

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 13, 2015

FROM: Development Engineering Department PD-013-15

DATE: March 29, 2015

SUBJECT: **Partial Assumption of Davis Minardi Subdivision- 20M-1085 -
By-law 2015-012, North of Dundas Street, East of Newyagawa
Blvd.**

LOCATION: North of Dundas Street, East of Newyagawa Blvd

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RECOMMENDATION:

That By-law 2015-012, a by-law to partially assume completed public works and streets within Plan 20M-1085 as set out within the report from Development Engineering department, dated March 29, 2015, be passed.

KEY FACTS:

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

- All public works being recommended for acceptance through this assumption have been inspected and deemed acceptable.
- All required works, undertakings and obligations set out in the subdivision agreement have been completed, save and except:
 - The eastern limit of Sixteen Mile Creek Drive
 - The eastern limit of North Park Boulevard
 - The southern limit of Trailside Drive, inclusive of the removal/relocation of temporary storm sewers at the eastern limit of Lane 132
 - The completion of monitoring requirements for the storm water management facilities
 - All boulevard street trees remain under warranty until the expiry of the warranty provisions set out in the agreement
- All agreement conditions, and sufficient financial securities pertaining to save and except items referenced above will be remain in force and effect and in place until these works are completed and assumed.
- All securities pertaining fulfilled obligations will be released.
- The developer has provided the Town cash in lieu for future roadway improvements (e.g. the construction of a median on North Park Boulevard immediately east of Neyagawa Boulevard) which may be necessary in the fullness of time.

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BACKGROUND:

Plan 20M-1085 consists of a total of 360 single detached lots, 21 townhouse blocks, 2 partial lots, 4 open space blocks, a Dundas Urban Core block, 1 commercial block and a storm water management block. The plan was registered on January 28, 2011. Appendix A identifies the limits of the plan and identifies areas of the plan which are not recommended for assumption at this point in time,

As set out in the subdivision agreement, when the obligations of the Owner have been fulfilled, the developer may request the Town to assume the public elements within the plan of subdivision. The developer has requested assumption which has prompted this report to Council.

COMMENT/OPTIONS:

The request for assumption was circulated to the standard commenting departments and external agencies. While the developer has fulfilled nearly all the obligations set out in the agreement, a limited number of matters (as set out below) remain outstanding, thus staff are only recommending partial assumption of the public works and streets within subdivision. Matters A, B and C set out below remain incomplete and therefore are not subject to assumption at this point in time:

A. Incomplete streets

The following sections of street remain incomplete and as such are not recommended for assumption at this point in time:

1. Sixteen Mile Drive east of the westerly boundary of Lot 113
2. North Park Drive east of the westerly boundary of Lot 359
3. Trailside Drive south of the northerly boundary of Lot 114

The street sections noted above require extension towards/into adjoining lands in order to facilitate their completion and/or removal of temporary works hence they are incomplete until the adjoining lands develop. The adjoining lands are actively under development and these remaining street sections should be completed by the end of 2015 and eligible for assumption in 2016.

B. Storm Water Management Facility Monitoring

The developer is obliged to monitor the effectiveness of the storm water management facilities for a period of two (2) years following the complete build out of the subdivision plan. The urban core and commercial blocks along Dundas Street remain undeveloped, or are just developing in some cases, therefore the monitoring obligations remain incomplete.

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C. Warranty of street trees

The subdivision agreement obliges the developer to warranty street trees for a period of two (2) years after their installation or until assumption, whichever is later. Tree installations were completed on or about June 20, 2013 and therefore their warranty will expire on June 20, 2015.

Since the initial installation, staff and the developer have been monitoring the trees and any trees that have not survived have been removed and replaced with new trees. The last field review and undertaking of tree replacements was completed in the fall of 2014. All replacement installations have been tracked and monitored and the developer has provided written 12 month warranty on the replacement trees which expires in October 2015.

Agreement conditions pertaining to or related to matters A, B and C above will remain in force and effect until the works are completed and assumed. Financial securities in the amount of \$425,000.00 for the above matters will be retained to ensure completion of items A and B. Financial securities in the amount of \$95,000.00 will be retained for item C until the warranty period has expired following which the securities will be released and the trees will be maintained by the Town.

Securities pertaining to the public infrastructure assumed, will be released upon assumption.

Median on North Park Boulevard

The approved development plans for this subdivision identified the potential need for a centre median on North Park Boulevard immediately east of Neyagawa Boulevard similar to that in place on Sixteen Mile Drive. Sixteen Mile Drive is envisioned to carry slightly higher traffic volumes than that of North Park Boulevard as this road connects directly to commercial/high density development blocks, thus the median on Sixteen Mile Drive at Neyagawa Boulevard has been installed already.

Over time, should traffic volumes/movements at North Park Boulevard and Neyagawa prove problematic at this intersection, a centre median (similar to that on Sixteen Mile Drive) may be required. The developer has provided cash in lieu funds in the amount of \$23,300.00 for future roadway improvements to address potential issues like this or other roadway improvements deemed necessary by the Town. Property owners in the vicinity of North Park Boulevard and Neyagawa Boulevard were notified of the potential need (in the future) to install a centre median near this intersection and warning clauses were included in their purchase and sale agreement advising of this potential need as such an installation may (in some cases) limit vehicular movements in/out of their property.

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CONSIDERATIONS:

(A) PUBLIC

Not applicable

(B) FINANCIAL

In accordance with the terms and conditions of the subdivision agreement the balance of subdivision securities can be released save and except \$425,000.00 for the extension of roads, removal of the temporary works, and monitoring of storm water management facilities; all which remain subject to assumption at a later date.

Financial security in the amount of \$95,000.00 will remain in place for street trees until their warranty period expires, following which the street trees will then be maintained by the Town.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected Departments (Engineering and Construction, Parks and Open Space, Legal Services, Finance and Development Engineering) have been circulated

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do

(E) COMMUNITY SUSTAINABILITY

The assumption (or partial assumption) ensures that the development has been constructed in accordance with the sustainability objectives of the draft approval.

APPENDICES:

Appendix A - Legal Plan

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