

Minutes

Planning Committee Minutes of 7/8/19

Location:	Tom Davies Square - Council Chamber
Commencement:	1:20 PM
Adjournment:	4:26 PM

Councillor Cormier, In the Chair

Present Councillors Cormier, McCausland, Kirwan, Sizer, Landry-Altmann

City Officials Jason Ferrigan, Director of Planning Services; Keith Forrester, Manager of Real Estate; David Shelsted, Director of Engineering; Adam Kosnick, Manager of Regulated Services/Deputy City Clerk

Closed Session

The following resolution was presented:

PL2019-89 Sizer/Landry-Altmann: THAT the City of Greater Sudbury move into Closed Session to deal with three (3) Proposed or Pending Acquisition or Disposition or Disposition of Land Matters:

- Purchase of Land - Kitchener Avenue
- Exchange of Land - Falconbridge & Kingsway
- Purchase of Land - Whissel Avenue

in accordance with the Municipal Act, 2001 s.239(2)(c)

CARRIED

At 1:21 p.m. the Planning Committee moved into Closed Session.

Recess At 1:35 p.m. the Planning Committee recessed.

Reconvene At 2:06 p.m. the Planning Committee commenced the Open Session in the Council Chamber.

Councillor Cormier, In the Chair

Present Councillors Cormier, McCausland, Kirwan, Sizer, Landry-Altmann

City Officials Jason Ferrigan, Director of Planning Services; Guido Mazza, Director of Building Services/Chief Building Official; Alex Singbush, Manager of Development Approvals; Wendy Kauffman, Senior Planner Development Approvals; Adam Kosnick, Manager of Regulated Services/Deputy City Clerk; Anne Purvis, POA Support Clerk; Julie Lalonde, Clerk's Services Assistant; Melissa Lamontagne, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Public Hearings

1 1840239 Ontario Limited – Application for Zoning By-Law Amendment, 854 & 850 Notre Dame Avenue, Sudbury

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

Report dated June 17, 2019 from the General Manager of Growth and Infrastructure regarding 1840239 Ontario Limited – Application for Zoning By-Law Amendment, 854 & 850 Notre Dame Avenue, Sudbury.

Fred Slade, Agent for the Applicant, was present.

Wendy Kauffman, Senior Planner, outlined the report.

Mr. Slade requested an amendment to the resolution. He stated that the sale of alcohol is strictly regulated, with all three (3) levels of government involved, and there are permits needed for each level, which creates confusion. He said that there is a lack of clarity for zoning regarding permits for pubs. He advised that the province requires a separate license for beer sold on premise, but that if beer is sold to other restaurants or the LCBO, a manufacturer license is required. He further stated that if a business wishes to sell alcohol to the public, a retail license is required.

Mr. Slade explained that he met with staff in early March to get clarification on permits and was told he would need to rezone; therefore, he began the process to rezone the property. He advised that there no complaints regarding his submission and that the recommendation was to accept his application. He then stated that he was advised, for the first time, that a survey needed to be done, and thus, Mr. Slade would like that requirement removed. He said that there would disadvantages if this requirement were imposed, such as additional costs to and delay for the business. He explained that this requirement was not brought up before and this reference plan would cost \$4,000 to \$5,000 if he were obligated to do it, doubling the initial cost of the application.

Ward Councillor Kirwan asked Mr. Slade if anything is being changed in terms of operations, or the building, or of what is existing now, or if the only change is that beer is being sold off site?

Mr. Slade responded that there may be technical changes like adding another holding tank. He stated that there are no changes to the building and that there may be additional equipment but no structural changes.

Ward Councillor Kirwan asked if there are existing surveys.

Mr. Slade stated that there is no survey that delineates the split zoning from his understanding.

Ward Councillor Kirwan asked if it is the entire piece of land, entire subject property that will be zoned or if it is just the building that will be zoned

Mr. Slade responded that the report shows a diagram of the subject property in its entirety. It also shows the strip down at the bottom that is zoned C-2, as well as parcels that are in white. He also stated that there is a diagram that shows building on it.

Ward Councillor Kirwan stated that looking at the whole subject property, it seemed that the whole property was to be rezoned.

