

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

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**Committee Room C-11  
Tom Davies Square**

**Tuesday, May 16th, 2006  
Commencement: 4:20 p.m.  
Adjournment: 8:57 p.m.**

**COUNCILLOR RUSS THOMPSON PRESIDING**

Present Councillors Bradley, Caldarelli, Dupuis

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; K. Forrester, Real Estate Co-ordinator; P. Reid, Business Development Officer; E. Labelle, Clerk Designate; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2006-81:**

Caldarelli-Bradley: That we move "In Camera" to deal with property 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 4:50 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 RON DUPUIS PRESIDING**

Present Councillors Bradley, Caldarelli, Reynolds, Thompson

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

News Media MCTV; Sudbury Star; Channel 10 News

Declarations of Pecuniary Interest None declared

## **MATTERS ARISING FROM THE "IN CAMERA" SESSION**

Rise and Report Councillor Thompson reported the Committee met in closed session to deal with property matters and the following recommendations emanated therefrom:

Sale of Land  
Walden Industrial  
Park, Mumford  
Drive, Lively

### **Recommendation #2006-82:**

Bradley-Caldarelli: THAT Council of the City of Greater Sudbury authorize the sale of part of PIN 73376-0286 (LT), being part of Lot 4, Concession 5, designated as part of Part 7 on Plan 53R-14004, Township of Waters, to 1311913 Ontario Inc. subject to the terms and conditions outlined in Report dated May 10th, 2006 from the General Manager of Infrastructure and Emergency Services;

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

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

**CARRIED**

Sale of Land  
Valley East  
Industrial Park,  
White Street,  
Val Caron

### **Recommendation #2006-83:**

Caldarelli-Bradley: THAT Council of the City of Greater Sudbury authorize the sale of part of PIN 73501-1728 (LT), formerly Parcel 183 S.E.S., part of Lot 9, Concession 5, designated as Part 2 on Plan 53R-12351, Township of Blezard, to SCR Mines Technology Inc. subject to the terms and conditions outlined in Report dated May 10th, 2006 from the General Manager of Infrastructure and Emergency Services;

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

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

**CARRIED**

Sale of Vacant  
Land, (site of  
former Riviera  
Hotel), 18 Young  
Street, Capreol

### **Recommendation #2006-84:**

Caldarelli-Bradley: THAT the Council of the City of Greater Sudbury authorize the sale of PIN 73507-1002, formerly Parcel 22014 S.E.S., Lot 11, Concession 6, Township of Capreol, being Lots 43, 44 and part of 45, Plan M-65 to The Royal Canadian

**MATTERS ARISING FROM THE “IN CAMERA” SESSION (cont’d)**

Sale of Vacant Land, (site of former Riviera Hotel), 18 Young Street, Capreol (cont’d)

**Recommendation #2006-84 (cont’d):**

Legion, Branch 179 pursuant to the procedure governing the disposal of property as set out in the City’s Property By-Law;

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

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

**CARRIED**

Sale of Vacant Land, Oak Street, Capreol

**Recommendation #2006-85:**

Bradley-Caldarelli: THAT the Council of the City of Greater Sudbury authorize the sale of PIN 73507-1508, formerly Parcel 53M-1211 S.E.S., part of Lot 10, Concession 6, Township of Capreol, being Lot 43, Plan 53M-1211 to Adrian and Tracy de Vos pursuant to the procedure governing the disposal of property as set out in the City’s Property By-Law;

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

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

**CARRIED**

Purchase of Land Lasalle Blvd Road Improvements, 143 Lasalle Blvd., Sudbury

**Recommendation #2006-86:**

Caldarelli-Bradley: THAT Council of the City of Greater Sudbury purchase 143 Lasalle Boulevard, Sudbury, legally described as PIN 02127-0294 (LT), formerly Parcel 15131 S.E.S., Lot 3, Plan M-172, Township of McKim from Xavier and Eleanor Lalonde subject to the terms and conditions outlined in Report dated May 10th, 2006 from the General Manager of Infrastructure and Emergency Services;

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

AND THAT the acquisition be funded from the 2006 Capital Roads Project Budget.

**CARRIED**

## **PUBLIC HEARINGS**

### **APPLICATION FOR REZONING TO PERMIT A CONSTRUCTION COMPANY AS A TEMPORARY USE, 2600 KINGSWAY, SUDBURY - 1074112 ONTARIO LIMITED (AGENT: JEFF GLADU)**

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

Report dated April 7th, 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 construction company as a temporary use, 2600 Kingsway, Sudbury, 1074112 Ontario Limited (Agent: Jeff Gladu).

