



TO: Chair and Members of Development Services Committee

FROM: Jim Baird, Commissioner, Development Services

A handwritten signature in black ink, appearing to read 'Jim Baird', with a large, stylized initial 'B'.

DATE: June 26, 2012

**Re: Cost recovery request related to Hammersly Boulevard construction adjacent to proposed Public Park in Wismer Community**

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## **RECOMMENDATION**

THAT the Finance Department be authorized to compensate 2163280 Ontario Inc. from the Town's Cash-in-lieu of parkland reserve fund the sum of \$244,199.00 for the land and construction costs of the portion of Hammersly Boulevard adjacent to the proposed new park on the east side of Hammersly Boulevard, south of Bur Oak Avenue, in the Wismer Community.

## **BACKGROUND**

The majority of the lands on the west side of Highway 48 and some lands on the east side of Highway 48, between 16<sup>th</sup> Avenue and Major Mackenzie Drive, were zoned Major Commercial (MJC) in 2003. The Major Commercial zone category, consistent with the Major Commercial designation in the Official Plan, was intended to accommodate a diverse range of retail, service, community, institutional and recreational uses as well as medium and high density housing at appropriate locations. The expectation at that time was that the area would develop predominantly for commercial uses. However, after 2006 the area began to experience significant demand for residential development in proximity to the Mount Joy GO station.

Realizing that the emerging densities in the area warranted supporting community uses such as parkland and a different built form than slab buildings, the Town's Urban Design staff prepared a concept plan in 2008 (Appendix 'A') which included the introduction of a new north-south public street, community parkland and high density mixed use residential development in the form of podiums with point towers in strategic locations fronting Highway 48. The concept plan was presented to and supported by Development Services Committee, and has been to guide development applications in the area.

The staff concept plan placed the proposed park at the west end of a property owned by 2163280 Ontario Inc. (Flato Developments) for which an application was already being processed. Having regard for the Town's new vision for the area, and at the request of staff, the applicant revised his proposal. The original design of a 10 storey building fronting onto

Highway 48, with stacked townhouses on a private road internal to the site and semi-detached units fronting onto Hammersly Boulevard was revised to transfer density and height to the Highway 48 frontage and decrease the density in the interior of the site. The revised proposal also provided a portion of the north-south public road as well as public parkland contemplated in the revised design concept for the area. A number of units proposed to front onto Hammersly Boulevard were also eliminated at staff's request to provide the proposed public park with frontage onto that future road.

The Secondary Plan for the Wismer Community contemplated low density units fronting onto Hammersly Boulevard. During the winter of 2010 Metrus Developments, who were beginning the process of constructing Hammersly Boulevard in this area contacted staff and indicated that since the low density units envisioned to front onto the road, and which would have paid its proportionate share of the road costs, is being eliminated and a portion of the proposed park was now intended to front onto this road, the Town had obligations towards land and construction costs related to the road frontage for the park. Typically cost obligations related to local roads abutting parks are borne by the Developer's Group for the area. However, in this instance, since the park was not contemplated through the Secondary Plan or community Design Plan process, and since the developers in the Wismer Community had already provided all the parks they were obligated to provide, including parkland related to proposed and anticipated commercial developments along the entire west side of the Highway 48 corridor, the Group was not prepared to bear the land or construction costs associated with the road in front of the proposed public park.

Staff reviewed Metrus' request and concluded that under the circumstances the Town had an obligation to reimburse Metrus for the land and construction costs for the east half of Hammersly Boulevard adjacent to the proposed new park.

Since that time there have been business arrangements between Metrus Developments and 2163280 Ontario Inc. related to the road in question and a representative of Metrus Developments has confirmed that 2163280 Ontario Inc. is now the rightful beneficiary of compensation by the Town. 2163280 Ontario Inc. has provided a detailed calculation indicating that it is owed \$244,199.00 and has requested that the Town provide the required compensation in a timely manner as construction of the road is completed. The parkland is expected to be conveyed to the Town shortly as the registration of the plan of subdivision containing the parkland is imminent.

## **OPTIONS / DISCUSSION:**

The Town Solicitor has advised that in her opinion the relevant land and construction costs of Hammersly Boulevard, which serves the proposed public park, is a legitimate component of parkland acquisition in this instance and can be paid from the cash-in-lieu of parkland reserve. The Manager of Real Property has reviewed the calculations submitted by 2163280 Ontario Inc. and has advised that the calculations provided by 2163280 Ontario Inc. are reasonable. Therefore, staff recommends that the Finance Department be authorized to compensate 2163280 Ontario Inc. from the Town's Cash-in-lieu of parkland reserve fund the sum of \$244,199.00 for

the land and construction costs of Hammersly Boulevard adjacent to the proposed new park on the east side of Hammersly Boulevard, south of Bur Oak Avenue.

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18 - 20-storey tower

6 - 8 Storey podiums

16 - 18 Storey towers

6 - 8 Storey podiums

18 - 20-storey tower

6 - 8 Storey podiums

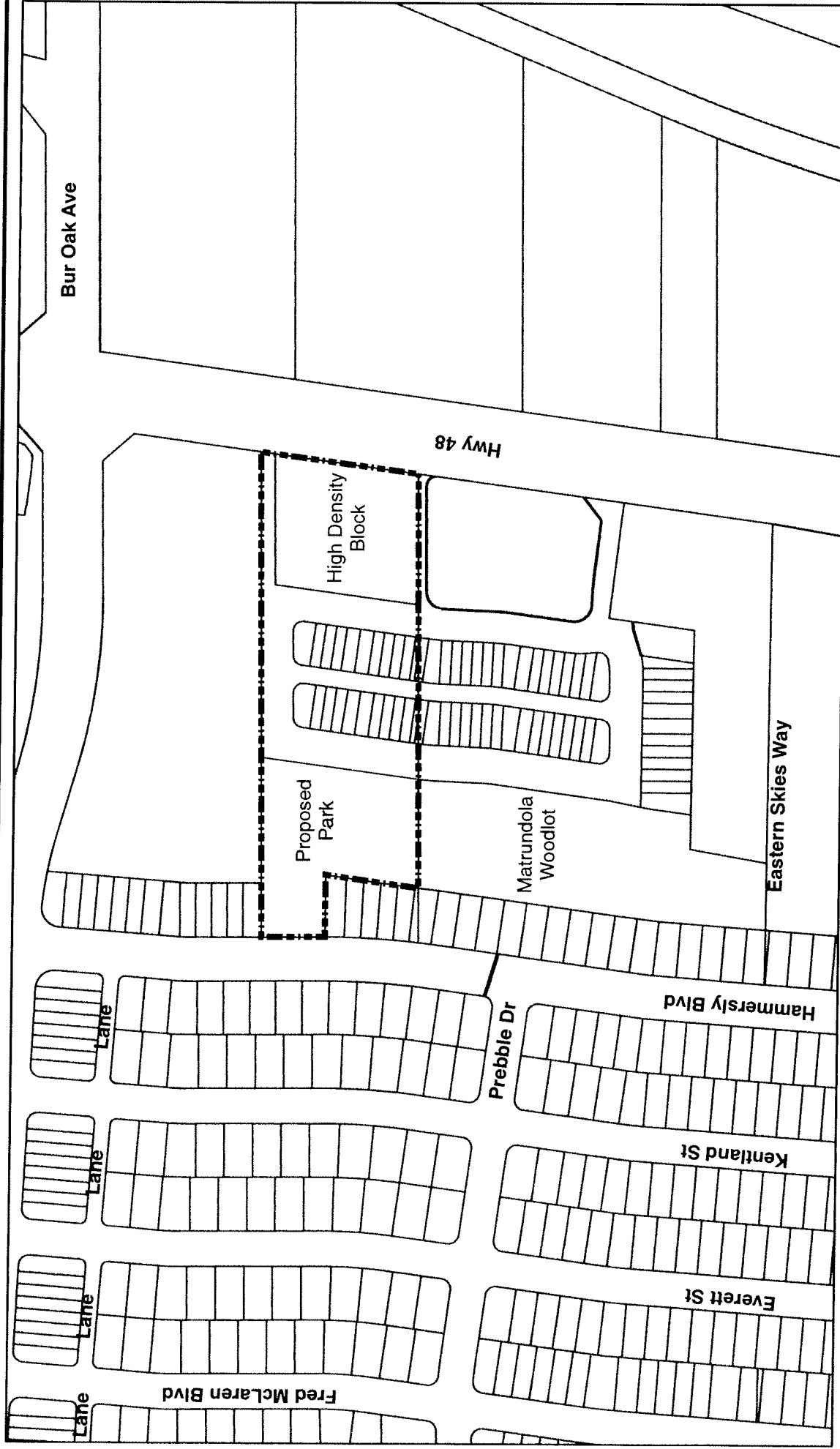
New Local Road

4-6 storey buildings

Woodlot with surrounding Parkland and Open Space

## 4-6 storey buildings

# Woodlot with surrounding Parkland and Open Space



# PROPOSED PUBLIC PARK IN WISMER COMMUNITY

APPLICANT: BEST FLATO DEVELOPMENTS

9582 HIGHWAY 48

FILE No. SU.09124456 (BK)

 SUBJECT LANDS