

Date: May 5, 2020

STAFF REPORT

Applicant:

Dalron Construction Ltd.

Location:

PIN 73377-1463, Part of Parcel 22159 A SWS, Lot 8, Concession 5, Township of Waters (Sugarbush Subdivision, Lively)

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on March 18, 2009. The draft approval was most recently extended by Council until May 8, 2020 for a plan of subdivision on those lands described as PIN 73377-1463, Part of Parcel 22159 A SWS, Lot 8, Concession 5, Township of Waters (ie. Sugarbush Subdivision). The most recent administrative extension was granted by the Director of Planning Services in order to afford staff the opportunity to schedule the item to a meeting of Planning Committee that is appropriate given the emerging and changing best practices for scheduling meetings due to the Covid-19 global pandemic. The draft approval therefore has a current lapsing date of September 8, 2020.

Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until May 8, 2023.

Background:

The City received a written request from Dalron Construction Ltd. on January 7, 2020, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as PIN 73377-1463, Part of Parcel 22159 A SWS, Lot 8, Concession 5, Township of Waters. The draft approved plan of subdivision was initially approved by Council for a total of 69 urban residential lots to the north of Niemi Road and Santala Road in the community of Lively. The remaining lots are to be accessed from Chinaberry Drive and Sugarbush Drive.

The draft approval is set to expire again on September 8, 2020, following one administrative extension that was issued due to the Covid-19 global pandemic. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to May 8, 2023.

Departmental & Agency Circulation:

Active Transportation, Building Services, Conservation Sudbury, Operations, Roads, Traffic and Transportation, and Transit Services have each advised that they have no concerns from their respective areas of interest. Leisure Services was also circulated and have no comments.

Canada Post has not requested any changes to the draft approval conditions. Canada Post did however note in an emailed letter their requirements and expectations for providing mail service to the subdivision. The above noted letter is attached to this report for the owner's information and reference purposes.

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Development Engineering has no concerns with the requested extension, but has noted that the phase of the subdivision known as “Sugarbush Subdivision Phase 6” being the Dewberry Court cul-de-sac was registered in May 2012. There has also been a submission of construction drawings for the northerly extension of Chinaberry Drive known as “Sugarbush Subdivision Phase 4” was filed with the City in September 2018, but said construction drawings has not yet obtained approval.

The City’s Drainage Section has requested that a new and comprehensive condition addressing the requirement for a storm-water management report and associated plans be added to the draft approval conditions. The comprehensive condition will act to provide clarity in the draft approval document in terms of what is required from a storm-water management perspective. Conditions #6, #7 and #8 are therefore recommended to be deleted in favour of the above noted comprehensive and standardized condition that is fully described in the Resolution section of this report.

Environmental Initiatives notes there are no significant environmental concerns that are not already addressed in the draft approval conditions. Condition #30 is recommended to be removed and the owner is advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks (MECP) to ensure that all requirements set out by the Province of Ontario under the [Endangered Species Act](#) have been satisfied.

Planning Considerations:

[Official Plan](#)

Section 20.4.2 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 March 18, 2009, and since that time 22 urban residential lots have been registered as Plan 53M-1401. At the time of writing this report, 47 urban residential lots remaining within the draft approved Sugarbush Subdivision.

The owner did not provide a status update with respect to pursuing the finalization of any future phases of the draft approved Sugarbush Subdivision in their letter to the City dated January 7, 2020.

Development Engineering has however noted in their review of the extension request that the submission of construction drawings for the northerly extension of Chinaberry Drive known as “Sugarbush Subdivision Phase 4” was filed with the City in September 2018, but said construction drawings has not yet obtained approval.

[Draft Approval Conditions](#)

Condition #29 should be deleted entirely and replaced with a sentence referring to May 8, 2023, as the revised date on which the subject draft plan of subdivision approval shall lapse.

The City’s Drainage Section has requested that Conditions #6, #7 and #8 be deleted and replaced with one comprehensive conditions addressing the requirement for a storm-water management report and associated plans. The comprehensive condition will act to provide clarity in the draft approval document in terms of what is required from a storm-water management perspective. This new Condition #39 is included in the Resolution section of this report.

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Environmental Initiatives has noted that there are no significant environmental concerns that are not already addressed in the draft approval conditions. It is also noted that the owner is hereby advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied. The recommended deletion of Condition #30 relating to the above is included in the Resolution section of this report.

Other housekeeping changes are also incorporated into the Resolution section of this report.

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 draft approval conditions are attached to this report along with a sketch of the draft approved plan of subdivision dated October 22, 2008, for reference purposes.

Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$2,273.00. It is recommended that the draft approval extension be granted upon receipt of Council's processing fee from the owner. This amount was calculated as per [By-law 2020-26](#) being the Miscellaneous User Fees for Certain Services By-law that was in effect at the time the request was made.

Summary:

The Planning Services Division 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.

Development Engineering has outlined that there has been a submission of construction drawings for the northerly extension of Chinaberry Drive known as "Sugarbush Subdivision Phase 4," which was filed with the City in September 2018, but said construction drawings has not yet obtained approval.

The City's Drainage Section has requested that a condition be added which will reflect current standard draft approval condition practices in terms of the infrastructure that will be required to facilitate development of the Sugarbush subdivision.

Environmental Initiatives notes there are no significant environmental concerns that are not already addressed in the draft approval conditions. Further to this, the owner has now been advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied.

Appropriate changes where identified have been included in the Resolution section 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 the draft approval for the Sugarbush Subdivision for a period of three years until May 8, 2023, be approved as outlined in the Resolution section of this report.