

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

Committee Room C-11
Tom Davies Square

Tuesday, January 9th, 2007
Commencement: 5:02 p.m.
Adjournment: 10.07 p.m.

COUNCILLOR ANDRÉ RIVEST PRESIDING

Present

Councillors Berthiaume, Caldarelli, Dupuis, Dutrisac

Councillor Craig

Staff

B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; K. Forrester, Real Estate Co-ordinator; E. Taylor, Senior Planner; C. Teale, Senior Planner; M. Manzon, Planner; P. Baskcomb, Manager of Community and Strategic Planning; R. Webb, Supervisor of Development Engineering; R. Swiddle, City Solicitor; A. Haché, City Clerk; E. Labelle, Clerk Designate; F. Bortolussi, Planning Committee Secretary

Other

M. Carre, Law Student, University of Ottawa

Declarations of
Pecuniary Interest

None declared.

"In Camera"

Recommendation #2007-01:

Dupuis-Dutrisac: 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 5:15 p.m., the Planning Committee recessed.

Reconvene

At 5:20 p.m., the Planning Committee reconvened for Planning Orientation.

Planning
Orientation

The Director of Planning Services made an electronic presentation regarding an overview and applicable procedures relating to the Planning Committee. He indicated that the majority of the Planning Committee work will be in processing development applications (Official Plan amendments, rezonings and subdivisions) through the public hearing process. He explained the governing legislation which is the Planning Act, recently significantly amended by Bill 51, and the Provincial Policy Statement. He outlined the processes that the Committee would be dealing with (i.e. Official Plan amendments, rezonings, etc.) and provided various definitions (i.e. Official Plan, Zoning By-laws, Site Plan Control Agreements, etc.). He explained the process from the receipt of the application, notification, staff circulation, public hearing, decision and appeals. He outlined the roll of staff and the roll of Council.

Recess

At 6:40 p.m., the Planning Committee recessed.

Reconvene

At 7:00 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

COUNCILLOR FRANCES CALDARELLI PRESIDING

Present

Councillors Berthiaume, Dupuis, Dutrisac, Rivest

Staff

B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Approvals; G. Clausen, City Engineer; R. Webb, Supervisor of Development Engineering; E. Taylor, Senior Planner; C. Teale, Senior Planner; M. Manzon, Planner; P. Baskcomb, Manager of Community and Strategic Planning; R. Swiddle, City Solicitor; K. Forrester, Real Estate Co-ordinator; E. Labelle, Clerk Designate; M. Laalo, Licensing & Assessment Clerk; F. Bortolussi, Planning Committee Secretary

Other

M. Carre, Law Student, University of Ottawa

News Media

Northern Life

Declarations of
Pecuniary Interest

None declared

MATTERS ARISING FROM THE “IN CAMERA” SESSION

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

Sale of Vacant Land, Young Street, Capreol

Recommendation #2007-02:

Berthiaume-Dupuis: THAT the vacant property on Young Street, Capreol, legally described as Firstly: PIN 73507-1157(LT), Lot 104, Plan M-65; and Secondly: PIN 73507-0009(LT), part of Lot 103, Plan M-65, designated as Part 1 on Plan SR-923, Township of Capreol, City of Greater Sudbury, be sold pursuant to the procedures governing the disposal of full marketability property as set out in By-Law 2003-294;

AND THAT an appropriate By-law be passed authorizing the execution of the documents necessary to complete the real estate transaction.

CARRIED

Sale of Vacant Land, Edward Avenue, Coniston

Recommendation #2007-03:

Dutrisac-Berthiaume: THAT the vacant property on Edward Avenue, Coniston, legally described as part of PIN 73560-0831(LT), part of Block ‘A’, Plan M-36, being part of Part 6 on Plan SR-34, Township of Neelon, City of Greater Sudbury, be sold pursuant to the procedures governing the disposal of limited marketability property as set out in By-Law 2003-294;

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

CARRIED

Purchase of Land 433 Cochrane Street, Sudbury

Recommendation #2007-04:

Berthiaume-Dutrisac: THAT Council of the City of Greater Sudbury authorize the purchase of 433 Cochrane Street, Sudbury, legally described as PIN 02132-0141 (LT), Lot 63, Plan M-103, City of Greater Sudbury;

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

MATTERS ARISING FROM THE "IN CAMERA" SESSION (cont'd)

Purchase of Land
433 Cochrane St.
Sudbury (cont'd)

Recommendation #2007-04 (cont'd):

AND THAT the acquisition be funded from the Capital Financing Reserve Fund - Roads.

