

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

**Council Chambers
Tom Davies Square**

**Tuesday, April 23rd, 2002
Commencement: 7:45 p.m.
Adjournment:10:45 p.m.**

COUNCILLOR GERRY MCINTAGGART PRESIDING

Present Councillors Bradley, Callaghan, Courtemanche, Craig (A. 7:47),
Davey, Dupuis, Gainer, Lalonde

Staff D. Nadorozny, Acting CAO/General Manager of Economic
Development and Planning Services; D. Belisle, General Manager
of Public Works; B. Lautenbach, Director of Planning Services;
A. Potvin, Manager of Development Services; R. Swiddle, City
Solicitor, Legal Services; G. Clausen, Director of Engineering
Services; J. Lahti, Legal Services; A. Haché, Deputy City Clerk;
K. Bowschar, Planning Committee Secretary

Media The Box; MCTV; The Sudbury Star, Northern Life

Declarations of
Pecuniary Interest None declared.

PUBLIC HEARINGS

**APPLICATIONS FOR SUBDIVISION APPROVAL AND REZONING BY DALRON
CONSTRUCTION LIMITED ON THE EAST SIDE OF ROCKWOOD DRIVE,
IN THE SETTLEMENT OF SUDBURY**

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

Report dated April 16, 2002 was received from the Director of Planning Services
and the General Manager, Economic Development and Planning Services
regarding an application for subdivision approval and rezoning by Dalron
Construction Limited on the east side of Rockwood Drive, in the settlement of
Sudbury.

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

Ms. Celia Teale, Dalron Construction, was present.

PUBLIC HEARINGS (Contd.)

APPLICATIONS FOR SUBDIVISION APPROVAL AND REZONING BY DALRON CONSTRUCTION LIMITED ON THE EAST SIDE OF ROCKWOOD DRIVE, IN THE SETTLEMENT OF SUDBURY (Contd.)

Mr. Lionel Rudd, 2671 Maurice Street, indicated he has some reservations and concerns regarding this application. The area in the proposed subdivision designated for parkland is rock and is useless for anything except as a noise buffer for houses north of it. He also expressed concern with the proposed trail being used by snowmobiles, dirt bikes, etc. and hopes this is not the case. He hopes the trail would be used by hikers to access greenbelt areas near the bypass. He pointed out that cul-de-sacs do not have sidewalks and there will be no place to put the snow in the winter. Having lived in the area for 33 years, he has seen it evolve and develop. There are currently three ways to get in and out of the area, on Algonquin Road by the east and by the north, and on Countryside by the west. He pointed out that there is currently a problem with traffic getting in and out of the subdivision during the morning and afternoon rush hours and he believes the proposed subdivision will intensify the problem. He advised that this is quite a large neighbourhood and there are no neighbourhood amenities except for a confectionary store and the Countryside Arena.

Ms. Teale pointed out that the lot designated for parkland can be looked at as a huge amount of rock or it can be looked at as an asset as it will provide a walking trail. This trail is not envisioned as a snowmobile trail, it will be a passive type park setting. In terms of traffic, she believes that when the subdivision adjacent to this one is developed it will help alleviate some of the concerns and move vehicles in and out of the area much better than now.

Mr. Cal Hayes, Joseph Street, pointed out that flooding occurs between Lots 116 and 117 every spring and that the water comes from where the cul-de-sac is proposed to be built. He questioned what is being considered to alleviate this problem. He pointed out that the water pressure on Joseph Street has dropped considerably over the years and with this development it will drop more. He also expressed concern with traffic congestion on Rockwood Drive when Tawny Port Drive is opened.

PUBLIC HEARINGS (Contd.)

APPLICATIONS FOR SUBDIVISION APPROVAL AND REZONING BY DALRON CONSTRUCTION LIMITED ON THE EAST SIDE OF ROCKWOOD DRIVE, IN THE SETTLEMENT OF SUDBURY (Contd.)

Ms. Teale advised storm sewers will be provided throughout the whole subdivision which will alleviate water coming from the area of the proposed cul-de-sac. She outlined measures to be undertaken to alleviate concerns regarding water pressure including the provision of a water booster station and a watermain loop from Tuscany Trail. She also points out that the extension of a large main from Walford Road to the Four Corners will improve the water pressure problem in the South End as a whole. With respect to traffic, they have tried to provide the best options possible. She advised that once the adjacent subdivision is developed, there will be other options to improve traffic congestion. She believes the traffic problems can be addressed.

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.

