

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

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

**Tuesday, April 27, 2004
Commencement: 6:30 p.m.
Adjournment: 10:25 p.m.**

ANGIE HACHÉ PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Thompson

Staff G. Clausen, Director of Engineering Services; D. Braney, Property Negotiator / Appraiser; Angie Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

Appointment of Chair **Recommendation #2004-66:**
Bradley-Dupuis: That Councillor Dupuis chair the In-Camera portion of the Planning meeting.

CARRIED

COUNCILLOR DUPUIS PRESIDING

"In Camera" **Recommendation #2004-67:**
Dupuis-Bradley: That we move "In Camera" to deal with property matters 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)(e).

CARRIED

Recess At 6:40 p.m., the Planning Committee recessed.

Reconvene At 7:05 p.m. the Planning Committee reconvened in the **Council Chambers** for the regular meeting.

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis
Councillor Craig

Staff D. Nadorozny, General Manager of Economic and Development Services; G. Clausen, Director of Engineering Services; B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; A. Haché, Deputy City Clerk; K. Bowschar-Lische, Planning Committee Secretary; M. Burtch, Licensing & Assessment Clerk

News Media MCTV; Sudbury Star

Declarations of Pecuniary Interest None declared

MATTERS ARISING FROM THE "IN CAMERA" SESSION

Rise and Report Councillor Dupuis, Acting Vice-Chair of the Planning Committee, reported the Committee met in closed session to deal with a property matter and the following resolution emanated therefrom:

Final Settlement -Expropriation of Part of the Property located at 1068 Bancroft Drive, Sudbury Report dated April 21st, 2004, was received from the General Manager, Corporate Services regarding Final Settlement - Expropriation of part of the property located at 1068 Bancroft Drive, Sudbury.

The following recommendation was presented.

Recommendation #2004-68:

Dupuis-Bradley: That the City of Greater Sudbury settle all items of compensation with Randall Johnson and Janice Johnson for the expropriation of Part of Parcel 13103, Sudbury East Section, Part of Lot 29 and Part of Lot 30, Plan M-132 being Parts 3, 4, 5 and 6, Plan D-464, Township of McKim, City of Greater Sudbury, District of Sudbury, as outlined in the report dated April 21st, 2004 from the General Manager of Corporate Services, and

That the Property Negotiator and the Clerk be authorized to execute all required documents.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR REZONING TO PERMIT THE CONTINUED USE OF AN EXISTING 'GARDEN SUITE' ON THE SUBJECT LANDS, AS A SECOND DWELLING, FOR A TEMPORARY PERIOD, 2701 DUBE ROAD, SUDBURY- ED AZZOLA

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT THE CONTINUED USE OF AN EXISTING 'GARDEN SUITE' ON THE SUBJECT LANDS, AS A SECOND DWELLING, FOR A TEMPORARY PERIOD, 2701 DUBE ROAD, SUDBURY- ED AZZOLA (cont'd)

Report dated April 19th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a temporary use rezoning application to permit the continued use of an existing "garden suite" on the subject lands, as a second dwelling, 2701 Dube Road, Sudbury - Ed Azzola.

The applicant, Ed Azzola, 2701 Dube Road, Sudbury, was present.

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

Mr. Ed Azzola indicated that the garden suite is being used seasonally only, from June to September by his parents. He advised that if his parents' health was to deteriorate then he may look at having his parents use the garden suite for the entire year.

No objectors were present.

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:

Recommendation #2004-69:

Bradley-Dupuis: That the application by Ed Azzola, the owner of Parcel 42125 S.E.S. being Part 2, Plan 53R-6066 and Part 1, Plan 53R-8398, in Lot 10, Concession 2, Township of Neelon, to permit a second dwelling unit on the subject property for a maximum temporary period of ten (10) years, pursuant to Section 39 of The Planning Act be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

APPLICATION FOR REZONING TO PERMIT A SECOND DWELLING UNIT AS A TEMPORARY USE IN THE FORM OF A MOBILE HOME TO BE USED AS A "GARDEN SUITE" ON THE SUBJECT PROPERTY, 944 RADAR ROAD, HANMER - M. & T. MELANCON

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

PUBLIC HEARINGS (cont'd)

APPLICATION FOR REZONING TO PERMIT A SECOND DWELLING UNIT AS A TEMPORARY USE IN THE FORM OF A MOBILE HOME TO BE USED AS A "GARDEN SUITE" ON THE SUBJECT PROPERTY, 944 RADAR ROAD, HANMER - M. & T. MELANCON

Report dated April 8th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a temporary use rezoning application to permit a second dwelling unit in the form of a mobile home to be used as a "garden suite" on the subject property, 944 Radar Road, Hanmer - M. & T. Melancon.

Letter dated April 27th, 2004 received from Councillor Ted Callaghan, Ward 4, in favour of the above-noted application was distributed to Committee Members at the meeting.

Marcel Melancon, one of the applicants, and Mr. Foisey, the son-in-law, were present.

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

Mr. Melancon advised that the subject property will remain as it currently exists.

No objectors were present.

