

Date: August 18, 2020

## **STAFF REPORT**

### **Applicant:**

Vytis Lands (Kagawong) Ltd.

### **Location:**

PINs 73572-0248 & 73561-0008, Lots 10 & 11, Concession 4, Township of Neelon (Vytis Timestone Subdivision, Sudbury)

### **Application:**

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on September 12, 2011. The draft approval was most recently extended by Council on September 12, 2017, and is set to expire again on December 12, 2020, following a temporary administrative extension for a draft approved plan of subdivision on those lands described as PINs 73572-0248 & 73561-0008, Lots 10 & 11, Concession 4, Township of Neelon.

As noted above, there was one administrative extension issued by the Director of Planning Services having the effect of establishing a new lapsing date of December 12, 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 two years until September 12, 2022.

### **Background:**

The City received a written request via email from the owner's agent on May 26, 2020, to extend the draft approval on a plan of subdivision for a period of two years on those lands described as PINs 73572-0248 & 73561-0008, Lots 10 & 11, Concession 4, Township of Neelon. The draft approved plan of subdivision was initially approved by Council for a total of 19 industrial lots and 35 urban residential lots, along with 4 parks/open space blocks of land to the south of Kingsway Boulevard and to the east of Third Avenue in the community of Sudbury. The lots within the Vytis Timestone Subdivision are to be accessed from Kingsway Boulevard and with southerly road connections to the Hazelton and Lionsgate Subdivisions.

Staff notes that no phases of the draft approved plan of subdivision have been registered since the initial draft approval granted by Council on September 12, 2011. It should be noted however that construction drawings for a first phase were submitted for review on April 17, 2015. At the time of writing this report, the first phase has not proceeded to the Ministry of Environment and Climate Change (MOECC) regarding compliance requirements around construction of said first phase. No changes are requested the existing draft approval conditions.

Staff further notes that the draft approval is now set to expire on December 12, 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 12, 2022.

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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. Canada Post was also circulated the request to extend the draft approval for the Vytis Timestone Subdivision and did not provide any comments.

Active Transportation has noted that the owner will be required to construct a portion of the streets within the Vytis Timestone Subdivision (i.e. from Jeanine Street in an easterly direction and connecting generally then connecting to Kingsway Boulevard) to an urban collector standard complete with on-road bicycle lanes and sidewalks on both sides. On-street parking shall be restricted on both sides of streets constructed to said urban collector standard.

Building Services has requested that Condition #23 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.

Conservation Sudbury has no concerns with the draft approval extension request. Conservation Sudbury has however noted that existing Condition #35 should be updated to reflect current wording and best practices with respect to the requirement for an 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 Vytis Timestone 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 construction drawings for a first phase were submitted for review on April 17, 2015. At the time of writing this report, the first phase has not proceeded to the Ministry of Environment and Climate Change (MOECC) regarding compliance requirements around construction of said first phase. No changes are requested the existing draft approval conditions.

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. Condition #41 may also now be deleted as the updated Condition #25 addresses the need for conveyances of drainage channels when and where required to service the Vytis Timestone Subdivision. There is also a new Condition #42 being recommended that would provide clarity to the owner that they are responsible for the design and construction and conveyance of lands for any new storm-water management works that would be required in order to service the Vytis Timestone Subdivision.

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. It is therefore recommended that existing Condition #49 be deleted as it is no longer necessary given the above caution to the owner.

Water/Wastewater notes that the subject lands are within a Source Water Protection Area (ie. Intake Protection Zone 3 – Ramsey and the Ramsey Lake Issue Contributing Area). It is noted that a Risk Management Plan will be required for the activity of applying road salt and the storing of snow should there be any external parking lots having an area of equal to or greater than 1 ha (2.47 acres). The future handling and storage of road salt is also prohibited in the Ramsey Lake Issue Contributing Area. It is further noted however that no specific changes to the existing draft plan approval conditions are necessary.

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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.

Staff notes that this particular draft plan approval was originally approved by Council on September 12, 2011, and at the time of writing this report none of the 19 industrial lots and 35 urban residential lots, along with 4 parks/open space blocks of land, have been registered.

The owner did not provide an update in regards to their progress on clearing draft approval conditions in their emailed letter dated May 26, 2020.

### Draft Approval Conditions

Condition #11 should be deleted entirely and replaced with a sentence referring to September 12, 2022, 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 Vytis Timestone Subdivision. These requested changes are reflected in the Resolution section of this report as an amendment to existing Condition #25 and a new Condition #51.

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 #50 that is being recommended.

Building Services and Conservation Sudbury have both requested housekeeping changes to existing verbiage contained within existing Conditions #23 and #35 respectively.

No other administrative and housekeeping changes to the draft approval documents are required at this time. Further to this, 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 a sketch of the draft approved plan of subdivision dated December 16, 2010, for reference purposes.

### Processing Fees

The owner has provided the applicable processing fee in the amount of \$1,998.33. 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.

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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 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 of the subdivision. Appropriate changes where 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 Vytis Timestone Subdivision for a period of two years until September 12, 2022, be approved as outlined in the Resolution section of this report.