

**THE FIFTY-FOURTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Tuesday, September 19th, 2006
Commencement: 5:38 p.m.
Adjournment: 7:45 p.m.**

COUNCILLOR RON DUPUIS PRESIDING

Present Councillors Bradley, Caldarelli, Thompson

Staff A. Potvin, Manager of Development Approvals; E. Taylor, Senior Planner; G. Clausen, City Engineer; R. Webb, Supervisor of Development Engineering; K. Forrester, Real Estate Co-ordinator; D. Nadorozny, General Manager of Growth and Development; E. Labelle, Clerk Designate; M. Laalo, Licensing & Assessment Clerk; F. Bortolussi, Planning Committee Secretary

News Media Channel 10 News; Le Voyageur; MCTV; Northern Life; Sudbury Star

Declarations of Pecuniary Interest None declared

Rules of Procedure

The Planning Committee, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with the Public Hearing regarding the O'Bomsawin Municipal Drain at this time.

PUBLIC HEARINGS - DRAINAGE ACT

O'BOMSAWIN MUNICIPAL DRAIN

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

Report dated September 13th, 2006 was received from the General Manager of Infrastructure and Emergency Services regarding O'Bomsawin Municipal Drain.

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

PUBLIC HEARINGS - DRAINAGE ACT (cont'd)

O'BOMSAWIN MUNICIPAL DRAIN (cont'd)

Ken Smart, P. Eng., Drainage Engineer for the O'Bomsawin Municipal Drain, outlined the project to the Committee. He explained that under the Drainage Act, the engineering report is to be considered by Council.

Gaston O'Bomsawin, area resident, indicated he is in favour of the project.

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 #2006-205:

Bradley-Caldarelli: THAT the Planning Committee recommend that the Council of the City of Greater Sudbury accept the Engineer's Report dated August 31, 2006 from K. Smart Associates Limited for the O'Bomsawin Municipal Drain and give first and second reading to a draft By-Law to provide for the O'Bomsawin Municipal Drainage Works in the City of Greater Sudbury.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Thompson, Dupuis

CARRIED

PUBLIC HEARINGS - PLANNING ACT

APPLICATION TO EXTEND THE TEMPORARY USE OF A MOBILE HOME AS A GARDEN SUITE, 327 GRAVEL DRIVE, HANMER - CLAUDE AND NICOLE GIROUX

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

Report dated September 7th, 2006 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application to extend the temporary use of a mobile home as a garden suite, 327 Gravel Drive, Hanmer, Claude and Nicole Giroux.

Claude Giroux, one of the applicants, was present.

The Manager of Development Services outlined the application to the Committee.

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION TO EXTEND THE TEMPORARY USE OF A MOBILE HOME AS A GARDEN SUITE, 327 GRAVEL DRIVE, HANMER - CLAUDE AND NICOLE GIROUX cont'd)

Claude Giroux indicated the garden suite is for his parents. He stated he maintains the property and there is less worry having his parents close to him. He did state he has a concern regarding the renewal fee of \$880 which is \$605 for the application fee and \$275 for the advertising. He feels as this process must be repeated every three years; it can become a burden on his parents. He asked that the Committee support this application and refund the application fee.

Councillor Dupuis, Ward Councillor, indicated he received no telephone calls in opposition to this application. He stated that this provision for garden suites was started a number of years ago by the Province and the Planning Committee has always endorsed these applications.

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:

Bradley-Caldarelli: THAT the application by Claude and Nicole Giroux, owners of Parcel 49981 S.E.S., Part 1, Plan 53R-14091 in Lot 2, Concession 3, Township of Hanmer, to amend By-law 83-300 being the Comprehensive Zoning By-law for the (former) Towns of Valley East and Onaping Falls in order to extend the temporary use of a mobile home as a garden suite for a maximum period of three (3) years, be approved.

The following amendment to the recommendation was presented:

Recommendation #2006-206:

Bradley-Caldarelli: AND THAT the amount of \$605.00 be refunded to the applicants.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Thompson, Dupuis

CARRIED

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION TO EXTEND THE TEMPORARY USE OF A MOBILE HOME AS A GARDEN SUITE, 327 GRAVEL DRIVE, HANMER - CLAUDE AND NICOLE GIROUX cont'd)

The main recommendation as amended was presented:

Recommendation #2006-207:

