

Request for Decision

Dalron Construction Ltd. - Application to extend a draft approved plan of subdivision approval, Part of Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder (Pondsvie Court Subdivision, Sudbury)

Presented To:	Planning Committee
Presented:	Monday, Mar 04, 2019
Report Date	Friday, Feb 08, 2019
Type:	Routine Management Reports
File Number:	780-6/93009

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 Part of Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder, File # 780-6/93009, as outlined in the report entitled "Dalron Construction Ltd." from the General Manager of Growth and Infrastructure, presented at the meeting of March 4, 2019, upon payment of Council's processing fee in the amount of \$460.00 as follows:

1. By deleting the words "Planning and Development Department" in Condition #24 and replacing them with "Planning Services Division".
2. By adding the word "Services" after the words "Director of Planning" in Condition #27; and,
3. By deleting Condition #28 entirely and replacing it with the following:

"28. That this draft approval shall lapse on April 16, 2020."

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 Pondsvie Court Subdivision (File # 780-6/93009) in Sudbury for a period of one year until April 16, 2020. The Planning

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Feb 8, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Feb 8, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Feb 8, 19

Financial Implications

Jim Lister
Manager of Financial Planning and Budgeting
Digitally Signed Feb 14, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Feb 14, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 20, 19

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 one year. 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 \$127,000 in taxation revenue, based on the assumption of 20 single family dwelling units and based on an estimated assessed value of \$500,000 each unit at the 2018 property tax rates.

In addition, this would result in increased development charges of approximately \$355,000 based on the assumption of 20 single family dwelling units and based on the rates in effect as of the date of this report.

Also, this development falls within the South End Sewer Rock Tunnel project area and would be subject to Section 391 Charges relating to this growth related infrastructure in the mid-2000's. The Section 391 Charge totals approximately \$38,000 based on current rates.

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).

Title: Dalron Construction Ltd.

Date: January 31, 2019

STAFF REPORT

Applicant:

Dalron Construction Ltd.

Location:

Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder (Pondsvew Court Subdivision, Sudbury)

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on January 14, 1994. The draft approval was most recently extended by Council on April 24, 2018 until April 16, 2019 for a plan of subdivision on those lands described as Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder.

Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of one year until April 16, 2020.

Background:

The City received a written request from Dalron Construction Ltd. on December 6, 2018, to extend the draft approval on a plan of subdivision for a period of one year on those lands described as Parcels 48646, 50208 & 49504, Parts 1-19, Plan 53R-14976, Lots 4 & 5, Concession 6, Township of Broder. The subject draft plan of subdivision was initially approved by Council for a total of 20 residential lots permitting single-detached dwellings. The lots are to be accessed from Algonquin Road.

The draft approval is set to expire again on April 16, 2019 and staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to April 16, 2020.

Departmental & Agency Circulation:

Active Transportation, Building Services, Canada Post, Development Engineering, Drainage, Environmental Planning Initiatives, Nickel District Conservation Authority, and Roads, Traffic and Transportation have each advised that they have no concerns from their respective areas of interest.

Development Engineering did however note that construction drawings for the draft approved plan of subdivision were approved on March 28, 2017.

Title: Dalron Construction Ltd.

Date: January 31, 2019

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 January 14, 1994, and since that time there have been no phases or lots registered. The owner has advised staff that they intend to continue to pursue the development of the subdivision. The owner has further advised that they are currently awaiting necessary approvals from the Ministry of the Environment, Conservation and Parks (MOECP) in order to proceed with registration and construction of the draft approved plan of subdivision.

Draft Approval Conditions

Condition #28 should be deleted entirely and replaced with a sentence referring to April 16, 2020, as the revised date on which the subject draft plan approval shall lapse.

Other administrative and housekeeping changes to the draft approval documents have also been included where necessary.

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 a sketch of the draft approved plan of subdivision for reference purposes.

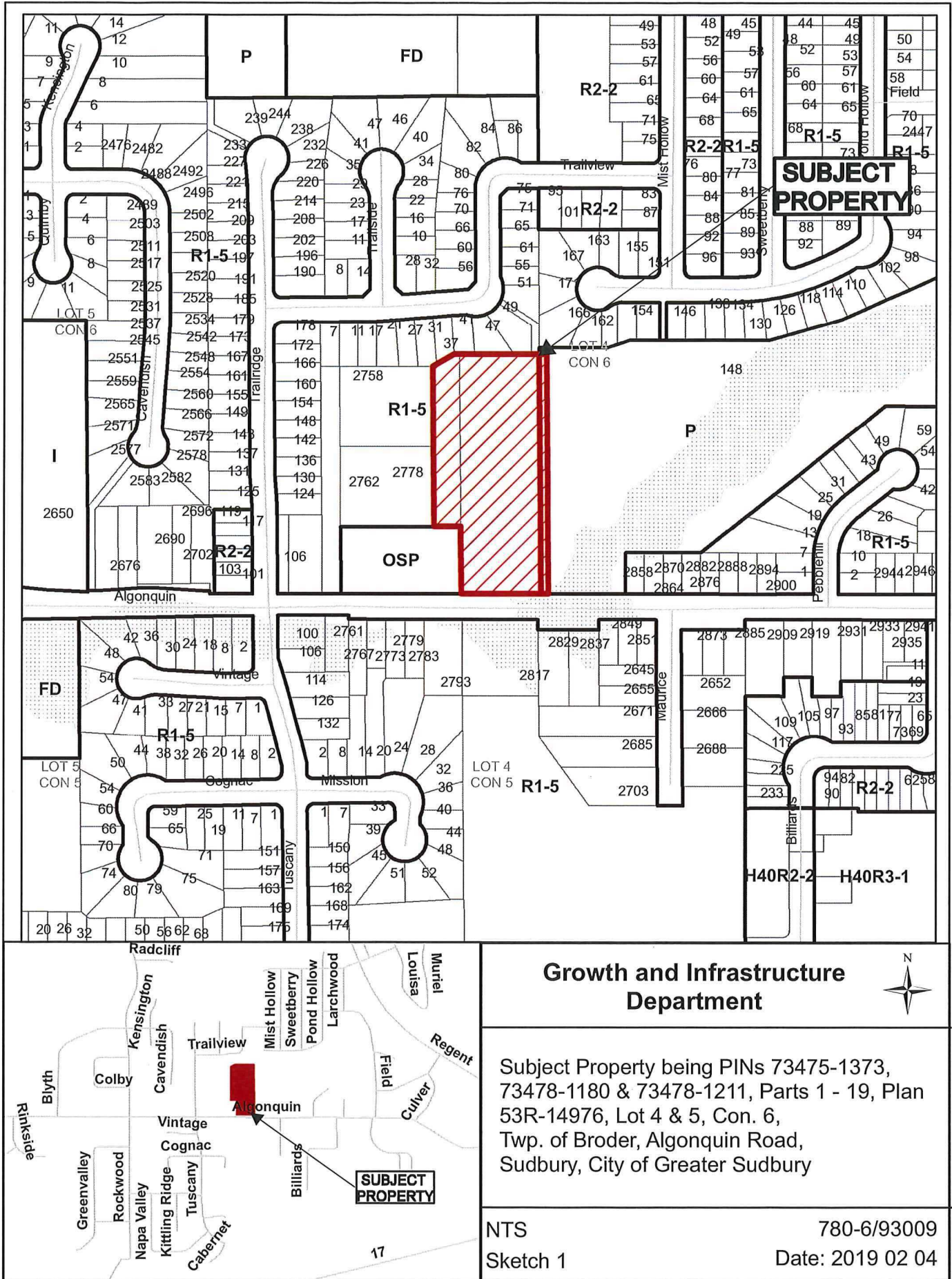
Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$460.00. 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 2017-222 being the Miscellaneous User Fees 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 one year. 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 Pondsview Court Subdivision for a period of one year until April 16, 2020, be approved as outlined in the Resolution section of this report.



DC PROJ. 5975
MARCH 12, 2003

**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 Part of Parcels 48646, 50208 and 49405 S.E.S., being Parts 1 to 19, Plan 53R-14796, in Lots 4 and 5, Concession 6, Broder Township, City of Greater Sudbury as shown on a plan prepared by Terry Del Bosco, O.L.S. and dated March 12, 2003.
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. That 5% of the land included in the plan of subdivision or its equivalent 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, Block 21/the footpath, be constructed and dedicated to the City of Greater Sudbury free of all encumbrances to the satisfaction of the Director of Leisure Services.

11. That prior to the signing of the final plan the owner shall certify that the former automobile wrecking yard has been decommissioned in accordance with Ministry of the Environment and Energy requirements and that the site is suitable for residential development to the satisfaction of the General Manager of Growth and Infrastructure of the City of Greater Sudbury and the Director of Building Services/Chief Building Official. The owner shall also submit a Record of Site Condition for the property to the satisfaction of the Chief Building Official.
12. 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 General Manager of Growth and Infrastructure. The sediment control plan shall detail the location and types of sediment and erosion control measures to be implemented during construction. 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 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.
13. Deleted by Resolution #2003-24.
14. That the developer prepare a lot grading/drainage plan addressing storm water runoff from this developed subdivision to the adjacent waterway park to the satisfaction of the Nickel District Conservation Authority and the City of Greater Sudbury. The detailed lot grading plan is to be prepared 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 as per the City's Lot Grading Policy. 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.
15. That prior to the signing of the final plan the owner shall submit a detailed Lot Grading Plan including the Regional Storm flow path to the satisfaction of the General Manager of Growth and Infrastructure.
16. Deleted.
17. That a 0.3 metre reserve be placed on Lots 1 and 20 so as to restrict access to the common lines farthest removed from the intersection.
18. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
19. Deleted by Resolution #2003-108.

20. Deleted by Resolution #94-151.
21. Deleted by Resolution #94-151.
22. That prior to the signing of the final plan the Ministry of Transportation right-of-way over Lots 1 to 11 and Block 21 inclusive is to be removed to the satisfaction of the City Solicitor.
23. Deleted
24. That prior to the signing of the final plan the Planning and Development Department is to be advised by the City Solicitor that Conditions #2, #5, #6, #7, #8, #9, #10, #17 and #22 have been complied with to his satisfaction.
25. Incorporated into Condition #24.
26. That prior to the signing of the final plan the Planning Services Division is to be advised by the Nickel District Conservation Authority that Condition #12 has been complied with to their satisfaction.
27. 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.
28. That this draft approval shall lapse on April 16, 2019.
29. The owner is required to provide a cash contribution in lieu of onsite stormwater quantity controls and for stormwater improvements within the watershed as outlined in the Algonquin Road Watershed Stormwater Management Study.
30. Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Growth and Infrastructure, provide a soils report prepared by a geotechnical engineer licenced 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 recommended construction procedures for the following items: storm and sanitary sewers, watermain, roads, surface drainage works including erosion control, building foundations and slope stability (if applicable). Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of new homes. The geotechnical information on the building foundations shall be to the satisfaction of the Chief Building Official and the Director of Planning Services. A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and the City Solicitor.

31. Deleted by Resolution #2003-108.
32. 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.
33. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, 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. The utilities servicing plans must be designed by a consulting engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario and the owner shall be responsible for all costs associated with the installation of said services.
34. The owner 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.
35. The owner provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.
36. Prior to any vegetation removal or other site alteration on the subject lands, the owner shall consult with the Ministry of Natural Resources and Forestry with respect to the presence of any species at risk under the Endangered Species Act. The owner shall demonstrate to the satisfaction of the Director of Planning Services that all requirements set out by MNRF under the Endangered Species Act have been satisfied.
37. The developer 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.
38. 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.

39. The geotechnical report in Condition #38 will provide recommendations and specifications on the following activity as a minimum but not limited to:

- i. Pre-blast survey of surface structures and infrastructure within affected area;
- ii. Trial blast activities;
- iii. Procedures during blasting;
- iv. Procedures for addressing blasting damage complaints;
- v. Blast notification mechanism to adjoining residences; and,
- vi. Structural stability of exposed rock faces.

The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.

40. 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 a minimum prior to its issuance."

41. The developer shall agree in the subdivision agreement that:

- a) Prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- b) To include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- c) The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations.
- d) To provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards;
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications); and,

A Community Mailbox concrete base pad per Canada Post specifications.

42. 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 Infrastructure.
43. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services provided that:
 - a) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
 - b) 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.
44. That all streets will be constructed to an urban standard, including the required curbs and gutters and sidewalks.
45. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario, incorporated into the plans at locations required by the General Manager of Growth and Infrastructure. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure.”
46. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
47. 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.