

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

Committee Room C-11
Tom Davies Square

Tuesday, June 15th, 2004
Commencement: 6:25 p.m.
Adjournment: 10:40 p.m.

COUNCILLOR REYNOLDS PRESIDING

Present Councillors Bradley (A:6:30 p.m.), Caldarelli, Dupuis, Thompson

Staff D. Braney, Property Negotiator / Appraiser; G. Clausen, Director of Engineering Services; Angie Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2004-133:**

Thompson-Caldarelli: 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 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess At 7:00 p.m., the Planning Committee recessed.

Reconvene At 7:15 p.m., the Planning Committee reconvened in the **Council Chambers** for the regular meeting.

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; G. Clausen, Director of Engineering Services; G. Mazza, Chief Building Official; A. Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary; M. Burtch, Licensing & Assessment Clerk

News Media Sudbury Star

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 property matters and the following resolutions emanated therefrom:

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

Grant of Space The following recommendation was presented:
- 31 Sturgeon St.
Dowling **Recommendation #2004-134:**

Caldarelli-Thompson: That the Property Negotiator/Appraiser be authorized to execute a Lease Agreement between the City of Greater Sudbury and the Onaping Falls Lions Inc. for the occupation of the former Dowling Public Library on Sturgeon Street; and

That City Council pass an appropriately worded by-law authorizing the grant of space.

CARRIED

Sale of Part of The following recommendation was presented:
Parcel 23501"A"
Lockerby Mine **Recommendation #2004-135:**
Access Road,
Fairbanks Twp.

Caldarelli-Thompson: WHEREAS by Resolution 2002-39, the property owned by the City, legally described as part of Parcel 23501'A" S.W.S., lying east of Lockerby Mine Access Road was declared surplus to the City's need and offered for sale to the abutting owners pursuant to the procedures governing the disposal of limited marketability property as established by by-law.

AND WHEREAS an offer to purchase was received from Eric Breton and accepted by By-law 2003-52.

AND WHEREAS a survey has disclosed that a portion of the land is encumbered by a third party's seasonal dwelling.

IT IS RECOMMENDED that the lands on which the camp is situated be transferred to Yvette Leroux for the sum of \$500 per acre and that By-law 2003-52 be amended accordingly to revise the description of the lands to be transferred to Eric Breton and the sale price for the lands.

AND THAT the Property Negotiator/Appraiser be authorized to execute on behalf of the City all required documents to complete the transfers.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC.

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Report dated June 7th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a temporary use rezoning application in order to permit the display for retail sale one (1) portable model manufactured home, Falconbridge Road/Municipal Road #86, Garson - 630411 Ontario Inc.

Letter dated June 15th, 2004, from Councillor Ted Callaghan, Ward 4, in opposition to the above application was distributed to Committee Members at the meeting.

The Director of Development Services advised that staff were recommending approval of a one year temporary period instead of a three year temporary period as requested by the applicant. This would provide area residents and city staff with an opportunity to evaluate the operation and impact of this model home retail display. He stated that upon completion of the one year temporary period, the owner could apply for a further two year temporary use by-law. Staff are recommending that the fee for such a rezoning application be only the fee required for the statutory public notice.

Joanne Caouette, agent for the applicant, was present. She indicated that the model home retail display area is not really a retail area and would be used in the same way a model home is used - for display purposes only. There would be specific times when it would be open and would be by appointment only. It will not generate a heavy amount of traffic, maybe an additional 10 cars per week. People will view the home, order one and have it delivered. The portable home is mainly for people whose home has burnt down or for people who live in smaller rural communities such as Massey, as there is only a six week turn around time. With respect to the portable toilet, it is not necessary and was suggested by the City. She stated that in a recent newspaper article residents indicated that they do not want the portable toilet stating that it attracted mosquitoes. She pointed out that special trucks are used to deliver and remove the portable homes. These trucks don't require a huge area to turn around and will be on the subject property for approximately three hours. She will not be moving the portable home often, possibly once a year, at it costs \$5,400 for each move. She indicated that they will be grading the lot so it will be presentable. With respect to the trees on the lot, she advised in order to eliminate the drainage problem, the trees will have to go because the ground needs to be raised so it is higher at the back than at the front. She believes this home will not hurt the subdivision. The home is well built and considered an upgrade. She said that she is only a representative in the area for the model home but people could deal directly with the company. She did look at alternate locations for the proposed development but these locations were not suitable. She owns the proposed property in Garson, it has good visibility from Falconbridge Highway. There will not be sewer and water available to the subject property until Phase 4 of the subdivision is completed.

