

**MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Monday, February 23, 2015
Commencement: 5:30 p.m.**

COUNCILLOR FERN CORMIER IN THE CHAIR

Present Councillors Dutrisac, McIntosh, Cormier, Reynolds, Landry-Altmann

Staff Paul Baskcomb, Acting General Manager of Growth & Development; Mark Simeoni, Acting Director of Planning Services; Eric Taylor, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Steven Monet, Manager of Environmental Planning Initiatives; Guido Mazza, Director of Building Services, Chief Building Officer; Alex Singbush, Senior Planner; Glen Ferguson, Senior Planner; Kris Longston, Senior Planner; Mauro Manzon, Senior Planner; Tanya Thompson, Deputy City Clerk; Jody Lamarche, Audio Visual Operator; Lisa Locken, Committee Assistant

**Declaration of
Pecuniary Interest
and the General
Nature Thereof** None Declared

PRESENTATIONS:

**Official Plan
Review— Local
Food, Climate
Change & Lakes** Kris Longston, Senior Planner and Stephen Monet, Manager of Environmental Planning Initiatives, provided an electronic presentation, for information only, regarding Official Plan Review—Local Food, Climate Change & Lakes. They provided an overview of the background studies and discussion papers that form the basis of the current Official Plan review. They specifically focused on matters related to climate change, cultural heritage, local food systems, natural heritage and lake water quality.

PUBLIC HEARINGS

APPLICATION FOR A TEMPORARY USE BY-LAW IN ORDER TO PERMIT A SECOND DWELLING UNIT ON THE PROPERTY IN THE FORM OF A GARDEN SUITE, 3820 HYDRO ROAD, HANMER - BRIAN & BARBARA BEATON

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

Report dated February 9, 2015 from the Acting General Manager of Growth & Development regarding application for a temporary use by-law in order to permit a second dwelling unit on the property in the form of a garden suite, 3820 Hydro Road, Hanmer - Brian & Barbara Beaton.

Brian and Barbara Beaton, the applicants, were present.

Glen Ferguson, Senior Planner outlined the application to the Committee.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

PUBLIC HEARINGS (Cont'd)

APPLICATION FOR A TEMPORARY USE BY-LAW IN ORDER TO PERMIT A SECOND DWELLING UNIT ON THE PROPERTY IN THE FORM OF A GARDEN SUITE, 3820 HYDRO ROAD, HANMER - BRIAN & BARBARA BEATON (Cont'd)

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

PL2015-24 Dutrisac/McIntosh: THAT the City of Greater Sudbury approves the application by Brian & Barbara Beaton to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73508-0066, Parcel 53241 S.E.S., Parts 3 & 4, Plan 53R-16351, Lot 10, Concession 1, Township of Capreol, in order to permit a garden suite in accordance with Section 39 of the Planning Act for a temporary period of ten (10) years.

YEAS: Councillors Dutrisac, McIntosh, Cormier, Reynolds, Landry-Altmann

CARRIED

APPLICATION FOR REZONING IN ORDER TO PERMIT A BASEMENT APARTMENT IN AN EXISTING SINGLE DETACHED DWELLING, 3212 HIGHWAY 69 NORTH, VAL CARON – IVAN & HOLLIE LAPLANTE

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

Report dated February 9, 2015 from the Acting General Manager of Growth & Development regarding Application to permit a basement apartment in an existing single detached dwelling, 3212 Highway 69 North, Val Caron – Ivan & Hollie Laplante.

Ivan and Hollie Laplante, the applicants, were present.

Mauro Manzon, Senior Planner outlined the application to the Committee.

Mr. Laplante stated they have not contacted the neighbors and they are unsure which neighbor objected to the proposal or who wrote the letter of complaint. He informed that he spoke to the neighbor on one side of him that has a duplex, and neither of them had a problem with the application. He stated he does not see how the history of the house could affect what they are trying to do now and that the previous owner was a single older woman would not have had parties or problems with noisy dogs. He stated that he cannot see how this would stop them from doing what they are trying to do, which is legally making a duplex basement apartment. He informed that they own other properties in the Sudbury area and they try to keep an eye on the tenants to make sure there are not any problems as far as noise complaints or anything else.

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.

