

**THE TWENTY FIRST MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

Committee Room C-11
Tom Davies Square

Tuesday, December 4th, 2007
Commencement: 4:22 p.m.
Adjournment: 7:45 p.m.

COUNCILLOR ANDRÉ RIVEST PRESIDING

Present Councillors Cimino, Berthiaume, Caldarelli

Staff B. Lautenbach, Director of Planning Services; K. Forrester, Real Estate Co-ordinator; T. North, Deputy City Clerk

Declarations of Pecuniary Interest None declared.

Closed Session **Recommendation #2007-281:**

Berthiaume-Cimino: That we meet in closed session to deal with two acquisition/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 4:33 p.m., the Planning Committee recessed.

Reconvene At 5:30 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

COUNCILLOR FRANCES CALDARELLI PRESIDING

Present Councillors Cimino, Berthiaume, Rivest

Councillor Craig

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; R. Webb, Supervisor of Development Engineering; T. North, Deputy City Clerk; F. Bortolussi, Council Secretary; M. Laalo, Licensing & Assessment Clerk

News Media Sudbury Star, MCTV

Declarations of Pecuniary Interest None declared. Councillor Cimino stated that he did not have a pecuniary interest however for public confidence, he did not take part in discussion for Public Hearing # 3 as his brother is representing the applicant. brother will be giving a presentation and wishes the maintain public confidence.

MATTERS ARISING FROM THE CLOSED SESSION

Rise and Report Councillor Rivest reported the Committee met in closed session to deal with two acquisition/disposition of land matters and the following recommendation emanated therefrom:

Sale of Lane south of Spruce Street **Recommendation #2007-282:**
Rivest-Berthiaume: THAT Council of the City of Greater Sudbury authorize the sale of the lane south of Spruce Street, between Gilman Street and Simcoe Street, abutting Lot 147, Plan 29-SB Sudbury;

AND THAT by-laws be passed authorizing the execution of the documents required to complete the real estate transactions;

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

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING IN ORDER TO PERMIT A SINGLE RESIDENTIAL UNIT, 3032 LINA STREET, VAL CARON - RON DESFORGE, IN TRUST

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

Report dated November 14th, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit a single residential unit, 3032 Lina Street, Val Caron, Ron Desforge, in trust.

Terry Yeomans, agent for 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 IN ORDER TO PERMIT A SINGLE RESIDENTIAL UNIT, 3032 LINA STREET, VAL CARON - RON DESFORGE, IN TRUST (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 #2007-283:

Cimino-Berthiaume: THAT the application by Ron Desforge, In Trust, to amend By-law 83-300 being the Comprehensive Zoning By-law for the former Town of Valley East as it applies to Parcel 36461 S.E.S., Parts 3 and 4, Plan SR-1405, Lot 7, Concession 6, Township of Blezard, City of Greater Sudbury, by changing the zoning classification from "C2", General Commercial Zone to "R1", Single Residential Zone be approved.

YEAS: Councillors Cimino, Rivest, Berthiaume, Caldarelli

CARRIED

APPLICATION FOR OFFICIAL PLAN AMENDMENT IN ORDER TO CHANGE THE LAND USE DESIGNATION FROM AGRICULTURAL RESERVE TO RURAL IN ORDER TO PERMIT THE CREATION OF 5 ACRE LOTS, 453 LABINE STREET, AZILDA - DENIS & SUZANNE D'AOUST

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

Report dated November 14th, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for official plan amendment in order to change the land use designation from Agricultural Reserve to Rural in order to permit the creation of 5 acre lots, 453 Labine Street, Azilda, Denis & Suzanne D'Aoust.

Letter of support from Councillor Dutrisac, Ward Councillor, was circulated to the Committee members.

Denis D'Aoust, the applicant, was present.

The Director of Planning Services outlined the application to the Committee. He advised this application would not be necessary if the new Official Plan for the City of Greater Sudbury was in effect. He added that the Official Plan is currently under appeal to the Ontario Municipal Board; however, the issues under appeal do not affect the subject property.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT IN ORDER TO CHANGE THE LAND USE DESIGNATION FROM AGRICULTURAL RESERVE TO RURAL IN ORDER TO PERMIT THE CREATION OF 5 ACRE LOTS, 453 LABINE STREET, AZILDA - DENIS & SUZANNE D'AOUST (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 #2007-284:

Berthiaume-Cimino: THAT the application by Denis and Suzanne D'Aoust to amend the Official Plan for the Sudbury Planning Area as it applies to Parcel 29985 S.W.S., Lot 6, Concession 2, Township of Rayside, City of Greater Sudbury, by changing the land use designation from "Agricultural Reserve" to "Rural" be approved.

