

Location:	Tom Davies Square
Commencement:	4:47 PM
Adjournment:	8:17 PM

## Minutes

### Planning Committee Minutes of 5/28/18

#### Councillor McIntosh, In the Chair

Present	Councillors Sizer, Lapierre, McIntosh
City Officials	Jason Ferrigan, Director of Planning Services; Keith Forrester, Manager of Real Estate; Brigitte Sobush, Manager, Clerk's Services/Deputy City Clerk
Closed Session	<p>The following resolution was presented:</p> <p>PL2018-89 Sizer/Lapierre: THAT the Planning Committee move to Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matter:</p> <ul style="list-style-type: none"> <li>• Sale of Land - Part of Garson-Coniston Road, Garson</li> </ul> <p>in accordance with the <i>Municipal Act, 2001</i> s.239(2)(c)</p> <p><b>CARRIED</b></p> <p>At 4:48 p.m. the Planning Committee moved into Closed Session.</p>
Recess	At 4:49 p.m. the Planning Committee recessed.
Reconvene	At 5:31 p.m. the Planning Committee commenced the Open Session in the Council Chamber.

#### Councillor McIntosh, In the Chair

Present	<p>Councillors Sizer, Lapierre [D 8:09 p.m.], McIntosh, Jakubo, Landry-Altmann [A 5:32 p.m.]</p> <p>Councillor Dutrisac</p>
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City Officials            Jason Ferrgian, Director of Planning Services; Eric Taylor, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Kris Longston, Manager, Community and Strategic Planning; Ed Landry, Senior Planner, Community and Strategic Planning; Alex Singbush, Senior Planner; Keith Forrester, Manager of Real Estate; Brigitte Sobush, Manager, Clerk's Services/Deputy City Clerk; Franca Bortolussi, Acting Administrative Assistant to the City Solicitor and Clerk; Lisa Locken, Clerk's Services Assistant

## **Public Hearings**

- 1            1930115 Ontario Limited - Application for official plan amendment and rezoning to permit a contractor's yard, Gibson Road, Lively

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

Report dated May 3, 2018 from the General Manager of Growth and Infrastructure regarding 1930115 Ontario Limited - Application for official plan amendment and rezoning to permit a contractor's yard, Gibson Road, Lively.

Kevin Jarus, Tulloch Engineering, agent for the applicant and Manuel Alves, the applicant, were present.

Alex Singbush, Senior Planner, outlined the report.

Mr. Jarus presented an electronic presentation, outlining the application.

Ken Hood, area resident, provided a PowerPoint presentation showing pictures of the road and the contractors' yard. He stated that there are many issues with the road in this area. Gibson Road is a gravel road that was acquired by the City when the Gibson family farm was subdivided, so there are no engineering standards for this road. There are many blind corners on the road as well as site line issues and heavy trucks should not be allowed on the road. There are no shoulders or soft shoulders with minimal gravel cover. There is only one (1) guardrail which is located at the top of the hill. There is no buffering vegetation and they have a view of the debris and construction waste. There is no buffering provided for noise, site line or dust. They can watch the contractors working while sitting in their house. There are various pails with unknown contents as well as many sea cans. There is a trailer already on site, even though the applicant states this will be installed in the future. Google earth photos show that two (2) months after the lot was purchased, it was an active contractor's yard.

Doreen Dewar, area resident, stated that she is absolutely opposed to the application. She believes that people have the right to make choices which comes with the responsibility to respect the environment, law of the land and the choices of others. Purchasing a house on Gibson Road came with certain challenges. When they moved to this area, they understood that they would not have city services such as sewer and water. They were aware that the road would not have high priority and the possibility of pavement was not likely. She stated that they pay more for car repairs and house insurance. The applicant purchased the property in 2016. The applicant did speak with the neighbours about building a home on the property, however, they instead built a contractor's yard. The existing site has been ravaged. The site is now covered in sand where trees once stood. There are large plastic containers used to

transport liquids, including what she believes is hazardous waste, are scattered throughout the property. Trucks dump gravel and huge boulders. There are vehicles and large pieces of machinery, bulldozed trees that have been left to rot and torn plastic sheets all over the property. The applicants knowingly disrupted the environment and have chosen to have complete disdain for the neighbours. She is asking the Planning Committee to please make the right choice and deny the application.