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:

Recommendation #2004-70:

Bradley-Dupuis: That the application by M. & T. Melancon to amend By-law 83-300 being the Zoning By-law for the former Town of Valley East by passing a temporary by-law in accordance with Section 39 of the Planning Act with respect to the Remainder of Parcel 1139 SES in Lot 9, Concession 2, Capreol Township to permit a second dwelling in the form of a mobile home used as a garden suite on the subject property for a maximum temporary period of ten (10) years be approved.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

APPLICATIONS FOR CITY OF SUDBURY SECONDARY PLAN AMENDMENT AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 8 LOTS FOR SINGLE RESIDENTIAL USE, 1366 KEAST DRIVE, SUDBURY - HENRY AND AMY CROCCO

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

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR CITY OF SUDBURY SECONDARY PLAN AMENDMENT AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 8 LOTS FOR SINGLE RESIDENTIAL USE, 1366 KEAST DRIVE, SUDBURY - HENRY AND AMY CROCCO (cont'd)

Report dated April 16th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding City of Sudbury Secondary Plan amendment and rezoning applications to permit the creation of 8 lots for single residential use, 1366 Keast Drive, Sudbury - Henry and Amy Crocco.

Letter dated April 26th, 2004 received from Dr. Scott C. Keenan, in favour of the above-noted application was distributed to Committee Members at the meeting.

Letter received from Ron Arnold, Dalron Construction Limited, in favour of the above-noted application was distributed to Committee Members at the meeting.

Mr. Len Crocco, 1366 Keast Drive, representing his parents, Henry and Amy Crocco, was present. Mr. D. S. Dorland, 298 Larch Street, Dr. S. Kirchhefer, Consulting Engineer, Mr. Ray Spangler, Consulting Engineer, Northland Engineering were also present on behalf of the applicant.

The Director of Planning Services outlined the applications to the Committee. Planning Services are not in favour of the development as proposed. The proposal is felt to be premature and should only proceed once full servicing has been secured. The following commenting agencies expressed concerns regarding the proposal. The Ministry of Municipal Affairs and Housing advises the proposed development does not have regard to provincial interests as outlined in the Provincial Policy Statement. The Ministry also indicated that the City is currently preparing a new Official Plan and if the City departs from established policies and practices, it should be done only after relevant policies are reviewed as will be done through the Official Plan Review. Public Works has concerns with the construction of private sewage systems adjacent to Ramsey Lake, a source of drinking water for the City. Public Works advise that the subdivision only proceed if serviced with communal water and waste water systems. The Sudbury and District Health Unit advised that it has been their policy since 1985 that no new development be recommended for the watershed catchment area of Ramsey Lake unless municipal sewer and water are available. The Director of Planning Services pointed out that the applicants would be entitled to one more lot with an area of one acre and water frontage of 148 feet which would proceed by way of consent but the balance of the subject property should be reserved for a serviced residential subdivision in the future.

Mr. Dorland advised that they disagree with staff's comments. They undertook to have a very exhaustive hydrogeological study prepared by Dr. Kirchhefer. He pointed out that this study was not circulated to all the commenting agencies. They feel that a low density development such as this one will have much less impact on Ramsey Lake than a full urban development. He pointed out that the present plan policies would permit full urban development of the 50 acres of land that comprise this property. They felt that because of the terrain to service the lots and the unique rural aspect, the proposed development is much more compatible with the existing area than full urban development. He indicated that being able to offer this type of lake setting, semi-urban development has become a drawing card to people we are trying to attract to the community.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR CITY OF SUDBURY SECONDARY PLAN AMENDMENT AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 8 LOTS FOR SINGLE RESIDENTIAL USE, 1366 KEAST DRIVE, SUDBURY - HENRY AND AMY CROCCO (cont'd)

Dr. S. Kirchhefer advised that he inspected the site on two occasions and test pits were dug. He is aware of the special policies with respect to sewer and water servicing and indicated these policies must be supported in their intent but maybe the wording is not up-to-date because of new technology. Based on what he has found in the field, he would not select a septic system, but a state-of-the-art system. There is enough soil coverage that would support a state-of-the-art treatment system. Other encouraging factors include the units being located far from the shoreline and groundwater and the subject property not draining towards the lake but to a valley which goes to a wetland and to the lake providing a cleaning treatment to the water. He pointed out that the quality of the effluent from the state-of-the-art treatment units is probably better than that from a sewage treatment plant. Since the special policies speak about municipal services, they carried out a preliminary assessment which shows that servicing the subject property would cost more than the lots are worth. The Committee noted that Mr. Kirchhefer was recommending a Class 6 system, which contains a septic system and secondary treatment.

A copy of Dr. Kirchhefer's report was distributed to Members of the Committee at the meeting.

Several Committee Members expressed concern as they had only received the Hydrogeological Report this evening and would have liked to have had it earlier in order to discuss it with staff prior to the meeting.

Mr. Spangler pointed out that in 1991/1992 he was involved in preparing the conceptual design of the area. When they prepared the report they set limits of what would be viable to provide with municipal infrastructure and because of the topography, nature of the ground and proposed location of houses they felt it was not economically feasible to provide services to the subject property. He indicated he did a peer review of Dr. Kirchhefer's report and agrees with the report and agrees with the application.

