

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

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Committee Room C-12  
Tom Davies Square

Tuesday, November 1st, 2005  
Commencement: 4:45 p.m.  
Adjournment: 8:45 p.m.

**COUNCILLOR LYNNE REYNOLDS PRESIDING**

Present Councillors Bradley, Caldarelli, Dupuis, Thompson (A. 4:53)

Staff K. Forrester, Real Estate Co-ordinator; B. Lautenbach, Director of Planning Services; A. Haché, City Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2005-201:**

Dupuis-Bradley: That we move "In Camera" to deal with a property matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

**CARRIED**

Recess At 4:56 p.m., the Planning Committee recessed.

Reconvene At 5:35 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

**COUNCILLOR RUSS THOMPSON PRESIDING**

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds  
Councillor Callaghan

Staff B. Lautenbach, Director of Planning Services; G. Clausen, City Engineer; R. Webb, Supervisor of Development Engineering; K. Carre, Planning Cartographer Technician; A. Haché, City Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

## **MATTERS ARISING FROM THE “IN CAMERA” SESSION**

Rise and Report Councillor Reynolds reported the Committee met in closed session to deal with a property matter and the following recommendation emanated therefrom:

Sale of Land **Recommendation #2005-202:**  
Coniston

Communications Bradley-Dupuis: THAT the property owned by the City of Greater  
Tower, Aubry Sudbury described as part of Parcel 44996 ‘A’, S.E.S., part of Lot  
Avenue, Coniston 4, Concession 3, Township of Neelon, be sold to Spectrum 2000  
Communications Group Inc. pursuant to the procedure governing  
the disposal of property as set out in the City’s Property By-Law;  
and

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

**CARRIED**

## **PUBLIC HEARINGS**

### **APPLICATION FOR REZONING IN ORDER TO PERMIT AN EXISTING COMMERCIAL STRUCTURE TO BE CONVERTED TO A “MERCHANDISE SERVICE SHOP”, 556 SPRUCE STREET, SUDBURY - A. DIMEGLIO AND I. ROCCA**

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

Report dated October 24th, 2005, 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 an existing commercial structure to be converted to a “merchandise service shop”, 556 Spruce Street, Sudbury, A. Dimeglio and I. Rocca.

Dave and Cathy Graham, Brierwood Court, Sudbury, agents for the applicant, were 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:

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

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING IN ORDER TO PERMIT AN EXISTING COMMERCIAL STRUCTURE TO BE CONVERTED TO A "MERCHANDISE SERVICE SHOP", 556 SPRUCE STREET, SUDBURY - A. DIMEGLIO AND I. ROCCA (cont'd)**

The following recommendation was presented:

**Recommendation #2005-203:**

Dupuis-Bradley: THAT the application by Aniello Dimeglio & Ivano Rocca (Agents: Cathy & Dave Graham) to amend By-law By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "C1", Local Commercial to "C1-Special", Special Local Commercial in order to permit a "merchandise service shop" with respect to those lands described as Instrument Number 71260 being Lots 11, 12 & 13, Plan 29-S in Lot 7, Concession 3, Township of McKim, be recommended for approval subject to the following conditions:

1. That in addition to all other "C1", Local Commercial uses a "merchandise service shop" shall also be permitted.
2. Prior to the issuance of a building permit respecting the subject lands, or occupancy of the existing structure, the owners shall enter into a Site Plan Control Agreement with the City of Greater Sudbury.

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

**CARRIED**

**APPLICATION FOR REZONING TO PERMIT THE CREATION OF FOUR SINGLE RESIDENTIAL LOTS, LAROCQUE AVENUE, VAL THERESE - 844367 ONTARIO INC. AND J. BRASSARD**

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

Report dated October 26th, 2005, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit the creation of four single residential lots, Larocque Avenue, Val Therese, 844367 Ontario Inc. and J. Brassard.

Daniel Bouchard, representing 844367 Ontario Inc., and Jean Brassard were present.

