

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

Committee Room C-11
Tom Davies Square

Tuesday, October 19, 2004
Commencement: 5:00 p.m.
Adjournment: 9:50 p.m.

COUNCILLOR LYNNE REYNOLDS PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, Thompson

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; R. Swiddle, City Solicitor/Director of Legal Services; G. Clausen, Director of Engineering Services; A. Haché, Deputy City Clerk; F. Bortolussi, Planning Committee Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" **Recommendation #2004-240:**

Dupuis-Thompson: 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)(f). _____

CARRIED

Recess At 5:17 p.m., the Planning Committee recessed.

Reconvene At 5:30 p.m., the Planning Committee reconvened in the **Council Chamber** for the regular meeting.

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis (D: 6:28), Reynolds

Staff B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services, G. Clausen, Director of Engineering Services; A. Haché, Deputy City Clerk; M. Burch, 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 Reynolds reported the Committee met in closed session to deal with a property matter and the following recommendation emanated therefrom:

Expropriation for Easement, Junction The following recommendation was presented:

Creek Waterway **Recommendation #2004-241:**

Park Community

Improvement Plan

Thompson-Dupuis: THAT the Council of the City of Greater Sudbury authorize the application for approval to expropriate an easement over part of Parcel 7279 S.E.S., measuring 10 metres in width by approximately 460 metres in length for the purposes of a pedestrian trail as outlined in the Junction Creek Waterway Park Community Improvement Plan;

THAT the Property Negotiator / Appraiser be authorized to execute the required documents.

CARRIED

PUBLIC HEARINGS

APPLICATION FOR A TEMPORARY BY-LAW TO ORDER TO LEGALIZE THE USE OF THE SUBJECT LANDS BY A CONSTRUCTION COMPANY FOR A PERIOD OF THREE YEARS, 2600 KINGSWAY, SUDBURY - 1074112 ONTARIO LIMITED (AGENT: JEFF GLADU)

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

Report dated October 7, 2004, was received from the Director of Planning Services and the General Manager of Economic Development and Planning Services regarding an application for a temporary by-law to order to legalize the use of the subject lands by a construction company for a period of three years, 2600 Kingsway, Sudbury - 1074112 Ontario Limited (Agent: Jeff Gladu).

Jeff Gladu, 2600 Kingsway, Sudbury, agent for the applicant, was present.

The Director of Planning Services outlined the application to the Committee. He indicated that Transportation Engineering Services are not opposed to the temporary use of the subject property for a small construction company, but feel the three year period is too long unless improvements are made to the entrance. It is recommended that the temporary use by-law be for a period of one year only.

APPLICATION FOR A TEMPORARY BY-LAW TO ORDER TO LEGALIZE THE USE OF THE SUBJECT LANDS BY A CONSTRUCTION COMPANY FOR A PERIOD OF THREE YEARS, 2600 KINGSWAY, SUDBURY - 1074112 ONTARIO LIMITED (AGENT: JEFF GLADU) (Cont'd)

Richard Harrison, 2728 Raymond Street, Sudbury, stated that his concern is traffic as this is a very busy stretch of highway with heavy vehicles and high speeds. He asked how much traffic would be going in and out of the site. He questioned the type of vehicles involved, would there be much turning onto the Kingsway and at what times. He also inquired whether this temporary use could be extended.

Jeff Gladu advised that there is minimal traffic going in and out of the subject property. It is mainly used to park vehicles, no heavy vehicles or equipment. The vehicles leave at approximately 7:00 a.m. and return approximately 5:00 to 6:00 p.m. He indicated he would prefer the three year approval but one year would suffice at this time.

The Director of Planning Services advised that the temporary use could be extended by another application which would require another public hearing and application fee.

_____ 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:

Recommendation #2004-242:

Caldarelli-Dupuis: THAT the application by 1074112 Ontario Limited (Agent: Jeff Gladu), the owner of Parcel 15596 S.E.S. in Lot 9, Concession 3, Township of Neelon, to permit a construction company for a temporary period pursuant to Section 39 of The Planning Act be approved subject to the following conditions:

1. The temporary use by-law shall be established for a period of one (1) year only.
2. The amending by-law establish that the storage of derelict machinery, trailers or waste materials shall be prohibited.

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

CARRIED

APPLICATION FOR A TEMPORARY BY-LAW TO PERMIT A SHIPPING CONTAINER TO BE USED FOR STORAGE PURPOSES FOR A PERIOD OF THREE YEARS, 2208 LASALLE BOULEVARD, SUDBURY - 1368232 ONTARIO LTD.

