

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

---

Council Chambers  
Tom Davies Square

Tuesday, November 26, 2002

Commencement: 7:00 p.m.

Adjournment: 10.00 p.m.

COUNCILLOR DAVE KILGOUR PRESIDING

Present

Councillors Bradley, Dupuis, McIntaggart, Portelance

Councillor Callaghan

Staff

B. Lautenbach, Director of Planning Services; A. Potvin, Manager of Development Services; D. Belisle, General Manager, Public Works; D. Nadorozny, General Manager, Economic Development and Planning Services; R. Swiddle, Director of Legal Services/City Solicitor; A. Haché, Deputy City Clerk; L. Moulaison, Technician, Planning and Development; G. Ward, Council Secretary

News Media

MCTV, Northern Life

Declarations of  
Pecuniary Interest

None declared.

**PUBLIC HEARINGS**

**REZONING AND SUBDIVISION APPLICATIONS TO SUBDIVIDE THE SUBJECT  
PROPERTY INTO 6 LOTS FOR SINGLE RESIDENTIAL USE, WEST SIDE OF  
GORDON STREET AND OLD SKEAD ROAD, TOWNSHIP OF GARSON, D. & R.  
BUTLER AND C. & I. ROLLINS**

---

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

## **PUBLIC HEARINGS (Cont'd)**

### **REZONING AND SUBDIVISION APPLICATIONS TO SUBDIVIDE THE SUBJECT PROPERTY INTO 6 LOTS FOR SINGLE RESIDENTIAL USE, WEST SIDE OF GORDON STREET AND OLD SKEAD ROAD, TOWNSHIP OF GARSON, D. & R. BUTLER AND C. & I. ROLLINS (Cont'd)**

---

Report dated November 19, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning and subdivision applications to subdivide the subject property into 6 lots for single residential use, west side of Gordon Street and Old Skead Road, Township of Garson - D. & R. Butler and C. & L. Rollins.

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

Mr. Dave Dorland, D. S. Dorland Limited, addressed the Committee on behalf of the applicants. He introduced the applicants - Mr. & Mrs. Butler and Mrs. Rollins who were in attendance at the meeting.

Mr. Dorland pointed out the applicants have resided in the former Town of Nickel Centre for many years. The purpose of this application is to provide an opportunity to family members to build on three to four lots. He pointed out that Mr. Rollin's son is currently building a house on Lot 6.

Mr. Dorland advised that his clients are willing to satisfy all of the conditions, however; there is one condition that would not permit the project to proceed if it was not resolved. Condition (c) reads as follows: "That prior to the signing of the final plan, the applicant satisfy the General Manager of Public Works that an adequate supply of water is available for fire protection and domestic use."

Mr. Dorland suggested that Condition (c) be deleted as was done for other similar developments or that Condition (c) be amended to indicate that "there is adequate fire protection" as opposed to "that an adequate supply of water is available for fire protection and domestic use". He also suggested that fire protection could be addressed by requiring that a sprinkler system be installed in each of the houses.

## **PUBLIC HEARINGS (Cont'd)**

### **REZONING AND SUBDIVISION APPLICATIONS TO SUBDIVIDE THE SUBJECT PROPERTY INTO 6 LOTS FOR SINGLE RESIDENTIAL USE, WEST SIDE OF GORDON STREET AND OLD SKEAD ROAD, TOWNSHIP OF GARSON, D. & R. BUTLER AND C. & I. ROLLINS (Cont'd)**

---

He advised there are currently 100 lots in the area which are provided with fire protection by the City and that the six additional lots could be provided with fire protection in the same manner. He stated that an additional six lots is not a significant addition to the City's liability. He pointed out that fire protection could be provided by the three fire stations in this area and the Fire Department has the pumper trucks which can provide adequate fire protection. He further pointed out that in the staff report, the Fire Department advised they have no objection to the proposal from their area of concern.

He also suggested that an easement could be provided to access a reservoir of water (creek) at the back of the property. He advised that the creek does freeze in the winter months.