Councillor Craig, Ward Councillor, addressed the Committee in support of the application. He advised that the applicant had met with the neighbours and two Ward Councillors. He has had information for a few weeks and has had no calls concerning the proposed development. The subject property is approximately 50 acres and this development will not make a significant dent on the quality of the water of Lake Ramsey. He had made inquiries and knows there is new technology which exists that supports what is being said by Dr. Kirchhefer. He stated that the applicants have owned the land for 20 years and paid taxes and he does not believe the application is premature. He supports the development of 8 single family residences on 50 acres of land with precautions.

Diana Fuller, Dixon Road, advised she lives across from the proposed development. She stated that this is a modest proposal and the character and beauty of the lake is being preserved. It is a bit lonely in their area but they enjoy the desolate beauty. They don't want to increase urban development or create any more eyesores. The proposal does harmonize the values of the residents and the community and she does not think this proposal should be rejected by City Council.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR CITY OF SUDBURY SECONDARY PLAN AMENDMENT AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 8 LOTS FOR SINGLE RESIDENTIAL USE, 1366 KEAST DRIVE, SUDBURY - HENRY AND AMY CROCCO (cont'd)

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

The following recommendations were presented:

Recommendation #2004-71:

Bradley-Dupuis: That the application by Henry & Amy Crocco to amend the City of Sudbury Secondary Plan by changing the land use designation of Part of Parcel 23065 'A' SES in Lot 1, Concession 2, McKim Township from "Low Density Residential District" to "Permanent Waterfront Residential District" to permit the creation of 8 residential lots with private sewer and water services be denied.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

Recommendation #2004-72:

Bradley-Dupuis: That the application by Henry & Amy Crocco to amend By-law 95-500Z being the Zoning By-law for the former City of Sudbury by changing the zoning classification of Parcel 23065 'A' SES in Lot 1, Concession 2, McKim Township from "FD", Future Development to "R1.D2.5", Single Residential be denied.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

Recess _____ At 8:45 p.m., the Planning Committee recessed.

Reconvene _____ At 8:50 p.m., the Planning Committee reconvened.

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD.

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

Report dated April 19th, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding subdivision and rezoning applications to permit the creation of 19 lots for single residential use, Ramsey Lake Road, Sudbury - Vytis Lands (Kagawong) Ltd.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

Letter dated April 27th, 2004 received from Desmond Rainsford, Sudbury, in opposition to the above-noted applications was distributed to Committee Members at the meeting.

Letter dated April 27th, 2004 received from Margaret Sun, Sudbury, in opposition the above-noted applications was distributed to Committee Members at the meeting.

Letter dated April 26th, 2004 received from Lucio Fabris, 107 Merrygale Drive, Sudbury, in opposition to the above-noted applications was distributed to Committee Members at the meeting.

Mr. Denis A. Michel, Sudbury, Solicitor for the applicant, was present.

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

Mr. Michel advised that a cul-de-sac was a requirement of staff when initially the length of the road was much longer. He stated that 21 lots were proposed but they were reduced to stay away from the marsh land. The Site Plan Agreement will protect the soils for Lots 8 to 12. He said that this subdivision was previously approved and designated for development because of the reduced size. Lots 1-7, 8-13 and 19 would be part of Phase 1.

Mr. Desmond Rainsford, 709 Belford Court expressed concerns relating to proposed holding designation on Lots 8, 9, 10, 11. Those lots contain unstable soils and there is evidence of contamination as two of the eleven holes drilled show gasoline vapours. If any remediation is required there will be excavation and disturbance of the soil can affect Bethel Lake and contaminated particulants might be released into the air. He believes there is a real possibility that during remediation there will be additional pollutants found. He thinks the Holding designation should not be given for those four lots and if the designation was given there would be no further opportunity for public meetings. Using the photograph on the overhead, he pointed out that Bethel Lake is green in colour which indicates the lake is already quite stressed.

Dr. Darryl Long, 678 Bedford Court, also expressed concern regarding contaminated fields. He is in favour of development but believes remediation should precede development in this case.

Ms. Margaret Sun, 709 Bedford Court, indicated she was in favour of development but would like to see certain measures taken. She indicated that development along the shoreline should not be put on the fast track and the "H" designation should not be approved, especially with the contaminant fill, as the public would have no further input.

Mr. Lucio Fabris, 107 Merrygale Drive expressed concern regarding blasting and how much blasting would be required. He questioned what kind of assurances there would be and as well questioned pre-blasting insurance.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

Mr. Michel indicated that when there is blasting, there is a requirement for a pre-blasting and post-blasting reports. He indicated that two holes are suspected of being contaminated and that is the reason for the "Holding" designation in order that the soils study can be undertaken. If there is contamination, remediation will be controlled by the MOE. Remediation is something that is required to protect the environment and for clean-up.

The Manager of Development Services advised that there was a possibility of soils contamination because of fuel odours. This odour could come from backfill or heavy machinery leaking fuel and that is why further testing has been recommended. He explained that if the "H" Holding designated was removed then the zoning would be allowed without any conditions. He advised that Council had rezoned this property to R-1 in 1991 and this application is to revise the boundaries.

