Westar Investments) to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury as it applies to Parts 2, 4 to 18 and 20, Plan 53R-17879 and Part 4, Plan 53R-14688, in Lots 4 and 5, Concession 4, Township of McKim, by changing the zoning classification from "R6", Established Residential Zone and "R5.D87-7", High Rise Multiple Residential Special, to "C3-S", Limited General Commercial Special zone be approved subject to the following:

- 1) That prior to passing the amending by-law the applicant be required to enter into a site plan control agreement.
- 2) That a maximum of twelve advertising signs, measuring not more than 20 feet by 32 feet, shall be permitted in conjunction with the occupancy of the tower structure.
- 3) That the only permitted use on the vacant portions of the subject lands shall be parking for the water tower site.
- 4) That prior to the passing of the amending by-law the applicant will be required to complete a traffic impact study and safety analysis to the satisfaction of the Manager of Infrastructure and Emergency Services.
- 5) That a temporary use by-law be passed allowing the existing structure to be used to display a maximum of twelve advertising signs, measuring not more than 20 feet by 32 feet, for a maximum period of two years.

CONCURRING MEMBERS: Councillors Bradley, Reynolds, Thompson, Dupuis

CARRIED

Recess At 7:53 p.m., the Planning Committee recessed.

Reconvene At 8:00 p.m., the Planning Committee reconvened.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONVERSION OF AN EXISTING BUILDING INTO FOUR RESIDENTIAL UNITS, 2750 BANCROFT DRIVE, SUDBURY - GRACE & GILLES MORIN AND PAT & LORETTA MICOLETTA

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

Report dated May 29th, 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 conversion of an existing building into four residential units, 2750 Bancroft Drive, Sudbury, Grace & Gilles Morin and Pat & Loretta Micoletta.

Gilles Morin, one of the applicants, and Richard Diotte, contractor, on behalf of the applicants, were present.

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

Gilles Morin indicated that the proposal is for the total renovation of the premises to create four residential units. There will be plenty of parking and there will be a garage at the rear of the property for use by the tenants.

Linda Beauchamp, area resident, asked what the building would look like when the project is completed. She also asked whether this building is intended for low rental housing.

Richard Diotte indicated that the footprint of the building would not change. The facade of the building would be completely redone with the entrances to the four units facing the street.

Gilles Morin indicated that the building is 6,000 square feet which will result in each unit being 1,500 square feet. He stated it is definitely not intended for low rental housing. He advised that the portable unit presently on the property will be removed. The facade of the building will have new siding and new windows and the garage doors presently at the front of the building will be removed. He feels the proposal will enhance the area.

The Manager of Development Approvals indicated that there has been interest in this property for a construction yard, storage facility and heating and plumbing business. All inquiries were for commercial and industrial uses. This is a rezoning application for residential use in a residential area which is the most appropriate application to date.

The Chair asked whether there was anyone else 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 CONVERSION OF AN EXISTING BUILDING INTO FOUR RESIDENTIAL UNITS, 2750 BANCROFT DRIVE, SUDBURY - GRACE & GILLES MORIN AND PAT & LORETTA MICOLETTA (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 #2006-110:

Thompson-Bradley: THAT the application by Grace & Gilles Morin and Pat & Loretta Micoletta with respect to Parcels 10683, 6669 and 20471 S.E.S., in Lots 9 and 10, Concession 3, Township of Neelon, to amend By-law 95-500Z being the Zoning By-law for the (former) City of Sudbury by changing the zoning classification from "I", Institutional to "R3", Mixed Residential be approved.

CONCURRING MEMBERS: Councillors Bradley, Thompson, Dupuis

CARRIED

APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE SEVERANCE OF A 2 HECTARE (5 ACRE) LOT CONTAINING THE EXISTING DWELLING AND GARAGE, 430 MAIN STREET, VAL CARON - RONALD & LINDA ALBERT

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

Report dated May 25th, 2006 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for Official Plan amendment to permit the severance of a 2 hectare (5 acre) lot containing the existing dwelling and garage, 430 Main Street, Val Caron, Ronald and Linda Albert.

