



REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MARCH 09, 2015

FROM: Development Engineering Department PD-023-15

DATE: February 20, 2015

SUBJECT: Subdivision Agreement - Upper Middle Road GP Inc. (*Carterra*) - 1455 Joshuas Creek Dr, 24T-12002 and By-law 2015-013 - A By-law to Stop Up and Close for All Purposes a Portion of the North Service Road East, being Parts 1, 2, 3, 4, 5 and 6 on Plan 20R-19865

LOCATION: Upper Middle Road and Joshuas Creek Drive

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RECOMMENDATION:

1. That a Subdivision Agreement between the Town and Upper Middle Road GP Inc. (*Carterra*) be finalized in accordance with the standard agreement format and as outlined in the report from the Development Engineering department, dated February 19, 2015;
2. That the Town Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement;
3. That the agreement with *Carterra* be executed in accordance with By-law 2013-057;
4. That By-law 2015-013, a by-law to stop up and close for all purposes a portion of the North Service Road East, being Parts 1, 2, 3, 4, 5, & 6 on Plan 20R-19865, for reasons set out in the report, be passed; and
5. That the Legal department be authorized to register By-law 2015-013 in compliance with the *Municipal Act 2001*.

KEY FACTS:

The following are key points for consideration with respect to this report:

- On October 21, 2013, the lands of 1455 Joshuas Creek Drive received Draft Plan approval allowing for the creation of a commercial/employment subdivision supported by a new public roadway (to be known as Ironoak Way) connecting Joshuas Creek Drive to the North Service Road East.

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- To effect this Plan of Subdivision, the Town approved a land exchange between *Carterra* (owners of 1455 Joshuas Creek Drive) and the Town (owners of 1663 North Service Road East; Joshuas Creek Arena). The land exchange allows for:
 - The connection of Ironoak Way to North Service Road East
 - The creation of a new parking lot area to the east of Joshuas Creek Arena, in exchange for the removal of the existing parking lot area to the north of the arena.
 - A new driveway connection for Joshuas Creek Arena onto Ironoak Way.
 - The transfer of a portion of the remnant North Service Road East cul-de-sac no longer required for municipal road purposes.
- To support the land transfers, staff seeks Council's authority to permanently close a portion of the North Service Road East at the cul-de-sac, in order to make the lands available for the proposed land exchange.
- Staff has provided appropriate public notice in support of the proposed road closure.
- *Carterra* will be responsible for all work and costs associated the construction of a new parking lot area for the Joshuas Creek Arena.
- *Carterra* is also responsible to improve and urbanize the east side of Joshuas Creek Drive between Upper Middle Road and just north of North Service Road East.
- The Town would be contributing to the Joshuas Creek Drive improvements with funds identified earlier within the approved 2014 Roadway Resurfacing Budget and recommended 2015 Roadway Resurfacing Program. The latter program remains subject to Capital Budget approval.
- *Carterra* is also financially responsible for the construction of a southbound right turn lane on North Service Road East onto Ironoak Way. This work however will be included within the Town's active North Service Road Extension to Ford Drive to ensure proper coordination.
- The subdivision agreement sets out the financial and warranty/maintenance obligations of *Carterra* with respect to
 - Construction works associated with the Joshuas Creek Arena site
 - Construction of the public infrastructure (roads, storm sewers, stormwater management facilities, open space, etc.) associated with the development, both inside and outside the plan of subdivision.
- The lands of 1455 Joshuas Creek Drive were the subject of an In-Zone appeal. *Carterra* has sought and received clarification with respect to their land use permissions as provided for under our new Zoning Bylaw and have, as of February 25, 2015, formally withdrawn their appeal on these lands.

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BACKGROUND:

The Draft Plan of subdivision and conditions of draft approval were approved on October 21, 2013. The development consists of a new public roadway (to be known as Ironoak Way), 2 blocks for commercial uses, two (2) blocks for future employment uses, two (2) open space blocks, two (2) blocks for the Joshuas Creek Arena land exchange, two (2) blocks supporting stormwater management facilities.

The Draft Plan approval allows for, and endorsed, a land exchange to facilitate the construction of a new public road (to be known as Ironoak Way) which, by design, bisects the Joshuas Creek Arena site at 1663 North Service Road East. The land exchanges allow for the transfer of blocks of land between the Town and *Carterra*, providing for:

- the connection of Ironoak Way to North Service Road East
- the abandonment of the parking lot area north of the Joshuas Creek Arena building
- the construction of a new parking lot area east of the Joshuas Creek Arena building and a new driveway connection onto Ironoak Way

As a condition of Draft Plan approval, the implementation details of the land exchange (in particular the improvement plan for the Joshuas Creek Arena site) were to be addressed prior to plan registration. This report provides an update on the implementation details.

To facilitate the land exchange, subject blocks of Town land need to be stopped up and closed as public highway. This report seeks Council's approval of By-law 2015-013 to effect this change.

The Draft Plan approval also conditioned the development to improve and urbanize the east side of Joshuas Creek Drive. The Subdivision Agreement conditions this undertaking and further acknowledges the inclusion of Town identified improvements to Joshuas Creek Drive (resurfacing) which will be completed in connection with the urbanization work and funded by the Town. This work was identified within approved 2014 roadway resurfacing program and the recommended 2015 roadway resurfacing program, which remains subject to budget approval. The Subdivision Agreement will note the contribution of approved funds and identify the potential for additional funds, subject to Council approval of the 2015 Capital Budget.

This report seeks Council approval to finalize a Subdivision Agreement which defines and financially secures the obligations of the development. The lands which are subject to the subdivision agreement are depicted in Appendix A.

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COMMENT/OPTIONS:

The subdivision agreement is to be prepared and finalized in accordance with the Town's standard form. All works are to be constructed and funded by the developer save and except any Town contributions as outlined herein.

This plan of subdivision has several unique elements of interest; road closures and a land exchange, Joshuas Creek Arena improvements and external roadworks; each of which warrant further comment as set out below.

ROAD CLOSURES AND LANDS EXCHANGE

To execute the land exchange associated with, and endorsed through the Draft Plan approval, appropriate steps need to be taken to permanently stop up and close those lands that are no longer required for public roadway. With Council's approval of the requested road closure, Realty Services staff in the Legal department will formalize the land transfers between the Town and *Carterra* that conform to the approved Draft Plan.

The Town would be receiving 0.517ha of land (Block 6 on the Draft Plan) which allows for the creation of a new parking lot immediately east of the Joshuas Creek Arena building. *Carterra* would receive 0.368ha of land (Blocks 9, 10, 11 and 12 on the Draft Plan) which would be incorporated within the development of their parcel.

Staff is proposing to close a 0.3 meter strip of the westerly portion of the North Service Road East cul-de-sac in order to create a reserve along the development lands. The Town lands have been surveyed in conjunction with the lands under development and are described as Parts 3, 4, 5 & 6 on Plan 20R-19865 (Appendix B). These lands will remain in the ownership of the town and function as a reserve along the border of the North Service Road East corridor.

As part of the North Service Road East Extension to Ford Drive, the Ministry of Transportation requested the Town to remove its proposed driveway connection from the North Service Road East to the former (now abandoned) North Service Road East remnant roadway. To facilitate this removal, the Town will secure an easement over the easterly portion of Block 8 of the Plan of Subdivision which will allow the Town and utility provider's access to the former North Service Road East roadway for the purpose of maintaining these lands and the utilities within them. This easement will be secured in the Subdivision Agreement.

JOSHUAS CREEK ARENA

The proposed changes and improvements to the Joshuas Creek Arena site have been the subject of several site design meetings between Town staff and the developer over the past several months. Staff are satisfied with the proposed site

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design for the new parking lot area and how it will harmonize with the balance of the existing Joshuas Creek Arena site. The current site design is included in Appendix C for reference. The scope of work includes stormwater servicing, grading, paving, curbing, lighting, fencing, a new driveway connection to Ironoak Way, sidewalks, line marking, landscaping and adjustments/accommodation for Zamboni operations and on-site garbage enclosures. *Carterra* is responsible for all costs associated with these improvements and the Subdivision Agreement incorporates and secures for these undertakings. To support phasing of the works in a manner that respects the operational needs of the Joshuas Creek Arena, *Carterra* has already begun the construction of the new west parking lot such that the transfers of parking lot areas and roadway construction will proceed during the lower use period of mid-April to early September.

It is worth noting that through the design of the overall subdivision development, the opportunity to include stormwater management controls that allowed for the removal of the stormwater management pond located in the southeast corner of the Joshuas Creek Arena site were explored and successfully incorporated. The North Service Road East Extension project underway by the Town can now proceed to eliminate the stormwater pond on the Joshuas Creek Arena site rather than modifying its location (as it was impacted by this roadway expansion project). Staff are in the midst of modifying the design plans for this area which will allow for improved site circulation and parking arrangements.

EXTERNAL ROADWORKS

Joshuas Creek Drive

The Draft Plan approval set out the requirement for this development to urbanize the east side of Joshuas Creek Drive. This work is to include the construction of a storm sewer, east side curb, boulevard grading/sod, utility adjustments and a new sidewalk.

In 2014 the Town identified that the road surface on Joshuas Creek Drive was in need of attention and set aside \$150,000 in the 2014 approved roadway resurfacing budget for this work. Since that time further geotechnical work has been undertaken to confirm the needs of this roadway along with the opportunity to expand the paving width to accommodate cycle lanes by partially paving the roadside shoulders. Additionally the Town identified the opportunity to complete a missing piece of municipal sidewalk along the east side of Joshuas Creek Drive between North Service Road East and the south limit of the *Carterra* subdivision. To deliver an improved rehabilitation strategy, cycle lanes and a complete sidewalk connection along Joshuas Creek Drive, the recommended 2015 roadway resurfacing program allocates an additional \$150,000 to Joshuas Creek Drive improvements, which remain subject to Council's approval of the Capital Budget. These roadway resurfacing works will be undertaken by *Carterra* at the time improvements are

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being undertaken along the east side of Joshuas Creek Drive. While *Carterra* will be obligated to complete all the noted improvements the Subdivision Agreement recognizes a cost sharing arrangement for these works.

North Service Road East – Right Turn Lane

A southbound right turn lane at Ironoak Way is being constructed to improve traffic operations at the new Ironoak Way/North Service Road East intersection. *Carterra* will be financially responsible for this work, however the Town will include these works within its North Service Road East Extension project to ensure works are appropriately coordinated with this active project. The Subdivision Agreement will appropriately secure for these works.

Upper Middle Road/Joshuas Creek Drive Intersection

Improvements at the Upper Middle Road and Joshuas Creek Drive intersection will be required to support this development. At the time of writing this report the improvements are envisioned to include:

- a separate northbound right turn lane on Joshuas Creek Drive
- a separate extended northbound left turn lane on Joshuas Creek Drive
- traffic signal modifications

These works will be secured for separately under a Regional Servicing Agreement however the works will be coordinated with the other planned improvements for Joshuas Creek Drive.

CONSIDERATIONS:

(A) PUBLIC

Notice of Intention to close the portions of these public highways has been provided to the public in accordance with the town policy and the Municipal Act, 2001. This report will be available for public viewing via the town's website as per town policy.

(B) FINANCIAL

All works to be constructed will be fully funded by the owner save and except those Town funded works outlined above. For clarity the Town has approved funding in the amount of \$150,000 for the resurfacing of Joshuas Creek Drive as set out in the 2014 roadway resurfacing programs. The 2015 roadway resurfacing program allocates an additional \$150,000 to Joshuas Creek Drive for reasons set out above. The additional funding remains subject to Council's approval of the 2015 Capital Budget. The proposed Subdivision Agreement will recognize the Town's contribution of \$150,000 towards Joshuas Creek Drive and the inclusion of an addition

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\$150,000 which remains subject to Council approval of the 2015 Capital Budget.

The subdivision agreement provides for the terms and conditions which set out the financial obligations and other requirements of the owner with respect to works constructed on private lands as well as Town property.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected Departments (Parks and Open Space, Recreation and Culture, Legal Services, Planning, Finance and Engineering and Construction) have been circulated. Comments received have been addressed in the Comment/Options section of this report and incorporated into the subdivision agreement where required.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

Formalize the obligations and responsibilities of the developer (*Carterra*) and Town pertaining to the construction and maintenance of the development.

(E) COMMUNITY SUSTAINABILITY

The proposed subdivision agreement will assist in ensuring the development achieves the objectives set out in the approved draft conditions by financially securing for these conditions.

APPENDICES:

Appendix A – Legal Plan

Appendix B - Plan 20R-19865

Appendix C – Joshua's Creek Arena Site Plan (draft)

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