Jeff Gladu, agent for the applicant, was present.

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

Jeff Gladu advised that, at this time, it is not possible to obtain an appraisal in one month. Therefore he does not know what effect the transfer to the City will have on the value of his property. He also advised that he is in the process of moving and will be totally moved out before the winter. He indicated there would be no problem gifting land to the City if the property had more depth.

The Manager of Development Approvals advised that if the proposed transfer to the City were completed, the remaining property would have a depth of 77 feet in an area where a 50-foot set back is required along with a rear yard set back. Therefore, any new development on the property would be difficult.

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 1074112 Ontario Limited (Agent: Jeff Gladu), the owner of Parcel 15596 S.E.S. in Lot 9, Concession 3, Township of Neelon, to permit a construction company for a temporary period pursuant to Section 39 of the Planning Act be approved subject to the following conditions:

1. The temporary use by-law shall be established for a period of one (1) year.
2. The amending by-law establish that the storage of derelict machinery, trailers or waste materials shall be prohibited.

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING TO PERMIT A CONSTRUCTION COMPANY AS A TEMPORARY USE, 2600 KINGSWAY, SUDBURY - 1074112 ONTARIO LIMITED (AGENT: JEFF GLADU) (cont'd)**

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Recommendation (cont'd)

3. The applicant will be required to transfer 682.5 square metres of property to the City of Greater Sudbury to the satisfaction of Transportation and Engineering Services.

The following amendment to the recommendation was presented:

**Recommendation #2006-87:**

Caldarelli-Thompson: THAT condition #3 be deleted.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

The main recommendation as amended was presented:

**Recommendation #2006-88:**

Bradley-Caldarelli: THAT the application by 1074112 Ontario Limited (Agent: Jeff Gladu), the owner of Parcel 15596 S.E.S. in Lot 9, Concession 3, Township of Neelon, to permit a construction company for a temporary period pursuant to Section 39 of the Planning Act be approved subject to the following conditions:

1. The temporary use by-law shall be established for a period of one (1) year.
2. The amending by-law establish that the storage of derelict machinery, trailers or waste materials shall be prohibited.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

## PUBLIC HEARINGS (cont'd)

### APPLICATION FOR REZONING TO PERMIT A BASEMENT APARTMENT FOR A TEMPORARY PERIOD OF THREE YEARS, 248 BREBEUF AVENUE, SUDBURY - DALE AND KRISTEN DUBREUIL

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

Report dated May 4th, 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 basement apartment for a temporary period of three years, 248 Brebeuf Avenue, Sudbury, Dale and Kristen Dubreuil.

Letter (email) dated May 8th, 2006 was received from Dr. Pascal Sabourin objecting to the above noted matter.

Letter dated May 9th, 2006 was received from Ricardo and Adrienne de la Riva objecting to the above noted matter.

Letter dated May 10th, 2006 was received from Dale Dubreuil, the applicant, indicating why he could not be present.

Donald Mallette, tenant, was present on behalf of the applicants.

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

Donald Mallette indicated he is a tenant at the property and is appearing on behalf of the applicants as they are out of the country. He has been living at the premises with his two daughters for six years. His place of employment is in walking distance from the property. He stated that the reason for the application is that the youngest daughter has two more years of university and, having only one vehicle, he can walk to work and his daughter can use the vehicle. He indicated his family is very much involved in the community. He spoke with immediate neighbours to see if they had any complaints (noise, parking, etc.) and stated one neighbour was not even aware he and his daughters lived at this property. He also indicated that his eldest daughter will be moving from the premises in June. He asked the Committee support this application.

Ronald Mallette read a statement from the owners of the property which stated that the second unit was built in 1997 before they purchased the property. To satisfy a complaint by a neighbouring homeowner, they were advised that they had to apply for a rezoning; apply for a temporary use; remove the fridge and stove from the unit making the tenants borders; or evict the tenants. The owners stated that they will not rent the unit after the present tenants leave. Their attempts to contact the neighbours in opposition to the application were unsuccessful. They were advised a petition was being circulated by the Brebeuf/Tanguay Ratepayers Association. Although they had lived there for two

## **PUBLIC HEARINGS (cont'd)**

### **APPLICATION FOR REZONING TO PERMIT A BASEMENT APARTMENT FOR A TEMPORARY PERIOD OF THREE YEARS, 248 BREBEUF AVENUE, SUDBURY - DALE AND KRISTEN DUBREUIL (cont'd)**

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years, they had not heard of this association nor had they been asked to join the group. They indicated they have received no complaints regarding noise or parking and have a plan in place for when the tenants leave. They asked the Committee to grant the temporary use.