PUBLIC HEARINGS (Cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT A BASEMENT APARTMENT IN AN EXISTING SINGLE DETACHED DWELLING, 3212 HIGHWAY 69 NORTH, VAL CARON – IVAN & HOLLIE LAPLANTE (Cont'd)

The following recommendation was presented:

PL2015-25 McIntosh/Dutrisac THAT the City of Greater Sudbury approves the application by Ivan & Hollie Laplante to amend Zoning By-law 2010-100Z by changing the zoning classification from "R1-5", Low Density Residential One to "R2-1", Low Density Residential Two on land described as PIN 73502-0536, Parcel 18859 S.E.S., Part of Lot 8, Plan M-323, Part 1, Plan 53R-5839 in Lot 6, Concession 6, Township of Blezard.

YEAS: Councillors Dutrisac, McIntosh, Cormier, Reynolds, Landry-Altmann

CARRIED

APPLICATION FOR REZONING IN ORDER TO PERMIT ADDITIONAL COMMERCIAL USES IN THE EXISTING BUILDING ON THE PROPERTY, 208 LOACH'S ROAD, SUDBURY - FRANCESCO MARASCO LIMITED

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

Report dated February 10, 2015, from the Acting General Manager of Growth & Development regarding an application for rezoning in order to permit additional commercial uses in the existing building on the property, 208 Loach's Road, Sudbury - Francesco Marasco Limited.

Francesco Marasco, the applicant and Lise Poratto-Mason, agent of the applicant, were present.

Eric Taylor, Manager of Development Approvals, outlined the application to the Committee.

Ms. Poratto-Mason informed that there are fifteen commercial, C1, C2 and R3 zoning and institutional uses in the area. She stated that the topography map of the location where 208 Loach's Road is located is consistent with how the neighborhood has grown. She informed that Mr. Francesco Marasco is well known and internationally celebrated hairdresser and has had his salon, at that location since May 2000. Since that time he has leased part of building to a wellness centre as well as a confectionary store which had been located on the site until they left the premises over two years ago and has been vacant for two years and two months. The existing building was built in 1989 as the City planners have indicated. The director of planning indicated that a longtime convenience store was attached to the family dwelling for 40 years until the building was re-purposed in 1989. She stated that this application is to amend the uses for the building to include business office, print shop, catering or retail uses and informed the reason for the application is that the suite that housed the confectionary store has been vacant for over two years. She stated that in order to allow Mr. Marasco to lease his building, or at least that portion of the building, it had been recommended by a leasing agent to change the zoning to C1 special and those particular uses would not drastically impact the property as it already was a C1. She informed that this would allow more flexibility of use and allow it to be leased and enable the city to collect taxes. She also stated that there are a considerable amount of permitted uses presently but they are not consistent with the demands of this neighborhood.

PUBLIC HEARINGS (Cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT ADDITIONAL COMMERCIAL USES IN THE EXISTING BUILDING ON THE PROPERTY, 208 LOACH'S ROAD, SUDBURY - FRANCESO MARASCO LIMITED (Cont'd)

Mr. Marasco stated that he would like to increase the uses in order to provide him some flexibility in leasing the corner suite to provide services that would benefit neighbors. He stated that neighbors have expressed that they do not object to the changes of uses and they would like the benefit of having a convenience store, which would also benefit students and staff from Lo-Ellen Park Secondary School, and children in the neighborhood. He informed that the reason for the request of a takeout /catering business is it would make it consistent with what the neighbors have known with the previous convenience store and would improve the compatibility with the existing part of the building. He stated he is requesting this particular use to be beneficial to neighborhood and be compatible with the existing hair business where patrons would have the ability to get take-out food while getting their hair done.

Ms. Poratto-Mason stated it is her understanding that the only opposition with the application is with respect to parking. She stated parking for a take-out restaurant cannot be the same as a sit-down restaurant. She cannot see how 36 parking spots are needed. She made reference to the Swiss Chalet on Regent Street, where out of their whole parking lot only 3 spaces are designated for takeout parking, which better reflects what is needed for take-out services. She stated that City Planners told her the worst case scenario would be to require 36 spots and since City staff are recommending the majority of the application, she asks that the item be passed. She advised that the building currently houses A Touch of Class Hair Salon and Wellness Services, and that 1100 square feet of the 3600 square feet is required for a take-out restaurant.