Councillor Thompson, Ward Councillor, advised that he has spoken to some of the area residents who asked if it would be possible to place the model home on a foundation, hook it up to sewer and water and use it as a model home and sales office. The home could be sold and another model home erected in the same fashion. He indicated that he was trying a solution which would be palatable for everyone involved.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Ms. Caouette responded that this would be possible but is not what they would like to do.

Brent MacDonald, 101 Oakdale Street, Cedar Green Subdivision, was present in opposition to the application. He stated that he was present tonight with his friends, neighbours and children who chose to build and live in this subdivision because it is a quiet family oriented community. The existing development plan for the area was put in place 10 years ago. This proposal will have a detrimental impact on families, children and property values. There will be an ongoing nuisance with noise, dirt, negative visual impact and foul odour from raw human waste from the portable toilet. It will also bring wildlife and mosquitoes that carry the deadly West-Nile Virus. There will be vandalism and increased traffic to their quiet neighbourhood that will endanger children's lives. There will be a constant state of perpetual building and demolition on that parcel of land. Large tractor trailers will enter their quiet neighbourhood in pairs, assembling and removing the modular homes. He said that they have already experienced them cutting through undeveloped land to access the current building site. It will attract customers at all hours of the day. There is already an illegally constructed model home at the east end of Ashgrove Street. This home is the one that is to be moved to the amended area, put there without a permit. The builder never approached the residents of Cedar Green regarding the proposal. He submitted a Petition signed by over 100 Cedar Green residents opposing the application. He stated that the natural treed area which makes up the 30 meter by 30 meter display area will be destroyed. Spring flooding has already occurred to 97, 93 and 87 Oakdale in this area because the developer altered the proposed area two years ago. This area should be completed under the current plan for proper streets, sewers and drainage ways. 100% of the material and labour for these modular homes is from out of province cutting out our skilled trades people. We have already experienced a large out-migration of youth and this will only further the problem. He also provided photos of the area which were circulated to Committee Members at the meeting. He stated that a one-year trial period is not acceptable and once this plan is approved, it will be too late to reverse the damage caused. The residents of Cedar Green subdivision are suspicious of Lifestyle Homes due to the devious place of the illegal modular home and the sudden appearance of this proposal. He suggested a counter proposal such as placing the modular home on retail property their partner companies already occupy.

Lisa Doucet, 200 Cedar Green Drive, was present in favour of the application. She indicated that she has lived at the end of a cul-de-sac for 3 years. She stated that she has not noticed any difference in traffic since Lifestyle Homes has been in the area. She has seen them clean up after they have completed their work. Since she moved to the area, she has witnessed great development in the area. She advised that there are other residents in favour of the application who could not be present this evening.

Ron McDonald questioned how far Ms. Doucet lives from the proposed site.

Ms. Doucet replied that she lives in the subdivision and can see the model home from her home.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Carol Clark, 93 Oakdale, was present in opposition to the application. She said that she along with her mother own 89 and 93 Oakdale. She advised that in the past, the subject site had a pump house on it that was destroyed by vandals. She has lived in the house since 1997. For five years they had no flooding. Later a sandbar was put in, the water had no where to go which caused flooding to her property. She indicated that her mother planned to retire here and questioned why she could not retire in peace. They purchased property in this area because it was residential and they don't have the money to buy somewhere else. With respect to the trees on the subject property, she indicated that they stop the snow from coming onto her property and she does not have as much shovelling to do. Also if the trees are removed, she will be looking at people visiting the model home.

The Director of Engineering Services advised that as part of the application, staff will ensure that whatever the developer does in this area will not compound the existing flooding problem. He stated that he will also have the Technical Services Section review the history and background of this area.