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

Report dated October 12, 2004, was received from the Director of Planning Services and the General Manager of Economic Development and Planning Services regarding an application for a temporary by-law to permit a shipping container to be used for storage purposes for a period of three years, 2208 LaSalle Boulevard, Sudbury - 1368232 Ontario Ltd.

Letter dated October 15, 2004 from Robert Martel, 1274 Will Street, Sudbury in objection to this application was circulated to the Committee Members at the meeting.

Letter dated October 19, 2004 from Wayne Piehl, 1214 Talon Street, Sudbury in objection to the application was circulated to the Committee Members at the meeting.

Letter dated October 19, 2004 from Ted Callaghan, Ward Councillor, advising no concerns were brought to him regarding this application was circulated to the Members at the meeting.

Bob McQuirter, 2208 LaSalle Boulevard, Sudbury was present on behalf of the applicant.

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

Bob McQuirter advised this application is being made because of their requirement for additional storage space. Giant Tiger has been in Sudbury for approximately 3½ years and is within the top ten in volume of all Giant Tiger stores. They require the additional storage space in order to compete with current and proposed businesses. It will not be permanent as the head office of Giant Tiger is presently negotiating with the landlord and Bingo One for additional space. He added that the container will be painted, a burglar alarm installed and its location will not affect parking.

Russ Thompson, Ward Councillor, asked about the size of the container. He also stated he had some concern with a period of three years and asked if negotiations with the landlord could be completed within one year.

Mr. McQuirter advised the size of the container is 40 x 8 feet. A three year approval is being sought as the maximum but they will accept any period of time given them.

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

APPLICATION FOR A TEMPORARY BY-LAW TO PERMIT A SHIPPING CONTAINER TO BE USED FOR STORAGE PURPOSES FOR A PERIOD OF THREE YEARS, 2208 LASALLE BOULEVARD, SUDBURY - 1368232 ONTARIO LTD. (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:

Reynolds-Caldarelli: THAT the application by 1368232 Ontario Limited, the owner of Parcel 23730 SES, in Lot 10, Concession 6, Township of Neelon, to permit the use of a shipping container for storage purposes for a maximum temporary period of three (3) years, pursuant to Section 39 of the Planning Act, be approved.

The following amendment to the recommendation was presented:

Recommendation #2004-243:

Reynolds-Caldarelli: THAT the words "three years" be deleted and replaced with the words "one year".

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

NON-CONCURRING MEMBERS: Councillor Dupuis

CARRIED

The main motion as amended was presented:

Recommendation #2004-244:

Reynolds-Caldarelli: THAT the application by 1368232 Ontario Limited, the owner of Parcel 23730 SES, in Lot 10, Concession 6, Township of Neelon, to permit the use of a shipping container for storage purposes for a maximum temporary period of one (1) year, pursuant to Section 39 of the Planning Act, be approved.

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

NON-CONCURRING MEMBERS: Councillor Dupuis

CARRIED

APPLICATIONS FOR REZONING AND A PLAN OF SUBDIVISION TO SUBDIVIDE THE PROPERTY INTO 13 LOTS FOR SINGLE RESIDENTIAL USE, MUNICIPAL ROAD 55 OPPOSITE FROM EVE AND AGNES STREETS, LIVELY - WALDEN LANDS INC.

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

Report dated October 7, 2004, was received from the Director of Planning Services and the General Manager of Economic Development and Planning Services regarding applications for rezoning and a Plan of Subdivision to subdivide the property into 13 lots for single residential use, Municipal Road 55 opposite from Eve and Agnes Streets, Lively - Walden Lands Inc.

Andre Lacroix, 36 Elgin Street, Sudbury, Counsel for the applicant and Gerry Ceccarelli, principal of Walden Lands Inc., were present.

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

Andre Lacroix stated that the owner/developer is aware of the conditions imposed and generally accepts them. However, they are concerned with the request for a 2m high noise fence or wall requested along the south property line of Lots 1, 7, 8 and 13 as well as the request that all dwellings be built with forced air heating systems with future provision for air conditioning. This would result in future land owners being responsible for the maintenance of the fence or wall and having no choice in their heating system.

With respect to a significant portion of the subject property being situated in a flood plain, Gerry Ceccarelli advised that the engineers have already prepared an outline of where the buildings will be located. The houses will be at least 6m from the creek and will not go into the ravine. Their engineers, Denis Consultants, have met with the Nickel District Conservation Authority and an agreement will be registered on title outlining the lot grading plan. He spoke with the noise consultant and hopes to work with the City to do something that is aesthetically pleasing.