Recommendation #2004-73:

Caldarelli-Dupuis: That we proceed past the hour of 10:00 p.m.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

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

The following recommendation was presented:

Recommendation #2004-74:

Bradley-Dupuis: That the application by Vytis Lands (Kagawong) Ltd. to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury to revise the boundaries of an "R1.D10-12", Special Single Residential zone with respect to those lands described as P.I.N. 73592-0229 being Parts 1 to 8 inclusive, Plan 53R-15260 in Lot 2, Concession 2, Township of McKim be recommended for approval subject to the following conditions:

1. That an "HR1.D10-12", Holding Special Single Residential zone be established. Under the "H" Holding designation only uses permitted in all zones pursuant to Section 17 of the Zoning By-law may be established.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

Recommendation #2004-74 (cont'd):

2. Council shall remove the "H" Holding symbol described in Condition # 1. when:
 - a. The owner provides a geotechnical and civil engineering solution to problem soils in the cul-de-sac road allowance and Lots 8, 9, 10 and 11 of the draft plan of subdivision described as being Part of Parcel PIN 73592 - 0229 in Lot 2, Concession 2, Township of McKim as shown on a plan of subdivision prepared by Terry Delbosco O.L.S., dated March 8, 2004 ; and further,
 - b. provides an environmental engineering report dealing with suspected gasoline contaminated fill on lots 9 and 10.
 - c. The owner agrees to complete all soils reports and undertake those recommendations pertaining to the subject lands, deemed to be appropriate by Staff of the City of Greater Sudbury, as described in the following documents:

Geotechnical Evaluation Proposed Harbour Park Subdivision - Trow Consulting Engineers Ltd., February 2, 1995;

Draft Geotechnical Evaluation Proposed Harbour Park Subdivision Expansion - Trow Consulting Engineers Ltd., March 26, 2004;

Letter - Harbour Park Subdivision Expansion - Trow Consulting Engineers Ltd., dated April 13th, 2004;

and/or, any subsequent reports or further recommendations as may be identified as an outcome of Items 1 a. & b. of this Section, to the satisfaction of the General Manager of Public Works, the Chief Building Official and the Director of Planning Services.
 - d. The owner undertakes to fulfill Recommended Conditions for House Construction Items 1. 2. and 3. contained in the Chief Building Officials' letter dated April 14th, 2004, to the satisfaction of the Chief Building Official, with respect to Lots 8, 9, 10 and 11 of the draft plan of subdivision described as being Part of Parcel PIN 73592 - 0229 in Lot 2, Concession 2, Township of McKim as shown on a plan of subdivision prepared by Terry Delbosco O.L.S., dated March 8, 2004.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

Recommendation #2004-74 (cont'd):

- e. That Lots 8, 9, 10 and 11 of the draft plan of subdivision described as being Part of Parcel PIN 73592 - 0229 in Lot 2, Concession 2, Township of McKim as shown on a plan of subdivision prepared by Terry Delbosco O.L.S., dated March 8, 2004, be designated as a Site Plan Control Area pursuant to Section 41 of the Planning Act.

- f. In order to enable the preparation of an amending zoning by-law which describes revised boundaries for the "R1.D10-12" zoned lands, as well as Lots 8, 9, 10 and 11 where an "H", Holding designation and an area subject to Site Plan Control are to be established, the owner shall provide the Development Services Section with a registered plan of survey for said purposes.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

The following recommendation was presented:

Bradley-Caldarelli: That the City of Greater Sudbury Council's delegated official be directed to issue the draft plan approval for the subject subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act, and subject to the following conditions:

1. That this draft approval applies to the draft plan of subdivision of Part of Parcel PIN 73592 - 0229 in Lot 2, Concession 2, Township of McKim as shown on a plan of subdivision prepared by Terry Delbosco O.L.S., dated March 8, 2004.
2. That the standard conditions of draft approval be imposed.
3. That the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

4. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Public Works and the Chief Building Official, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario, as described in the staff report of April 19th, 2004.
5. Prior to the signing of any final plan which includes Lots 8, 9, 10 and 11 the owner shall undertake to provide all works or measures which are deemed to be appropriate for the removal of an "H", Holding designation pertaining to any lands zoned "HR1.D10-12", Holding Special Single Residential to the satisfaction of the General Manager of Public Works, Chief Building Official and Director of Planning Services.
6. That the owner dedicate Block 20 as a municipal walkway, and undertake to construct a municipal walkway within Block 20 to the satisfaction of the Director of Leisure, Community and Volunteer Services.
7. The owner shall have a television inspection report completed of the existing sanitary sewer through the draft plan area and shall undertake any sewer repairs deemed appropriate to the satisfaction of the General Manager of Public Works.
8. That the plan be revised to provide a 20m road right-of-way, road and watermain connection in the location of Lot 7 of the draft plan extending to the easterly limits of the subject lands to the satisfaction of the General Manager of Public Works.
9. Prior to the submission of servicing plans, the owner shall have a storm water management report and plan prepared by a consulting engineer with a valid certificate of authorization to the satisfaction of the General Manager of Public Works and the Nickel District Conservation Authority as described in the staff report of April 19th, 2004. Further, the owner shall satisfy the General Manager of Public Works with respect to the construction of any storm sewer outlet, as described in the staff report of April 19th, 2004.
10. The owner shall provide a detailed lot grading plan for all the proposed lots as part of the submission of servicing plans as described in the staff report of April 19th, 2004. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that treatment is undertaken to the satisfaction of the General Manager of Public Works and the Nickel District Conservation Authority.
11. With respect to Lots 1 to 7 inclusive, and Lots 12 to 19 inclusive, the owner shall, to the satisfaction of the Chief Building Official, undertake that foundations for structures will be designed by and bear the seal of a professional structural engineer based on a geotechnical engineer's field review and report for the excavation and engineered fill placement. The design will address bearing capacity issues, frost cover, weeping tile, and differential consolidation of sub-soil strata if any is anticipated.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