Wendy Huard, 60 Ashgrove, was present in favour of the application. She stated that Joanne Caouette built her home to quality standards. She said that she can see the model home from her house and it is definitely not an eyesore. Mr. MacDonald and his wife visited her home and scared her by telling her and the neighbours that this property will be rezoned commercial. She met with Ms. Caouette who explained the proposal which was totally different from what Mr. and Mrs. MacDonald were saying. Mr. Macdonald did not discuss his concerns with Ms. Caouette, instead he spoke to all the neighbours with assumptions. She is quite disturbed that this reputable builder is being made to look bad. She stated that Mr. MacDonald said the debris is coming from Lifestyle Homes, but she has never seen any debris left by Lifestyle Homes but has seen debris left behind by Dalron Construction. With respect to heavy traffic, this traffic is coming off Falconbridge Highway to the subject property and will not be going into the subdivision. She lives in an area which is being developed and expects dust. Many people ask her questions about her home and Lifestyle Builders and she tells them that Ms. Caouette is an good builder who builds homes that have quality and workmanship.

Paul Deschene, 65 Oakdale Street, was present in opposition to the application. He said that he has lived in the area since 1992. He could not understand why Phase 4 could not be started before the other Phases. He suggested that the model home be placed on Ashgrove on a foundation and connected to services. He recently purchased a business in Espanola and has chosen to reside on Oakdale and travel daily to Espanola. If this development proceeds he will not stay in this area.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Nancy Darling, 66 Ashgrove, was present in favour of the application. She resides beside the model home. She advised that Joanne Caouette built her home and that she is an impeccable business lady. She invited the Committee to look at the homes built by Lifestyle Homes and to look at the details. She indicated that she called Ms. Caouette regarding this model home and Ms. Caouette advised that she intends to continue building the same style of homes that she is currently building and that she was a dealer for the Shampoo Company who produce model homes. She indicated that the subdivision will invite new people to the area with the new Nickel Rim mine site. She pointed out that they don't have a lot of dust or noise in the area and are living in a construction zone.

Nancy MacDonald, 101 Oakdale, was present in opposition to the application. She indicated that she is not disputing the fact that the applicant builds nice homes. She advised that there are ladies present this evening who know Ms. Caouette, but Ms. Caouette did not come to her residence or speak to her and this is not an appropriate way to run a business. She submitted a letter which was sent to her by Ms. Caouette stating that the model homes are suitable for rural areas but she will build them in the area.

Joe Barry, who lives directly across the Highway from the site, was present in opposition to the application. He indicated that the builder is not putting basements and services on the subject property, because if she does she will have to do that for the houses across the highway. He is concerned as he will get extra traffic from Falconbridge Road.

Recess The Planning Committee recessed at 8:50 p.m.

Reconvene The Planning Committee reconvened at 9:00 p.m.

Joanne Caouette advised that Ruttan owns property on the right hand side of the site where the sandbar was constructed. They are the ones who called the City telling them to stay off their property. Phase 4 cannot be changed to Phase 1 since the sewer and water is on Racicot Street. She sent a letter to the area residents to apologize. This is the first time she has applied for a rezoning so was unsure of the process. She indicated that dust and dirt will not be a problem after the sod has been put in. She has asked Shampoo Homes to provide the model homes unfinished. They will have no fixtures or kitchens in order that they can be finished by local people. With respect to children playing and the model home being dangerous, she will ensure that all precautions are taken to ensure their safety. She does not think the house will increase traffic because it is located outside the subdivision. The portable homes area is ideal for smaller rural communities, such as Manitoulin Island, but it was not their intent to put them in the subdivision, but if someone wants this unit they will not say they cannot go into the subdivision. She advised that the 1,400 square foot prefab home on Racicot Street was sold last week for approximately \$190,000.00 so these portable homes will not decrease property values.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Denise Wilton, an employee of Joanne Caouette, was present in favour of the application. She explained that she co-authored the application. She spoke with Planning Services and asked to walk her step-by-step as to what each department and the community would require. She was led to believe that they should not contact the community until such time as the rezoning went forward. They found out about the public hearing at the same time as the rest of the neighbourhood.