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

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

### **APPLICATION FOR REZONING TO PERMIT THE CREATION OF FOUR SINGLE RESIDENTIAL LOTS, LAROCQUE AVENUE, VAL THERESE - 844367 ONTARIO INC. AND J. BRASSARD (cont'd)**

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Daniel Bouchard confirmed that applications for consent for six lots were made and approved in May of 2004. At that time, he agreed that there would be no further applications for consent; the next phase would be by way of plan of subdivision. A condition of consent approval was to have all water and sewer drawings and surveys. He stated that he hired Northland Engineering who have prepared the plans which have been approved by the Engineering Department. He indicated there was a lot of water on the property when he decided to build the road and he had to pump for over one month to lower the water table. He indicated that four service connections were approved and constructed within the cul de sac and asked if he could have consent approval for the four lots because of the connections. He advised he made the consent applications in August and they are only now coming to the Planning Committee. He also indicated tonight was the first time he was advised the application for subdivision approval will be heard in December or January. He stated he put in many ditches and therefore will have no water problems. He will extend the cul de sac until the subdivision is approved. He feels the four lots will be tied up if he has to comply with 12 conditions. He is willing to start the catch basins, stormsewers, etc.

The Director of Planning Services indicated that most of the conditions will be applied at the time of approval of the subdivision. The Consent Official will receive separate comments for the consent applications. He indicated the main condition is relating to drainage.

Mr. Bouchard indicated that he had to sign the petition for the Hope Municipal Drain if he wanted the six lots. He further indicated that water does not drain from his land. Before the Hope Municipal Drain he had been asked to build a labyrinth of ditches and after that he signed the drainage petition. Also, he feels he should not have to sod the ditches as they are temporary. He again stated he made the consent applications in August, paid all the fees and wants to be able to sell the lots within one month.

Yvon Henry, Percy Avenue, Val Caron, indicated he feels he is in the same position as the applicant in that Planning Services is concerned that once the consent applications are granted the subdivision might not be completed by the applicant.

Councillor Dupuis, Ward Councillor, indicated he visited the site and attended meetings regarding drainage in the area. He questions why the applicants are asked to sod the ditches which are steep and deep when they will not be maintained. With respect to this application, there will be new homes generating tax dollars. He also stated that before the applicants developed the six lots the land was used as a garbage dump. The whole neighbourhood has been improved. He feels this is a perfect example of infilling.

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING TO PERMIT THE CREATION OF FOUR SINGLE RESIDENTIAL LOTS, LAROCQUE AVENUE, VAL THERESE - 844367 ONTARIO INC. AND J. BRASSARD (cont'd)**

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Councillor Dupuis indicated he has received no calls in opposition of this application but has received many calls in support of the 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 recommendations were presented:

**Recommendation #2005-204:**

Caldarelli-Dupuis: THAT the application by 844367 Ont. Inc. and J. Brassard to amend By-law 83-300, by changing the zoning classification of part of Parcel 16001 SES, Lot 7, Concession 2, Township of Hanmer, from "RU", Rural Zone to "R1.D18", Single Residential Zone be approved subject to the following condition:

- a) That prior to the passing of the amending by-law, the owner shall provide the Planning Services Division with a registered plan of survey describing the property to be rezoned.

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

**CARRIED**

**Recommendation #2005-205:**

Caldarelli-Dupuis: THAT Consent Applications B0093/2005 to B0096/2005 inclusive by 844367 Ont. Inc. and J. Brassard, with respect to part of Parcel 16001 SES, Lot 7, Concession 2, Township of Hanmer, be allowed to proceed through the consent process.

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

**CARRIED**

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

Recess At 6:66 p.m., the Planning Committee recessed.

Reconvene At 7:03 p.m., the Planning Committee reconvened.

### **APPLICATION FOR REZONING IN ORDER TO PERMIT THE EXPANSION OF THE RAINBOW CONCRETE INDUSTRIES LTD. CEMENT PLANT SITE AND TO PERMIT CERTAIN NON-CONFORMITIES WITH RESPECT TO BUILDINGS AND STORAGE USES ON SITE, 2477 MALEY DRIVE, SUDBURY - ALBONA INVESTMENTS INC.**

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

Report dated October 25th, 2005, 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 expansion of the Rainbow Concrete Industries Ltd. cement plant site and to permit certain non-conformities with respect to buildings and storage uses on site, 2477 Maley Drive, Sudbury, Albona Investments Inc.