2002-66 Davey-Dupuis: 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", Single Residential and "P", Public Park, as the case may be, with respect to those lands described as being Parcels 50561, 50562 and 53235 S.E.S. being Part of Part 2, Plan 53R-14815

and Parts 1 to 7 inclusive, Plan 53R-15986 excepting Part 5, Plan 53R-16951 in Lot 5, Concession 5, Township of Broder be recommended for approval subject

to

the following condition:

- a) Prior to the passage of an amending zoning by-law the applicant shall provide the Planning Services Division with a registered plan of survey which describes the lands to be rezoned "R1", Single Residential and "P", Public Park, as described and/or recommended by the staff report dated April 16th, 2002. Blocks 190 and 194 as generally shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S. and dated November 29th, 2001 shall among other lands be zoned "P", Public Park.

CONCURRING MEMBERS: Councillors Bradley; Callaghan; Craig; Davey; Dupuis; Gainer; Kilgour; McIntaggart

CARRIED

PUBLIC HEARINGS (Contd.)

APPLICATIONS FOR SUBDIVISION APPROVAL AND REZONING BY DALRON CONSTRUCTION LIMITED ON THE EAST SIDE OF ROCKWOOD DRIVE, IN THE SETTLEMENT OF SUDBURY (Contd.)

Councillor Courtemanche did not vote on the preceding motion as he was not present for the entire Public Hearing.

2002-67 Craig-Callaghan: That the City of Greater Sudbury Council's delegated official be directed to issue 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 Parcels 50561 and 50562 S.E.S. being Part of Part 2, Plan 53R-14815 and Parts 1 to 7 inclusive, Plan 53R-15986 excepting Part 5, Plan 53R-16951 in Lot 5, Concession 5, Township of Broder, as shown on a plan prepared by Terry Del Bosco, O.L.S. and dated November 29th, 2001.
- (b) That the standard conditions of draft approval be imposed.
- (c) That 5% of the land included in the subdivision be dedicated to the City of Greater Sudbury for municipal parks purposes in accordance with Section 51.1 (1) of The Planning Act. As a component of the municipal parks dedication, Blocks 190 and 194, as generally illustrated by the plan, shall be dedicated to the City of Greater Sudbury to the satisfaction of the Director of Planning Services, Director of Leisure, Community Development and Volunteer Services and the Director of Legal Services/City Solicitor.
- (d) That Rockwood Drive, abutting the lands to be developed, be reconstructed as an urban cross section which shall incorporate a 1.5 m wide sidewalk along the east side of this road, all to the satisfaction of the General Manager of Public Works.

PUBLIC HEARINGS (Contd.)

APPLICATIONS FOR SUBDIVISION APPROVAL AND REZONING BY DALRON CONSTRUCTION LIMITED ON THE EAST SIDE OF ROCKWOOD DRIVE, IN THE SETTLEMENT OF SUDBURY (Contd.)

- (e) Prior to signing of the final plan, Napa Valley Way shall be redesigned to connect to Kittling Ridge, thus establishing a through street. In the alternative, Napa Valley Way may be designed a cul-de-sac provided said street redesign does not exceed 153 metres in length, all of the preceding being to the satisfaction of the General Manager of Public Works and the Director of Planning Services.
- (f) A detailed lot grading plan that includes the Regional Storm Flow Path will be required. Should a watershed storm water management study which is to be prepared by the City of Greater Sudbury determine that off-site improvement works are required as a result of this development, the owner will be required to cost share in the implementation of said works all to the satisfaction of the General Manager of Public Works.
- (g) No internal development north of Tawny Port Drive and the lots abutting thereto shall proceed prior to a second access being available to the development. Tawny Port Drive is to be constructed to a collector road standard with a 1.5 metre wide sidewalk on the north side of the street. Tuscan Trail is to be constructed to a residential road standard with a 1.5 metre wide sidewalk on the west side of the street terminating at the Tuscan Trail intersection with Tawny Port Drive.
- (h) A water booster station and the associated equipment required to provide adequate domestic pressure and fire flows shall be constructed to the satisfaction of the General Manager of Public Works.
- (i) A cash contribution of \$3,000.00 per hectare of land to be developed outside of the sewer design area, for upgrading of the Green Avenue Lift Station, shall be provided to the satisfaction of the General Manager of Public Works.

PUBLIC HEARINGS (Contd.)

APPLICATIONS FOR SUBDIVISION APPROVAL AND REZONING BY DALRON CONSTRUCTION LIMITED ON THE EAST SIDE OF ROCKWOOD DRIVE, IN THE SETTLEMENT OF SUDBURY (Contd.)