Bob Dewar, area resident, urges the Planning Committee to deny the application. He stated that if this application was for a vacant zone of the city, there would be some merit for this application. The property is in a residential neighbourhood which is a peaceful low traffic part of the city. He advised that no one would consider building their home next to this illegal contractor's yard. The applicant was aware that their actions were wrong but proceeded anyhow. The Tulloch Engineering report outlines that the contractors' yard will be screened by an opaque fence. There are no other fences in our community, as no one has felt the need to build a fence.

Kris Ferguson, area resident, stated that he does similar contractor work as the applicant. He stated that he has many concerns such as heavy traffic, road usage and hazardous materials and containment of such. He feels that the increased heavy traffic will cause a danger zone at the Fielding Road, Highway 17 and Southview intersection. He also has concerns with the large heavy equipment used to transport equipment which will diminish the quality of Gibson Road. His main concern is the containment of hazardous materials which can cause harm to the environment. All equipment needs to be maintained so that fuel and oil spills do not occur. Fuels and oil need to be stored in proper containers and they are being stored in unapproved areas and containers.

Paul Vilgren, area resident, stated that he has 50 acres of vacant land that abuts the parcel in question. He has plans to divide the existing property into large estate lots for private dwellings. When he purchased the property, it was marketed as a quiet setting for family country living at a distance not far from the local amenities. To allow this industrial use would only add more heavy traffic to the area and reduce the value of existing neighbours' property. It would also set a precedent for more industrial use of land in a residential area. He advised that there is land available across the highway on Fielding Road which is already zoned industrial and better suited for a contractor's outside storage yard.

Mr. Jarus stated that there is concern with the existing operation. What has happened at this property was done illegally and without permits or proper planning policies or permissions. The applicant is trying to make it right. They want to put a hold on the land for mineral extraction purposes, which is a more intense use than what is proposed for the property. The zoning is appropriate in their opinion since the Official Plan allows for the consideration of such uses as industrial uses if mining and mineral is not feasible. Through the future Site Plan process the owner will need to prove that there is appropriate buffering, screening and noise mitigation. The owner is trying to improve the situation. This was done since they did not understand what they did was illegal. Many of the issues will be solved through this application. This is a better use than a mining or mineral extraction application.

Allison Hood, area resident, stated that ignorance is not an excuse for not requiring proper zoning. There is no buffer and she does not believe it will ever be installed. The trucks are large and noisy and disrupt their quality of living. The applicant is now stating that he wants to make it right, however, they have never reached out before and are simply asking for forgiveness after the fact. The applicant recently installed a fence and they can no longer see what is happening in this yard. She asked the Committee to deny 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 resolutions were presented:

Resolution regarding Application for Official Plan Amendment:

PL2018-90 Lapierre/Sizer: THAT the City of Greater Sudbury denies the application by 1930115 Ontario Limited to amend the Official Plan for the City of Greater Sudbury in order to provide an exception to Sections 4.6.1.1. and 4.6.1.4 to permit a rural industrial use in the form of a contractor's yard in the Mining/Mineral Reserve for the lands described as PIN 73372-0258, Parcel 8482, Part 1, Plan 53R-19232, Lot 1, Concession 5, Township of Waters as outlined in the report entitled "1930115 Ontario Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 28, 2018.

**YEAS:** Councillors McIntosh, Lapierre, Jakubo, Sizer, Landry-Altmann  
**CARRIED**

Resolution regarding Rezoning Application:

PL2018-91 Sizer/Lapierre: THAT the City of Greater Sudbury denies the application by 1930115 Ontario Limited to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law by changing the zoning classification of lands described as PIN 73372-0258, Parcel 8482, Part 1, Plan 53R-19232, Lot 1, Concession 5, Township of Waters from "RU", Rural to "RU(S)", Rural Special to permit a contractor's yard as outlined in the report entitled "1930115 Ontario Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 28, 2018.

