

**THE TWENTY-FIFTH MEETING OF THE PLANNING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

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

**Tuesday, March 1st, 2005
Commencement: 5:40 p.m.
Adjournment: 7:20 p.m.**

COUNCILLOR RUSS THOMPSON PRESIDING

Present Councillors Bradley, Caldarelli, Dupuis, 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. Burtch, Licensing & Assessment Clerk; F. Bortolussi, Planning Committee Secretary

News Media MCTV; Sudbury Star, Channel 10 News

Declarations of Pecuniary Interest None declared

PUBLIC HEARINGS - DRAINAGE ACT

BRUNET MUNICIPAL DRAIN

Report dated February 22nd, 2005, was received from the General Manager of Infrastructure and Emergency Services regarding the Brunet Municipal Drain.

Schedule "A" Engineering Report Brunet Drain was circulated under separate cover.

Ken Smart, P. Eng., Drainage Engineer for the Brunet Municipal Drain, outlined the project to the Committee. He explained that under the Drainage Act, the engineering report is to be considered by Council.

He advised that the project is located in four geographical townships (Dowling, Fairbank, Balfour and Creighton) with eight different components (Drains A to H) outletting into the Vermilion River. It is open channel work at an estimated cost of \$267,550. The assessment to the City is \$79,771 and the net assessment to land owners is \$1,793.

Councillor Bradley, Ward Councillor, explained that, last year, the Ministry of Agriculture and Food removed \$6,000,000 for agricultural drainage from their budget. They later reinstating the \$6,000,000. He indicated that Northern Ontario would receive two-thirds funding of agricultural drains from the Province.

PUBLIC HEARINGS - DRAINAGE ACT (cont'd)

BRUNET MUNICIPAL DRAIN (cont'd)

Robert Young (Roll 1-300), Vermilion Lake Road, Chelmsford, questioned why a cost benefit analysis was not done. He also asked if there are assurances that a grant is coming as, in the Ministry's words, a municipality is to apply for a grant after work is done and there may be a grant. He requested clarification regarding benefits and allowances (his benefit being \$7,930 and his allowance being \$2,750) and asked whether the beneficial amount would be added to his property assessment.

Mr. Young stated that Article 31 of the Act indicates that allowances can be made for existing drains and asked whether he should receive an allowance on Drain G for the first 160 metres as no work is being done on that portion. He also asked why the culverts for his property have a capacity 12% greater than the ones down the road. He further asked if changes could be made to the report as he would like the culvert to be placed further down on his property.

Mr. Smart indicated it is incumbent on the engineer to be satisfied that there are cost benefits. They have a process for cost analysis wherein they incorporate increased potential yield and benefits as a result of road improvements over a 25-year time frame.

With respect to grants, Mr. Smart advised there was a decision of the Ministry that the grants be cancelled as of July 28th, 2004; however the Ministry is now back to the prior system with the exception that any projects initiated after July 28th, 2004 will be subject to some different rulings, i.e. changes in allowance or definition of agricultural lands.

Mr. Smart explained that, after construction is complete, the engineer prepares a revised schedule of assessment, prorating costs and grants. This would show the net assessment which would be billed to the owner. He explained that Mr. Young would receive \$170. He also explained that any beneficial value is not added to the assessment of property.

Mr. Smart advised that the engineer is to determine whether a channel is of value. He elected not to pay an allowance for channels. He did make an allowance for culverts that could be retained. With respect to the culvert size, he indicated that twin culverts are being used on Mr. Young's property because of the shallowness. Because of the size increment of culverts available, he felt that this is closest size. He also advised that the location of the culvert can be changed and their only concern would be depth. This can be discussed with the engineer at the time of construction.

PUBLIC HEARINGS - DRAINAGE ACT (cont'd)

BRUNET MUNICIPAL DRAIN (cont'd)

Ray McGee (Roll 1-153), Vermilion Lake Road, Chelmsford, has no objection to removal of the beaver dam but would like to keep his property the way it currently exists. He would like to retain the nature trails on his property and not have his land incorporated in the drain. He has no problem with drainage on his property with spring and fall run off.

Mr. Smart stated he will look into this at the time of construction with the City. He indicated that if only 100 feet of ditch work is required, there should be no problem.