Eric Taylor, Manager of Development Approvals, stated the approved uses that are identified in the staff report are a retail store, custom print shop, copy shop and business office and they could have any of those uses on the site. The parking that is on site today is 18 parking spaces based on the parking standard of 1 parking space per 20 square metres which is the retail standard for the building. The use as a business office has a lower standard in regards to parking, so if a portion would be used for office uses they would have more parking spaces than required. If the whole property would be used as a convenience store they would be maxed out for parking spaces. He stated that they could require minor variances if they lease the space for a restaurant use as there is higher standard for restaurant use than retail use in regards to the parking requirement.

Mr. Marasco stated that he does not want a restaurant only a catering or take-out business and does not want people sitting in the restaurant. He informed that they had a pizzeria in the building for a long time prior to him purchasing the building.

Eric Taylor, Manager of Development Approvals, stated the parking standard according to the by-law requires a restaurant to have 3 plus 1 parking spaces per 10 square metres of net floor area or 1 per three persons of seating capacity, whichever is greater. He stated that if the whole building was leased as a restaurant, 36 parking spaces would be required. He also informed that parking was not the only issue at hand, there is also concern with the use of a restaurant and potential problems that can arise from odors, hours of operation and close proximity to residences, which is why in C1 zones you do not see restaurants. He advised that no further information was received from the applicant advising that they were limiting the rental space for a take-out restaurant and if the area that was going to be occupied for that use was only one third of the building, only 12 parking spaces would be required, however, if the other units are rented for other uses parking would still be an issue. He also advised that the Committee could impose a limitation on the maximum area for a take-out restaurant. In the absence of that, a convenience store could occupy the entire building or personal service could occupy the entire building or a combination thereof. He stated that there would be no control unless the maximum floor area being used is specified in the by-law.

PUBLIC HEARINGS (Cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT ADDITIONAL COMMERCIAL USES IN THE EXISTING BUILDING ON THE PROPERTY, 208 LOACH'S ROAD, SUDBURY - FRANCESO MARASCO LIMITED (Cont'd)

He stated that there may be a need for a minor variance if a take-out restaurant goes into portion of building and the Committee of Adjustment could deal with it at that time if 18 parking spots are not sufficient.

Mr. Marasco advised that the parking space where the dumpster is located also has a space for a vehicle.

Eric Taylor, Manager of Development Approvals, advised that in terms of parking spaces on the approved site plan there are 18 parking spaces and the applicant currently provides a waste disposal area on the east side of building. He informed that the owners are not in compliance with the original site control plan agreement that was entered into with the previous owner. He advised there are parking spaces that the applicant has drawn on the plan which are not part of the approved site plan and the City Roads & Transportation Department has an issue with this modified site plan. He stated that on the approved site plan at parking spot 17 there is no approved parking space as per approved site plan. The actual plan drawing shows the underlying parking spaces on the approved site plan as abutting the building, the driveway area is spaces 6 through 7 for parking, the two parking spaces where 4 and 5 are aligned 90 degrees, and the garbage area is located just north of parking space 1. He stated that he is not sure why the owner has made changes to the parking because the approved site plan actually has 18 parking spaces which would work and meet the City standards. He advised that the zoning by-law does not discriminate between independent mom and pop operations or national restaurant chains an eating establishment is just that. He stated that there are different parking standards for take-out, sit-down and drive-through restaurants and there is no discrimination between who owns an operation.

Ms. Poratto-Mason stated that when Mr. Marasco purchased the property in 2000, the site plan configuration was from 1989 and what Mr. Marasaco was originally presented with, was reduced by one parking spot. She informed that the existing plan shows two entrances, one on Windle Drive and one on Loach's Road, and it has been configured to allow this.

Eric Taylor, Manager of Development Approvals, advised the original site plan had two entrances, one on Windle Drive and one on Loach's Road as well and the approved site plan also does not show flow through parking.

Ms. Poratto-Mason advised it was recommended by staff that Mr. Marasaco approach his neighbors and he spoke with them, many of whom are his clients, and they did not have any issues with the proposal. She also informed that the applicant has tried to rent the space for two (2) years, and all the people that want to rent the space are proposing restaurants.

Eric Taylor, Manager of Development Approvals, advised a business office is different than a medical office and they are defined different under the zoning by-law. He informed that a medical office is permitted there today. He advised the parking that would be required if building was leased to a daycare centre would be based on 1.5 spaces per classroom plus 1 space per 30 square metres of net floor area, which is a lower standard than retail would require. This would probably be 5 spaces for a daycare centre as less 1 per 20 square metre required for retail for parking spaces. He informed that if rented to a medical office it would require 5 parking spaces for the office or 1 per 20 square metre of net floor.

PUBLIC HEARINGS (Cont'd)

APPLICATION FOR REZONING IN ORDER TO PERMIT ADDITIONAL COMMERCIAL USES IN THE EXISTING BUILDING ON THE PROPERTY, 208 LOACH'S ROAD, SUDBURY - FRANCESCO MARASCO LIMITED (Cont'd)

Eric Taylor, Manager of Development Approvals, advised if they add a take-out business, they may have to have a minor variance for parking. If one third of building is to be used for takeout restaurant, (1100 square feet) the parking requirement would be 14 spaces and the balance of building would be 9 for a total requirement of 23 parking spaces. He stated the potential for variance like this are not uncommon. He informed that if there are no limits on area of a take-out restaurant, and owner is successful in attracting a take-out use, then they would have to submit to Building Services which would be looking at all uses on the site to see what the parking requirements would be. If more parking is needed they would need to get a minor variance and the committee could decide to impose a limitation on the uses. He advised that if the space is to be used for any other purpose a variance would apply and, staff would be reviewing this at the time of issuing a building permit to make sure there is compliance for parking. He stated that if there are any changes to the mix of uses in the building at any time or if there is a parking shortage they would need to file a minor variance.

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 recommendation was presented:

PL2015-26 Reynolds/Dutrisac: THAT the City of Greater Sudbury approves the application by Francesco Marasco Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the lands described as PIN 73594-0325, Parcel 17594 S.E.S., Lot 5, Plan M-205, Lot 5, Concession 1, Township of McKim from "C1", Local Commercial to "C1(S)", Local Commercial Special subject to the following conditions:

1. That the amending by-law add a business office, retail store, a custom print copy shop, a take-out restaurant and a catering business to those uses permitted in the "C1" Zone and,
2. That prior to the passing of the amending by-law, the owner install a test-maintenance access chamber to the sanitary sewer service to the satisfaction of the General Manager of Infrastructure Services.

YEAS: Councillors Dutrisac, Reynolds, Cormier

NAYS: Councillors McIntosh, Landry-Altmann

CARRIED

Recess At 8:05 p.m. the Planning Committee recessed.

Reconvene At 8:15 p.m. the Planning Committee reconvened in Council Chamber.

Rules of Procedure The Planning Committee, by two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with the Deferred Matter R-1, an application for rezoning in order to permit a multiple dwelling with four (4) units, 953 Howey Drive, Sudbury—L.S. Bock Developments Inc.

REFERRED AND DEFERRED MATTERS

APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS, 953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC

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

Report dated February 9, 2015 from the Acting General Manager of Growth & Development regarding an application for rezoning in order to permit a multiple dwelling with four (4) units, 953 Howey Drive, Sudbury - L.S. Bock Developments Inc.

Luc Bock, the applicant and Dave Dorland, agent of the applicant were present.

Mauro Manzon, Senior Planner, outlined the application to the Committee.

Mauro Manzon, Senior Planner, stated that what is present today is a semi-detached building and they maintain two (2) parking spaces to abide to the by-law. He informed that it is legally a semi-detached building and there should only be two (2) parking spots which is the requirement for a duplex. He stated there is a significant difference between a duplex and fourplex and that any building with three (3) or more units is considered a medium density residential unit. He informed that buffer slips, width of lot, parking spaces and a whole range of additional problems are problematic in this case as it is a forty foot wide lot which does not meet the requirements for this fourplex. He stated that if the entire front yard is paved for parking it would cause draining problems which is not an acceptable standard.

Eric Taylor, Manager of Development Approvals, stated that in terms of the landscaped area, the two (2) parking spaces required would free up the front yard space for landscaping and there is opportunity for more landscaping to occur in the front yard. He stated that as for intensification, they look for medium density opportunities where there are arterial roads and suitable parking on the site and where the location is suitable for intensification. He informed there were the same issues in the previous staff report from 2011 regarding the same property, where it was recommended that the application be denied. He informed that the applicant came with an application for a duplex only and it was originally approved.

