

Request for Decision

Baikinson Land Corp - Application to extend draft plan of subdivision approval (Marquis Park, Chelmsford)

Presented To:	Planning Committee
Presented:	Wednesday, Feb 19, 2020
Report Date	Monday, Jan 20, 2020
Type:	Routine Management Reports
File Number:	780-5/94003

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as Part of Parcels 15910A, 29828 and 31001 S.W.S., and Part of Lot 1, Plan 53M-1277 in Lots 1 and 2, Concession 2, Township of Balfour, City of Greater Sudbury, File 780-5/94003, as outlined in the report entitled "Baikinson Land Corp", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 19, 2020, as follows:

a) By amending the draft plan lapsing date in Condition #14 to November 21, 2022.

b) By adding the following to Condition #17:

"A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

c) By replacing the reference to "Nickel District Conservation Authority" with "Conservation Sudbury" in Condition #22.

d) By adding the following to Condition #25:

"A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Jan 20, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Jan 20, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Jan 20, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Jan 31, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Feb 2, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 5, 20

Relationship to the Strategic Plan / Health Impact Assessment

The request to extend the approval for a draft plan of subdivision is an operational matter under the Planning Act to which the City is responding. The application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by diversifying the supply of new housing throughout the City and expanding the range of housing options for residents.

Report Summary

The owner of the subject land has requested a three-year extension for the Marquis Park draft plan of subdivision located in the community of Chelmsford, which received initial draft approval on June 7, 1995. If the extension is approved, the new lapsing date will be November 21, 2022. Five (5) phases have been registered to date. Various standard conditions of draft approval require updating to reflect current-day language and practice. A three-year extension is recommended.

Financial Implications

If approved, staff estimates approximately \$186,000 in taxation revenue, based on the assumption of 41 single family detached dwelling units at an estimated assessed value of \$400,000 per dwelling unit at the 2019 property tax rates.

In addition, this development would result in total development charges of approximately \$726,000 based on assumption of 41 single family detached dwelling units and based on the rates in effect as of this report.

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).

Date: January 8, 2020

STAFF REPORT

Background

The owner of the above noted property has requested a three-year extension of the draft approval for the Marquis Park subdivision. If approved, the new lapsing date will be November 21, 2022. The original draft approval date is June 7, 1995. Five phases have been registered since the initial approval in 1995, the most recent being Plan 53M-1412 (November 2013).

At this time, the applicant is not proposing any amendments to the draft plan. There are 41 lots remaining with draft approved status (R1-5: 20 lots; R2-2: 21 lots).

Departmental & Agency Comments

The following agencies and departments were asked to review the request to extend the draft plan approval and the conditions imposed by Council. Their comments are as follows:

Development Engineering

The last phase of the subdivision was registered November 5, 2013. The developer is currently constructing an adjacent subdivision to the southwest.

The existing draft plan conditions satisfy our concerns. We have no objection to a three-year draft approval extension.

Infrastructure Capital Planning Services

No concerns.

Building Services

Based on the information provided, we can advise that Building Services has no objections to the request for an extension.

To further Condition #25, a soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.

Conservation Sudbury (NDCA)

No comments.

Summary

Proposed amendments

The recommended revisions to the draft plan conditions are essentially housekeeping amendments. The additional clauses added to Conditions #17 and 25 related to lot grading and soils caution agreements are now standard clauses to be applied to active draft approvals to ensure that these agreements may be registered on title if required.

Date: January 8, 2020

[Official Plan](#)

Section 20.4.2 of the Official Plan 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 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.

In this case, future phases of the plan of subdivision are dependent upon the construction of a road connection to draft approved lands to the west, which are also owned by the applicant (File 780-5/12006). This requirement is set out under Condition #27. The applicant/owner is working towards the registration of the first phase on the westerly abutting lands, which will provide the required road linkage between Edna Street and St. Albert Street.

Based on the above considerations, a three-year draft plan extension is recommended.

[2014 Provincial Policy Statement \(PPS\)](#)

The application demonstrates consistency with several key policies of the PPS. The development site is located in a designated growth area adjacent to an existing built-up area. A mix of housing types and densities is proposed, including singles and semis. The adjacent subdivision to the west will contain row dwellings. The proposal also utilizes existing infrastructure and essentially rounds out existing development. The development is not impacted by natural hazards.

The application is consistent with the 2014 Provincial Policy Statement.

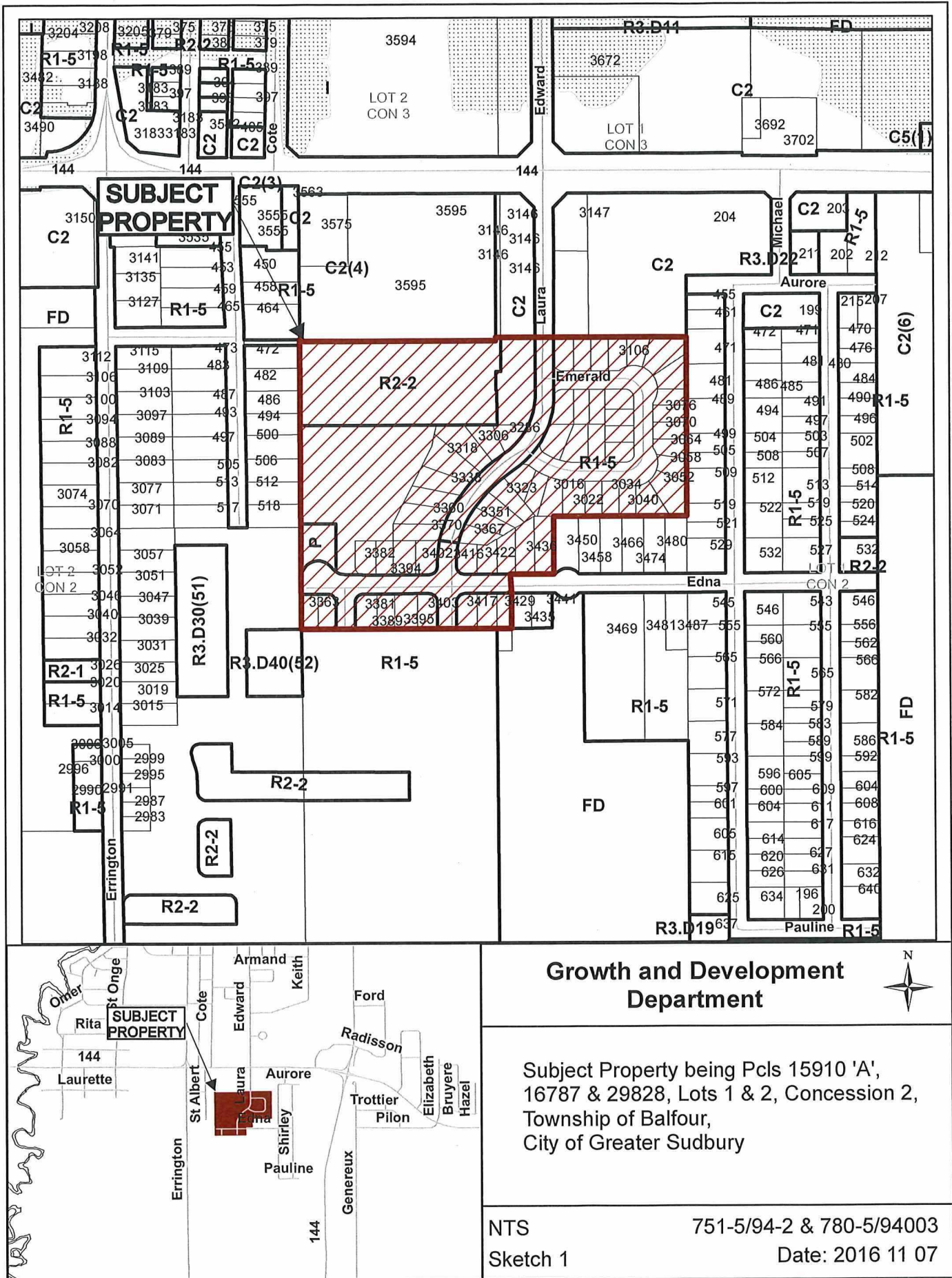
[2011 Growth Plan for Northern Ontario \(GPNO\)](#)

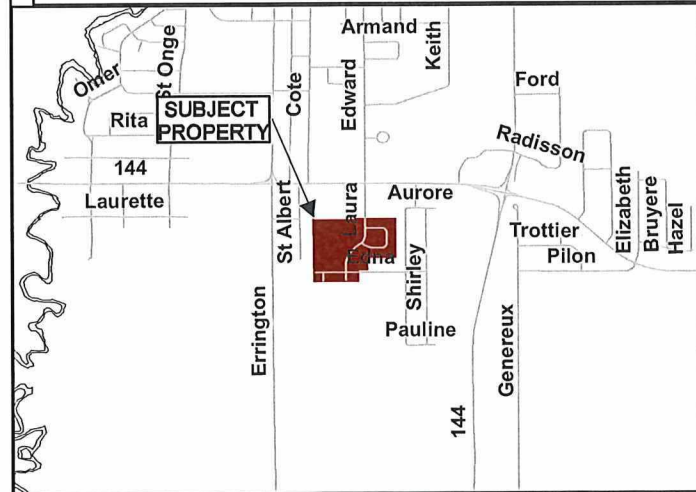
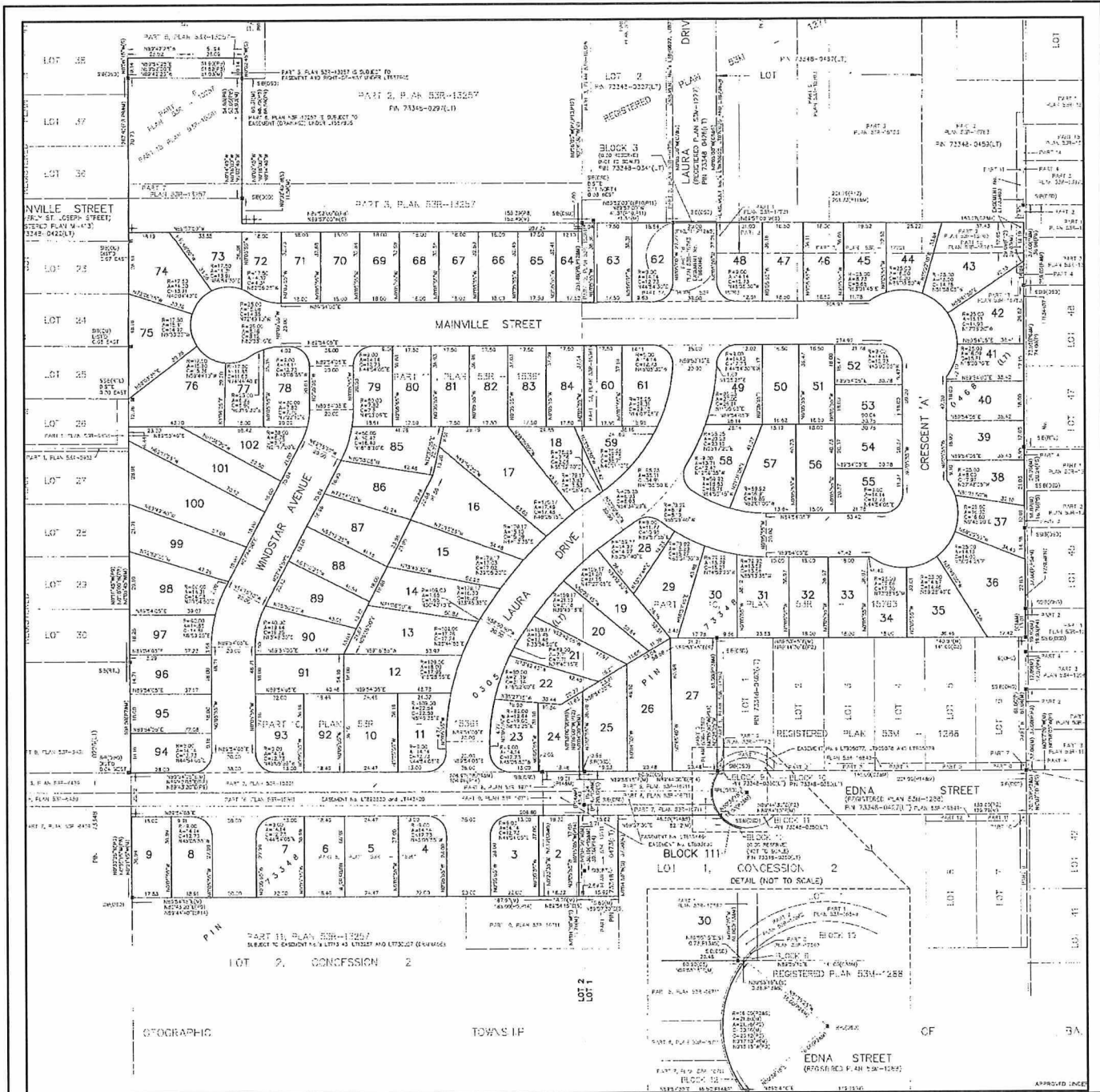
Under the GPNO, municipalities designated as Economic and Service Hubs should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario, including the provision of a range of housing.

The application conforms to the 2011 Growth Plan for Northern Ontario

[Summary](#)

Planning Services Division recommends that a 3-year extension of the draft plan of subdivision be granted subject to the conditions outlined in the Resolution section of this report.





Growth and Development Department



Subject Property being Pcls 15910 'A',
16787 & 29828, Lots 1 & 2, Concession 2,
Township of Balfour,
City of Greater Sudbury

NTS
Sketch 1

751-5/94-2 & 780-5/94003
Date: 2016 11 07

CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:

1. That this approval applies to the draft plan of subdivision of Part of Parcels 15910'A', 29828 and 31001 S.W.S. and Part of Lot 1, Plan 53M-1277, Lots 1 and 2, Concession 2, Township of Balfour as shown on a plan prepared by D.S. Dorland, O.L.S. and dated May 12, 2000, as amended by a plan prepared by D.S. Dorland, O.L.S., and dated October 30, 2007.
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 one-foot 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 the lot areas, frontages and depths appearing on the final plan shall 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.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. The applicant will be required to enter into a written agreement to satisfy all requirements 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. Deleted
10. Deleted
11. Deleted
12. That the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.

13. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Planning Services Division 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.
14. That this draft approval shall lapse on March 21, 2020.
15. Deleted
16. Deleted
17. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated 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 and show the stormwater overland flow path.
18. Deleted
19. Deleted
20. Deleted
21. That prior to the signing of the final plan, the Planning Services Division is to be advised by the Director of Legal Services/City Solicitor that Conditions 2, 3, 5, 6, 7 and 8 have been complied with to his satisfaction.
22. 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 17 has been complied with to their satisfaction.
23. Deleted.
24. That the street described as Laura Avenue on the draft plan be constructed to collector road standards to the satisfaction of the General Manager of Growth and Infrastructure.

25. 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 licensed 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 recommend construction procedures for the following items: storm and sanitary sewers, watermains, roads, the mass filling of land, surface drainage works including storm erosion control, slope stability (if applicable) and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official.
26. Deleted.
27. That the road allowances connecting Edna Street to St. Albert Street shall have been constructed and dedicated to the City at or prior to the registration of any lots fronting onto Windstar Avenue and Mainville Street, west of Windstar Avenue.
28. That a six (6) metre pedestrian walkway be provided between lots 73 & 74 and connect westerly through the existing Mainville Street right-of-way to St. Albert Street.
29. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and Conservation Sudbury (Nickel District Conservation Authority).
30. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Inc. at the cost of the owner.
31. All streets will be constructed to an urban standard, including the required curbs, gutters and sidewalks.
32. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 metres.
33. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Inc., Canada Post, 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.
34. Cash contributions toward the Lavallee Stormwater Management Facility are required as confirmed by the letter from S.A. Kirchhefer dated January 9, 2008.

35. The municipal drain flowing westerly toward Errington Avenue will be abandoned as future phases of the subdivision proceed. The owner agrees to convey flows southeasterly, via a temporary ditch toward the Lavallee Municipal Drain Branch F inlet prior to the registration of the next phase.
36. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
 - ii) 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."
37. 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.