Ronald and Linda Albert, the applicants, were present.

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

Ronald Albert indicate they built a large house on the property. As one son has already moved away and the other son will be leaving next year, they realize the home is much too large for them. He advised they wish to sever a two hectare (five acre) lot where the buildings are located and build a smaller home on the retained portion.

Councillor Dupuis, Ward Councillor, indicated he has received no telephone calls in opposition. He asked the support of the Committee for this application.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE SEVERANCE OF A 2 HECTARE (5 ACRE) LOT CONTAINING THE EXISTING DWELLING AND GARAGE, 430 MAIN STREET, VAL CARON - RONALD & LINDA ALBERT (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 #2006-111:

Dupuis-Thompson: THAT the application by Ronald and Linda Albert to amend the Valley East Secondary Plan by changing the designation on Parcel 1369 S.E.S., Plan 53R-17468, Lot 2, Concession 6, Township of Blezard, from Urban Expansion Reserve to Rural be approved subject to:

- a) that the amendment include the subject lands retaining their Urban Expansion Reserve designation with an exception permitting the creation of a 2ha (5 acre) lot.

CONCURRING MEMBERS: Councillors Bradley, Thompson, Dupuis

CARRIED

APPLICATION FOR REZONING TO PERMIT A RAIL TO TRUCK AND A TRUCK TO TRUCK TRANSLOAD FACILITY, BIRCH STREET AND MUNICIPAL ROAD 67, CONISTON - CANADIAN NATIONAL RAILWAY

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

Report dated May 25th, 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 rail to truck and a truck to truck transload facility, Birch Street and Municipal Road 67, Coniston, Canadian National Railway.

Al Leblanc, on behalf of the applicant, and John Lind, on behalf of Tank Truck Transport, were present.

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A RAIL TO TRUCK AND A TRUCK TO TRUCK TRANSLOAD FACILITY, BIRCH STREET AND MUNICIPAL ROAD 67, CONISTON - CANADIAN NATIONAL RAILWAY (cont'd)

Al Leblanc explained that the rail line was constructed through Coniston in the early 1990s. The lines were usually 50 feet wide but was constructed wider in Coniston because of the station, coal chute and water station. He indicated the applicant wants to sell the subject property and has received approval for the severance subject to approval of this rezoning application.

Don Beaulieu, area resident, indicated he did work with petroleum coke and feels it is carcinogenic. He indicated that, in the winter, the Ministry of the Environment had to be called as there was black soot on the snow. He did not receive a reply from the Ministry; however, he presumed the operation was shut down after the complaint as he saw no further activity. He stated the neighbours do not want this kind of activity in their neighbourhood.

Shelley Talevi, area resident, indicated her main concern is the children in the area. She stated that, although St. Lawrence Cement was at the location for a long time, there have been many environmental changes since they vacated in 2000. She read some of the effects from the Material Safety Data Sheet for petroleum coke which included irritation to the eyes, noise and throat to cancer over prolonged handling. She stated that Jim Carbone from the Ministry of the Environment told her to monitor the situation and take photographs. She has not been able to take photographs as she has not seen any more trucks going to the site. She is concerned for the children, if large trucks are traveling up and down the street, as they play in this area.

Adriana Carriere, area resident, indicated she spoke to Jim Carbone of the Ministry of the Environment who indicated he went to the site and would shut down the operation. She was also asked to take photographs but there was not much traffic except at night. She also indicated the silo was white but is now an eyesore. She stated that her husband's eyes were irritated, especially in the winter, and a blanket on the clothes line had black soot on it which means the residents are inhaling the black soot. She indicated that, when there is an accident on Highway 17, traffic is rerouted through Birch Street making it a busy road. She also indicated that the roads are in terrible condition and watermains are breaking. The additional truck traffic will only worsen the situation.

Bob Cunningham, area resident, indicated that two or three weeks ago petroleum coke dust blew onto himself and his grandson from a truck traveling down the road. He feels that petroleum coke dust cannot be contained.