**YEAS:** Councillors McIntosh, Lapierre, Jakubo, Sizer, Landry-Altmann  
**CARRIED**

Public comment was received and considered and effected Planning Committees decision in the following manner:

a) As outlined in the report dated May 3, 2018 from the General Manager of Growth and Infrastructure regarding 1930115 Ontario Limited – Application for official plan amendment and rezoning to permit a contractor's yard, Gibson Road, Lively.

The Planning Committee denied the applications for Official Plan Amendment and Rezoning for the following reasons:

a) As outlined in the report dated May 3, 2018 from the General Manager of Growth and Infrastructure regarding 1930115 Ontario Limited – Application for official plan amendment and rezoning to permit a contractor's yard, Gibson Road, Lively.

2 Tamara Butera - Application for rezoning to in order to eliminate split-zonings, 1306 Nesbitt Drive, Sudbury

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

Report dated May 3, 2018 from the General Manager of Growth and Infrastructure regarding

Tamara Butera - Application for rezoning to in order to eliminate split-zonings, 1306 Nesbitt Drive, Sudbury.

Michael Allen, agent for the applicant, was present.

Eric Taylor, Manager of Development Approvals, outlined the report.

Mr. Allen stated that the subject land was developed as they needed an area for the parking structure. They felt it was best to sever and add it to the boundary adjustment. The residential land is the same owner as the apartment buildings. The survey will be registered as a condition of the consent application. There is currently a Site Plan Agreement on the property and the city is holding a \$25,000 security deposit regarding the site developments already occurring. The amendment will be added to the existing site. He asked about the three (3) metre landscaping buffer, as they were under the impression it would not be required, however, they do not have any objections in completing what is required.

Eric Taylor, Manager of Development Approvals, stated that the zoning by-law for landscaping provisions provides two (2) alternatives. One is to install a three (3) metre wide landscape buffer strip which requires continuous plantings in a vegetative form, typically a hedge or as an alternative, they can install a 1 .8 m landscape strip along with a 1.5 metre opaque fence.

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 :

PL2018-92 Lapierre/Sizer: THAT the City of Greater Sudbury approves the application by Tamara Butera to amend Zoning By-law 2010-100Z from "R1-5", Low Density Residential to "R3 1", Medium Density Residential on those lands described as Part of PIN 73596-0678, part of Lot 75, Plan M-264 Lot 7, Concession 1, McKim Township, as outlined in the report entitled "Tamara Butera" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 28, 2018, subject to the following conditions:

1. That prior to the enactment of the amending by-law the applicant shall:

A) 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;

b) enter into a site plan agreement to be registered on title for the subject lands detailing the landscaping, fencing, grading and other site plan matters to the satisfaction of the Director of Planning Services and the Director of Building Services/Chief Building Official.

2. Conditional approval shall lapse on June 12, 2020 unless condition 1 above has been met or an extension has been granted by Council.

**YEAS:** Councillors McIntosh, Lapierre, Jakubo, Sizer, Landry-Altman  
**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 Lapierre reported that the Committee met in Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matters and the following resolution emanated therefrom:

PL2018-93 Sizer/Lapierre: THAT the City of Greater Sudbury authorize the sale of part of Garson-Coniston Road, Garson, legally described as part of PIN 73562-0071(LT), being Part 18 on Plan SR-1800 and part of Part 47 on Plan SR-2209, Township of Neelon;

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

AND THAT the net proceeds of the sale be credited to the Land Acquisition Reserve Fund.

**CARRIED**

### **Adopting, Approving or Receiving Items in the Consent Agenda**

The following resolution was presented:

PL2018-94 Lapierre/Sizer: THAT the City of Greater Sudbury approves Consent Agenda Items C-1 to C-4.

