

## Request for Decision

**Dominion Park Developments - Extension to Draft Plan of Subdivision Approval, part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer**

Presented To:	Planning Committee
Presented:	Monday, Oct 28, 2019
Report Date	Tuesday, Oct 01, 2019
Type:	Routine Management Reports
File Number:	780-7/92014

### 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 known as part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer, File 780-7/92014, as outlined in the report entitled 'Dominion Park Developments' from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 28, 2019, as follows:

a) By replacing the reference to the 'Municipality' or 'City of Greater Sudbury' with the 'City' in Condition #2, #3, #4, #7, and #9. b) By replacing the reference to 'one-foot' with '0.3 metre' in Condition #3.

c) By replacing Condition #4 with the following:

"4. That prior to the signing of the final plan, the Director of Planning Services 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."

d) By adding the following to the end of Condition #5:

" , prior to any encumbrances."

e) By replacing Condition #7 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, watermain, storm sewers and surface drainage facilities."

f) By replacing the reference to "Planning Services Division" or "Director of Planning" with "Director of

### Signed By

#### Report Prepared By

Wendy Kaufman  
Senior Planner  
*Digitally Signed Oct 1, 19*

#### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

#### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 7, 19*

#### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 13, 19*

#### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 15, 19*

#### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 16, 19*

Planning Services” in Condition #15, #19 and #32.

g) By replacing the reference to “Nickel District Conservation Authority” with “Conservation Sudbury” in Condition #15.

h) By replacing Condition #20 with the following:

“20. That this draft approval shall lapse on December 12, 2022.”

i) By replacing the reference to “Economic Development and Planning Services Department” with “Director of Planning Services” in Condition #21.

j) By replacing the reference to the “General Manager of Public Works” with “General Manager of Growth and Infrastructure” in Condition #21 and #31.

k) By replacing the reference to ‘developer’s’ with ‘owner’s’ in Condition #26.

l) By adding the following to the end of Condition #27:

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

m) By deleting Condition #31.

n) By adding the following to the end of Condition #34:

“A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.” o) By adding the following as Condition #39: “39. 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.”

## **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 #780-7/92014, the Dominion Park Subdivision, for a period of three years to December 12, 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.

## **Financial Implications**

If approved, staff estimates approximately \$340,000 in taxation revenue, based on the assumption of the

total 75 single detached dwelling units at an estimated assessed value of \$400,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$1,300,000 based on assumption of 75 single detached dwelling units and based on the rates in effect as of the date of this meeting.

**Date: September 30, 2019**

## **STAFF REPORT**

### **Applicant:**

Dominion Park Developments

### **Location:**

Part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer

### **Application:**

To extend the draft approval of the Dominion Park Subdivision plan. The draft approval has been extended by Council several times, most recently in 2016 until December 12, 2019.

### **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 December 12, 2022.

### **Background**

Dominion Park Developments is the owner of the draft approved plan of subdivision on lands located in the general area of Jeanne D'Arc Street in Val Therese, referred to as the Dominion Park Subdivision. The City received a request from the owner on July 10, 2019 to extend the draft approval for a period of three years on those lands described as part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer.

The Dominion Park subdivision was first granted draft approval on May 3, 1993. Over the years, with several phases of the subdivision having been registered, the subdivision has been revised from the original draft plan. In 2005 draft plan Condition #1 was amended to refer to the revised plan prepared by D.S. Dorland dated October 1, 2004, which is attached to this report as the "Revised Draft Plan". Several other amendments to the conditions were included in the amended draft approval and extensions granted in 2005, 2011, 2013, and 2016.

The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on December 12, 2019. In July 2019, Dominion Park Developments requested a three (3) year draft plan extension to allow additional time to satisfy the conditions of approval. Seventy five lots remain in the draft plan to be registered for single detached dwellings. The lands within the plan of subdivision are designated Living Area 1 and are zoned R1-5, Low Density Residential One.

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 December 12, 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.

**Date: September 30, 2019**

## **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. Staff are satisfied that the owner is intending to develop additional phases of the subdivision.

### [Draft Approval Conditions](#)

Condition #20 should be deleted entirely and replaced with a sentence referring to December 12, 2022, as the revised date on which the subject draft plan approval shall lapse.

Building Services has requested additional wording be added Condition #27 to enable a soils caution agreement to be registered on title, if required.

Condition #34 should be updated to enable the registration of a lot grading agreement on title, if required.