The General Manager of Public Works indicated that in 1997 Council adopted the Fire Underwriters Guidelines for the development of new subdivisions in serviced areas. The Fire Underwriters criteria calls for a piped water system. In underserviced areas, Council has adopted the Fire Marshall's Guidelines which is fire protection using pumpers. This development is in a serviced area and there is not an adequate water supply for fire protection at this time.

The City Solicitor, in responding to questions from Committee Members, advised that both the City and the Region have been sued in the past for allowing development where it should not have gone. He pointed out that if Council approves this subdivision without Condition (c) it would be exposing the City to liability. He pointed out that the creation of new lots exposes Council to new liability as there is insufficient fire flows.

Ms. Bridgette Brawling indicated that the same standards are being imposed in the rural areas as in urban areas.

Mrs. Rollings advised that they have lived in the area for 40 years and they have never had water in the basement - they have very dry basements.

## **PUBLIC HEARINGS (Cont'd)**

### **REZONING AND SUBDIVISION APPLICATIONS TO SUBDIVIDE THE SUBJECT PROPERTY INTO 6 LOTS FOR SINGLE RESIDENTIAL USE, WEST SIDE OF GORDON STREET AND OLD SKEAD ROAD, TOWNSHIP OF GARSON, D. & R. BUTLER AND C. & I. ROLLINS (Cont'd)**

---

Councillor Callaghan, Ward Councillor, expressed concern regarding the number of conditions imposed in the approval of the subdivision. He indicated there must be some way to resolve Condition (c) as there are 100 houses in the area in a similar situation. He point out that it was unreasonable to have the applicant spend a significant amount of money to provide fire flow requirements for six houses. He indicated this application was an infilling situation. The Committee noted that the applicant may need to construct a trunk watermain from Garson-Coniston Road to the subject property.

Councillor Kilgour, Ward Councillor, also expressed concern regarding the number of conditions imposed in the approval of the subdivision. He pointed out that the applicant is willing to meet all the conditions, except Condition (c). He outlined a number of alternatives in resolving Condition (c) including the refund of the application fees should the application be withdrawn by the applicant.

**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 #2002-88**

Bradley-Dupuis: That the application by D. & R. Butler and C. & L. Rollins to amend By-law 83-304 being the Zoning By-law for the former Town of Nickel Centre by changing the zoning classification of Parcel 22937, Part 1, Plan 53R-13456, in Lot 3, Concession 4, Garson Township from "RU", Rural to "R1", Single Residential be approved subject to the following:

- (a) That the "R1" zoning be assigned a "D0.5" density which would restrict the number of lots to a maximum of 6.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, McIntaggart, Portelance, Kilgour

CARRIED

## **PUBLIC HEARINGS (Cont'd)**

### **REZONING AND SUBDIVISION APPLICATIONS TO SUBDIVIDE THE SUBJECT PROPERTY INTO 6 LOTS FOR SINGLE RESIDENTIAL USE, WEST SIDE OF GORDON STREET AND OLD SKEAD ROAD, TOWNSHIP OF GARSON, D. & R. BUTLER AND C. & I. ROLLINS (Cont'd)**

---

#### **Recommendation #2002-89**

Bradley-Portelance: 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 Parcel 22937, being Part 1, Plan 53R-13456 in Lot 3, Concession 4, Garson Township as shown on a plan of subdivision prepared by D.S. Dorland, O.L.S., and dated July 31, 2002.
- (b) That the standard conditions of draft approval be imposed.
- (c) That prior to the signing of the final plan the applicant satisfy the General Manager of Public Works that an adequate supply of water is available for fire protection and domestic use.
- (d) That the subdivision agreement contain a requirement that all building foundations in fill areas be designed and approved by a designated geotechnical engineer of the Association of Professional Engineers of Ontario, to the satisfaction of the Chief Building Official.
- (e) That prior to the signing of the final plan the applicant shall provide a storm water control report, lot grading and drainage plan and street engineering plan to the satisfaction of the General Manager of Public Works.
- (f) That prior to the signing of the final plan the owner will be required to make a cash contribution to the upgrading of Old Skead Road equal to 50% of the cost of a 50 mm asphaltic concrete pavement overlay of a 8.0 metre wide roadway.
- (g) That the final plan contain a 0.3 metre reserve to be conveyed to the City along the frontage of Lot 3, from the south limit of Lot 3 northerly for 34 metres.

**PUBLIC HEARINGS (Cont'd)**

**REZONING AND SUBDIVISION APPLICATIONS TO SUBDIVIDE THE SUBJECT PROPERTY INTO 6 LOTS FOR SINGLE RESIDENTIAL USE, WEST SIDE OF GORDON STREET AND OLD SKEAD ROAD, TOWNSHIP OF GARSON, D. & R. BUTLER AND C. & I. ROLLINS (Cont'd)**

---

**Recommendation #2002-89 (Cont'd)**

- (h) That the final plan be provided in AutoCAD.dwg format to the satisfaction of the Coordinator of Geographic Information, Surveys and Mapping Section.
- (i) 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.
- (j) 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.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, McIntaggart, Portelance, Kilgour

CARRIED

**Recommendation #2002-90**

McIntaggart-Bradley: That if the applicants choose to withdraw the application within three years, that staff be directed to refund the application fees of \$3,070.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, McIntaggart, Portelance, Kilgour

CARRIED

**Recess**

The Committee recessed at 9:10 p.m. and reconvened at 9:15 p.m.

## **PUBLIC HEARINGS (Cont'd)**

### **REZONING APPLICATION TO PERMIT THE CONSTRUCTION OF A SINGLE DETACHED DWELLING, KANTOLA ROAD, LIVELY - KELLI IRENE GATIEN**

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

Report dated November 19, 2002, was received from the Director of Planning Services and the General Manager, Economic Development and Planning Services regarding a rezoning application to permit the construction of a single detached dwelling, Kantola Road, Lively - Kelli Irene Gatien.

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

Mr. Robert Brunet, Solicitor and Mr. Dean Gatien were present. Mr. Brunet advised that his clients purchased the property in July 2002 with the intent of building a single family dwelling. He pointed out that the "C7" zoning does not permit single family dwellings and therefore his client applied for the rezoning. He indicated that his clients are satisfied with the staff recommendation.

No objectors were present.

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

#### **Recommendation #2002- 91**

Portelance-Bradley: That the application by Kelli Irene Gatien to amend By-law 83-303 being the Comprehensive Zoning By-law for the (former) Town of Walden from "C7", Resort Commercial to "R1.D2.5", Single Residential with respect to those lands described as Parcel 25765 S.W.S. being Parts 3 & 4, Plan 53R-10108 save and except Part 1, Plan 53R-15394 in the Township of Eden be recommended for approval.

CONCURRING MEMBERS: Councillors Bradley, Dupuis, McIntaggart, Portelance, Kilgour

CARRIED

## **PART I - CONSENT AGENDA**

The following recommendation was presented to adopt Items C-1 to C-3 contained in the Consent Agenda:

### **Recommendation 2002-92**

Bradley-Dupuis: That Items C-1 to C-3 contained in the Consent Agenda, be adopted.

CARRIED

## **MINUTES**

C-1  
Report #11  
VETAC Minutes  
October 18, 2002

### **Recommendation 2002-93**

Dupuis-Portelance: That Report #11, Vegetation Enhancement Technical Advisory Committee Minutes of October 18, 2002, be received.

CARRIED

## **ROUTINE MANAGEMENT REPORTS**

Item C-2  
Sale of Land  
Valley East  
Industrial Park

Report dated November 19, 2002 was received from the General Manager, Corporate Services regarding sale of land in the Valley East Industrial Park, Parts 9 & 10, Plan 53R-16329.

### **Recommendation 2002-94**

Dupuis-Portelance: That the Agreement of Purchase and Sale with Triple Seal Ltd. for Parts 9 and 10, Plan 53R-16329 be accepted subject to the terms and conditions outlined in the attached report;

That Council of the City of Greater Sudbury pass the necessary by-laws; and

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

That the net proceeds from this sale be credited to the Industrial Reserve Fund in accordance with Council Policy.

