

Minutes

Planning Committee Minutes of 4/8/19

Location:	Tom Davies Square - Council Chamber
Commencement:	4:49 PM
Adjournment:	8:25 PM

Councillor Kirwan, In the Chair

Present Councillors McCausland, Kirwan, Sizer, Cormier [A 4:53 p.m.]

City Officials Jason Ferrigan, Director of Planning Services; Tony Cecutti, General Manager of Growth and Infrastructure; Keith Forrester, Manager of Real Estate; Brigitte Sobush, Manager of Clerk's Services/Deputy City Clerk

Closed Session

The following resolution was presented:

PL2019-39 Kirwan/Sizer: THAT the Planning Committee move into Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matter:

- Purchase of Land - Kingsway, Sudbury

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

CARRIED

At 4:50 p.m. the Planning Committee moved into Closed Session.

Recess At 4:57 p.m. the Planning Committee recessed.

Reconvene At 5:32 p.m. the Planning Committee commenced the Open Session in the Council Chamber.

Councillor Cormier, In the Chair

Present Councillors McCausland, Kirwan, Sizer, Cormier

City Officials Jason Ferrgian, Director of Planning Services; Alex Singbush, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Kris Longston, Manager, Community and Strategic Planning; Mauro Manzon, Senior Planner; Glen Ferguson, Senior Planner; Brigitte Sobush, Manager of Clerk's Services/Deputy City Clerk; Christine Hodgins, Legislative Compliance Coordinator; Renée Stewart, Clerk's Services Assistant; Lisa Locken, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Rules of Procedure

Councillor Sizer moved that the order of the agenda be altered to deal with Referred and Deferred Matter R-3 first.

CARRIED BY TWO-THIRDS MAJORITY

Referred and Deferred Matters

R-3 Darlene & Nathan Nicholson – Application for rezoning in order to permit a kennel having a reduced buffer distance to nearest residential building. 15 Kalio Road. Lively

Motion for Deferral

Councillor Sizer moved to defer this item to the June 24, 2019 Planning Committee meeting in order for quorum to be achieved by the Planning Committee members, who were present for the public hearing.

DEFERRED

Public Hearings

1 City of Greater Sudbury - Application to extend a temporary use by-law in order to provide overflow parking for Smith's Market for a maximum period of three (3) years. Chapman Street. Sudbury

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

Report dated March 14, 2019 from the General Manager of Growth and Infrastructure regarding City of Greater Sudbury - Application to extend a temporary use by-law in order to provide overflow parking for Smith's Market for a maximum period of three (3) years, Chapman Street, Sudbury.

Michael Rosset, the applicant, was present.

Mauro Manzon, Senior Planner, outlined the report.

Mauro Manzon, Senior Planner, stated that the temporary use by-law is limited to three (3) years under section 39 of the *Planning Act*. He further stated that if the Committee wished to have the fee clause removed, they could simply remove it from the resolution.

Mauro Manzon, Senior Planner, stated that there are extension fees that are applicable to all extensions requested under the *Planning Act*.

Mauro Manzon, Senior Planner, stated that the terms of the lease agreement were discussed in camera, and were agreed upon by both parties.

Mr. Rosset advised that they have been paying a partial fee since 1998. They are also paying rent and municipal taxes for the property. He also stated that they are responsible for paying any fees and they understand the intent behind it. They would prefer a long term lease and not have to revisit this every three (3) years.

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:

PL2019-40 Sizer/Kirwan: THAT the City of Greater Sudbury approves the application by the City of Greater Sudbury to amend Zoning By-law 2010-100Z with respect to lands described as PIN 02123-0379, being an unopened portion of the Chapman Street road allowance, Plan M-243 in Lot 2, Concession 5, Township of McKim in order to permit overflow parking for the business operation at 971 Lasalle Boulevard for a temporary period of three (3) years in accordance with Section 39 of the *Planning Act*, as outlined in the report entitled "City of Greater Sudbury" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019, subject to the following conditions:

- a. No part of the parking area shall be located closer than 1.8 metres to a residential lot, nor closer than 3 metres to Arthur Street;
- b. That the balance of the application fee of \$1,220.00 be paid prior to the adoption of the amending by-law.

