

Request for Decision

Draft Subdivision Approval Extension - Sandra Street, Garson - Zulich Development Corporation

Presented To:	Planning Committee
Presented:	Monday, Oct 22, 2012
Report Date	Wednesday, Oct 03, 2012
Type:	Routine Management Reports
File Number:	780-3/90009

Recommendation

That upon payment of Council's processing fee of \$1,175.00, the conditions of draft approval for the draft plan of subdivision on those lands known as Parcel 48390 SES, Lot 6, Concession 1, Township of Garson, File #780-3/90009, shall be amended as follows:

a) 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."

b) 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."

c) 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."

d) By deleting Condition #20 and replacing it with the following:

"20. That this draft approval shall lapse on September 4, 2015."

e) By replacing the words "General Manager of Public Works" with "General Manager of Infrastructure Services" in Conditions #12, 13 and 21.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Oct 3, 12

Reviewed By

Eric Taylor
Manager of Development Services
Digitally Signed Oct 3, 12

Recommended by the Division

Paul Baskcomb
Director of Planning Services
Digitally Signed Oct 3, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Oct 3, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Oct 10, 12

f) By deleting Condition #30 and replacing it with the following:

“30. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Utilities or Hydro One, Bell Canada, Union Gas, East Link Cable and Canada Post. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.”

g) By adding Condition #34 as follows:

“34. 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.”

h) By adding Condition #35 as follows:

“35. The owner shall complete to the satisfaction of the City of Greater Sudbury and Canada Post:

a) That the owner agrees to include on all offers of purchase and sale a statement that advises the prospective purchaser that the home/business mail delivery will be from a designated Centralized Mail Box and that the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales

b) The owner further agrees to:

i) Work with Canada Post to determine and provide suitable Centralized Mail Box location, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;

ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of the Community Mail Boxes;

iii) Identify the pads above on the engineering drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and,

iv) Determine the location of the all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.”

STAFF REPORT

Applicant:

Zulich Development Corporation

Location:

Parcel 48390 SES, Lot 6, Concession 1, Township of Garson (Sandra Street, Garson)

Application:

To extend the draft approval conditions which were originally approved by Council on September 4, 1990 and are set to expire on December 4, 2012 for a draft plan of subdivision on those lands known as Parcel 48390 SES, Lot 6, Concession 1, Township of Garson. Two recent three year draft approval extensions in 2006 and 2009 have been authorized by Council. There has also been one temporary three month

extension granted to the September 4, 2012 expiry date in order to allow for the applicant to contemplate the length of the extension request and to facilitate a staff review of the draft approval extension request.

Proposal:

The applicant is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until September 4, 2015.

Background:

The City received a request from Zulich Development Corporation on June 11, 2012 to extend the draft approval on a plan of subdivision for a period of three years on those lands known as Parcel 48390 SES, Lot 6, Concession 1, Township of Garson. The subject draft approval of a plan of subdivision is for 22 double residential lots. Access to the subdivision is to be provided via Sandra Street and Penman Avenue in Garson.

The original draft approval was granted on September 4, 1990 and was most recently extended for a period of three years to September 4, 2012. No phase of the subdivision has ever been registered. The request from Zulich Development Corporation is to further extend their draft approval until September 4, 2015. 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 September 4, 2015.

Departmental & Agency Comments:

Building Services

No concerns.

Canada Post

Planning Services staff has consulted with Canada Post and confirms that standard conditions with respect to mail delivery facilities should be added to the draft approval document.

Development Engineering

No concerns.

Nickel District Conservation Authority

No comments.

Roads, Traffic and Transportation

No concerns.

