

Date: July 8, 2020

STAFF REPORT

Applicant:

Riverglen Developments Ltd.

Location:

Part of PIN 73378-0092, Part of Parcel 1386 SWS, Lot 7, Concession 3, Township of Waters (Riverdale Subdivision, Lively)

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on November 20, 1989. The draft approval was most recently extended on May 18, 2017 when Plan 53M-1425 was registered as a phase of the Riverdale Subdivision. This most recent registration facilitated the creation of 17 new urban residential lots having frontage on Herman Mayer Drive.

There was one administrative extension issued by the Director of Planning Services having the effect of establishing a new lapsing date of September 18, 2020, in order to allow for agencies and departments to complete their review of the request. The most recent administrative extension was 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 May 18, 2022.

Background:

The City received a written request from Riverglen Developments Ltd. on April 15, 2020 to extend the draft approval on a plan of subdivision for a period of two years on those lands described as Part of PIN 73378-0092, Part of Parcel 1386 SWS, Lot 7, Concession 3, Township of Waters. The draft approved plan of subdivision was initially approved by Council for a total of 143 urban residential lots to the west of Black Lake Road and to the north of Junction Creek along Herman Mayer Drive in the community of Lively. The remaining lots within the draft approved plan of subdivision are to be accessed from the continuation of Herman Mayer Drive, as well as from Thomas Avenue.

Staff notes that the most recent phase of the subdivision was registered as Plan 53M-1425 on May 18, 2017. In accordance with Council policy, a three year extension was granted at this time with a new lapsing date of May 18, 2020, having been established. Staff further notes however that the draft approval is now set to expire on September 18, 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 May 18, 2022.

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Departmental & Agency Circulation:

Active Transportation, 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. Whitefish First Nation was circulated the application and at the time of writing this report have not provided any comments.

Building Services has requested that Condition #14 be updated to reflect current standard draft approval condition verbiage as it relates to geotechnical work that is required in order to develop the Riverdale Subdivision. Building Services is also recommending that a new condition be included which addresses requirements for compliance to the "On-Site and Excess Soil Management" under the Environmental Protection Act, if required, by the construction process planned for the subdivision including the excavation of basements. This request has been included as a new Condition #33 in the Resolution section of this report.

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 several existing conditions should be updated, along with the addition of a new condition addressing the need to delineate wetlands to the west of Birch Avenue and south of Black Creek Drive to ensure that lots which contain wetland demonstrate that a sufficient building envelope outside of the wetland is provided for appropriately.

Development Engineering has noted that since initial draft approval there have been two phases of the Riverdale Subdivision that have proceeded to construction with the most recent phase being registered in May 2017. Development Engineering further advises that they have had contact with the developer regarding the next phase of the subdivision and await further submission requirements from the developer in order to proceed.

The City's Drainage Section has requested that Condition #20 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](#). To that end, 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 November 20, 1989 and at the time of writing this report there are 91 remaining lots within the draft approved Riverdale Subdivision. To date, there have been 52 urban residential lots created within the Riverdale Subdivision.

The owner did note in their draft approval extension request that given the current global pandemic that they will be unable to realistically proceed at this time with registering the next phase of the Riverdale draft approved plan of subdivision.

Draft Approval Conditions

Condition #12 should be deleted entirely and replaced with a sentence referring to May 18, 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 #20 be updated to reflect current standard draft approval condition practices in terms of the infrastructure that will be required to facilitate development of the Riverdale subdivision. This requested change is reflected in the Resolution section of this report as an amendment to existing Condition #20.

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 #32 that is being recommended.

Other housekeeping changes requested by Building Services related to geo-technical requirements for the Riverdale Subdivision are also incorporated into the Resolution section of this report.

No other administrative and 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 draft approval conditions are attached to this report along with a sketch of the draft approved plan of subdivision dated July 10, 1989, for reference purposes.

Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$1,365.88. 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 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 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 Riverdale Subdivision for a period of two years until May 18, 2022, be approved as outlined in the Resolution section of this report.