Pascal Sabourin indicated he has been an area resident for 34 years. He feels that three main criteria should be taken into account: interest of the immediate neighbours; adequacy of street parking; and the prevailing character of the area. He stated that the objection is not personal against the owner or tenant.

With respect to the interest of the immediate neighbours, he presented to the Committee a petition in opposition of this application from 30 residences of the 40 contacted. He indicated there were 52 signatures on the petition which represented 82% of the area residents. He feels the application is not in the best interest of the neighbourhood. They want to preserve the integrity of the "R1", Single Residential zone close to the downtown. He stated the association's interest is to prevent a dangerous precedent of creating a second unit and then requesting permission to allow it to remain.

With respect to parking, Pascal Sabourin indicated that although the property could accommodate four vehicles only one parking space complies with the zoning by-law.

Pascal Sabourin stated that part of the petition was a letter from Ken Birtch, an area resident, stating that there is already a safety problem relating to the parking of vehicles. There are already illegally parked vehicles in the area and further development would compound the problem. He indicated that the traffic on Brebeuf Street vastly exceeds what is usually found on this type of road. He feels approval of this application will create a dangerous precedent of 'break the law first and then seek forgiveness/permission'.

Joscelyne Landry-Altman, an area resident, spoke on the prevailing character of the area. She stated that although they are sympathetic to the situation, the "R1", Single Residential zoning does not have leniency to allow for tenants. She indicated the character of this area is defined by history. The residents have great pride and many residences have had the same owners for many years. She stated that this rezoning does nothing to enhance the neighbourhood and threatens property values in the area. She is concerned this type of application will be made by others.

Joscelyne Landry-Altman made an electronic presentation showing various homes in the area and the length of time the owners have lived in the homes. The presentation also showed the parking problems.

## PUBLIC HEARINGS (cont'd)

### **APPLICATION FOR REZONING TO PERMIT A BASEMENT APARTMENT FOR A TEMPORARY PERIOD OF THREE YEARS, 248 BREBEUF AVENUE, SUDBURY - DALE AND KRISTEN DUBREUIL (cont'd)**

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Mario Pintaric, indicated he lives at the end of Tanguay Street and he is not linked to the municipal sewage system but has a storage tank. If his neighbours change their property to two units, he would have a problem with his sewage system becoming overloaded and he will have to bear costly repairs. He stated that, in the past, he has lived in neighbourhoods which were attractive areas to live in and attractive for homeowners to have a tenant to reduce the costs of homeownership. He is concerned this will happen again setting a precedent for someone to acquire a tenant and apply for permission later.

The Manager of Development Approvals indicate that this application is for a temporary use and not a rezoning to "R2", Double Residential. It is an application for three years at which time this use will cease. It is recognized that this area is "R1", Single Residential; which fact is also recognized by the owners.

Nathalie Mallette, tenant, addressed the concerns of the neighbours. She stated the Ratepayers Association is concerned this will set a precedent for others to create second units on their properties. She feels this will not happen as most have signed the petition against this practice. With respect to them moving from the premises before three years and someone else moving, she indicated she does not have time to move with her busy schedule. She indicated it has been a perfect home for six years and asked that she be allowed to remain in the home for three years.

Councillor Reynolds, Ward Councillor, indicated that the Committee respects the nature of neighbourhoods and tries to make the best decision on the recommendation of staff. She does not believe the tenants have had a negative impact on the neighbourhood nor will they in the next three years and therefore will support this application.