Mr. Slade stated that it was not the case.

Ward Councillor Kirwan then asked what was the subject property and questioned why the building alone would be zoned.

Wendy Kauffman, Senior Planner, stated that the M1-1 is the property to be rezoned and that there are two (2) other zones on the property.

Ward Councillor Kirwan asked if the reason for the survey was because part of the property is being split. He then questioned the reason for the survey.

Mr. Slade responded that it was the only way to have a proper legal description of the piece of the property that is M1-1. He then stated that there are no changes being made to property and also questioned the reason for the survey.

Ward Councillor Kirwan then stated that in order to rezone M1-1 there must have been a survey before. He then questioned if a survey existed.

Mr. Slade indicated that he was not part of the initial process so does not know if they ever planned to sell beer kegs off site. He then stated that his concern is that the survey request came so late in the process and would double the initial costs. He indicated there are approximately 12 members of staff. He found out about the required survey when Planning staff informed him that the business was recommended to pass, that the hearing was today, but that the survey needed to be done first. Mr. Slade indicated he was surprised and concerned that a survey needed to be done.

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:

2019-90 McCausland/Sizer: THAT the City of Greater Sudbury approves the application by 1840239 Ontario Limited to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from "M1-1", Business Industrial to "M1-1(S)", Business Industrial Special on those lands described as Lot 4, Concession 5, Township of McKim, Part 1, Plan 53R-5022, Parcel 20972, PIN 02123-0011, as outlined in the report entitled "1840239 Ontario Limited" from the General Manager of Growth and Infrastructure, presented at the

Planning Committee meeting on July 8, 2019, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall 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.
2. Conditional approval shall lapse on August 13, 2021 unless Condition 1 above has been met or an extension has been granted by Council.
3. That the amending zoning by-law contain the following site-specific provisions:
 - i. In addition to the uses permitted in the M1-1 zone, a food processing plant in the form of a brewery shall also be permitted.

Rules of Procedure:

Councillor McCausland presented the following amendment:

PL2019-90-A-1 McCausland/Kirwan: THAT the resolution be amended to remove conditions 1 and 2, and condition 3 now become condition 1.

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

The resolution as amended was presented:

2019-90 McCausland/Sizer: THAT the City of Greater Sudbury approves the application by 1840239 Ontario Limited to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from "M1-1", Business Industrial to "M1-1(S)", Business Industrial Special on those lands described as Lot 4, Concession 5, Township of McKim, Part 1, Plan 53R-5022, Parcel 20972, PIN 02123-0011, as outlined in the report entitled "1840239 Ontario Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 8, 2019, subject to the following conditions:

1. That the amending zoning by-law contain the following site-specific provisions:
 - i. In addition to the uses permitted in the M1-1 zone, a food processing plant in the form of a brewery shall also be permitted.

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

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

2 Chico Vaillancourt – Application for Zoning By-Law Amendment, 55 Main Street East, Chelmsford

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

Report dated June 17, 2019 from the General Manager of Growth and Infrastructure regarding Chico Vaillancourt – Application for Zoning By-Law Amendment, 55 Main Street East, Chelmsford.

Chico Vaillancourt, the applicant, was present.

Wendy Kauffman, Senior Planner, outlined the report.

Mr. Vaillancourt stated that he believes having two (2) units on the main floor would be beneficial as some tenants do not have vehicles. He said that he does get a lot of comments from the public that they are happy that new apartments are being provided. He explained that he is trying to accommodate seniors and individuals in wheelchairs, and that he is not having trouble finding tenants. He stated that the big questions he does get are regarding the size and price of the apartments. He said that those are the primary concerns from prospective tenants. He then stated that all three (3) units will be two (2) bedroom apartments and that he has been told that people would prefer larger units.

Evelyn Dutrisac, area resident and owner of a fourplex in Chelmsford, spoke in support of the application. She stated that older adults tend to stay in the downtown area where they have always been as there are doctors, dentists, a mall, and that there is a bus nearby. She stated that there are a lot of amenities in this area. She stated that she supports the application.