12. The owner shall undertake to satisfy the Nickel District Conservation Authority with respect to flood proofing measures or the placement of any fill, as described in the staff report of April 19th, 2004.
13. The owner shall prepare, and undertake to execute, an erosion control plan to the satisfaction of the Nickel District Conservation Authority and General Manager of Public Works.
14. If final approval is not granted within three years of the date of draft approval, the draft approval shall lapse in accordance with Section 51 (32) of The Planning Act, unless an extension is granted by Council pursuant to Section 51 (33) of The Planning Act.
15. Draft approval does not guarantee an allocation of water or sanitary sewer capacity. Prior to the signing of the final plan, the Planning and Development Services Division is to be advised by the General Manager of Public Works that sufficient water and sanitary sewer capacity exists to service the development.

The following amendment to the recommendation was presented:

Recommendation #2004-75:

_____ Caldarelli-Dupuis: 16. That Lots 8 to 11 be eliminated from draft approval and once problems have been addressed then an amendment to draft approval come forward to reinstitute the lots and that the application fees be waived except for advertising costs.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

The main recommendation as amended was presented:

Recommendation #2004-76:

Bradley-Caldarelli: That the City of Greater Sudbury Council's delegated official be directed to issue the draft plan approval for the subject subdivision not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act, and subject to the following conditions:

1. That this draft approval applies to the draft plan of subdivision of Part of Parcel PIN 73592 - 0229 in Lot 2, Concession 2, Township of McKim as shown on a plan of subdivision prepared by Terry Delbosco O.L.S., dated March 8, 2004.
2. That the standard conditions of draft approval be imposed.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

Recommendation #2004-76 (cont'd):

3. That the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.
4. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Public Works and the Chief Building Official, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario, as described in the staff report of April 19th, 2004.
5. Prior to the signing of any final plan which includes Lots 8, 9, 10 and 11 the owner shall undertake to provide all works or measures which are deemed to be appropriate for the removal of an "H", Holding designation pertaining to any lands zoned "HR1.D10-12", Holding Special Single Residential to the satisfaction of the General Manager of Public Works, Chief Building Official and Director of Planning Services.
6. That the owner dedicate Block 20 as a municipal walkway, and undertake to construct a municipal walkway within Block 20 to the satisfaction of the Director of Leisure, Community and Volunteer Services.
7. The owner shall have a television inspection report completed of the existing sanitary sewer through the draft plan area and shall undertake any sewer repairs deemed appropriate to the satisfaction of the General Manager of Public Works.
8. That the plan be revised to provide a 20m road right-of-way, road and watermain connection in the location of Lot 7 of the draft plan extending to the easterly limits of the subject lands to the satisfaction of the General Manager of Public Works.
9. Prior to the submission of servicing plans, the owner shall have a storm water management report and plan prepared by a consulting engineer with a valid certificate of authorization to the satisfaction of the General Manager of Public Works and the Nickel District Conservation Authority as described in the staff report of April 19th, 2004. Further, the owner shall satisfy the General Manager of Public Works with respect to the construction of any storm sewer outlet, as described in the staff report of April 19th, 2004.

PUBLIC HEARINGS (cont'd)

APPLICATIONS FOR SUBDIVISION AND REZONING APPLICATIONS TO PERMIT THE CREATION OF 19 LOTS FOR SINGLE RESIDENTIAL USE, RAMSEY LAKE ROAD, SUDBURY - VYTIS LANDS (KAGAWONG) LTD. (cont'd)

Recommendation #2004-76 (cont'd):

10. The owner shall provide a detailed lot grading plan for all the proposed lots as part of the submission of servicing plans as described in the staff report of April 19th, 2004. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that treatment is undertaken to the satisfaction of the General Manager of Public Works and the Nickel District Conservation Authority.
11. With respect to Lots 1 to 7 inclusive, and Lots 12 to 19 inclusive, the owner shall, to the satisfaction of the Chief Building Official, undertake that foundations for structures will be designed by and bear the seal of a professional structural engineer based on a geotechnical engineer's field review and report for the excavation and engineered fill placement. The design will address bearing capacity issues, frost cover, weeping tile, and differential consolidation of sub-soil strata if any is anticipated.
12. The owner shall undertake to satisfy the Nickel District Conservation Authority with respect to flood proofing measures or the placement of any fill, as described in the staff report of April 19th, 2004.
13. The owner shall prepare, and undertake to execute, an erosion control plan to the satisfaction of the Nickel District Conservation Authority and General Manager of Public Works.
14. If final approval is not granted within three years of the date of draft approval, the draft approval shall lapse in accordance with Section 51 (32) of The Planning Act, unless an extension is granted by Council pursuant to Section 51 (33) of The Planning Act.
15. Draft approval does not guarantee an allocation of water or sanitary sewer capacity. Prior to the signing of the final plan, the Planning and Development Services Division is to be advised by the General Manager of Public Works that sufficient water and sanitary sewer capacity exists to service the development.
16. That Lots 8 to 11 be eliminated from draft approval and once problems have been addressed then an amendment to draft approval come forward to reinstitute the lots and that the application fees be waived except for advertising costs.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Dupuis, Thompson