- (j) Provisions shall be established in the subdivision agreement which implement the recommendations of the Noise Impact Study (Vintage Green) prepared by HGC Engineering, dated January 4th, 2002 to the satisfaction of the Director of Legal Services/City Solicitor and the Director of Planning Services. Should design modifications occur within the subdivision which in the opinion of the Director of Development Services warrant a qualified engineer's review of, and/or revisions to the noise impact study, said measures shall be undertaken prior to the signing of the final plan.
- (k) 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 in the resultant parcel fabric shall formulate part of this requirement.
- (l) 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 (33) of The Planning Act.
- (m) 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.
- (n) That Lot 113 be consolidated with abutting lands.
- (o) That prior to the signing of the final plan the Planning Services Division is to be advised by the Ministry of Transportation that sufficient land has been dedicated to accommodate the Southwest By-pass highway improvements, and that a storm water management report be submitted for their review.

CONCURRING MEMBERS: Councillors Bradley; Craig; Davey; Dupuis; Gainer; Kilgour; McIntaggart

CARRIED

Recess The Committee recessed at 8:45 p.m. and reconvened at 8:55 p.m.

PUBLIC HEARINGS (Contd.)

APPLICATION FOR REZONING, PART OF PARCELS 5524 AND 7153 AT THE “WINDY LAKE MARINA” SITE TO RECOGNIZE A PARKING AND BOAT LAUNCH FACILITY FOR THE WINDY LAKE BOAT PEOPLE INC. GROUP WHO HAVE WATER ACCESS ONLY TO THEIR PROPERTIES ON WINDY LAKE (Contd.)

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

Report dated April 16, 2002 was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application, Part of Parcels 5524 and 7153 at the “Windy Lake Marina” site to recognize a parking and boat launch facility for the Windy Lake Boat People Inc. group who have water access only to their properties on Windy Lake.

Robert McDonald and Julia McDonald, owners of the Windy Lake Marina and Mr. James Lejambe representing the Windy Lake Ratepayers Association Group, were present. Mr. Lejambe pointed out that this application will resolve a longstanding issue relating to road access and boat launching for 25 members of the Association. Mr. and Mrs. McDonald had no comment at this time.

The Manager of Development Services outlined the application to the Committee. He also pointed out that this evening the Committee was dealing with the rezoning of a one acre site to C-7 Special to allow parking and boat launching to Windy Lake. The existing road is not the subject of tonight’s meeting, although it is one that has been the subject of much controversy. He indicated that the rezoning of the site would not jeopardize Council’s ability at a future date to acquire lands for access to the lake.

Mr. Bob Armstrong addressed the Committee on behalf of Mr. and Mrs. Rychlowski, owners of the adjacent property. The Rychlowski’s are not opposed to the rezoning or the relocation of the road as long as it does not create more problems than it resolves. He points out that they built their home in 1958. Photographs and Land Titles documents were distributed to Committee Members at the meeting. He explained the handouts, pointing out that the present road is 30 feet wide with little grade, 120 metres from the boat launch and 190 metres from the Rychlowski’s property. He pointed out that since 1998, Mr. Rychlowski has cleaned the road in the winter time, all 190 metres with a snow blower. He referred to the correspondence he provided to the Committee and pointed out that there is an easement which was given to previous owners of the Rychlowski property which extends across the lakefront. He advised that the City still pays the hydro bills for two streetlights and that these lights have burned out and Mr. McDonald will not allow the City onto his property to replace them.

PUBLIC HEARINGS (Contd.)

APPLICATION FOR REZONING, PART OF PARCELS 5524 AND 7153 AT THE “WINDY LAKE MARINA” SITE TO RECOGNIZE A PARKING AND BOAT LAUNCH FACILITY FOR THE WINDY LAKE BOAT PEOPLE INC. GROUP WHO HAVE WATER ACCESS ONLY TO THEIR PROPERTIES ON WINDY LAKE (Contd.)

He advised that since the locking of the gate and the Injunction, Mr. Rychlowski has endured constant harassment from Mr. and Mrs. McDonald. He noted that there are no approved drawings for the proposed road which seems to be forty to fifty metres longer than the old road. He indicated there is a need for noise and dust barriers since these could be a constant aggravation to the Rychlowskis. He expressed concern with respect to erosion and protection of the lake as a source of drinking water for the property owners and as a fish habitat. He requested the Committee to ensure that appropriate engineering standards are in place prior to issuing permits for the construction of the road. He also noted that the proposed road is the only entrance for not only the Rychlowskis but for fire trucks, ambulances, etc., which must be considered in designing the new road.

