

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

Committee Room C-11
Tom Davies Square

Tuesday, June 19th, 2007
Commencement: 4:33 p.m.
Adjournment: 10:05 p.m.

COUNCILLOR ANDRÉ RIVEST PRESIDING

Present Councillors Cimino, Berthiaume, Dutrisac (A4:39pm), Caldarelli (A4:34pm)

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; K. Forrester, Real Estate Co-ordinator; P. Reid, Business Development Officer; T. Lamarche, Deputy Clerk

Declarations of Pecuniary Interest None declared.

Closed Session **Recommendation #2007-168:**

Rivest-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 4:45 p.m., the Planning Committee recessed.

Reconvene At 5:32 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

COUNCILLOR FRANCES CALDARELLI PRESIDING

Present Councillors Cimino, Berthiaume, Dutrisac, Rivest

Councillor Gasparini

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

News Media 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 Vacant Land - Part of the Unopened Portion of MacLennan Drive, Skead and Part of Unopened Lake Wanapitei Shore Allowance

Recommendation #2007-169:

Berthiaume-Rivest: THAT the property legally described as Firstly: part of PIN 73513 - 0004 (LT), part of Lot 28, Plan M-137, being Parts 1 and 2, Plan 53R-18004, together with Part 24, Plan 53R-11000; and Secondly: part of PIN 73513 - 0334 (LT), part of the unopened portion of MacLennan Drive, being Parts 4 and 5, Plan 53R-18004, together with Part 21, Plan 53R-11000, part of Lot 5, Concession 5, Township of MacLennan, City of Greater Sudbury be sold pursuant to the procedures governing the disposal of limited marketability property as set out in By-Law 2003-294;

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

AND THAT the net proceeds of the sale will be credited to the Land Acquisition Reserve Fund.

CARRIED

Sale of Land, Magill Street, Lively, Walden Industrial Park

Recommendation #2007-170:

Berthiaume-Rivest: THAT the Council of the City of Greater Sudbury authorize the sale of PIN 73376 - 0334 LT), being Parts 7, 8, 9, 10 and 11, Plan 53R-16847 and part of PIN 73376 - 0261 (LT), part of Lots 4 and 5, Concession 5, Township of Waters, City of Greater Sudbury, Magill Street, Walden Industrial Park to 510669 Ontario Limited (Stainless Steel Technology);

THAT the Council of the City of Greater Sudbury rescind the previous By-law 2006-261 related to this property, which was ratified by City Council on November 8th, 2006, as the lands were improperly described therein;

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

MATTERS ARISING FROM THE CLOSED SESSION (cont'd)

Sale of Land,
Magill Street,
Lively, Walden
Industrial Park
(cont'd)

Recommendation #2007-170 (cont'd):

AND THAT the net proceeds of the sale be credited to the Industrial Park Reserve Fund.

CARRIED

Sale of Land,
Vacant Lot on
Oak St, Capreol

Recommendation #2007-171:

Rivist-Berthiaume: THAT the property legally described as PIN 73507 - 1488 (LT), Lot 18, Plan 53M-1211, Township of Capreol, City of Greater Sudbury, Oak Street, Capreol, be sold pursuant to the procedures governing the disposal of full marketability property as set out in By-Law 2003-294;

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

AND THAT the net proceeds of the sale be credited to the Land Acquisition Reserve Fund.

CARRIED

PUBLIC HEARINGS - PLANNING ACT

APPLICATIONS FOR REZONING AND OFFICIAL PLAN AMENDMENT IN ORDER TO ADD OFFICES TO THE LIST OF PERMITTED USES, 754 FALCONBRIDGE ROAD, SUDBURY - MAYBELLE HOLDINGS CORP.

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

Report dated May 30th, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding applications for rezoning and official plan amendment in order to add offices to the list of permitted uses, 754 Falconbridge Road, Sudbury, Maybelle Holdings Corp.

Dan Schroeder was present on behalf of the applicant.

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

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATIONS FOR REZONING AND OFFICIAL PLAN AMENDMENT IN ORDER TO ADD OFFICES TO THE LIST OF PERMITTED USES, 754 FALCONBRIDGE ROAD, SUDBURY - MAYBELLE HOLDINGS CORP. (cont'd)

Dan Schroeder advised that the applicant agrees with the Planning staff recommendations.

