

## Request for Decision

### Kingsway Boulevard, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Friday, Oct 30, 2020
Type:	Routine Management Reports
File Number:	780-6/10002

### 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 described as PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon, File # 780-6/10002, in the report entitled "Kingsway Boulevard, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020, upon payment of the City's processing fee in the amount of \$2266.17, as follows:

1. In Conditions #2, 3, 4, 5, 7, and 28 by replacing the word 'Municipality' or 'City of Greater Sudbury' with 'City';

2. By deleting Condition #18 and replacing it with the following:

"18. A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City and the Nickel District Conservation Authority. 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 5 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 5 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 underground storm sewer system within future right-of-way classified as collector, 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 10 year design storm.
- The overland flow system within the plan of subdivision must be designed to accommodate and/or convey

#### Signed By

**Report Prepared By**

Wendy Kaufman  
Senior Planner  
*Digitally Signed Oct 30, 20*

**Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 30, 20*

**Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Nov 3, 20*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Nov 8, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Nov 12, 20*

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.

- "Enhanced" level must be used for the design of stormwater quality controls and 20% overcontrol of peak flows as defined by the Ministry of the Environment, Conservation and Parks. • Stormwater management must follow the recommendations of the Ramsey Lake Subwatershed Study.
- The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater 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.
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- 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 stormwater management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development."

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

"10. That this draft approval shall lapse on October 26, 2022."

4. By deleting Condition #25 and replacing it with the following:

"25. That the applicant/owner shall provide to the City, as part of the submission of servicing plans a Sediment and Erosion Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed."

5. In Condition #34 and 37, by replacing the word 'developer' with 'owner'.

6. In Condition #9 and 39, by adding the word 'Services' after the words 'Director of Planning'.

7. In Condition #40, by deleting the reference to the General Manager of Growth and Development.

## **Relationship to the Strategic Plan / Health Impact Assessment**

The application to extend this 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 the Jack Nicholas draft

approved plan of subdivision (File # 780-6/10002) in the community of Sudbury for a period of two years until October 26, 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 has no objections to the requested extension for a period of two 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 the extension is approved, staff is not able to estimate the development charges nor the taxation revenue at this time.

Also, this development falls within the Kingsway Industrial Park – Sewer and Water Enhancements project area and would be subject to Section 391 Charges relating to this growth related infrastructure project from 2007. The Section 391 Charges are also unknown.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

Date: October 26, 2020

## Staff Report

### Applicant:

1777222 Ontario Ltd. & 1777223 Ontario Ltd.

### Location:

PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon (Kingsway Boulevard, Sudbury)

### Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on October 26, 2010. Extensions to the draft approval have been provided since 2010 with the current lapsing date being January 26, 2021.

### Proposal:

The owner is requesting that the draft approval for the above noted lands be extended for a period of two years until October 26, 2022.

### Background:

The City received a request from the owner on June 1, 2020 to extend draft approval on a plan of subdivision for a period of two years on those lands described as PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon.

The Jack Nicholas Business & Innovation Subdivision was draft approved on October 26, 2010 to enable development of an industrial/business park. The lands are currently zoned to permit a variety of industrial uses. The lapsing date on the draft approval was extended in 2014, 2016, and 2018. The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on January 26, 2021.

Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to October 26, 2022.

Owners are advised to contact the Planning Services Division a minimum of four months prior to the lapsing date in order to facilitate the processing time associated with draft plan of subdivision approval extension requests. Applicants must reapply for subdivision approval if a draft plan approval has lapsed as there is no other avenue for relief.

### Departmental & Agency Circulation:

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

Date: October 26, 2020

## 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.

A first submission of construction drawings were received in December, 2019, with comments provided in March, 2020. Staff is satisfied that the owner is making reasonable efforts towards developing the subdivision.

### Draft Approval Conditions

Condition #10 should be deleted entirely and replaced with a sentence referring to October 26, 2022, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Infrastructure and Capital Planning Services (Drainage Section) has requested the condition regarding stormwater management be updated.

Environmental Planning Initiatives has requested Condition #42 to be deleted in its entirety. Condition #42 would require to satisfy all provincial requirements related to the Endangered Species Act prior to final plan approval. However, the owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the Endangered Species Act. To that end, the owner is advised to consult with the Ontario Ministry of the Environment, Conservation and Parks.

Conservation Sudbury has requested an update to Condition #18 requiring their approval of the stormwater management report, as well as a housekeeping amendment to Condition #25 related to the title of a report.

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

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 the draft approved plan of subdivision for reference purposes.

### Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$2266.17. 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 2017-222](#) being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

**Date: October 26, 2020**

**Summary:**

The Planning Services Division has reviewed the request to extend the subject draft approval and has no objections to the requested extension. 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 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 Jack Nicholas Business & Innovation Park Subdivision for a period of two years until October 26, 2022, be approved as outlined in the Resolution section of this report.











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

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1. That this draft approval applies to the draft plan of subdivision of PINs 73561-0261, 73561-0264, 73561-0258, Lots 9 & 10, Concession 4, Township of Neelon prepared by Terry DelBosco O.L.S., dated May 7, 2010.
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 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.
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.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
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, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
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. 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 Growth and Infrastructure, that sufficient sewage treatment capacity and water capacity exists to service the development
10. That this draft approval shall lapse on January 26, 2021.
11. That Street A and Street C shall be constructed to an urban collector standard with sidewalks on both sides of the roadway, crosswalks or pedestrian crossovers as required for pedestrian circulation and an asphalt surface width sufficient to accommodate the lane requirements as determined in the Final Traffic Study to the satisfaction of the General Manager of Growth and Infrastructure.

12. That access to the Kingsway will be restricted to Street "A" and Street "C" only and that a 0.3 m reserve be placed across the remainder of the Kingsway frontage.
13. That Street "B" terminate at the north limit of the property such that it can be extended northerly in the future.
14. We require that the owner provide adequate sight distance on the east approach of the Kingsway and Street "A".
15. The owner is required to undertake a Traffic Impact Study to identify any roadway improvements or upgrades to traffic control that is required to accommodate the development. The owner further agrees to participate in the cost of any improvements on upgrading identified in that study to the satisfaction of the General Manager of Growth and Infrastructure.
16. 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 including an elevation of the water table 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. A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.
17. 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. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.
18. 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. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to the MOECC 20 percent reduction of pre-development flow for the 1:2, 1:100 and Regional Storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The Regional Storm flow path is to be set out on the plan(s). The quality of the stormwater must meet an 85 percent Total Suspended Solids removal of the 50 micron particle size. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the storm water management report. The plan shall be submitted to the satisfaction of the Director of Planning Services.

19. 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.
20. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
21. The owner agrees to provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
22. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
23. The owner shall 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.
24. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction.
25. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Development and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
26. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
27. 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.
28. That 2 % of the land included in the plan of subdivision be deeded to the City of Greater Sudbury for park purposes or alternatively, 2% of the cash value of the land to be paid to the City in accordance with Section 51.1 (1) of the Planning Act.

29. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
30. That a notice be registered on lots 4, 5, 6, 7, 8 and 9 as shown on the proposed draft plan indicating that these lots abut a long term waste diversion site.
31. That the draft plan be revised in order to ensure that all lots have access from the internal road network, as access to the Kingsway is restricted to proposed Street A and Street C.
32. That the owner provide a landscaping plan detailing tree planting along the boundaries of any wetlands and the drainage course, to the satisfaction of the Director of Planning Services.
33. The Owner 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.
34. The Owner agrees that 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.
35. The Owner agrees that the geotechnical report in Condition 33 will provide recommendations and specifications on the following activity as a minimum but not limited to:
  - a. Pre-blast survey of surface structures and infrastructure within affected area;
  - b. Trial blast activities;
  - c. Procedures during blasting;
  - d. Procedures for addressing blasting damage complaints;
  - e. Blast notification mechanism to adjoining residences; and,
  - f. Structural stability of exposed rock faces.
36. The Owner agrees that the geotechnical report required in Conditions 33 and 35 shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
37. The Owner agrees that 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 required in Conditions 34, 35 and 36 as a minimum prior to its issuance.



38. That a sidewalk be constructed on the north side of the Kingsway between Levesque Street and the westerly public road connection to the subdivision to the satisfaction of the General Manager of Growth and Infrastructure.
39. 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.
40. 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 Growth and Development and the General Manager of Growth and Infrastructure.
41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services.
42. That prior to the signing of the final plan, the owner shall contact the Ministry of Natural Resources and Forestry (MNRF), Sudbury District Office, and satisfy all requirements set out by the MNRF under the Endangered Species Act. In addition, the owner shall, to the satisfaction of the Director of Planning Services, demonstrate that all requirements set out by MNRF under the Endangered Species Act have been satisfied prior to any site alteration or development taking place on the subject lands.
43. That in accordance with Section 59(4) of the Development Charges Act, a notice agreement shall be registered on title to ensure that persons who first purchase the subdivided lands after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.