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:

PL2019-91 Sizer/Landry-Altmann: THAT the City of Greater Sudbury approves the application by Chico Vaillancourt to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special on those lands described as PIN 73351-0036, Lot 53, Plan M-18, Lot 2, Concession 4, Township of Balfour, as outlined in the report entitled "Chico Vaillancourt" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 8, 2019, and that the amending zoning by-law include following site-specific provisions:

- i. In addition to the uses permitted in the R2-2 zone, a multiple dwelling containing a maximum of three dwelling units shall be permitted;
- ii. That a minimum of one parking space per dwelling unit shall be provided for the multiple dwelling; and
- iii. That the minimum front yard shall be 1.1 m.

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

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

Matters Arising from the Closed Session

Councillor Cormier reported that the Committee met in Closed Session to deal with three (3) Proposed or Pending Acquisition or Disposition of Land Matter and the following resolutions emanated therefrom:

PL2019-92 Sizer/Landry-Altmann: THAT the City of Greater Sudbury authorize the purchase and demolition of 101 Kitchener Avenue, Sudbury, legally described as PIN 02132-0172(LT),

Lot 31, Plan M-42, City of Greater Sudbury;

AND THAT the acquisition, demolition, designated substance survey and all other costs associated with the demolition be funded from the Capital Financing Reserve Fund - General;

AND THAT a by-law be prepared to authorize the purchase and the execution of the documents required to complete the real estate transaction.

CARRIED

PL2019-93 Landry-Altmann/Sizer: THAT the City of Greater Sudbury authorize the closure of part of the Kingsway road allowance legally described as part of PIN's 73573-0172(LT) and 73573-0359(LT) being Part 2 and 5 on Plan 53R-17942;

AND THAT the said Parts 2 and 5 on Plan 53R-17942, as closed, be transferred to the owner of 225 Falconbridge Road, Sudbury in exchange for the transfer to the City of part of 225 Falconbridge Road, legally described as part of PIN 73573-0137(LT), being Parts 7 and 8 on Plan 53R-17942, for road purposes;

AND THAT the legal fees and disbursements for the land exchange transaction be funded from Capital Financing Reserve Fund - General;

AND THAT a by-law be prepared to authorize the road closure, land exchange and the execution of the documents required to complete the real estate transaction.

CARRIED

PL2019-94 Landry-Altmann/Sizer: THAT the City of Greater Sudbury authorize the purchase of an easement over 510 Whissel Avenue, Sudbury, legally described as part of PIN 02245-0321 (LT), and part of PIN 02245-0322(LT), City of Greater Sudbury;

AND THAT the easement acquisition be funded from the St. Charles Lift Station Capital Account;

AND THAT a by-law be prepared to authorize the purchase of the easement and the execution of the documents required to complete the real estate transaction.

CARRIED

Adopting, Approving or Receiving Items in the Consent Agenda

Rules of Procedure

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

The following resolution was presented:

PL2019-95 Sizer/Landry-Altmann: THAT the City of Greater Sudbury approves Consent Agenda Item C-1.

CARRIED

The following are the Consent Agenda items:

Routine Management Reports

C-1 Part of Hill Road, Lively - Road Closure and Declaration of Surplus Land

Report dated June 13, 2019 from the General Manager of Corporate Services regarding Part of Hill Road, Lively - Road Closure and Declaration of Surplus Land.

PL2019-96 Landry-Altmann/Sizer: THAT the City of Greater Sudbury closes by by-law and declares surplus to the City's needs part of Hill Road, Lively, legally described as part of PIN 73377-1564(LT), being part of Part 7 on Plan 53R-8177, Township of Waters, as outlined in the report entitled "Part of Hill Road, Lively - Road Closure and Declaration of Surplus Land" from the General Manager of Corporate Services, presented at the Planning Committee on July 8, 2019;

AND THAT the land be offered for sale to the abutting property owners pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174;

AND THAT a by-law be prepared to authorize the closing of part of Hill Road, Lively.

CARRIED

C-2 was dealt with separately.

C-2 Phu Nguyen – Request to extend a conditional approval on a rezoning application, 1755 Lasalle Boulevard, Sudbury

Report dated June 17, 2019 from the General Manager of Growth and Infrastructure regarding Phu Nguyen – Request to extend a conditional approval on a rezoning application, 1755 Lasalle Boulevard, Sudbury.