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 applications.

The following recommendations were presented:

Recommendation #2007-172:

Rivest-Berthiaume: THAT the application by Maybelle Holdings Corp. to amend the Secondary Plan for the City of Sudbury by changing the land use designation of Parcels 12235, 14915, 12281, 12930 and 9124 S.E.S., Lot 11, Concession 5, Township of Neelon, City of Greater Sudbury by changing the land use designation from "Light Industrial Service Commercial District" to "General Commercial District" be approved.

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

CARRIED

Recommendation #2007-173:

Berthiaume-Rivest: THAT the application by Maybelle Holdings Corp. to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury as it applies to Parcels 12235, 14915, 12281, 12930 and 9124 S.E.S., Lot 11, Concession 5, Township of Neelon, City of Greater Sudbury in order to include offices as a permitted use within the "M1-25", Mixed Light Industrial Service Commercial Special Zone be approved.

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

CARRIED

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF ONE SINGLE DETACHED DWELLING ON A PORTION OF SURPLUS RAILWAY LANDS ABUTTING LAKESHORE DRIVE, WITH THE REMAINDER OF THE LANDS TO BE TRANSFERRED TO THE CITY, LAKESHORE DRIVE, SUDBURY - CANADIAN PACIFIC RAILWAY

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

Report dated June 5th, 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 development of one single detached dwelling on a portion of surplus railway lands abutting Lakeshore Drive, with the remainder of the lands to be transferred to the City, Lakeshore Drive, Sudbury, Canadian Pacific Railway.

Letter of objection dated June 4th, 2007 was received from James C. Simmons, Q.C.

Letter of concern dated June 17th, 2007 from Sharon K. Ashick was distributed to the Committee members.

Dave Dorland, 298 Larch Street, Sudbury and Rocca Faiella were present on behalf of the applicant.

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

Dave Dorland stated that Mr. Faiella is the owner of the land at the end of Lakeshore Drive and he wishes to purchase additional property to allow for an expansion on the existing dwelling and create a new lot. He indicated that Canadian Pacific Railway was reluctant to sell only a part of their holdings at that location; they wanted to sell all their holdings. He further indicated that, in addition to dedicating the park lands to the City, as part of this process Mr. Faiella will donate land from his property to provide a link from Lakeshore Drive to the park lands. This will provide the same kind of access as is provided at the other end of the park lands at Bayview Lane. He stated that, due to the ruggedness of the terrain, the dedicated lands will not be a park with facilities; it will be a trail link system for pedestrian use only. He further stated that, if a 66-foot road allowance is requested, there would be no building envelope and the project would not proceed.

Mr. Dorland indicated they are pleased with the Planning staff report. He advised there is a change in the limits of the land they are seeking to rezone as a result of issues brought forward at the public meeting held for the area residents. The limits of the land they are seeking to have rezoned have been diminished

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF ONE SINGLE DETACHED DWELLING ON A PORTION OF SURPLUS RAILWAY LANDS ABUTTING LAKESHORE DRIVE, WITH THE REMAINDER OF THE LANDS TO BE TRANSFERRED TO THE CITY, LAKESHORE DRIVE, SUDBURY - CANADIAN PACIFIC RAILWAY (cont'd)

and he provided a revised sketch to Committee members. He indicated another issue brought out at the meeting was the assurance that the dedication of the park lands to the City take place which issue has been addressed by the requirement of a holding designated in the recommendation. He further indicated that the drainage concern set out in a letter of objection from one of the neighbours will be resolved when the consent application is made to rearrange the boundaries between the existing property and the lands seeking rezoning. He advised that, at the consent stage, drainage and servicing matters are dealt with in detail. He stated that another main issue was stewardship of the creek. This issue has been addressed through the reconfiguration of the land to be rezoned. He thanked Councillor Gasparini who attended and contributed to the process as Ward Councillor.