Planning Considerations:

Draft Approval Conditions

Condition #20 should be deleted entirely and replaced with a sentence referencing September 4, 2015 as the revised date on which the subject draft plan approval shall lapse. Two conditions have been added to the draft approval. The first added condition pertains to the final plan being integrated within the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of Surveying and Mapping Services. The second involves the addition of standard Canada Post draft approval conditions with respect to the location of community mailboxes. Staff also notes that several conditions should be amended to reflect current City draft approval practices. 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 \$1,175.00. It is recommended that the draft approval extension be granted upon receipt of Council's processing fee from the applicant. This amount is calculated as per By-law 2012-5F being the Planning Application Fees By-law:

2012 Application Fee

Base Fee \$2,500.00

22 lots x \$100.00 \$2,200.00

Total Maximum Fee \$4,700.00

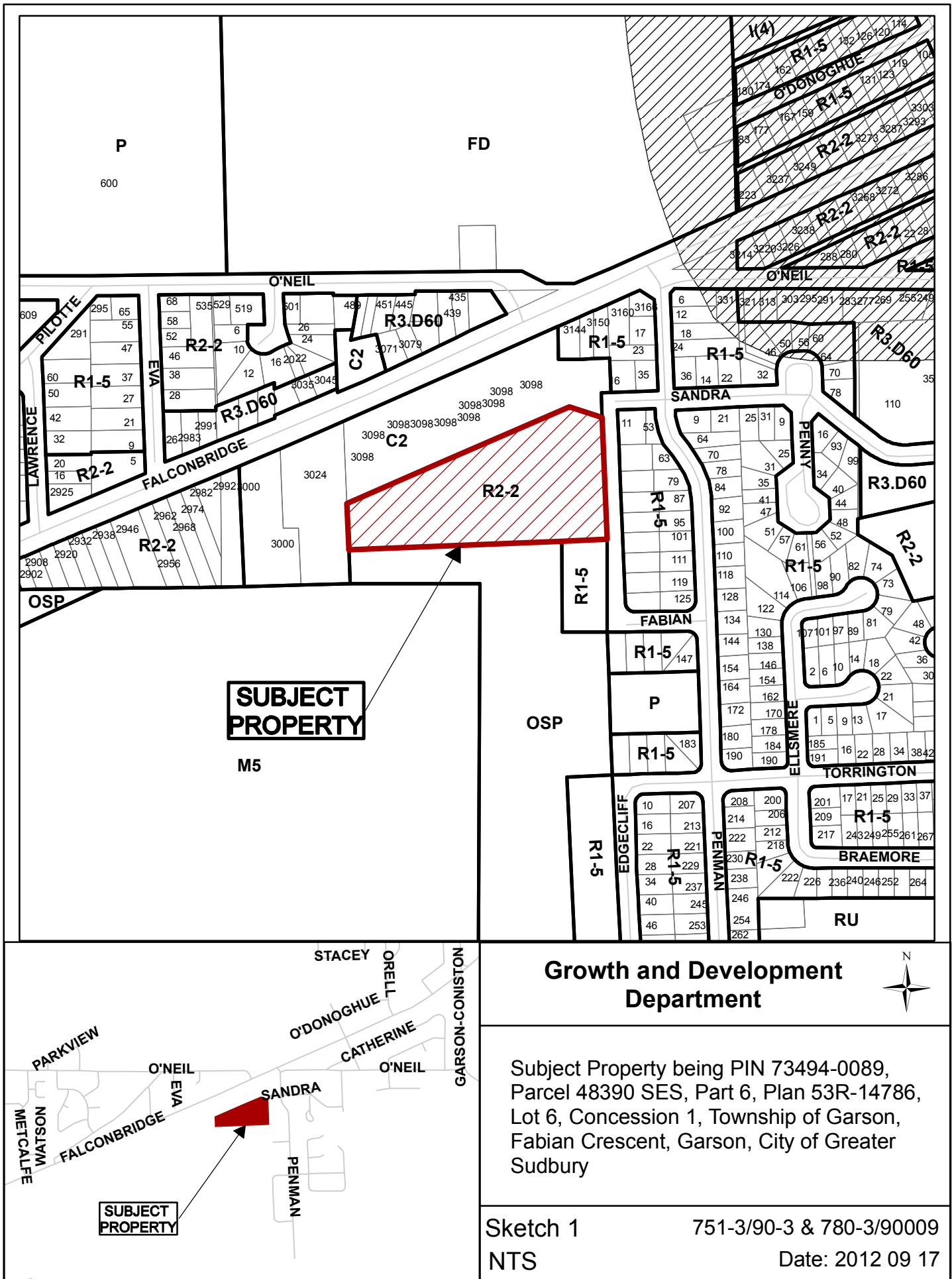
25% of Application Fee (3 year extension) \$1,175.00