Bradley-Caldarelli: THAT the application by Claude and Nicole Giroux, owners of Parcel 49981 S.E.S., Part 1, Plan 53R-14091 in Lot 2, Concession 3, Township of Hanmer, to amend By-law 83-300 being the Comprehensive Zoning By-law for the (former) Towns of Valley East and Onaping Falls in order to extend the temporary use of a mobile home as a garden suite for a maximum period of three (3) years, be approved;

AND THAT the amount of \$605.00 be refunded to the applicants.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Thompson, Dupuis

CARRIED

APPLICATION TO REZONE A SINGLE DETACHED DWELLING IN ORDER TO PERMIT A SECOND DWELLING UNIT, 4424 ST. MICHEL STREET, HANMER - JACQUELINE BENARD

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

Report dated September 7th, 2006 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application to rezone a single detached dwelling in order to permit a second dwelling unit, 4424 St. Michel Street, Hanmer, Jacqueline Benard.

Jacqueline Benard, the applicant, was present.

The Manager of Development 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:

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

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION TO REZONE A SINGLE DETACHED DWELLING IN ORDER TO PERMIT A SECOND DWELLING UNIT, 4424 ST. MICHEL STREET, HANMER - JACQUELINE BENARD (cont'd)

The following recommendation was presented:

Recommendation #2006-208:

Caldarelli-Bradley: THAT the application by Jacqueline Benard to amend By-law 83-300 being the Comprehensive Zoning By-law for the (former) Towns of Valley East and Onaping Falls by changing the zoning classification of lands described as Part 2, 53R-8157, Parcel 44946 S.E.S. in Lot 11, Concession 2, Township of Capreol from "R1.D18", Single Residential to "R2.D36", Double Residential be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Thompson, Dupuis

CARRIED

Recess At 6:01 p.m., the Planning Committee recessed.

Reconvene At 6:04 p.m., the Planning Committee reconvened.

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF AN ELEMENTARY SCHOOL BY LE CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE DU NOUVEL-ONTARIO, CENTENNIAL DRIVE AND RAMSEY VIEW COURT, SUDBURY - JAY-M HOLDINGS LIMITED, MIRROR MANAGEMENT LIMITED, VINCA ESTATES LIMITED, 908498 ONTARIO LIMITED AND THE CITY OF GREATER SUDBURY

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

Report dated September 12th, 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 development of an elementary school by Le Conseil Scolaire de District Catholique du Nouvel-Ontario, Centennial Drive and Ramsey View Court, Sudbury, Jay-M Holdings Limited, Mirror Management Limited, Vinca Estates Limited, 908498 Ontario Limited and the City of Greater Sudbury.

Letter of concern dated September 11th, 2006 from Mark Murphy was distributed to the Committee Members at the meeting.

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF AN ELEMENTARY SCHOOL BY LE CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE DU NOUVEL-ONTARIO, CENTENNIAL DRIVE AND RAMSEY VIEW COURT, SUDBURY - JAY-M HOLDINGS LIMITED, MIRROR MANAGEMENT LIMITED, VINCA ESTATES LIMITED, 908498 ONTARIO LIMITED AND THE CITY OF GREATER SUDBURY (cont'd)

Letter of opposition dated September 17th from Helen Mayer was distributed to the Committee Members at the meeting.

Mike Keenan, Counsel for the applicant, was present. He requested an adjournment to a later date. He indicated there was a lengthy public meeting last night at which time many issues were raised. He stated that a traffic study has to be conducted and there are other issues to be resolved.

When asked, the Manager of Development approvals advised that the only consequence is a new public notice would be required and the cost involved would be paid by the applicant. He further advised that if the application is denied by the Committee, without the opportunity to provide additional information, the denial would provide leverage to the applicant should the matter go before the Ontario Municipal Board.

The Committee discussed this request and agreed to allow the applicant time to provide additional information including the traffic report. However, they do not want the public hearing delayed indefinitely and agreed to defer this matter to the Planning Committee meeting of October 17th, 2006.

Recess At 6:22 p.m., the Planning Committee recessed.

Reconvene At 6:26 p.m., the Planning Committee reconvened.

APPLICATION FOR REZONING IN ORDER TO PERMIT THE PREMISES OF AN ENVIRONMENTAL DRILLING COMPANY, 729 JOANETTE ROAD, CHELMSFORD - 942945 ONTARIO INC.

Report dated September 12th, 2006 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning in order to permit the premises of an environmental drilling company, 729 Joannette Road, Chelmsford, 942945 Ontario Inc.

Michel Lavallee, the applicant, and Cory Reay, owner of the business on the subject lands, were present.