CARRIED

Purchase of Land
504-506 Kingsway
Sudbury

Recommendation #2007-05:

Dutrisac-Berthiaume: THAT Council of the City of Greater Sudbury authorize the purchase of 504-506 Kingsway, Sudbury, legally described as PIN 02132-0170 (LT), being part of Lot 6 and Lot 7 on Plan M-42, City of Greater Sudbury;

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 Capital Financing Reserve Fund - Roads.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING IN ORDER TO ADD A LOCKSMITH SHOP AS A SITE SPECIFIC PERMITTED USE IN A "C4", OFFICE COMMERCIAL ZONE, 41 & 43 LORNE STREET, SUDBURY - ANTHONY AND ELLEN PAGNUTTI

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

Report dated December 14th, 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 add a locksmith shop as a site specific permitted use in a "C4", Office Commercial zone, 41 & 43 Lorne Street, Sudbury, Anthony and Ellen Pagnutti.

Anthony and Ellen Pagnutti, the applicants, were present.

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

Anthony Pagnutti stated that their business has outgrown its present location. He feels this will be a better location for their customers.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING IN ORDER TO ADD A LOCKSMITH SHOP AS A SITE SPECIFIC PERMITTED USE IN A "C4", OFFICE COMMERCIAL ZONE, 41 & 43 LORNE STREET, SUDBURY - ANTHONY AND ELLEN PAGNUTTI (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 #2007-06:

Dupuis-Rivest: THAT the application by Anthony and Ellen Pagnutti to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury by changing the zoning classification on lands described as PINs 73585-0990 and 73585-1039, Lots 1, 2 and 4, Plan 3S in Lot 6, Concession 3, Township of McKim from "C4", Office Commercial to "C4 - Special", Office Commercial Special, be approved.

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

CARRIED

APPLICATION FOR REZONING TO PERMIT LOCAL COMMERCIAL USES ON THE SUBJECT LANDS ELIMINATING THE LEGAL NON-CONFORMING USE OF THE PROPERTY AS A PERSONAL SERVICE SHOP, 1623 BANCROFT DRIVE, SUDBURY - FRANK HARTMANN

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

Report dated December 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 local commercial uses on the subject lands eliminating the legal non-conforming use of the property as a personal service shop, 1623 Bancroft Drive, Sudbury, Frank Hartmann.

Frank Hartmann, the applicant, was present.

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT LOCAL COMMERCIAL USES ON THE SUBJECT LANDS ELIMINATING THE LEGAL NON-CONFORMING USE OF THE PROPERTY AS A PERSONAL SERVICE SHOP, 1623 BANCROFT DRIVE, SUDBURY - FRANK HARTMANN (cont'd)

Frank Hartmann is concerned about the requirement to close the Bancroft Drive entrance because of the sight triangle. He stated that entrance is used mainly as a 'drop off' area. He feels it is much safer to drop off people in that area than stopping on Shappert Avenue. He indicated there has never been an accident at that site. He also feels that snow removal would be difficult if the Bancroft Drive entrance is removed. He indicated there are only two entrances; one on Bancroft Drive and one on Shappert Avenue. He advised a Shappert Avenue entrance was a ditch, a culvert was installed and it is now a covered ditch which accumulates water.

Mr. Hartmann indicated the whole issue came about because he had a 'sandwich board' sign for advertising purposes. He also indicated that four years ago the sign was allowed by By-law Enforcement and now it is not. He stated that the subject property has been used for business purposes for 60 years during which there has always been a sign. He indicated he has lost advertising for the last eight months.