Andre Lacroix, Counsel for the applicant, and Roger O'Malley, Consultant for the applicant, were present.

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

Andre Lacroix indicated they do not have a problem with the recommendation. The site plan process corrects many items and there are benefits to be derived. There will be an obligation by the owner to relocate the existing entrance. Also, a section of land would be dedicated to the City.

Jim Duffy, Old Falconbridge Road, Sudbury, indicated he attended previous meetings in 1980 and 1995 regarding this property. He called Councillor Callaghan, Ward Councillor, to have the owner remove the large piles of broken pallets and broken cement that are higher than the berms. In previous applications, the owners assured that the area residents would not be able to see the plant over the berms. He presented the Committee with photographs of the property taken from Old Falconbridge Road which showed the debris. He feels the applicant has not complied with conditions imposed. He asked that the Committee recommend a 150m set back from the nearest residential zone.

Councillor Callaghan, Ward Councillor, indicated he has, on numerous occasions, tried to resolve the issue of the trees on the berm and it is an issue that can not seem to be resolved. This matter is coming forward again, a third time, to get compliance. He feels that now is the time to be firm to ensure compliance of long standing issues. One of the issues is the mess of the property. He feels there is no use having requirements and rules and regulations

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

### **APPLICATION FOR REZONING IN ORDER TO PERMIT THE EXPANSION OF THE RAINBOW CONCRETE INDUSTRIES LTD. CEMENT PLANT SITE AND TO PERMIT CERTAIN NON-CONFORMITIES WITH RESPECT TO BUILDINGS AND STORAGE USES ON SITE, 2477 MALEY DRIVE, SUDBURY - ALBONA INVESTMENTS INC. (cont'd)**

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if they are not enforced. He also asked that the Committee recommend 150m set back from the nearest residential zone rather than 80m. Also, he feels the obligation of the berms should be fulfilled. He further indicated that he has received a number of calls over the years regarding the state of the property and, although promises were made, the situation was not remedied.

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:

Dupuis-Bradley: THAT the application by Albona Investments Inc. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Parcel 45401 SES, being Parts 1 to 15, Plan 53R-8783, in Lot 9, Concession 6, Neelon Township from "M3-2", Heavy Industrial Special and "RU", Rural, as the case may be, to a revised "M3-Special", Heavy Industrial Special be approved subject to the following:

- a) That prior to the passing of an amending by-law, the Site Plan Control Agreement for the site be amended to incorporate provisions whereby the applicant agrees to the satisfaction of the General Manager of Infrastructure and Emergency Services to relocate the existing driveway entrance either westerly on Maley Drive or south westerly to Old Falconbridge Road when Maley Drive is widened.
- b) Prior to the passing of an amending zoning by-law, the Site Plan Control Agreement be amended to contain a clause whereby the owner agrees to undertake a Traffic Impact Study prior to any additional development of the property and whereby the owner agrees to undertake any road improvements made necessary by the additional development.
- c) That all provisions of an "M3" Zone shall apply, with the following exceptions:
  - l) that the existing storage building located south east of the office shall be permitted with a 0 foot corner side yard;

**PUBLIC HEARINGS (cont'd)**

**APPLICATION FOR REZONING IN ORDER TO PERMIT THE EXPANSION OF THE RAINBOW CONCRETE INDUSTRIES LTD. CEMENT PLANT SITE AND TO PERMIT CERTAIN NON-CONFORMITIES WITH RESPECT TO BUILDINGS AND STORAGE USES ON SITE, 2477 MALEY DRIVE, SUDBURY - ALBONA INVESTMENTS INC. (cont'd)**

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Recommendation (cont'd):

- ii) that outdoor storage south of the storage building in I) shall be permitted with a 0 foot corner side yard setback provided that it remains north of the gas easement;
- iii) that outdoor storage and landscaping be the only permitted uses on that part of the property described as Part 15, Plan 53R-8738 and that no outside storage shall be permitted closer than 80m to the nearest residential zone.