CARRIED

## **ROUTINE MANAGEMENT REPORTS (Cont'd)**

Item C-3  
Declaration of  
Surplus Land  
Part of Dixon Rd.  
South of Ramsey  
Lake Road

Report dated November 19, 2002 was received from the General Manager, Corporate Services regarding declaration of surplus land, part of Dixon Road, South of Ramsey Lake Road, abutting

**Recommendation 2002-95**

Dupuis-Portelance: That Part of Dixon Road abutting the southerly 97 feet of Lot 15, Plan M-126, Sudbury be stopped up and closed under By-law and conveyed to the abutting property owner(s) in accordance with procedures governing the disposal of Real Property.

CARRIED

## **REFERRED/DEFERRED MATTERS**

Item R-1  
Rezoning Applic.  
Normand Crescent  
Val Therese  
1232228 Ontario  
Inc.

Report dated November 20, 2002 was received from the General Manager, Public Works, regarding rezoning application, Normand Crescent, Val Therese - 1232228 Ontario Inc.

This matter was referred back to the Planning Committee by City Council on November 26, 2002 in order that clarification could be obtained from the General Manager of Public Works regarding the condition requested by the Technical Services Section to be imposed by the Consent Official.

The General Manager of Public Works gave a presentation regarding the conditions and responded to questions from Members of the Committee concerning the conditions.

The following motion was presented:

Dupuis- Bradley: 1. That the application by 1232228 Ontario Inc. to amend By-law 83-300 being the Comprehensive Zoning By-law for the (former) City of Valley East from "A", Agricultural Reserve to "R1.D18", Single Residential with respect to those lands described as Part of Parcels 1032 and 53559 S.E.S. and Parts 7, 8, 9, 10 & 11, Plan 53R-16878 in Lot 7, Concession 1, Township of Hanmer, be recommended for approval subject to the following condition:

- a) That prior to the passage of an amending zoning by-law the proponent shall provide the Planning Services Division with a registered plan of survey which describes the lands to be rezoned.
2. That Consent Applications B0075/2002 and B0076/2002 be allowed to proceed through the consent process.

That the Consent Official be directed not to imposed Condition #4 as requested by the Public Works - Technical Services Section.

**REFERRED/DEFERRED MATTERS (Cont'd)**

Item R-1  
Rezoning Application  
Normand Crescent  
Val Caron  
1232228 Ontario Inc.

A recorded vote was requested on the following amendment to the main motion:

**Recommendation 2002-96**

Bradley-McIntaggart: That the following be deleted from the motion:

“That the Consent Official be directed not to impose Condition #4, as requested by the Public Works-Technical Services.”

YEAS

Bradley  
McIntaggart

NAYS

Dupuis  
Portelance  
Kilgour

DEFEATED

The main motion was once again presented:

**Recommendation 2002-97**

Dupuis- Bradley: 1. That the application by 1232228 Ontario Inc. to amend By-law 83-300 being the Comprehensive Zoning By-law for the (former) City of Valley East from “A”, Agricultural Reserve to “R1.D18”, Single Residential with respect to those lands described as Part of Parcels 1032 and 53559 S.E.S. and Parts 7, 8, 9, 10 & 11, Plan 53R-16878 in Lot 7, Concession 1, Township of Hanmer, be recommended for approval subject to the following condition:

a) That prior to the passage of an amending zoning by-law the proponent shall provide the Planning Services Division with a registered plan of survey which describes the lands to be rezoned.

2. That Consent Applications B0075/2002 and B0076/2002 be allowed to proceed through the consent process.

That the Consent Official be directed not to imposed Condition #4 as requested by the Public Works - Technical Services Section.

CARRIED

Adjournment

**Recommendation #2002-98**

Portelance-Dupuis: That we do now adjourn.  
Time: 10:00 p.m.

CARRIED

---

DEPUTY CITY CLERK

---

CHAIR DAVE KILGOUR PRESIDING