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT THE PREMISES OF AN ENVIRONMENTAL DRILLING COMPANY, 729 JOANETTE ROAD, CHELMSFORD - 942945 ONTARIO INC. (cont'd)

The Manager of Development Services outlined the application to the Committee. He indicated that a school bus business operated on the site as a legal non-conforming use. He advised that, in order for the legal non-conforming use status to continue, an application had to be made through the Committee of Adjustment to permit the change of use prior to any new use being established. In this instance, an application was not made and therefore the legal non-conforming status no longer exists. He also advised that environmental issues are being dealt with through the requirement for a hydrogeological study and the requirement that all cleaning and maintenance of equipment be carried out indoors.

Michel Lavallee indicated that a school bus business previously operated on the property. He also stated that the present business owner has not and will not do any improvements to the property until this application is approved.

Cory Reay explained that the trailer on the property is used by the security person who guards the property and the boat is used by the business and they do environmental studies for various government bodies.

Frank Duenk, area resident, indicated he is opposed to this application. He read a letter from himself and various other area residents indicating that they are opposed to the application and feel the land should retain its present zoning of "A", Agricultural. They stated that Joannette Road has a 'scenic country environment' which is the reason the residents moved into the area. They feel the subject business would be more suitably located in the Industrial Park.

Frank Duenk indicated that the property is an eyesore with all the equipment in the yard and a chain link fence would not improve the appearance.

Leo Perdue, area resident, stated he is concerned about the maintenance of equipment on the property and large amounts of oil or other contaminants seeping into the ground. He also stated that erecting a 5-foot fence around the property will not solve the problem but will only highlight the fact that there is a problem. He indicated that there are no sewer services or septic system at the property; only a portable toilet. He feels there are more suitable locations for this business. He is concerned he will have to drill a deeper well.

Leo Perdue stated he is also concerned about safety. He stated that the various pieces of equipment on the property attract children.

PUBLIC HEARINGS - PLANNING ACT (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT THE PREMISES OF AN ENVIRONMENTAL DRILLING COMPANY, 729 JOANETTE ROAD, CHELMSFORD - 942945 ONTARIO INC. (cont'd)

Sandra Duenk, area resident, stated that on an area property there is a one-person business and the property is kept neat and clean. She further indicated that her son intends to build a home across the street. She feels the property looks like a junk yard. She asked why Rayside-Balfour has an Industrial Park if industries are allowed on side roads. She indicated the reason people purchased property in this area is for the solitude and quietness. She is fearful the approval of this application will set a precedent.

Rob Charbonneau, area resident, indicated he is concerned with water contamination as he has a sand point well to water his horses. He also feels that people moved to the area for the 'country experience'.

Barry Reay indicated he is Cory Reay's father. He stated that he has been traveling Joannette Road for 30 years and there was the same amount of traffic 30 years ago as there is now. Therefore, there should be no concern with traffic. He also stated that the property will be fenced therefore resolving some concerns.

Michel Lavallee indicated that when he leased the premises to Cory Reay he was not aware that a rezoning would be required. He was not aware that he had to apply to the Committee of Adjustment to change the legal non-conforming use.

Cory Reay indicated when he was looking for a place to start his business he looked at other sites as well. He indicated the Industrial Park is undeveloped and would be too costly for him. He stated he has ten employees but only three work at the subject property. He indicated he is willing to fence the property and is agreeable to the 10 metre set back. He accepts the conditions set out in the recommendation including the requirement for hydrogeological study and monitoring.

Councillor Bradley, Ward Councillor, stated that he can not support the application as Joannette Road is not in an industrial park; it is a residential road. He stated this is a nice residential area where all owners are proud of their area and he is concerned with the appearance of the subject lands. He is also concerned about the water issue. He feels that as the municipality is aware of the situation, it can be held liable in the event of a problem.

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 - PLANNING ACT (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT THE PREMISES OF AN ENVIRONMENTAL DRILLING COMPANY, 729 JOANETTE ROAD, CHELMSFORD - 942945 ONTARIO INC. (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 #2006-209:

Caldarelli-Bradley: THAT the application by 942945 Ontario Inc. to amend By-law 83-302 being the Comprehensive Zoning By-law for the (former) Town of Rayside Balfour as it applies to Parcel 30268 S.W.S, Part 1, 53R-15045, Lot 4, Concession 2, Township of Balfour, by changing the zoning classification from "A", Agricultural Zone to "A-S", Agricultural Special zone be approved subject to the following:

- 1) That prior to passing the amending by-law the applicant will be required to enter into a site plan control agreement.
- 2) That the repair, maintenance and washing of equipment be restricted to an indoor use.
- 3) The outside storage of vehicles will be restricted to those relating to the business; the storing of derelict vehicles and machinery will not be permitted.
- 4) That prior to the passing of the amending by-law a hydrogeological study be completed to the satisfaction of the Director of Planning Services. This report will establish existing conditions and ensure groundwater sources are protected for existing wells. The report will also outline measures that will be implemented to ensure potential contaminants are contained in suitable on site facilities.