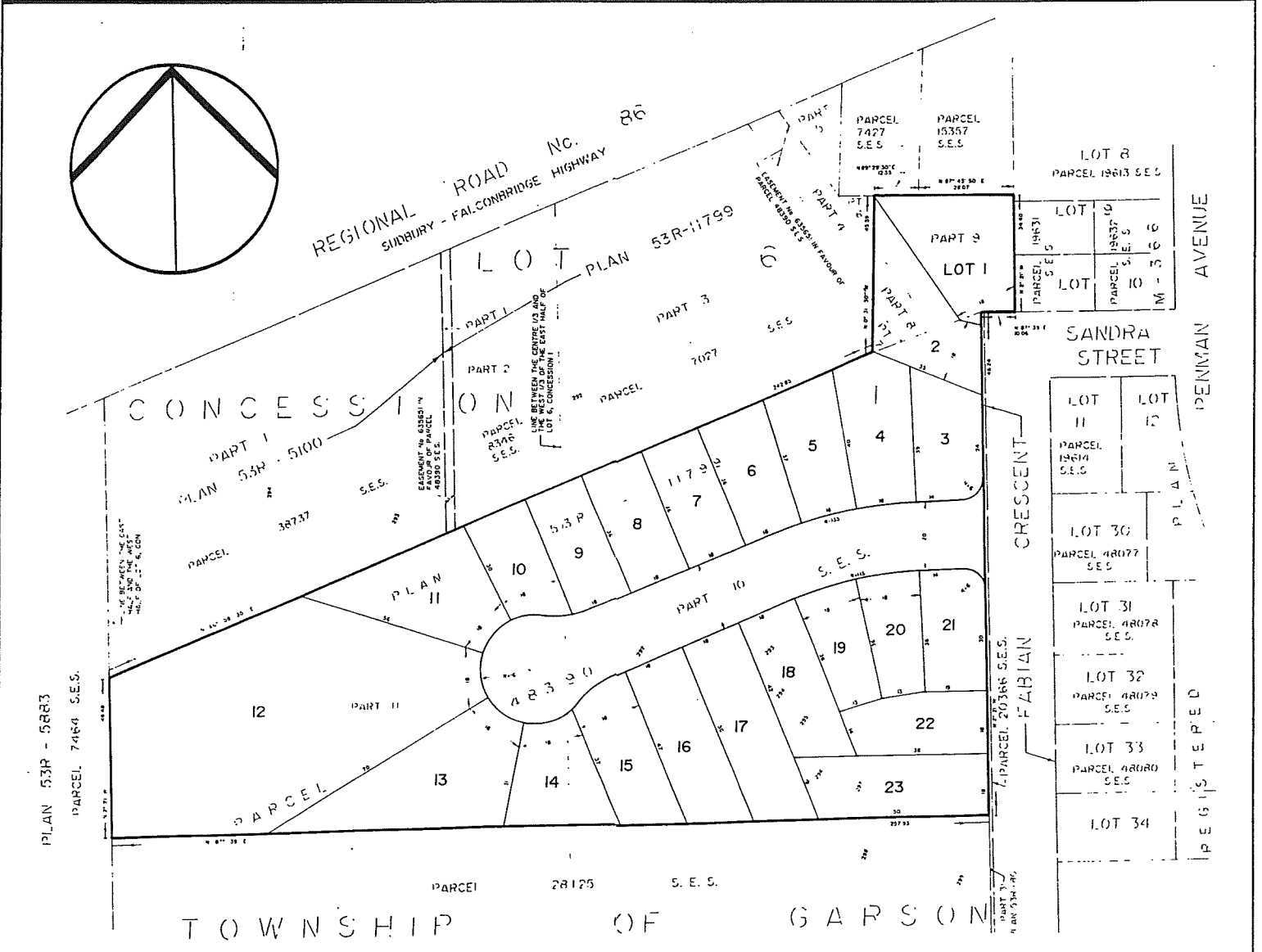
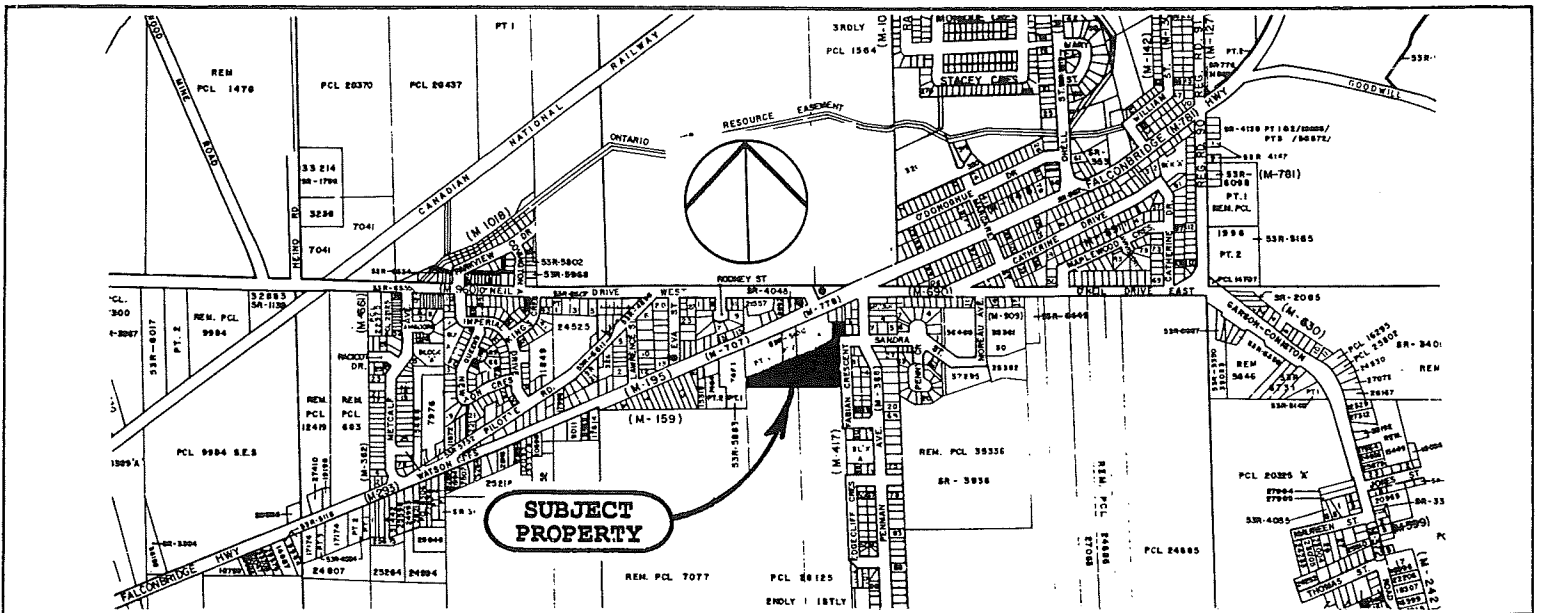
Total Maximum Applicable Fee (3 year extension) \$1,175.00