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 #2006-89:**

Caldarelli-Thompson: THAT the application by Dale and Kristen Dubreuil, the owners of PIN 02138-0013, Part 22, Plan 53R-6309, Lot 5, Concession 4, Township of McKim, to amend By-law 95-500Z being the Zoning By-law for the

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING TO PERMIT A BASEMENT APARTMENT FOR A TEMPORARY PERIOD OF THREE YEARS, 248 BREBEUF AVENUE, SUDBURY - DALE AND KRISTEN DUBREUIL (cont'd)**

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**Recommendation #2006-89 (cont'd):**

(former) City of Sudbury to permit a second dwelling unit located in the basement for a temporary time period of three years be approved subject to the following:

1. That the applicants submit an application for a building permit for the basement apartment to the satisfaction of the Chief Building Official.
2. That the temporary zoning by-law provide:
  - a) That in addition to the uses permitted in the "R1", Single Residential Zone that applies to the subject property under By-law 95-500Z, a second dwelling unit shall be permitted in the basement of the dwelling as a temporary use only for a period of three years from the date of the enactment of the by-law;
  - b) That notwithstanding Part II Section 10 (4) of the By-law parking be permitted within the required front yard.

**CONCURRING MEMBERS: Councillors Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

Councillor Bradley was not present for the entire public hearing for this application and therefore was not eligible to vote.

Recess At 6:55 p.m., the Planning Committee recessed.

Reconvene At 7:06 p.m., the Planning Committee reconvened.

**APPLICATION FOR REZONING TO PERMIT A REPLACEMENT GROUND SIGN ON PART OF THE ROAD ALLOWANCE IN FRONT OF 687 KINGSWAY, SUDBURY - 900281 ONTARIO INC. (AGENT: CHRIS LAKING)**

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

Report dated May 4th, 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 replacement ground sign on part of the road allowance in front of 687 Kingsway, Sudbury, 900281 Ontario Inc. (Agent: Chris Laking).

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING TO PERMIT A REPLACEMENT GROUND SIGN ON PART OF THE ROAD ALLOWANCE IN FRONT OF 687 KINGSWAY, SUDBURY - 900281 ONTARIO INC. (AGENT: CHRIS LAKING) (cont'd)**

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Chris Laking, agent for the applicant, was present.

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

Chris Laking advised that the application was made in order to comply with Nissan's new program to beautify their signs. He indicated they are satisfied with the recommendation.

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 #2006-90:**

Bradley-Thompson: THAT the application by 900281 Ontario Inc. (Agent Chris Laking) to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury, by changing the zoning classification of a portion of the municipal right-of-way fronting Parcel 51556 S.E.S., Parts 1 to 6, Plan 53R-16109 and Lot 60, Plan M-42, Lot 3, Concession 4, Township of McKim from "C6", Highway Commercial Zone to "C6-Special", Highway Commercial Special be approved subject to the following:

1. That the applicant provide the Development Services Section with a registered survey plan outlining the land to be rezoned to enable the preparation of an amending by-law.
2. That the amending by-law contain provisions restricting the maximum area of the ground sign to 34.78m<sup>2</sup>.
3. That prior to the passing of an amending by-law the applicant enter into an Encroachment Agreement to the satisfaction of the Director of Engineering Services for the City of Greater Sudbury which addresses the use of the land and the location of the sign.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

## **PUBLIC HEARINGS (cont'd)**

### **APPLICATION FOR REZONING TO PERMIT A SEVERANCE TO BE COMBINED WITH THREE ADJACENT LOTS AND TO ELIMINATE THE SPLIT ZONING ON THE ADJACENT LOT, 2348 VERMILLION LAKE ROAD, CHELMSFORD, DONALD JOSEPH MCGEE**

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

Report dated May 4th, 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 severance to be combined with three adjacent lots and to eliminate the split zoning on the adjacent lot, 2348 Vermillion Lake Road, Chelmsford, Donald Joseph McGee.

Keith Laframboise, Del Bosco Surveying, was present on behalf of the applicant.

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

Keith Laframboise advised that the application is to provide additional property to the rear of certain lots on Vermillion Lake Road. There is no change proposed to the use of the lands. The addition will enhance the property and also correct some encroachments.

Councillor Bradley, Ward Councillor, asked for the support of the Committee for this application.

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 #2006-91:**

Thompson-Bradley: THAT the application by Donald Joseph McGee with respect to part of Parcel 5123 S.W.S. and Parcel 13342 S.W.S. being Part 1, Plan 53R-14715, part of Lot 8, Concession 6, Township of Fairbank, to amend By-law 83-300 being the Zoning By-law for the (former) Towns of Valley East and Onaping Falls by changing the zoning classification from "RU", Rural to "R1", Single Residential be approved subject to the following:

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING TO PERMIT A SEVERANCE TO BE COMBINED WITH THREE ADJACENT LOTS AND TO ELIMINATE THE SPLIT ZONING ON THE ADJACENT LOT, 2348 VERMILLION LAKE ROAD, CHELMSFORD, DONALD JOSEPH MCGEE (cont'd)**