Edward Loughren (Roll 1-382), Vermilion Lake Road, Chelmsford asked why a culvert could not be installed between Gordon Lake Road and Vermilion Lake Road instead of taking part of his property. He indicated he has productive land and the land across the road is nonproductive. He always constructed his own ditches. He asked if he would be responsible for repairs if a ditch were to be put on his property.

Ken Smart advised that he spoke to the City regarding this matter and they agree to change the location of the culvert to accommodate Mr. Loughren's request. He indicated that, after discussions with the municipality, he is not prepared to reduce the platform of the road and for that reason is proposing to take both culverts across the road. He further indicated that he plans to meet with Mr. Loughren during construction to confirm details and hopefully have the change implemented by way of addendum to the report after the report is adopted. With respect to repairs, Mr. Smart stated that the municipality will make any required repairs and the land owner will have to pay a small share or the land owner has the option of performing the work and being paid for such work.

Lucille Lafontaine (Roll 1-239), Vermilion Lake Road, Chelmsford asked why the ditch at her property has to be deepened. She stated that she already has two drains on her property and asked if the drains could be incorporated. She expressed concern regarding additional drainage water on her property.

Ken Smart stated that the work on this property is very minimal. It is approximately 150 feet and only for bottom cleaning (4 to 6 inches). With respect to flooding, he indicated that water from upstream would reach the river faster and so she should receive some reduction in flooding.

Councillor Bradley stated this project is looking to the future because we do not know when people will go back to farming. In the event of an ethanol fuel plant, there is a potential that farming will increase in the Sudbury area. It is important to keep water off the roads. He indicated that in a big majority of cases, after the project is completed, the residents agree that it should be done.

PUBLIC HEARINGS - DRAINAGE ACT (cont'd)

BRUNET MUNICIPAL DRAIN (cont'd)

The 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 person added or removed their name from the petition.

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 #2005-43:

Dupuis-Bradley: THAT the Planning Committee recommend that the Council of the City of Greater Sudbury accept the Engineer's Report dated February 11, 2005, from K. Smart Associates Limited for the Brunet Municipal Drain and give first and second reading to a draft By-Law to provide for the Brunet Municipal Drainage Works in the City of Greater Sudbury.

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

CARRIED

PUBLIC HEARINGS - PLANNING ACT

APPLICATION FOR REZONING, PART 1, PLAN 53R-12505, LOT 8, CONCESSION 5, TOWNSHIP OF WATERS, 455 NIEMI ROAD, LIVELY - RUTHANN & VICTOR DUHAMEL

Report dated February 21st, 2005, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning, Part 1, Plan 53R-12505, Lot 8, Concession 5, Township of Waters, 455 Niemi Road, Lively, Ruthann & Victor Duhamel.

Dave Dorland, 298 Larch Street, Sudbury, agent for the applicants, was present.

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

PUBLIC HEARINGS - PLANNING ACT

APPLICATION FOR REZONING, PART 1, PLAN 53R-12505, LOT 8, CONCESSION 5, TOWNSHIP OF WATERS, 455 NIEMI ROAD, LIVELY - RUTHANN & VICTOR DUHAMEL (cont'd)

Dave Dorland questioned whether or not other land developers on Niemi Road were required to extend municipal services or were services available. Mr. Dorland advised that in this instance his client will have to spend \$20,000.00 to extend services and this will be to the benefit of owners on north side of the road who are presently serviced from the rear of their properties which services are less than adequate. He feels that his client should not be required to pay an additional \$2,000.00 for future road upgrading which may or may not be used. This condition would be attached to the consent application. In view of the additional monies his client is required to spend to extend services for the benefit of the City and other land owners, he asked whether this \$2,000.00 fee could be waived. He stated that they are generally satisfied with the recommendation and thanked the Committee for their consideration.

The Director of Engineering Services advised that there were existing services for ten lots which were developed in that area a few years ago which services required upgrading. He stated he is not aware that other properties in the area would benefit from this extension of services. The extension of services is for the new lot. All residences on the north side of the road are presently serviced and he is not aware of any intention to create new services to those existing residences. He stated he sees no benefit to the city or residences on north side of street because of the extension of services.

The Director of Engineering Services further stated that the policy of the old city which has been continued since amalgamation is, if a development generated a demand or need for the upgrading of an existing road, a contribution would be required so that monies would be available to upgrade the road when required.