Mr. Hartmann was also concerned about a test manhole requirement; however he was advised that it was not required.

Mr. Hartmann advised that he will rotate the ground sign which currently encroaches onto City property. He further advised that, in order to rotate the sign, he will have to remove the fence and bench.

When asked about the requirement of the closing of the Bancroft Drive entrance which has been there for 60 years, the Director of Planning Services indicated that this particular property is considered to have three entrances and only two are allowed on commercial properties. The Manager of Development Approvals indicated that Bancroft Drive is considered an arterial road and when access to a property can be other than by an arterial road, it is requested. He advised that, as this is an application to allow permanent commercial use, this is the only opportunity the City will have to obtain this requirement. He stated the main issue is the sight triangle and the possibility of cars parking in the sight triangle thereby making it difficult for cars traveling from Shappert Avenue onto Bancroft Drive to see.

Mr. Hartmann advised that he will be painting lines to indicate 'no parking' on the sight triangle. He further advised that he always keeps the triangle clear.

The Manager of Development Approvals advised that, if the Bancroft Drive entrance is allowed, landscaping the sight triangle would prevent parking on the

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT LOCAL COMMERCIAL USES ON THE SUBJECT LANDS ELIMINATING THE LEGAL NON-CONFORMING USE OF THE PROPERTY AS A PERSONAL SERVICE SHOP, 1623 BANCROFT DRIVE, SUDBURY - FRANK HARTMANN (cont'd)

triangle. He further stated that the portable sign was the biggest problem in this regard.

Mr. Hartmann requested the application fee be waived as his is a small business and he has lost customers because of the loss of advertising.

The Director of Planning Services indicated that the portable sign is what prompted this application. He advised that the applicant presently has a legal non conforming use for a hair salon only. This rezoning application will potentially increase the value of the property as it will be permanently zoned to allow all uses permitted in the "C1", Local Commercial zone; not only the use as a hair salon.

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:

Berthiaume-Dupuis: THAT the application by Frank Hartmann to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury as it applies to Parcel 7020 S.E.S., Lot 44, Plan M-101, Lot 1, Concession 3, Township of McKim, City of Greater Sudbury, by changing the zoning classification from "R2", Double Residential zone to "C1-S", Local Commercial Special zone be approved subject to the following:

1. Prior to the passing of the amending by-law, the applicant will be required to close the entrance onto Bancroft Drive and eliminate parking in the sight triangle to the satisfaction of the General Manager of Infrastructure and Emergency Services.
2. That exceptions in the by-law be provided for the following:
 - a) a 4' x 12' ground sign will be permitted with a frontyard setback of 0 feet from the front lot line and a minimum of 21 feet from the westerly lot line.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT LOCAL COMMERCIAL USES ON THE SUBJECT LANDS ELIMINATING THE LEGAL NON-CONFORMING USE OF THE PROPERTY AS A PERSONAL SERVICE SHOP, 1623 BANCROFT DRIVE, SUDBURY - FRANK HARTMANN (cont'd)

Recommendation (cont'd)

- b) a fascia sign of 7.432m² will be permitted along the front of the building facing Bancroft Drive.
- c) portable signs will be permitted subject to the by-law provisions for portable signs.

The following amendment to the recommendation was presented:

Recommendation #2007-07:

Dupuis-Rivest: THAT Condition #1 be deleted and replaced with:
That no parking be permitted in the sight triangle through the placement of appropriate landscaping, prior to the passing of the amending by-law, to the satisfaction of the Director of Planning Services.

