

**THE FORTY-FIRST MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11
Tom Davies Square**

**Tuesday, January 17th, 2006
Commencement: 4:52 p.m.
Adjournment: 7:53 p.m.**

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Reynolds

Staff B. Lautenbach, Director of Planning Services; K. Forrester, Real Estate Co-ordinator; A. Haché, City Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2006-01:**

Caldarelli-Reynolds: That we move "In Camera" to deal with a property matter in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess At 5:02 p.m., the Planning Committee recessed.

Reconvene At 5:38 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

COUNCILLOR RON DUPUIS PRESIDING

Present Councillors Bradley, Caldarelli, Reynolds, Thompson

Councillor Craig

Staff B. Lautenbach, Director of Planning Services; G. Clausen, Director of Engineering Services; R. Webb, Supervisor of Development Engineering; P. Baskcomb, Manager of Community and Strategic Planning; D. Nadorozny, General Manager of Growth and Development; A. Haché, City Clerk; M. Laalo, Licensing & Assessment Clerk; F. Bortolussi, Planning Committee Secretary

News Media MCTV

Declarations of Pecuniary Interest None declared

MATTERS ARISING FROM THE “IN CAMERA” SESSION

Rise and Report Councillor Thompson reported the Committee met in closed session to deal with a property matter and the following recommendation emanated therefrom:

Granting Approval to Expropriate, part of 323 Second Avenue, Sudbury **Recommendation #2006-02:**

Reynolds-Caldarelli: THAT the Council of the City of Greater Sudbury, as the “Approving Authority” under the Expropriations Act, R.S.O. 1990 c. E.26, grant approval for the expropriation of certain lands municipally known as part of 323 Second Avenue, and legally described as part of Parcel 19338 S.E.S., part of Lot 12, Concession 4, Township of Neelon, City of Greater Sudbury, for the expansion of the Civic Memorial Cemetery located on Second Avenue, Sudbury;

AND THAT staff be authorized to proceed with the expropriation and also continue to negotiate with the property owner;

AND THAT the Real Estate Co-Ordinator be authorized to execute the Certificate of Approval and any forms, notices, or other documents required pursuant to the Expropriations Act.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF 9 LOTS FOR SINGLE RESIDENTIAL USE, NORFOLK & KIPLING COURT, SUDBURY - 1650873 ONTARIO LTD.

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

Report dated January 6th, 2006, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to permit the development of 9 lots for single residential use, Norfolk & Kipling Court, Sudbury, 1650873 Ontario Ltd.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF 9 LOTS FOR SINGLE RESIDENTIAL USE, NORFOLK & KIPLING COURT, SUDBURY - 1650873 ONTARIO LTD. (cont'd)

Paul Kennedy, the applicant, was present.

The Director of Planning Services outlined the application to the Committee.

Paul Kennedy indicated he has a concern regarding the sewer and water connection requirements. He will be hiring a City approved contractor and does not understand why he is required to hire an engineer. As he feels this is a simple job, he is requesting relief from the condition requiring an engineer.

The Supervisor of Development Engineering indicated that the contractor will not be preparing a design for the work but will simply be installing the pipes and the City will have no assurance that the work meets standard. Having an engineer design the project and certify the work has always been the City's policy as certain criteria need to be met. The Director of Engineering Services advised that if the contractor is a certified, licensed engineer, there is no need for an independent engineer.

Mr. Kennedy indicated that the sewer and water services are at the line lot on Kipling Court. He stated he spoke to Operations who could not confirm if the lines were in good shape. Operations advised him that the drawings showed the services were in place and if it was discovered they were not, the City would instal the same. He does not want to be advised at a later date that this will be his responsibility and therefore wants something in writing from the City assuring him the services are available or will be provided.

Mr. Kennedy indicated he requires five connections on Kipling Court which he was told exist and tonight he is being advised there are only two lines. He realizes he is responsible for all connections on Norfolk Street.

The Director of Engineering Services indicated that he checked into the matter of the sewer and water lateral lines that run from the main to the property line on Kipling Court. He stated back in the 1960's when the subdivision was developed, there was a single line that crossed the street and serviced two properties. The City no longer permits single services to service double properties. He confirmed that the City will provide two lateral lines, existing or new, for two lots, and Mr. Kennedy will be responsible for the remainder of the lines because of the reconfiguration of the lots.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF 9 LOTS FOR SINGLE RESIDENTIAL USE, NORFOLK & KIPLING COURT, SUDBURY - 1650873 ONTARIO LTD. (cont'd)

The Director of Engineering Services indicated that when the four lots on Kipling Court were originally developed, there was one connection at the lot line to service two residences. The current policy is that each residence must have its own sewer connection from the main. He indicated at the present there is a single service to Lots 99 and 100 and a single service to Lots 101 and 102. The City will instal two lines and service two of the lots and Mr. Kennedy will have to pay for the connections required for the new lots created. Also, if there is an existing line servicing Lot 98 which is not a shared line, Mr. Kennedy can use it; however, if there is no separate line, he will have to provide one.

Regarding the condition of the lot grading plan, Mr. Kennedy indicated he does not agree that a 'lot grading professional' is required. He feels he has sufficient experience to prepare the plan himself. He indicated he has to spend \$5,000 to \$10,000 for a service he feels is not required and feels it was unfair to require him to expend this amount of money.

With respect to the lot grading plan, the Director of Engineering Services indicated that the Lot Grading Policy, implemented by the City two years ago, requires all lot grading plans be prepared by an approved 'lot grading professional'. The 'lot grading professional' must have appropriate liability insurance in the event of recourse. He indicated that Mr. Kennedy could do the work himself if he provides appropriate liability insurance.

Albert Barnes, Norfolk Court, Sudbury asked who would be responsible for any damage caused to the road, which is already in poor condition, during the development of the lots. He also asked who is responsible for the ditches on the street.

The Director of Engineering Services indicated that when the developer installs the sewer and water lines, he will be responsible for reinstating the road. With respect to drainage, he stated that Operations staff will ensure the drainage ditch is functioning properly so that the lot grading plan is draining into the ditch. It is the City's responsibility that the grading and the ditch on the street is functional and it is the developer's responsibility for the grading and ditch in front of the lots being developed. The developer will be required to provide a deposit to assure all repair work is completed.

Mr. Kennedy advised that overall he is pleased with the process which is going well.

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF 9 LOTS FOR SINGLE RESIDENTIAL USE, NORFOLK & KIPLING COURT, SUDBURY - 1650873 ONTARIO LTD. (cont'd)

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

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

The following recommendation was presented:

Reynolds-Caldarelli: THAT the application by 1650873 Ontario Ltd. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of PINs 73571-0362 & 73571-0553 (Parcels 23713 & 30255 S.E.S.), Lots 98 to 101, part of Lot 102 & Lots 266 to 269, Plan M-511, Lot 12, Concession 5, Neelon Township from "I", Institutional Zone to "R1", Single Residential Zone to permit the redevelopment of the site formerly occupied by a church into 9 lots for single detached homes, be approved subject to the following condition:

1. That prior to the issuance of any building permits, the owner shall prepare a lot grading plan for all nine lots, to the satisfaction of the Manager of Development Approvals.

The following amendment to the recommendation was presented:

Recommendation #2006-03:

Reynolds-Caldarelli: THAT the applicant be provided with 5 water and sewer connections, as advised by staff when investigating the purchase of the property.

CONCURRING MEMBERS: **Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis**

CARRIED

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE DEVELOPMENT OF 9 LOTS FOR SINGLE RESIDENTIAL USE, NORFOLK & KIPLING COURT, SUDBURY - 1650873 ONTARIO LTD. (cont'd)

The main recommendation as amended was presented:

Recommendation #2006-04:

Reynolds-Caldarelli: THAT the application by 1650873 Ontario Ltd. to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of PINs 73571-0362 & 73571-0553 (Parcels 23713 & 30255 S.E.S.), Lots 98 to 101, part of Lot 102 & Lots 266 to 269, Plan M-511, Lot 12, Concession 5, Neelon Township from "I", Institutional Zone to "R1", Single Residential Zone to permit the redevelopment of the site formerly occupied by a church into 9 lots for single detached homes, be approved subject to the following condition:

1. That prior to the issuance of any building permits, the owner shall prepare a lot grading plan for all nine lots, to the satisfaction of the Manager of Development Approvals.
2. That the applicant be provided with 5 water and sewer connections, as advised by staff when investigating the purchase of the property.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson, Dupuis

CARRIED

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

Reconvene At 7:15 p.m., the Planning Committee reconvened.

RULES OF PROCEDURE

The Planning Committee, by a two-thirds majority, agreed to dispense with the Rules of Procedure, to alter the order of the Agenda and deal with Item R-1 (Request for Exemption from the City's Fire Flow Policy, Yvon and Joanne Henry) at this time.

PART II - REGULAR AGENDA

REFERRED AND DEFERRED MATTERS

Item R-1
Request for
Exemption from
the City's Fire Flow
Policy, Yvon and
Joanne Henry

Report dated December 1st, 2005, was received from the General Manager of Growth and Development regarding request for exemption from the City's Fire Flow Policy, Yvon and Joanne Henry.

The Committee agreed to defer this matter to the next meeting of the Planning Committee to obtain information such as what criteria was used in creating the fire flow policy, to what is the policy directed and what is the liability of deviating from the policy, prior to making a decision. They requested that the Fire Chief, insurance staff and Legal Services speak to the Committee in this regard.

PRESENTATIONS/DELEGATIONS

City Official Plan
Second Draft
Draft for Public
Review

Report dated January 10th, 2006 was received from the General Manager of Growth and Development regarding City Official Plan - Second Draft.

The Committee agreed that the presentation would be made at a workshop for Council scheduled for February 9th, 2006. The Committee directed staff to proceed a public consultation process on the second draft of the new Official Plan.

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-7 contained in Part 1 of the Consent Agenda:

Recommendation #2006-05:

Reynolds-Caldarelli: THAT Items C-1 to C-7 contained in Part 1, Consent Agenda, be adopted.

CARRIED

PART I - CONSENT AGENDA (cont'd)

MINUTES

Item C-1 **Recommendation #2006-06:**
Report #9
VETAC Minutes Caldarelli-Reynolds: That Report #9, VETAC Committee Minutes of
November 9, 2005 November 9th, 2005 be received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2 Report dated January 11th, 2006, was received from the General
Proposed Water Manager of Infrastructure and Emergency Services regarding
Service Connection proposed water service connection, proposed Tasse Motors Site,
Proposed Tasse Regent Street South, Sudbury.
Motors Site,
Regent Street

Sudbury, Ontario

Recommendation #2006-07:

Caldarelli-Reynolds: THAT improper sewer and water service connections be approved for Dalron Construction Limited for the proposed Tassé Motors site, in accordance with the report from the General Manager of Infrastructure and Emergency Services dated January 11th, 2006.

CARRIED

Item C-3 Report dated January 11th, 2006, was received from the General
Vesting of Manager of Infrastructure and Emergency Services regarding
Properties from vesting of properties from the June 2005 Public Tax Sale.
the June 2005
Public Tax Sale

Recommendation #2006-08:

Reynolds-Caldarelli: THAT the City of Greater Sudbury vest the following

1. Vacant lands on Morin Avenue, Sudbury;
2. Vacant lands on Highway 17, Whitefish;
3. Vacant lands in Lorne Township, Worthington;
4. Vacant lands on Levack Drive, Levack.

AND THAT the total taxes owing to the date of vesting be written off, including penalties, for the four properties being vested.

CARRIED

PART I - CONSENT AGENDA (cont'd)

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-4
Declaration of
Surplus Vacant
Land, Parisien
Avenue, Sudbury

Report dated January 11th, 2006, was received from the General Manager of Infrastructure and Emergency Services regarding declaration of surplus vacant land, Parisien Avenue, Sudbury.

Recommendation #2006-09:

Caldarelli-Reynolds: THAT the property legally described as PIN 02171-0084 (LT), Parcel 53M-1224-19 S.E.S., Lot 19, Plan 53M-1224, City of Greater Sudbury, District of Sudbury be declared surplus to the City's needs and be offered for sale to the general public pursuant to the procedures governing the disposal of full marketability property as set out in By-Law 2003-294.

CARRIED

Item C-5
Road Closure
& Declaration
of Surplus Land,
Belfry Avenue
Sudbury

Report dated January 11th, 2006, was received from the General Manager of Infrastructure and Emergency Services regarding road closure and declaration of surplus land, Belfry Avenue, Sudbury.

Recommendation #2006-10:

Reynolds-Caldarelli: THAT the property legally described as part of PIN 02125-0177 (LT), being Part 11 on Plan 53R-17876, Township of McKim, Sudbury, be closed by By-Law, declared surplus to the City's needs and sold to the abutting owner pursuant to the procedures governing the disposal of limited marketability property as set out in By-Law 2003-294.

CARRIED

Item C-6
Declaration
of Vacant Surplus
Land, part of lane
north of Patterson
Street, Sudbury

Report dated January 11th, 2006, was received from the General Manager of Infrastructure and Emergency Services regarding declaration of vacant surplus land, part of lane north of Patterson Street, Sudbury.

Recommendation #2006-11:

Caldarelli-Reynolds: THAT the property legally described as part of Laneway North of Patterson Street, abutting Lot 283, Plan 1-S, McKim Township, be declared surplus to the City's needs, closed by by-law and be offered for sale to the abutting land owners, pursuant to the procedures governing the disposal of Limited Marketability property as set out in By-Law 2003-294.

CARRIED

PART I - CONSENT AGENDA (cont'd)

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-7
Declaration of
Vacant Surplus
Land, Gordon
Lake Rd, Onaping

Report dated January 11th, 2006, was received from the General Manager of Infrastructure and Emergency Services regarding declaration of vacant surplus land, Gordon Lake Road, Onaping.

Recommendation #2006-12:

Reynolds-Caldarelli: THAT the unopened portion of Gordon Lake Road, Onaping being legally described as PIN 73367-0402 (LT), Parcel 24171 S.W.S., Part 3, Plan 53R-5436, Fairbanks Township, measuring 0.71 acres in size, be declared surplus to the City's needs, closed by by-law and offered for sale to the abutting land owners pursuant to the procedures governing the sale of Limited Marketability property as set out in By-Law 2003-294.

CARRIED

Adjournment

Recommendation #2006-13:

Caldarelli-Reynolds: That we do now adjourn.
Time: 7:53 p.m.

CARRIED

CITY CLERK

COUNCILLOR RON DUPUIS