YEAS: Councillors Cimino, Berthiaume, Rivest, Caldarelli

CARRIED

APPLICATION FOR REZONING IN ORDER TO PERMIT THE LEASE OF VACANT OFFICE AND WAREHOUSING SPACE WITHIN THE PROVINCIAL GOVERNMENT SERVICES CENTRE TO THE PRIVATE SECTOR, 3767 HIGHWAY 69 SOUTH, SUDBURY - PROVINCE OF ONTARIO

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

Report dated November 14th, 2007 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 lease of vacant office and warehousing space within the Provincial government services centre to the private sector, 3767 Highway 69 South, Sudbury, Province of Ontario.

John Cimino and Michael Cole, Ontario Realty Corporation, were present on behalf of the applicant.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT THE LEASE OF VACANT OFFICE AND WAREHOUSING SPACE WITHIN THE PROVINCIAL GOVERNMENT SERVICES CENTRE TO THE PRIVATE SECTOR, 3767 HIGHWAY 69 SOUTH, SUDBURY - PROVINCE OF ONTARIO (cont'd)

The Director of Planning Services outlined the application to the Committee. He emphasized that no commercial development is being proposed for the subject property. He added that the waste water treatment plant is in compliance with its Certificate of Approval, their wastewater flows being well below capacities. He advised a letter was received from the Friends of McFarlane Lake Stewardship Committee which cited 3 recommendations. The recommendation regarding warehousing and storage is included in the staff recommendation.

John Cimino explained Ontario Realty Corporation is mandated to fulfill the needs of 26 ministries across the Province. He stated that a public meeting was held on November 27, 2007 with 20 residents in attendance. He added that the area residents had three main concerns: the septic system; nuisance and noise; and the proposed and permitted uses with respect to the septic system. He explained they have a Certificate of Approval and the water treatment plant is monitored by the Ontario Clear Water Agency. With respect to noise, he advised that there are only four buildings on the subject property, the Ministry currently has approximately 25 occupants, that the majority of the space is used for warehousing. He distributed their Standard Lease Agreement, which outlines the tenants responsibilities toward the environment, noise and nuisance and the applicant's remedies for non-compliance. The hours of operation would typically be 8:00 a.m. to 5:00 p.m.

When asked about the percentage of new tenants, Mr. Cimino advised that there is approximately one-third of the site available for lease.

The Committee asked if there would be delivery trucks traveling back and forth from the storage area and if they would be left idling in front of the buildings.

When asked, Mr. Cimino advised that it is their full intention to have trucks visit the subject property only during business hours and that there would be no idling as it is an environmental issue.

Jan Linquest, area resident and representative of the Friends of McFarlane Lake Stewardship Committee asked that their recommendations be considered by the Planning Committee; acknowledging that one had already been added to the staff recommendation.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT THE LEASE OF VACANT OFFICE AND WAREHOUSING SPACE WITHIN THE PROVINCIAL GOVERNMENT SERVICES CENTRE TO THE PRIVATE SECTOR, 3767 HIGHWAY 69 SOUTH, SUDBURY - PROVINCE OF ONTARIO (cont'd)

Brad Bowman, area resident and member of the Friends of McFarlane Lake Stewardship Committee spoke about the nutrient loading to the lake fearing that increased occupancy would increase nutrient loading in the lake. He explained that most residents on the lake are not serviced with municipal water and that they use the lake as a source of drinking water. He added that with a higher level of nutrients, there would be issues relating to taste, odour and algae. He requested the proponent make a commitment to maintain nutrient loading in the lake.

Colleen Carty, area resident, advised her property abuts the subject lands. She stated that she is disturbed by the level of noise in the area caused by horns and whistles from the Ontario Provincial Police station and from the highway. She added that the noise bounces from the highway and disturbs area residents. She also stated that there are other lakes in the area that would be affected.

Linda Gibson, area resident and member of the Friends of McFarlane Lake Stewardship Committee submitted a letter with over 45 signatures to the Clerk.

Mr. Turcotte, area resident, stated his concern is the noise level as he has been able to enjoy peace and quiet. He stated that it is important that it remain quiet.

Sarah Kunto, area resident, asked who is responsible if a tenant does not remedy a situation and who will be monitoring any environmental issues.

John Cimino, explained that in the event of environmental contamination, the owner of the property would be held responsible. He added that the Ministry of the Environment through the Ontario Clean Water Agency monitors the site monthly.

Councillor Craig, Ward Councillor, advised that he is in support of this application and that he is impressed by the diligence and care of the Ontario Realty Corporation. He stated the message from Friends of McFarlane Lake Stewardship Committee is clear and the Ontario Realty Corporation understands the message of the type of tenants that are expected at this location. Ontario Realty Corporation also understands the fragility of the lake.