CARRIED

MAJCHER PERRAS MUNICIPAL DRAIN

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

Report dated April 21st, 2004, was received from the General Manager, Public Works regarding Majcher Perras Municipal Drain

Mr. Ken Smart, K. Smart Associates Limited, Drainage Engineer, outlined the application to the Committee.

The Committee Chair asked whether or not there was any person or persons in the audience who wanted to add their name(s) and remove their name(s) from the petition.

No objectors were present and no person added or removed their name from the petition.

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:

Recommendation #2004-77:

Bradley-Caldarelli: That the Planning Committee recommend that the Council of the City of Greater Sudbury give first and second reading to a draft By-law to provide for the Majcher Perras Municipal Drainage works in the City of Greater Sudbury.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Thompson

CARRIED

PART I - CONSENT AGENDA

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

Recommendation #2004-78:

Caldarelli-Bradley: That Item C-1 to C-7 contained in Part 1, Consent Agenda, be adopted.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-1 _____ Report dated April 13th, 2004, was received from the General Manager, Extension to Draft Economic Development and Planning Services regarding Extension to Approval, Draft Plan of Subdivision - Parcels 1014 and 14056 S.W.S., in Lot 6, Conc. 2, Rayside Twp., Spruce Meadows, Azilda - Parcels 1014 & - 939739 Ontario Ltd.

14056 S.W.S., Lot 6, Conc.2, Rayside Twp., Spruce Meadows, Azilda -939739 Ontario Ltd.

Recommendation #2004-79:

Bradley-Caldarelli: That upon payment of the processing fee of \$2,500.00 prior to the May 21, 2004, lapsing date, the conditions of draft approval of the draft plan of subdivision of Parcels 1014 SWS and 14056 SWS, in Lot 6, Concession 2, Rayside Township, File #780-5/93001 shall be amended as follows:

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

“20. That this draft approval shall lapse on May 21, 2007.”

(b) By deleting Condition #12 and replacing it with the following:

“12. Prior to the submission of servicing plans, the applicant/owner shall have a stormwater management report and plan prepared by a consulting engineer with a valid certificate of authorization. Said report shall establish how stormwater will be managed within the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, downstream water courses and area waterbodies to the satisfaction of the General Manager of Public Works. The report shall deal with the control of both the 1:5 and Regional storm events, so as to limit the volume of flow leaving the site to pre-development levels. The Regional storm flow path is to be set out on the plan. The report shall set out any necessary improvements to downstream watercourses and define the cost of said works. The formula for cost sharing of any required downstream works will be established to the satisfaction of the General Manager of Public Works after the study completion and prior to the signing of the final plans.”

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-1

Recommendation #2004-79 (cont'd):

Extension to Draft

Approval, Draft Plan__ (c)
of Subdivision

- Parcels 1014 &
14056 S.W.S., Lot 6,
Conc.2, Rayside Twp.
Spruce Meadows
Azilda - 939739
Ontario Ltd. (cont'd)

By adding new Condition #22 as follows:

"22. Prior to the submission of servicing plans, the applicant/ owner shall, to the satisfaction of the General Manager of Public Works, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also the report should include design information and recommended construction procedures for the following items: storm and sanitary sewers, watermains, roads, the mass infilling of land, surface drainage works including erosion control, slope stability (if applicable) and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official."

(d) By adding new Condition #23 as follows:

"23. That the draft plan be amended to show all cul-de-sacs with a 17.5 metre radius right-of-way and to show the corner radius of all intersecting streets to be 9 metres."

CARRIED

Item C-2

Declaration of
Surplus Property
Parts 14-22 inclusive
Plan 53R-13822
-200 Larch Street
(Former Police
Building)

Report dated April 21st, 2004, was received from the General Manager, Corporate Services regarding Declaration of Surplus Property, Parts 14 to 22 inclusive, Plan 53R-13822 - 200 Larch Street (Former Police Building).

Recommendation #2004-80:

Bradley-Dupuis: That the property owned by the City, municipally known as 200 Larch Street (former Police building) legally described as Parts 14 to 22 inclusive, Plan 53R-13822, be declared surplus to the City's needs and 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;

That any agreement of purchase and sale for the said lands be conditional upon:

- a) the City reserving or granting any necessary easements for public utilities or for municipal purposes;
- b) the Transferee paying on Closing, the transfer price for the land;
- c) the property being sold "as is";

ROUTINE MANAGEMENT REPORTS (cont'd)

- Item C-2
Declaration of
Surplus Property
Parts 14-22 inclusive
Plan 53R-13822
-200 Larch Street
(Former Police
Building) (cont'd)
- Recommendation #2004-80 (cont'd):**
- d) approval of the sale by Council;
 - e) entering into an agreement on closing to assume and indemnify with respect to any existing tenancies;
 - f) reservation of a right-of-way for access in favour of the City of Greater Sudbury over the parking lot area, east of the building;
 - g) an agreement being registered on title giving Greater Sudbury Hydro Plus Inc. the right to access and maintain a hydro vault located within the building; and
 - h) the purchasers of the building entering into an Encroachment Agreement with the City of Greater Sudbury for that portion of the building located on a portion of Old City Hall Lane.

CARRIED

- Item C-3
Revised Planning
Committee Meeting
Dates
- Report dated April 19th, 2004, was received from the General Manager, Corporate Services regarding Revised Planning Committee Meeting Dates.

Recommendation #2004-81:

Bradley-Caldarelli: That the 2004 revised schedule of Planning Committee meeting dates, as outlined in the report dated April 19, 2004 from the General Manager of Corporate Services, be adopted.

CARRIED

- Item C-4
Declaration of
Surplus Property,
Parcel 5572 S.W.S.
Lot 3, Conc.2, Twp.
Drury - Fairbank
Lake Road
- Report dated April 21st, 2004, was received from the General Manager, Corporate Services regarding Declaration of Surplus Property, Parcel 5572 S.W.S., Lot 3, Conc. 2, Twp. of Drury - Fairbank Lake Road.
- Recommendation #2004-82:**
- Caldarelli-Bradley: That the property owned by the City, legally described as Parcel 5572 S.W.S., Lot 3, Concession 2, Township of Drury, be declared surplus to the City's needs and 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;

That any agreement of purchase and sale for the said lands be conditional upon:

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-4

Declaration of
Surplus Property,
Parcel 5572 S.W.S.
Lot 3, Conc.2, Twp.
Drury - Fairbank
Lake Road (cont'd)

Recommendation #2004-82 (cont'd):

- a) the lands being consolidated with any abutting lands owned by a prospective purchaser and the purchaser delivering on closing, a lot consolidation agreement in the City's standard form, if appropriate, and bearing the cost of registration of same on title to the lands, in priority to any mortgage or other similar encumbrance;
- b) the Transferee paying any applicable Goods and Services Tax, or, if a GST registrant, delivering appropriate evidence of registration and an undertaking to indemnify the City;
- c) the property being sold "as is";
- d) approval of the sale by Council;

CARRIED

Item C-5

Declaration of
Surplus Property
Part of Parcel 25054
S.E.S., Lot 11,
Conc.3, Twp.Capreol
-St. Michel Street

Report dated April 21st, 2004, was received from the General Manager, Corporate Services regarding Declaration of Surplus Property, Part of Parcel 25054 S.E.S., Lot 11, Conc. 3, Twp. of Capreol - St. Michel Street.

Recommendation #2004-83:

Caldarelli-Bradley: That the property owned by the City, legally described as Part of Part 7, Plan 53R-12291, being part of Parcel 25054 S.E.S., Lot 11, Concession 3, Township of Capreol, be declared surplus to the City's needs and offered for sale to the abutting land owners, being the Sudbury Catholic District School Board, owner of Parcel 24392 S.E.S., for a price to be negotiated by the Property Negotiator/Appraiser pursuant to the procedures governing the disposal of limited marketability property set out in By-law 2003-294;

That the transfer of the said lands be conditional upon:

- a) the City reserving or granting any necessary easements for public utilities or for municipal purposes;
- b) the lands being consolidated with any abutting lands owned by the Transferee and the Transferee delivering on Closing, a Lot Consolidation Agreement in the City's standard form, if appropriate, and bearing the cost of registration of same on title to the lands, in priority to any mortgage or other similar encumbrance;
- c) the Transferee paying on Closing, the transfer price for the land;

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-5

Recommendation #2004-83 (cont'd):

Declaration of

Surplus Property

Part of Parcel 25054

S.E.S., Lot 11,

Conc.3, Twp. Capreol

-St. Michel Street

d) the Transferee paying any applicable Goods and Services tax, or, if a GST registrant, delivering appropriate evidence of registration and an undertaking to indemnify the City;

e) the Transferee at its cost, providing a reference plan of survey to establish a registerable legal description for the property, and securing the approval of the City to such plan prior to depositing same at its expense.

That the Property Negotiator/Appraiser and Clerk be authorized to execute the required documents to complete the transaction.

CARRIED

Item C-6

Closure of Little

Panache Lake

Shore Allowance

abutting Parcels

17242"A" & Parcel

18369, Twp.Dieppe

Report dated April 21st, 2004, was received from the General Manager, Corporate Services regarding Closure of the Little Panache Lake Shore Allowance abutting Parcels 17242 "A" and Parcel 18369, Twp. of Dieppe.

