

Bonaventure Subdivision, Chelmsford

Presented To:	Planning Committee
Meeting Date:	February 22, 2023
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-5/10001

Report Summary

This report provides a recommendation regarding an application to extend the draft plan approval pertaining to the Bonaventure Subdivision for a period of three years until November 25, 2025.

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 Lots 64-95, 97-117, 127-175, Blocks D, E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour, File # 780-5/10001, in the report entitled "Bonaventure Subdivision, Chelmsford" from the General Manager of Growth and Infrastructure, presented at the meeting of February 22, 2023, as follows:

1. By deleting the words "Union Gas" and replacing them with "Enbridge Gas" in Condition #13;
2. By deleting Condition #25 and replacing it with the following:
"25. That this draft approval shall lapse on November 25, 2025.";
3. By adding the number "3" after the word "Conditions" in Condition #28; and,
4. By deleting Conditions #6 and #8 and inserting a new Condition #39 as follows:
"39. A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City. The report must address the following requirements:
 - a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 2-year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 2-year design storm. Any resulting post development runoff more than this permissible discharge rate must be controlled and detained within the plan of subdivision;

- b) The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100-year design storm or regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100-year design storm or regional storm event, whichever is greater;
- c) "Enhanced" level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks;
- d) Stormwater management must follow the recommendations of the Whitson River Subwatershed Study;
- e) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan;
- f) The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure;
- g) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties;
- h) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted; and;
- i) The owner shall be responsible for the design and construction of any required stormwater management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development."

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 to extend an existing draft plan of subdivision approval does not either directly align with or negatively impact any of strategic goals and objectives that are identified within the City's Strategic Plan.

The application to extend an existing draft plan of subdivision approval is not expected to have any direct negative impacts on stated goals and recommendations contained within the CEEP.

Financial Implications

If approved, staff estimates approximately \$428,000 in taxation revenue, based on the assumption of 83 single family detached dwelling units based on an estimated assessed value of \$400,000 per dwelling unit at the 2022 property tax rates.

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.

In addition, this would result in total development charges of approximately \$1.8 million based on assumption of the 83 single family detached dwelling units and based on the rates in effect as of the date of this report.

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 (ie. roads, water/wastewater linear pipes, etc).

Report Overview

The owner has requested an extension to the draft plan approval for the Bonaventure Subdivision in the community of Chelmsford for a period of three years until November 25, 2025. The Planning Services Division has reviewed the request to extend the draft approval and have no concerns with respect to the requested extension for a period of three 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.

Staff advises that Condition #25 should be amended to reflect a new lapsing date of November 25, 2025. Other administrative and housekeeping changes where necessary are also included and outlined in the Resolution section of this report.

The Planning Services Division is recommending approval of the application to extend the draft approved plan of subdivision for a period of three years until November 25, 2025. 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:

Bonaventure Development Company Ltd.

Location:

Lots 64-95, 97-117, 127-175, Blocks D, E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour (Pinellas Road & Keith Avenue, Chelmsford)

Application:

To extend the draft approval conditions for a plan of subdivision (ie. Bonaventure) which were approved initially by Council on November 25, 2010. The draft approval was last extended by Planning Committee on April 25, 2022, which was then ratified by Council on May 20, 2022.

Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until November 25, 2025.

Background:

The City received a written request via email and letter from the agent for Bonaventure Development Company Ltd. on November 4, 2022, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as Lots 64-95, 97-117, 127-175, Blocks D, E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour. The draft approved plan of subdivision was initially approved by Council for a total of 83 urban residential lots permitting single-detached dwellings to the east of Edward Avenue and to the north of Keith Avenue and to the south of Pinellas Road in the community of Chelmsford. The lots within the draft approved plan of subdivision are to be accessed from both Keith

Avenue and Pinellas Road.

The draft approval was set to expire again on November 25, 2022. It is noted however that a temporary administrative extension to the draft approval was granted until March 25, 2023, in order to have the extension request considered by Planning Committee and a decision ratified by Council. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to November 25, 2025.

Departmental & Agency Circulation:

Active Transportation, Building Services, Conservation Sudbury, Operations, Roads, and Transit Services have each reviewed the request to extend the draft approval and have advised that they have no concerns from their respective areas of interest.

Canada Post has not requested any changes to the draft approval conditions. Canada Post did however provide a letter which is attached to this report for the owner's information and reference purposes. The owner is advised that comments from Canada Post have taken into account the changes made to the draft plan of subdivision following the most recent planning applications (ie. rezoning and re-drafted plan of subdivision).

Development Engineering has no concerns with the draft approval extension request and note that the existing draft approval conditions as it pertains to their area of interest are satisfactory. Development Engineering has advised that the most recent construction drawings for the Bonaventure Subdivision were reviewed and approved on December 12, 2014. It is noted however that since that time the lands have been rezoned to permit a range of residential built-forms and a new submission of construction drawings were then submitted in May 2022, which have been forwarded to the Ministry of Environment, Conservation and Parks (MECP) for approval.

The City's Drainage Section has requested that Conditions #6 and #8 be deleted in favour of a comprehensive and standardized condition addressing storm-water management requirements as it relates to the development of the Bonaventure Subdivision. The changes are incorporated into the resolution of this report.

Transportation and Innovation Support have advised that semi-detached dwellings may be problematic at the corners of Adam Crescent or Winnipeg Street due to concerns with winter maintenance and snow storage.

