



Location: Tom Davies Square
- Council Chamber

Commencement: 12:51 PM

Adjournment: 6:58 PM

Minutes For the Planning Committee Meeting held Monday, September 23, 2019

Councillor Cormier, In the Chair

Present Councillors McCausland, Sizer, Cormier, Landry-Altman [A 12:53 p.m.]

City Officials Keith Forrester, Manager of Real Estate; Brigitte Sobush, Manager of Clerk's Services/Deputy City Clerk; Danielle Wicklander, Legislative Compliance Coordinator; Christine Hodgins, Legislative Compliance Coordinator

Closed Session

The following resolution was presented:

PL2019-114 McCausland/Sizer: THAT the City of Greater Sudbury move into Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matter:

- Sale of Vacant Land - West of Suffolk Lane, Sudbury

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

CARRIED

At 12:51 p.m. the Committee moved into Closed Session.

Recess At 12:53 p.m. the Committee recessed.

Reconvene At 1:13 p.m. the Committee commenced the Open Session in the Council Chamber.

Councillor Cormier, In the Chair

Present Councillors McCausland, Sizer, Cormier, Landry-Altman

City Officials Councillor McIntosh [A 4:11 p.m., D 4:58 p.m.]
Jason Ferrigan, Director of Planning Services; Alex Singbush, Manager of

Development Approvals; Robert Webb, Supervisor of Development Engineering; Mauro Manzon, Senior Planner; Glen Ferguson, Senior Planner; Wendy Kaufman, Senior Planner; Andre Guillot, Manager of Building Inspection Services; Brigitte Sobush, Manager of Clerk's Services/Deputy City Clerk; Danielle Wicklander, Legislative Compliance Coordinator; Christine Hodgins, Legislative Compliance Coordinator; Franca Bortolussi, Acting Administrative Assistant to the City Solicitor and Clerk; Lisa Locken, Clerk's Services Assistant

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Public Hearings

1. K.S. Flinn Investments Inc. - Application for rezoning in order to permit a paint spray booth as an accessory use within an existing maintenance garage, 339 Harrison Drive, Sudbury.

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

Report dated August 30, 2019 from the General Manager of Growth and Infrastructure regarding K.S. Flinn Investments Inc. - Application for rezoning in order to permit a paint spray booth as an accessory use within an existing maintenance garage, 339 Harrison Drive, Sudbury.

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

Mauro Manzon, Senior Planner, outlined the report.

Planning Department Response to Committee Questions:

In response to questions from Committee Members, Mr. Manzon advised that a Site Plan Control Agreement is not required for this application as it is a change of use only. The application is for the alteration and interior expansion of an existing building on the site. There is no proposed expansion of the current built form. Mr. Manzon advised that when there is no substantial increase in the intensity of the use of the property Site Plan Control is not recommended, however, the applicants will be required to make some minimum improvements to the site and comply with the conditions.

Mr. Manzon stated that the Nickel District Conservation Authority (NDCA) has indicated that Conservation Sudbury has reviewed the subject application and has no objection to the rezoning. However, they have advised that a portion of this property is located in a regulated area of the Conservation Authority and that any development in the regulated area will require a direct application to Conservation Sudbury under Ontario Regulation 156/06.

Applicant or Agent's Comments and Response to Committee Questions:

Mr. Jarus stated that the intent of this application is to permit the use of a paint booth within the property's existing commercial building. The primary use of the paint booth will be for Lockerby Taxi's fleet, however they do imagine in the future it will be available for use by

the public. The Building Services department identified some deficiencies on the property such as shipping containers and derelict vehicles, which will be removed.

Mr. Jarus advised that a public information session was held and notice was provided to all nearby property owners.

In response to the Department's comments and overview of the application, Mr. Jarus advised that generally they agree with the staff report, however, they are asking for reconsideration regarding the five (5) metre wide landscape strip. Feedback was received from residents regarding this proposed strip, and it was indicated that they would prefer not to have this planting strip as it would block their view from lower level windows. Additionally, Mr. Jarus stated that there are currently some cedar trees where the planting strip would be located, which currently provide some screening and a buffer. He stated that this application is consistent with the Provincial Policy Statement and conforms with the City's Official Plan and represents good planning.

In response to a question from the Committee, Mr. Jarus advised that the paint booth would not increase the number of body damaged vehicles on the property beyond what is already permitted.

In response to a question from the Committee, Mr. Jarus stated that the normal hours of operation would be typical office hours for the paint booth use and any concerns being brought forth regarding hours of operation would be dealt with through the City's own By-law Department.

In response to a question from the Committee, Mr. Jarus, stated that there is a concern about the planting strip requirement as it is a relatively confined site and it would take away operational area for parking of vehicles by Lockerby Taxi. Mr. Jarus stated that there is no significant difference between the front and rear of the property; however, it is easier to access the vehicles from the front yard. Mr. Jarus further stated that it is also an inconvenience for the property owner to have to install the landscaping strip.

Public Comments:

Ben Haavisto, Hautamaki Estates Limited, owner of the abutting property, stated that it is not their intention of having Lockerby Taxi stop performing work on their fleet, however they do have some concerns.

Mr. Haavisto, stated that he reviewed the environmental certificate and advised that it is outdated, as it was issued in 2008. As such he does not believe it would still be in effect. Mr. Haavisto further stated that the conditions of the environmental certificate must be met three (3) months after the certificate is issued, not eleven (11) years later when the system goes into use. Mr. Haavisto believes the applicants are in violation of the environmental certificate.

Mr. Haavisto, advised that there is zero clearance between his building and the applicant's building. Mr. Haavisto indicated that in 2013 they erected a fence, which is now damaged from vehicles hitting it. The fence is now bowed and leaning in several areas and the applicant's vehicles and parts are encroaching on his property. Mr. Haavisto showed pictures of the damage to his fence as well as car parts being left on his property.

Mr. Haavisto stated that he has further concerns about a water based scrubber being used and the possibility that it will freeze up when not in use.

In closing Mr. Haavisto stated that he cannot support the application as it stands.

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:

PL2019-115 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

- a) In addition to the uses permitted in the M1 zone, one (1) paint spray booth within the existing maintenance garage shall also be permitted; and,
- b) The temporary parking or outdoor storage of vehicles for the purposes of display, hire or sale shall be permitted within the front yard, except that screening by opaque fencing shall not be required;
- c) That prior to the adoption of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official and the Director of Planning Services:
 - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
 - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands; and,
 - iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an extension has been granted by Council.

Rules of Procedure

Councillor Landry-Altman presented the following amendment:

PL2019-115-A1 Landry-Altman/Sizer: THAT the resolution be amended to add a new condition c iv) as follows:

- iv) Provide a minimum five (5) metre-wide planting strip along the southerly lot line.

YEAS: Councillors Cormier, Sizer, Landry-Altman

NAYS: Councillor McCausland

CARRIED

The resolution as amended was presented:

Rules of Procedure

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

PL2019-115 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

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 - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
 - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands; and,
 - iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility.
 - iv) Provide a minimum five (5) metre-wide planting strip along the southerly lot line.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an extension has been granted by Council.

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

Public comment was received and considered and had effected the Planning Committee's decision in the following manner:

- a) Amended proposed and adopted as recorded.