

Date: August 17, 2020

STAFF REPORT

Applicant:

Zulich Enterprises Ltd.

Location:

Parcels 47877 & 49386, Part of Parcels 10126 & 33014, Lots 9 & 10, Concessions 3 & 4, Township of Neelon (Lionsgate Subdivision, Sudbury)

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on August 19, 1991. The draft approval was most recently extended on September 14, 2017 when Plan 53M-1428 was registered as a phase of the Lionsgate Subdivision. This most recent registration facilitated the creation of 26 new urban residential lots having frontage on Hazelton Drive in Sudbury.

There was one administrative extension issued by the Director of Planning Services having the effect of establishing a new lapsing date of December 14, 2020, in order to allow for agencies and departments to complete their review of the request. The most recent administrative extension was also granted in order to also 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.

Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until September 14, 2023.

Background:

The City received a written request via email from Zulich Enterprises Ltd. on May 19, 2020, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as Parcels 47877 & 49386, Part of Parcels 10126 & 33014, Lots 9 & 10, Concessions 3 & 4, Township of Neelon. The draft approved plan of subdivision was initially approved by Council for a total of 255 urban residential lots to the south of Kingsway Boulevard and to the north of Bancroft Drive between Third Avenue and Levesque Street in the community of Sudbury. The remaining lots within the draft approved plan of subdivision are to be accessed from Bancroft Drive via the continuation of Hazelton Drive. The Lionsgate Subdivision is also intended to have access to Kingsway Boulevard to the north once fully built out.

Staff notes that the most recent phase of the subdivision was registered as Plan 53M-1428 on September 14, 2017. In accordance with Council policy, a three year extension was granted at this time with a new lapsing date of September 14, 2020 having been established. Staff further notes however that the draft approval is now set to expire on December 14, 2020 following an administrative extension that was granted in order to afford staff time to review the request during the ongoing 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 September 14, 2023.

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Departmental & Agency Circulation:

Fire Services, Leisure Services, Operations, Roads, Traffic and Transportation, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Active Transportation has noted that the owner will be required to construct Hazelton Drive, Lionsgate Drive and Arrowdale Street to an urban collector standard complete with on-road bicycle lanes and sidewalks on both sides. On-street parking will be restricted on both sides of Hazelton Drive, Lionsgate Drive and Arrowdale Street.

Building Services has requested that Condition #24 be updated to reflect current standard draft approval condition verbiage with respect to a soils caution agreement being registered on title of the lands, if required, to the satisfaction of the Chief Building Official.

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.

Conservation Sudbury has no concerns with the draft approval extension request. Conservation Sudbury has however noted that existing Condition #26 should be updated to reflect current wording and best practices with respect to the requirement for Erosion and Sediment Control Plan that details the location and types of erosion and sediment control measures that are to be implemented during the construction of each new phase of the Lionsgate Subdivision. Conservation Sudbury also notes that any works occurring within a regulated area under Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act.

Development Engineering has noted that since initial draft approval there have been five phases of the Lionsgate Subdivision that have proceeded to construction with the most recent phase being registered in September 2017. Development Engineering further advises that they have not yet received any construction drawings from the owner with respect to their next planned phase of the Lionsgate Subdivision.

The City's Drainage Section has requested that Condition #25 be deleted and replaced with one comprehensive condition 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.

Environmental Initiatives advises and cautions that 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. The owner is advised to consult with the Ontario Ministry of the Environment, Conservation and Parks.

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.

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Staff notes that this particular draft plan approval was originally approved by Council on August 19, 1991, and at the time of writing this report, there are 126 remaining lots within the draft approved Lionsgate Subdivision. To date, there have been 129 urban residential lots created within the Lionsgate Subdivision.

The owner did note in their draft approval extension request that they remain committed to fully developing the subdivision and intend on proceeding with another phase once housing demands warrant construction of new homes in the area. The owner also noted that to-date they have registered five phases of the subdivision with a total of 129 urban residential dwelling lots having been developed across said phases.

Draft Approval Conditions

Condition #23 should be deleted entirely and replaced with a sentence referring to September 14, 2023 as the revised date on which the subject draft plan of subdivision approval shall lapse.

The City's Drainage Section has requested that Condition #25 be updated to reflect current standard draft approval condition practices in terms of the infrastructure that will be required to facilitate development of the Lionsgate Subdivision. These requested changes are reflected in the Resolution section of this report as an amendment to existing Condition #25 and a new Condition #42.

Staff recommends that a standard draft approval condition be added that in accordance with Section 59(4) of the Development Charges Act, that a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development. This requested change is reflected in the Resolution section of this report as new Condition #41 that is being recommended.

Building Services and Conservation Sudbury have both requested housekeeping changes to existing verbiage contained within existing Conditions #24 and #26 respectively.

No other administrative or 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 existing draft approval conditions are attached to this report along with two sketches of the draft approved plan of subdivision dated July 19, 1991 and June 18, 2010 respectively for reference purposes.

Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$2,813.75. 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 has reviewed the request to extend the subject draft approval and has 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. Appropriate changes were identified and explained within this report have been included in the Resolution section of this report and would 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 Lionsgate Subdivision for a period of three years until September 14, 2023, be approved as outlined in the Resolution section of this report.