Councillor Thompson, Ward Councillor, indicated that he has no doubt that Lifestyle Homes is an excellent builder and is very impressed by the construction of the homes. He met with Ms. Caouette who is very professional. He believes that this is a very smart business move but he is not comfortable with the location. He has spoken with Councillor Callaghan regarding this application. The residents can take comfort in the fact that the recommendation is for a temporary period of one year as opposed to three years which was requested by the applicant. He hopes that it does work out and knows that Lifestyle Homes will make it so.

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-Dupuis: That the application by 630411 Ontario Inc., the owner of Part of Parcel 9984 S.E.S. in Lot 8, Concession 1, Township of Garson, to permit a model, manufactured home retail sale display area for a maximum temporary period of one (1) year, pursuant to Section 39 of The Planning Act be approved subject to the following conditions:

1. That the amending by-law establish a retail display area shall only be permitted on the 30 metre by 30 metre portion of the subject lands which is situated at the extreme southwesterly limit of Parcel 9984 S.E.S.
2. Prior to the passage of an amending by-law, the owner shall undertake to provide a parking area and a loading area for model homes on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
3. The amending by-law shall establish that a model home parking area and a loading area for model homes shall be maintained on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
4. The amending by-law shall establish that a building permit must be obtained from the Building Services Division before any model manufactured home may placed on the lands subject to this amendment.
5. The amending by-law establish that the following unlit business identification signs will be permitted:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

- ! one ground sign not exceeding 1.5m² per sign face or 3m² in total, located not closer than 3m to any street line or any interior lot line abutting a residential zone;
 - ! not more than two wall signs (portable banners) each not exceeding 2.8m² per sign face.
6. That upon completion of the one year temporary period the owner may apply for a further two year temporary use by-law extension. The fee for such a rezoning application shall be only that fee required for the statutory public notice. When evaluating such an 'extension' application, Council shall have regard to the impacts of this use on the surrounding neighbourhood and the municipal infrastructure.

The following amendment to the recommendation was presented:

Recommendation #2004-136:

_____ Reynolds-Caldarelli: That the following conditions be added:

- 7. That portable toilets not be installed in the model home on this site.
- 8. That the model home on the site include attractive skirting to the satisfaction of the Chief Building Official.
- 9. That landscaping be undertaken to standards that exist in the area.
- 10. That professional and appealing signage be installed.

CONCURRING MEMBERS: Councillors Caldarelli, Dupuis, Reynolds

NON-CONCURRING MEMBERS: Councillors Bradley, Thompson

CARRIED

The main motion as amended was presented:

Recommendation #2004-137:

Bradley-Dupuis: That the application by 630411 Ontario Inc., the owner of Part of Parcel 9984 S.E.S. in Lot 8, Concession 1, Township of Garson, to permit a model, manufactured home retail sale display area for a maximum temporary period of one (1) year, pursuant to Section 39 of The Planning Act be approved subject to the following conditions:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING FOR APPROVAL TO PERMIT THE DISPLAY FOR RETAIL SALE ONE (1) PORTABLE MODEL MANUFACTURED HOME, FALCONBRIDGE ROAD/MUNICIPAL ROAD #86, GARSON - 630411 ONTARIO INC. (cont'd)

Recommendation #2004-137 (cont'd):

1. That the amending by-law establish a retail display area shall only be permitted on the 30 metre by 30 metre portion of the subject lands which is situated at the extreme southwesterly limit of Parcel 9984 S.E.S.
2. Prior to the passage of an amending by-law, the owner shall undertake to provide a parking area and a loading area for model homes on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
3. The amending by-law shall establish that a model home parking area and a loading area for model homes shall be maintained on Parcel 9984 S.E.S. to the satisfaction of the General Manager of Public Works.
4. The amending by-law shall establish that a building permit must be obtained from the Building Services Division before any model manufactured home may be placed on the lands subject to this amendment.
5. The amending by-law establish that the following unlit business identification signs will be permitted:
 - ! one ground sign not exceeding 1.5m² per sign face or 3m² in total, located not closer than 3m to any street line or any interior lot line abutting a residential zone;
 - ! not more than two wall signs (portable banners) each not exceeding 2.8m² per sign face.
6. That upon completion of the one year temporary period the owner may apply for a further two year temporary use by-law extension. The fee for such a rezoning application shall be only that fee required for the statutory public notice. When evaluating such an 'extension' application, Council shall have regard to the impacts of this use on the surrounding neighbourhood and the municipal infrastructure.
7. That portable toilets not be installed in the model home on this site.
8. That the model home on the site include attractive skirting to the satisfaction of the Chief Building Official.
9. That landscaping be undertaken to standards that exist in the area.
10. That professional and appealing signage be installed.