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

CARRIED

The main recommendation as amended was presented:

Recommendation #2007-08:

Berthiaume-Dupuis: THAT the application by Frank Hartmann to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury as it applies to Parcel 7020 S.E.S., Lot 44, Plan M-101, Lot 1, Concession 3, Township of McKim, City of Greater Sudbury, by changing the zoning classification from "R2", Double Residential zone to "C1-S", Local Commercial Special zone be approved subject to the following:

1. That no parking be permitted in the sight triangle through the placement of appropriate landscaping, prior to the passing of the amending by-law, to the satisfaction of the Director of Planning Services.
2. That exceptions in the by-law be provided for the following:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT LOCAL COMMERCIAL USES ON THE SUBJECT LANDS ELIMINATING THE LEGAL NON-CONFORMING USE OF THE PROPERTY AS A PERSONAL SERVICE SHOP, 1623 BANCROFT DRIVE, SUDBURY - FRANK HARTMANN (cont'd)

Recommendation #2007-08 (cont'd):

- a) a 4' x 12' ground sign will be permitted with a frontyard setback of 0 feet from the front lot line and a minimum of 21 feet from the westerly lot line.
- b) a fascia sign of 7.432m² will be permitted along the front of the building facing Bancroft Drive.
- c) portable signs will be permitted subject to the by-law provisions for portable signs.

CONCURRING MEMBERS: **Councillors Berthiaume, Dupuis, Dutrisac, Rivest, Caldarelli,**

CARRIED

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF AN AUTOMOTIVE SALES ESTABLISHMENT, 739 FALCONBRIDGE ROAD, SUDBURY - DAN RIVARD

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

Report dated December 13th, 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 establishment of an automotive sales establishment, 739 Falconbridge Road, Sudbury, Dan Rivard.

Dan Rivard, the applicant, was present.

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

Dan Rivard advised he is satisfied with the recommendation.

Helen Wormington, area resident, indicated she is representing the neighbours on Morningside Court and Courtland Drive who have concerns. She stated the construction of a garage causes them concern for the environment because of

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF AN AUTOMOTIVE SALES ESTABLISHMENT, 739 FALCONBRIDGE ROAD, SUDBURY - DAN RIVARD (cont'd)

the possibility of spillage and noise. She also stated that an 1800 square-foot garage is quite noticeable and will be an eyesore, especially when there are no leaves on the trees. She requested that, if this application is approved, the applicant be required to erect a fence at the back of the property.

Ms. Wormington provided the Committee with a letter of concern signed by 16 area residents.

Ms. Wormington asked if the area residents can obtain a copy of the site plan control agreement. The Manager of Development Approvals advised that the site plan control agreement process is not a public process; it is a staff process. He further advised that the Ward Councillor will be provided with a copy and that Ms. Wormington can view the agreement at the Planning Services office but can not be provided with a copy.

Maurice Belanger, area resident, stated that everything the applicant is requesting is contrary to the by-law: rear yard lot coverage of 50% where 30% is allowed; height of 17.7 feet where 13.78 feet is allowed; rear yard set back of 4 feet where 19.7 feet is required and 5 feet of landscaping adjacent to Falconbridge Road where 9.8 feet is required. He indicated that he believes a solid privacy fence should be required so the residents do not have to see what is in the rear of the property. He indicated the area is a walkway for people walking, jogging and the students going to school. The residents attempt to keep this area clean. He asked how far into the forested area the fence would be erected as he is concerned the property would be more visible to the area residents if trees are removed.

The Manager of Development Approvals indicated that an opaque fence will be required to screen the property from the neighbours and also to contain the use to the applicant's property.

Mr. Belanger indicated he feels the "M1" classification allows too many uses. He asked if, as the applicant is requesting the rezoning in order to sell and service vehicles, there is another designation that can restrict the use to only sales and service of vehicles. The Manager of Development Approvals indicated that Planning Services is not requesting site specific zoning as it was not applied for and, also, the Official Plan permits this zoning.

Mr. Belanger asked if the rear lot line is in the forested area and Mr. Rivard advised that the forest is not part of his property and expects he will only need to cut down one or two shrubs in order to erect the fence.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF AN AUTOMOTIVE SALES ESTABLISHMENT, 739 FALCONBRIDGE ROAD, SUDBURY - DAN RIVARD (cont'd)

Mr. Belanger stated his concern with the height of the garage and his concern with noise, asking if there will be restricted hours of business and if there will be a public address system and telephones ringing through the system.