John Lind indicated he did have contact with the Ministry of the Environment but did not receive a stop work order. He indicated the silo is full and petroleum coke is picked up only when his customer's regular supply is interrupted. He understands the Ministry's requirements. He also indicated that the Material

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A RAIL TO TRUCK AND A TRUCK TO TRUCK TRANSLOAD FACILITY, BIRCH STREET AND MUNICIPAL ROAD 67, CONISTON - CANADIAN NATIONAL RAILWAY (cont'd)

understands the Ministry's requirements. He also indicated that the Material Safety Data Sheet is similar to that of beach sand. He stated that they did not realize there would be a problem with the dust collectors - they found they were blocked. He further stated that before further use occurs, the dust collectors will have to run properly. They will operate in a safe and responsible manner. He indicated they handle dangerous materials regularly and take the responsibility seriously, legally and morally.

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.

The following recommendation was presented:

Recommendation #2006-112:

Thompson-Bradley: THAT the application by Canadian National Railway Company 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 781 S.E.S., in Lots 2 and 3, Concession 3, Township of Neelon, from "RU", Rural to "M1-Special", Mixed Light Industrial/Service Commercial Special be approved subject to the following:

1. That prior to the passing of the amending by-law the applicant provide a survey of the lands to be rezoned.
2. That the use of the lands be limited to a transload facility to be defined in the amendment.

NON-CONCURRING MEMBERS: Councillors Bradley, Thompson, Dupuis

DEFEATED

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:

PART I - CONSENT AGENDA (cont'd)

Recommendation #2006-113:

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

CARRIED

MINUTES

Item C-1
Report #4
VETAC Minutes
April 19, 2006

Recommendation #2006-114:

Thompson-Bradley: That Report #4, VETAC Committee Minutes of April 19th, 2006, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2
Subdivision
Referral Request
Consent
Application
B56/2006, Black
Lake Road, Lively
Mark and
Donna Walli

Report dated May 29th, 2006 was received from the General Manager of Growth and Development regarding an application for subdivision referral request for Consent Application B56/2006, Black Lake Road, Lively, Mark and Donna Walli.

Recommendation #2006-115:

Bradley-Thompson: THAT Consent Applications B0056/2006 with respect to Parcel 5988 S.W.S. in Lot 5, Concession 3, Township of Waters be permitted to proceed by way of the consent process.

CARRIED

Item C-3
Extension to Draft
Approval,
Pondsvie Court,
Algonquin Road,
Sudbury

Report dated May 29th, 2006 was received from the General Manager of Growth and Development regarding an extension to Draft Approval, Pondsvie Court, Algonquin Road, Sudbury, Broder Sudbury Developments.

Recommendation #2006-116:

Thompson-Bradley: THAT upon payment of the processing fee of \$1,445.00 prior to the lapsing date of July 14th, 2006, the conditions of draft approval for the draft plan of subdivision of parts of Parcel 48646, 50208, 49504 S.E.S., in Lots 4 and 5, Concession 6, Township of Broder, Broder Sudbury Developments, File 780-6/93009, be amended as follows:

- a) By deleting Condition # 28 and replacing it with the following:

PART I - CONSENT AGENDA (cont'd)

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-3
Extension to Draft
Approval,
Pondsview Court,
Algonquin Road,
Sudbury _____

Recommendation #2006-116:

- “28. That this draft approval shall lapse on April 16th, 2009.”
- b) By revising Condition # 12 to read as follows:
12. “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 General Manager of Growth and Development.
- c) By adding condition # 14 to read as follows:
14. That the developer prepare a lot grading/drainage plan addressing storm water runoff from this developed subdivision to the adjacent waterway park to the satisfaction of the Nickel District Conservation Authority and the City of Greater Sudbury. The detailed lot grading plan is to be prepared by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties as per the City’s Lot Grading Policy.
- d) By revising Condition #17 to remove reference to Lot 49 and refer to Lot 20.
- e) By deleting condition #23.
- f) By revising condition #10 by replacing Block 50 with Block 21.

CARRIED

Adjournment

Recommendation #2006-117:

Thompson-Bradley: That we do now adjourn.
Time: 9:11 p.m.

CARRIED

CLERK DESIGNATE

COUNCILLOR RON DUPUIS