

## Request for Decision

### Extension to draft plan of subdivision approval, Pondsview Subdivision, Pondsview Court, Sudbury - Dalron Construction Ltd

|               |                            |
|---------------|----------------------------|
| Presented To: | Planning Committee         |
| Presented:    | Monday, Sep 29, 2014       |
| Report Date   | Friday, Sep 12, 2014       |
| Type:         | Routine Management Reports |
| File Number:  | 780-6/93009                |

### Recommendation

THAT the City of Greater Sudbury, upon payment of Council's processing fee of \$1,195.00, amend the conditions of draft approval for the draft plan of subdivision on those lands known as Part of Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R 14976, Lots 4 & 5, Concession 6, Township of Broder, File #780-6/93009, as follows:

1. By deleting Condition #3 and replacing it with the following:

"3. That any dead ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land."

2. By deleting Condition #4 and replacing it with the following:

"4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By laws of the Municipality in effect at the time such plan is presented for approval."

3. By deleting Condition #5 and replacing it with the following:

"5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances."

4. By deleting Condition #7 and replacing it with the following:

"7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities."

#### Signed By

**Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Sep 12, 14*

**Reviewed By**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Sep 12, 14*

**Recommended by the Division**

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Sep 12, 14*

**Recommended by the Department**

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Sep 12, 14*

**Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Sep 12, 14*

5. By deleting the words "Public Works" and replacing it with "Infrastructure Services" in Condition #11.

6. By adding the following sentence to Condition #11:

"The owner shall also submit a Record of Site Condition for the property to the satisfaction of the Chief Building Official."

7. By deleting the words "Public Works" and replacing it with "Infrastructure Services" in Condition #15.

8. By deleting the words "#13" and "#16" from Condition #24.

9. By deleting Condition #27 and replacing it with the following:

"27. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning is to be advised by the General Manager of Infrastructure Services, that sufficient sewage treatment capacity and water capacity exists to service the development."

10. By deleting Condition #28 and replacing it with the following:

"28. That this draft approval shall lapse on April 16, 2017."

11. By deleting Condition #29 and replacing it with the following:

"29. The owner is required to provide a cash contribution in lieu of onsite stormwater quality controls. The amount of said contribution shall be equivalent to the cost of a Stormceptor STC 750 and shall be calculated and paid at the time of subdivision registration to the satisfaction of the General Manager of Infrastructure Services."

12. By replacing the words "Public Works" with "Infrastructure Services" in Condition #30.

13. By deleting Condition #32 and replacing it with the following:

"32. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced."

14. By deleting the word "Persona." in Condition #33 and replacing it with "Eastlink."

15. By adding a new Condition #36 as follows:

"36. Sanitary sewer capacity issues have been identified downstream of this development. Capacity issues must be resolved prior to development proceeding. Contributing parties are required to cost share in the solution, this development is a contributing party and will cost share in the solution to the satisfaction of the General Manager of Infrastructure Services."

16. By adding a new Condition #37 as follows:

"37. Prior to any vegetation removal or other site alteration on the subject lands, the owner shall consult with the Ministry of Natural Resources with respect to the presence of any species at risk under the Endangered Species Act. The owner shall demonstrate to the satisfaction of the Director of Planning Services that all requirements set out by MNR under the Endangered Species Act have been satisfied."

17. By adding a new Condition #38 as follows:

"38. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall

be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.”

18. By adding a new Condition #39 as follows:

“39. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.”

19. By adding a new Condition #40 as follows:

“40. The geotechnical report in Condition #38 will provide recommendations and specifications on the following activity as a minimum but not limited to:

i. Pre-blast survey of surface structures and infrastructure within affected area; ii. Trial blast activities; iii. Procedures during blasting; iv. Procedures for addressing blasting damage complaints; v. Blast notification mechanism to adjoining residences; and, vi. Structural stability of exposed rock faces.

The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.”

20. By adding a new Condition #41 as follows:

“41. Should the developer’s schedule require to commence blasting and rock removal prior to the site plan agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury’s By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.”

21. By adding a new Condition #42 as follows:

“42. The developer shall agree in the subdivision agreement that:

a) Prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.

b) To include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.

c) The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations.

d) To provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:

·Any required walkway across the boulevard, per municipal standards; ·Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications); and, ·A Community Mailbox concrete base pad per Canada Post specifications.”

## **STAFF REPORT**

**Applicant:**

Dalron Construction Ltd.

**Location:**

Part of Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder (Pondsvie Court, Sudbury)

**Application:**

To extend the draft approval conditions which were approved and extended by Council previously on March 30, 2011 and are set to expire following temporary extensions on October 16, 2014 for a draft plan of subdivision on those lands known as Part of Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder.

**Proposal:**

The applicant is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until April 16, 2017.

**Background:**

The City initially received a request from Dalron Construction Ltd. on October 13, 2013 to extend draft approval on a plan of subdivision for a period of three years on those lands described as Part of Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder. The subject draft approval of a plan of subdivision is for 20 single-detached dwelling lots to the north of Countryside Drive in Sudbury.

The previous draft approval extension was granted on March 30, 2011 and was initially set to expire on April 16, 2014. Temporary extensions have been granted in order to facilitate a full circulation of the draft approval extension request. The request from Dalron Construction Ltd. is therefore to extend their draft approval for a period of three years until April 16, 2017. Staff has circulated the request to relevant agencies and departments for comment and is now bringing forward this report to extend the draft approval to April 16, 2017.

**Departmental & Agency Comments:**

Building Services

No objections. However, we would like to add additional conditions as follows:

1. A record of site condition will be required for the automobile wrecking yard outlined in Condition 11. Such record of site condition shall be submitted to the satisfaction of the Chief Building Official.
2. The draft plan approval of the property shall require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:
  - a. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of

Ontario with a minimum of five (5) years experience related to blasting.

b. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.

c. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:

- Pre-blast survey of surface structures and infrastructure within affected area
- Trial blast activities
- Procedures during blasting
- Procedures for addressing blasting damage complaints
- Blast notification mechanism to adjoining residences
- Structural stability of exposed rock faces

d. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.

e. Should the developer's schedule require to commence blasting and rock removal prior to the site plan agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.

3. A soils report prepared by a qualified geotechnical professional shall be submitted for review, to the satisfaction of the Chief Building Official, documenting construction parameter for the residential structures such as soil bearing capacity, frost cover for foundations and groundwater table characteristics affecting sub-soil foundation drainage and sump pump design.

### Canada Post

No concerns. Canada Post has the following comments:

#### 1. *Service type and location*

a) Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).

b) Given the number and the layout of the lots in the subdivision, we have determined that the CMB will be installed on 1 site. These sites are listed below and are identified on the site plan:

- North-east of Lot 20.

c) The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.

d) The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.

- e) The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- f) The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- g) The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
- Any required walkway across the boulevard, per municipal standards;
  - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications); and,
  - A Community Mailbox concrete base pad per Canada Post specifications.

## 2. *Municipal requirements*

- a) Please update our office if the project description changes so that we may determine the impact (if any).
- b) Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

## 3. *Developer timeline and installation*

- a) Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

## Development Engineering

Condition #33 should be amended by revising "Persona" to "Eastlink".

## Drainage

Please delete Condition #29 and replacing it with the following:

"The owner is required to provide a cash contribution in lieu of onsite stormwater quality controls. The amount of said contribution shall be equivalent to the cost of a Stormceptor STC 750 and shall be calculated and paid at the time of subdivision registration to the satisfaction of the General Manager of Infrastructure Services."

## Environmental Planning Initiatives

The Sudbury District office of the Ontario Ministry of Natural Resources (MNR) has advised the City of Greater Sudbury's Planning Services Division that the subject lands have the potential to serve as habitat for the Blanding's Turtle, a species designated as "Threatened" in Ontario by the MNR.

The proponent will need to contact the Sudbury District MNR and satisfy all requirements set out by the

MNR under the Endangered Species Act prior to any site alteration or construction taking place on the subject lands.

Nickel District Conservation Authority

No concerns.

Operations

No comments.

Roads, Traffic and Transportation

No concerns.

**Planning Considerations:**

Draft Approval Conditions

Condition #28 should be deleted entirely and replaced with a sentence referencing April 16, 2017 as the revised date on which the subject draft plan approval shall lapse. Other agencies and departments have requested several changes and additions to the draft conditions and several other conditions have been updated to reflect standard draft condition wording. Building Division has requested that blasting conditions be added (Conditions 38 to 41). Environmental Planning Initiatives have indicated that the subject lands have the potential to serve as habitat for the Blanding's Turtle, a species designated as "Threatened" in Ontario by the MNR. Condition #37 has been added to the draft conditions in order to address this concern. Staff would also note that Canada Post provided extensive comments based on a review of the subdivision and a new Condition 42 has been added. No other changes to the draft approval documents have been requested either by the applicant or by circulated agencies and departments. The draft conditions are attached to this report along with a sketch of the draft approved plan of subdivision for reference purposes.

Processing Fees

The applicant will be required to pay the applicable processing fee in the amount of \$1,195.00. It is recommended that the draft approval extension be granted upon receipt of Council's processing fee from the applicant. The amount is calculated as per By-law 2014-3 being the User Fees By-law:

**2014 Application Fee**

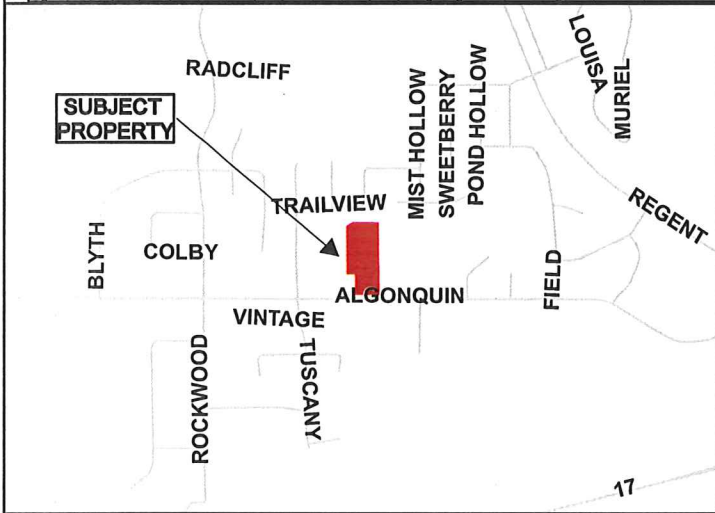
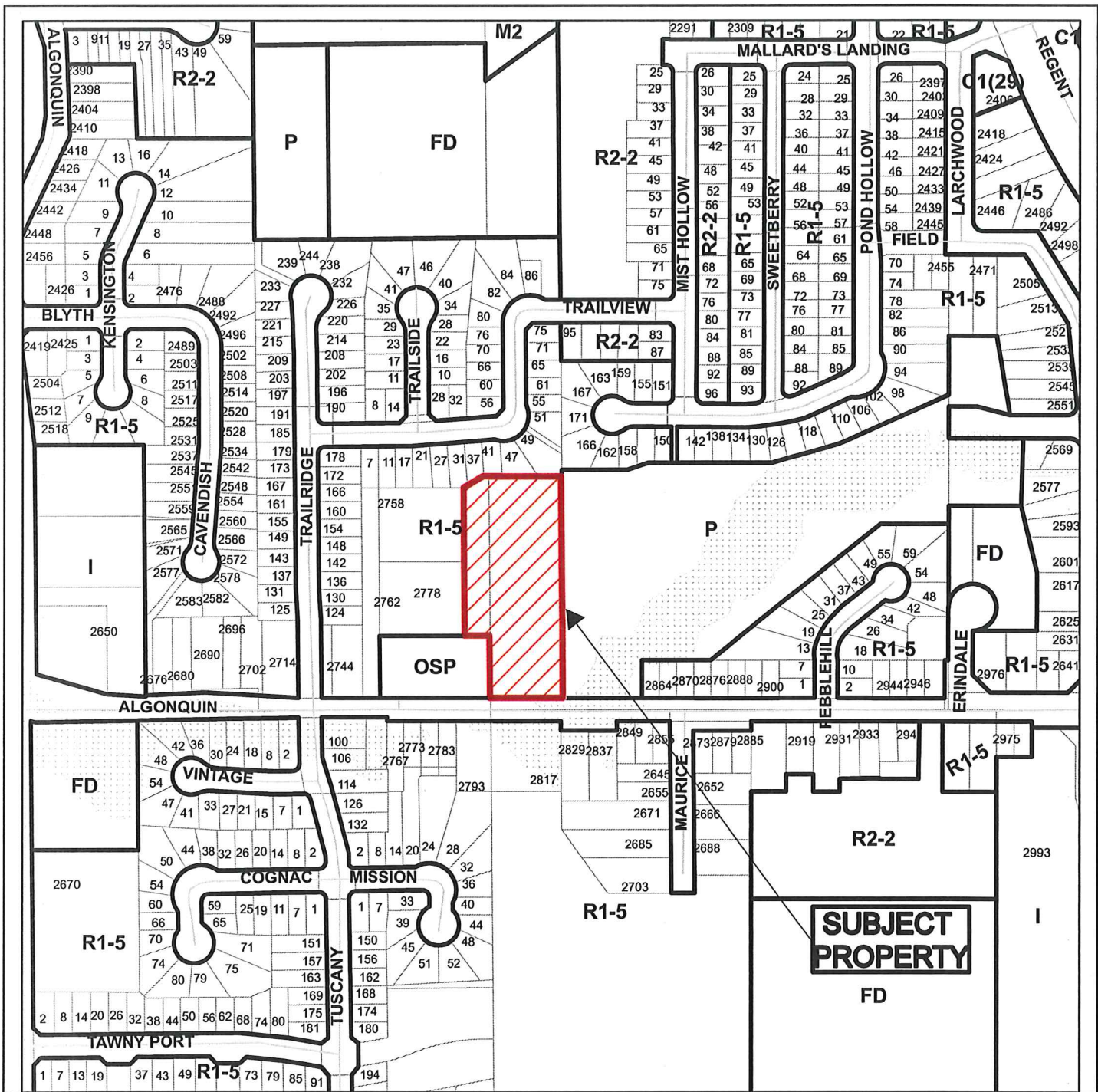
|  |                   |
|--|-------------------|
| Base Fee   | \$2,660.00        |
| 20 x \$106.00  | \$2,120.00        |
| Total Fee  | \$4,780.00        |
| Maximum Applicable Fee                                 | \$4,780.00        |
| <br>   |                   |
| 25% of Application Fee (3 year extension)              | \$1,195.00        |
| <br>   |                   |
| <b>Total Maximum Applicable Fee (3 year extension)</b> | <b>\$1,195.00</b> |

**Summary:**


Planning Services Staff have reviewed the request to extend the subject draft approval and have no objections 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 of the subdivision. The draft approval conditions should however be amended as described in the recommendation section of this report in order to address the comments received from agencies and departments.

The Planning Services Division therefore recommends that the application to extend draft approval for a period of three years until April 16, 2017 be approved subject to the applicant paying the appropriate processing fee in the amount of \$1,195.00.





Growth and Development  
Department

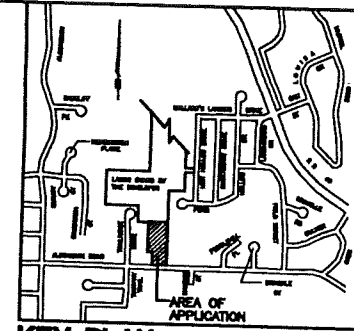
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Subject Property being PINs 73475-1373 & 73478-9526, Parts 1 - 19, Plan 53R-14976, Lot 5, Con. 6, Twp. of Broder, Algonquin Road, Sudbury, City of Greater Sudbury

Sketch 1  
NTS

780-6/93009  
Date: 2011 02 09

# REVISED DRAFT PLAN OF SUBDIVISION

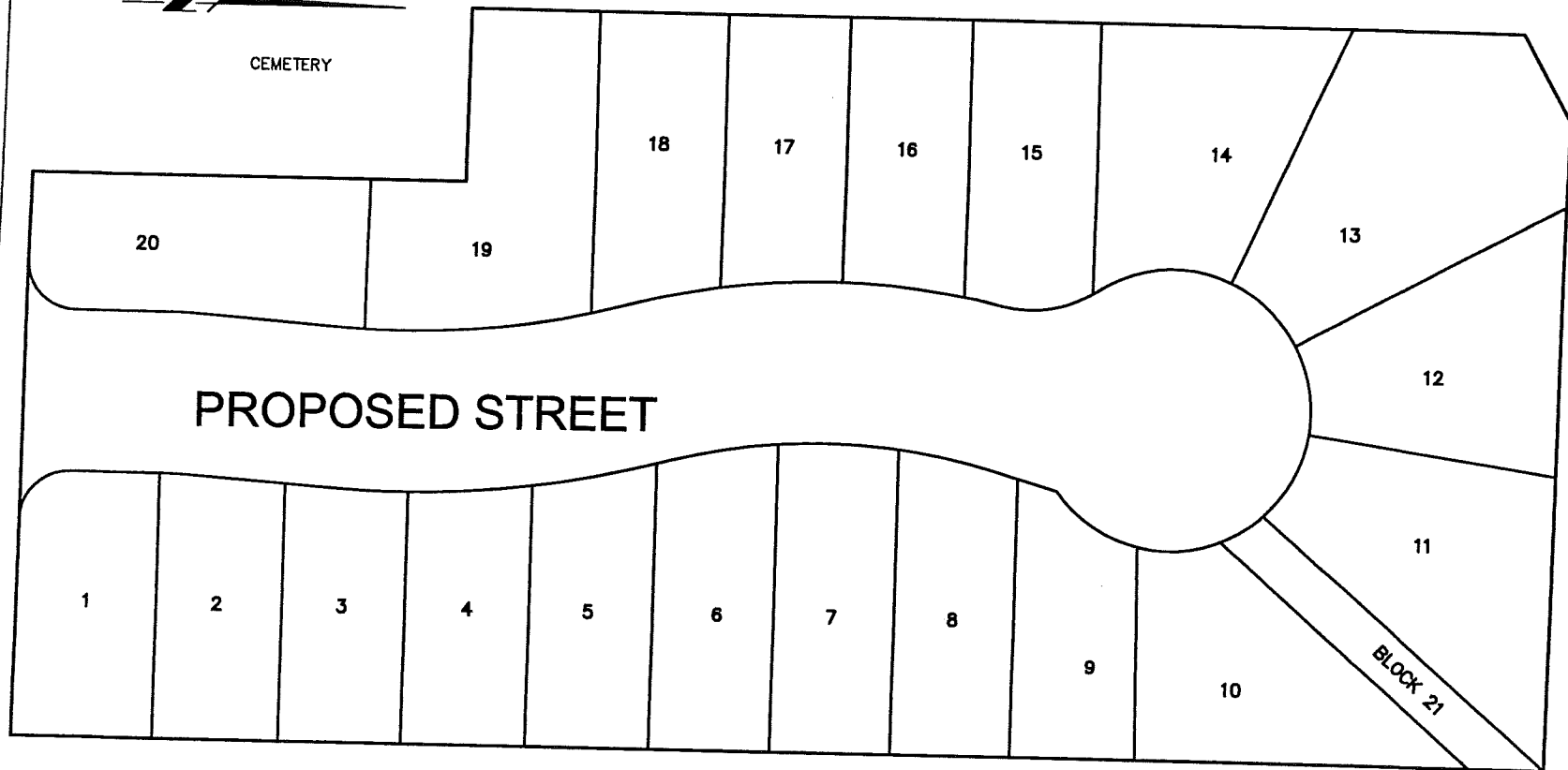


KEY PLAN



CEMETERY

ALGONQUIN ROAD



PART OF PARCELS 48646, 50208 & 49405 S.E.S.  
BEING PARTS 1-19 AS SHOWN ON PLAN 53R-14796  
LOTS 4 & 5, CON. 6, TOWNSHIP OF BRODER,  
CITY OF GREATER SUDBURY, DISTRICT OF SUDBURY

MARCH 12, 2003

**CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:**

1. That this draft approval applies to the draft plan of subdivision of Part of Parcels 48646, 50208 and 49405 S.E.S., being Parts 1 to 19, Plan 53R-14796, in Lots 4 and 5, Concession 6, Broder Township, City of Greater Sudbury as shown on a plan prepared by Terry Del Bosco, O.L.S. and dated March 12, 2003.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in one-foot reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That the lot areas, frontages and depths appearing on the final plan shall not violate the requirements of the Restricted Area By-laws of the Municipality in effect and approved by the Ontario Municipal Board at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, installation of services and drainage.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. That 5% of the land included in the plan of subdivision or its equivalent be deeded to the City of Greater Sudbury for parks purposes pursuant to Subsection 51(5)(a) of the Planning Act, R.S.O. 1990.
10. That prior to the signing of the final plan, Block 21/the footpath, be constructed and dedicated to the City of Greater Sudbury free of all encumbrances to the satisfaction of the Director of Leisure Services.
11. That prior to the signing of the final plan the owner shall certify that the former automobile wrecking yard has been decommissioned in accordance with Ministry of the Environment and Energy requirements and that the site is suitable for residential development to the satisfaction of the General Manager of Public Works of the City of Greater Sudbury and the Director of Building Controls/Chief Building Official.

12. That the developer prepare a sediment control plan for the construction phase of the project to the satisfaction of the Nickel District Conservation Authority and the General Manager of Growth and Development.
13. Deleted by Resolution #2003-24.
14. That the developer prepare a lot grading/drainage plan addressing storm water runoff from this developed subdivision to the adjacent waterway park to the satisfaction of the Nickel District Conservation Authority and the City of Greater Sudbury. The detailed lot grading plan is to be prepared by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties as per the City's Lot Grading Policy.
15. That prior to the signing of the final plan the owner shall submit a detailed Lot Grading Plan including the Regional Storm flow path to the satisfaction of the General Manager of Public Works.
16. Deleted.
17. That a 0.3 metre reserve be placed on Lots 1 and 20 so as to restrict access to the common lines farthest removed from the intersection.
18. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
19. Deleted by Resolution #2003-108.
20. Deleted by Resolution #94-151.
21. Deleted by Resolution #94-151.
22. That prior to the signing of the final plan the Ministry of Transportation right-of-way over Lots 28 to 49 inclusive is to be removed to the satisfaction of the City Solicitor.
23. Deleted
24. That prior to the signing of the final plan the Planning and Development Department is to be advised by the City Solicitor that Conditions #2, #5, #6, #7, #8, #9, #10, #11, #13, #14, #15, #16, #17 and #22 have been complied with to his satisfaction.
25. Incorporated into Condition #24.

26. That prior to the signing of the final plan the Economic Development and Planning Services Department is to be advised by the Ministry of Natural Resources that Condition #12 has been complied with to their satisfaction.
27. Draft approval does not guarantee an allocation of sewer and water capacity. Prior to signing of the final plan, the Economic Development and Planning Services Department is to be advised by the General Manager of Public Works that sufficient sewage treatment capacity and water capacity exists to service the development.
28. That this draft approval shall lapse on October 16, 2014.
29. That the owner shall co-ordinate the analysis and design of the storm water conveyance and control systems for this subdivision in conjunction with the recommendations of the Algonquin Road watershed storm water management study. All issues with respect to said storm drainage are to be resolved prior to finalizing engineering drawings. Should the study determine that on-site or 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. The formula for the sharing of cost for any required improvement works will be established after the study is completed.
30. Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Public Works, provide a soils report prepared by a geotechnical engineer licenced in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommended construction procedures for the following items: storm and sanitary sewers, watermain, roads, surface drainage works including erosion control and slope stability (if applicable).
31. Deleted by Resolution #2003-108.
32. 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 of the resultant parcel fabric shall formulate part of this requirement.
33. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
34. The owner provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.

35. The owner provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.