Ms. Denise Serpell, southwest of Marina Road on Parcel 9460 S.E.S., addressed the Committee against the rezoning. She pointed out that she has lived there for 26 years. She requested clarification with respect to the extension of Marina Road. In her opinion, Marina Road is built and was constructed to Windy Lake. She quotes excerpts from the Secondary Plan relating to “extending public road” and quotes from Land Titles searches relating to “saving and excepting any public or colonized road crossing said land...” and “free use, passage of all navigable waters, right of access to shores for all persons...” and states that in her opinion, based on her research, he can’t refuse access to any person. She believes that by granting the rezoning and extension of Marina Road, they will lose this public road access. She has no problem with the parking.

The Manager of Development Services comments that there seems to be some confusion with respect to the extension to Marina Road. The extension of Marina Road is a new right-of-way to be constructed. It is not the old road down to the lake. The proposed road is located north of Mr. McDonald’s home.

PUBLIC HEARINGS (Contd.)

APPLICATION FOR REZONING, PART OF PARCELS 5524 AND 7153 AT THE "WINDY LAKE MARINA" SITE TO RECOGNIZE A PARKING AND BOAT LAUNCH FACILITY FOR THE WINDY LAKE BOAT PEOPLE INC. GROUP WHO HAVE WATER ACCESS ONLY TO THEIR PROPERTIES ON WINDY LAKE (Contd.)

Mr. Steven Shinton, Parcel 12237, Marina Road, addressed the Committee against the rezoning. He purchased property known as Gorham's Landing and enjoys the small village atmosphere. He stated that he has known the Rychlowskis for 25 years and commends them for allowing Windy Lake residents to use their property as a public thoroughfare. He states that in this neighbourhood, safety has taken a back seat. He refers to an incident where firefighters had difficulty in accessing a camp fire. He pointed out that at the new launch there are boulders blocking access which may cause time delays in dealing with emergency situations. He indicated that with the loss of public lighting and the deterioration in the condition of the road, the safety of persons has been severely diminished. He suggests an alternative method in providing road access and boat launching. He stated that the rezoning is not necessary and that private parking is not a business thus there is no need for commercial zoning.

Ms. Beverley Gordon, camp owner, addressed the Committee against the rezoning. She indicated that the Committee is missing a key point in that by approving the rezoning, the right-of-way will be built, then public access won't be considered and everyone present tonight realizes that. She noted that historically, this has always been a public access road. She stated that the Town of Onaping Falls built this road and maintained it until 1998. She stated that this is the only access to Windy Lake. She believes that the parking lot is a fine idea but the road behind the property is not since people need some form of public road access and boat launch. She also stated that you will be forcing Mr. Rychlowski into maintaining a longer road. She supports Mr. Shinton's point on safety. She had to call twice for an ambulance for her grandmother and realized that timing was everything. She believes that the road should be left as is being a public road. She noted that there is a hydro pole there and the current owner will not allow the City on the property to change the light.

The Manager of Development Services indicated that the City of Greater Sudbury inherited the position of the Town of Onaping Falls that the road is not a public road. When questioned regarding whether the City has investigated the option of acquiring the road, the Manager of Development Services indicated that it has been considered but this would be a decision of Council to direct us to pursue.

2002-68 Callaghan-Lalonde: That we proceed past the hour of 10:00 p.m..

CARRIED

PUBLIC HEARINGS (Contd.)

APPLICATION FOR REZONING, PART OF PARCELS 5524 AND 7153 AT THE "WINDY LAKE MARINA" SITE TO RECOGNIZE A PARKING AND BOAT LAUNCH FACILITY FOR THE WINDY LAKE BOAT PEOPLE INC. GROUP WHO HAVE WATER ACCESS ONLY TO THEIR PROPERTIES ON WINDY LAKE (Contd.)

Recess The Committee recessed at 10:10 p.m. and reconvened at 10:15 p.m.

Mr. Paul Ostrander, 36 Marina Road, addressed the Committee against the rezoning. He pointed out that he drinks the water from Windy Lake. He questioned why there is a need for a right-of-way when there is already a road. As he sees it, the right-of-way is unreasonable and not in the public interest.