The Manager of Development Approvals indicated that the by-law restrictions cited by Mr. Belanger apply to "R1", Single Residential classifications. This rezoning permits a maximum height of 12 metres or almost 40 feet and lot coverage of 50%. He further indicated that the only variance to the by-law being permitted is the set back from the rear lot line which Planning Services supports in order to control the activity in that area.

Mr. Belanger asked if auto body work with all its associated noise would be permitted and the Manager of Development Approvals advised that it would require a heavy industrial zoning.

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

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

The following recommendation was presented:

Recommendation #2007-09:

Dupuis-Berthiaume: THAT the application by Dan Rivard to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury to change the zoning classification of the lands forming Parcel 15819 S.E.S., Lot 11, Concession 5, Township of Neelon, Sudbury, from "R1", Single Residential to "M1-Special", Mixed Light Industrial/Service Commercial Special, be approved, subject to the following conditions:

1. That the amendment include a minimum rear yard of 1.2m;
2. That no exceptions to the landscaping provisions be provided in the amendment;
3. That prior to the enactment of the amending by-law:

PUBLIC HEARINGS (cont'd)

**APPLICATION FOR REZONING TO PERMIT THE ESTABLISHMENT OF AN
AUTOMOTIVE SALES ESTABLISHMENT, 739 FALCONBRIDGE ROAD, SUDBURY -
DAN RIVARD (cont'd)**

Recommendation #2007-09 (cont'd):

- a) The owner shall have entered into a site plan agreement with the City of Greater Sudbury for the lands at 739 Falconbridge Road, Sudbury and any amendments that may be required to the existing site plan agreement for the lands at 751 Falconbridge Road, Sudbury to address matters as set out in the staff report from the Director of Planning Services and the General Manager of Growth and Development dated December 13th, 2006, along with other matters, all to the satisfaction of the Director of Planning Services.

**CONCURRING MEMBERS: Councillors Berthiaume, Dupuis, Dutrisac,
Rivest, Caldarelli,**

CARRIED

**APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING IN ORDER
TO PROVIDE PARKING FOR AN ABUTTING MEDICAL CLINIC, CROSS AND
DOUGLAS STREETS, SUDBURY - 3336263 CANADA LIMITED AND CITY OF
GREATER SUDBURY**

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

Report dated December 15th, 2006 was received from the Director of Planning Services and the General Manager of Growth and Development regarding applications for Official Plan amendment and rezoning in order to provide parking for an abutting medical clinic, Cross and Douglas Streets, Sudbury, 3336263 Canada Limited and City of Greater Sudbury.

Mac Sinclair, Counsel for the applicant, and Julie Barr, owner of the corporate applicant, were present.

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

Mac Sinclair provided some background to this application. He indicated that the original plaza consisted of three lots. The applicant later purchased two building to the east of the original parcel; demolishing one building and keeping the other. He stated that, as the need for additional parking was anticipated, the applicant attempted to purchase property to the rear of the original parcel from the City. A

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING IN ORDER TO PROVIDE PARKING FOR AN ABUTTING MEDICAL CLINIC, CROSS AND DOUGLAS STREETS, SUDBURY - 3336263 CANADA LIMITED AND CITY OF GREATER SUDBURY (cont'd)

sale could not be supported by the City as a sewer trunk line traverses the property resulting in the applicant entering into a lease with the City for 30 years with the option of two renewals. He indicated this rezoning application is the result of a condition in the lease.

Stephan Grenon, abutting owner, indicated he has no objections to the clinic. He indicated he was using the back laneway to access his property and has now been advised by Mrs. Barr that he can no longer use that access. He indicated using the Douglas Street entrance is very difficult as Douglas Street has a heavy traffic flow. He further indicated this laneway has been used by the neighbours for 30 years.

Mr. Sinclair indicated that the laneway property is leased by the City to Ms. Barr's company who developed the land at considerable expense. He further indicated this was never a formal driveway and it is not for public access. He stated that Ms. Barr would allow the occasional access through this property but does not want a steady stream of vehicles going through. He further stated that if occasional access is permitted, the site plan would have to be amended; which the applicant would do reluctantly.

Councillor Caldarelli, Ward Councillor, indicated she viewed the property. She indicated there is nothing blocking access now. She stated she understands Ms. Barr does not want constant traffic through the property; however, it would be easier for her to support this application if there is some accommodation for occasional traffic.

Mr. Sinclair indicated that the lease is in place to allow exclusive right to the applicant to occupy the property.

Councillor Caldarelli questioned the fact that the City entered into a lease without speaking to the persons who have been using the driveway. She stated this has caused hardship to the neighbours.

When the question of the residents' right to use the City property they have been using for so many years arose, Mr. Sinclair advised that this property is registered under the Land Titles system which prohibits prescriptive rights. He further advised that under the Road Access Act, if a property has been used for access for some time, it can not be denied unless there is another means of access.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING IN ORDER TO PROVIDE PARKING FOR AN ABUTTING MEDICAL CLINIC, CROSS AND DOUGLAS STREETS, SUDBURY - 3336263 CANADA LIMITED AND CITY OF GREATER SUDBURY (cont'd)

Mr. Grenon indicated he has been using the driveway since he moved into the property. He feels being denied access through this property has caused stress in his lifestyle as even unloading groceries is a hardship if he does not have access from the back.

Saleem Khan, area property owner, stated that the back driveway has been used by area residents since 1969. Only two properties are being accessed through this driveway as the other two properties are vacant lots. He indicated he was not made aware of the fact that the property was being leased to the clinic.

The Real Estate Co-ordinator advised that the residents were traversing City owned land which the City does not condone without a legal agreement. He stated that, at one time, a barrier was placed at the road side which was removed and dumped into the creek.

Mr. Sinclair stated that Ms. Barr pays rent for this property, has insurance and the parking is designed for privacy and therefore it is not acceptable that the neighbours use this as a regular driveway.

Ms. Barr stated it is imperative that they provide privacy to their clients.

Councillor Dupuis stated that the Committee must protect the City's interest in that liability is a huge 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:

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

The following recommendation was presented:

Berthiaume-Dupuis: THAT the application by 3336263 Canada Limited and the City of Greater Sudbury to amend the Official Plan for the Sudbury Planning Area by redesignating lands described as Lots 100,104,105 and part of Lot 99, Plan M-95 in Lot 6, Concession 3, Township of McKim from "Light Industrial/Service Commercial", "Old City" and "Conservation" to "Linear Mixed Use District" in the Secondary Plan for the City of Sudbury, be approved.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT AND REZONING IN ORDER TO PROVIDE PARKING FOR AN ABUTTING MEDICAL CLINIC, CROSS AND DOUGLAS STREETS, SUDBURY - 3336263 CANADA LIMITED AND CITY OF GREATER SUDBURY (cont'd)

The Committee agreed that the Planning Committee meeting be adjourned and the Public Hearing be reopened.

The Committee approved a motion to defer and continue the Public Hearing on January 23rd, 2007 to allow time for the applicant, the neighbours and the Real Estate Co-ordinator to discuss access through the leased property.

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order continue the Agenda items.

Proceed The following recommendation was presented:
Past
10:00 p.m. **Recommendation #2007-10:**

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

Recess At 10:00 p.m., the Planning Committee recessed.

Reconvene At 10:05 p.m., the Planning Committee reconvened.

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 #2007-11:

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

CARRIED

MINUTES

Item C-1 **Recommendation #2007-12:**
Report #61
DLAC Minutes Dutrisac-Berthiaume: That Report #61, Development Liaison
November 9, 2006 Advisory Committee Minutes of November 9th, 2006, be received.

CARRIED

PART I - CONSENT AGENDA (cont'd)

MINUTES (cont'd)

Item C-2 **Recommendation #2007-13:**
Report #8
VETAC Minutes Berthiaume-Dupuis: That Report #8, VETAC Committee Minutes of
October 24, 2006 October 24th, 2006, be received.

CARRIED

Item C-3 **Recommendation #2007-14:**
Report #9
VETAC Minutes Dutrisac-Berthiaume: That Report #9, VETAC Committee Minutes
Nov. 29, 2006 of November 29th, 2006, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-4 Report dated December 19th, 2006 was received from the General
Extension of Draft Manager of Growth and Development regarding Extension of Draft
Approval, Approval, Southfield Place Subdivision, Mikkola Road, Lively,
Southfield Place Riverglen Properties Inc.
Subdivision,
Mikkola Road, **Recommendation #2007-15:**
Lively, Riverglen
Properties Inc. Dutrisac-Berthiaume: THAT upon payment of the processing fee of

\$371.00 prior to the February 24, 2007 lapsing date, the conditions of draft approval for the plan of subdivision of part of Parcel 1869 S.W.S. in Lot 5, Concession 4, Township of Waters, City of Greater Sudbury, be amended as follows:

a) By revising Condition # 13 and replacing it with the following:

13. Draft approval shall lapse on February 24th, 2008.

b) By revising condition #10 to read as follows:

10. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Development and the Nickel District Conservation Authority. The

PART I - CONSENT AGENDA (cont'd)

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-4
Extension of Draft
Approval,
Southfield Place
Subdivision,
Mikkola Road,
Lively, Riverglen
Properties Inc.
(cont'd)

siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.

c) By revising condition # 11 to read as follows:

11. 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, 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.

d) By inserting Conditions #19, # 20, # 21, # 22 , # 23 and # 24:

19. The owner shall be responsible for all aspects of slope stability and erosion protection, including all costs. Where issues of slope stability occur, the owner shall employ the services of a registered Professional Engineer to ensure slopes are designed and constructed in a manner that shall ensure the safety of the occupants of the home and the structure to ensure the long term stability of the constructed slopes. The owner shall ensure that silt mitigation measures satisfactory to the Nickel District Conservation Authority are employed during the construction phase of the home to prevent sediment escaping the site to Junction Creek. Any alteration to the watercourse for the purposes of slope stability and erosion protection will require the approval of the Nickel District Conservation Authority, Ministry of Natural Resources and Department of Fisheries & Oceans.

PART I - CONSENT AGENDA (cont'd)

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-4
Extension of Draft
Approval,
Southfield Place
Subdivision,
Mikkola Road,
Lively, Riverglen
Properties Inc.
(cont'd)

20. 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.
21. 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 the downstream storm sewer outlet systems and on Junction Creek the downstream water course. 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 port.
22. No filling may occur on any of the lots in this subdivision other than that designated in the approved lot grading plan.

PART I - CONSENT AGENDA (cont'd)

ROUTINE MANAGEMENT REPORTS (cont'd)

- Item C-4
Extension of Draft
Approval,
Southfield Place
Subdivision,
Mikkola Road,
Lively, Riverglen
Properties Inc.
(cont'd)
23. Any other proposed development on these lots (such as garages, outbuildings, etc.) must be approved by the Nickel District Conservation Authority before it can proceed.
24. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Hydro services, 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.

CARRIED

Item C-5
Subdivision
Referral Request
3412 Lammi's
Road, Lively -
Timothy and
Laurie Smith

Report dated December 14th, 2006 was received from the General Manager of Growth and Development regarding subdivision referral request for Consent Application B180/2006, 3412 Lammi's Road, Lively, Timothy and Laurie Smith.

Recommendation #2007-16:

Rivest-Berthiaume: THAT Consent Application B180/2006 with respect to Parcel 5134 S.W.S. in Lot 11, Concession 4, Township of Waters be permitted to proceed by way of the consent process.

CARRIED

Adjournment **Recommendation #2007-17:**

Rivest-Berthiaume: That we do now adjourn.
Time: 10:07 p.m.

CARRIED

CLERK DESIGNATE

COUNCILLOR FRANCES CALDARELLI