

Request for Decision

1468766 Ontario Ltd. - Application to extend draft plan of subdivision approval (Adam & Eve Subdivision, Sudbury)

Presented To:	Planning Committee
Presented:	Wednesday, Feb 19, 2020
Report Date	Monday, Jan 20, 2020
Type:	Routine Management Reports
File Number:	780-6/97001

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 PINs 73566-0030, 73566-0541 & 73566-0833, Parcels 760 N.W.S., and 2768 S.E.S., and Part of Block F, Plan M-1005 in Lot 11, Concession 6, Township of Neelon, City of Greater Sudbury, File 780-6/97001, as outlined in the report entitled "1468766 Ontario Ltd.", 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 #10 to December 4, 2022.
- b) By replacing the references to "Nickel District Conservation Authority" with "Conservation Sudbury" in Conditions #14 and 17.
- c) By replacing the references to "General Manager of Infrastructure Services" with "General Manager of Growth and Infrastructure" in Conditions #17, 21, 24, 27, 32 & 34.
- d) By adding the following to Condition #24:

"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."
- e) By replacing the reference to "Ontario Ministry of the Environment and Climate Change" with "Ontario Ministry of the Environment, Conservation and Parks" in Condition #25.

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 Adam and Eve draft plan of subdivision located on the south side of Maley Drive, which was originally approved on June 4, 1998. If approved, the new lapsing date will be December 4, 2022. No phases have been registered to date.

Various standard conditions of draft approval require updating to reflect current-day language and practice. Given that there has been no activity on this file for several years, the owner is advised to re-evaluate the feasibility of the proposal and also address the non-conforming use of the property, being the outdoor storage of recreation vehicles, through consultation with Staff.

Financial Implications

If approved, staff estimates approximately \$178,000 in taxation revenue, based on the assumption of 18 semi-detached dwelling units and 30 row house dwelling units at an estimated assessed value of \$300,000 and \$275,000 respectively per dwelling unit at the 2019 property tax rates.

In addition, this development would result in total development charges of approximately \$563,000 based on the assumption of 18 semi-detached dwelling units and 30 row house 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 10, 2020

STAFF REPORT

Background

The Adam and Eve draft plan of subdivision received draft approval from Regional Council on June 4, 1998. The subject property is zoned "R2-2(7)", Low Density Residential Two Special and "R3(16)", Medium Density Residential Special in order to permit 9 lots for semi-detached dwellings (18 units) and 3 lots for row house dwellings (20-30 units). Access to Maley Drive is restricted to a right-in/right-out access only.

Three-year extensions to draft approval have been granted on six previous occasions, in February 2001 (Recommendation #2001-24), February 2004 (Recommendation #2004-36), April 2007 (Recommendation #2007-116), November 2010 (Recommendation #2010-221), November 2013 (Resolution PL2013-187) and October 2016 (Resolution PL2016-176).

In October 2011, the property was sold by the former owner, Adam & Eve's Garden Centre, to 1468766 Ontario Ltd. The owner has requested a three-year extension to December 4, 2022.

To date, none of the conditions of draft approval have been addressed and no phases have been registered. The most recent conditions dated October 2019 are attached for review.

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

Originally draft approved in 1998, there has been no recent activity regarding this file with respect to any engineering submissions.

Infrastructure Capital Planning Services

No concerns.

Building Services

No additional comments.

Conservation Sudbury (NDCA)

Conditions #14 and 17 satisfy the concerns of Conservation Sudbury.

Date: January 10, 2020

Summary

Proposed amendments

The recommended revisions to the draft plan conditions are essentially housekeeping amendments. The additional clause added to Condition #24 related to a lot grading agreement is now a standard clause to be applied to active draft approvals to ensure that the agreement may be registered on title if required.

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, the subject lands were sold in October 2011. Since that time, there have been no engineering submissions related to this file, although the current owner has made efforts to keep the draft approval active as needed. It is further noted that the owner has been storing recreational vehicles on the site in contravention of the Zoning By-law, as the lands are zoned for residential uses.