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**Recommendation #2006-91 (cont'd):**

1. That prior to the passing of the amending by-law the applicant provide a survey of the lands to be rezoned.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

**APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A COMMERCIAL PLAZA CONSISTING OF 28,885 SQUARE FEET OF RETAIL AND OFFICE SPACE, HIGHWAY 69 NORTH & DESCHENE ROAD, HANMER, DAN FOUCAULT CONSTRUCTION LIMITED, CUSACK'S CONNECTION LTD. AND RAYMOND CHARBONNEAU (AGENT: CANADIAN GROUP INC.)**

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

Report dated May 8th, 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 a commercial plaza consisting of 28,885 square feet of retail and office space, Highway 69 North & Deschene Road, Hanmer, Dan Foucault Construction Limited, Cusack's Connection Ltd. and Raymond Charbonneau (Agent: Canadian Group Inc.).

Letter dated May 16th, 2006 from Councillor Rivest, Ward Councillor, in support of this application was distributed to the Committee.

Carolyn Piquette, Canadian Group Inc., agent for the applicant, was present.

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

Carolyn Piquette advised they are satisfied with the recommendations in the staff report. They appreciate that a by-law can be passed before entering into a site plan control agreement as they would like to proceed as quickly as possible. They are concerned with the required removal of one of the entrances on Highway 69 North. She indicated they need to keep the subject entrance, which will be improved, operable for phase 1 of the proposal. They are agreeable to aligning the second entrance with the one across the street. She further indicated that the Deschene Road entrance would be mainly for unloading

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A COMMERCIAL PLAZA CONSISTING OF 28,885 SQUARE FEET OF RETAIL AND OFFICE SPACE, HIGHWAY 69 NORTH & DESCHENE ROAD, HANMER, DAN FOUCAULT CONSTRUCTION LIMITED, CUSACK'S CONNECTION LTD. AND RAYMOND CHARBONNEAU (AGENT: CANADIAN GROUP INC.) (cont'd)**

transport trucks. She requested the Committee approve the application with two entrances on Highway 69 North.

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-Thompson: THAT the application by Dan Foucault Construction Limited, Cusack's Connections Ltd. & Raymond Charbonneau (Agent: Canadian Group Inc.) with respect to Parcels 5060, 26173 and part of Parcels 48950 and 374 S.E.S., Lot 4, Concession 3, Township of Hanmer, to amend By-law 83-300 being the Zoning By-law for the (former) Town of Valley East by changing the zoning classification from "R3-D40-14", Medium Density Residential Zone, "A", Agricultural, and "C6", Highway Commercial Zone to "C2", General Commercial Zone be approved subject to the following:

1. That the applicant provide the Development Services Section with a registered plan of survey outlining the lands to be rezoned to enable the preparation of an amending by-law.
2. That the lands be placed in a "H-C2", Holding General Commercial zone until the existing buildings have been demolished or a site plan control agreement has been entered into.

The following amendment to the recommendation was presented:

**Recommendation #2006-92:**

Reynolds-Caldarelli: THAT a maximum of two (2) entrances be retained to Municipal Road 80.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF A COMMERCIAL PLAZA CONSISTING OF 28,885 SQUARE FEET OF RETAIL AND OFFICE SPACE, HIGHWAY 69 NORTH & DESCHENE ROAD, HANMER, DAN FOUCAULT CONSTRUCTION LIMITED, CUSACK'S CONNECTION LTD. AND RAYMOND CHARBONNEAU (AGENT: CANADIAN GROUP INC.) (cont'd)**

The main recommendation as amended was presented:

**Recommendation #2006-93:**

Bradley-Thompson: THAT the application by Dan Foucault Construction Limited, Cusack's Connections Ltd. & Raymond Charbonneau (Agent: Canadian Group Inc.) with respect to Parcels 5060, 26173 and part of Parcels 48950 and 374 S.E.S., Lot 4, Concession 3, Township of Hanmer, to amend By-law 83-300 being the Zoning By-law for the (former) Town of Valley East by changing the zoning classification from "R3-D40-14", Medium Density Residential Zone, "A", Agricultural, and "C6", Highway Commercial Zone to "C2", General Commercial Zone be approved subject to the following:

