

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.

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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.

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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.