**CARRIED**

The following are the Consent Agenda items:

### **Routine Management Reports**

C-1      1777222 Ontario Ltd. & 1777223 Ontario Ltd. – Extension to draft plan of subdivision approval, Jack Nicholas Business & Innovation Subdivision, Sudbury

Report dated May 3, 2018 from the General Manager of Growth and Infrastructure regarding 1777222 Ontario Ltd. & 1777223 Ontario Ltd. – Extension to draft plan of subdivision approval, Jack Nicholas Business & Innovation Subdivision, Sudbury.

PL2018-95 Sizer/Lapierre: 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 those lands known as PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon, File # 780-6/10002, as outlined in the report entitled "1777222 Ontario Ltd. & 1777223 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 28, 2018, upon payment of the City's processing fee of \$2,848.75 as follows:

1. By amending Conditions 9, 15, 38 and 40 to delete reference to "General Manager of Infrastructure Services" and replace it with the "General Manager of Growth and Infrastructure".

2. By deleting Condition #10 and replacing it with the following:

"10. That this draft approval shall lapse on October 26, 2020."

3. By deleting Condition 11 and replacing it with the following:

"11. That Street A and Street C shall be constructed to an urban collector standard with sidewalks on both sides of the roadway, crosswalks or pedestrian crossovers as required for

pedestrian circulation and an asphalt surface width sufficient to accommodate the lane requirements as determined in the Final Traffic Study to the satisfaction of the General Manager of Growth and Infrastructure.”

4. By adding the following at the end of Condition 16, “A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.”

5. By adding at the end of Condition 17, “A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.”

6. By deleting Condition 18 and replacing it with the following:

“18. 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. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to the MOECC 20 percent reduction of pre-development flow for the 1:2, 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 Regional Storm flow path is to be set out on the plan(s). The quality of the stormwater must meet an 85 percent Total Suspended Solids removal of the 50 micron particle size. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the storm water management report. The plan shall be submitted to the satisfaction of the Director of Planning Services.”

7. By adding the following as Condition #42.

“42. That prior to the signing of the final plan, the owner shall contact the Ministry of Natural Resources and Forestry (MNRF), Sudbury District Office, and satisfy all requirements set out by the MNRF under the Endangered Species Act. In addition, the owner shall, to the satisfaction of the Director of Planning Services, demonstrate that all requirements set out by MNRF under the Endangered Species Act have been satisfied prior to any site alteration or development taking place on the subject lands.”

8. By adding the following as Condition # 43.

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

## **CARRIED**

### **C-2      4040 Elmview Drive, Hanmer - Proposed Sale of Parkland**

Report dated May 4, 2018 from the General Manager of Corporate Services regarding 4040 Elmview Drive, Hanmer - Proposed Sale of Parkland.

PL2018-96 Lapierre/Sizer: THAT the City of Greater Sudbury retain in its entirety, the property located at 4040 Elmview Drive, Hanmer, commonly known as the Howard Armstrong Recreation Centre, legally described as PIN 73504-2249(LT), Township of Hanmer, City of Greater Sudbury, as outlined in the report entitled '4040 Elmview Drive, Hanmer - Proposed Sale of Parkland' from the General Manager of Corporate Services presented at the Planning Committee meeting on May 28, 2018.

**CARRIED**

C-3 Vacant Land on Edward Avenue, Coniston - Declaration of Surplus Land

Report dated May 4, 2018 from the General Manager of Corporate Services regarding Vacant Land on Edward Avenue, Coniston - Declaration of Surplus Land.

PL2018-97 Sizer/Lapierre: THAT the City of Greater Sudbury declare surplus to the City's needs, vacant land on Edward Avenue, Coniston, legally described as PIN 73560-1057(LT), being Parts 7 and 8, Plan 53R-3864, Township of Neelon;

AND THAT the land be sold pursuant to the procedures governing the sale of limited marketability surplus property as outlined in Property By-law 2008-174, as outlined in the report entitled "Vacant Land on Edward Avenue, Coniston - Declaration of Surplus Land" from the General Manager of Corporate Services presented at the Planning Committee meeting on May 28, 2018.

