

## Jack Nicholas Business and Innovation Subdivision, Sudbury

Presented To:	Planning Committee
Meeting Date:	August 29, 2022
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-6/10002

## Report Summary

This report provides a recommendation regarding an extension to the draft plan of subdivision approval of the Jack Nicholas draft approved plan of subdivision (File # 780-6/10002) in the community of Sudbury for a period of two years until October 26, 2024.”

## Resolution

THAT the City of Greater Sudbury’s delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon, File # 780-6/10002, in the report entitled “Jack Nicholas Business and Innovation Subdivision, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 29, 2022, as follows:

- By replacing Condition #10 with the following:

“10. That this draft approval shall lapse on October 26, 2024.”
- In Condition #16, by adding the following to the end of the paragraph:

"The geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O.Reg. 406/19."
- By replacing Condition #29 with the following:

"29. The owner shall complete to the satisfaction of the Director of Planning Services of the City of Greater Sudbury and Canada Post:

  - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
    - i) That the mail delivered will be from a designated Community Mail Box.
    - ii) That the developers/owners be responsible for officially notifying the purchasers of the Community Mail Box locations prior to the closing on any sales.

b) The owner further agrees to:

- i) Install concrete pads in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. Three Community Mail Box modules are required to be located on the northeast side of the intersection of Street A and Street B. Canada Post will need to be informed of the excavation date for the first foundation, the date development work is scheduled to begin, when the pads are in place, and expected installation date for the Community Mailboxes.
- ii) Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation. Provide curb depressions at the community mailbox site location(s). These are to be 2 meters in width and no higher than 25 mm.
- iii) Determine the location of all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.”

- By deleting Condition #42 in its entirety.

- By adding a new Condition #44:

“44. The owner must identify the limits of the wetlands within the entire site. Wetlands must be mapped by a qualified professional (Ontario Wetland Evaluation System certified). Development must comply with Conservation’s Sudbury wetland guidelines.”

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The application to extend this draft plan of subdivision approval is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to business attraction, development and retention. The application aligns with the Community Energy and Emissions Plan (CEEP) by supporting the strategy of compact, complete communities.

## **Financial Implications**

If the extension is approved, staff is not able to estimate the development charges or the taxation revenue at this time.

Also, this development falls within the Kingsway Industrial Park – Sewer and Water Enhancements project area and would be subject to Section 391 Charges relating to this growth related infrastructure project from 2007. The Section 391 Charges are also unknown. If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (i.e., roads, water/wastewater linear pipes, etc).

## **Report Overview**

The owner has requested an extension to the draft plan of subdivision approval of the Jack Nicholas draft approved plan of subdivision (File # 780-6/10002) in the community of Sudbury for a period of two years until October 26, 2022. The Planning Services Division is recommending approval of the application.

The Planning Services Division has reviewed the request to extend the draft approval and has no objections to the requested extension for a period of two years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

## **Staff Report**

### **Applicant:**

1777222 Ontario Ltd. & 1777223 Ontario Ltd.

### **Location:**

PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon (Kingsway Boulevard, Sudbury)

### **Application:**

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on October 26, 2010. Extensions to the draft approval have been provided since 2010 with the current lapsing date being October 26, 2022.

### **Proposal:**

The owner is requesting that the draft approval for the above noted lands be extended for a period of two years until October 26, 2024.

### **Background:**

The City received a request from the owner on June 22, 2022 to extend draft approval on a plan of subdivision for a period of two years on those lands described as PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon.

The Jack Nicholas Business & Innovation Subdivision was draft approved on October 26, 2010 to enable development of an industrial/business park. The lands are currently zoned to permit a variety of industrial uses. The lapsing date on the draft approval was extended in 2014, 2016, 2018, and 2020. The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on October 26, 2022.

Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to October 26, 2024.

Owners are advised to contact the Planning Services Division a minimum of four months prior to the lapsing date in order to facilitate the processing time associated with draft plan of subdivision approval extension requests in accordance with subsection 51(33) of the Planning Act.

## **Departmental & Agency Circulation:**

Infrastructure and Capital Planning Services, Building Services, Development Engineering, Environmental Planning Initiatives, Conservation Sudbury, Transit Services, Fire Services, and Canada Post have each advised that they have no concerns from their respective areas of interest. In some cases, they have recommended technical updates or revisions.

The lands are within the Ramsey Lake Intake Protection Zone 3 and Issue Contributing Area. Water/Wastewater staff have advised that an amendment to the Risk Management Plan for this area may be necessary before the activities are established on site.

Building Services has requested the following be added to the geotechnical requirements of Condition #16: "The geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O.Reg. 406/19."

Canada Post has provided updated comments regarding the location of the required Community Mailbox Modules, information to be provided to purchasers, and other Canada Post requirements.

Environmental Planning Initiatives has advised that Condition 42 should be deleted. The owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the Endangered Species Act.

Conservation Sudbury is requesting the following condition be added: "The owner must identify the limits of the wetlands within the entire site. Wetlands must be mapped by a qualified professional (Ontario Wetland Evaluation System certified). Development must comply with Conservation's Sudbury wetland guidelines."

## **Planning Considerations:**

### [Official Plan](#)

Section 20.4.2 of the Official Plan for the City of Greater Sudbury addressing draft plan of subdivision approvals outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications.

The owner has advised that the request for the extension is based on unforeseen delays due to several factors, though stormwater management design is underway, and site work is expected to commence by the end of 2022.

Development Engineering has advised that construction drawings for Phase 1 were approved in 2013. A modification to the construction drawings was submitted in December 2019 and approval of these drawings will be required prior to construction.

Staff is satisfied that the owner is making reasonable efforts towards developing the subdivision.

### **Draft Approval Conditions**

Condition #10 should be deleted entirely and replaced with a sentence referring to October 26, 2024, as the revised date on which the subject draft plan of subdivision approval shall lapse.

As requested by Building Services, Condition #16 is recommended to be updated to require the geotechnical engineer to address on-site and excess soils in accordance with provincial requirements under the Environmental Protection Act.

Canada Post has provided updated comments, and Condition #29 is recommended to be replaced with the following:

“29. The owner shall complete to the satisfaction of the Director of Planning Services of the City of Greater Sudbury and Canada Post:

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- i) That the mail delivered will be from a designated Community Mail Box.
- ii) That the developers/owners be responsible for officially notifying the purchasers of the Community Mail Box locations prior to the closing on any sales.

b) The owner further agrees to:

- i) Install concrete pads in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. Three Community Mail Box modules are required to be located on the northeast side of the intersection of Street A and Street B. Canada Post will need to be informed of the excavation date for the first foundation, the date development work is scheduled to begin, when the pads are in place, and expected installation date for the Community Mailboxes.
- ii) Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation. Provide curb depressions at the community mailbox site location(s). These are to be 2 meters in width and no higher than 25 mm.
- iii) Determine the location of all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.”

As requested by Environmental Planning Initiatives, Condition #42 is recommended to be deleted in its entirety. Condition #42 would require the owner to satisfy all provincial requirements related to the Endangered Species Act prior to final plan approval. However, the owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the Endangered Species Act.

As requested by Conservation Sudbury, and additional condition is recommended requiring the owner to identify the limits of the wetlands within the entire site by a qualified professional, and comply with Conservation's Sudbury wetland guidelines.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments. The draft conditions are attached to this report along with the draft approved plan of subdivision for reference purposes.

The owner has paid the applicable processing fee in the amount of \$2355.83, which was calculated as per [By-law 2017-222](#) being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

## **Summary:**

The Planning Services Division has reviewed the request to extend the subject draft approval and has no objections to the requested extension. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Appropriate changes, where identified, have been included in the Resolution section of this report and will now form part of the draft plan approval if approved by Council. The Planning Services Division therefore

recommends that the application to extend the draft approval for the Jack Nicholas Business & Innovation Park Subdivision for a period of two years until October 26, 2024, be approved as outlined in the Resolution section of this report.