1. That the applicant provide the Development Services Section with a registered plan of survey outlining the lands to be rezoned to enable the preparation of an amending by-law.
2. That the lands be placed in a "H-C2", Holding General Commercial zone until the existing buildings have been demolished or a site plan control agreement has been entered into.
3. That a maximum of two (2) entrances be retained to Municipal Road 80.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

**APPLICATIONS FOR REZONING AND DRAFT PLAN OF SUBDIVISION TO PERMIT THE DEVELOPMENT OF A 203 LOT SUBDIVISION TO THE NORTH OF VALLEYVIEW ROAD, VAL CARON, MARGARET FRANCES ZILLIAX**

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

Report dated May 4th, 2006 was received from the Director of Planning Services and the General Manager of Growth and Development regarding applications for rezoning and draft Plan of Subdivision to permit the Development of a 203 lot subdivision to the north of Valleyview Road, Val Caron, Margaret Frances Zilliax

## **PUBLIC HEARINGS (cont'd)**

### **APPLICATIONS FOR REZONING AND DRAFT PLAN OF SUBDIVISION TO PERMIT THE DEVELOPMENT OF A 203 LOT SUBDIVISION TO THE NORTH OF VALLEYVIEW ROAD, VAL CARON, MARGARET FRANCES ZILLIAX (cont'd)**

Ron Arnold, Dalron Construction, was present on behalf of the applicant.

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

Ron Arnold stated that the conditions set out in the recommendation are not out of the ordinary but he has concerns with respect to the costs required and therefore the need for phasing. The phasing is proposed from the northeast end where the property connects to Fourth Street. His concern arose from the fact that they do not own the land between the subject property and Fourth Street.

Ron Arnold stated that if they are required to upgrade Valleyview Road to Municipal Road 80, it will be a huge cost. It would be prohibitive in the first or second phase. He asked about a front end agreement in this regard.

The Director of Planning Services indicated that one of the intents of the traffic study is to establish what level of development would trigger the need for upgrading and what the cost sharing.

Joe Pellerin, area resident, stated that Valleyview Road is very congested, is narrow and has no sidewalks. He also stated that there is an industrial park at the end of the road and vehicles travel very fast on that road notwithstanding the speed limit. He feels this subdivision will increase the traffic on an already heavily traveled road. He stated that Valleyview Road needs widening and sidewalks. He also stated that, if there is an accident on Highway 144, traffic is rerouted through Valleyview Road.

Joe Pellerin indicated that another concern is the water supply. He stated that in the summertime the area residents run out of water in the evenings quite often.

The Director of Planning Services indicated that looping will help with water pressure but will not help water supply.

Councillor Dupuis, Ward Councillor, stated that Valleyview Road is not pedestrian friendly. Transport trucks travel to the industrial park causing damage to the road. He indicated a new school is being built which will result in more school buses and an increase in traffic. This problem has to be addressed as does the problem with water. He also indicated that Councillor Rivest, Ward Councillor, received no calls in this matter.

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)**

**APPLICATIONS FOR REZONING AND DRAFT PLAN OF SUBDIVISION TO PERMIT THE DEVELOPMENT OF A 203 LOT SUBDIVISION TO THE NORTH OF VALLEYVIEW ROAD, VAL CARON, MARGARET FRANCES ZILLIAX (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 recommendations were presented:

**Recommendation #2006-94:**

Caldarelli-Thompson: THAT the application by Margaret Zilliax to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of PIN 73501-0448, Parcel 2884 S.E.S., part of Lot 7, Concession 5, Township of Blezard, from "RU", Rural to "R1.D18", Single Residential to permit the subdivision of the property for single residential use be approved.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

**Recommendation #2006-95:**

Bradley-Thompson: THAT the City of Greater Sudbury Council's delegated Official be directed to issue to Margaret Frances Zilliax the draft approval for the subject subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act, and subject to the following conditions:

1. That this draft approval applies to the draft plan of subdivision of PIN 73501-0448, Parcel 2884 S.E.S., part of Lot 7, Concession 5, Township of Blezard, as shown on a plan of subdivision prepared by Terry Delbosco, O.L.S., and dated September 21, 2005.
2. That the plan of subdivision be revised to increase the area of Lots 52, 84 and 88 providing lot areas greater than 555m<sup>2</sup>, as shown on the plans included in May 16, 2006 Planning Committee Report Agenda to the satisfaction of the Director of Planning Services.
3. That the standard conditions of draft plan approval be imposed.
4. That 5% of the land included in the plan of subdivision be deeded to the City of Greater Sudbury for parks purposes pursuant to the Subsection 51.1(1) of the Planning Act.

## **PUBLIC HEARINGS (cont'd)**

### **APPLICATIONS FOR REZONING AND DRAFT PLAN OF SUBDIVISION TO PERMIT THE DEVELOPMENT OF A 203 LOT SUBDIVISION TO THE NORTH OF VALLEYVIEW ROAD, VAL CARON, MARGARET FRANCES ZILLIAX (cont'd)**

#### **Recommendation #2006-95 (cont'd):**

5. That the owner will be required to enter into a written agreement to satisfy all requirements, financial and otherwise, with the City of Greater Sudbury, concerning the provision of roads, walkways, streetlighting, sanitary sewers, storm sewers, stormwater management facilities, watermains and surface drainage.
6. Draft Approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Planning Services Division is to be advised by the General Manager of Infrastructure and Emergency Services that sufficient sewage treatment capacity and water capacity exists to service the development.
7. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Infrastructure and Emergency Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
8. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated 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, sideyards, 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.
9. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on

## **PUBLIC HEARINGS (cont'd)**

### **APPLICATIONS FOR REZONING AND DRAFT PLAN OF SUBDIVISION TO PERMIT THE DEVELOPMENT OF A 203 LOT SUBDIVISION TO THE NORTH OF VALLEYVIEW ROAD, VAL CARON, MARGARET FRANCES ZILLIAX (cont'd)**

#### **Recommendation #2006-95 (cont'd):**

the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of both the 1:5 year and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the stormwater management report.

10. The owner will be required to provide permanent silt and erosion control drainage works to the subdivision's storm water outlet to the satisfaction of the Director of Planning Services.
11. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
12. The owner will be required to dedicate easements to the City of Greater Sudbury for municipal purposes where required.
13. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
14. The owner shall provide a traffic impact study prior to any pre-servicing work occurring and the owner shall agree to participate in any changes, upgrading improvements to roadways or traffic control identified in the approved traffic impact study, all to the satisfaction of the General Manager of Infrastructure and Emergency Services.
15. The road link to Municipal Road 80 through the Fourth Street or Fifth Street connection, or through both connections, as detailed in an approved Traffic Impact Study, must be built to an urban standard including the reconstruction of the existing roadways to the satisfaction of the Director of Planning Services.
16. The owner agrees to provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the

## PUBLIC HEARINGS (cont'd)

### APPLICATIONS FOR REZONING AND DRAFT PLAN OF SUBDIVISION TO PERMIT THE DEVELOPMENT OF A 203 LOT SUBDIVISION TO THE NORTH OF VALLEYVIEW ROAD, VAL CARON, MARGARET FRANCES ZILLIAX (cont'd)

#### Recommendation #2006-95 (cont'd):

Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.

17. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services, Nickel District Conservation Authority and the Department of Fisheries and Oceans.
18. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
19. The owner shall be required to provide sodded rear yard drainage swales as a condition of initial acceptance of the subdivision infrastructure.
20. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0m.
21. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario, incorporated into the plans if noted as required, at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
22. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
23. That the owner agrees to include on all offers of purchase and sale:
  - a) a statement that advises the prospective purchaser:
    - i) That the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii) That the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.

**PUBLIC HEARINGS (cont'd)**

**APPLICATIONS FOR REZONING AND DRAFT PLAN OF SUBDIVISION TO PERMIT THE DEVELOPMENT OF A 203 LOT SUBDIVISION TO THE NORTH OF VALLEYVIEW ROAD, VAL CARON, MARGARET FRANCES ZILLIAX (cont'd)**

**Recommendation #2006-95 (cont'd):**

- b) The owner further agrees to:
  - i) Work with Canada Post to determine and provide suitable Centralized Mail Box location, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of the Community Mail Boxes.
  - iii) Identify the pads above on the engineering drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv) Determine the location of the all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.

**CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

**CARRIED**

**PART I - CONSENT AGENDA**

The following recommendation was presented to adopt Items C-1 to C-5 contained in Part 1 of the Consent Agenda:

**Recommendation #2006-96:**

Bradley-Thompson: THAT Items C-1 to C-5 contained in Part 1, Consent Agenda, be adopted.

**CARRIED**

## **PART I - CONSENT AGENDA (cont'd)**

### **MINUTES**

Item C-2                      **Recommendation #2006-97:**  
Report #3  
VETAC Minutes              Bradley-Thompson: That Report #3, VETAC Committee Minutes of  
March 8, 2006                      March 8th, 2006, be received.