Development Engineering and Infrastructure and Capital Planning Services has requested that Condition 31 be deleted because certain road connections and traffic signals have now been installed, therefore this condition has now been met.

A new Condition #39 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 City, the owner, the Director of Planning Services, the General Manager of Growth and Infrastructure, and Conservation Sudbury. Other housekeeping amendments to update the conditions to current day wording and/or standards are recommended.

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

### [Processing Fees](#)

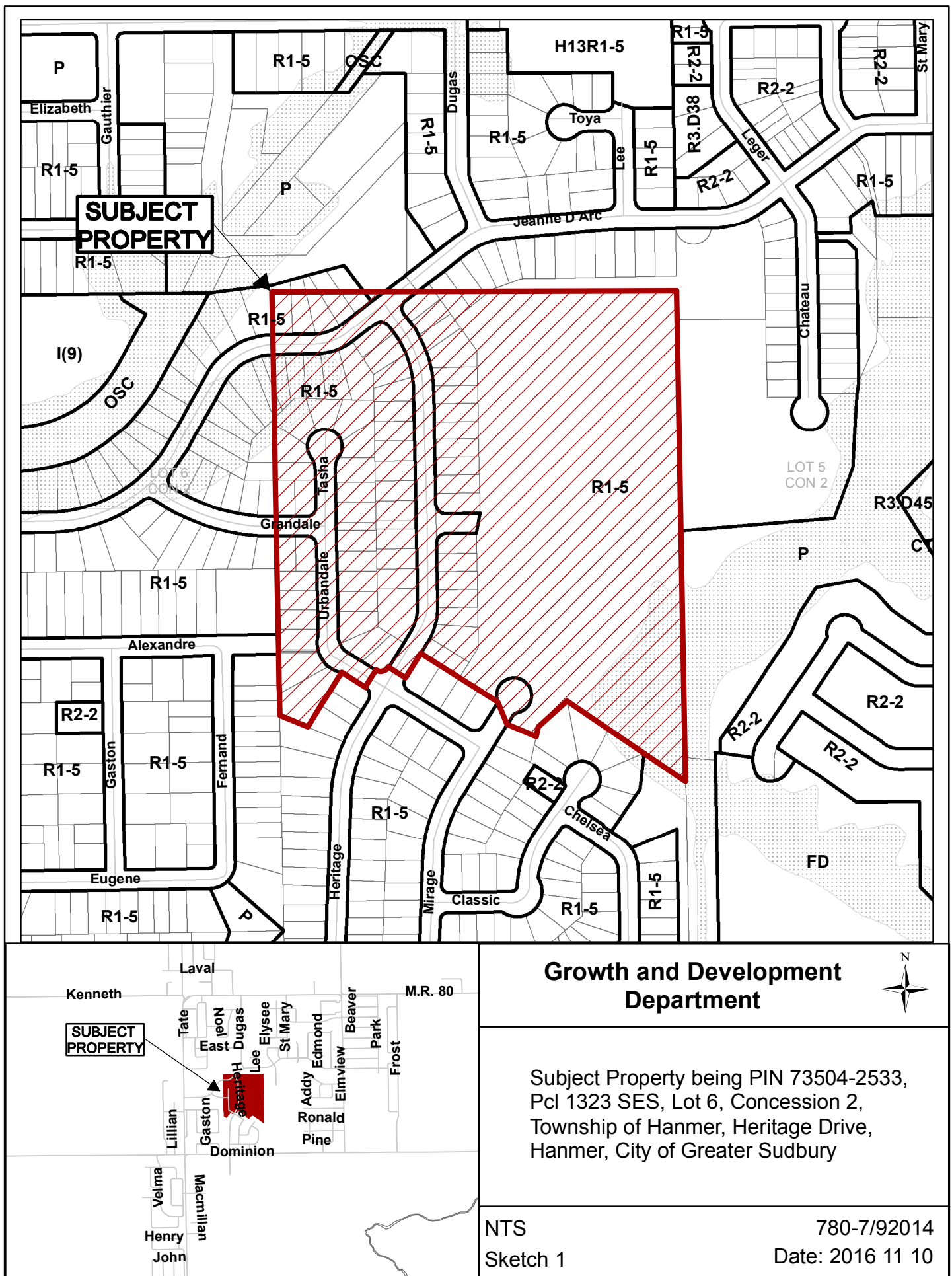
The owner has paid the applicable processing fee for a three year extension in the amount of \$2852.75. This amount was calculated as per [By-law 2017-222](#) being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

**Date: September 30, 2019**

## **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 Dominion Park Subdivision for a period of three years until December 12, 2022, be approved as outlined in the Resolution section of this report.