Jim Simmons, area resident, advised that when he first received notice of this application he thought he would be speaking in opposition. He stated, however, that after receiving more information he became more encouraged and applauds the concept of the dedication of the land to the City. He was concerned with the water course which concern was addressed by moving the dividing line between the private property and the public lands. He feels this is a reasonable compromise which preserves the integrity of the creek from an environmental perspective.

Sandra Mew and Al Vardy, area residents, stated they are in support of this application which will carry on the healthy community/healthy living initiative. Also, they feel the proposal will address their drainage issues. They feel this proposal is a plus for the area.

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 #2007-174:

Rivest-Berthiaume: THAT the application by Canadian Pacific Railway to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF ONE SINGLE DETACHED DWELLING ON A PORTION OF SURPLUS RAILWAY LANDS ABUTTING LAKESHORE DRIVE, WITH THE REMAINDER OF THE LANDS TO BE TRANSFERRED TO THE CITY, LAKESHORE DRIVE, SUDBURY - CANADIAN PACIFIC RAILWAY (cont'd)

Recommendation #2007-174 (cont'd):

Sudbury by changing the zoning classification of lands described as part of PIN 73582-0198 (LT), part of Parcel 1261 S.E.S. in Lot 3, Concession 3, Township of McKim, City of Greater Sudbury from "PS", Private Open Space to "R1", Single Residential, be approved subject to the following conditions:

1. That the applicants provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law; and,
2. That an "H" holding provision be added by by-law not to be removed until such time that the following condition has been satisfied:
 - a) That the remainder of the surplus railway lands, identified as Part A on the rezoning sketch attached to the report dated June 5th, 2007 from the Director of Planning Services and the General Manager of Growth and Development, are transferred to the City at no cost in exchange for a receipt for income tax purposes. The transferred lands are to comprise the surplus railway lands located west of the natural watercourse that forms the westerly limit of Part C, as well as a 3 metre (10 ft.) wide pedestrian walkway from the westerly limit of Lakeshore Drive along the south limit of the adjoining CPR right-of-way.

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

CARRIED

APPLICATION FOR REZONING TO PERMIT THE USE OF SHIPPING CONTAINERS FOR WAREHOUSING AND THE SALE AND RENTAL OF SHIPPING CONTAINERS AS A BULK RETAIL USE, 33 AZILDA STREET, AZILDA - ROBERT RICHER

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

Report dated June 5th, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING TO PERMIT THE USE OF SHIPPING CONTAINERS FOR WAREHOUSING AND THE SALE AND RENTAL OF SHIPPING CONTAINERS AS A BULK RETAIL USE, 33 AZILDA STREET, AZILDA - ROBERT RICHER (cont'd)

application for rezoning to permit the use of shipping containers for warehousing and the sale and rental of shipping containers as a bulk retail use, 33 Azilda Street, Azilda, Robert Richer.

Letter of objection dated May 4th, 2007 was received from Alban Kenny, Frank Vojtesek and Marcel Tremblay.

Debbie and Robert Richer, the applicants, were present.

The Director of Planning Services outlined the application to the Committee. He stated that an official plan amendment is not required as the proposed storage use is permitted in the industrial designation subject to design considerations to buffer the use from sensitive land uses. He stated, however, that the use of shipping containers as a form of on-site storage presents several concerns. The containers are designed for the transport of goods and are not designed to be used as permanent structures which would require a building permit and be subject to snow loading, foundation and other Building Code requirements. With respect to the use of the containers for on-site storage for short periods, he stated that the monitoring of such storage would not be practical. He also stated that the signage on the subject property does not comply with the zoning by-law. He summarized by stated that the issues would not appear to be easily addressed without the use of a permanent building(s) for the on-site storage use. With respect to the sale and lease of shipping containers for off-site use, he stated they should be stored within an enclosed building or have significant screening and buffering to screen them from the residents and motorists. He advised Planning staff is recommending that the application be denied.

Debbie Richer stated she wants to ensure Council with respect to the use of these containers. She indicated that the majority of the containers will be sent out to customers. They will be used by insurance companies for storing and moving for clients during renovations or restorations due to damage, i.e. fire, etc. She further stated they will be completely portable and they will be trucking the containers themselves. She indicated there is a great demand for this type of service.

