

Minutes

Planning Committee Minutes of 9/9/19

Location:	Tom Davies Square - Council Chamber
Commencement:	1:11 PM
Adjournment:	5:07 PM

Councillor Cormier, In the Chair

Present	Councillors McCausland, Sizer, Cormier, Landry-Altmann Councillor Montpellier
City Officials	Jason Ferrigan, Director of Planning Services; Alex Singbush, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Glen Ferguson, Senior Planner; Mauro Manzon, Senior Planner; Wendy Kaufman, Senior Planner; Brigitte Sobush, Manager of Clerk's Services/Deputy City Clerk; Danielle Wicklander, Legislative Compliance Coordinator; Christine Hodgins, Legislative Compliance Coordinator; Renée Stewart, CRM & Knowledgebase Administrator; Julie Lalonde, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Public Hearings

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

Report dated August 16, 2019 from the General Manager of Growth and Infrastructure regarding Alexander Dumas – Application for Zoning By-Law Amendment, 1663 Kingsway, Sudbury.

Alex Dumas, the applicant, and Eric Taylor, agent for the applicant, were present.

Wendy Kaufman, 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:

PL2019-108 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by Alexander Dumas to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from "M1-1", Business Industrial to "C2", General Commercial on those lands described as PIN 73573-0015, Parcel 48737, Parts 1, 2, 3 & 5, Plan 53R-1222 in Lot 12, Concession 4, Township of Neelon, as outlined in the report entitled "Alexander Dumas" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019.

YEAS: Councillors McCausland, Sizer, Cormier, Landry-Altmann
CARRIED

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

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

Report dated August 19, 2019 from the General Manager of Growth and Infrastructure regarding Hautamaki Estates Limited - Application for rezoning in order to permit "C2", General Commercial uses on vacant lands designated Mixed Use Commercial, Countryside Drive, Sudbury.

Kevin Jarus, Tulloch Engineering, agent for the applicant, was present.

Mauzo 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:

PL2019-109 McCausland/Sizer: THAT the City of Greater Sudbury approves the application by Hautamaki Estates Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "FD", Future Development to "C2(Special)", General Commercial Special on lands described as Part of PIN 73475-1268 in Lot 6, Concession 5, Township of Broder, as outlined in the report entitled "Hautamaki Estates Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019, subject to the following conditions:

a) The prior to the adoption of the amending by-law, the owner shall address the following conditions:

i) Provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law;

ii) Obtain easements across PIN 73475-1258 for access and servicing; or alternatively, PIN 73475-1258 is transferred to the City and consolidated with PIN 73475-0154, being the Countryside Drive right-of-way;

- b) That relief for zero lot frontage be provided if easements are granted in lieu of the transfer of PIN 73475-1258 to the City;
- c) That the amending by-law includes the following site-specific provision:
 - i) No loading spaces and a minimum easterly interior side yard setback of 2.5 metres shall be permitted for a veterinary clinic;
- d) Conditional approval shall lapse on September 24, 2021 unless Condition a) above has been met or an extension has been granted by Council.

YEAS: Councillors McCausland, Sizer, Cormier, Landry-Altmann
CARRIED

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

Recess

At 1:41 p.m. the Committee recessed.

Reconvene

At 1:59 p.m. the Committee reconvened.

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

Report dated August 16, 2019 from the General Manager of Growth and Infrastructure regarding Teen Challenge Canada Inc. – Application for Zoning By-law Amendment in order to allow for a special needs facility accommodating a maximum of sixteen individuals, 1823 Vermilion Lake Road, Dowling.

Glen Smeltzer, CEO of Teen Challenge Canada, Don Trepanier, Chief Program Officer with Teen Challenge Canada, the applicants, and Kevin Jarus, Senior Planner with Tulloch Engineering and agent for the applicants, were present.

Glen Ferguson, Senior Planner, outlined the report.

Russ Tilson, concerned resident, stated that the chosen location is too far from the centre of the city and from paramedic services. He said that the facility should be located closer to medical facilities. He stated he is opposed to having a rehab centre in a quiet, family neighbourhood.

Wade Ostrowalker, concerned resident, stated that in the past, it has taken police 45 minutes to attend to his home when he has called them and that his wife would be terrified to be alone at home if this application were approved. He stated that every window in his home faces the facility and that he is opposed to the special needs facility.