The Chair asked whether anyone in the audience 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 recommendations were presented:

APPLICATIONS FOR REZONING AND A PLAN OF SUBDIVISION TO SUBDIVIDE THE PROPERTY INTO 13 LOTS FOR SINGLE RESIDENTIAL USE, MUNICIPAL ROAD 55 OPPOSITE FROM EVE AND AGNES STREETS, LIVELY - WALDEN LANDS INC. (Cont'd)

Recommendation #2004-245:

Caldarelli-Reynolds: THAT the application by Walden Lands Inc. to amend By-law 83-303 being the Zoning By-law for the former Town of Walden by changing the zoning classification of Parcel 13763 SWS in Lot 8, Concession 4, Waters Township from "HR3.D24", Holding Medium Density Residential to "R1.D18", Single Residential be approved subject to the following:

- a) That the amending By-law repeal By-law 99-184Z which placed the "H", Holding designation on the subject property.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

Recommendation #2004-246:

Caldarelli-Reynolds: THAT the City of Greater Sudbury Council's delegated official be directed to issue to Walden Lands Inc. the draft 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:

- a) That this draft approval applies to the draft plan of subdivision of Parcel 13763 SWS, thirdly, being Part 1, Plan 53R-8730, in Lot 8, Concession 4, Waters Township as shown on a plan of subdivision prepared by A. Bortolussi, O.L.S., and dated June 3, 2004.
- b) That the standard conditions of draft approval be imposed.
- c) That the final plan be provided in AutoCAD.dwg format to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section.
- d) That 5% cash in lieu of parkland be paid to the City of Greater Sudbury in accordance with Section 51.1 (3) of the Planning Act to the satisfaction of the Director of Leisure, Community Development and Volunteer Services and the City Solicitor.
- e) That the subdivision agreement contain provisions whereby the owner will construct a right turn taper/parallel lane into the subdivision in accordance with engineering plans and specifications designed to City standards to the satisfaction of the General Manager of Public Works.

APPLICATIONS FOR REZONING AND A PLAN OF SUBDIVISION TO SUBDIVIDE THE PROPERTY INTO 13 LOTS FOR SINGLE RESIDENTIAL USE, MUNICIPAL ROAD 55 OPPOSITE FROM EVE AND AGNES STREETS, LIVELY - WALDEN LANDS INC. (Cont'd)

Recommendation #2004-246 (cont'd):

- f) That the subdivision agreement contain provisions whereby the owner will construct a pedestrian walkway between the two subdivision cul de sacs to the satisfaction of the General Manager of Public Works.
- g) The owner shall ensure that the corner radii for all intersecting streets is 9.0 m in a manner satisfactory to the General Manager of Public Works.
- h) The owner shall provide a detailed lot grading plan prepared by a consulting civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, sideyards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. The grading plan shall be based on cross-sectional sketches reviewed by the site geotechnical engineer to ensure stability of slopes to original ground and to ensure a minimum 6.0m rear yard space.
- i) 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 licenced 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, stormwater management facilities, watermains, roads, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official.
- j) As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the plans at locations required by the General Manager of Public Works. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Public Works.
- k) The applicant will be required to dedicate lot easements to the City of Greater Sudbury for municipal purposes.

APPLICATIONS FOR REZONING AND A PLAN OF SUBDIVISION TO SUBDIVIDE THE PROPERTY INTO 13 LOTS FOR SINGLE RESIDENTIAL USE, MUNICIPAL ROAD 55 OPPOSITE FROM EVE AND AGNES STREETS, LIVELY - WALDEN LANDS INC. (Cont'd)

Recommendation #2004-246 (cont'd):

- l) The applicant will be required to enter into a written agreement to satisfy all requirements of the City of Greater Sudbury concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers, storm water management facilities and surface drainage facilities.
- m) Draft approval does not guarantee the allocation of either sewer or water capacity. Prior to the signing of the final plan, clearance is required from the General Manager of Public Works that sufficient sewage treatment capacity exists to service this development.
- n) 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.
- o) That the subdivision agreement contain provisions whereby the recommendations of the "Road and Railway Noise Impact Study" dated December 7, 1998, prepared by HGC Engineering and outlined in the Staff Report dated October 7, 2004, will be implemented to the satisfaction of the City Solicitor.
- p) That prior to the signing of the final Plan, the Planning Services Division is to be advised by the Nickel District Conservation Authority that their requirement for a soils report prepared by an engineer and dealing with issues of the placement of fill, slope stability and property owner responsibilities for dealing with future erosion and stability problems has been satisfied and that suitable provisions for the identification of suitable building locations have been incorporated into the subdivision agreement for registration on title of each lot to the satisfaction of the City Solicitor.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