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

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

The following recommendation was presented:

Recommendation #2005-44:

Bradley-Dupuis: THAT the application by Ruthann and Victor Duhamel to amend By-law 83-303, being the Comprehensive Zoning By-law for the former Town of Walden by changing the zoning classification of Part 1, Plan 53R-12505, Lot 8, Concession 5, Township of Waters from "RU", Rural Zone to "R1.D0.85" & "R1.D2.26", Single Residential Zone, be approved subject to the following condition:

PUBLIC HEARINGS - PLANNING ACT

APPLICATION FOR REZONING, PART 1, PLAN 53R-12505, LOT 8, CONCESSION 5, TOWNSHIP OF WATERS, 455 NIEMI ROAD, LIVELY - RUTHANN & VICTOR DUHAMEL (cont'd)

Recommendation #2005-44 (cont'd):

1. That prior to the passage of an amending zoning by-law the owner shall provide the Planning Services Division with a registered plan of survey which describes the lands (including lot areas) which are to be rezoned "R1.D0.85" & "R1.D2.26", Single Residential Zone to the satisfaction of the Director of Planning Services.

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

CARRIED

APPLICATION FOR REZONING TO ADD A RESIDENTIAL TRIPLEX TO THE LIST OF PERMITTED USES UNDER THE "C6", HIGHWAY COMMERCIAL ZONING, 80 MAIN STREET - ARMAND & LORRAINE LACROIX

Report dated February 22nd, 2005, was received from the Director of Planning Services and the General Manager of Growth and Development regarding an application for rezoning to add a residential triplex to the list of permitted uses under the "C6", Highway Commercial zoning, 80 Main Street, Armand & Lorraine Lacroix.

Lorraine Lacroix, 80 Main Street, Dowling, one of the applicants, was present.

Councillor Bradley, Ward Councillor, advised there are posts preventing access to the service road.

Mrs. Lacroix advised these posts were to prevent truckers from using the service road and she would like to have the access opened. She advised that the restaurant is now closed.

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

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

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

APPLICATION FOR REZONING TO ADD A RESIDENTIAL TRIPLEX TO THE LIST OF PERMITTED USES UNDER THE "C6", HIGHWAY COMMERCIAL ZONING, 80 MAIN STREET - ARMAND & LORRAINE LACROIX (cont'd)

The following recommendation was presented:

Recommendation #2005-45:

Bradley-Dupuis: THAT the application by Armand and Lorraine Lacroix to amend By-law 83-300 being the Zoning By-law for the former Town of Onaping Falls by changing the zoning classification of the southerly 163 feet of Parcel 13821 SWS in Lot 3, Concession 4, Dowling Township from "C6", Highway Commercial to "C6-Special", Highway Commercial Special to add "a multiple dwelling with a maximum of three dwelling units" to the list of uses permitted on the subject property be approved.

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

CARRIED

PART I - CONSENT AGENDA

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

Recommendation #2005-46:

Dupuis-Reynolds: THAT Item C-1 contained in Part 1, Consent Agenda, be adopted.

CARRIED

ROUTINE MANAGEMENT REPORTS

Item C-1
Extension to
Draft Approval,
Draft Plan of
Subdivision,
Mariposa
Subdivision

Report dated February 21st, 2005, was received from the General Manager of Growth and Development regarding extension to Draft Approval, Draft Plan of Subdivision, part of Parcel 10382, Lot 4, Concession 5, Township of Broder, Mariposa Subdivision.

Recommendation #2005-47:

Reynolds-Dupuis: THAT upon payment of Council's processing fee of \$2,500.00, the conditions of draft approval for the draft plan of subdivision of part of Parcel 10382, Lot 4, Concession 5, Township of Broder, Primo Titton Construction Ltd., File RP780-6/88019, shall be amended as follows:

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-1
Mariposa
Subdivision
cont'd)

Recommendation #2005-47 (cont'd):

- a) By deleting condition #16 and replacing it with the following:
- "16. That this draft approval shall lapse on March 16, 2008."
- b) By deleting condition #18 and replacing it with the following:
- "18. That prior to the signing of the final plan the owner shall submit a detailed Lot Grading Plan including the Regional Storm Flow Path to the satisfaction of the General Manager of Infrastructure and Emergency Services. The owner shall co-ordinate the analysis and design of the stormwater conveyance and control systems for this subdivision in conjunction with the recommendations of the Algonquin Road watershed stormwater management study. All issues with respect to said storm drainage are to be resolved prior to finalizing engineering drawings. Should the study determine that on-site or off-site improvement works are required as a result of this development, the owner will be required to build or cost-share in the implementation of said works. The formula for the sharing of cost for any required off site improvement works will be established by the General Manager of Infrastructure and Emergency Services."
- c) By adding the following conditions:
- "20. Prior to the submission of servicing plans, the applicant/ owner shall, to the satisfaction of the General Manager of Infrastructure and Emergency Services, 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 recommend construction procedures for storm sewer, sanitary sewer, watermain, roads, cut and fill, surface drainage and erosion control, slope stability (if required), and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official.