Brian Tylko, concerned resident, stated that he is opposed to this application for several reasons. He stated that logistically, it is a poor choice because there is no public transportation in the vicinity and that if a resident were to require any assistance, response times from medical facilities are lengthy. He also stated that the people attending the facility may have a criminal record and that the building is located 20 to 25 minutes from the closest

police dispatch. He said that it is a risk to have this rehab centre put into the neighbourhood and that the quality of life for potential residents of the facility may be subpar during the months of March to June due to the fact that the property is unusable during these months. He said that this will deter residents from wanting to stay at the facility. He further stated that the neighbouring properties range from \$400,000 in value to over \$600,000 and that the property value for these homes will decrease due to being located next to a rehab centre.

Jennifer Besser, concerned resident, stated that she is against this application as she owns a home business. She is a photographer and there are many children at her home. She stated the area has always been a safe one, but that will change with the introduction of a rehab centre. She stated that she has considered moving because she does not want to be near the rehabilitation centre. She further stated that given that there is no fence around the property, the residents would not be contained and thus it is not a secure area. She said she is concerned about crime, the fact that there will be only one (1) guard for sixteen (16) adults at night and that police response times are lengthy. She stated that her property value will decrease because her home is so close to the rehab centre and that buyers will not want to live near a rehab centre. She stated that many residents have signed petitions against this facility. She also said that the Vermilion Lake area is not an ideal location due to the fact that there are so many families nearby.

Denis Gaudette, concerned resident, stated he has concerns regarding the security of the area, as well as the facility's clients' access to the water. He stated that there is a park nearby with children and that security around the area must be enforced.

Tanya Despatie, concerned resident, stated that the area between her yard and this facility is entirely open. She also stated that there is a trailer park nearby and the residents there are loud. She stated it will be difficult for the clients of this facility to recover and meditate with all the noise from the boats on the water and residents of the trailer park. She said this location is not ideal due to the noise in the area. She said that as a resident, she is concerned that this application will be approved and that the adults who will use this facility, who may have criminal records, will be living next door to her and her daughter.

Ruth Dale, concerned resident, stated she is concerned that her property value may be compromised if this application were approved. She has safety concerns as well as concerns regarding the security protocols at the facility of only having one (1) person on shift for sixteen (16) clients at night. She also stated that there is no public transportation to the area and that there are no medical facilities nearby. She believes this location is inappropriate for a rehabilitation centre.

Fred Slade stated he supports the application as he has had many opportunities to listen to students and applicants from other Teen Challenge Canada locations. He stated that this program has been around for a long time due to its success rates and that if residents understood the program, their concerns would be alleviated. He stated that Teen Challenge Canada has high success rates compared to other rehabilitation centres and that they operate almost entirely on private donor donations.

Kathleen Wynne-Mcaughey spoke in support of the application as she had a family member who benefited from the program.

Don Jongsman spoke in support of the application. He stated that Teen Challenge Canada is very experienced in working with people who suffer from addiction and that they are nearly entirely funded by private donations. He stated that clients must go through a rigorous

application process and they must pay a fee to attend.

Elden Ryan, concerned resident, stated he has security concerns with regards to this application. He also asked if Teen Challenge Canada ever received assurances from the City that this application would be approved when they purchased the property.

Monique Charbonneau, area resident, spoke in favour of the application. She stated that Teen Challenge Canada's motivation is to help the people in the community and that she supports the application.

Josée Nees stated that she believes Teen Challenge Canada has merit as she has a family member who died of a drug overdose. However, she stated that homeowners have the right to decide what goes into their neighbourhood and that their desires should be respected.

Denise Giroux, area resident, stated that while she believes the program offered by Teen Challenge Canada is needed, it is not needed at this location. She stated that she has concerns about the decrease of property value if this application were approved. She also said that she is concerned about security at night. She stated that she was told she would be informed about this meeting but that she was not, and therefore is already experiencing problems. She stated that Vermilion Lake Road already has a bad reputation and that this facility will cause the area to be seen as undesirable. She asked if people's opinions either for or against will have any effect on the application.

Melanie Ryan, area resident, stated that she would like to know if Teen Challenge Canada looked into other areas for their facility.