Mr. Jean-Guy Quesnel advised that he was not speaking on behalf of either side. As past Mayor and Councillor of the former Town of Onaping Falls, he is well aware of the situation. He knows that the former Town of Onaping Falls has tried to negotiate in accommodating campers in getting to their cottages. Previous dealings with MNR on this issue were frustrating. As the former Mayor and Councillor, he was involved in meetings with the MNR and Ministry of Tourism, however being a small town no one listened. Now we are part of the City of Greater Sudbury and Council may be able to rectify the problem. He states that the MNR will tell you that there is access to Windy Lake at Tower Lake Road which comes out into a swamp. MNR will also say that you have access through the Provincial Park. Every lake in the area has public access except for Windy Lake. This is an issue Council needs to address. He asked the Committee not to turn their back on these people.

Mr. Lejambe addressed the Committee and states that the road will be diverted as part of the agreement reached with the Windy Lake Boat People. He said that there will not be a gate and the road will not be available to anyone other than the Windy Lake Boat People and their invited guests. He stated that there will not be public access until the City is prepared to make one. He also stated that we are here tonight to address the application for rezoning and noted that the Planning Department has no problems with it. He stated further that without this rezoning, 25 campers will be without access. The rezoning resolves the issue for them. He requested the Committee to approve the rezoning.

Mr. McDonald addressed the Committee and reiterates that nobody other than the Windy Lake Boat People will be allowed to use his property without his or his wife's permission.

PUBLIC HEARINGS (Contd.)

APPLICATION FOR REZONING, PART OF PARCELS 5524 AND 7153 AT THE “WINDY LAKE MARINA” SITE TO RECOGNIZE A PARKING AND BOAT LAUNCH FACILITY FOR THE WINDY LAKE BOAT PEOPLE INC. GROUP WHO HAVE WATER ACCESS ONLY TO THEIR PROPERTIES ON WINDY LAKE (Contd.)

Ms. Nicole Rocheleau, 36 Marina Road, addressed the Committee against the rezoning. She asked why they are changing the route of the road and placing access behind the McDonald's property.

Mr. McDonald indicated that the rerouting of the road is part of the legal settlement with the Windy Lake Boat People. He pointed out that most people who commented this evening are part of the Campers' Association. He advised that besides the legal issue, there is one of privacy and one of safety for his family as the road now runs right in front of his house.

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.

2002-69 Davey-Dupuis: That the application by Windy Lake Boat People

Inc./Robert McDonald to amend By-law 83-300 being the Zoning By-law for the former Town Onaping Falls by changing the zoning classification of Part of
Parcels

5524 and 7153, in Lot 10, Concession 4, Dowling Township from “R7.D2.5”, Seasonal Residential to “C7-Special”, Resort Commercial Special be approved subject to the following:

- a) That the only permitted uses shall be a parking lot, boat launch and docking facility without buildings;
- b) That the applicants provide the Economic Development and Planning Services Department with a registered survey plan outlining the land to be rezoned to enable the preparation of an amending by-law.
- c) That prior to the adoption of an amending by-law the applicants shall enter into a Site Plan Control Agreement with the City which shall address the development and maintenance of both the land being rezoned as well as the right-of-way lands and shall, among other matters, deal with erosion and sediment control, slope stability, drainage and grading and the protection of Windy Lake.

PUBLIC HEARINGS (Contd.)

**APPLICATION FOR REZONING, PART OF PARCELS 5524 AND 7153 AT THE
“WINDY LAKE MARINA” SITE TO RECOGNIZE A PARKING AND BOAT LAUNCH
FACILITY FOR THE WINDY LAKE BOAT PEOPLE INC. GROUP WHO HAVE
WATER ACCESS ONLY TO THEIR PROPERTIES ON WINDY LAKE (Contd.)**

NON-CONCURRING MEMBERS: Councillors Bradley; Callaghan;
Courtemanche; Craig; Davey; Dupuis; Gainer; Lalonde; McIntaggart

DEFEATED

PART I - CONSENT AGENDA

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

2002-70 Davey-Dupuis: That Item C-1 contained in the Consent Agenda, be
adopted.

CARRIED

MINUTES

Item C-1
Report No. 4
VETAC Minutes
March 6, 2002

2002-71 Dupuis-Davey: That Report No. 4, Vegetation
Enhancement Technical Advisory Committee Minutes of
March 6, 2002, be received.

CARRIED

Adjournment

2002-72 Bradley-Davey: That we do now adjourn.
Time: 10:45 p.m.

CARRIED

DEPUTY CITY CLERK

CHAIR GERRY MCINTAGGART