

Location:	Tom Davies Square
Commencement:	4:35 PM
Adjournment:	7:37 PM

## Minutes

### Planning Committee Minutes of 10/16/17

#### **Councillor McIntosh, In the Chair**

Present	Councillors Lapierre, Jakubo, Sizer, McIntosh, Landry-Altman [A 4:36 p.m.] Councillor Cormier
City Officials	Keith Forrester, Manager of Real Estate; David Shelsted, Director of Infrastructure Capital Planning Services; Shawn Turner, Director of Assets and Fleet Services; Adam Kosnick, Manager, Regulated Services/Deputy City Clerk

#### **Declarations of Pecuniary Interests and the general nature thereof**

None declared

#### **Closed Session**

The following resolution was presented:

PL2017-150 Jakubo/Sizer: THAT the Planning Committee move into Closed Session to deal with three (3) Proposed or Pending Acquisition or Disposition of Land Matters:

- Purchase - Maley Drive
- Purchase - Heino Road
- Sale of Surplus Land - Lane South of Van Horne Street

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

**CARRIED**

At 4:36 p.m. the Planning Committee moved into Closed Session.

#### **Councillor Lapierre, In the Chair**

Recess At 4:53 p.m. the Planning Committee recessed.

Reconvene At 5:35 p.m. the Planning Committee commenced the Open Session in the Council Chamber.

## **Councillor McIntosh, In the Chair**

Present Councillors Lapierre, Jakubo, Sizer, McIntosh, Landry-Altman

City Officials Jason Ferrgian, Director of Planning Services; Eric Taylor, Manager of Development Approvals; Kris Longston, Manager, Community and Strategic Planning; Melissa Riou, Senior Planner; Adam Kosnick, Manager, Regulated Services/Deputy City Clerk; Christine Hodgins, Legislative Compliance Coordinator; Lisa Locken, Clerk's Services Assistant

### **Public Hearings**

- 1 Roch and Sandra Mailloux - Application for Official Plan Amendment in order to permit one additional rural lot, Deschene Road, Hanmer

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

Report dated September 25, 2017 from the General Manager of Growth and Infrastructure regarding Roch and Sandra Mailloux - Application for Official Plan Amendment in order to permit one additional rural lot, Deschene Road, Hanmer.

Roch and Sandra Mailloux, the applicants, were present.

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

Eric Taylor, Manager of Development Approvals, stated that under the Source Water Protection Plan, there are certain restrictions on organic solvents that are allowed near wellhead protection areas. The main concern would be if a septic system would be required and the other concern is to make owners aware that organic solvents such as cleaning agents, can be volatile and there are restrictions on what and where these can be stored on the property.

Ward Councillor Lapierre asked how many metres from this rural property is the commercial zoning.

Eric Taylor, Manager of Development Approvals, stated the southerly boundaries abut commercial zoning and the lot to be created is located at the northerly boundary and would be 297 metres from commercial zoning.

Ward Councillor Lapierre asked if there is any flexibility for approval considering the commercial zoning is located so close to the subject lands.

Eric Taylor, Manager of Development Approvals, stated that the designation for the proposed

lot is just to the north of the urban boundary for Hanmer; however, there is no question that it is zoned rural. He advised that there have been a number of additional lots created at this location. Generally the Official Plan allows for the creation of three (3) lots from a singular lot. There have been previous amendments that have been allowed for a total of seven (7) lots and this would be considered the eighth. There is no planning rationale to allow another lot when they are trying to limit lots.

Eric Taylor, Manager of Development Approvals, stated not all of the lots in the area have building permits taken out for them. In some cases the lot approval has been granted, however, the transfer has not been registered at the registry office. Applicants have two (2) years from receiving Consent approval to register their lots.

Eric Taylor, Manager of Development Approvals, stated the Official Plan contains a policy when an applicant is exceeding three (3) lots. Often when there is an existing road most issues can be dealt with through the Consent process. For new roads or sanitary sewer or water, applicants usually enter into a plan of subdivision. This application would be the eighth (8th) lot and the Official Plan states that council needs to provide permission. He advised three (3) lots is usually the limit.

Jason Ferrigan, Director of Planning, stated the City has twice as much rural land available than is required under the Official Plan.

Eric Taylor, Manager of Development Approvals, stated that there is municipal water in the Deschenne Road area, there are no sanitary sewers and there is garbage pickup and emergency services available.

Mr. Mailloux provided Google Earth pictures of the property outlining the progress of Deschenne Road. He advised that previous developers have been approved for multiple lots to be split in the area. He stated that in October of 2015, he built his new home on the remaining 21 acres. In November 2015, his nephew, the owner of the twelve (12) acre lot, was approved to split the lot to create a five (5) acre lot. He advised that when he purchased the land, the lots were already split by the previous owners. Deschenne Road is a common road to the local dump. Development of houses has stopped people from dumping in the area. Their hope is to provide the new lot to their son so he can build close to family.

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 matter.**

#### Rules of Procedure

The chair asked for concurrence of the Committee to present an alternate resolution.