**CARRIED**

C-4 Unopened Alexander Street, Garson - Road Closure and Declaration of Surplus Property

Report dated May 4, 2018 from the General Manager of Corporate Services regarding Unopened Alexander Street, Garson - Road Closure and Declaration of Surplus Property.

PL2018-98 Lapierre/Sizer: THAT the City of Greater Sudbury close by by-law and declare surplus to the City's needs unopened Alexander Street, Garson, east of Gordon Street, legally described as part of PIN 73492-0409(LT), City of Greater Sudbury;

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 the Property By-law 2008-174;

AND THAT a by-law be prepared to authorize the closing of the unopened road allowance, as outlined in the report entitled 'Unopened Alexander Street, Garson - Road Closure and Declaration of Surplus Property' from the General Manager of Corporate Services, presented at the Planning Committee meeting on May 28, 2018.

**CARRIED**

**Recess**

At 7:07 p.m. the Planning Committee recessed

**Reconvene**

At 7:16 p.m. the Planning Committee reconvened.

**Referred and Deferred Matters**

R-1 Official Plan Phase 1

Report dated May 8, 2018 from the General Manager of Growth and Infrastructure regarding Official Plan Phase 1.

The following resolution was presented:



PL2018-99 Sizer/Lapierre: THAT the City of Greater Sudbury adopts the Five Year Review Phase 1 Amendments to the City of Greater Sudbury Official Plan, as attached to the report from the General Manager of Growth and Infrastructure dated May 7, 2017, subject to changes outlined in the report dated May 7, 2018 entitled "Official Plan Phase 1" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 28, 2018;

AND THAT the City of Greater Sudbury declares the official plan conforms with provincial plans, has regard to the matters of provincial interest listed in section 2 of the Planning Act, and is consistent with policy statements issued under subsection 3(1) of the Planning Act; and

AND THAT Staff be directed to forward the adopted amendment and required supporting documentation to the Ministry of Municipal Affairs for approval, in accordance with the requirements of the Planning Act.

**CARRIED**

### Rules of Procedure

The Committee, by two-thirds majority, allowed Councillor Reynolds to address the Committee regarding all Managers' Reports on the Agenda.

**CARRIED BY TWO-THIRDS MAJORITY**

### Managers' Reports

#### R-2      Chelmsford CIP Draft

Report dated May 10, 2018 from the General Manager of Growth and Infrastructure regarding Chelmsford CIP Draft.

The following resolution was presented:

PL2018-100 Lapierre/Sizer: THAT the City of Greater Sudbury directs staff to commence public consultation on the draft Chelmsford Community Improvement Plan, with a summary of the consultation and a recommended Chelmsford Community Improvement Plan brought forward for a Public Hearing requesting adoption in July 2018 as outlined in the report entitled "Chelmsford CIP Draft" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 28, 2018.

**CARRIED**

#### R-3      Draft LaSalle Boulevard Corridor Plan and Strategy

Report dated May 7, 2018 from the General Manager of Growth and Infrastructure regarding Draft LaSalle Boulevard Corridor Plan and Strategy.

The following resolution was presented:

PL2018-101 Sizer/Lapierre: THAT the City of Greater Sudbury directs staff to commence public consultation on the Draft LaSalle Boulevard Corridor Plan and Strategy, as outlined in the Report entitled "Draft LaSalle Boulevard Corridor Plan and Strategy" from the General Manager of Growth and Infrastructure dated May 7, 2018, presented at the Planning Committee meeting of May 28, 2018;

AND THAT Staff be directed to return with a summary of the consultation and a recommended

Corridor Plan and Strategy no later than July, 2018.

**CARRIED**

**Addendum**

No Addendum was presented.

**Civic Petitions**

No Civic Petitions were submitted.

**Question Period and Announcements**

No Questions were asked.

**Notices of Motion**

No Notices of Motion were submitted.

**Adjournment**

THAT this meeting does now adjourn. Time: 8:17 p.m.

**CARRIED**

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Brigitte Sobush, Deputy City Clerk