NON-CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Thompson, Dupuis

DEFEATED

PART I - CONSENT AGENDA

ROUTINE MANAGEMENT REPORTS

Item C-1
Declaration of
Vacant Surplus
Land, Centennial
Drive, Sudbury

Report Report dated September 13th, 2006 from the General Manager of Infrastructure and Emergency Services regarding Declaration of Vacant Surplus Land, Centennial Drive, Sudbury.

As this matter relates to the application for rezoning to permit the development of an elementary school by Le Conseil Scolaire de District Catholique du Nouvel-Ontario, it was deferred to the Planning Committee meeting of October 17th, 2006.

PART II - REGULAR AGENDA

MANAGERS' REPORTS

Item R-1
Application to
Draft Subdivision
Approval, Estelle
Street Subdivision,
Sudbury, Dalron
Construction Ltd.

Report dated September 12th, 2006 was received from the General Manager of Growth and Development regarding an application to amend draft subdivision approval, Estelle Street Subdivision, Sudbury - Dalron Construction Ltd.

Phil Arnold of Dalron Construction Ltd. and Ted Archuticz of Northland Engineering Limited were present on behalf of the applicant.

Phil Arnold requested that the requirement to extend Street 'D' in the southwest section of the subdivision draft plan to Estelle Street be deleted and replaced by a foot path.

Ted Archuticz stated that the requirement to contribute 50% to the cost of upgrading Rheel Street and Hines Street is onerous and feels this development will have no impact on Hines Street.

The Manager of Development Services advised that the Yollie Street extension is not desirable and should be replaced by a walkway.

Recommendation #2006-210:

Caldarelli-Thompson: THAT the conditions of draft approval of plan of subdivision for Parcel 35067 S.E.S., Parts 1 to 4, Plan SR-2991, in Lot 9, Concession 3, Township of Neelon, City of Greater Sudbury, File 780-6/05002, be amended as follows:

PART II - REGULAR AGENDA (cont'd)

MANAGERS' REPORTS (cont'd)

Item R-1

Recommendation #2006-210 (cont'd):

Application to
Draft Subdivision
Approval, Estelle
Street Subdivision,
Sudbury, Dalron
Construction Ltd.

- a) By deleting Condition #1 and replacing it with the following:

That this draft approval applies to the draft plan of subdivision of Parcel 35067 S.E.S. in Lot 9, Concession 3, Neelon Township as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., and dated June 1, 2006.
- b) By deleting Condition #9.
- c) By deleting Condition #13 and replacing it with the following:

The owner shall provide a detailed lot grading plan 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. More detailed plans are required for lots 45 to 50 and lot 105. Said grading plans shall be based on cross-sectional sketches reviewed by the site geotechnical engineer to ensure stability of slopes.
- d) By deleting Condition #20 and replacing it with the following:

The owner shall eliminate the roadway connection to Yollie Street and incorporate a six (6) metre pedestrian access into the draft plan of subdivision.
- e) By deleting Condition #26.
- f) By deleting Condition #28 and replacing it with the following:

That prior to the signing of the final plan the Growth and Development Department is to be advised by the City Solicitor that conditions 2, 3, 5, 6, 7, 8, 10, 15, 16, 17, 19, 20, 21, 22, 23, 24 and 29 have been complied with to his satisfaction.

PART II - REGULAR AGENDA (cont'd)

MANAGERS' REPORTS (cont'd)

Item R-1 **Recommendation #2006-210 (cont'd):**

Application to
Draft Subdivision
Approval, Estelle
Street Subdivision,
Sudbury, Dalron
Construction Ltd.

g) By adding the following as Condition #29:

The owner shall be required to extend Street 'D' in the southwest section of the subdivision draft plan to Estelle Street. The proposed roadway connection shall be integrated into the existing lot fabric to the satisfaction of the Director of Planning Services.

CARRIED

Adjournment **Recommendation #2006-211:**

Thompson-Caldarelli: That we do now adjourn.
Time: 7:45 p.m.

CARRIED

CLERK DESIGNATE

COUNCILLOR RON DUPUIS