Councillor Kirwan presented the following amendment:

PL2019-40A-1 Kirwan/McCausland: THAT the resolution be amended to strike condition "b" from the resolution.

YEAS: Councillors Kirwan, McCausland, Cormier

NAYS: Councillor Sizer

CARRIED

The resolution as amended was presented:

Rules of Procedure

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

PL2019-40 Sizer/Kirwan: THAT the City of Greater Sudbury approves the application by the City of Greater Sudbury to amend Zoning By-law 2010-100Z with respect to lands described as PIN 02123-0379, being an unopened portion of the Chapman Street road allowance, Plan M-243 in Lot 2, Concession 5, Township of McKim in order to permit overflow parking for the business operation at 971 Lasalle Boulevard for a temporary period of three (3) years in accordance with Section 39 of the *Planning Act*, as outlined in the report entitled "City of

Greater Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019, subject to the following conditions:

a. No part of the parking area shall be located closer than 1.8 metres to a residential lot, nor closer than 3 metres to Arthur Street;

YEAS: Councillors Kirwan, McCausland, Cormier

NAYS: Councillor Sizer

CARRIED

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

2 Northern Home Builders and Renovators Inc. - Application for rezoning in order to permit two (2) single detached dwellings with secondary dwelling units, Brabant Street, Azilda

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

Report dated March 13, 2019 from the General Manager of Growth and Infrastructure regarding Northern Home Builders and Renovators Inc. - Application for rezoning in order to permit two (2) single detached dwellings with secondary dwelling units, Brabant Street, Azilda.

Peter Nault, 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:

PL2019-41 McCausland/Kirwan: THAT the City of Greater Sudbury approves the application by Northern Home Builders and Renovators Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "FD(4)", Future Development Special to "R1-2", Low Density Residential One on lands described as PIN 73347-1717, Part 20, Plan 53R-20256 in Lot 6, Concession 1, Township of Rayside, as outlined in the report entitled "Northern Home Builders and Renovators Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

YEAS: Councillors Cormier, McCausland, Kirwan, Sizer

CARRIED

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

3 Luc Soenens – Applications for Official Plan Amendment and Zoning By-law Amendment in order to facilitate the creation of a rural lot, 4292 Municipal Road #15, Chelmsford

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

Report dated March 18, 2019 from the General Manager of Growth and Infrastructure regarding Luc Soenens – Applications for Official Plan Amendment and Zoning By-law Amendment in order to facilitate the creation of a rural lot, 4292 Municipal Road #15, Chelmsford.

Kevin Jarus, Tulloch Engineering, agent for the applicant and Luc Soenens, the applicant, were present.

Glen Ferguson, Senior Planner, outlined the report.

Glen Ferguson, Senior Planner, stated that the Provincial Policy Statement does include a policy which allows municipalities to permit limited residential development in rural areas. There are provisions, one of which is that 90 metres of road frontage must occur on both the severed and retained portions of the lot as well as a minimum lot size of five (5) acres. This application has the acreage but does not meet the frontage provision.

Ward Councillor McCausland advised that the report states that phone calls were received regarding this application, and asked what the general nature of the calls were.

Glen Ferguson, Senior Planner, stated the phone calls that Planning Services received generally related to three (3) concerns; the lands being cleared, derelict vehicles on the property and construction of a building believed to be a residence. There was concern that the westerly front portion of the land had been cleared and Building Services stated that site alteration permits may have been required for this. Complaints were received regarding the presence of derelict vehicles on the property. Also complaints about a building under construction without proper permits, located on the retained portion of the lot.

Ward Councillor McCausland asked what was meant by a building, is this a residence that was built without a permit.

Glen Ferguson, Senior Planner, stated that when he visited the site it was difficult to access due to snowfall. One of the phone calls they received alluded to the fact that there was a building under construction that was believed to be a residential dwelling. This information was passed along to Building Services.