Mr. Jarus addressed some of the concerns, stating that a safe injection site would not be permitted as it does not meet the criteria for a special needs facility. He stated that he understands most residents do not have fences and that the area is open. He said that Teen Challenge Canada has committed to building markers to indicate property lines and that there will be landscaping done. He further stated that an application was circulated to Emergency Services and they had no concerns as they can service the site. He also stated that as far as increasing the number of clients in the program, in order to do so, they would have to return to the Committee to obtain approval. He said that members of the public are afraid that if a client wanted to leave in the middle of the night, that Teen Challenge Canada might let them leave. However, he explained that there are discharge policies and clients are not allowed to simply leave the property. Clients are driven to a bus terminal, to a train station or to an airport and are not permitted to leave on foot.

Mr. Jarus stated that Teen Challenge Canada does own the property and the purchase of the property is not contingent on the approval of this rezoning application. The way the property is zoned currently, Teen Challenge Canada can operate at a limited capacity if this application is denied.

Mr. Trepanier stated that the medications that are brought on site are secured, rigorously counted, and are in their original containers. He explained that students are not allowed to access their own medication and that staff dispense it. He stated that students do not have free access to pills and that they are locked up.

Mr. Smeltzer stated that they hired a realtor to search Northern Ontario to find a place for their facility, although the principal focus was Sudbury. The realtor chose this area as being the most ideal. However, there were no assurances when the property was purchased that the application for rezoning would be approved.

Jason Ferrigan, Director of Planning Services, confirmed that no such assurances were provided to the applicant.

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:

PL2019-110 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by Teen Challenge Canada Inc. to amend By-law 2010-100Z by changing the zoning classification on the subject lands from "C7", Resort Commercial to "C7(S)", Resort Commercial Special on those lands described as PIN 73367-0543, Part of Parcel 6425, Lot 3, Concession 6, Township of Fairbank, as outlined in the report entitled "Teen Challenge Canada Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law:
 - a) The owner shall apply for a building permit for a change of use to the satisfaction of the Chief Building Official; and,
 - b) That the shipping containers located on the subject lands be removed to the satisfaction of the Chief Building Official and the Director of Planning Services.
2. That the amending zoning by-law contain the following site-specific provisions:
 - a) That in addition to those uses permitted in the parent "C7" Zone, a special needs facility be added as a permitted use; and,
 - b) That the special needs facility be limited to a maximum occupancy of sixteen individuals and necessary employees to provide support services.
3. That conditional approval shall lapse on September 24, 2021 unless Condition #1 above has been met or an extension has been granted by Council.

Recess

At 4:11 p.m. the Committee recessed.

Reconvene

At 4:25 p.m. the Committee reconvened.

Rules of Procedure:

Councillor Landry-Altmann presented the following amendment:

PL2019-110-A1 Landry-Altmann/Sizer: THAT the resolution be amended to include 2 c) as follows:

"That the required planting strip include a 1.5m opaque fence."

NAYS: Councillors Cormier, McCausland, Sizer, Landry-Altmann
DEFEATED

Rules of Procedure:

Councillor Landry-Altmann presented the following amendment:

PL2019-110-A2 Landry-Altmann/McCausland: THAT the resolution be amended to include 2 c) as follows:

"That a 1.5m opaque fence be installed on the front and interior side lot lines to the satisfaction of the Director of Planning Services."

YEAS: Councillors Cormier, McCausland, Sizer, Landry-Altmann
CARRIED

The resolution as amended was presented:

PL2019-110 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by Teen Challenge Canada Inc. to amend By-law 2010-100Z by changing the zoning classification on the subject lands from "C7", Resort Commercial to "C7(S)", Resort Commercial Special on those lands described as PIN 73367-0543, Part of Parcel 6425, Lot 3, Concession 6, Township of Fairbank, as outlined in the report entitled "Teen Challenge Canada Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law:

a) The owner shall apply for a building permit for a change of use to the satisfaction of the Chief Building Official; and,

b) That the shipping containers located on the subject lands be removed to the satisfaction of the Chief Building Official and the Director of Planning Services.

2. That the amending zoning by-law contain the following site-specific provisions:

a) That in addition to those uses permitted in the parent "C7" Zone, a special needs facility be added as a permitted use; and,

b) That the special needs facility be limited to a maximum occupancy of sixteen individuals and necessary employees to provide support services.

c) That a 1.5m opaque fence be installed on the front and interior side lot lines to the satisfaction of the Director of Planning Services.

3. That conditional approval shall lapse on September 24, 2021 unless Condition #1 above has been met or an extension has been granted by Council.

YEAS: Councillors Cormier, McCausland, Sizer, Landry-Altmann
CARRIED

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

Adopting, Approving or Receiving Items in the Consent Agenda

Rules of Procedure

Councillor Landry-Altmann requested that Consent Agenda item C-2 be pulled and dealt with separately.

The following resolution was presented:

PL2019-111 McCausland/Sizer: THAT the City of Greater Sudbury approves Consent Agenda Items C-1 and C-3.

CARRIED

The following are the Consent Agenda items:

Routine Management Reports

C-1 Dalron - Application to extend Draft Plan of Subdivision Approval for Hidden Valley, Valley East

Report dated August 16, 2019 from the General Manager of Growth and Infrastructure regarding Dalron - Application to extend Draft Plan of Subdivision Approval for Hidden Valley, Valley East.

PL2019-112 Sizer/McCausland: THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands known as Parcel 448 SES, and Parcel 2884 and deemed Plan M-1130 excluding Lot 94 and part of Lot 81 and includes deemed Plan M-1131 and deemed Plan M 1132, excluding part of Lot 20, Lot 7, Concession 5, Township of Blezard, Val Caron, File 780-7/04003, as outlined in the report entitled "Dalron Construction" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019 upon the payment of the processing fee of \$2,852.75 as follows:

a) By replacing Condition #10 with the following:

"10. That this draft approval shall lapse on August 25, 2022."

b) By replacing Condition #40 with the following:

"40. The owner shall construct Street A and Anton Avenue to an urban collector standard complete with on-road bicycle lanes and a sidewalk along the west and east sides, respectively and shall construct Hidden Valley Drive to an urban collector standard complete with on-road bicycle lanes and a sidewalk along the south side. On-street parking shall be restricted on both sides of Street A, Anton Avenue and Hidden Valley Drive. Collector streets are to be designed with traffic calming measures to reduce operating speeds to the satisfaction of the General Manager of Growth and Infrastructure."

c) By updating Condition #47 by deleting the words 'Growth and Development'.

d) By adding a new Condition #57:

"The owner requires permission from Conservation Sudbury for any development in a Regulated Area."

CARRIED

C-3 Maxime Rivard - Request to amend Planning Committee Resolution PL2018-18 pertaining to Rezoning File 751-6/17-22, 1124 Gordon Avenue, Sudbury

Report dated August 16, 2019 from the General Manager of Growth and Infrastructure regarding Maxime Rivard - Request to amend Planning Committee Resolution PL2018-18 pertaining to Rezoning File 751-6/17-22, 1124 Gordon Avenue, Sudbury.

PL2019- 113 Sizer/McCausland: THAT Planning Committee Resolution PL2018-18 pertaining to Rezoning File 751-6/17-22 as outlined in the report entitled "Maxime Rivard" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019 be amended as follows:

a) That Clause ii) of Paragraph a) be deleted and replaced with the following:

"Install an opaque fence with a minimum height of 1.8 metres along the southerly interior side lot line from the front building line of the existing garage to the rear building line of the existing dwelling to the satisfaction of the Director of Planning Services."

b) That Clause ii) of Paragraph b) be deleted and replaced with the following:

"An opaque fence with a minimum height of 1.8 metres shall be required along the southerly interior side lot line from the rear building line to the easterly limit of the outdoor parking area."

c) That in accordance with Subsection 34(17) of the Planning Act, no further notice is to be given with respect to the change to the proposed by-law.

CARRIED

C-2 was dealt with separately.

C-2 Rogers Communications Inc. – Application for public consultation on a proposed ground-based radio-communication and broadcasting antenna system, 1887 Bancroft Drive, Sudbury

Report dated August 16, 2019 from the General Manager of Growth and Infrastructure regarding Rogers Communications Inc. – Application for public consultation on a proposed ground-based radio-communication and broadcasting antenna system, 1887 Bancroft Drive, Sudbury.

Motion for Deferral

Councillor Sizer moved to have this report deferred to a Planning Committee meeting no later than the end of December in order to provide further information.

DEFERRED

Members' Motions

No Motions were presented.

Addendum

No Addendum was presented.

Civic Petitions

No Civic Petitions were submitted.

Question Period

No Questions were asked.

Adjournment

McCausland/Sizer: THAT this meeting does now adjourn. Time: 5:07 p.m.

CARRIED

Christine Hodgins, Legislative
Compliance Coordinator