**CARRIED**

Item C-2                      **Recommendation #2006-98:**  
Report #58  
DLAC Minutes                Thompson-Bradley: That Report #58, Development Liaison  
March 9, 2006                      Advisory Committee Minutes of March 9th, 2006, be received.

**CARRIED**

### **ROUTINE MANAGEMENT REPORTS**

Item C-3                      Report Report dated May 4th, 2006 was received from the General  
Draft Subdivision              Manager of Growth and Development regarding Draft Subdivision  
Approval Extension              Approval Extension, Raft Lake Subdivision, K.M.S. Investments  
Raft Lake                              Inc.  
Subdivision, K.M.S.  
Investments Inc.                **Recommendation #2006-99:**

Bradley-Caldarelli: THAT upon payment of the processing fee of \$1,629.50 prior to the lapsing date of June 14th, 2006, the conditions of draft approval for the draft plan of subdivision of part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder, File #780-6/96003, be amended, as follows:

a)        By deleting Condition #22 and replacing it with the following:

22.        That this draft approval shall lapse on March 14th, 2009

b)        By amending Condition #25 to read as follows:

25.        Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Growth and Development, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the groundwater conditions within the proposed development. Also, the report should

**PART I - CONSENT AGENDA (cont'd)**

**ROUTINE MANAGEMENT REPORTS (cont'd)**

Item C-3  
Draft Subdivision  
Approval Extension  
Raft Lake  
Subdivision, K.M.S.  
Investments Inc.

**Recommendation #2006-99 (cont'd):**

include design information and recommend construction procedures for the following items: storm water management facilities, 20 year design standard for roads, the mass filling of land, surface drainage works including erosion control, slope stability (if applicable), and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official.

c) By adding condition # 27 to read as follows:

27. That the owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the General Manager of Infrastructure and Emergency Services, Nickel District Conservation Authority and the Department of Fisheries and Oceans.

**CARRIED**

Item C-4  
Subdivision  
Referral Request  
for Consent  
Application  
B-174/2005,  
Einard &  
Laura Mikkola

Report dated May 10th, 2006 was received from the General Manager of Growth and Development regarding Subdivision Referral Request for Consent Application B-174/2005 to create one lot, in addition to the 7 lots previously created, north side of Finnwoods Road and east side of Kantola Road, Lively, Einard & Laura Mikkola.

**Recommendation #2006-100:**

Caldarelli-Bradley: THAT Consent Applications B174/2005 with respect to Parcel 2415 S.W.S. in Lot 4, Concession 4, Township of Waters be permitted to proceed by way of the consent process.

**CARRIED**

**PART I - CONSENT AGENDA (cont'd)**

**ROUTINE MANAGEMENT REPORTS (cont'd)**

Item C-5 Report dated May 10th, 2006 was received from the General  
Declaration of Manager of Infrastructure and Emergency Services regarding  
Surplus Vacant Declaration of Surplus Vacant Land, Kiandra Court and Footpath,  
Land, Kiandra Sudbury.  
Court and  
Footpath, Sudbury **Recommendation #2006-101:**

Bradley-Caldarelli: THAT PIN 02113-0203(LT), being Lot 8, Plan 53M-1296 on Kiandra Court, and PIN 02118-0092(LT), being Block "E", Plan M-1014, a footpath on Woodbine Avenue, Sudbury, be declared surplus to the City's needs.

**CARRIED**

**PART II - REGULAR AGENDA**

**MANAGERS' REPORTS**

Item R-1 Report dated May 10th, 2006 was received from the General  
Policy for Front Manager of Growth and Development to establish a policy for the  
End Agreements City of Greater Sudbury for the use of Front End Agreements in  
accordance with the Development Charges Act, 1997.

**Recommendation #2006-102:**

Caldarelli-Bradley: THAT the City of Greater Sudbury consider on a case by case basis the use of front end agreements as a means of promoting development by allowing an opportunity for developers to recoup certain infrastructure costs from benefitting land owners, and further, that the process proposed for the review of such requests contained in the staff report dated May 10th, 2006 be adopted.

**CARRIED**

Adjournment **Recommendation #2006-103:**

Thompson-Bradley: That we do now adjourn.  
Time: 8:57 p.m.

**CARRIED**

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CLERK DESIGNATE

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COUNCILLOR RON DUPUIS