

THE SIXTH MEETING OF THE COMMITTEE OF THE WHOLE - PLANNING
OF THE CITY OF GREATER SUDBURY

Council Chambers
Tom Davies Square

Tuesday, April 17, 2001
Commencement: 9:13 p.m.
Adjournment: 11:00 p.m.

CHAIR DAVE KILGOUR PRESIDING

Present

Councillors Bradley, Callaghan, Courtemanche, Craig (D. 10:00);
Davey (D. 10:31), Dupuis, Gainer, Lalonde, McIntaggart, Petryna,
Portelance

Staff

J. Rule, Chief Administrative Officer; D. Nadorozny, General Manager
Economic Development and Planning Services; D. Bélisle, General
Manager of Public Works; A. Potvin, Manager of Development
Services; R. Swiddle, Director of Legal Services/City Solicitor;
D. Braney, Property Negotiator/Appraiser; G. Clausen, Director of
Engineering Services; L. Moulaison, Planning Technician; A. Haché,
Deputy City Clerk; S. Hotti, Recording Secretary

Media

The Box, MCTV, Sudbury Star

Declarations of
Pecuniary Interest

None declared.

City Council
Meeting

It was noted that a Special meeting of City Council was held prior to the
Committee of the Whole - Planning meeting.

PUBLIC HEARINGS

**REZONING APPLICATION TO ACCOMMODATE PROPOSED REVISIONS TO AN EXISTING
DRAFT PLAN FOR A SINGLE RESIDENTIAL SUBDIVISION ADJACENT TO TUSCANY
TRAIL, TOWNSHIP OF BRODER - DALRON CONSTRUCTION LIMITED**

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

Report dated April 10, 2001 was received from the Director of Planning
Services and the General Manager, Economic Development and
Planning Services regarding a rezoning application to accommodate
proposed revisions to an existing draft plan for a single residential
subdivision adjacent to Tuscan Trail, Township of Broder - Dalron
Construction Limited.

The Manager of Development Services outlined the application to the
Committee.

Cont'd...

PUBLIC HEARINGS (Cont'd)

REZONING APPLICATION TO ACCOMMODATE PROPOSED REVISIONS TO AN EXISTING DRAFT PLAN FOR A SINGLE RESIDENTIAL SUBDIVISION ADJACENT TO TUSCANY TRAIL, TOWNSHIP OF BRODER - DALRON CONSTRUCTION LIMITED (Cont'd)

Mrs. Celia Teale, applicant was present and indicated she was satisfied with the staff recommendation.

No objectors were present.

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

2001-51 Bradley-Callaghan: That the application by Dalron Construction Limited to amend By-law 95-500Z being the Comprehensive Zoning By-law for the (former) City of Sudbury from "FD", Future Development to "R1.D18", Single Residential with respect to those lands described as Part of Parcels 50561 and 50562 S.E.S. in Lot 5, Concession 5, Township of Broder, City of Greater Sudbury be recommended for approval subject to the following conditions:

1. That the final plan for registration of the subdivision of Part of Parcels 50561 and 50562 S.E.S. in Lot 5, Concession 5, Township of Broder, File #780-6/96007 be revised and prepared as shown on the "Zoning Sketch - Vintage Green II" dated March 5th, 2001 as prepared by Dennis Consultants, Civil Engineers.
2. Prior to the passage of an amending zoning by-law the owner shall initiate a rezoning application the purpose of which shall be to establish an "H", Holding Symbol with respect to the development of 33 dwelling units on Parcels 6994, 16463 and 11735 S.E.S. in Lot 6, Concession 1, Township of McKim to the satisfaction of the General Manager of Public Works.
3. Prior to the passage of an amending zoning by-law the owner shall provide a registered plan of survey which describes the lands to be rezoned to the satisfaction of the Director of Planning Services.