Summary:

Planning Services Staff have reviewed the request to extend draft approval and have no objections to the request to extend draft approval 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 on the subject plan of subdivision.

The Planning Services Division recommends that the application to extend draft approval for a period of three years until September 4, 2015 be approved subject to the applicant paying the appropriate processing fee in the amount of \$1,175.00.





planning and development department

Subject property being Parcel 48390 S.E.S. in Lot 6, Concession I, Township of Garson 751-3/90-3 & 780-3/90009

scale: 1:1,831 approx. date: 90 03 13

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

1. That this approval applies to the draft plan of subdivision of Parcel 48390 S.E.S., excluding Lots 1 and 2 as illustrated on the draft plan, in Lot 6, Concession 1, Township of Garson, City of Greater Sudbury, as shown on a plan prepared by D.S. Dorland, O.L.S. dated February 27th, 1990.
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 cash value of the land included in the plan of subdivision be provided to the City of Greater Sudbury for parks purposes in accordance with Section 51.(1) of The Planning Act.
10. **Deleted.**
11. **Deleted.**
12. That the subdivision agreement contain provisions whereby the developer will be required to construct Sandra Street and Fabian Crescent to full urban standards to the satisfaction of the General Manager of Public Works.
13. That the proposed cul-de-sac be enlarged up to 20 metres in radius and a walkway be provided between Lots 10 and 11 to the satisfaction of the General Manager of Public Works.

14. **Deleted**
15. That the subdivision agreement contain provisions whereby the developer will be required to make a cash contribution to relay two sections of sanitary sewer and/or construct a diversion sewer to allow for sufficient sanitary sewer capacity for this subdivision, to the satisfaction of the Director of Planning Services. The proportion of the cost allocated to Fabian Subdivision is \$10,450.00. Should the development not proceed within this three year draft plan extension, the allocated cost will be revised to reflect current construction costs.
16. **Deleted.**
17. **Deleted.**
18. **Deleted.**
19. That prior to the signing of the final plan the Director of Planning Services is to be advised by the Director of Legal Services/City Solicitor that Conditions #2, #3, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15 and #23 have been complied with to his satisfaction.
20. That this draft approval shall lapse on December 4, 2012.
21. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services 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. **Deleted.**
23. That prior to the signing of the final plan, the owner enter into an agreement pursuant to Section 51 (6) of The Planning Act, R.S.O. 1990, which shall remain on title, whereby the owner agrees to the following:
 - a) In the event that the sand pit is reactivated, the owner shall construct a noise barrier as per the recommendations and specifications of a qualified acoustical engineer and such barrier shall remain in place during the operating life of the pit.
 - b) This agreement shall also contain a "noise warning clause" advising prospective purchasers that despite the inclusion of noise control features, noise levels may become of concern, occasionally interfering with some activities of the occupants.
 - c) That this agreement may be removed from title once the pit has been depleted of resources.

24. 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 ground water conditions within the proposed development. Also, the report should include design information and recommend construction procedures for 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. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
25. 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 Director of Planning Services.
26. 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, 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.
27. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream watercourses. The report shall deal with the control of both the 1:5 year and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the stormwater management report.
28. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
29. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
30. That the developer provide a utilities servicing plan showing the location of all utilities including City services, Hydro, 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.

31. A cost contribution of \$21,000 is required in lieu of onsite stormwater quantity controls, and \$48,000 in lieu of onsite stormwater quality control measures for this development if the developer wishes not to provide the stormwater control as detailed in Conditions 27 and 28.
32. The owner shall have an engineering analysis completed to establish whether a storm sewer across the existing plaza development immediately north of the subject site and connected to the existing 750 mm diameter storm sewer which crosses Falconbridge Road is feasible or if a new outlet storm sewer would need to be constructed at the same location. This sewer crossing would have to be constructed prior to the repaving of Falconbridge Road in 2009. A three (3) year no cut policy exists on all new pavements
33. An easement encompassing the outlet storm sewer where it crosses the existing plaza development to a width of six (6) meters will be required. All costs associated for the acquisition of the easement would be borne by the owner.