APPLICATION FOR A TEMPORARY BY-LAW TO PERMIT A GARDEN SUITE FOR A FURTHER TEN-YEAR PERIOD, SOUTH SIDE OF YORKSHIRE DRIVE, VAL CARON - ROMAN KOZORIZ

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

APPLICATION FOR A TEMPORARY BY-LAW TO PERMIT A GARDEN SUITE FOR A FURTHER TEN-YEAR PERIOD, SOUTH SIDE OF YORKSHIRE DRIVE, VAL CARON - ROMAN KOZORIZ (Cont'd)

Report dated September 13, 2004, was received from the Director of Planning Services and the General Manager of Economic Development and Planning Services regarding an application for a temporary by-law to permit a garden suite for a further ten-year period, south side of Yorkshire Drive, Val Caron - Roman Kozoriz.

Letter dated September 14, 2004 was received from Dennis & Ann Mount in support of this application.

Henry Shepherd, 436 Gravel Drive, Hanmer, was present on behalf of the applicant along with the applicant's mother, Marilyn Kozoriz, 1626 First Street, Val Caron.

The Director of Planning Services outlined the application to the Committee. He indicated there is a significant amount of history associated with this application. He advised that in 1990 Regional Council denied an application by the current owners to rezone the subject property to permit a second dwelling unit. Subsequently, in 1998, because of an inquiry from By-law Enforcement Section concerning an illegal establishment of a mobile home, a temporary use application was submitted. The application was approved subject to conditions. The applicant failed to comply with the conditions and approval lapsed in May 1999. In June 1999, the owners were charged by By-law Enforcement Section for use of the second dwelling unit contrary to the zoning by-law. This precipitated another temporary use application which was approved as a garden suite to be occupied by the applicants' parents for a period of three years. The temporary use by-law expired in May 2003 and Mr. Kozoriz was advised that a further by-law would be required or the mobile home would have to be removed from the property. In December 2003, Mr. Kozoriz was served a "Notice of Violation" for having two dwelling units on the property. Mr. Kozoriz pleaded guilty to the zoning charge, fined \$500 and ordered to either remove the unit or apply for another rezoning before July 2004. Given the history of this property, staff are unable to assure that the second dwelling unit will be used as a granny flat and therefore recommend that the application be denied.

Henry Shepherd stated that the applicant could not attend due to a medical condition. He indicated there were some facts not included in the report. He advised that in 1998 the applicant's parents purchased a mobile home as their intent was to sell their home and move into the mobile home at retirement. At that time, the applicant's father became ill which illness has progressed to requiring constant care. The applicant's mother has been caring for her husband since that time. The applicant's parents live in their home in Val Caron as it is wheel chair accessible and have left their son and daughter in charge of the granny flat. The son resides in the main house of Yorkshire Drive. The daughter resides in the US and stays in the mobile home on occasion for maintenance purposes. He feels that the ten year extension should be granted as it is the intent that the applicant's mother to eventually move into the granny flat when the situation with her husband is resolved.

APPLICATION FOR A TEMPORARY BY-LAW TO PERMIT A GARDEN SUITE FOR A FURTHER TEN-YEAR PERIOD, SOUTH SIDE OF YORKSHIRE DRIVE, VAL CARON - ROMAN KOZORIZ (Cont'd)

With respect to hooking up to municipal water and sewer services, Mr. Shepherd advised that they presently have an approved sewage system and water and the applicant and/or his parents do not have the funds to hook up to municipal services.

Marilyn Kozoriz stated that, as she was caring for her husband, she left her son in charge and therefore was not aware of the conditions at the time of the application. She further stated that she does intend to move into the granny flat and, in the meantime, she would like to have someone there to maintain the property. She is concerned about the requirement to hook up to municipal water and sewer services and does not understand why there is pressure to hook up when the present system is working well.

The Manager of Development Services advised that at the time water and sewer services were installed in the area, the applicant was granted relief because of the distance of his house to the road and services. The normal practice is that a granny flat is serviced from the main dwelling. In this case, there are now two houses not connected to municipal services. The main dwelling does not have to be hooked up to municipal services because of the distance but the granny flat does have to be connected to the system. When asked if the matter could be put on hold until circumstances change, he advised that there is presently a Court Order requiring that the granny flat be removed or that a temporary use by-law be obtained. It is possible to grant a temporary use by-law to allow for the storage of the granny flat on the property and that it not be occupied.