CONCURRING MEMBERS: Councillors Caldarelli, Dupuis, Reynolds

NON-CONCURRING MEMBERS: Councillors Bradley, Thompson

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO RECOGNIZE THE EXISTING NON-CONFORMING STORAGE USE AND ONE ACCESSORY DWELLING, 872 SUEZ DRIVE, HANMER - 862337 ONTARIO INC. (AGENT: J.P. BECHAMP)

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

Report dated June 1st, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application in order to recognize the existing non-conforming storage use and one accessory dwelling, 872 Suez Drive, Hanmer - 862337 Ontario Inc. (Agent: J.P. Bechamp)

Letter dated June 15th, 2004, from Councillor Ted Callaghan, Ward 4, stating that he had not received any calls or written material objecting to this application, was distributed to Committee Members at the meeting.

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

The agent for the applicant, J.P. Bechamp, and the solicitor for the applicant, Andrew M. Little, Weaver, Simmons, were present. Mr. Little expressed his concern regarding engineers inspections being required for all of the buildings since they have already been in existence for 30 years and are still standing. These inspections should be a separate matter as some of the buildings only require painting, etc.

The Chief Building Official advised that this property has had a long history with Building Services. The majority, 95% of the work on the property, was done without a permit. Although many of the buildings have been standing for many years, building inspectors have been in the buildings and indicate they will require some reinforcing. The buildings will be used by the public for storage and we should have regard for the public using these buildings.

The Manager of Development Services indicated that he has met with Mr. Bechamp and explained to him that if a building is torn down then it could be rebuilt but only up to the square footage of the building which was torn down.

_____ No objectors were present.

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 #2004-138:

Dupuis-Caldarelli: That the application by 862337 Ontario Inc. (Agent: J.P. Bechamp) to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by changing the zoning classification of Part of Parcel 28475 SES in Lot 9, Concession 4, Capreol Township from "RU", to "RU-Special", Rural Special be approved subject to the following:

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO RECOGNIZE THE EXISTING NON-CONFORMING STORAGE USE AND ONE ACCESSORY DWELLING, 872 SUEZ DRIVE, HANMER - 862337 ONTARIO INC. (AGENT: J.P. BECHAMP) (cont'd)

Recommendation #2004-138 (cont'd):

1. That prior to the passing of an amending by-law the applicant undertake an inventory and analysis of all buildings on site to address building code, property standards and health unit matters including a structural evaluation and agree to undertake any corrective actions to the satisfaction of the Chief Building Official.
2. That prior to the passing of an amending by-law the applicant enter into a Site Plan Control Agreement with the City, which, among other matters will identify all buildings which are to be retained as well as their areas and setbacks from property boundaries.
3. That prior to the passing of an amending by-law the applicant shall amend the Omega pit license to remove any portion of the subject property that is included in the license area to the satisfaction of the Manager of Development Services.
4. That the applicant provide the Development Services Section with a registered survey plan outlining the lands to be rezoned in order to enable the preparation of an amending by-law.
5. That the only permitted uses shall be a business engaged in the rental of storage space, one accessory dwelling and related accessory uses.
6. That the amending by-law include a provision to prohibit the construction of any new buildings for the storage use.
7. That the amending by-law recognize any building setback deficiencies identified in the Site Plan Control process.
8. That the amending by-law limit outside storage to a maximum of 2 acres, to be located in accordance with the Site Plan Control Agreement.

