

Minutes

Planning Committee Minutes of 10/7/19

Location:	Tom Davies Square - Council Chamber
Commencement:	1:01 PM
Adjournment:	2:52 PM

Councillor Cormier, In the Chair

Present	Councillors McCausland, Kirwan, Sizer, Cormier Councillor Leduc [A 2:19 p.m., D 2:48 p.m.]
City Officials	Jason Ferrigan, Director of Planning Services; Alex Singbush, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Mauro Manzon, Senior Planner; Ed Landry, Senior Planner of Community and Strategic Planning; Wendy Kaufman, Senior Planner; Melissa Riou, Senior Planner; Franca Bortolussi, Acting Administrative Assistant to the City Solicitor and Clerk; Brigitte Sobush, Manager of Clerk's Services and Deputy City Clerk; Christine Hodgins, Legislative Compliance Coordinator; Julie Lalonde, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Public Hearings

- 1 Marc & Louise Menard - Application to extend a temporary use by-law in order to continue the use of a mobile home as a garden suite, 1236 Gravel Drive, Hanmer

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

Report dated September 16, 2019 from the General Manager of Growth and Infrastructure regarding Marc & Louise Menard - Application to extend a temporary use by-law in order to continue the use of a mobile home as a garden suite, 1236 Gravel Drive, Hanmer.

Marc Menard, the applicant, was present.

Mauro Manzon, Senior Planner, outlined the report.

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 resolution was presented:

PL2019-122 McCausland/Kirwan: THAT the City of Greater Sudbury approves the application by Marc & Louise Menard to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73506-0067, Parcel 49847 S.E.S., Part 2, Plan 53R-12627 in Lot 5, Concession 4, Township of Hanmer in order to extend the use of a garden suite in accordance with Section 39.1(4) of the Planning Act for a temporary period of three (3) years, as outlined in the report entitled "Marc & Louise Menard", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019.

YEAS: Councillors McCausland, Kirwan, Sizer, Cormier
CARRIED

As no public comment, written or oral was received, there was no effect on the Planning Committee's decision.

- 2 Luc & Chantal Fournier - Application to extend a temporary use by-law in order to permit a second dwelling unit in the form of a garden suite, 5310 Deschene Road, Hanmer

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

Report dated September 13, 2019 from the General Manager of Growth and Infrastructure regarding Luc & Chantal Fournier - Application to extend a temporary use by-law in order to permit a second dwelling unit in the form of a garden suite, 5310 Deschene Road, Hanmer.

Maurice Fournier, agent for the applicant, was present.

Mauro Manzon, Senior Planner, outlined the report.

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 resolution was presented:

PL2019-123 Kirwan/McCausland: THAT the City of Greater Sudbury approves the application by Luc & Chantal Fournier to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73506-0008, Parcel 53605 S.E.S., Part 1, Plan 53R-16536 in Lot 4, Concession 4, Township of Hanmer in order to extend the use of a garden suite in accordance with Section 39.1(4) of the Planning Act for a temporary period of three (3) years, as outlined in the report entitled "Luc & Chantal Fournier", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019.

YEAS: Councillors McCausland, Kirwan, Sizer, Cormier
CARRIED

As no public comment, written or oral was received, there was no effect on the Planning Committee's decision.

3 Luc Belanger - Application for Zoning By-Law Amendment, 350 Placide Street, Azilda

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

Report dated September 16, 2019 from the General Manager of Growth and Infrastructure regarding Luc Belanger - Application for Zoning By-Law Amendment, 350 Placide Street, Azilda.

Luc Belanger, the applicant, was present.

Marty Kivistik, agent for the applicant, was present.

Wendy Kaufman, Senior Planner, outlined the report.

Planning Department Response to Committee Questions:

In response to questions from the Committee, Ms. Kaufman stated that there was not a calculation provided to establish the setback for a facility that would house livestock due to the fact that the applicant stated there was no intention to house livestock. If an applicant is proposing to build a facility that would house livestock, there is a required calculation to ensure that there are no compatibility issues. The prohibition of housing livestock was included to cement that there would be no compatibility issues.

Applicant or Agent's Response to Committee Questions:

In response to questions from the Committee, Mr. Kivistik stated that the property in question has been in the Belanger family for over 100 years and has been used agriculturally during that time. He stated that Mr. Belanger uses the property to grow products; therefore, he requires a barn. He stated that the property had been zoned rural until 2010, when the city rezoned it to Future Development in anticipation of urban development, based on the Official Plan. He explained that under the Future Development label, only one (1) single family home is permitted on the property. He stated that the rural use of the land has been eliminated under the zoning Future Development. He further stated that numerous lands around this property, as well as in the rest of Azilda, were rezoned Future Development in excess to actual need and in excess of provincial policy statements. Mr. Kivistik requested that the lands be rezoned to Future Development Special in order for Mr. Belanger to build a barn. He also requested that the application fee for the rezoning be refunded because it was the City who chose to rezone the area.

Mr. Kivistik stated that as far as he is aware, when the City passes a comprehensive zoning by-law, individual property owners do not get notification of a change in zoning. He stated that it is only through a general notification, a newspaper, or meetings that a property owner would become aware of a change in zoning.

Mr. Kivistik stated that Mr. Belanger had asked him why he could not build a barn after a barn had been recently built on a neighbouring property, prior to the zoning change. He said it was only recently that the applicant became aware of the zoning change. He also stated that no farming is allowed on the property under its current zoning. He stated that the activities that are occurring now would be considered non-conforming and illegal. He said that, however, such activities had been permitted previously.

Mr. Kivistik stated that he requested that staff revisit the Official Plan and to bring it into compliance, which would remove the zoning of Future Development from the property. He stated that it would have been more expensive to file an application for an Official Plan amendment, and that it would be more difficult to deal with one as well, as opposed to a zoning application.

Mr. Belanger stated that if it simplified things, then he would want the area to be zoned rural.

Public Comments:

Chris Labine, concerned resident, requested clarification regarding the location of the barn on the property. Mr. Labine was concerned about the barn obstructing the view on his property, which is to the west of the applicant's property.

Applicant or Agent's Closing Remarks:

Mr. Belanger stated that the barn will be located on the north end of his property.

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 resolution was presented:

PL2019-124 McCausland/Kirwan: THAT the City of Greater Sudbury approves the application by Luc Belanger to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from "FD", Future Development to "FD(S)", Future Development Special on those lands described as PIN 73347-1782, Parcel 31537, Parts 1 & 2, Plan 53R-17311, Part 4, Plan 53R-19508, Lot 7, Concession 2, Township of Rayside, as outlined in the report entitled "Luc Belanger", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019, and that the amending zoning by-law include the following site-specific provisions:

- i. In addition to the uses permitted in the FD zone, a barn with a maximum gross floor area of 465m² (5000ft²) shall be permitted as a main building;
- ii. That the housing of livestock shall not be permitted; and
- iii. The minimum setback from all lot lines shall be 10 metres.

YEAS: Councillors McCausland, Kirwan, Sizer, Cormier
CARRIED

Public comment was received and considered and had no effect on Planning Committee's decision as the application represents good planning.

Adopting, Approving or Receiving Items in the Consent Agenda

The following resolution was presented:

PL2019-125 Kirwan/McCausland: THAT the City of Greater Sudbury approves Consent Agenda Items C-1 to C-3.
CARRIED

The following are the Consent Agenda items:

Routine Management Reports

C-1 **Vesting of Failed Tax Sale Properties**

Report dated September 16, 2019 from the General Manager of Corporate Services regarding Vesting of Failed Tax Sale Properties.

PL2019-126 McCausland/Kirwan: THAT the City of Greater Sudbury authorizes the vesting of ten vacant properties legally described as: (1) PIN 73507-0360(LT); (2) PIN 73369-0096(LT); (3) PIN 73369-0222(LT); (4) PIN 02130-0038(LT); (5) PIN 73369-0098(LT); (6) PIN 73560-0212(LT); (7) PIN 73481-0474(LT); (8) PIN 73469-0151(LT); (9) PIN 02136-0144(LT); and (10) PIN 73349-1361(LT);

AND THAT the outstanding taxes, penalties, interest and tax sale fees be written off as uncollectible as of the date of registration of the respective Notices of Vesting;

AND THAT a By-law be prepared authorizing the vesting and tax write-off as provided, as outlined in the report entitled "Vesting of Failed Tax Sale Properties", from the General Manager of Corporate Services, presented at the Planning Committee meeting on October 7, 2019.