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 IN ORDER TO PERMIT THE LEASE OF VACANT OFFICE AND WAREHOUSING SPACE WITHIN THE PROVINCIAL GOVERNMENT SERVICES CENTRE TO THE PRIVATE SECTOR, 3767 HIGHWAY 69 SOUTH, SUDBURY - PROVINCE OF ONTARIO (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 #2007-285:

Caldarelli-Berthiaume: THAT the application by Her Majesty the Queen in Right of the Province of Ontario to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury by changing the zoning classification of lands described as PIN 73478-0009, Parcel 19401 S.E.S., in Lot 1, Concession 5, Township of Broder from "I-6", Institutional Special to a revised "I-6", Institutional Special be approved subject to the following conditions:

- a) That the amending by-law limit private sector uses to a maximum 1,486m² (16,000 sq. ft.) of office use and a maximum 3,437m² (37,000 sq. ft.) of warehousing and storage;
- b) That private sector uses be permitted within existing buildings as established on the subject property on December 4, 2007;
- c) That any non-government warehousing and storage use shall exclude the warehousing and storage of hazardous substances.

YEAS: Councillors Berthiaume, Rivest, Caldarelli

CARRIED

Recess At 6:45 p.m. the Planning Committee recessed.

Reconvene At 6:54 p.m. the Planning Committee reconvened.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT TO AMEND THE SECONDARY PLAN FOR THE NICKEL CENTRE SETTLEMENTS OF CONISTON, FALCONBRIDGE AND GARSON, BY ADDING A SITE SPECIFIC POLICY FOR THE LOW DENSITY RESIDENTIAL DESIGNATION AND FOR REZONING IN ORDER TO PERMIT THE EXISTING LAWN CARE AND LANDSCAPING BUSINESS, 104 LINDSLEY DRIVE, FALCONBRIDGE - B & K CASTILLOUX.

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

Report dated November 14th, 2007 was received from the Director of Planning Services and the General Manager of Growth and Development regarding an applications for Official Plan Amendment to amend the Secondary Plan for the Nickel Centre Settlements of Coniston, Falconbridge and Garson, by adding a site specific policy for the Low Density Residential and Rural to Low Density Residential Designations and Rezoning to permit existing lawn care and landscaping business, 104 Lindsley Drive, Falconbridge, B & K Castilloux.

Letter from Russ Thompson, Ward Councillor was received stating he had not received any comments or concerns from neighbouring property owners relating to this application.

A letter of opposition from Mr. & Mrs. R. Lamarche was received.

Brian Castilloux, the applicant was present.

The Director of Planning Services outlined the application to the Committee. He indicated the primary issues to be considered concern land use compatibility and the potential for nuisance and/or disturbance to the area residents resulting from the operation of the business. He further indicated the use detracts from the stable residential neighbourhood. He advised Planning Services recommends denials of the applications. He did, however, indicate that, if Planning Committee wished to approve the application on a temporary basis, an official plan amendment would not be required.

Mr. Castilloux stated he has lived on the subject property for 23 years. He explained that he is currently employed by Xstrada and that his landscaping business began when he was laid off 23 years ago. He indicated that he owns a service business of trees, yards, design landscape, and no work is done on the subject property nor do customers come to the property. He has approximately six to eight employees during the summer months and most of them report to the actual work sites. He explained that he stores the landscaping equipment on the job sites and there is not a lot of traffic at his property. In response to the letter from Mr. & Mrs. R. Lamarche, Mr. Castilloux indicated that fertilizer is delivered only once a year, garbage bins are emptied once a month, very little spraying is

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT TO AMEND THE SECONDARY PLAN FOR THE NICKEL CENTRE SETTLEMENTS OF CONISTON, FALCONBRIDGE AND GARSON, BY ADDING A SITE SPECIFIC POLICY FOR THE LOW DENSITY RESIDENTIAL DESIGNATION AND FOR REZONING IN ORDER TO PERMIT THE EXISTING LAWN CARE AND LANDSCAPING BUSINESS, 104 LINDSLEY DRIVE, FALCONBRIDGE - B & K CASTILLOUX. (cont'd)

done, Euclid trucks delivered gravel to correct a dust problem and they do not work seven days a week and never on Sundays. He indicated he would be content with a temporary use approval.

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

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

The following recommendation was presented:

Recommendation #2007-286:

Cimino-Berthiaume: THAT the application by Brian and Kathy Castilloux to amend By-law 83-304 being the Comprehensive Zoning By-law for the (former) Town of Nickel Centre by changing the zoning classification from "R1", Single Residential and "M4", Mining Industrial to "R1", Single Residential-Special for Parcel 41977 S.E.S., Lot 290, Plan M-1039 and Part 1 on Plan 53R-13769, Lot 12, Concession 3, Township of Falconbridge and Parts 2 and 3, Plan 53R-13769, Lot 12, Concessions 3 and 4, Township of Garson, (104 Lindsley Drive) be approved.