The Chair asked whether anyone in the audience 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:

Recommendation #2004-247:

Bradley-Caldarelli: THAT the application by Roman Kozoriz for a Temporary Use By-law on Parcel 13366, Lot 7, Concession 6, Township of Blezard, in order to allow for the storage of a second dwelling unit on the property be approved and that the unit not be occupied by anyone for a period of three (3) years;

AND THAT the deferral fee and the fee for the next application be waived.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

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

Reconvene At 7:35 p.m., the Planning Committee reconvened.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI)

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

Report dated October 8, 2004, was received from the Director of Planning Services and the General Manager of Economic Development and Planning Services regarding applications for Official Plan Amendment, rezoning and Plan of Subdivision to subdivide the lands into 153 lots for single detached dwellings, Mont Adam Street, Argyle Avenue & Kitchener Street, Sudbury - 920936 Ontario Inc. (Owner: Salvatore Biasucci).

Report dated October 13, 2004, was received from the General Manager of Corporate Services regarding a Front Ending/Cost Recovery Agreement with respect to the proposed development.

Dave Dorland, 298 Larch Street, Sudbury, agent, Peter Bortolussi, Counsel, Gerry Nicholls, project engineer, Merv Miller of Miller Engineering and Wendy McBride of EarthTech (Canada) Inc. were present on behalf of the applicant.

The Director of Planning Services outlined the applications to the Committee. With respect to the report from the General Manager of Corporate Services regarding a front ending/cost recovery agreement, he advised that this matter would not be dealt at this meeting.

The Director of Engineering Services made a presentation explaining grades which included various photos of different areas in the City showing road grades that are at or near recommended design grades and road grades which are higher than recommended design grades. He further explained how grades are calculated and the rationale used to establish the road grade standard. He stated that the standard for roads with a speed limit of 50 kph is between 6 and 8% grade. It has been documented that the steeper the grade, the higher the speed of vehicles, which has a definite effect on the safety of vehicles and pedestrians. He advised that the same standards have been used over the years, which standards are reviewed on a regular basis, and 8% grade is recommended for this subdivision. This will make the streets easier to maintain and safer for vehicles and pedestrians. If a steeper grade is approved, the street becomes part of the salt route and winter maintenance cost double per kilometre because of the use of salt and the frequency of application. If a steeper grade is approved, there will be no alternative but to go to bare pavement policy.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Dave Dorland advised that the subject property was sold by the City to the developer over ten years ago and the property was earlier approved for multi-family dwellings. He stated that this is the most important development that has come before the Committee for central core of the City in a whole generation. The developer wants to make this location a showplace in the City. He indicated that a meeting was held with the area residents this past summer. There were approximately 30 persons in attendance including Councillor Reynolds. Their biggest concern was drainage.

Wendy McBride stated that a storm water management study is currently underway and feels certain that it will meet conditions of approval by Public Works.

Gerry Nicholls stated he has looked at project with Miller Engineering and there have been numerous designs in order to meet general requirements and recommended grades. They have met the 8% grade objective in all areas except for two short sections of approximately 50m each which will have a grade approaching 9%. They are also providing an extra wide boulevard in this section. The difference between providing 8% grade and 9% grade is 6500 cubic metres of rock at a great cost to the developer. He therefore requested that the Committee Members, in considering this application, amend the condition by exempting the 8% grade requirement for 50m on Sunrise Ridge Drive and 50m on South View Crescent.

Peter Bortolussi requested clarification of the condition dealing with the 5% of lands for park purposes. He stated that the developer is aware of this requirement and is satisfied with providing 5% by way of land, cash or a combination of both. The Staff report specifically sets out Lots 123, 125, 126 & 127 while the condition in the recommendation is not specific. He requested that the wording in the recommendation be retained as it allows for negotiation on how the dedication of land is to occur between City staff and the developer. The four lots requested by Leisure Services for park purposes will have serious financial and logistical impediments on the proposed development. He indicated there are alternate means of satisfying the requirement.

