

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.

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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.