CARRIED

C-2 **2487893 Ontario Limited - Application to extend draft plan of subdivision approval (Countryside Subdivision, Sudbury)**

Report dated September 16, 2019 from the General Manager of Growth and Infrastructure regarding 2487893 Ontario Limited - Application to extend draft plan of subdivision approval (Countryside Subdivision, Sudbury).

PL2019-127 Kirwan/McCausland: THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as Remainder of Parcel 25851 S.E.S. in Lots 5 & 6, Concession 5, Township of Broder, City of Greater Sudbury, File 780 6/88016, as outlined in the report entitled "2487893 Ontario Limited", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019, as follows:

a) By replacing the references to "General Manager of Infrastructure Services" with "General Manager of Growth and Infrastructure" in Conditions #9, 30 and 40.

b) By replacing the references to "Nickel District Conservation Authority" with "Conservation Sudbury" in Conditions #30 and 31.

c) By adding the following to Condition #9:

"Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of new homes."

d) By adding the following to Conditions #9 and 10:

"A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

e) By adding the following to Condition #13:

“A sound attenuation caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.”

f) By amending the draft plan lapsing date in Condition #28 to December 23, 2022.

g) By adding the following to Condition #30:

“A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.”

h) By adding the following to Condition #31:

“The Siltation Control Plan must show the location and types of sediment and erosion control measures to be implemented. The siltation controls 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 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.”

i) By deleting Condition #38.

j) By adding the following as Condition #41:

“The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, sidewalks, storm sewers and related appurtenances.”

k) By adding the following as Condition #42:

“Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner/applicant.”

l) By adding the following as Condition #43:

“The owner/applicant shall provide Master Servicing Plans for both the sanitary and storm sewer as well as watermain as they pertain to the new subdivision layout. Said plans are to show general alignment details, number of units and area serviced by individual runs, pipe diameter and flow direction. Said plan shall ensure that pipe diameters and alignments are established in order to support all phases of development.”

CARRIED

C-3

1840388 Ontario Inc. - Application to extend draft plan of subdivision approval (Nature's Haven Subdivision, St. Michel Street, Hanmer)

Report dated September 16, 2019 from the General Manager of Growth and Infrastructure regarding 1840388 Ontario Inc. - Application to extend draft plan of subdivision approval (Nature's Haven Subdivision, St. Michel Street, Hanmer).

PL2019-128 McCausland/Kirwan: THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as PINs 73508-1251, 73508-1231 and part of PIN 73508-1217, Part of Parcel 1230 S.E.S., in Lot 11, Concession 3, Township of Capreol, City of Greater Sudbury, File

780-7/07001, as outlined in the report entitled “1840388 Ontario Inc.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019, as follows:

a) By amending the draft plan lapsing date in Condition #11 to December 10, 2022.

b) By replacing the references to “General Manager of Infrastructure Services” with “General Manager of Growth and Infrastructure” in Conditions #9 and 31.

c) By adding the following to Condition #16:

“A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.”

d) By replacing Condition #17 with the following:

“The owner/applicant is to provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction to the satisfaction of the General Manager of Growth and Infrastructure. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner/applicant.”

e) By adding the following to Condition #18:

“A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.”

f) By replacing the reference to “Nickel District Conservation Authority” with “Conservation Sudbury” in Condition #24.

g) By adding the following as Condition #32:

“The owner/applicant shall provide Master Servicing Plans for both the sanitary and storm sewer as well as watermain as they pertain to the new subdivision layout. Said plans are to show general alignment details, number of units and area serviced by individual runs, pipe diameter and flow direction. Said plan shall ensure that pipe diameters and alignments are established in order to support all phases of development.”

h) By adding the following as Condition #33:

“The owner/applicant is to provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction to the satisfaction of the General Manager of Growth and Infrastructure. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner/applicant.”

i) By adding the following as Condition #34:

“Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exists to service the development.”

CARRIED

Managers' Reports

R-1 Update on Downtown Sudbury Community Improvement Plan 2019 Intake Period

Report dated September 16, 2019 from the General Manager of Growth and Infrastructure regarding Update on Downtown Sudbury Community Improvement Plan 2019 Intake Period.

The following resolution was presented:

PL2019-129 Kirwan/McCausland: THAT the City of Greater Sudbury directs staff to prepare a business case for eight (8) eligible and complete applications received under the Downtown Sudbury Community Improvement Plan as part of the 2020 Budget, as outlined in the report entitled "Update on Downtown Sudbury Community Improvement Plan - 2019 Intake", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019;

AND THAT the City of Greater Sudbury directs staff to return in Q1 of 2020 with an update report on the implementation of the Downtown Sudbury Community Improvement Plan.

CARRIED

R-2 Town Centre Community Improvement Plan and Main Street Revitalization Initiative Update

Report dated September 16, 2019 from the General Manager of Growth and Infrastructure regarding Town Centre Community Improvement Plan and Main Street Revitalization Initiative Update.

The following resolution was presented:

PL2019-130 McCausland/Kirwan: THAT the City of Greater Sudbury delegates approval authority for any remaining Main Street Revitalization Initiative Funds to the General Manager of Growth and Infrastructure, as outlined in the report entitled "Town Centre Community Improvement Plan and Main Street Revitalization Initiative Update", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019;

AND THAT the City of Greater Sudbury approves the application for 17-19 Main Street in Chelmsford in the amount of \$71,523 and directs staff to prepare a business case for \$25,344 which is the amount by which the application exceeds the remaining Town Centre CIP funds;

AND THAT the City of Greater Sudbury directs staff to return in Q1 of 2020 with an update report on the implementation of the Town Centre Community Improvement Plan.

CARRIED

R-3 Ghislain Bouchard & Chris Lamarche - Request to Amend Planning Committee Resolution PL2019-60, Zoning By-law Amendment Application # 751-6/19-1, 138-140 Albany Street, Sudbury

Report dated September 16, 2019 from the General Manager of Growth and Infrastructure regarding Ghislain Bouchard & Chris Lamarche - Request to Amend Planning Committee Resolution PL2019-60, Zoning By-law Amendment Application # 751-6/19-1, 138-140 Albany Street, Sudbury.

At 2:19 p.m., Councillor Leduc arrived.

Rules of Procedure

With consensus of the Committee, Councillor Leduc spoke on this matter.

The following resolution was presented:

PL2019-131 Kirwan/McCausland: THAT the City of Greater Sudbury denies the request to amend City Council Resolution CC2019-177 which ratified Planning Committee Resolution PL2019-60 pertaining to Zoning By-law Amendment Application # 751-6/19-1, on those lands described as PIN 02128-0454, Lot 26, Plan M-539, Part 2, Plan 53R-16301, Lot 6, Concession 4, Township of McKim, as outlined in the report entitled "Ghislain Bouchard & Chris Lamarche", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019.

Rules of Procedure

Councillor Kirwan presented the following amendment:

PL2019-131-A1 Kirwan/McCausland: THAT the City of Greater Sudbury amends the resolution to replace "denies" with "approves".

CARRIED

Rules of Procedure

With the concurrence of the Committee, the reading of the resolution was waived.

The following is the resolution as amended:

PL2019-131 Kirwan/McCausland: THAT the City of Greater Sudbury approves the request to amend City Council Resolution CC2019-177 which ratified Planning Committee Resolution PL2019-60 pertaining to Zoning By-law Amendment Application # 751-6/19-1, on those lands described as PIN 02128-0454, Lot 26, Plan M-539, Part 2, Plan 53R-16301, Lot 6, Concession 4, Township of McKim, as outlined in the report entitled "Ghislain Bouchard & Chris Lamarche", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2019.

CARRIED

At 2:48 p.m., Councillor Leduc departed.

Members' Motions

M-1 The following resolution was presented:

PL2019-132 McCausland/Kirwan: THAT the City of Greater Sudbury directs staff to review residential parking standards in Zoning By-law 2010-100Z to ensure that they are consistent with City Council's vision of a sustainable transportation system and report back to the Planning Committee with any recommended changes to the City's land use planning framework no later than Q4 2020.

CARRIED

Addendum

No Addendum was presented.

Civic Petitions

Councillor Sizer submitted a petition to the Deputy City Clerk which will be forwarded to the General Manager of Growth and Infrastructure. The petition is requesting that the province allow municipalities to use a better grade of patching material for the roads, as well as to use better procedures and equipment.

Question Period

No Questions were asked.

Adjournment

McCausland/Kirwan: THAT this meeting does now adjourn. Time: 2:52 p.m.

CARRIED

Christine Hodgins, Deputy City
Clerk