

**Date: April 22, 2020**

## **STAFF REPORT**

### **Applicant:**

Primo Titton Construction Ltd.

### **Location:**

Parcel 10382, Lot 4, Concession 5, Township of Broder (Mariposa Subdivision, Sudbury)

### **Application:**

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on March 16, 1989. The draft approval was most recently extended by Council until March 16, 2020 for a plan of subdivision on those lands described as Parcel 10382, Lot 4, Concession 5, Township of Broder (ie. Mariposa Subdivision). Two administrative extensions have been issued by the Director of Planning Services having the effect of establishing a new lapsing date of September 16, 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 three years until March 16, 2023.

### **Background:**

The City received a written request from Primo Titton Construction Ltd. on January 22, 2020, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as Parcel 10382, Lot 4, Concession 5, Township of Broder. The draft approved plan of subdivision was initially approved by Council for a total of 107 urban residential lots to the south of Algonquin Road and to the north of Highway #17 in the community of Sudbury.

The lots are to be accessed from Maurice Street to the north-east, which then provides access to Algonquin Road. Staff notes that no phases of the draft approved plan of subdivision have been registered since the initial draft approval granted by Council on March 16, 1989.

The draft approval is set to expire again on September 16, 2020 following two administrative extensions. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to March 16, 2023.

### **Departmental & Agency Circulation:**

Active Transportation, Operations, and Transit Services have each advised that they have no concerns from their respective areas of interest. Both the Ministry of the Environment and the Ministry of Transportation were circulated the application and have no comment.

Building Services has no objections to the draft approval extension request. It is however being recommended that Condition #13, regarding acoustical report requirements be amended to add that a Sound Attenuation Agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor. Condition #20 should also be amended to add standard wording with

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respect to a Soils Caution Agreement, if required, being registered on title to the satisfaction of the Chief Building Official and City Solicitor.

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 objections and would recommend that Condition #45 be updated to represent standard wording requirements for the submission and approval of an Erosion and Sediment Control Plan for the subdivision development.

Development Engineering notes that since initial draft approval was granted that no construction drawings have been submitted for review that would further the development of the subject lands. There was a Front-Ending Agreement registered in 2016 against the subject lands with respect to construction of the Algonquin Water Booster Station. It is recommended that Condition #24 be deleted as the owner as the Algonquin Water Booster Station cost-sharing issue has been dealt with and continues to be addressed by previous Condition #23. It is also recommended that Condition #26 be amended to add wording referencing the requirement for sidewalks being constructed as per the City of Greater Sudbury's development standards.

The City's Drainage Section has requested that Conditions #18, #35 and #37 be deleted and replaced with one comprehensive conditions 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. Conservation Sudbury also requested that clarity be added to storm-water requirements for the Mariposa Subdivision.

Environmental Initiatives notes there are no significant environmental concerns that are not already addressed in the draft approval conditions. Condition #46 is recommended to be removed and the owner is advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the [Endangered Species Act](#) have been satisfied.

Leisure Services consulted with Development Approvals staff and have confirmed that their concern with respect to parkland dedication within the draft approved plan of subdivision are satisfied in Condition # 11.

Roads, Traffic and Transportation has recommended that Condition #26 be entirely modernized to reflect current location, requirements and standards for road and sidewalk construction related to the development of the Mariposa Subdivision.

### **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 March 16, 1989, and since that time none of the 107 urban residential lots have been registered.

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The owner did not provide an update in regards to their progress on clearing draft approval conditions in their letter dated January 22, 2020.

### Draft Approval Conditions

Condition #16 should be deleted entirely and replaced with a sentence referring to March 16, 2023, as the revised date on which the subject draft plan of subdivision approval shall lapse.

The City's Drainage Section has requested that several conditions be updated to reflect current standard draft approval condition practices in terms of the infrastructure that will be required to facilitate development of the Mariposa subdivision. This requested change is reflected in the Resolution section of this report as new Condition #49 that is being recommended.

Environmental Initiatives has noted that there are no significant environmental concerns that are not already addressed in the draft approval conditions. It is also noted that the owner is hereby advised that prior to vegetation removal or other site alteration on the subject lands they are to consult with the Ministry of the Environment, Conservation and Parks to ensure that all requirements set out by the Province of Ontario under the Endangered Species Act have been satisfied. The affected Condition #46 relating to the above is included in the Resolution section of this report.

Staff recommends that a standard draft approval condition be added that in accordance with Section 59(4) of the [Development Charges Act](#), 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.

Other housekeeping changes requested by Building Services, Development Engineering and Roads, Traffic and Transportation 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 August 25, 1988, for reference purposes.

### Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$2,736.75. 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 have reviewed the request to extend the subject draft approval and have 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 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 Mariposa Subdivision for a period of three years until March 16, 2023, be approved as outlined in the Resolution section of this report.