In consideration of the above circumstances, a draft plan extension is recommended in order to allow sufficient time for the owner to address the following matters:

- Re-evaluate the feasibility of the proposal given that there has been no movement on this file since the initial approval in 1998; and,
- Address the non-complying use of the property.

The owner is advised to consult with Planning Services staff in a timely manner to further discuss the above noted matters.

2014 Provincial Policy Statement (PPS)

The proposed plan of subdivision is located within a designated growth area adjacent to an existing built-up area that is fully serviced. The range of housing types proposed with this development will allow for a mix of uses and densities that will further diversify the supply of new housing in the New Sudbury area. The proposed development is located outside of hazardous lands, being the flood plain associated with Junction Creek to the east.

The application is consistent with the 2014 Provincial Policy Statement.

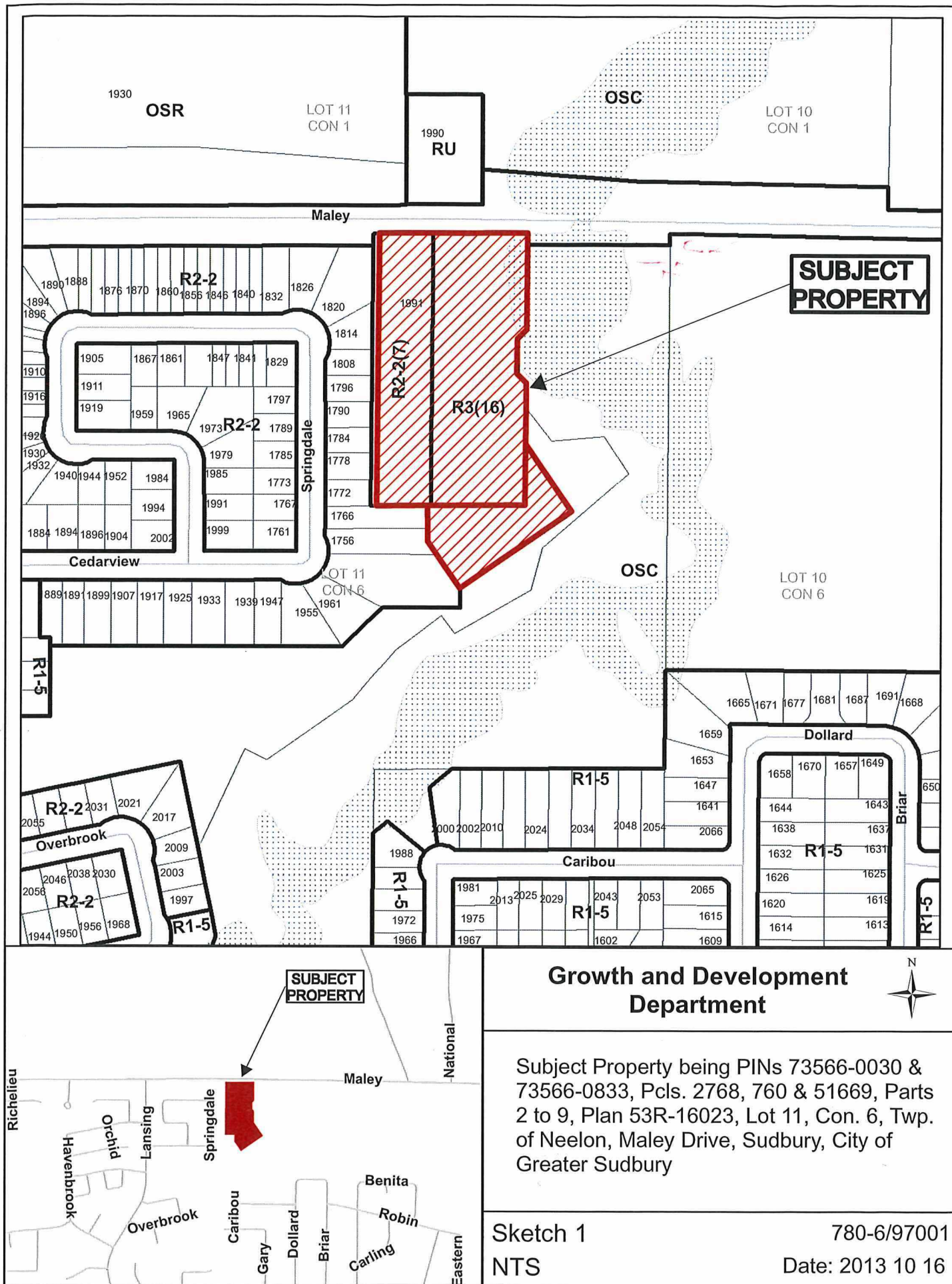
2011 Growth Plan for Northern Ontario (GPNO)

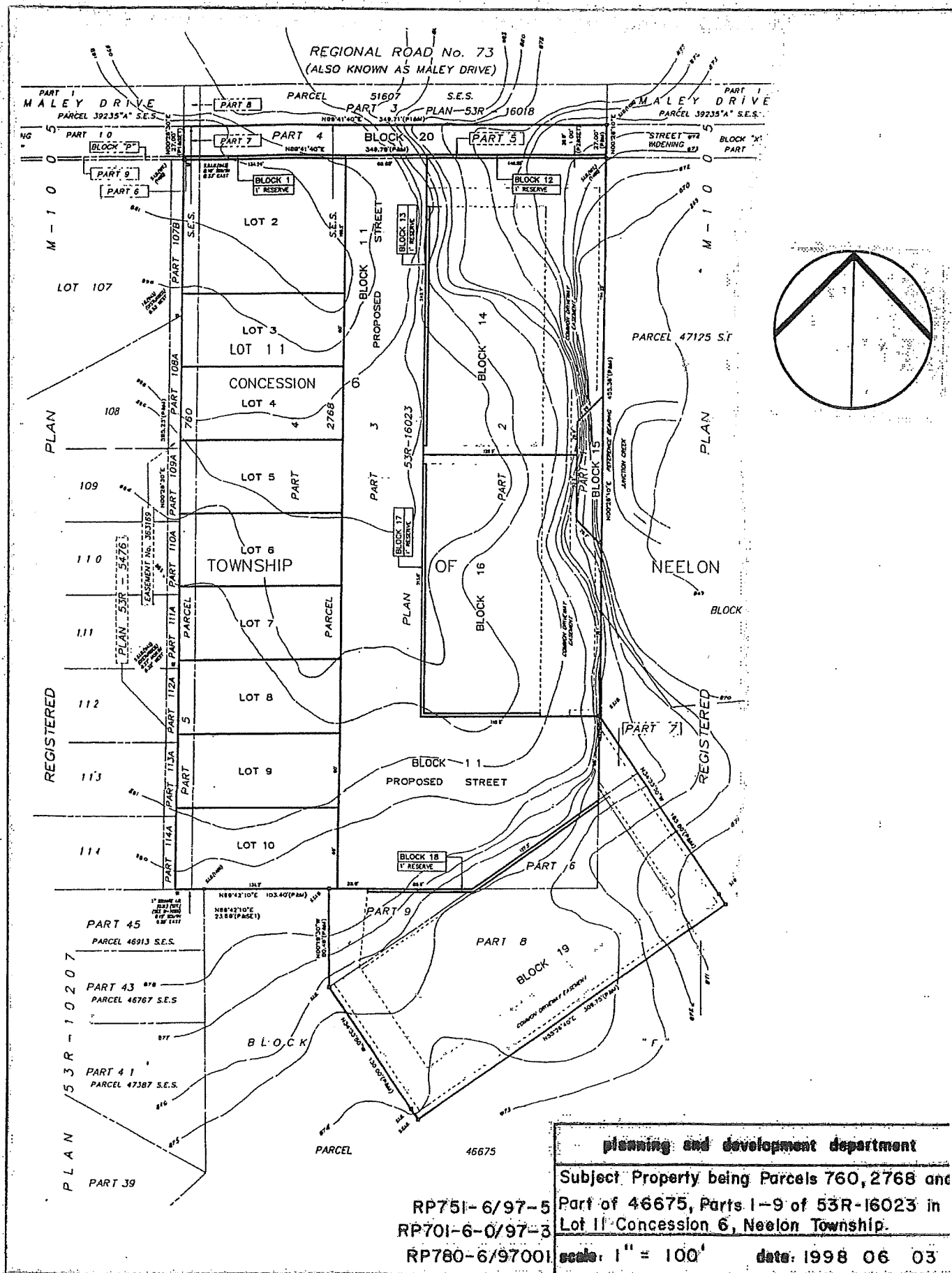
The GPNO encourages the provision of a range of housing types in support of the City's designation as an Economic and Service Hub. The draft plan proposes a mix of low and medium density uses, including semis and row dwelling units.

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.





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

1. That this draft approval applies to the draft plan of subdivision of Parcels 760 N.W.S. and 2768 S.E.S. and Part of Block F, Plan M-1005, all in Lot 11, Concession 6, Township of Neelon, City of Sudbury as prepared by S.J. Gossling, O.L.S. and dated May 28, 1998.
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 0.3 metre 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 prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do 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, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury concerning the provision of roads, installation of services and drainage.
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. That this draft approval shall lapse on March 4, 2020.
11. That prior to the signing of the final plan the Region is to be advised by the owner that all provisions of the Environmental Assessment Act have been complied with.
12. That Block 15 on the draft plan be deeded to the City of Greater Sudbury.
13. That the subdivision agreement contain provisions whereby the owner is required to construct a 1.8 m opaque fence along the entire west property boundary to the satisfaction of the Solicitor for the City of Greater Sudbury.

14. That prior to the passing of the final plan the Planning Services Section is to be advised by the Nickel District Conservation Authority that the owner has conducted soil testing for bank stability for construction purposes and if necessary that the subdivision agreement contain provisions which will guarantee mitigative construction or development techniques to the satisfaction of the Nickel District Conservation Authority.
15. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated 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 any proposed storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
16. That an agreement be placed on the title to each lot indicating that during the construction of building foundations, the builder will be required to have a qualified soils engineer attest to the adequacy of the soil to support appropriate footings, and that this information is to be conveyed to the Chief Building Inspector/Official for approval to pour the footings.
17. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Infrastructure Services and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
18. 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.

19. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
20. Deleted.
21. That prior to the signing of the final plan the owner shall undertake a noise assessment using an existing primary arterial road with similar traffic flows as projected for Maley Drive to determine what control measures are required to meet provincial sound limits and, if necessary, that provisions for implementing these noise control measures be included in the subdivision agreement to the satisfaction of the General Manager of Infrastructure Services.
22. That 5% of the land included in the subdivision be deeded to the City of Greater Sudbury for parks purposes pursuant to Section 51.1(1) of the Planning Act.
23. That prior to the signing of the final plan, the Planning Services Division is to be advised by the City Solicitor that Conditions #2, 3, 5, 6, 7, 8, 12, 16 and 22 have been complied with to his satisfaction.
24. The owner shall provide a detailed lot grading plan for all the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new homes, side yards, swales and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the grading is undertaken, all to the satisfaction of the General Manager of Infrastructure Services.
25. The owner shall be responsible to have a stormwater management report prepared to assess how the quality and quantity of stormwater will be managed for the subdivision development, in addition to the flows generated from upstream lands. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to pre-development levels for the 1:5, 1:100 and regional storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The quality of the stormwater must meet an "enhanced" level of protection as defined by the Ontario Ministry of the Environment and Climate Change.
26. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Hydro services, 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.
27. That access to Maley Drive be restricted to a right-in/right-out access to the satisfaction of the General Manager of Infrastructure Services.

28. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
29. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.
30. Prior to initial acceptance of all storm sewers or sanitary sewers, camera inspections will be required on any newly constructed works.
31. Prior to the submission of a servicing plan, the owner shall provide verification from a Professional Engineer that the development will have no negative impacts on the operation of the Maley Flood Control Dam and no negative impacts for flood control along Junction Creek.
32. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Infrastructure Services that sufficient sewage treatment capacity and water capacity exist to service the development.
33. 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.
34. 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 Infrastructure Services.