Recommendation #2004-84:

Bradley-Caldareli: That the City Solicitor take any and all necessary procedures to close the Little Panache Lake Shore Allowance abutting Parcel 17242"A" and Parcel 18369, Dieppe Township, in the City of Greater Sudbury and the City Clerk publish notice of the proposed highway closure, in accordance with the Notice By-law, being By-law 2003-2;

That the said lands be declared surplus upon final passage of the By-law closing the specified part of the Little Panache Lake Shore Allowance, and the lands be transferred to the owners of Parcel 17242"A" and Parcel 18369, for the market value of the land in accordance with the procedures governing the disposal of real property and subject to the following conditions:

- a) the Transferee bearing the costs of advertising the proposed closure of the road and of registering this By-law on title to the closed road;
- b) the City reserving or granting any necessary easements for municipal purposes or public utilities at the expense of the Transferee;
- c) the lands being consolidated with any abutting lands owned by the Transferee and the Transferee delivering on Closing, a Lot Consolidation Agreement;
- d) the Transferee paying on Closing, the market value of the lands;
- e) the lands being transferred in an "as is" condition;

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-6

Closure of Little
Panache Lake
Shore Allowance
abutting Parcels
17242"A" & Parcel
18369, Twp. Dieppe
(cont'd)

Recommendation #2004-84 (cont'd):

- f) the Transferee paying any applicable Goods and Services tax, or, if a GST registrant, delivering appropriate evidence of registration and an undertaking to indemnify the City;
- g) the Transferee at its cost, providing a reference plan of survey to establish a registerable legal description for the property, and securing the approval of the City to such plan prior to depositing same at its expense.

That the Property Negotiator/Appraiser and Clerk be authorized to execute all required documents to sell the lands to the owners of Parcel 17242"A" and Parcel 18369.

CARRIED

Item C-7

Closure of Part of an
Unnamed Lake's
Shore Allowance
abutting Parcel
51174 S.E.S., Lot 11
Conc.3, Twp. of
MacLennan

Report dated April 21st, 2004, was received from the General Manager, Corporate Services regarding Closure of Part of an Unnamed Lake's Shore Allowance abutting Parcel 51174 S.E.S., Lot 11, Conc. 3, Twp. of MacLennan.

Recommendation #2004-85:

Bradley-Caldarelli: That the City Solicitor take any and all necessary procedures to close part of an unnamed lake's shore allowance abutting Parcel 51174, Lot 11, Concession 3, MacLennan Township, in the City of Greater Sudbury and the City Clerk publish notice of the proposed highway closure, in accordance with the Notice By-law, being By-law 2003-2;

That the said lands be declared surplus upon final passage of the By-law closing the specified part of an unnamed lake's shore allowance, and the lands be transferred to the owner of Parcel 51174, for the market value of the land in accordance with the procedures governing the disposal of real property, and subject to the following conditions:

- a) the Transferee bearing the costs of advertising the proposed closure of the road and of registering this By-law on title to the closed road;
- b) the City reserving or granting any necessary easements for municipal purposes or public utilities at the expense of the Transferee;
- c) the lands being consolidated with any abutting lands owned by the Transferee and the Transferee delivering on Closing, a Lot Consolidation Agreement;
- d) the Transferee paying on Closing, the market value of the lands;
- e) the lands being transferred in an "as is" condition;

Item C-7
Closure of an
Unnamed Lake's
Shore Allowance
Abutting Parcel
51174 S.E.S., Lot 11
Conc.3, Twp. of
MacLennan (cont'd)

Recommendation #2004-85 (cont'd):

- f) the Transferee paying any applicable Goods and Services tax, or, if a GST registrant, delivering appropriate evidence of registration and an undertaking to indemnify the City;
- g) the Transferee at its cost, providing a reference plan of survey to establish a registerable legal description for the property, and securing the approval of the City to such plan prior to depositing same at its expense.

That the Property Negotiator/Appraiser and Clerk be authorized to execute all required documents to sell the lands to the owners of the remainder of Parcel 51174.

CARRIED

REFERRED AND DEFERRED MATTERS

Item R-1
Rezoning Application
Joel & Rhonda Guy
-2313 Long Lake
Road, Sudbury

Report dated March 31st, 2004, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit an existing single dwelling to be renovated to also accommodate a personal service shop (beauty salon), 2313 Long Lake Road, Sudbury - Joel & Rhonda Guy.

Recommendation #2004-86:

Caldarelli-Bradley: That the application by Joel & Rhonda Guy to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "R1", Single Residential to "C3", Limited General Commercial with respect to those lands described as Parcel 12126 S.E.S., being Part 1, Plan 53R-7806 in Lot 6, Concession 6, Township of Broder be recommended for approval subject to the following condition:

- 1. That prior to the passing of an amending by-law the owner shall undertake to install a maintenance access structure on the sanitary sewer service to the satisfaction of the General Manager of Public Works.

CARRIED

MANAGERS' REPORTS

Item R-2
Request for Special
Planning Committee
Meeting

Report dated March 24th, 2004 was received from the General Manager of Economic Development and Planning Services and the Director of Planning Services regarding Requested Special Meeting of Planning Committee was tabled at the meeting for information only.

Adjournment

Recommendation #2004-87:

Bradley-Caldarelli: That we do now adjourn.
Time: 10:25 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING