

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: APRIL 13, 2015

FROM: Development Engineering Department PD-56-15
DATE: March 29, 2015
SUBJECT: Subdivision Agreement- Davis Minardi 2B (East Phase) Trinison
LOCATION: Dundas Street, East of Neyagawa Blvd
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RECOMMENDATION:

1. That a Subdivision Agreement between the Town and Davis Minardi Home Corp. be finalized in accordance with the standard agreement format and as outlined in the report from the Development Engineering department, dated March 29, 2015;
2. That the Town Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement; and
3. That the agreement with Davis Minardi Home Corp. be executed in accordance with By-law 2013-057.

KEY FACTS:

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

- On October 15, 2014, the lands shown in Appendix A received Draft Plan approval allowing for the creation of a residential subdivision immediately adjoining the existing Woodlands Trails residential subdivision northeast of Dundas Street and Neyagawa Boulevard. Appendix B provides a context plan for this new subdivision.
- A subdivision agreement is required to set out the developer's obligations and commitments to creating this new community area. The standard form of residential subdivision agreement is used as the basis for this agreement and supplemental conditions specific to this development are added as necessary, in this case to address matters such as:
 - The conveyance of roads, walkway blocks and temporary easements (as deemed acceptable and necessary) allowing for such conveyed lands to be deemed open and accessible by and for public use. Temporary easements over adjoining lands (with the consent of the

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- neighboring land owner) is contemplated to allow for the construction of temporary roads facilitating phased development works;
- Undertakings related to parkland and open space improvements such as:
 - extension of the walkway trail within the NHS
 - landscaping along Shannon's Creek
 - The subdivision agreement sets out the financial and warranty/maintenance obligations of Davis Minardi Home Corp. with respect to the construction of public infrastructure (roads, storm sewers, storm water management facilities, open space, etc.) associated with the development.

BACKGROUND:

The Draft Plan of subdivision and conditions of draft approval were approved on October 15, 2014. The development plan will create:

- 38 residential development lots
- 2 public walkways blocks
- 3 public roadway sections including:
 - An extension (westerly) of the existing avenue/transit roadway known as North Park Boulevard
 - 2 local roadway segments

There are 18 partial lots within this plan of subdivision, that when assembled with companion partial lots within adjoining development lands, will form complete lots that can then be developed upon. The two area developers (Davis Minardi Home Corp. and Mattamy Homes) have agreed on the assembly and creation of these lots.

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.

COMMENT/OPTIONS:

This development has been timed with the forward movement of other adjoining developments (Davis-Minardi Phase 1 and Mattamy Preserve Phase 2) to ensure the extension of roads and the creation of lots is coordinated and completed in a reasonable and timely manner. Appendix B contains a context map of this development area in respect of its surrounding area.

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. The standard form of residential subdivision agreement is used as the basis for this agreement and

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supplemental conditions specific to this development are added as necessary, in this case to address specific matters such as:

Land Conveyances

This agreement will require the conveyance of land for roads, walkway blocks and temporary easements (as deemed acceptable and necessary). Lands are conveyed to the municipality where those lands support public facilities/services and need to be open and accessible by and for public use. Temporary easements over adjoining lands (with the consent of the neighboring land owner) is contemplated as part of this development to allow for the construction of temporary roads on adjoining lands to facilitate phased development works and the more fulsome completion of the plan; i.e. without the need to create temporary works within the active plan which in turn results in non-developable lots until adjoining lands proceed to develop. Should staff be satisfied with the creation of conditions that allow such temporary easements upon adjoining lands, then this agreement will condition this opportunity.

Parkland and Open Space Land Improvements

The subdivision agreement will condition the undertaking to complete improvements to public parkland and public open space areas. Proposed works will include the extension of the walkway trail within the NHS areas abutting this development as a local cost to the developer. Completion of the required landscaping within the naturalized area of Shannon's Creek will be reimbursed by the town. The developer agrees to undertake these works on behalf of the Town in order to ensure the works are appropriately timed with the development. These landscaping works are captured in the Town's Development Charges By-law and the developer is reimbursed for these works to the limit of available funding set out in the Town's current approved capital projects. Additional funding if required would be contingent on approval through the capital budget.

CONSIDERATIONS:

(A) PUBLIC
Not Applicable

(B) FINANCIAL

All works to be constructed will be fully funded by the owner save and except those Town funded (Development Charge eligible) works outlined above. Capital Budget accounts 52241002, 52241003 and 55211412 provide funding for improving Parkland and Open Space areas of the NHS and Shannon's Creek within this plan of subdivision. The funding limit for these works will be defined by the amount of remaining funds in the approved capital projects or approved adjustments through the capital budget. Such parks related projects are 90% funded from Development

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Charges and 10% from the tax levy in accordance with the Development Charges Act legislation.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected Departments (Parks and Open Space, 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:
- to be accountable.

(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 – Draft Plan of Subdivision
Appendix B – Context Plan

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