- a) That the amending by-law be limited to a temporary by-law for a maximum period of three years permitting in addition to the uses permitted in an "R1", Single Residential Zone a lawn care and landscaping business.

YEAS: Councillors Berthiaume, Cimino, Caldarelli

NAYS: Councillor Rivest

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT THE CONSTRUCTION OF A DRUG STORE AND MEDICAL OFFICE, 1995, 2003, 2009 AND 2015 BANCROFT DRIVE, SUDBURY, C & H PROPERTIES INC.

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

Report dated November 14th, 2007 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 construction of a drug store and medical office, 1995, 2003, 2009 and 2015 Bancroft Drive, Sudbury, C & H Properties Inc.

A letter of concern from John and Emma McKechnie was received.

Claudio Balbinot, agent for the applicant was present.

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

Mr. Balbinot stated that after a needs assessment study and a marketing analysis, they determined that the site provided good accessibility, visibility and growth. He advised that a public meeting was held on November 15, 2007 at the Adamsdale Public School and 11 members of the public and Councillor Gasparini attended. Two concerns arose from the meeting: fencing and traffic. He advised that the applicant has agreed to the construction of an opaque fence on the easterly property line and is willing to erect the fence during construction to lessen the acoustical affect. In response to the traffic concerns, he stated that according to the engineering traffic study, there would be approximately 14 additional cars during peak hours. He added that the site access points have been relocated to reduce congestion and danger.

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

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

The following recommendation was presented:

Recommendation #2007-287:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT THE CONSTRUCTION OF A DRUG STORE AND MEDICAL OFFICE, 1995, 2003, 2009 AND 2015 BANCROFT DRIVE, SUDBURY, C & H PROPERTIES INC. (cont'd)

Cimino-Berthiaume: THAT the application by C & H Properties 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 Parcels 7821, 12297, 9739 and 12788, Part Lot 3, Concession 12, Neelon Township, by changing the zoning classification from "R1", Single Residential to "C3", Limited General Commercial be approved subject to the following:

1. That the amending by-law include:
 - a) That a landscape strip with a minimum width of 7.5m and opaque fence be provided along the easterly rear yard and a landscape strip with a minimum width of 3m and opaque fencing be provided along the southerly yard (interior).
 - b) a maximum fence height of 2.5m.

YEAS: Councillors Berthiaume, Cimino, Caldarelli, Rivest

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-2 and receive Item C-3 contained in Part 1 of the Consent Agenda:

Recommendation #2007-288:

Berthiaume-Cimino: THAT Items C-1 to C-2 contained in Part 1, Consent Agenda, be adopted and Item C-3 be received for information only.

CARRIED

ROUTINE MANAGEMENT REPORTS

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| Item C-1 Consent <u>Application</u> | Report dated November 14th, 2007 was received from the Director of Planning Services and the General Manager of Growth & Development regarding Consent referral request for Consent application numbers B242/2007 and B243/2007, Parcel 25781 S.E.S., Parts 1 and 2, Plan 53R-14932, Lot 7, Concession 1, |
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PART I - CONSENT AGENDA (cont'd)

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-1
Consent
Application
(cont'd)

Township of McKim, Arnold Street, City of Greater Sudbury
(1141566 Ontario Inc.).

Recommendation #2007-289:

Berthiaume-Rivest: THAT Consent Applications B242/2007 and B243/2007, Parcel 25781 S.E.S., Parts 1 and 2, Plan 53R-14932, Lot 7, Concession 1, Township of McKim, Arnold Street, City of Greater Sudbury be permitted to proceed by way of the consent process.

CARRIED

Item C-2
declaration of
surplus vacant
Brookside Road,
Chelmsford

Report dated November 22nd, 2007 was received from the General Manager of Infrastructure Services regarding declaration of surplus vacant lands on Brookside Road, Chelmsford.

Recommendation #2007-290:

Berthiaume-Rivest: THAT vacant lands on Brookside Road, Chelmsford, legally described as PIN 73349-0112 (LT), formerly Parcel 29810 S.W.S., part of Lot 8, Plan M-513, Part 1, Plan 53R-13924, Township of Balfour, City of Greater Sudbury, be declared surplus to the City's needs, all in accordance with the report from the General Manager of Infrastructure Services dated November 22, 2007.

CARRIED

Item C-3
For Information
Only
2007 Property
Sales and
Acquisitions

Report dated November 20, 2007 was received from the General Manager of Infrastructure Services regarding 2007 Property Sales and Acquisitions for information only.

Adjournment

Recommendation #2007-291:

Cimino-Berthiaume: That we do now adjourn.
Time: 7:59 p.m.

CARRIED

DEPUTY CLERK

COUNCILLOR FRANCES CALDARELLI