

## Request for Decision

**Bonaventure Development Company Ltd. - Application to extend a draft approved plan of subdivision approval, Lots 64-97, 97-117, 127-175, Blocks D & E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour (Pinellas Road & Keith Avenue, Chelmsford)**

Presented To:	Planning Committee
Presented:	Wednesday, Feb 19, 2020
Report Date	Monday, Jan 20, 2020
Type:	Routine Management Reports
File Number:	780-5/10001

## Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as Lots 64-97, 97-117, 127-175, Blocks D & E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour, File # 780-5/10001, in the report entitled "Bonaventure Development Company Ltd.", from the General Manager of Growth and Infrastructure, presented at the meeting of February 6, 2020, upon payment of Council's processing fee in the amount of \$1,820.67 as follows:

1. By deleting Condition #25 entirely and replacing it with the following:

"25. That this draft approval shall lapse on November 25, 2021.

## Relationship to the Strategic Plan / Health Impact Assessment

The application to extend this draft plan of subdivision approval is an operational matter under the Planning Act to which the City is responding.

## Report Summary

The owner has requested an extension to the draft plan of subdivision approval of the Pinellas Road and Keith Avenue draft approved plan of subdivision (File # 780-5/10001) in the community of Chelmsford for a period of two years until November 25, 2021. The Planning Services Division has reviewed the request to extend the draft approval and have 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. The Planning

### Signed By

#### Report Prepared By

Glen Ferguson  
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*

Services Division is recommending approval of the application to extend the draft approved plan of subdivision. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

### **Financial Implications**

If approved, staff estimates approximately \$376,000 in taxation revenue, based on the assumption of 83 single family 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 \$1,470,000 based on the assumption of 83 single family dwelling units 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: December 23, 2019**

## **STAFF REPORT**

### **Applicant:**

Bonaventure Development Company Ltd.

### **Location:**

Lots 64-97, 97-117, 127-175, Blocks D & E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour (Pinellas Road & Keith Avenue, Chelmsford)

### **Application:**

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on November 25, 2010. The draft approval was most recently extended by Council on February 27, 2018 until November 25, 2019, for a plan of subdivision on those lands described as Lots 64-97, 97-117, 127-175, Blocks D & E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour. An administrative extension was issued by the Director of Planning Services until February 25, 2020, in order to allow for agencies and departments to complete their review of the request.

### **Proposal:**

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of two years until November 25, 2021.

### **Background:**

The City received a written request from Bonaventure Development Company Ltd. on September 18, 2019, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as Lots 64-97, 97-117, 127-175, Blocks D & E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour. The draft approved plan of subdivision was initially approved by Council for a total of 83 urban residential lots. The lots are to be accessed from Pinellas Road to the north and Keith Avenue to the south.

At the time of writing this report, 83 urban residential lots are remaining within the draft approved plan of subdivision which have yet to be registered. Staff notes that no phase of the draft approved plan of subdivision have been registered since the initial draft approval granted by Council on November 25, 2010.

The draft approval was set to expire again on November 25, 2019 and staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to November 25, 2021. Staff again notes that an administrative extension was issued by the Director of Planning Services until February 25, 2020, in order to allow for agencies and departments to complete their review of the request.

**Date: December 23, 2019**

**Departmental & Agency Circulation:**

Active Transportation, Building Services, the City's Drainage Section, Operations, and Roads, Traffic and Transportation have each advised that they have no concerns from their respective areas of interest.

Canada Post has not requested any changes to the draft approval conditions. Canada Post did however note in an email that should registration of any lots proceed that they will identify locations for their required Community Mail Boxes at that time.

Development Engineering has no concerns with the extension request and has noted that the first set of construction drawings have been approved however modifications may be necessary to suit the owner's intentions once they proceed forward with registration.

Conservation Sudbury and the City's Environmental Planning Initiatives did not have any concerns when the draft approval was last extended in 2018 and have not provided any further comments in relation to this new request for extension.

**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 November 25, 2010, and since that time none of the 83 lots have been registered.

The owner provided an update to their progress on clearing draft approval conditions in their letter dated September 18, 2019, and note that their consulting engineers are working on a phase of the subdivision that is to be registered in the near future.

[Draft Approval Conditions](#)

Condition #25 should be deleted entirely and replaced with a sentence referring to November 25, 2021, as the revised date on which the subject draft plan of subdivision approval shall lapse.

No administrative and housekeeping changes to the draft approval documents are required at this time.

No other changes 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 April 1, 2010, for reference purposes.

[Processing Fees](#)

The owner is required to pay the applicable processing fee in the amount of \$1,820.67. 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 2017-222](#) being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

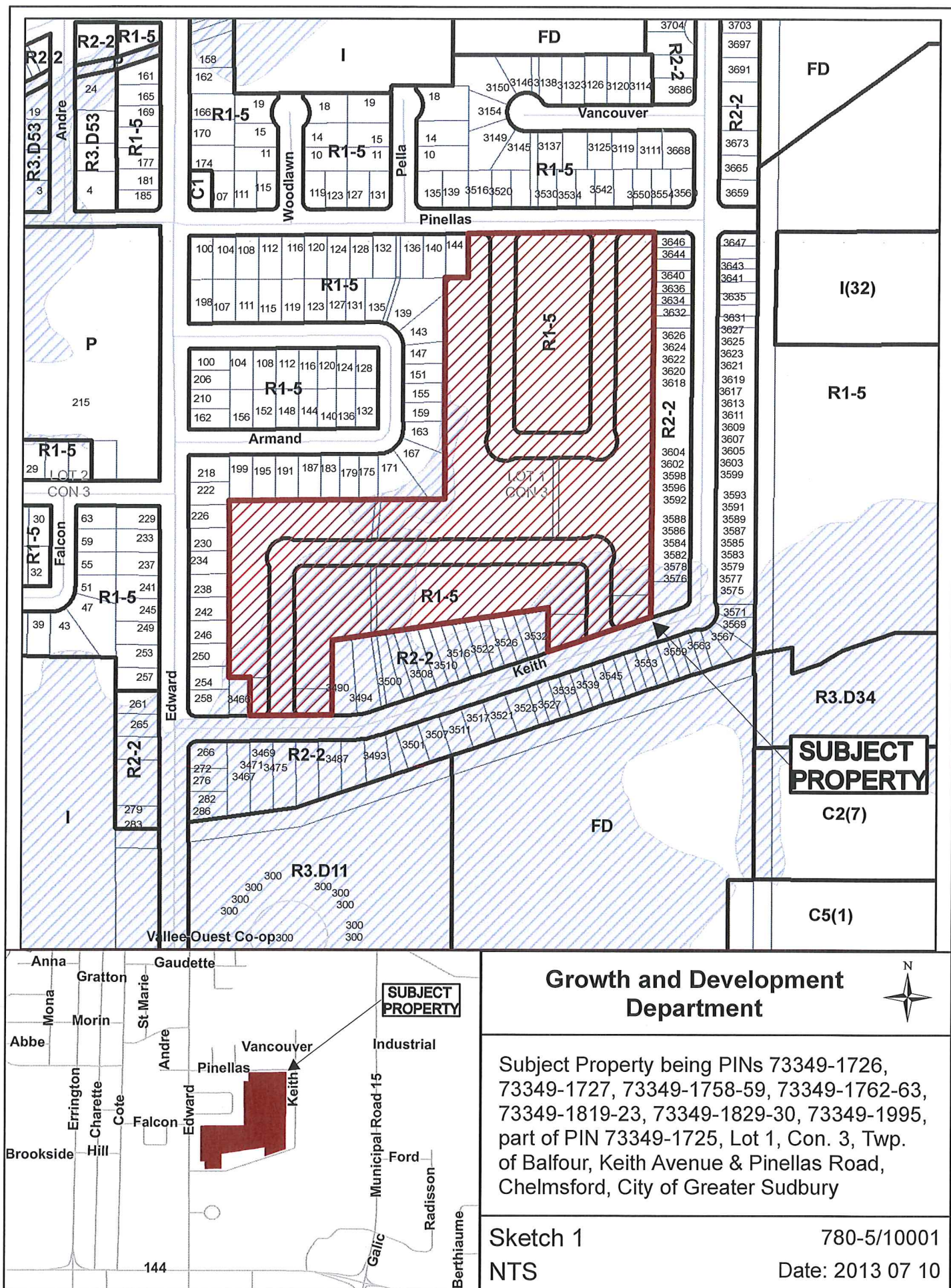
**Date: December 23, 2019**

**Summary:**

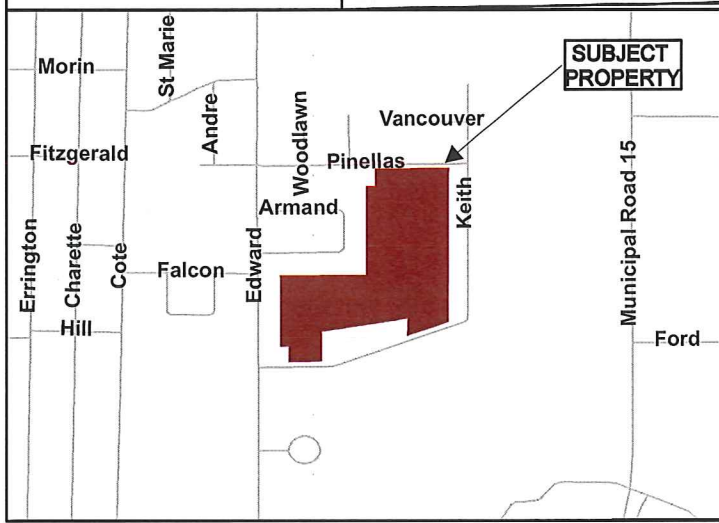
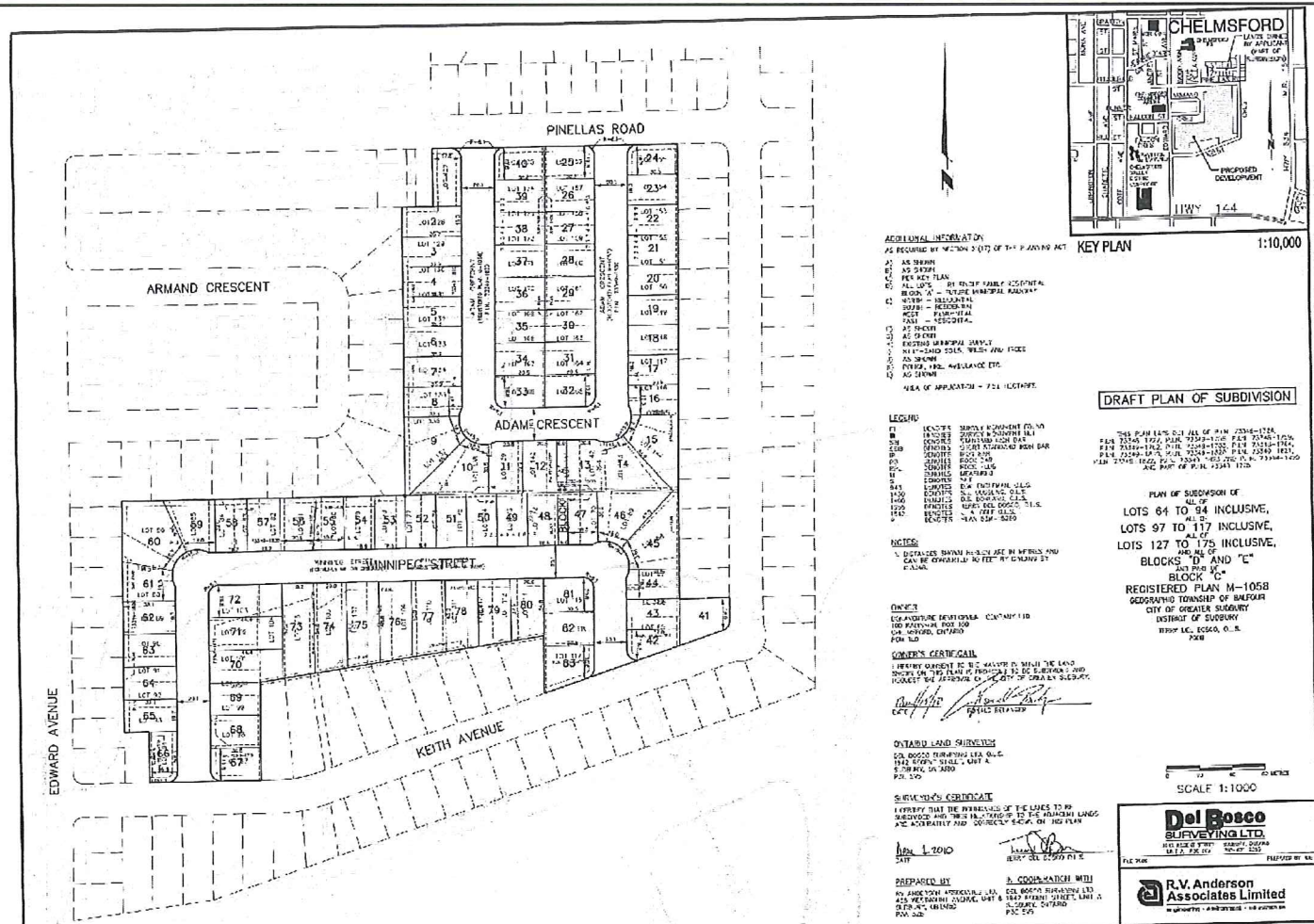
The Planning Services Division have reviewed the request to extend the subject draft approval and have no objections to the requested extension for a period of two years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Appropriate changes 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 draft approval for the subdivision at Pinellas Road and Keith Avenue for a period of two years until November 25, 2021, be approved as outlined in the Resolution section of this report.









Subject Property being PINs  
73349-1726, 73349-1727,  
73349-1758-59, 73349-1762-63,  
73349-1819-23, 73349-1829-30,  
73349-1995, part of PIN  
73349-1725, Lot 1, Con. 3, Twp.  
of Balfour, Keith Avenue &  
Pinellas Road, Chelmsford, City  
of Greater Sudbury

## Growth and Development Department

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NTS

780-5/10001  
Date: 2013 07 10

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

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1. That this draft approval applies to the draft plan of subdivision of Lots 64-94, 97-117 & 127-175, Blocks D, E, and Part of C, M-1058, Lot 1, Concession 3, Township of Balfour, as shown on a plan of subdivision prepared by Terry Del Bosco O.L.S dated April 1, 2010.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That Block A be dedicated to the City of Greater Sudbury for walkway purposes.
4. 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 including an elevation of the water table within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers,, 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. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.
5. 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 major storm overland flow path. The major storm overland flow for the subdivision is to remain within the City road allowances and City drainage blocks. Structures are subject to floodproofing measures to the satisfaction of the Nickel District Conservation Authority. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.
6. The City plans to implement communal stormwater management facilities and improve stormwater conveyance infrastructure downstream of the subject property. The owner will be required to cost share on the implementation of these facilities and conveyance improvements. The owner's cost share towards communal stormwater management facilities and downstream stormwater improvements shall be paid prior to the registration for each phase. Stormwater management facilities must be to the satisfaction of the Nickel District Conservation Authority.



7. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
8. The owner shall be required to implement major storm overflow infrastructure, constructed and approved by the City, prior to the final acceptance of roads and sewers.
9. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, sidewalks, walkways, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
10. The owner agrees to provide the required soils report, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
11. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
12. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
13. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Eastlink and Canada Post. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
14. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
15. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings. 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.

16. 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 Growth and Infrastructure 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.
17. That Adam Crescent and Winnipeg Street be constructed to an urban standard with a sidewalk along one (1) side.
18. 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.
19. 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.
20. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
21. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
22. 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, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
23. 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.
24. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning 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
25. Draft approval shall lapse on May 25, 2020.

26. The owner shall complete to the satisfaction of the Director of Planning Services of the City of Greater Sudbury and Canada Post:
- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser;
  - b) That the home/business mail delivery will be from a designated Centralized Mail Box; and,
  - c) That the owner be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.
27. The owner further agrees to:
- a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - b) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes;
  - c) Identify the pad above on the engineering servicing drawings. The pad is to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and,
  - d) Determine the location of all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.
28. That prior to the signing of the final plan, the Planning Services Division is to be advised by the City Solicitor that Conditions 4, 5, 18, 20, 21, 22, 23 and 31, have been complied with to his satisfaction."
29. 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 phases sought to be registered.
30. 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."

31. That in accordance with Section 59(4) of the Development Charges Act, a notice agreement shall be registered on title to ensure that persons who first purchase the subdivided lands after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.