The Director of Planning Services indicated the condition does not tie the developer to the lots Leisure Services have requested. Leisure Services are saying which lots are more suitable from their perspective. They are prepared to negotiate the condition in order to meet the objectives of both parties.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Mr. Bortolussi indicated that he was aware that the Front Ending/Cost Recovery Agreement would not be dealt with at this meeting. He is also aware that the City of Greater Sudbury does not currently have a policy regarding this matter and stated that it is incumbent on the City to make a policy decision in this regard. There will be considerable costs in relation to all components of the necessary infrastructure. As well, there will be additional costs because of what might happen downstream which will benefit abutting property owners who will be hooking on to the infrastructure which the developer has provided at his costs. In order for the developer to have potential relief when he incurs the extra costs, he is urging the Committee to support a Front Ending/Cost Recovery Agreement policy.

Dave Dorland stated that this has been a long process lasting at least 8 to 12 months and they are ready to move forward except for the one condition. He further stated that the 8% grade requirement is not a provincial standard but a City standard which is maintenance driven. He indicated that to arrive at the property the existing streets are 9% grade and 16% grade. Sudbury has a rugged topography and only this type of hill top property is available close to the downtown area. He feels that, as this is a \$45,000,000 project which will create tax revenue, the additional maintenance costs will be worth it. He indicated that added cost to the developer to change the grade to 8% on the two sections of road is approximately \$360,000. He indicated the developer accepts all other conditions and hopes the Committee will grant relief on the road grading.

When questioned, the Director of Engineering Services stated that there would be no additional cost for winter maintenance if the two sections had 9% grade rather than 8% grade but it is a safety factor.

The Chair asked whether anyone in the audience 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 recommendations were presented:

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Recommendation #2004-248:

Reynolds-Bradley: THAT the application by 920936 Ontario Inc. (Owner: Salvatore Biasucci) to amend the Sudbury Secondary Plan from "Private Open Space - Hill Top/Comprehensive Planned Unit Development (C.P.U.D.)" to "Low Density Residential District" in order to permit development of the subject lands as a conventional residential subdivision comprised of single detached dwellings with respect to those lands described as being P.I.N. 02132-1085, P.I.N. 02132-0264 & P.I.N. 02132-1104 and Part of Lot 19, Plan M-7B in Lot 4, Concession 4, Township of McKim be recommended for approval.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

Recommendation #2004-249:

Reynolds-Bradley: THAT the application by 920936 Ontario Inc. (Owner: Salvatore Biasucci) to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "FD", Future Development, "RR.D26.2", Row Dwelling and "R4.D8.3", "R4.D21.1", "R4.D25.5", "R4.D25.7" & "R4.D43.2", Multiple Residential, as the case may be, to "R1", Single Residential with respect to those lands described as being P.I.N. 02132-1085, P.I.N. 02132-0264 & P.I.N. 02132-1104 and Part of Lot 19, Plan M-7B in Lot 4, Concession 4, Township of McKim be recommended for approval.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

Recommendation #2004-250:

Reynolds-Bradley: THAT the Draft Plan of Subdivision approval dated September 30th, 1996 of Part of Lot 19, Plan M-7 in Part of Lot 4, Concession 4, Township of McKim, as shown on a plan prepared by D.S. Dorland, O.L.S., and dated May 25th, 1995 be withdrawn prior to the enactment of any subsequent draft plan of subdivision approval.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

The following recommendation was presented:

Reynolds-Bradley: THAT the City of Greater Sudbury Council's delegated official be directed to issue to 920936 Ontario Inc. (Owner: Salvatore Biasucci) 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, but that this draft approval shall not be deemed to have been granted until such time as the required Official Plan Amendment is in effect:

1. That this draft approval applies to the draft plan of subdivision of P.I.N. 02123-1085, P.I.N. 02132-0264 & P.I.N. 02132-1104 and Part of Lot 19, Plan M-7B in Lot 4, Concession 4, Township of McKim as shown on a plan of subdivision prepared by D.S. Dorland O.L.S., dated April 28th, 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.
4. That cash in lieu of, and/or lands representing 5% of the lands included in the plan of subdivision be dedicated to the City of Greater Sudbury for municipal parks purposes in accordance with Section 51.1 of The Planning Act.
5. A corner radius for all intersecting streets of 9.0 m shall be provided and rock removed from all site triangles to the satisfaction of the General Manager of Public Works.
6. The owner shall provide a detailed lot grading plan for all proposed lots as described in comments from the Public Works Department Item # 2 in the staff report of October 8, 2004, to the satisfaction of the General Manager of Public Works.
7. 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 and ground water report prepared by a geotechnical engineer licensed in the Province of Ontario, as described in comments from the Public Works Department Item # 3 in the staff report of October 8, 2004, to the satisfaction of the General Manager of Public Works.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Recommendation (cont'd)

8. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the servicing plans as described in comments from the Public Works Department Item # 4 in the staff report of October 8, 2004, 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 as described in comments from the Public Works Department Item # 5 in the staff report of October 8, 2004, to the satisfaction of the General Manager of Public Works. All storm water management facilities shall be approved, constructed, and lands for said facilities dedicated to the City, prior to the initial acceptance of roads and sewers.
10. The proposed roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances.
11. The owner will be required to enter into a written agreement to satisfy all requirements of the City of Greater Sudbury concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers, storm water management facilities and surface drainage facilities.
12. The owner shall provide a water booster station to supply sufficient water pressure, and a dual watermain connection from the booster station through the proposed street titled Sunrise Ridge Drive so as to provide a continuous watermain loop system to the satisfaction of the General Manager of Public Works.
13. The owner shall undertake to design and locate permanent safety fencing on the subdivision grading plan in locations, and as necessary, to the satisfaction of the General Manager of Public Works and the Director of Legal Services/City Solicitor. Temporary site safety fencing shall be in place during construction of the subdivision, as necessary, at rock faces and at steep slopes in accordance with provincial safety standards and requirements.
14. The proposed street titled Sunrise Ridge Drive shall be constructed as a divided urban collector roadway complete with a centre median boulevard and sidewalk along the north side. The proposed street titled North View Crescent shall be constructed to urban collector standards and designed to accommodate a future easterly connection to the Kingsway.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Recommendation (cont'd)

15. A 1.5 metre wide concrete sidewalk shall be constructed on the proposed streets titled Sunrise Ridge Drive and North View Crescent.
16. A 23 metre wide road allowance will be established for the proposed street titled Sunrise Ridge Drive to provide for two six (6) metre wide roadways, and a three (3) metre wide boulevard, to the satisfaction of the General Manager of Public Works.
17. No exposed rock cuts will be allowed within the subdivision, and all exposed rock will be removed from the road allowances to the satisfaction of the General Manager of Public Works.
18. The owner shall undertake to retain a geotechnical engineer licensed in the Province of Ontario to inspect the New Sudbury Rock Tunnel and prepare a report on the potential effect of blasting rock on said tunnel, as described in comments from the Public Works Department Item # 17 in the staff report of October 8, 2004, to the satisfaction of the General Manager of Public Works.
19. The owner shall be required to have a clause in all purchase and sale agreements for Lots 5, 6, 7, 8, 28, 29 and 30 and a notice on title for said lots that the New Sudbury Sanitary Rock Tunnel traverses underneath the subject lot to the satisfaction of the Director of Legal Services/City Solicitor.
20. The owner shall undertake to conduct pre-blasting surveys on all residences and infrastructure at the boundary of the subdivision adjoining the Kingsway, Brock Street, Mountain Street, Kitchener Street and the unopen portion of Argyle Avenue, and provide copies of the said survey to the City, all to the satisfaction of the General Manager of Public Works.
21. The owner shall, to the satisfaction of the General Manager of Public Works, provide a report from a consulting engineer with a valid certificate of authorization that stormwater management, provision of water and sanitary sewer service, lot grading and drainage and the protection of in place housing and infrastructure from blasting can be accomplished as one (1) continuous phase, or for each of the proposed four (4) phases.
22. Prior to the submission of servicing plans for any phase of the subdivision the owner shall provide required soil, stormwater, water, sanitary sewer and lot grading master planning reports, and plans, to the General Manager of Public Works.

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Recommendation (cont'd)

23. Prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the subdivision.
24. 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.
25. Draft approval does not guarantee an allocation of water or sanitary sewer capacity. Prior to the signing of the final plan, the Planning 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 #2004-251:

Reynolds-Caldarelli: THAT the following words be added to Condition 2 “with the exception of permitting road construction on Sunrise Ridge Drive and South View Crescent at 9% maximum grade. Each 9% section shall have a maximum length of approximately 50 metres”

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

The main motion as amended was presented:

Recommendation #2004-252:

Reynolds-Bradley: THAT the City of Greater Sudbury Council’s delegated official be directed to issue to 920936 Ontario Inc. (Owner: Salvatore Biasucci) 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, but that this draft approval shall not be deemed to have been granted until such time as the required Official Plan Amendment is in effect:

APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Recommendation #2004-252 (cont'd):

1. That this draft approval applies to the draft plan of subdivision of P.I.N. 02123-1085, P.I.N. 02132-0264 & P.I.N. 02132-1104 and Part of Lot 19, Plan M-7B in Lot 4, Concession 4, Township of McKim as shown on a plan of subdivision prepared by D.S. Dorland O.L.S., dated April 28th, 2004.
2. That the standard conditions of draft approval be imposed with the exception of permitting road construction on Sunrise Ridge Drive and South View Crescent at 9% maximum grade. Each 9% section shall have a maximum length of approximately 50 metres.
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. That cash in lieu of, and/or lands representing 5% of the lands included in the plan of subdivision be dedicated to the City of Greater Sudbury for municipal parks purposes in accordance with Section 51.1 of The Planning Act.
5. A corner radius for all intersecting streets of 9.0 m shall be provided and rock removed from all site triangles to the satisfaction of the General Manager of Public Works.
6. The owner shall provide a detailed lot grading plan for all proposed lots as described in comments from the Public Works Department Item # 2 in the staff report of October 8, 2004, to the satisfaction of the General Manager of Public Works.
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APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Recommendation #2004-252 (cont'd):

8. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the servicing plans as described in comments from the Public Works Department Item # 4 in the staff report of October 8, 2004, 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 as described in comments from the Public Works Department Item # 5 in the staff report of October 8, 2004, to the satisfaction of the General Manager of Public Works. All storm water management facilities shall be approved, constructed, and lands for said facilities dedicated to the City, prior to the initial acceptance of roads and sewers.
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Recommendation #2004-252 (cont'd):

15. A 1.5 metre wide concrete sidewalk shall be constructed on the proposed streets titled Sunrise Ridge Drive and North View Crescent.
16. A 23 metre wide road allowance will be established for the proposed street titled Sunrise Ridge Drive to provide for two six (6) metre wide roadways, and a three (3) metre wide boulevard, to the satisfaction of the General Manager of Public Works.
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21. The owner shall, to the satisfaction of the General Manager of Public Works, provide a report from a consulting engineer with a valid certificate of authorization that stormwater management, provision of water and sanitary sewer service, lot grading and drainage and the protection of in place housing and infrastructure from blasting can be accomplished as one (1) continuous phase, or for each of the proposed four (4) phases.
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APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, REZONING AND PLAN OF SUBDIVISION TO SUBDIVIDE THE LANDS INTO 153 LOTS FOR SINGLE DETACHED DWELLINGS, MONT ADAM STREET, ARGYLE AVENUE & KITCHENER STREET, SUDBURY - 920936 ONTARIO INC. (OWNER: SALVATORE BIASUCCI) (Cont'd)

Recommendation #2004-252 (cont'd):

23. Prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the subdivision.
24. 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.
25. Draft approval does not guarantee an allocation of water or sanitary sewer capacity. Prior to the signing of the final plan, the Planning 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.

CONCURRING MEMBERS: Councillors Bradley, Caldarelli, Reynolds, Thompson

CARRIED

PART I - CONSENT AGENDA

The following recommendation was presented to adopt Items C-1 to C-2 contained in Part 1 of the Consent Agenda:

Recommendation #2004-253:

Reynolds-Bradley: THAT Items C-1 to C-2 contained in Part 1, Consent Agenda, be adopted.

CARRIED

MINUTES

Item C-1 **Recommendation #2004-254:**
Report #7
VETAC Minutes Reynolds-Bradley: That Report #7, Vegetation Enhancement
September 8, 2004 Technical Advisory Committee Minutes of September 8th, 2004, be
received.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-2 Report dated October 8, 2004 was received from the General Manager of
Declaration of Surplus Land, Parcel 44996"A" SES, Township of Neelon, Coniston.
SES
Recommendation #2004-255:

Bradley-Reynolds: THAT the City of Greater Sudbury declare surplus and sell in accordance with the procedures governing the sale of land, the property legally described as Parcel 44996'A', S.E.S., Lot 4, Concession 3, Township of Neelon, Coniston, along with existing decommissioned 200' communications tower and shelter.

CARRIED

NEW BUSINESS

_____ The Committee discussed the meeting dates for the months of July and August of 2005 and the following recommendation was presented:

Recommendation #2004-256:

Reynolds-Caldarelli: THAT in 2005 the Planning Committee meet on July 12th, 2005 and August 9th, 2005.

CARRIED

ADJOURNMENT

Recommendation #2004-257:

Reynolds-Caldarelli: That we do now adjourn.
Time: 9:50 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING