

Request for Decision PLANNING COMMITTEE



Type of Decision					
Meeting Date	November 25, 2019			Report Date	October 28, 2019
Decision Requested	<input checked="" type="checkbox"/> x	Yes	<input type="checkbox"/>	No	Direction Only <input type="checkbox"/>

Report Title
Dalron Construction Ltd. – Extension to draft plan of subdivision approval, Agincourt Avenue, Sudbury

Section Review	Division Review	Department Review
Alex Singbush, Manager of Development Approvals	Jason Ferrigan, Director of Planning Services	Tony Cecutti, General Manager, Growth & Infrastructure

Budget Impact	
<input type="checkbox"/>	This report has been reviewed by the Finance Division and the funding source has been identified.
<input type="checkbox"/>	Background Attached
Recommended by the Department	
Report Prepared By:	File #
Wendy Kaufman Senior Planner	780-6/16001

Resolution	
<p>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 known as PINs 73602-0239, 73602-0240 & 73602-0187, Blocks L & M, Plan M-1014, Block 52, Plan 53M-1197, Lot 2, Concession 6, Township of McKim, File 780-6/16001, as outlined in the report entitled "Dalron Construction Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 25, 2019 upon the payment of the processing fee of \$2034.50 as follows:</p> <p>a) By replacing the reference to 'Director of Planning' or 'Director Planning Services of the City of Greater Sudbury' with 'Director of Planning Services in Condition #2 and #30.</p>	
X	Resolution Continued
Recommended by the C.A.O.	
Ed Archer Chief Administrative Officer	

Resolution Cont'd

- b) By replacing the reference to the 'General Manager of Infrastructure' or the 'General Manager of Infrastructure Services' or the 'General Manager of Growth and Development' with the 'General Manager of Growth and Infrastructure' in Condition #3, #24, and #25.
- c) By replacing the reference to the 'Municipality' or 'City of Greater Sudbury' with the 'City' in Condition #4, #5, #6, #7, and #9.
- d) By replacing Condition #10 with the following:

"10. That this draft approval shall lapse on November 29, 2022."
- e) By replacing Condition #13 with the following:

"13. A storm water 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:

 - 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 in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;
 - 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. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision; "enhanced" level must be used for the design of storm water quality controls as defined by the Ministry of the Environment, Conservation and Parks;
 - Storm water management must follow the recommendations of the Junction Creek Subwatershed Study;
 - The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any storm water management plan;
 - 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;

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- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties; and,
- Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

The owner shall be responsible for the design and construction of any required storm water management works to the satisfaction of the General Manager of Growth and Infrastructure and Conservation Sudbury as part of the servicing plans for the subdivision and the owner shall dedicate the lands for storm water management works as a condition of this development.”

f) By adding the following to Condition #14:

“A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor.”

g) By adding the following to Condition #15:

“A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.”

h) By replacing the reference to ‘Ministry of the Environment’ to ‘Ministry of the Environment, Conservation and Parks’ in Condition #26.

i) By replacing the reference to ‘developers/owners’ with ‘owner’ in Condition #29(a), (b) and (e), and #30(a)(ii).

j) By replacing the reference to “Nickel District Conservation Authority” with “Conservation Sudbury” in Condition #31.

k) By deleting Condition #32 in its entirety.

l) By adding a new Condition #33:

“33. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.”

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Relationship to the Strategic Plan/Health Impact Assessment:

The application to extend draft plan of subdivision approval is an operational matter under the Planning Act to which the City is responding.

Report Summary:

The owner has requested an extension to the draft plan of subdivision approval of File # 780-6/16001, Agincourt Avenue, for a period of three years to November 29, 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 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. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

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STAFF REPORT

Applicant:

Dalron Construction Ltd.

Location:

PINs 73602-0239, 73602-0240 & 73602-0187, Blocks L & M, Plan M-1014, Block 52, Plan 53M-1197, Lot 2, Concession 6, Township of McKim

Application:

To extend the draft approval of the 2016 Agincourt Avenue subdivision plan. The subdivision is scheduled to lapse on February 29, 2020 and this is the first time an extension has been requested.

Proposal:

The owner is requesting that the draft approval for the above noted plan of subdivision be extended for a period of three years until November 29, 2022.

Background

Dalron Construction Ltd. is the owner of the draft approved plan of subdivision on lands located to the north of Agincourt Avenue and south of Maley Drive in New Sudbury. The City received a request from Dalron Construction Ltd. on July 25, 2019 to extend the draft approval for a period of three years on those lands described as PINs 73602-0239, 73602-0240 & 73602-0187, Blocks L & M, Plan M-1014, Block 52, Plan 53M-1197, Lot 2, Concession 6, Township of McKim. The draft approved plan of subdivision includes a total of 27 lots for single detached dwellings, and two (2) blocks for multiple residential development.

The lands within the plan of subdivision are designated Living Area 1. The lands are currently zoned 'FD', Future Development, with a portion of the lands subject to a Flood Plan Overlay. A related rezoning application, File 751-6/16-11, has been conditionally approved on the basis of the owner providing a survey that identifies lands to be developed for single residential and medium density uses, as well as lands to be used for the storm water management pond and open space purposes. Lots 1 to 27 and Block 28 for the storm water management pond are to be zoned 'R1-5', Low Density Residential One, Blocks 29 and 30 are to be zoned 'R3-1', Medium Density Residential, and the balance of the lands are to be zoned 'OSC', Open Space Conservation.

The most recent conditions of approval and the approved draft plan are attached.

A three-month extension was provided in order to accommodate the review of the proposed extension of draft plan approval. 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 November 29, 2022.

Departmental & Agency Circulation

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

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Planning Considerations:

[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 the draft approval. At the time of an extension request Council will review draft plan conditions and may make appropriate modifications.

To date the applicant has discussed design details with CGS staff. Staff are satisfied that the owner is making reasonable efforts towards developing the subdivision.

Section 10.7 of the Official Plan indicates that a supporting noise study may be required to ensure compatibility between existing and proposed uses. Conditions of the 2016 draft approval require that the owner provide a detailed noise study for the subdivision to determine the impact of the future Maley Drive. Recently, noise studies have been prepared to support the Maley Drive extension project and which conceptually address land use compatibility issues. Should the subdivision proceed to registration in the next three years these studies should satisfy the noise related conditions of draft plan approval. In the future, the noise studies should be updated to reflect changes that may occur over time.

[Draft Approval Conditions](#)

Condition #11 should be deleted entirely and replaced with a sentence referring to November 29, 2022, as the revised date on which the subject draft plan approval shall lapse.

Infrastructure and Capital Planning Services has requested that Condition #13 regarding storm water management facilities be replaced with an updated condition requiring a storm water management report and associated plans to be prepared in accordance with specific criteria. The report would address the design and location for storm water management works, and follow the recommendations of the Junction Creek Subwatershed Study. Condition #32 requiring the transfer of Block 28 to the City for purposes of a storm water management pond is requested to be deleted in favour of identifying lands to be dedicated through the storm water management report. Conservation Sudbury has requested additional wording be added to Condition #13 requiring the design of the storm water management works to be to their satisfaction.

Building Services has requested wording be added Condition #14 to enable the registration of a soils caution agreement on title, if required.

Condition #15 should be updated to enable the registration of a lot grading agreement on title if required.

A new Condition #33 should be added to require a notice of agreement to be registered on title regarding development charges.

Housekeeping changes are recommended to ensure consistency in terminology when referring to the Director of Planning Services, the City, the owner, the General Manager of Growth and Infrastructure, the Ministry of the Environment, Conservation and Parks, and Conservation Sudbury.

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

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sketches of the draft approved plan of subdivision for reference purposes.

Processing Fees

The owner is required to pay the applicable processing fee for a three year extension in the amount of \$2034.50. It is recommended that the draft approval extension be granted upon receipt of the processing fee from the owner. This amount 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 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. Appropriate changes where identified have been included in the Resolution portion 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 draft approval for the Agincourt Avenue subdivision for a period of three years until November 29, 2022, be approved as outlined in the Resolution section of this report.