2019-97 Landry-Altmann/McCausland: THAT the City of Greater Sudbury approves the application by Phu Nguyen to extend the approval of a Zoning By-law Amendment Application, File #751-6/17-3, on those lands described as PIN 73570-0243, Parcel 29802, Lot 20 & Part of Lot 21, Plan M-341, Lot 11, Concession 5, Township of Neelon, for a period of one year until June 13, 2020, as outlined in the report entitled "Phu Nguyen" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 8, 2019.

Rules of Procedure

Councillor Sizer presented the following amendment:

PL2019-97-A 1 Sizer/Kirwan: THAT the resolution be amended to replace "for a period of one year until June 13, 2020" with "for a period of three months until October 31, 2019"

CARRIED

The resolution as amended was presented:

PL2019-97 Landry-Altmann/McCausland: THAT the City of Greater Sudbury approves the application by Phu Nguyen to extend the approval of a Zoning By-law Amendment Application, File #751-6/17-3, on those lands described as PIN 73570-0243, Parcel 29802, Lot 20 & Part of Lot 21, Plan M-341, Lot 11, Concession 5, Township of Neelon, for a period of three months until October 31, 2019 as outlined in the report entitled "Phu Nguyen" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 8, 2019.

CARRIED

Referred and Deferred Matters

R-1 Extension to Draft Plan of Subdivision Approval for Royal Oaks Subdivision (Nickeldale), Sudbury - Dalron Construction Limited

Report dated June 18, 2019 from the General Manager of Growth and Infrastructure regarding Extension to Draft Plan of Subdivision Approval for Royal Oaks Subdivision (Nickeldale), Sudbury - Dalron Construction Limited.

Rules of Procedure

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

PL2019-98 Sizer/Landry-Altmann: 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 described as Part of Plans M-1044 and M-1045, Lots 2 & 3, Concession 6, Township of McKim, File # 780-6/89023, as outlined in the report entitled "Extension to Draft Plan of Subdivision Approval for Royal Oaks Subdivision (Nickeldale), Sudbury - Dalron Construction Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 10, 2019, upon payment of Council's processing fee in the amount of \$2731.75, as follows:

1. By deleting the words "Infrastructure Services" and replacing them with "Growth and Infrastructure" in Condition #23, #27, #42 and #44.
2. By deleting Condition #22 entirely and replacing it with the following: "22. That this draft approval shall lapse on April 27, 2022."
3. By adding the words "A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor." at the end of Condition #27.
4. By deleting Condition #28 entirely and replacing it with the following: "28. Prior to the submission of servicing plans, the owner shall have a Stormwater Management Report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed Subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall establish how the quantity of stormwater generated by the subdivision will be controlled to 85% of the pre-development flow for the 1:5, 1:100 and Regional Storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property and any upstream areas draining through the subdivision. The quality of the stormwater must meet an enhanced level treatment as defined by the MECP. The plan shall be submitted to the satisfaction of the Director of Planning Services. The major storm flow path shall be clearly delineated on the stormwater management and subdivision grading plans. Major storm overland flow for the subdivision is to remain within City road allowances and City drainage blocks. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the Stormwater Management Report. The stormwater management report and plan must also be reviewed and approved to the satisfaction of Conservation Sudbury, in order to protect the co-efficiency of the Flood Control Structures, at the Maley Reservoir and Nickeldale

Reservoir.”

5. By adding the words “A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.” at the end of Condition #30.

6. By adding the words “If required, a noise attenuation agreement will be registered on title for the affected lots to the satisfaction of the Chief Building Official.” at the end of Condition #41.

7. By adding the word “Services” after “Director of Planning” in Condition #43.

8. By adding a new Condition #45 as follows: “45. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.”

9. By adding a new Condition #46 as follows: “46. Prior to final approval, the owners/applicants shall, to the satisfaction of the Director of Planning Services, demonstrate that all relevant requirements set out by the Province under the Endangered Species Act have been satisfied.”

Rules of Procedure

Councillor Landry-Altmann presented the following amendment:

PL2019-98-A-1 Landry-Altmann/McCausland: THAT the resolution be amended to add the following:

“10. By adding a new condition #47 as follows: “47. THAT resolutions CC2015-335 and CC2016-380A2 be complied with.””