Mrs. Richer stated that, when they receive these containers, they clean and restore them. She also stated that their property is three to four feet higher than other area properties and they plan to erect a barrier fence. She stated she spoke with area residents and, although there are three objectors (noted above), there were residents in favour of the application. She showed the Committee members pictures of containers, garbage bins and portable toilets at various

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING TO PERMIT THE USE OF SHIPPING CONTAINERS FOR WAREHOUSING AND THE SALE AND RENTAL OF SHIPPING CONTAINERS AS A BULK RETAIL USE, 33 AZILDA STREET, AZILDA - ROBERT RICHER (cont'd)

sites in Greater Sudbury. She stated they plan to maintain their property and plant trees around the boundaries of the property as they want it to be aesthetically pleasing. She does not feel any of the containers should be made permanent structures. She further stated they will not be stacking the containers.

Alban Kenny stated he is one of the three persons who signed the letter of opposition (noted above). They are the residents at the rear of the subject property. He stated that the property is not zoned for this proposed business, it is an eyesore, is not aesthetically pleasing and feels it will devalue area properties. He further stated there are not buffers, only trees which are not enough of a buffer. He indicated that extra dust and additional traffic is already noticeable. He feels it is inappropriate for the area as the property is too small and the area is too busy for the proposed business. He stated that, as his property is corner to corner with the subject property and the driveways are next to each other, a buffer would not be enough of a shield.

Ghislain Bergeron of Rayside Mini Storage advised he prepared a package setting out his objections and concerns; which package was passed around to the Committee members. He stated he considers the use to be that of a transport terminal as commercial vehicles are being moved to and from the site on a regular basis. He also stated there are large signs on the premises which are not in compliance with the zoning by-law.

Mr. Bergeron advised that they had to go through the process of a rezoning application, site plan control agreement and building permit, which took twenty months, before they could start their business. He further advised that it has been four months since he placed his complaint with By-law Enforcement and the business on the subject property is still continuing. He is disappointed compliance with the by-law has not been enforced as the business was started without any approvals. He stated that his taxes are \$12,000 this year and the shipping containers on the subject property provide zero tax base.

Mr. Bergeron stated that the applicant did not meet with anyone in his business regarding this application and they do not feel the proposed business belongs in a residential area. He is concerned that the containers may be stacked. He also stated that Azilda Street is restricted to half loads in the spring and is concerned how the containers will be brought in and out at that time. Other concerns are landscaping, privacy fencing, snow removal, drainage and if there will be room for a field bed if the application is approved as proposed. He stated that the property can not accommodate what is proposed if all the set backs, parking, etc. requirements are met.

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING TO PERMIT THE USE OF SHIPPING CONTAINERS FOR WAREHOUSING AND THE SALE AND RENTAL OF SHIPPING CONTAINERS AS A BULK RETAIL USE, 33 AZILDA STREET, AZILDA - ROBERT RICHER (cont'd)

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 #2007-175:

Rivest-Cimino: THAT the application by Robert Richer to amend By-law 83-302 being the Zoning By-law for the (former) Town of Rayside Balfour with respect to the lands forming Lots 10 and 11, Plan M-542, Lot 7, Concession 2, Township of Rayside, City of Greater Sudbury by changing the zoning classification from "C2", General Commercial to "C2", General Commercial - Special, be denied.

CONCURRING MEMBERS: Councillors Cimino, Berthiaume, Dutrisac, Caldarelli

NON-CONCURRING MEMBERS: Councillor Rivest

CARRIED

Recess At 7:44 p.m., the Planning Committee recessed.

Reconvene At 7:54 p.m., the Planning Committee reconvened.

The Chair stated the Planning Committee is denying this application based on the recommendation and comments made by Planning staff.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF A ONE STOREY COMMERCIAL BUILDING FOR MEDICAL AND GENERAL OFFICES AND RETAIL USES, FALCONBRIDGE ROAD, BETWEEN TULANE AVENUE AND HUDSON STREET, SUDBURY - PERFECT CHOICE DEVELOPMENT LIMITED

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

Report dated June 1st, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding applications for

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF A ONE STOREY COMMERCIAL BUILDING FOR MEDICAL AND GENERAL OFFICES AND RETAIL USES, FALCONBRIDGE ROAD, BETWEEN TULANE AVENUE AND HUDSON STREET, SUDBURY - PERFECT CHOICE DEVELOPMENT LIMITED (cont'd)

official plan amendment and rezoning to permit the development of a one storey commercial building for medical and general offices and retail uses, Falconbridge Road, between Tulane Avenue and Hudson Street, Sudbury, Perfect Choice Development Limited.

Letter of concern dated May 1st, 2007 was received from Barbara and Terry Gray.

Letter of objection dated May 6th, 2007 was received from Colette and Bruno Cecchetto.

Letter of opposition was received from Gerry Gravelle.

Letter of objection dated April 29th, 2007 was received from Mike Danyluk.

Letter of opposition dated May 7th, 2007 was received from Louise and Gino ST-Jean.

Letter of opposition dated June 13th, 2007 from Gayle McVittie was distributed to the Committee members.

Letter of opposition, with attachments, dated June 13th, 2007 from Brenda McVittie-Packman was distributed to the Committee members.

Petition of opposition with 122 signatures was distributed to the Committee members.

Letter dated June 19th, 2007 from Councillor Callaghan, Ward Councillor, was distributed to the Committee members.

Leo LaSorsa and Gilles Caouette were present on behalf of the applicant.

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

Leo LaSorsa stated the applicant has no interest in retail use; they only want approval for general and medical offices. He indicated the proposal is neighbourhood friendly and it is their intention to erect fencing and plant trees around the boundaries of the property. They will submit to a site plan control agreement. When asked, he advised that there was a neighbourhood meeting.

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF A ONE STOREY COMMERCIAL BUILDING FOR MEDICAL AND GENERAL OFFICES AND RETAIL USES, FALCONBRIDGE ROAD, BETWEEN TULANE AVENUE AND HUDSON STREET, SUDBURY - PERFECT CHOICE DEVELOPMENT LIMITED (cont'd)

He stated that 43 packages were delivered to area residents and eight or nine people attended the meeting.

Tracie Parks, area resident, indicated she has a number of concerns. She stated she did receive the flyer but did not attend the neighbourhood meeting. She further stated she was one of the people who canvassed the neighbourhood with the petition (above noted) evidencing that the area residents are resoundingly opposed to this application. She is concerned that, if the application is approved, there will be other uses in the future. She stated that this is a closed community which can only be accessed by Tulane Avenue or Hudson Street. She also stated it is already extremely difficult to exit onto Falconbridge Road as the traffic is heavy and this development will worsen the situation. She advised there are a number of families with young children who walk and play on the streets making the additional traffic a concern. She indicated that her property is low and therefore drainage is a serious concern in the event of development. She also indicated she has a vegetable garden and does not want salt runoff into it. She does not feel the 5-lane highway is hindering residential development as there are other houses on Falconbridge Road. She stated that there are many commercial developments with vacancies within two kilometres of the subject property and therefore there is no need for another one. She indicated this is a community neighbourhood and they do not want commercial properties in their area.

Bruno Cecchetto, area resident, stated that prior to purchasing his home in 2001 he researched and evaluated the surrounding area and knew that the subject property was zoned for residential uses. He indicated that traffic on Falconbridge Road is already heavy and it is difficult exiting and entering Hudson Street and Tulane Avenue. He further indicated that the proposal would create more congestion; two residential lots would create less congestion than the proposal. He feels the development would increase the noise level. He stated they already deal with noise from an outdoor public announcement system, helicopters and idling trucks; however, he was aware of the situation at the time of purchase. He indicated that an approval of the application will affect the value of his home. He asked the meaning of 'medical office' and stated that a medical clinic would attract traffic seven days a week. He also stated that quite a few people turn onto Tulane Avenue and turn in his driveway because they missed the entrance to the commercial property next door creating a safety hazard for the young children in the neighbourhood. He feels this development will create more such traffic.

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF A ONE STOREY COMMERCIAL BUILDING FOR MEDICAL AND GENERAL OFFICES AND RETAIL USES, FALCONBRIDGE ROAD, BETWEEN TULANE AVENUE AND HUDSON STREET, SUDBURY - PERFECT CHOICE DEVELOPMENT LIMITED (cont'd)

Brenda Packham advised that, although she does not live in the neighbourhood, she is present on behalf of the residents of Meadowside Avenue. She mentioned that her mother, Gayle McVittie submitted a letter as did she. She drew attention to the first picture submitted with her letter which shows the difference in elevation between her mother's property and the subject property. She indicated that the Committee was advised that 45 letters were distributed to area residents although there are at least 120 homes in the area.

Leo LaSorsa stated that, although people are speaking of commercial properties, this proposal is for general office space including medical offices not a medical clinic. He further stated that the development will not cause such an increase in traffic so as to impede access to Tulane Avenue and Hudson Street. He indicated the proposal is a friendly neighbourhood building which will conform with the area buildings.

With respect to drainage, Mr. LaSorsa stated that the applicant will conform to the requirements of Planning Services and the site plan control agreement.

Also with respect to drainage, the Supervisor of Development Engineering advised that, through the site plan control agreement, water would be contained in the parking area and brought forward to the storm sewer on Falconbridge Road. The water will be brought forward therefore benefitting the drainage situation for the neighbours.

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 applications.

The following recommendations were presented:

Recommendation #2007-176:

Cimino-Rivest: THAT the application by Perfect Choice Development Ltd. to amend the Official Plan for the Sudbury Planning Area by redesignating the lands forming Parcel 34542 S.E.S., Lot 25, Plan M-380 and Lot 33, Plan 53M-1194, Lot 10, Concession 5, Township of Neelon, City of Greater Sudbury from "Low Density Residential District" to "General Commercial District" in the Secondary Plan for the City of Sudbury, be approved, subject to the following conditions:

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING TO PERMIT THE DEVELOPMENT OF A ONE STOREY COMMERCIAL BUILDING FOR MEDICAL AND GENERAL OFFICES AND RETAIL USES, FALCONBRIDGE ROAD, BETWEEN TULANE AVENUE AND HUDSON STREET, SUDBURY - PERFECT CHOICE DEVELOPMENT LIMITED (cont'd)

Recommendation #2007-176 (cont'd):

- 1. that the permitted uses be limited to office uses.

CONCURRING MEMBERS: Councillors Berthiaume, Dutrisac, Rivest, Caldarelli

NON-CONCURRING MEMBERS: Councillors Cimino, Rivest

CARRIED

Recommendation #2007-177:

Rivest-Cimino: THAT the application by Perfect Choice Development Ltd. 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 Parcel 34542 S.E.S., Lot 25, Plan M-380 and Lot 33, Plan 53M-1194, Lot 10, Concession 5, Township of Neelon, City of Greater Sudbury from "R1", Single Residential to "C2", General Commercial, be approved, subject to the following conditions:

- 1. that the permitted uses be limited in the by-law to office uses;
- 2. that exceptions be provided in the by-law to include:
 - a) a maximum building height of one storey;
 - b) a maximum gross floor area of 375m²;
 - c) a minimum rear yard of 15m;
 - d) minimum interior side yards of 15m.

CONCURRING MEMBERS: Councillors Berthiaume, Dutrisac, Rivest, Caldarelli

NON-CONCURRING MEMBERS: Councillors Cimino, Rivest

CARRIED

PUBLIC HEARINGS - DRAINAGE ACT

VAL CARON MUNICIPAL DRAIN

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

Report dated June 6th, 2007 was received from the Acting General Manager of Infrastructure Services regarding Val Caron Municipal Drain.

Schedule "A" Engineering Report Val Caron Drain was circulated under separate cover.

Kenn Smart, P. Eng., Drainage Engineer for the Val Caron Municipal Drain, outlined the project to the Committee. He explained that under the Drainage Act, the engineering report is to be considered by Council.

Mr. Smart advised this project was initiated by a petition signed by the owner of a proposed subdivision north of Main Street, a representative for the school development north of Main Street and a representative from the City for roads. He stated it will provide an improvement to an existing manmade channel known as the Val Caron Tributary. The work will include, among other things, the cleaning, widening and/or deepening the existing channel, construction of new road crossings where necessary and the construction of a new storm water management facility (pond). He stated there were a number of recommendations in the report to deal with obstructions, irregular grades, beaver dams, poor conditions, etc. He advised the total estimated cost is \$974,350 with the majority of the cost being assessed to the City.

Marilyn Onucky-Vervega, whose family owns property in the area, asked the size of the pond and was advised that it will be 3.3 hectares or 8 to 9 acres. She stated she is against the proposal. She feels it is very complex and will change the water shed. She advised the family property is next to the proposed pond and she is concerned how it will affect their water supply which is from artesian wells. She had no knowledge of the proposed pond and thought the intended plan was for pipes and storm ditches only. She indicated there were six property owners at the June 7th, 2007 meeting which was held at 5:30 p.m. in Valley East and she did not attend the meeting held on May 29th, 2007 at 2:00 p.m. She feels people were not informed or had short notice with no time to research to project. She stated she first learned about the proposed pond on the golf course property tonight. She also stated she is concerned the proposed 33-unit development to the north of the pond will cause more drainage problems. She is also concerned that maintenance costs will raise taxes. She stated another concern is the maintenance of the ecosystem. She requested assurance in writing from Council that her family would be compensated in the event of any damage to their property. She stated that all residents should be made aware of this project and of its complexity.

PUBLIC HEARINGS - DRAINAGE ACT (cont'd)

VAL CARON MUNICIPAL DRAIN (cont'd)

The Drainage Engineer advised that meetings were held on May 29th and June 7th, 2007 with ten to twelve residents attending in May and six in June. As attendance was lower than usual, they wanted to be certain residents were aware of the project. He advised he had staff telephone poll all affected property owners regarding a third meeting. He stated that the project was explained to concerned property owners and, also, a number of residents indicated they were satisfied with the proposal and did not feel it necessary to attend a meeting.

With respect to maintenance, the Drainage Engineer advised that the costs are covered by the maintenance reserve and, with respect to damages, he stated that a claim can be made to the City in the usual manner in that event.

When asked about the benefits of the pond, the Drainage Engineer stated that the pond will control flooding or potential flooding. He also stated that it will be an amenity to the area as it will be a park land setting with trees and landscaping around the pond and with the potential for trails.

When asked if the water would be stagnant and therefore create a potential for West Nile virus, Kenn Smart advised that it will be a quality and quantity control pond and will not be stagnant. He indicated that studies have indicated these ponds do not cause West Nile virus. He stated that the trees and pond will promote frogs, etc. and the natural ecosystem will control mosquito larvae.

With respect to the Onucky property, Mr. Smart stated that their property is six to eight feet higher than the level of the pond and that, presently, there is a greater possibility of damage.

The Chair asked whether or not there was any person or persons in the audience who wanted to add their name(s) and remove their name(s) from the petition. No person added or removed their name from the petition.

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:

Cimino-Rivest: THAT the Planning Committee recommend that the Council of the City of Greater Sudbury accept the Engineer's Report dated May 31st, 2007 from K. Smart Associates Limited for the Val Caron Municipal Drain and give first and second reading to a draft By-law to provide for the Val Caron Municipal Drainage Works in the City of Greater Sudbury;

PUBLIC HEARINGS - DRAINAGE ACT (cont'd)

VAL CARON MUNICIPAL DRAIN (cont'd)

Recommendation (cont'd)

AND THAT the sum of \$27,380 be funded from the Agricultural Drain Reserve all in accordance with the report from the Acting General Manager of Infrastructure Services dated June 6th, 2007.

The Committee concurred with a request from Councillor Berthiaume to defer this matter in order that another meeting with the affect property owners could be held.

Proceed The following recommendation was presented:

Past

10:00 p.m. **Recommendation #2007-178:**

Cimino-Rivest: THAT we proceed past the hour of 10:00 p.m.

CARRIED

Councillor Cimino requested that this deferral be reconsidered as the Committee was advised that it would delay several major developments in Val Caron to next year. The Committee defeated Councillor Cimino's request.

Adjournment **Recommendation #2007-179:**

Rivest-Cimino: That we do now adjourn.
Time: 10:05 p.m.

CARRIED

DEPUTY CLERK

COUNCILLOR FRANCES CALDARELLI