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

CARRIED

APPLICATION FOR REZONING TO ADD OFFICES AND A MAXIMUM OF TWO DWELLING UNITS TO THE LIST OF USES PERMITTED UNDER THE EXISTING "M1-6" ZONING, 819 HIGHWAY 17 EAST, WAHNAPITAE - WAYNE MOGENSEN

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO ADD OFFICES AND A MAXIMUM OF TWO DWELLING UNITS TO THE LIST OF USES PERMITTED UNDER THE EXISTING "M1-6" ZONING, 819 HIGHWAY 17 EAST, WAHNAPIITAE - WAYNE MOGENSEN

Report dated June 2nd, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to add offices and a maximum of two dwelling units to the list of uses permitted under the existing "M1-6" zoning, 819 Highway 17 East, Wahnapiitae - Wayne Mogensen.

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

The agent for the applicant, Aaron Savard, 38 Mill Road, Sudbury, and the applicant, Wayne Mogensen, 1172 Rosemarie Avenue, Sudbury, were present. Mr. Savard advised that they retained an engineer and architect and the water meter has been installed which is everything they have been asked to do by staff. There are 2 units already in the building and he understands that there has never been a permit.

Councillor Caldarelli, Ward Councillor, indicated that there are a lot of residential uses in the area and that she is in favour of the application.

_____ No objectors were present. _____

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 #2004-139:

Caldarelli-Thompson: That the application by Wayne Mogensen to amend By-law 83-304 being the Zoning By-law for the former Town of Nickel Centre by changing the zoning classification of Parcels 29242 and 25996 SES in Lot 7, Concession 4, Dryden Township from "M1-6", Mixed Light Industrial/Service Commercial Special to a revised "M1-Special", Mixed Light Industrial/Service Commercial Special be approved subject to the following:

1. That prior to the passing of an amending by-law the applicant shall retain a consulting civil engineer with a valid certificate of authorization to prepare an engineering report on the adequacy of the existing water connection line and the existing sewage disposal system and the need to upgrade said facilities to support the revised use of the building. Should there be a need, the engineer shall be retained to design new works, supervise construction of said works and certify the construction to the satisfaction of the General Manager of Public Works.
2. That prior to the passing of an amending by-law the applicant shall install a water meter on the incoming water connection to the satisfaction of the General Manager of Public Works.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO ADD OFFICES AND A MAXIMUM OF TWO DWELLING UNITS TO THE LIST OF USES PERMITTED UNDER THE EXISTING "M1-6" ZONING, 819 HIGHWAY 17 EAST, WAHNAPITAE - WAYNE MOGENSEN (cont'd)

Recommendation #2004-139 (cont'd):

3. That in addition to all other "M1-6" uses, the amending by-law shall permit a maximum of two dwelling units and offices.

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

CARRIED

Recommendation #2004-140:

_____ Caldarelli-Dupuis: That we proceed past the hour of 10:00 p.m.

CARRIED

APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE CREATION OF ONE (1) RESIDENTIAL LOT, 5000 DESMARAIS ROAD, VAL THERESE - ANGELE AND ROMA MIRON

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

Report dated June 7th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding an Official Plan Amendment application to permit the creation of one (1) residential lot, 5000 Desmarais Road, Val Therese - Angele and Roma Miron.

Letter received June 15th, 2004, from Beryl Espley, in opposition to the above application was distributed to Committee Members at the meeting.

The Director of Planning Services outlined the application to the Committee. He explained that as the property is designated "Agricultural Reserve" in the Secondary Plan, the property owner would be allowed one severance for each 25 acres of land. In 1978 the lands were comprised of 80 acres and subsequently severed on four occasions. The applicant does not qualify for any further severances. The Ministry of Municipal Affairs and Housing is opposed because the application is an extension of scattered rural development, is in the agricultural reserve and is premature because of the official plan review now underway. He pointed out that a number of requests to amend the agricultural properties have been received and each one the Committee approves creates some momentum for other ones to come forward. They concur with the Ministry of Municipal Affairs and Housing as it relates to the Agricultural Reserve and development outside the settlement boundary and recommend that the application be denied.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE CREATION OF ONE (1) RESIDENTIAL LOT, 5000 DESMARAIS ROAD, VAL THERESE - ANGELE AND ROMA MIRON (cont'd)

The applicant, Mr. Roma Miron, 5000 Desmarais Road, Val Therese, was present. He realizes the property falls under the agricultural rules and regulations, but he is asking that these rules and regulations be bent. He and his wife can't handle the property because of their age and health problems. He has resided on the subject property for 35 years and raised his family there. The previous lot splits were for his children and he did not make any money from previous applications. He is requesting approval on compassionate grounds. It is a 4 bedroom house and it is too big for himself and his wife. He plans to split the house and barn from the rest of the property and sell it. The remainder of the property will be given to his children. He does not want to build another house. It will be difficult to leave the property, but they will have to go into an apartment or smaller home. In the past he did try to farm the property but that proved unsuccessful.