CARRIED

The resolution as amended was presented:

PL2019-98 Sizer/Landry-Altmann: 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 described as Part of Plans M-1044 and M-1045, Lots 2 & 3, Concession 6, Township of McKim, File # 780-6/89023, as outlined in the report entitled “Extension to Draft Plan of Subdivision Approval for Royal Oaks Subdivision (Nickeldale), Sudbury - Dalron Construction Limited” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 10, 2019, upon payment of Council’s processing fee in the amount of \$2731.75, as follows:

1. By deleting the words “Infrastructure Services” and replacing them with “Growth and Infrastructure” in Condition #23, #27, #42 and #44.

2. By deleting Condition #22 entirely and replacing it with the following: “22. That this draft approval shall lapse on April 27, 2022.”

3. By adding the words “A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor.” at the end of Condition #27.

4. By deleting Condition #28 entirely and replacing it with the following: “28. Prior to the submission of servicing plans, the owner shall have a Stormwater Management Report and

plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed Subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall establish how the quantity of stormwater generated by the subdivision will be controlled to 85% of the pre-development flow for the 1:5, 1:100 and Regional Storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property and any upstream areas draining through the subdivision. The quality of the stormwater must meet an enhanced level treatment as defined by the MECP. The plan shall be submitted to the satisfaction of the Director of Planning Services. The major storm flow path shall be clearly delineated on the stormwater management and subdivision grading plans. Major storm overland flow for the subdivision is to remain within City road allowances and City drainage blocks. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the Stormwater Management Report. The stormwater management report and plan must also be reviewed and approved to the satisfaction of Conservation Sudbury, in order to protect the co-efficiency of the Flood Control Structures, at the Maley Reservoir and Nickeldale Reservoir."

5. By adding the words "A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor." at the end of Condition #30.

6. By adding the words "If required, a noise attenuation agreement will be registered on title for the affected lots to the satisfaction of the Chief Building Official." at the end of Condition #41.

7. By adding the word "Services" after "Director of Planning" in Condition #43.

8. By adding a new Condition #45 as follows: "45. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development."

9. By adding a new Condition #46 as follows: "46. Prior to final approval, the owners/applicants shall, to the satisfaction of the Director of Planning Services, demonstrate that all relevant requirements set out by the Province under the Endangered Species Act have been satisfied."

10. By adding a new condition #47 as follows: "47. THAT resolutions CC2015-335 and CC2016-380A2 be complied with."

CARRIED

Members' Motions

Councillor McCausland presented a Notice of Motion in regards to small scale breweries and distilleries and asked that the notice be waived.

WAIVED BY TWO-THIRDS MAJORITY

The following resolution was presented:

PL2019-99 McCausland/Landry-Altmann: WHEREAS, the City of Greater Sudbury's Food Strategy acknowledges the value of culinary tourism and the attractiveness of independently

owned restaurants and microbreweries, and the linkages to supporting local food production;

AND WHEREAS, there is growing interest in the development of small-scale breweries and distilleries (e.g. micro-breweries and brew pubs);

AND WHEREAS, the Zoning By-law for the City of Greater Sudbury currently recognizes a brewery as a form of food processing plant limited to the M1, M2 and M3 zone, regardless of quantity;

NOW THEREFORE BE IT RESOLVED that City staff be directed to evaluate options for amending the City's Zoning By-law to establish a framework to accommodate small-scale breweries and distilleries, including a review of best practices; and that staff report back with findings and recommendation by the end of 2019.

CARRIED

Correspondence for Information Only

I-1 Building Permit Approval Process as it Relates to "Over Builds"

Report dated June 17, 2019 from the General Manager of Growth and Infrastructure regarding Building Permit Approval Process as it Relates to "Over Builds".

For Information Only.

Addendum

No Addendum was presented.

Civic Petitions

No Civic Petitions were submitted.

Question Period

No Questions were asked.

Adjournment

Landry-Altmann/Sizer: THAT this meeting does now adjourn. Time: 4:26 p.m.

CARRIED

Adam Kosnick, Deputy City Clerk