BERGERON SUBDIVISION  
PORTION TO BE  
DEDICATED AS PARKLAND  
LIMITS TO BE FINALIZED  
WITH CITY STAFF

WINDSHIP

CONFESSIO

# Revised Draft Plan



**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 Parcel 1323 S.E.S. in Lot 6, Concession II, Township of Harmer, Town of Valley East, as shown on a plan prepared by D.S. Dorland, O.L.S. and dated October 27<sup>th</sup>, 1992, as amended by a revised plan prepared by D.S. Dorland, O.L.S. and dated October 1, 2004.
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 residential land and 2% of the commercial land included in the subdivision 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 the owner may be required to undertake a traffic impact study to the satisfaction of the Director of Planning Services in order to determine the road improvements made necessary by the proposed subdivision.

11. That the subdivision agreement contain provisions whereby the owner agrees to undertake such road improvements as may be identified by the Traffic Impact Study.
12. Deleted.
13. Deleted.
14. That prior to the signing of the final plan the owner shall reverse all corner lots fronting onto collector roads so that these lots will front the local street.
15. That prior to the signing of the final plan the Planning Services Division is to be advised by the Nickel District Conservation Authority that the flood plain matters relating to the subdivision have been resolved.
16. 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 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.
17. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and Conservation Sudbury (Nickel District Conservation Authority).
18. That the subdivider satisfy Canada Post with respect to their requirement prior to the signing of the final plan.
19. That prior to the signing of the final plan the Planning Services Division is to be advised by the Solicitor that Conditions #2, #5, #6, #7, #8, #9, #11, #13 and #18 have been complied with to his satisfaction.
20. That this draft approval shall lapse on December 12, 2019.
21. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the 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.
22. The owner shall be required to amend the subject draft plan to dedicate to the City an eight (8) metre wide municipal servicing block between Urbandale Street and Heritage Drive in lieu of lots 19 and 32.

23. That in the subdivision agreement the owner acknowledges the completion of the Paquette Whitson Municipal Drain engineer's report dated February 8, 2012 by K. Smart Associates Ltd. Said report provides for the construction of outlet drainage channel improvements and stormwater pond quantity and quality control facilities to service the subject subdivision lands within the Dominion Park Subdivision.
24. That in the subdivision agreement the owner agrees to pay the assessments set out in the engineer's report for the subject subdivision for stormwater conveyance channel improvements, stormwater quantity control and stormwater quality control, at the time of registration of each subdivision phase, in the amount of \$2,500 per lot until December 31, 2014 and thereafter with interest accruing at the rate of 4.5 percent per annum.
25. The major storm over flow system shall be designed and directed down City roads and City drainage blocks to outlet to the Paquette Whitson Municipal Drain.
26. The owner shall be required to provide a master engineering servicing plan for the provision of water, sanitary sewer and storm drainage utilities for the subject draft plan lands and the developers additional lands east and north of the subject draft plan. The development of the lands to the east and north depend on service outlets through the subject draft plan lands.
27. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed 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 recommend construction procedures for any proposed storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
28. Deleted.

29. Deleted.
30. Deleted.
31. That the subdivision agreement contain provisions whereby the owner agrees to the following to the satisfaction of the General Manger of Public Works:
- (i) That Phases 8 and 9 as shown on the Dominion Parc Phasing Plan dated January 24, 2005, as prepared by D.S. Dorland, O.L.S., will be the next phase following Phases 6 and 7 to incorporate the connection of Heritage Drive to Jeanne D'Arc Street.
  - (ii) To enter into an agreement with the City for the future construction of Jeanne D'Arc Street easterly from Heritage Drive to the existing cul de sac west of Chateau Crescent.
  - (iii) To install traffic signals at the intersection of Jeanne D'Arc Street and Municipal Road 80 when traffic volumes warrant or when the full Jeanne D'Arc connection is built, whichever comes first.
32. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning, provided that:
- (i) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
  - (ii) all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
33. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Infrastructure Services.
34. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated 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, sideyards, 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 and show the stormwater overland flow path.

35. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Inc. at the cost of the owner.
36. All streets will be constructed to an urban standard, including the required curbs and gutters, and sidewalks.
37. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
38. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Inc., Canada Post, Bell, Union Gas, and Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.