Councillor Dupuis, Ward Councillor, indicated he knew Mr. Miron tried to farm the subject property which was unsuccessful and very costly. He stated he has not received any phone calls in opposition to the application and supports it.

No objectors were present.

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 #2004-141:

Dupuis-Caldarelli: That the application by Angele and Roma Miron to amend the Valley East Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 18511 S.E.S. in Lot 6, Concession 3, Township of Hanmer, City of Greater Sudbury to permit the creation of a 1.7 acre residential lot be denied.

CONCURRING MEMBER: Councillor Reynolds

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

DEFEATED

The following alternate recommendation was presented:

Recommendation #2004-142:

Dupuis-Caldarelli: A. That the application by Angele and Roma Miron to amend the Valley East Secondary Plan by introducing a site specific exemption to the "Agricultural Reserve" policies that apply to Parcel 18511 S.E.S. in Lot 6, Concession 3, Township of Hanmer, City of Greater Sudbury to permit the creation of a 1.7 acre residential lot be approved; and further,

PUBLIC HEARINGS (cont'd)

APPLICATION FOR OFFICIAL PLAN AMENDMENT TO PERMIT THE CREATION OF ONE (1) RESIDENTIAL LOT, 5000 DESMARAIS ROAD, VAL THERESE - ANGELE AND ROMA MIRON (cont'd)

Recommendation #2004-142 (cont'd):

B. That subdivision of the lands described in Recommendation A.) be allowed to proceed by way of the Consent Process.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

NON-CONCURRING MEMBER: Councillor Reynolds

CARRIED

Recess: _____ The Planning Committee recessed at 10:25 p.m.

Reconvene: _____ The Planning Committee reconvened at 10:30 p.m.

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 #2004-143:

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

CARRIED

MINUTES

Item C-1
Report #5
VETAC Minutes
May 5th, 2004

Recommendation #2004-144:

Thompson-Caldarelli: That Report #5, Vegetation Enhancement Technical Advisory Committee Minutes of May 5th, 2004, be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2 _____ Report dated June 9th, 2004, was received from the General Manager, Closure of the Corporate Services regarding Closure of the Remainder of the Lane South of Van Horne Street abutting Lots 112 to 117, Plan 2-S, Sudbury.

Lane South of Van
Horne Street
Abutting Lots 112 to
Lot 117, Plan 2-S
Sudbury

Recommendation #2004-145:

Caldarelli-Dupuis: 1. That the City Solicitor take any and all necessary procedures to close the remainder of the land south of Van Horne Street abutting Lots 112 to 117, Plan 2-S, in the City of Greater Sudbury;

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-2

Closure of the
Remainder of the
Lane South of Van
Horne Street
Abutting Lots 112 to
Lot 117, Plan 2-S
Sudbury (cont'd)

Recommendation #2004-145 (cont'd):

2. That the City Clerk publish notice of the proposed highway closure, in accordance with the Notice By-law, being By-law 2003-2;
3. That the said lands be declared surplus upon final passage of the By-law closing the specified lane allowance.

CARRIED

Item C-3

Closure of Frederick
St. South of Van
Horne Street, Abutting
Lots 111 and 112,
Plan 2-S, Sudbury

Report dated June 9th, 2004, was received from the General Manager, Corporate Services regarding closure of Frederick St., South of Van Horne Street, abutting Lots 111 and 112, Plan 2-S, Sudbury.

