

# THE CORPORATION OF THE MUNICIPALITY OF KILLARNEY

Special/Public Meeting of Council  
In Person for Council – ZOOM for Public Participation  
Municipal Council Chambers  
May 8<sup>th</sup>, 2024  
4:30 P.M.

**PRESENT: MAYOR:** Michael Reider

**COUNCILLORS:** Mary Bradbury      Robert Campbell  
Dave Froats                      Nikola Grubic

**ABSENT: COUNCILLOR:** Peggy Roque

**DISCLOSURE:** Nil

**STAFF:** Clerk-Treasurer – Candy Beauvais  
Deputy Clerk-Treasurer – Gilles Legault  
Administrative Assistant – Angie Nuziale  
Chief Building Official – Andrea Tarini (*joined at 4:40 PM*)

**MEMBERS OF PUBLIC:** 2 (ZOOM)

**GUESTS:** Matthew Dumont, Director of Planning - Sudbury East Planning Board  
(*joined via ZOOM*)

**RE: Zoning By-Law Application – SEPB No. ZBA 24-04 KL  
Intertrade Machinery Ltd.**

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Mayor Reider called meeting to order at 5:00 P.M., proceeded with roll call and acknowledged meeting on aboriginal land.

The Mayor proceeded to ask Council if there were any declarations of pecuniary interest. Each councillor announced they had no disclosure.

Mayor Reider presented the procedure for public hearing as indicated below:

The Mayor stated that this Special Meeting was scheduled in order to hold a Public Hearing to discuss a Zoning By-law Amendment:

1. **Application No. ZBA 24-04KL – Intertrade Machinery Ltd.**

The Planning Act requires that a Public Hearing be held before Council decides whether or not to pass a Zoning By-law Amendment. The Public Hearing serves two purposes: first, to present to Council and the public the details and background to a proposed rezoning; and second, to receive comments from the public and agencies before a Council decision is made.

Mayor Reider stated that Mr. Dumont will provide a summary of the applications. From there, the applicant will be requested to make a presentation, followed by questions from the public, either in favor or against the proposal. Council will then have the opportunity to question the applicant, the Director of Planning, or anyone giving presentations. The Zoning By-law Amendment will then be considered by Council later this evening.

The Mayor asked Mr. Dumont to advise how notice was provided.

Mr. Dumont stated the Notice of the Public Hearing was posted in the Municipal Office and was sent by Mail to the assessed owners within 120 metres of the property subject for the proposed Zoning By-law Amendment, and to those persons and agencies likely to have an interest in the application. The Notice was sent on April 16th, 2024 (being over twenty (20) days prior to this evening's meeting).

Included with the Notice was an explanation of the purpose and effect of the proposed Zoning By-law Amendment and a key map showing the location of the property.

The Mayor then declared this portion of the Hearing to be a Public Hearing to deal with **Application No. ZBA 24-04KL – Intertrade Machinery LTD.** and requested Mr. Dumont to summarize the purpose and effect of the proposed Zoning By-law Amendment and provide any additional information and correspondence relevant to the application.

Mr. Dumont stated the Sudbury East Planning Board has received a zoning by-law amendment application along Highway 7308/Gauthier Station Road in the geographical Township of Bigwood. The Site is presently zoned 'Rural (RU)' under Zoning By-law 2014-29 of the Municipality of Killarney. The proposal is to change the zoning from 'Rural (RU)' to 'Commercial Highway (CH)' to permit approximately a 5,000 square foot Motor Vehicle Repair Shop on the Site.

With respect to the Official Plan:

Lands designated "Rural" shall be used primarily for agriculture, farm related and secondary uses as well as resource-based activities, such as forestry, mining and aggregate operations, and **other industrial uses that are not appropriate in Community or Village Policy Area**, as well as limited residential developments, where appropriate. Farm-related commercial and farm related industrial uses shall include such uses that are small in scale, directly related to the farm operation required in proximity to the farm operation. Secondary uses shall include uses that produce value added agricultural products from the farm operation on the property.

In addition to agricultural and agriculturally related uses, **rural industrial/commercial uses which are resource-based, including dry industrial/commercial uses and forestry uses, may be permitted without an amendment to this Plan**; however, the foregoing uses will be subject to the following requirements:

- c) The proposed use shall not create or add to a negative impact on the environment, adjacent or nearby sensitive land uses, or traffic patterns;
- d) The proponent shall demonstrate how outside storage, if applicable, and the storage and removal of on-site generated waste is to be accommodated;
- e) The proponent shall demonstrate how the traffic generated from the proposed use will impact the existing roads and how much will be generated;

The Sudbury East Planning Board and its member municipalities will foster a favorable climate for economic development by:

- b) continuing to support local economic development initiatives;
- f) identifying and promoting areas for specific types of development that are key to the economic base of the Planning Area. These include lands for housing, tourist facilities, commercial and employment development, as well as agriculture.

The application, as proposed, generally conforms to the intent and the policies of the Official Plan.

Zone Requirements:

Current Zoning: Rural (RU) Zone

Proposed Zoning: Commercial Highway (CH) Zone

The proposed amending Zoning By-law will establish 'Commercial Highway (CH)' to permit approximately a 5,000 square foot Motor Vehicle Repair Shop on the Site.

Zone requirements: (a) The lot: i. Minimum lot frontage 30.0 metres ii. Minimum lot area 0.8 hectares iii. Maximum lot coverage 75.0 percent. The above noted zone requirements are to conform to the proposed development in relation to the 14.97-hectare lot. In addition, the proposed development conforms to all the setback requirements under section 7.9.2(b).

AGENCY REVIEW:

This application was circulated to those agencies that were considered to have an interest in the proposal. The following comments were received:

Hydro One: no concerns.

Ministry of Transportation: The Ministry of Transportation (MTO) has reviewed the attached zoning by-law amendment. We can confirm that the subject lands are located within the MTO's permit control area, and therefore, are subject to review under the *Public Transportation and Highway Improvement Act R.S.O. 1990* and will require proper permits with the MTO. The MTO supports the proposed rezoning in principle, with the following conditions to consider:

- An MTO commercial entrance permit will be required in order to facilitate the change in use and traffic volume of the subject lot.
- An MTO building/land use permit will be required for the placement of any buildings or structures within 45 meters of the Hwy 7308 (Gauthier Rd) property line or within 395 meters of the centre-point of the intersection of Hwy 7308 and Hwy 7307 (Brasier Rd). More information below.
- An MTO Sign permit will be required for any proposed signage on the subject lot within 400 meters of the Hwy 7308 property line, that is visible to traffic on Hwy 7308. More information below.
- Any future development or rezoning of the lot will be subject to MTO review.

Chief Administrative Officer/Clerk had no concerns with the proposed development.

Chief Building Official: no comment.

Public Works Superintendent: no comment.

The application for zoning by-law amendment is consistent with the 2020 Provincial Policy Statement, conforms with the intent the Official Plan for the Sudbury East Planning Area, and conforms to Zoning By-law 2014-29, therefore can be supported from planning perspective.

Mayor asked if the applicant had a presentation that he/she wanted to make.

Mr. Piotrowski introduced himself to Council and stated he is a young man who is interested in starting a business.

Mayor asked if the public had any questions or comments.

No questions or comments from the public.

Mayor asked if Council had any questions or comments.

No questions or comments from Council.

Since there were no further comments or questions, the Mayor declared the Public Hearing to be concluded and the amendment would be considered by Council later in the evening.

The Mayor advised that there is a 20 day appeal period during which time any person or public body may, not later than 20 days after the day that the giving of written notice as required by Section 34(18) of the Planning Act is completed, appeal to Ontario Lands Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under Ontario Lands Tribunal. During this appeal period, no building permit may be issued or other work commenced.

**24-152 BY DAVE FROATS – ROBERT CAMPBELL**

**BE IT RESOLVED THAT** the Special Meeting of Council held May 8<sup>th</sup>, 2024 to consider a zoning by-law amendment to change the zoning from ‘Rural (RU)’ to ‘Commercial Highway (CH)’ to permit approximately a 5,000 square foot motor vehicle Repair Shop on the Site (Lukas Piotrowski) Application Number ZBA24-04KL be adjourned at 4:44 P.M.

Resolution Result	Recorded Vote		
	Council Members	YES	NO
<input checked="" type="checkbox"/> <b>CARRIED</b>	Mary Bradbury		
<input type="checkbox"/> <b>DEFEATED</b>	Robert Campbell		
<input type="checkbox"/> <b>TABLED</b>	Dave Froats		
<input type="checkbox"/> <b>RECORDED VOTE (SEE RIGHT)</b>	Nikola Grubic		
<input type="checkbox"/> <b>PECUNIARY INTEREST DECLARED</b>	Michael Reider		
<input type="checkbox"/> <b>WITHDRAWN</b>	Peggy Roque		

*ORIGINAL DOCUMENT SIGNED*

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*Michael Reider, Mayor*

*ORIGINAL DOCUMENT SIGNED*

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*Candy Beauvais, Clerk-Treasurer*