Ward Councillor McCausland asked if one of the concerns is the topsoil stripping or are there other concerns.

Glen Ferguson, Senior Planner, stated that Building Services noted in their comments that a portion of the site has been altered contrary to the site alteration by-law. They advised that prior to passing of an amending zoning by-law, a Site Alteration Permit will be required.

Ward Councillor McCausland asked where are the municipal services located and how far away are they from the development.

Mr. Jarus stated that the City's drainage, conservation authority, roads and operations departments had no concerns with this application. When creating lots, the Official Plan states that they must comply with the minimum distance separation formula that is provided by the province. Given that there are no technical concerns, the staff report states that the recommendation to deny is based on the fact that the Official Plan only allows lot splits with 90 metres of frontage. They do not agree that it should be denied and feel it should be allowed under the *Planning Act*. Applications for Official Plan Amendments are allowed under the *Planning Act* because the Official Plan policies do not always consider the context of each and every property in the municipality. The Official Policies are intended to mitigate the

pressures inherent to un-serviced development and the environmental impacts on private septic systems. The greatest impact on new septic systems is phosphorous entering water bodies, however, this property is not waterfront. The city's current Official Plan does permit rural separations on water bodies if the property only has 45 metres of frontage and two (2) acres of land. This application seeks to have one new property. The Provincial Policy Standard only allows limited residential development in rural areas and as such the Official Plan framework only allows separation with 90 metres of frontage. The city's Official Plan, section 5 states that rural area is to accommodate a variety of land uses. The area around this property already has a significant cluster of residential properties with frontages very similar to those frontages requested that are serviced by municipal waste collection and snow plowing services. Permitting another lot with a small reduction in frontage would provide further economy to scale as more property taxes would pay for the services already provided. This application would have no impact on the natural environment or the agricultural resource base. A provincial guidance document called the Provincial Policy Statement 2014, Northern Ontario includes some considerations when considering what is limited rural development within the northern Ontario context. The Provincial Policy Statement 2014, Northern Ontario speaks to some tests to consider. One of the tests is if the character of the area would be impacted, and in this application the character would not be impacted. The subject lands are only 2.5 kilometers away from the settlement area of Chelmsford. Given this proximity approval would provide easy access to existing services in that area.

Ward Councillor McCausland asked why the applicant has derelict vehicles, built a residence and completed site alterations on the property and questions why proper permits were not obtained.

Mr. Jarus stated that the site alterations had already occurred and that the owner was not aware that a permit prior to doing the work was required. Regarding the dwelling, it is a condition that Building Services will have to approve any dwelling. The owner has been made aware that the derelict vehicles need to be removed and this could be a requirement added to the conditions. They are not asking for 45 metres of frontage they are asking for 63 metres of frontage which is greater than what is required for waterfront.

Ward Councillor McCausland asked what is happening with the north portion of the land.

Mr. Jarus stated that the north portion of the property is an agricultural cash crop area.

Glen Ferguson, Senior Planner, stated settlement living areas are the focus of growth and development in municipalities and should be directed towards these areas.

Jason Ferrigan, Director of Planning Services, stated that there was a report, the Comparative Municipal Impact Analysis Report or more commonly known as the Cost of Growth Report and it came to the Committee in January 2018. This report looked at the net cost of residential development in different areas of the community. The areas were urban, suburban and rural. The study concluded that residential development in the rural areas represents a net cost to the municipality. Increases in assessment and taxation and comparing the additional revenue against the services provided the municipality subsidizes rural residential development.

Jason Ferrigan, Director of Planning Services, stated there is a different perspective when looking at this application. Mr. Jarus is providing a professional planning opinion looking at the merits of this application. When the Planning Department reviews applications, they are responsible to consider the cumulative impact of this decision, and the issues are much broader than lack of frontage. The city has an excess of land supply in all categories including

rural residential land. In the past ten (10) years it was concluded that current rules of 90 metres of frontage and a maximum of three (3) lots should remain, there was no land use rational to change those standards. The city is not experiencing a shortage of rural residential lands.