CONCURRING MEMBERS: Councillors Bradley, Callaghan, Courtemanche, Craig, Davey, Dupuis, Gainer, Lalonde, McIntaggart, Portelance, Petryna, Kilgour

CARRIED

PUBLIC HEARINGS (Cont'd)

APPLICATION FOR REZONING AND REFERRAL OF CONSENT APPLICATIONS B0019/2001 TO B0022/2001, WESTERLY END OF HARRY STREET, TOWNSHIP OF HANMER - J.Y. JOHN ROBERT

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

Report dated April 10, 2001 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application and referral of consent applications B0019/2001 to B0022/2001, westerly end of Harry Street, Township of Hanmer - J.Y. John Robert.

Letter of objection dated April 17, 2001 from Nick Proulx, 1724 Harry Street, Val Caron, regarding the above-noted rezoning application was circulated to Members of the Committee at the meeting.

Letter of objection dated April 17, 2001 from Mr. and Mrs. Cyril F. Southwell, 1723 Harry Street, Val Caron, regarding the above-noted rezoning application was circulated to Members of the Committee at the meeting.

The Manager of Development Services outlined the application to the Committee.

Mr. J.Y. John Robert, applicant was present and advised he was satisfied with the staff recommendation with the exception of Condition 1b)ii). He stated that he had assumed this particular portion of Harry Street was already constructed to public standard. He pointed out that these lands have been used for some time, mainly as a turnaround for municipal vehicles and school buses. He explained that he had liability concerns with respect to the use of this land and had approached the former City of Valley East and agreed to transfer the land for public road purposes. He stated that he gave his land in good faith and was never told the road was not up to public standard. He pointed out that in past years precedents have been set. Property owners who had built a home fronting a turnaround did not have to pay to upgrade the road because it was used as a public road. He explained that the process of developing lots can be very difficult and costly. The end result of the proposed development will be at no cost to the City of Greater Sudbury. The City will benefit by receiving more taxes for a developed lot. He pointed out there are very few building lots available in Valley East. The cost to upgrade the road will be approximately \$12,000 which will make the price of the lots more expensive. He stated that he will fulfill the remaining conditions imposed but requested the Committee to remove the condition of upgrading the road to a public standard.

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PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING AND REFERRAL OF CONSENT APPLICATIONS
B0019/2001 TO B0022/2001, WESTERLY END OF HARRY STREET, TOWNSHIP OF
HANMER - J.Y. JOHN ROBERT (Cont'd)**

With respect to drainage concerns the Committee noted the developer would be required to have a civil engineering consultant design a municipal servicing plan and a lot grading and drainage plan for the development to the requirements of the General Manager of Public Works.

The Committee also noted that a meeting with the developer and the area residents had not taken place. Mr. Robert indicated he had spoken to the immediate neighbours affected.

Councillor Callaghan requested the Committee to defer the application to allow the applicant to meet with the area residents.

The Manager of Development Services advised if the application is deferred before the public hearing is completed there will be costs incurred due to re-circulation of the Notice of Public Hearing. If the public hearing is completed and a deferral is approved there is no cost because there will be no notice requirement.

Councillor Callaghan withdrew his request for deferral.

Mr. Nick Proulx, 1724 Harry Street addressed the Committee stating that he has lived in the area for 25 years and the turnaround has always existed and has never been an issue. He expressed concern with his property being flooded because it is lower than the adjacent subject land. If the property is raised with fill his property will flood during heavy rain or the spring melt. He stated he is satisfied as long as the flooding issue is addressed and he has a written guarantee that his property will not flood.

Mrs. Rachell Southwell, 1723 Harry Street addressed the Committee objecting to the rezoning application. She stated when they purchased their property in 1987 they were assured the subject property would remain a greenbelt. She pointed out that her backyard is located on the side of her home. If the property is developed she will no longer be able to enjoy the privacy and nature that she now enjoys. As well the property taxes in the area will increase. She also expressed concern with flooding and indicated drainage problems exist now. She requested a written guarantee that they will not be flooded if the subject property is developed.

Proceed Past
10:00 p.m.

2001-52 Bradley-Callaghan: That we proceed past the hour of 10:00 p.m.

CARRIED

PUBLIC HEARINGS (Cont'd)

APPLICATION FOR REZONING AND REFERRAL OF CONSENT APPLICATIONS B0019/2001 TO B0022/2001, WESTERLY END OF HARRY STREET, TOWNSHIP OF HANMER - J.Y. JOHN ROBERT (Cont'd)

Mrs. Donna Ducharme-Cowie, 3873 Swanson Court, Val Caron addressed the Committee opposed to the rezoning application. She advised they had purchased their home because of the greenbelt designation behind their property. She questioned the number of notices sent to the area residents and the lateness of the notice. She requested to see a plan on how the area will be developed. She also expressed concern with flooding and pointed out that other areas in close proximity have had water problems.

The Manager of Development Services advised that the Notice of Public Hearing is sent out within a 400' radius of the subject property, as well as being advertised in the local newspaper. A total of 41 notices were mailed.

The applicant was questioned if he would agree to have a meeting with the area residents and if he would obtain an engineers' report on how the drainage concerns will be resolved prior to the application being approved.

Mr. Robert advised that he would be willing to have a meeting with the area residents but would not be willing to spend money on an engineers' report before the application is approved.

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

The following resolution was presented:

Bradley-Callaghan: 1. That the application by J.Y. John Robert to amend By-law 83-300 with respect to Part of Parcel 1032, Lot 7, Concession 1, Township of Hanmer, by changing the zoning classification from "A", Agricultural Reserve to "R1.D18", Single Residential be approved subject to the following conditions:

- a) That prior to the passing of an amending by-law, the developer be required to implement a new development survey plan to show Parts 1 to 6, inclusive, Plan 53 R-16 878, the four proposed lots, a 36.6 m square block at the end of Parts 3 and 6, Plan 53R-16878 for the purposes of a new gravel turnaround and a 0.3 metre reserve around the non road portion of the turnaround.
- b) That prior to the passing of an amending by-law, the developer be required to enter into a development agreement with the City of Greater Sudbury that will deal with engineering, financial and legal aspects of the development, including the following:

Cont'd...

PUBLIC HEARINGS (Cont'd)

**APPLICATION FOR REZONING AND REFERRAL OF CONSENT APPLICATIONS
B0019/2001 TO B0022/2001, WESTERLY END OF HARRY STREET, TOWNSHIP OF
HANMER - J.Y. JOHN ROBERT (Cont'd)**

Resolution (Cont'd)

- i) That the developer be required to have a civil engineering consultant design a municipal servicing plan and a lot grading and drainage plan for the development to the requirements of the General Manager of Public Works.
- ii) That the developer be required at his cost to construct the extended municipal services to the lot line of the proposed lots, the extended portion of Harry Street fronting the proposed lots, street light requirements, utility services and lot drainage swales.
- iii) That all land survey and plan registration costs of the new development plan be the responsibility of the developer.
- iv) That the cost of removing the existing 0.3 metre reserve at the end of the existing turnaround and the registration of the new 0.3 metre reserve around the non road portion of the new turnaround be the responsibility of the developer.
- v) That the cost of the preparation and registration of project drainage easements and the project development agreement on title be paid by the developer.
- vi) That the City of Greater Sudbury will agree to construct at its expense a temporary gravel turnaround at the end of the extended Harry Street.

- 2. That Consent Applications B0019/2001 to B0022/2001 inclusive be allowed to proceed through the consent process.

Proceed Past 11:00 p.m. 2001-53 Dupuis-Courtemanche: That we proceed past the hour of 11:00 p.m.

MOTION LOST

Adjournment In accordance with the Procedure By-law, as unanimous consent to proceed past 11:00 p.m. was not received, the meeting adjourned.

Remaining Agenda Items The remaining items on the agenda will be dealt with at the next regular Committee of the Whole - Planning scheduled for May 1, 2001.

DEPUTY CITY CLERK

CHAIR DAVE KILGOUR