Mr. Dorland stated he received the plan showing where the building is located unfortunately, the sketch that was submitted with the application is not correct. He stated that it may have a more positive impact with planning staff's concerns about parking spaces. He informed the building was constructed with room for six (6) parking spaces in the front yard and the requirement for setback is 7.5 metres on a secondary arterial road. He stated the original plan that was prepared had 3 metre parking stalls and if you reduce the parking stall width to 2.75 metres, which is the required size, there would be 7 metres of setback from Howey Drive so that would not be an issue. He stated that he wanted to review some of the sections of the staff report applying the new information which would provide some relief regarding some of the staff's concerns. He stated that although area is zoned R2 this fourplex, multi-family dwelling is compatible with the surrounding uses and the photos provided show that there is only one single-family dwelling to east of the property. He informed that the other dwellings in the area are triplexes or sevenplexes that are no longer in use and the pictures show that all the building except one to east are multi-functional and not duplexes. He stated the owner of the single-family dwelling, to whom they are to provide a buffer and landscaping, approves this lot as multi-family zoning use and his signature is on handout page included with our submission. He stated that Staff are suggesting that if medium density designation is granted then a revised drainage and lot grading agreement would have to be prepared. He stated that construction has not yet been completed. He informed that Mr. Bock is agreeable to a 2 metre road widening when they are widening Howey Drive if that is a concern of the Planning Committee. He informed that the Applicant is also amiable to including his occupancy

REFERRED AND DEFERRED MATTERS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

agreements and drainage plan prior to occupancy. He stated there is room for six (6) parking spaces and instead of 10 foot setback from Howey Drive there is room for landscaping and rear yard landscaping. He stated there is adequate room for a walkway on the side of the building to access the front or backyard from south side of the lot. He stated there is a fair bit of tree cover along the west side of adjoining property and to the east of parking stalls that face neighbor and the parking spaces are to be supported by a retaining wall atop of which an opaque fence is to provide privacy for owner east of property, who also has no problem with this development. He informed that the owner of the land to the west of the property, Mr. Chamberlain, is in the audience whose primary concern is drainage and activity by users and occupants of the building that may cross the lot-line onto his property. He informed that to address that issue they are prepared to construct a suitable barrier along his east side of the property.

Mr. Bock advised he was provided with R3 zoning in 2011 and constructed a duplex and will be rented as such until the Committee decision changes this. He informed that he intended it to be duplex however there was a mistake on the drawings when the original application changed to duplex so forgot to remove the four (4) doors on the drawing.

Mr. Dorland advised that Building Services did not have problem with the four (4) doors on the plan.

Mr. Bock stated there were a lot of things going on that needed to get resolved with this property and has spent almost a year going over the lot grading plan and he submitted the incorrect drawing. He informed that there was a lot of work involved 2011 to 2013 when the permit was issued and it was put forward to him that a duplex would be approved if concessions were made on his part and whether a duplex or fourplex it meets all requirements for the setbacks.

Mr. Dorland advised that he presented the previous application to the Committee of Adjustment to seek relief from the rear yard setback and the main concern was moving the building closer to the railroad tracks. He informed that this was made acceptable to the Committee as the tracks are down 30 feet of rock cut so the normal noise issues are not an issue. He stated that the minutes and decision reflected a duplex and does not recall any discussion what would happen if this was a fourplex. He stated it was a sound and vibration issue because of the nature of the location of the tracks in respect to the house and it was approved it was not the number of units that was the issue.

Eric Taylor, Manager of Development Approvals, stated that there are a couple of matters here. He informed the Committee at the time had to deal with a reduction in the set back to Canadian Pacific Railway to allow for a duplex, which was what they considered at that time. He informed that safety is the reason there is such a setback for derailment because cars can come off track and damage buildings. He stated the property is higher than the rail line, which was part of their consideration in making their decision to allow the duplex. He stated that the current application is to allow a fourplex, which is setback at that same distance, whether a duplex or a fourplex and the Committee should include exceptions to allow 30 metre setback in their decision if they decide to allow the fourplex.

Mr. Dorland advised the plan that was handed out was reviewed by City through the Development Engineer Department to put a building on the property and adjust the drainage and lot grading issues. He informed the same surveyor laid the building out and wanted to move it back to the tracks as far as possible. He stated the sketch shows 71 feet at Howey Drive but it is actually setback far enough if we use 2.75 metres for parking stall, which is the required width, and provide six (6) parking spaces to meet the requirements of not having parking in the required front yard. He stated that they could

PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

investigate shifting the parking to other side of lot. He stated that one of the suggested conditions of the recommendation is to submit a new lot grading plan and shift the parking spaces. He informed that planting strips cannot be provided due to narrow width of the lot which would be the same for duplex or fourplex. He informed that they could put planting strips on front of Howey Drive and some landscaping on the south boundary of the property so residents could still view Ramsey Lake. He informed that giving the scaling that has been given by the City, we can get the six (6) parking spaces, have landscaping and meet the required setback of Howey Drive. He informed that the landscaping is not complete as Mr. Bock was putting in the service connections this fall but has not finished the retaining walls to carry drainage on his property and not spill off in neighbor's properties however they are not yet completed due to weather.

George Melnyk, area resident, provided a presentation including photos opposing the application on behalf of Gerald Chamberlain his landlord.

Gerald Chamberlain, area resident, stated he is concerned with the noise level and stated that if Mr. Bock had talked to him before they could probably have worked something out. He informed that he is also concerned with the drainage issues and wondered where the drainage will go when they build the retaining walls.

Guido Mazza, Director of Building Services, advised that there is an order on this property in regards to the lack of compliance with the lot grading plan and there have been a number of visits to the property and one of the issues is the elevation of building. He informed the City has an order against Mr. Bock since October regarding the lot grading plan and the retaining wall. He stated the City's lot grading by-law requires that it be approved and be in compliance within six (6) months of occupancy being issued. He informed when developers build homes in a subdivision and occupancy occurs in the late fall, they have until May to complete the final lot grading and the building codes states that one shall not diversely affect adjoining property owners.

Rob Webb, Supervisor of Development Engineering, stated that they do not have as built for applications and the drainage did not match the design of the plan therefore the order to comply was issued. He stated that there was to be no retaining wall to be on Mr. Chamberlain's side and water drains toward the back corner of his house. He informed that the erection of a retaining wall may not be solution. He stated that this is an intricate lot, and when the original lot grading plan was not followed it has caused some problems and the space where the parking spots were proposed to be located were on same side as the proposed retaining wall.

Mr. Chamberlain stated that he did not have drainage issues prior to construction of this property which was built up by six (6) feet and was zoned an R3 in 1991. He informed that water is pooling at the corners and going underneath the house into the crawlspace and he has a sump pump now which he never needed before. He stated that when they blasted for the basement they may have blasted a vein and he has been calling the City regularly regarding his drainage issues.

Rob Webb, Supervisor of Development Engineering, advised that the surface water is draining towards the neighbor's house and this is why the City has a lot grading plan compliance order to deal with drainage issues. He stated that the footprint of the building would not be different whether it is a duplex or a fourplex. He informed that In order to follow the lot grading plan rock would have to be removed which could be done this time of year, however the retaining wall would have to wait and it is almost impossible to deal with drainage problems in the winter.

PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

Mr. Bock stated that the entire reason there may be some negative impact to neighboring properties is that there has been zero landscaping completed to date. He stated that when the City did their inspection, they were still digging for sewer lines and gas. He assured that as soon as the application is approved by the City staff he will complete the draining plans and the retaining wall. He stated that he has never had issues with neighbors in the past and would like to satisfy Mr. Melnyk and Mr. Chamberlain's concerns. He informed that he could not do anything about the workers making noise as this is a common occurrence on construction sites. He stated that the project is incomplete but when is complete it will not negatively impact the neighborhood.

Mr. Dorland advised the drainage and grades on this property were designed to meet the requirements of the policies and the approved drainage plan. He stated that drainage will not flow onto either neighbor's property. He stated the photos show swale on the west side and retaining wall on the east side and given the fact most of the grade work for service connections was completed in October these issues were not addressed. He stated that Mr. Guido has advised that landscaping is to be completed six (6) months after occupancy but they do not even have occupancy for either a duplex or a fourplex. He informed that there is time to deal with those issues and we will. He stated the placement of the building mitigates and addresses many of the concerns regarding front of the property and conforms to the official plan with respect to parking and landscaping. He stated that this is not a fourplex in middle of a single-family dwelling area, it was zoned R3 and there are many multi-unit dwellings. He stated that Building Services or the neighbour to the east have not objected to this application.

Proceed Past
10:00 p.m.

THAT this meeting proceed past the hour of 10:00 p.m.

CARRIED

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 recommendation was presented:

PL2015-27 Reynolds/ Dutrisac THAT the City of Greater Sudbury approves the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential Special on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall meet the following conditions:
 - I. Apply for a building permit to the satisfaction of the Chief Building Official;
 - II. Rectify outstanding drainage issues and, if required, submit a revised design lot grading plan to the satisfaction of the Director of Planning Services;
 - III. The owner enter into an agreement with the City to dedicate on demand a 2 metre wide strip along Howey Drive; and
- b) That the amending by-law include the following site-specific provisions:
 - i. A maximum of four (4) *dwelling units* within the *existing building* shall be permitted;
 - ii. A *rear yard setback* of 8.2 metres abutting a railroad right-of-way shall be permitted;
 - iii. The *lot frontage* of the *existing lot* shall be permitted; and,

PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

- iv. That an opaque fence with a minimum height of 1.5 m shall be required along the easterly and westerly lot lines from the front yard setback to the rear lot line.

YEAS: Councillors Dutrisac, Cormier, Reynolds

NAYS: Councillors McIntosh, Landry-Altmann

CARRIED

CONSENT AGENDA

The following recommendation was presented:

PL2015-28 McIntosh/Landry-Altmann: THAT the City of Greater Sudbury approves Planning Committee Consent Agenda Item C-1.

CARRIED

The following are the Consent Agenda Items.

ROUTINE MANAGEMENT REPORTS

Item C-1
Consent referral
request, Raft Lake
Subdivision – Nickel
Range Investments
Ltd.

Report dated January 27, 2015 was received from the Acting General Manager of Growth and Development regarding Consent referral, Extension to draft plan of subdivision approval, Raft Lake Subdivision, South Lane Road, Sudbury - Nickel Range Investments Ltd.

The following recommendation was presented:

PL2015-29 Reynolds/McIntosh: THAT upon payment of Council's processing fee of \$1,407.00, the conditions of draft approval for the draft plan of subdivision on those lands known as Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder, File 780-6/96003, shall be amended as follows:

a) By deleting Condition #4 and replacing it with the following:

4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By laws of the Municipality in effect at the time such plan is presented for approval."

b) By deleting Condition #7 and replacing it with the following:

"7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermain, storm sewers and surface drainage facilities."

ROUTINE MANAGEMENT REPORTS (Cont'd)

Item C-1
Consent referral
request, Raft Lake
Subdivision – Nickel
Range Investments
Ltd. (Cont'd)

c) By deleting Condition #9 and replacing it with the following:

"9. Deleted."

d) By replacing the words "Public Works" with "Infrastructure Services" in Conditions #13 through to Condition #19

e) By deleting Condition #15 and replacing it with the following:

"15. Deleted."

f) By deleting Condition #16 and replacing it with the following:

"16. The owner shall be responsible to have a stormwater management report prepared to assess how the quality and quantity of stormwater will be managed for the subdivision development, in addition to the flows generated from upstream lands. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to pre-development levels 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 of protection as defined by the Ontario Ministry of the Environment."

g) By adding the following at the end of Condition #17:

"17. The detailed lot grading plan is to be prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of construction plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners as well as any required setbacks or buffer zones. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the stormwater overland flow path."

h) By deleting Condition #19 i) and replacing it with the following:

"19. i) Where it is the intent to provide potable water from an adjoining waterbody, the developer is to provide a report prepared by a professional engineer, licensed in the province of Ontario and experienced in drinking water systems, detailing the required treatment to provide potable water from a surface water source. The developer is required to establish a Potable Water Agreement for each property capable of using surface water as a potable water source referencing the recommendations put forth in the report to the satisfaction of the General Manager of Infrastructure Services."

i) By deleting Condition #19 ii) a, b, c and d and replacing with:

ROUTINE MANAGEMENT REPORTS (Cont'd)

Item C-1
Consent referral
request, Raft Lake
Subdivision – Nickel
Range Investments
Ltd. (Cont'd)

“19. ii) Where it is the intent to provide potable water from a well, the developer shall prove to the satisfaction of the General Manager of Infrastructure Services that an adequate quantity of potable water is available, and if water can only be made potable by treatment, an agreement with the City must be placed on title to clear this condition. Wells are to meet the requirements of Ministry of Environment Procedure D5-5 as a minimum as well as the following:

j) By deleting Condition #19 ii) e) and replacing with:

“a. Prior to the signing of the final plan the owner is required to provide a deposit for corrective measures should groundwater supplies of adjacent properties be affected as a result of this subdivision. The deposit is to be calculated by the owner's engineer to the satisfaction of the General Manager of Infrastructure Services.”

k) By deleting Condition #20 and replacing it with the following:

“20. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83 (CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.”

l) By deleting Condition #22 and replacing it with the following:

“22. That this draft approval shall lapse on March 14, 2018.”

m) By deleting Condition #27 and replacing it with the following:

“27. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority.”

n) By replacing the word “Persona” with “Eastlink” in Condition #30.

o) By adding a new Condition #31 as follows:

“31. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.”

ROUTINE MANAGEMENT REPORTS (Cont'd)

Item C-1
Consent referral
request, Raft Lake
Subdivision – Nickel
Range Investments
Ltd. (Cont'd)

p) By adding a new Condition #32 as follows:

"32. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project."

q) By adding a new Condition #33 as follows:

"33. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:

- i. Pre-blast survey of surface structures and infrastructure within affected area;
- ii. Trial blast activities;
- iii. Procedures during blasting;
- iv. Procedures for addressing blasting damage complaints;
- v. Blast notification mechanism to adjoining residences; and,
- vi. Structural stability of exposed rock faces.

The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting."

r) By adding a new Condition #34 as follows:

"34. Should the developer's schedule require to commence blasting and rock removal prior to the final subdivision plan having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance."

s) By adding a new Condition #35 as follows:

"35. As part of the submission of servicing plans, the owner shall have slope treatments designed by a geotechnical engineer licensed in the

Province of Ontario incorporated into the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services."

t) By adding a new Condition #36 as follows:

"36. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City."

ROUTINE MANAGEMENT REPORTS (Cont'd)

Item C-1
Consent referral
request, Raft Lake
Subdivision – Nickel
Range Investments
Ltd. (Cont'd)

u) By adding a new Condition #37 as follows:

"37. Prior to any vegetation removal or other site alteration on the subject lands, the owner shall consult with the Ministry of Natural Resources with respect to the presence of any species at risk under the Endangered Species Act. The owner shall demonstrate to the satisfaction of the Director of Planning Services that all requirements set out by MNR under the Endangered Species Act have been satisfied."

CARRIED

REGULAR AGENDA

MANAGER'S REPORTS

Item R-1
Age Friendly
Community Project
Endorsement

Report dated February 5, 2015 from the Acting General Manager of Growth & Development regarding Age Friendly Community.

The following recommendation was presented:

PL2015-30 Landry-Altmann/McIntosh THAT the City of Greater Sudbury approve the following resolution:

WHEREAS older persons are an important part of the City of Greater Sudbury;

AND WHEREAS it is in the City of Greater Sudbury's interest that these citizens continue to live active lives and participate fully in the activities of the community;

AND WHEREAS the City of Greater Sudbury accepted the invitation from the Province of Ontario to participate in the Age Friendly Community Planning Strategy;

THEREFORE BE IT resolved that the City of Greater Sudbury partner with the Canadian Urban Institute to develop an Age Friendly Community Planning Strategy for the City to support participation and healthy active lifestyles for older adults and all citizens;

AND THAT staff involved with Age-Friendly Community Planning work co-operatively with existing community organizations to ensure that their programs and services are more age-friendly.

Adjournment

McIntosh/Landry-Altman: That this meeting does now adjourn.
Time: 10:31 p.m.

CARRIED

TANYA THOMPSON, DEPUTY CITY CLERK