Ward Councillor McCausland stated he is having trouble reconciling different sizes. Regional Road 15 is already being serviced by the municipality. It is somewhat a corridor and will be serviced by public transit in August 2019. He enquired how to respond to questions from residences about developing in areas that have services and explain that this will actually cost the municipality.

Jason Ferrigan, Director of Planning Services, stated that these are the difficult planning applications and it is staffs job to give advice and provide the Planning Committees with their judgment and decisions.

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 resolutions were presented:

Resolution regarding Official Plan Amendment Application:

PL2019-42 McCausland/Kirwan: THAT the City of Greater Sudbury denies the application by Luc Soenens to amend the Official Plan for the City of Greater Sudbury to provide for a site-specific exception from Section 5.2.2 in order to facilitate the creation of one new rural lot on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled "Luc Soenens" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

Councillor Kirwan presented the following amendment:

PL2019-42A Kirwan/McCausland: THAT the resolution be amended to replace the word "denies" with the word "approves" the application.

YEAS: Councillors Kirwan, Cormier, McCausland

NAYS: Councillor Sizer

CARRIED

The resolution as amended was presented:

PL2019-42 McCausland/Kirwan: THAT the City of Greater Sudbury approves the application by Luc Soenens to amend the Official Plan for the City of Greater Sudbury to provide for a site-specific exception from Section 5.2.2 in order to facilitate the creation of one new rural lot on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled "Luc Soenens" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

YEAS: Councillors Kirwan, Cormier, McCausland

NAYS: Councillor Sizer

CARRIED

Recess

At 7:12 p.m. the Committee recessed.

Reconvene

At 7:23 p.m. the Committee reconvened.

Resolution regarding Zoning By-law Amendment Application:

The following alternate resolution was presented:

PL2019-43 McCausland/Kirwan: THAT the City of Greater Sudbury approves the application by Luc Soenens to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the lands from "RU", Rural to "RU(S)", Rural Special on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled "Luc Soenens" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019, subject to the following conditions:

1. That prior to passing an amending zoning by-law the owner provides the Development Approvals Section with a registered survey plan delineating the lands to be rezoned to the satisfaction of the Director of Planning Services; and
2. That prior to passing an amending zoning by-law the owner apply for a site alteration permit to the satisfaction of the Director of Building Official; and
3. That prior to passing an amending zoning by-law the owner remove all unlicensed vehicles from the lands to the satisfaction of the Chief Building Official and the Director of Planning Services; and
4. That the minimum lot frontage for both the severed and retained portions shall be 63 metres in the amending zoning by-law; and
5. Conditional approval shall lapse on May 7, 2019 unless Conditions #1, 2 and 3 above have been met or an extension has been granted by Council.

Rules of Procedure

Councillor Cormier presented a friendly amendment to change the date in condition 5 to May 7, 2021.

The following is the resolution with the inclusion of the friendly amendment:

PL2019-43 McCausland/Kirwan: THAT the City of Greater Sudbury approves the application by Luc Soenens to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the lands from "RU", Rural to "RU(S)", Rural Special on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, as outlined in the report entitled "Luc Soenens" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019, subject to the following conditions:

1. That prior to passing an amending zoning by-law the owner provides the Development Approvals Section with a registered survey plan delineating the lands to be rezoned to the satisfaction of the Director of Planning Services; and
2. That prior to passing an amending zoning by-law the owner apply for a site alteration permit

to the satisfaction of the Director of Building Official; and

3. That prior to passing an amending zoning by-law the owner remove all unlicensed vehicles from the lands to the satisfaction of the Chief Building Official and the Director of Planning Services; and

4. That the minimum lot frontage for both the severed and retained portions shall be 63 metres in the amending zoning by-law; and

5. Conditional approval shall lapse on May 7, 2021 unless Conditions #1, 2 and 3 above have been met or an extension has been granted by Council.