Planning Considerations:

[Planning Act](#)

Section 51 of the Planning Act has established two land use planning principles with respect to the initial approval of a draft plan of subdivision and how extensions to an existing draft approved plan of subdivision are to be addressed.

First, Section 51(32) allows for a municipality to provide a lapsing date on a draft approved plan of subdivision of not less than three years and the draft approval is considered to have lapsed at the end of the specified time period. Section 51(33) allows for a municipality to extend draft approval beyond the initial period for a time specified by the municipality.

Section 51(33.1) of the Planning Act also now allows municipalities to reinstate draft plans of subdivision that have lapsed within the past five years without a new subdivision application being required. This exemption does not apply where the approval has previously been deemed not to lapse using this provision of the Planning Act or if there is an agreement entered into for the sale of the land under which the draft approved plan of subdivision is applicable. If the draft plan of subdivision is deemed not to have lapsed, the municipality must specify a time when the reinstated draft approval lapses.

In practice, staff would note that where a draft plan of subdivision has lapsed there is nothing preventing a landowner from filing another draft plan of subdivision application for consideration. The re-application is treated as a new application and all requirements under Section 51 are applicable (eg. a public hearing would be required).

Lapsing conditions are imposed by a municipality to ensure that development once approved will proceed in an expeditious manner. The municipality is most typically concerned that development takes place within the current policy and regulatory framework and especially where scarce services or capacity to service development have been committed to the draft approved plan of subdivision. Three years is generally considered to be sufficient time to clear conditions of draft approval and proceed to registering a plan of subdivision. Section 51(33) allows for some flexibility whereby some additional time can be afforded to a landowner where they are actively pursuing the clearing of draft approval conditions.

Second, Section 51(44) on the other hand allows for a municipality to withdraw draft approval of a plan of subdivision at its discretion or to change the conditions of a draft approval at any time before the registration of a plan of subdivision.

Appeal rights in both cases noted above are found under Section 51 of the Planning Act should a landowner or interested party wish to appeal a refusal to extend a lapsing date, a change of conditions or the complete withdrawal entirely of a draft approval by a municipality.

[2020 Provincial Policy Statement](#)

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the PPS. Settlement areas, employment areas, housing and housing supply, provision of public spaces, sewage and water capacities, transportation, natural heritage areas, natural hazards and human-made hazards are some examples of areas of provincial interest that a draft approved plan of subdivision may impact and should be considered when an initial approval is granted as well as when an extension to an existing draft approval is granted. The PPS is updated from time-to-time by the Province and any draft approval extension should be considered within the context of the in-force PPS at the time an extension request is made.

[Official Plan](#)

Section 19.4.2 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.

Staff notes that this particular draft plan approval was originally approved by Council on November 25, 2010. At the time of writing this report, there have been no phases and/or lots registered within the Bonaventure Subdivision. The owner's agent noted in their draft approval extension request that they intend on constructing the subdivision and are presently working on clearing the conditions imposed by the City's Planning Committee and Council as it relates the rezoning of the lands to permit a broader mix of residential built-forms.

Planning Analysis:

With respect to the City's Official Plan, staff advises that Phase 2 of the City's Official Plan Review is in part examining issues related to water and waste-water capacities and demands. Section 19.4.2 of the City's Official Plan in particular has been identified as being a policy requiring an update to address municipal infrastructure capacities and demand issues. Staff through this process will consider the embedding of criteria into this section to strengthen the policy position and to better clarify what constitutes reasonable effort on behalf of a landowner when they seek to extend a draft approved plan of subdivision. Internal procedures and application requirements for extension requests are also under review and a stronger

“landowner onus” approach will be applied to extension requests in the future once said procedures are established. The owner is cautioned however that future draft approval extensions may be subject to review under strengthened criteria embedded in the Official Plan through the City’s Phase 2 Official Plan Review.

Draft Approval Conditions

Condition #25 should be deleted entirely and replaced with a sentence referring to November 25, 2025, as the revised date on which the draft plan approval for the Bonaventure Subdivision shall lapse.

Conditions #6 and #8 should be deleted entirely in favour of a new condition addressing the stormwater management requirements for the Bonaventure Subdivision.

Conditions #13 and #28 should be amended for administrative and housekeeping purposes.

No other administrative and housekeeping changes to the draft approval documents are required at this time. No other changes beyond those described in this report to the draft approval documents have been requested either by the owner or by circulated agencies and departments.

The existing draft approval conditions are attached to this report along with a copy of the draft approved plan of subdivision for reference purposes.

Processing Fees

The owner has provided the applicable processing fee in the indexed amount of \$3,293.75. This amount was calculated as per [By-law 2020-26](#) being the indexed Miscellaneous User Fees for Certain Services By-law that was in effect at the time the request to extend the draft approval was made by the owner.

Summary

The Planning Services Division have reviewed the request to extend the draft approved plan of subdivision (ie. Bonaventure Subdivision) and have no concerns with respect to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approved plan of subdivision.

Appropriate changes where determined to be appropriate are explained within this report and have been included in the Resolution section of this report and would now form part of the draft plan approval if approved by Council. The owner is also cautioned that future draft approval extensions may be subject to review under strengthened criteria embedded in the Official Plan through the City’s Phase 2 Official Plan Review.

The Planning Services Division therefore recommends that the application to extend the draft approval for the Bonaventure Subdivision for a period of three years until November 25, 2025, be approved as outlined in the Resolution section of this report.