The following alternate resolution was presented:

PL2017-151 Sizer/Jakubo: THAT the City of Greater Sudbury approves the application by Roch and Sandra Mailloux with respect to those lands described as Part of PIN 73504-3056, Lot 5, Concession 3, Township of Hanmer to amend the Official Plan for the City of Greater Sudbury to provide an exception to Section 5.2.2 in order to permit one additional rural lot to be created beyond the seven rural lots that are permitted to be created from a single parent parcel since the adoption date of the Official Plan on June 14, 2006 as amended by OPA # 58 and OPA # 64.

AND THAT the additional lot to be created be permitted to proceed through the consent process.

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

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

2 Alice Bom – Application for rezoning to permit a three unit multiple dwelling, 72 McNaughton Street, Sudbury

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

Report dated September 25, 2017 from the General Manager of Growth and Infrastructure regarding Alice Bom – Application for rezoning to permit a three unit multiple dwelling, 72 McNaughton Street, Sudbury.

Alice Bom, the applicant, was present.

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

Eric Taylor, Manager of Development Approval, stated that a driveway accessing parking spaces in a residential zone requires three (3) metres and the applicant has 2.96 metres. The neighbour whose property abuts this driveway access would need to erect a fence on their own property so they would not impact the applicants parking area.

Eric Taylor, Manager of Development Approval, stated that this property has had a second dwelling unit existing since 1950. The second unit was constructed prior to zoning by-laws and is considered legal non-conforming. In 2016 Council amended the policy so that a second dwelling unit can be constructed in all R1-5 zones and some rural zones. Some properties went from legal non-conforming to a legal unit again. The issue for this application is whether the third unit is allowed. The third unit does exist without a building permit. He is unaware of when the third unit was created.

Eric Taylor, Manager of Development Approval stated each application needs to be reviewed on its own merits as each property is different. Staff would need to review the parking to see if it can be accommodated. An approval for rezoning does not mean other applicants in the same area would be treated the same. With this application, no external modifications are proposed, there is no increase in height or expansion. The Official Plan looks at compatibility with the neighbourhood. He advised that short term parking is permitted on McNaughton Street.

Ms. Bom stated that she purchased the property in 2016 and the building was already being used as three (3) units when purchased. Décor in the third unit would suggest it has been there many years. Many properties have illegal front yard parking on the street. She advised that she is trying to legalize the property and provide parking in the rear. She has been in communication with the Building and Planning departments regarding the retaining wall. She is requesting three (3) parking spaces in total. She canvassed neighbours and addressed many of their concerns.

Martha Musicco, concerned resident, stated this a residential neighbourhood and she is concerned about the parking.

Gilles Prevost, concerned resident, stated the property was originally owner occupied by an elderly person who had two (2) tenants. He advised there is not enough space between the buildings. Three (3) metres are required and they only have 2.96 metres and even less where the chimney is located. In winter, snow removal will become a problem. He feels allowing a three (3) unit dwelling would change the makeup of the neighbourhood. Parking is an issue, renters may not have vehicles at this time but future renters may and there will not be enough space. The neighbourhood is being converted back to single family residences.

Cecilla Cano, concerned resident, stated she has lived in the neighbourhood for almost 40 years. Many of the multi-unit properties in the area have been converted back into single family dwellings. The neighbourhood is one of the oldest in Sudbury .

Matthew Green, concerned resident, is concerned that there is not enough parking in the area. The current tenants on the main floor of the property have larger vehicles and they would not fit in the proposed parking backyard pad. They have been woken up by tenants arguing about parking and have contacted the By-law department on numerous occasions. The building is not designed for three (3) units, there is no fire separation and the basement would not meet the building code.

Ms. Bom stated that she has had a high efficiency hot water boiler installed, so the chimney will be removed. The previous owner's son lived in basement, so it was used as third unit. She advised that she had a contractor provide drawings to make sure the three units would conform and meet the fire code.

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 matter.**

The following resolution was presented:

THAT the City of Greater Sudbury approves the application by Alice Bom to amend the Zoning By-law 2010-100Z to change the zoning classification from "R1-5", Low Density Residential One to "R2-2(S)", Low Density Residential Two Special in order to permit three dwelling units on those lands described as PIN 73584-0596, Part of Lots 373, 374, and 375, Plan 31-S, Lot 5, Concession 3, Township of McKim subject to the following conditions:

- a. That prior to the enactment of the amending by-law the owner shall make application for and submit drawings for a building permit for the additional dwelling unit to the satisfaction of the Chief Building Official;
- b. That in addition to the uses permitted in an R2-2 zone a multiple dwelling containing a maximum of three dwelling units shall be permitted within the existing building;
- c. That one (1) parking space shall be required per dwelling unit and the required parking spaces shall be located in the rear yard;
- d. That a minimum 2.9 m wide driveway accessing the parking area be permitted; and
- e. That an opaque wood fence with a minimum height of 1.8m shall be provided along the easterly lot line from a point perpendicular from the rear building line extending northerly a minimum of 10.0m.

### Motion for Deferral

Councillor Landry-Altmann moved to defer this item to a Planning Committee meeting at a later date in order to verify the chimney is removed.

**DEFEATED**

### Recess

At 7:25 p.m. the Planning Committee recessed.

### Reconvene

At 7:30 p.m. the Planning Committee reconvened.

### Rules of Procedure

Councillor Jakubo presented the following amendment:

PL2017-152A Landry-Altmann/Jakubo: THAT the resolution PL2017-152 be amended by adding "f. That the Chimney on the east face of the structure be removed.

**CARRIED**

The resolution as amended was presented:

PL2017-152 Jakubo/Sizer: THAT the City of Greater Sudbury approves the application by Alice Bom to amend the Zoning By-law 2010-100Z to change the zoning classification from "R1-5", Low Density Residential One to "R2-2(S)", Low Density Residential Two Special in order to permit three dwelling units on those lands described as PIN 73584-0596, Part of Lots 373, 374, and 375, Plan 31-S, Lot 5, Concession 3, Township of McKim subject to the following conditions:

- a. That prior to the enactment of the amending by-law the owner shall make application for and submit drawings for a building permit for the additional dwelling unit to the satisfaction of the Chief Building Official;
- b. That in addition to the uses permitted in an R2-2 zone a multiple dwelling containing a maximum of three dwelling units shall be permitted within the existing building;
- c. That one (1) parking space shall be required per dwelling unit and the required parking spaces shall be located in the rear yard;
- d. That a minimum 2.9 m wide driveway accessing the parking area be permitted;
- e. That an opaque wood fence with a minimum height of 1.8m shall be provided along the easterly lot line from a point perpendicular from the rear building line extending northerly a minimum of 10.0m; and
- f. That the Chimney on the east face of the structure be removed.

**YEAS:** Councillor Lapierre, Jakubo, Sizer, McIntosh, Landry-Altmann

**CARRIED**

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

### **Matters Arising from the Closed Session**

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

The following resolutions were presented:

Resolution 1:

PL2017-153 Sizer/Lapierre: THAT the City of Greater Sudbury authorize the purchase and demolition of 1990 Maley Drive, Sudbury, legally described as PIN 73496-0199(LT), Township of Garson, City of Greater Sudbury;

AND THAT a by-law be presented authorizing the purchase and the execution of the documents required to complete the real estate transaction;

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

**CARRIED**

Resolution 2:

PL2017-154 Lapierre/Sizer: THAT the City of Greater Sudbury authorize the purchase of property on Heino Road, Garson, legally described as: part of PIN 73495-0581(LT), PIN 73495-1305(LT) and PIN 73495-1307(LT), being Parts 2 and 3, Plan SR-3577, part of Lot 6 and 7, Concession 2, Township of Garson;

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

AND THAT the acquisition be funded from the Capital Financing Reserve Fund- Wastewater.

**CARRIED**

Resolution 3:

PL2017-155 Sizer/Lapierre: THAT the City of Greater Sudbury authorize the sale of part of the unopened lane south of Van Horne Street, Sudbury, legally described as: part of PIN 73584-0927(LT), being Parts 1, 5, 6, 7 and 8, Plan 53R-20886, Township of McKim;

AND THAT the appropriate by-laws be presented to authorize the sales, grant of easements and execution of the documents required to complete the real estate transactions;

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

**CARRIED**

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

PL2017-156 Jakubo/Sizer: 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 Fairbank Lake Road, Walden - Road Closure, Declaration of Surplus Land, and Transfer

Report dated September 22, 2017 from the General Manager of Corporate Services regarding Fairbank Lake Road, Walden - Road Closure, Declaration of Surplus Land, and Transfer.

PL2017-157 Jakubo/Sizer: THAT the City of Greater Sudbury declares surplus to the City's needs the vacant land north of Fairbank Lake Road, Walden, legally described as part of PIN 73382-0815(LT), Part 17 on Plan 53R-20828, Township of Denison, City of Greater Sudbury;

AND THAT a by-law be prepared to authorize the transfer of land to Vale Canada Limited for nominal consideration, as outlined in the report entitled "Fairbank Lake Road, Walden - Road Closure, Declaration of Surplus Land, and Transfer" from the General Manager of Corporate Services dated September 22, 2017, presented at the Planning Committee meeting on October 16, 2017.

**CARRIED**

**Correspondence for Information Only**

C-2 Town Centre Community Improvement Plan

Report dated September 27, 2017 from the General Manager of Growth and Infrastructure regarding Town Centre Community Improvement Plan.

For Information Only.

C-3 Chelmsford Community Improvement Plan Update

Report dated September 26, 2017 from the General Manager of Growth and Infrastructure regarding Chelmsford Community Improvement Plan Update.

For Information Only.

**Addendum**

No Addendum was presented.

**Civic Petitions**

No Civic Petitions were submitted.

**Question Period and Announcements**

No Questions were asked.

**Notices of Motion**

Councillor McIntosh presented a Notice of Motion in regards to rural lot creation, which will be presented at the next Planning Committee meeting.

**Adjournment**

McIntosh/Lapierre: THAT this meeting does now adjourn. Time: 7:37 p.m.

**CARRIED**



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Adam Kosnick, Deputy City Clerk