The following amendment to the recommendation was presented:

**Recommendation #2005-206:**

Dupuis-Caldarelli: THAT Condition c) iii) be amended by replacing '80m' with '150m'.

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

**CARRIED**

The main recommendation as amended was presented:

Dupuis-Bradley: THAT the application by Albona Investments Inc. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Parcel 45401 SES, being Parts 1 to 15, Plan 53R-8783, in Lot 9, Concession 6, Neelon Township from "M3-2", Heavy Industrial Special and "RU", Rural, as the case may be, to a revised "M3-Special", Heavy Industrial Special be approved subject to the following:

- a) That prior to the passing of an amending by-law, the Site Plan Control Agreement for the site be amended to incorporate provisions whereby the applicant agrees to the satisfaction of the General Manager of Infrastructure and Emergency Services to relocate the existing driveway entrance either westerly on Maley Drive or south westerly to Old Falconbridge Road when Maley Drive is widened.

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

### **APPLICATION FOR REZONING IN ORDER TO PERMIT THE EXPANSION OF THE RAINBOW CONCRETE INDUSTRIES LTD. CEMENT PLANT SITE AND TO PERMIT CERTAIN NON-CONFORMITIES WITH RESPECT TO BUILDINGS AND STORAGE USES ON SITE, 2477 MALEY DRIVE, SUDBURY - ALBONA INVESTMENTS INC. (cont'd)**

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#### **Main Recommendation (cont'd):**

- b) Prior to the passing of an amending zoning by-law, the Site Plan Control Agreement be amended to contain a clause whereby the owner agrees to undertake a Traffic Impact Study prior to any additional development of the property and whereby the owner agrees to undertake any road improvements made necessary by the additional development.
  
- c) That all provisions of an "M3" Zone shall apply, with the following exceptions:
  - i) that the existing storage building located south east of the office shall be permitted with a 0 foot corner side yard;
  
  - ii) that outdoor storage south of the storage building in i) shall be permitted with a 0 foot corner side yard setback provided that it remains north of the gas easement;
  
  - iii) that outdoor storage and landscaping be the only permitted uses on that part of the property described as Part 15, Plan 53R-8738 and that no outside storage shall be permitted closer than 150m to the nearest residential zone.

The Committee approved a motion by Councillor Thompson to defer the matter until such time as the property has been cleaned and the site plan agreement has been complied with.

## **PART II - REGULAR AGENDA**

### **REFERRED AND DEFERRED MATTERS**

Item R-1 Request for Exemption from City's Fire Flow Policy, Yvon & <u>Joanne Henry</u>	Report dated October 26th, 2005, was received from the General Manager of Growth and Development regarding request for exemption from the City's Fire Flow Policy, Yvon and Joanne Henry.  Copy of information regarding Fire Protection Requirements for New Development was distributed to the Committee Members at the meeting.
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**PART II - REGULAR AGENDA (cont'd)**

**REFERRED AND DEFERRED MATTERS (cont'd)**

Item R-1  
Request for  
Exemption from  
City's Fire Flow  
Policy, Yvon &  
Joanne Henry  
(cont'd)

This matter was deferred by the Planning Committee at their meeting of October 18th, 2005.

The City Engineer stated that the letter the applicant referred to at the last Planning Committee Meeting was a letter from Stanley J. Thomas which stated that as part of the next phase of the development, which would be the sub-division, the applicant would upgrade the municipal services by replacing the 6" pipes with 8" pipes. Based on this information, it is strongly recommended that the Committee not deviate from the standards for new development to meet the Fire Underwriters Guidelines.

The Committee, along with the applicant and Jim Kirkland, the applicant's surveyor, discussed alternatives such as looping from the cul de sac to Percy Avenue or using 10" pipes in the new subdivision. The Committee approved a motion by Councillor Reynolds to defer the matter for two weeks to allow for the applicant, his engineer, his surveyor and staff to consider alternate solutions to ensure compliance with the minimum fire flow requirement policy.

Adjournment

**Recommendation #2005-207:**

Bradley-Dupuis: That we do now adjourn.  
Time: 8:45 p.m.

**CARRIED**

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CITY CLERK

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COUNCILLOR RUSS THOMPSON