ROUTINE MANAGEMENT REPORTS (cont'd)

Item C-1
Mariposa
Subdivision
(cont'd)

Recommendation #2005-47 (cont'd):

21. The owner shall ensure that the draft plan show the cul-de-sacs with a 17.5 metre radius right-of-way and that the corner radius for all streets is to be 9.0m.
22. That the subdivision agreements contain provisions whereby the owner agrees to contribute \$3,000.00 per hectare of land to be developed outside the sewer design area, towards the upgrading of the Green Avenue Lift Station to the satisfaction of the General Manager of Infrastructure and Emergency Services.
23. Prior to the signing of the final plan for any phase of this development with a water pressure problem, the Growth and Development Department is to be advised by the General Manager of Infrastructure and Emergency Services that issues pertaining to the Algonquin water booster station have been resolved for the phase of the development to be constructed. Said water booster station is required prior to any development of the subject subdivision above an elevation of 280.0.
24. The owner shall be required to cost-share in the construction of the Algonquin Area water booster station, on the basis of a formula to be established by the General Manager of Infrastructure and Emergency Services.
25. The owner shall name the two roads in the subject subdivision that link to the adjacent Vintage Green subdivision to the west, Tawny Port Drive and Tuscany Trail for the northern and southern roads respectively.
26. Tawny Port Drive is to be constructed to a collector standard with a 1.5m wide sidewalk on the north side of the street, and Tuscany Trail is to be constructed to a residential road standard with a 1.5m wide sidewalk on the south side of the street.

CARRIED

PART II - REGULAR AGENDA

MANAGERS' REPORTS

Item R-1
Plan of
Condominium
Paris Street and
Maki Avenue,
Sudbury

Report dated February 22nd, 2005, was received from the General Manager of Growth and Development regarding application to register a plan of condominium over property at the southeast corner of the intersection of Paris Street and Maki Avenue, where the site is being prepared for a 39 unit residential building, Paris-Maki Holdings Ltd.

Recommendation #2005-48:

Bradley-Reynolds: THAT the City of Greater Sudbury Council's delegated official be directed to issue the draft approval to Paris-Maki Holdings Ltd. for the subject condominium following Council's approval and subject to the following conditions:

- a) That this approval applies to the draft plan of condominium of PIN 73595-0279 (LT), 73595-0238 (LT), 73595-0145 (LT) and 73595-0002(LT), being former Parcels 16463, 6994, 11735 and 12035, in Lot 6, Concession 1, McKim Township, as shown on a plan prepared by S.J. Gossling, O.L.S. and dated September 30, 2004.
- b) That the final Condominium Plan be integrated with the City of Greater Sudbury Control Network. Final plan coordinate listings and an AutoCAD simple line file of the resultant parcel fabric (with coordinated points labelled) are to be provided to this office as part of this requirement. Also, the final plan must be provided in AutoCAD.dwg format.
- c) That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
- d) That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that the cash in lieu of 5% parkland in accordance with Section 51.1(3) of the Planning Act has been satisfied.
- e) That prior to the signing of the final plan the owner's O.L.S. shall provide the Planning Services Division with written confirmation that the development complies with the minimum requirements of the Zoning By-law.

MANAGERS' REPORTS (cont'd)

Item R-1
Plan of
Condominium
Paris Street and
Maki Avenue,
Sudbury (cont'd)

Recommendation #2005-48:

- f) That such easements as may be required for utility and drainage purposes shall be granted to the appropriate authority to the satisfaction of the City Solicitor.
- g) 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.

CARRIED

Adjournment

Recommendation #2005-49:

Reynolds-Caldarelli: That we do now adjourn.
Time: 7:20 p.m.

CARRIED

DEPUTY CITY CLERK

COUNCILLOR RUSS THOMPSON PRESIDING