YEAS: Councillors Cormier, McCausland, Kirwan, Sizer

CARRIED

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

Matters Arising from the Closed Session

Councillor Kirwan reported that the Committee met in Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matters and one resolution emanated therefrom:

PL2019-44 Kirwan/Sizer: THAT the City of Greater Sudbury authorizes the purchase of part of 1194 Kingsway, Sudbury, legally described as Part of PIN 02132-0432(LT), City of Greater Sudbury under Section 30 of the *Expropriations Act*;

AND THAT the acquisition be funded from the Kingsway Active Transportation Improvement project account;

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

Adopting, Approving or Receiving Items in the Consent Agenda

The following resolution was presented:

PL2019-45 Sizer/Kirwan: THAT the City of Greater Sudbury approves Consent Agenda Item C-1.

CARRIED

The following is the Consent Agenda item:

Routine Management Reports

C-1 2174113 Ontario Limited Condominium Extension (Glen Avenue, Sudbury)

Report dated March 12, 2019 from the General Manager of Growth and Infrastructure regarding 2174113 Ontario Limited Condominium Extension (Glen Avenue, Sudbury).

PL2019-46 Kirwan/Sizer: THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of condominium on those lands described as PIN 73579-0335, Parcel 23833 A SES, Lot 1, Concession 3, Township of McKim, File #741-6/12001, as outlined in the report entitled "2174113 Ontario Limited Condominium Extension (Glen Avenue, Sudbury)" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019, upon payment of Council's processing fee in the amount of \$770.00 as follows:

1. By deleting Condition #5 entirely and replacing it with the following:

"5. That this draft approval shall lapse on April 24, 2022."

CARRIED

Managers' Reports

R-1 Policy and Regulation Options for Recreational Cannabis Cultivation, Production and Retail

Report dated March 8, 2019 from the General Manager of Growth and Infrastructure regarding Policy and Regulation Options for Recreational Cannabis Cultivation, Production and Retail.

The following resolution was presented:

PL2019-47 Sizer/Kirwan: THAT the City of Greater Sudbury directs staff to initiate a Zoning By-law amendment process under the Planning Act as described in the report entitled "City of Greater Sudbury Policy and Regulations Options Report for Recreational Cannabis Cultivation, Production and Retail", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 8, 2019.

CARRIED

R-2 Review of Kennel Buffer and Yard Setback Provisions under Zoning By-law 2010-100Z

Report dated March 21, 2019 from the General Manager of Growth and Infrastructure regarding Review of Kennel Buffer and Yard Setback Provisions under Zoning By-law 2010-100Z.

For Information Only.

Referred and Deferred Matters

R-4 South End Hygiene Services Inc. - Application for rezoning in order to allow all uses permitted under C3, Limited General Commercial zoning, 402 Marttila Drive, Sudbury

Recess

At 7:57 p.m. the Committee recessed.

Reconvene

At 8:15 p.m the Committee reconvened.

The following alternate resolution was presented:

PL2019-48 Kirwan/McCausland: THAT the City of Greater Sudbury approves the application by South End Hygiene Services Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "C3(S)", Limited General Commercial Special on lands described as PIN 73596-0551, Parcel 29390 S.E.S., in Lot 7, Concession 1, Township of McKim, as outlined in the report entitled "South End Hygiene Services Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 28, 2019, subject to the following conditions:

a) That the amending by-law includes the following site-specific provisions:

(i) The minimum required corner side yard shall be two (2) metre;

(ii) The minimum required rear yard shall be two (2) metre;

(iii) A minimum lot frontage of 28 metres shall be permitted;

(iv) No planting strip shall be required along the northerly lot line;

(v) A minimum two (2) metre-wide landscaped area adjacent to the full length of the westerly lot line shall be required;

(vi) An outdoor parking area shall be permitted within three (3) metres of the easterly, westerly and northerly lot lines; and,

(vii) A refuse storage area shall be permitted in the front yard.

YEAS: Councillors Kirwan, Cormier, Sizer, McCausland
CARRIED

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

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

Kirwan/Sizer: THAT this meeting does now adjourn. Time 8:25 p.m.
CARRIED