Recommendation #2004-146:

Caldarelli-Dupuis: 1. That the City Solicitor take any and all necessary productions to close Frederick Street, South of Van Horne Street, being 66' x 120' in size, abutting Lots 111 and 112, Plan 2-S, Lot 5, Concession 3, McKim Township, in the City of Greater Sudbury;

2. That the City Clerk publish notice of the proposed highway closure, in accordance with the Notice By-law 2003-2;
3. That the said lands be declared surplus upon final passage of the By-law closing Frederick Street south of Van Horne Street;
4. That the lands be transferred to The Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie for nominal consideration in accordance with the City's Property By-law, and subject to the following conditions:
 - (a) That the Transferee bear the costs of advertising the proposed closure of the road and of registering this By-law on title to the closed road;
 - (b) That the City reserve or grant any necessary easements for municipal purposes or public utilities at the expense of the Transferee;
 - (c) That the lands be transferred in an "as is" condition;
 - (d) That the Transferee pay any applicable Goods and Services Tax, or, if a GST registrant, deliver appropriate evidence of registration and an undertaking to indemnify the City;

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-3
Closure of Frederick
St. South of Van
Horne St., Abutting
Lots 111 and 112,
Plan 2-S, Sudbury
(cont'd)

Recommendation #2004-146 (cont'd):

- (e) That the Transferee at its cost, provide a reference plan of survey to establish a legal description for the Property, and secure the approval of the City to such plan prior to depositing same at its expense;
- (f) That the Transferee enter into an Agreement with the City of Greater Sudbury for the construction of a driveway over the subject lands to be built to the satisfaction of the General Manager of Public Works.

That the Property Negotiator/Appraiser and Clerk be authorized to execute all required documents to transfer the lands to the owner, The Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie.

CARRIED

Item C-4
Declaration of
Surplus Properties
- Various Locations

Report dated June 9th, 2004, was received from the General Manager, Corporate Services regarding Declaration of Surplus Properties - Various Locations.

Recommendation #2004-147:

Dupuis-Caldarelli: That the City of Greater Sudbury declare surplus and sell the following properties in accordance with the procedures governing the disposal of real property:

- 1) Part of Lot 60, Plan 13-S, Vincent Street, Sudbury;
- 2) Nickel Lake Shore Allowance, Bowell Township

CARRIED

Item C-5
Extension of Draft
Plan of Subdivision
Approval - Dalron
Construction,
Remainder of Parcel
25851 S.E.S., in
Lots 5 & 6, Conc. 1,
Twp. Broder
(Countryside Drive,
Sudbury)

Report dated June 7th, 2004, was received from the General Manager, Economic Development and Planning Services regarding Extension of Draft Plan of Subdivision Approval - Dalron Construction, Remainder of Parcel 25851 S.E.S., in Lots 5 & 6, Concession 1, Township of Broder (Countryside Drive, Sudbury).

Recommendation #2004-148:

Caldarelli-Dupuis: That upon payment of the processing fee of \$1,905.75 prior to the June 28th, 2004 lapsing date, the conditions of draft approval of the plan of subdivision of the Remainder of Parcel 25851 S.E.S. in Lots 5 & 6, Concession 1, Township of Broder, City of Greater Sudbury, File 780-6/88016, be amended as follows:

- a) By deleting Condition # 28. and replacing it with the following:

"28. That this draft approval shall lapse on June 28th, 2006."

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-5

Recommendation #2004-148 (cont'd):

Extension of Draft
Plan of Subdivision
Approval - Dalron
Construction,
Remainder of Parcel
25851 S.E.S., in
Lots 5 & 6, Conc. 1,
Twp. Broder
(Countryside Drive,
Sudbury) (cont'd)

b) Revising Condition # 30. by adding the following information to this condition:

“The soils report shall also include a roadway structure and pavement design with a minimum twenty year life.”

CARRIED

MANAGERS' REPORTS

Item R-1

Issues Follow-up
Raised at the Special
Planning Meeting of
May 11, 2004

Report dated June 9th, 2004, was received for direction only from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding issues follow-up raised at the Special Planning Meeting of May 11th, 2004.

The Committee agreed to defer the above-noted matter to their next regular meeting.

Adjournment

Recommendation #2004-149:

Caldarelli-Reynolds: That we do now adjourn.
Time: 10:40 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING