



Report to: Development Services Committee

Report Date: January 17, 2012

SUBJECT: INFORMATION REPORT
Update on South Unionville Parkland issues.

PREPARED BY: Biju Karumanchery, Senior Development Manager, ext. 2970

RECOMMENDATION:

That the report dated January 17, 2012 titled "Update on South Unionville Parkland issues" be received;

THAT the Manager of Real Property be directed to undertake an appraisal of the properties required to complete the west half of the South Unionville Park;

THAT staff report back following the completion of the appraisal and further discussions with the relevant parties including the Trustee for the Landowner's Group;

AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to update Committee on the status of the South Unionville parkland situation and to briefly discuss the next steps.

BACKGROUND:

On March 8, 2011, a Public Meeting was held to consider applications submitted by Castan Avenue (Aurelio Filice) for a proposed Draft Plan of Subdivision and implementing Secondary Plan and Zoning By-law amendments to facilitate a proposed residential development to the south of Castan Avenue, east of Harry Cook Drive, within the South Unionville Secondary Plan Area. The subject lands were originally intended to be parkland and were designated as such in the Secondary Plan and the Community Design Plan dating back to the mid 1990s. The initial parkland designations were shown conceptually and were to be confirmed through plans of subdivision and the development review process based on actual unit counts and population in the area.

Due in part to arguments presented by the Developer's Group in the late 1990s that South Unionville had more designated parkland than the Group was obligated to provide under the Town's prevailing parkland standards at the time, the west half of the Village Green Park, being approximately 1.61 ha. (4 ac.), was eventually deemed by the Town to be surplus to the needs in South Unionville. The Catholic School Board then advised that they would be reserving these lands for a potential elementary school and did so for almost ten years before advising in 2009 that they no longer required the site.

Since that time, the westerly portion of the original parkland at this location was draft approved as part of a residential plan of subdivision and registered earlier this year (see Figure 2).

A number of area residents attended the Public Meeting for the Aurelio Filice draft plan of subdivision and deputations were made by members of the public. A number of concerns were raised by area residents but the perceived deficiency of parkland in South Unionville was the primary concern. The residents are of the opinion that the proposed development, if approved, would result in the re-designation of lands from "Open Space/Neighbourhood Park" in the South Unionville Secondary Plan to "Medium Density Housing" and eliminate the opportunity to have any additional parkland in the event the privately held 1.47 ha. (3.6 ac.) site south of Helen Avenue (municipally known as 311 and 313 Helen Avenue) that is currently designated and intended for parkland cannot be acquired.

At the conclusion of the Public Meeting, a resolution was passed by DSC that a Working Group be formed to address the parkland issue and that staff report back on the application in June. Attached is Appendix A, which is a letter from the residents identifying their concerns and recommending certain courses of action. In June staff did bring forward a report to update Committee on the parkland discussions up to that time. In that report staff also noted that with respect to the proposed draft plan of subdivision there were issues other than parkland which remain to be addressed and that staff was not in a position to bring forward a final report on the applications at that time. In June Committee directed staff to report back on the parkland matter following discussions with the relevant parties including the Trustee for the Landowner's Group.

It should be noted that since June another plan of subdivision has been submitted by Harry Cook Developments Inc. for the lands to the south and west of the Aurelio Filice lands, and these lands constitute the remaining lands in the area previously intended for parkland (see Figure 2).

OPTIONS/ DISCUSSION:

Developers Group has obligation to provide outstanding parkland but to date has been unable to do so

The general configuration and location of parkland within South Unionville was established through the Secondary Plan and Community Design Plan. The expectation was that the Landowner's Group will deliver this parkland in a timely manner consistent with anticipated development approvals.

As in other OPA 5 communities in Markham, such as Wismer and Greensborough, the Landowner's Group in South Unionville has the responsibility of providing the parkland required under the Planning Act and/or Secondary Plans and Community Design Plans. Parkland sites, like other community facilities, are generally identified at logical locations during the Secondary Plan/Community Design Plan process without regard to property ownerships or boundaries.

However, unlike the other communities where the lands designated for parkland were, for the most part, owned by professional developers, in South Unionville the land ownership was highly fragmented with numerous smaller individual parcels. Hence, portions of the two centrally located major parks (The Village Green and South Unionville Park) fell onto lands owned by non participating landowners. This was more or less inevitable given that in the early stages of the Secondary Plan process the lands in South Unionville were owned by approximately 64 separate owners with most of them being non developers. This meant that some of the parkland necessary to support development had to be acquired from non participating landowners rather than being dedicated by the developer as part of a development.

A key factor that is proving to be problematic is the fact that the Landowner's Group agreement establishes a fixed land value of \$300,000/acre with no indexing mechanism. As a result the land value established some 15 years ago still remains the same for Group purposes. Therefore, any developer who acquires lands today for community purposes such as parkland would pay current market values to acquire the land but only recoup credits towards Group obligations based on the outdated fixed land value. This is a significant disincentive for any developer in the area to go out and acquire new lands containing identified parkland.

Further, the structure of the South Unionville Landowners Agreement adds to the difficulties in that only very limited funds were set aside for future parkland acquisition. The individual developer's in the Group are responsible for a proportionate share of the obligations related to community facilities such as roads, storm water management ponds, and parkland. These obligations are addressed through the fixed land value in conjunction with an "over/under" mechanism which seeks to be equitable to all involved. However, this arrangement does not appear to have taken into consideration the increasing cost of land over time and, as it relates to the current discussion, the need to acquire parkland from non participating owners at current market values.

Staff, together with the ward Councillor, met with the Trustee for the South Unionville Landowners Group

Staff, together with the ward Councillor, met with the Trustee for the Landowner's Group to discuss the parkland issue in South Unionville. The primary focus of the discussion was the availability of funds to apply to the acquisition of the outstanding 1.47 ha. (3.6 ac.) required to complete the South Unionville Park. It was agreed that both the Trustee and staff would research their respective records to determine the availability of funds and then reconvene to continue the discussion. A further discussion with the Trustee is being arranged.

Parkland value in South Unionville is approximately \$800,000/acre

The Town's Manager of Real Property has estimated the current value of parkland in South Unionville to be in the order of \$800,000/acre. At this rate the outstanding 1.47 ha. (3.6 ac.) of the South Unionville Park would cost approximately 2.9 million dollars.

The funds available through developer contributions toward parkland in South Unionville, to the Group and to the Town, remains to be determined but is only expected to be a fraction of the total requirement noted above.

Nevertheless, the Landowner's Group retains the obligation to satisfy the community's parkland requirements and staff will be pursuing this matter further with the Group Trustee. In the meantime, the Manager of Real Property should be directed to undertake an appraisal of the two properties which contain the outstanding South Unionville Park in order to more accurately determine the current market value and to enable further discussions with the two landowners.

Flato Meadows is no longer interested in acquiring the outstanding parkland

Staff indicated in June that Flato Meadows, a local developer, is actively negotiating with the owners of the two properties which contain the outstanding 1.47 ha. (3.6 ac.) required to complete the South Unionville Park. The southerly portion of these properties, south of the future extension of Caboto Trail, has value to the developer as it can be developed for townhouses. It was expected that the developer could also use part of the acquired parkland to satisfy parkland obligations for other subdivisions within South Unionville which he controls. However, the developer has recently advised that due in part to the costs involved, and uncertainties with respect to the recovery of the costs, he is no longer interested in acquiring the parkland component and that he would be limiting his efforts to acquiring the developable lands to the south of Coboto Trail.

Completion of the South Unionville Community Park is important for the provision of active play fields to support the community

The existing and anticipated low and medium density developments in South Unionville are required to provide 9.77 ha (24.14 ac.) of parkland, at a rate of 1 hectare /300 units plus 1 acre per 1000 population established through the Community Design Plan, which exceeds the normal Planning Act requirements. However, once the outstanding parklands [1.99 ha. (4.9 ac.)] have been acquired, and including an old right-of-way that has been converted into parkland and including the entire Ray Street parkette (part of this parkette is not included in parkland calculations due to the presence of an underground stormwater management tank), South Unionville will have a total of over 10.91ha.(27ac.) of parkland for a surplus of approximately 1.14ha. (2.8 ac.).

It can be argued that failure to acquire the outstanding 1.47 ha. of the South Unionville Community Park will still leave the community with parkland almost equivalent (less than 1 acre short) to the 9.77 ha. required to be provided by the anticipated low and medium density developments in South Unionville. However, the acquisition and development of the outstanding 1.47 ha. of the South Unionville Community Park is important from the standpoint of providing the community with the outdoor active play fields intended when the community was originally designed. Once acquired and completed the west portion of this park is expected to provide tennis fields, an additional full size soccer field (currently only one such facility exists in the community) and swings.

Negotiations should continue but expropriation is an option available to Council

As noted above, the cost of acquiring the outstanding 1.47 ha. of parkland in South Unionville will far exceed the cash-in-lieu of parkland funds available at this time from developer contributions in the area. Even if the funds were to be available to acquire the remaining parkland, acquisition cannot be pursued by the Trustee without a willing seller and/or a reasonable sale price. Staff has been approached by representatives of the two property owners indicating that they are interested in initiating discussions with respect to the sale of the parkland portion of their property. Negotiations can and should proceed with the two property owners with a view to parkland acquisition.

While the Town did discuss with the Landowner's Group the option of expropriating the balance of the South Unionville Community Park as long as ten years ago, the Town was not prepared to proceed at that time without the Landowners Group first securing the associated land and expropriation costs. However due to uncertainties related to costs the Group was unwilling to secure the said costs and the Town did not proceed with expropriation. Expropriation does, however, remain an option to the Town.

Efforts to complete the South Unionville park should continue but current subdivision applications should be allowed to proceed

As noted above, the residents are of the opinion that the proposed developments, if approved, would eliminate the opportunity to secure any additional parkland in the event the privately held 1.47 ha. site south of Helen Avenue cannot be acquired. However, the lands subject to the proposed development applications are not currently available for parkland and likely will not be any easier to acquire than the two privately held properties to the south. Moreover, given the history in the area as discussed above, the Town has a stronger case for acquiring the properties to the south for parkland. Finally, the acquisition of the southerly properties for parkland is preferred over other properties in the community, including the lands subject to the current applications for subdivision, because it provides the opportunity to create active fields contiguous to the east half of the South Unionville Community Park as originally intended.

Staff recommends that the current subdivision applications be allowed to proceed. Staff will report back to Committee following the completion of the appraisal and further discussions with the relevant parties including the Trustee for the Landowner's Group.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Town acquisition of the outstanding parkland will have financial implications which remain to be determined.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

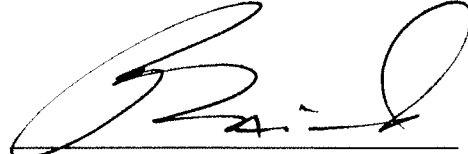
This report aligns with the Growth Management and Environmental strategic priorities.

BUSINESS UNITS CONSULTED AND AFFECTED:

This report has been reviewed by the Town's Finance and Legal Departments and their comments have been incorporated into this report.

RECOMMENDED BY:

Rino Mostacci, M.C.I. P., R.P.P.
Director of Planning & Urban Design
Services



Jim Baird, M.C.I. P., R.P.P.
Commissioner of Development

ATTACHMENTS:

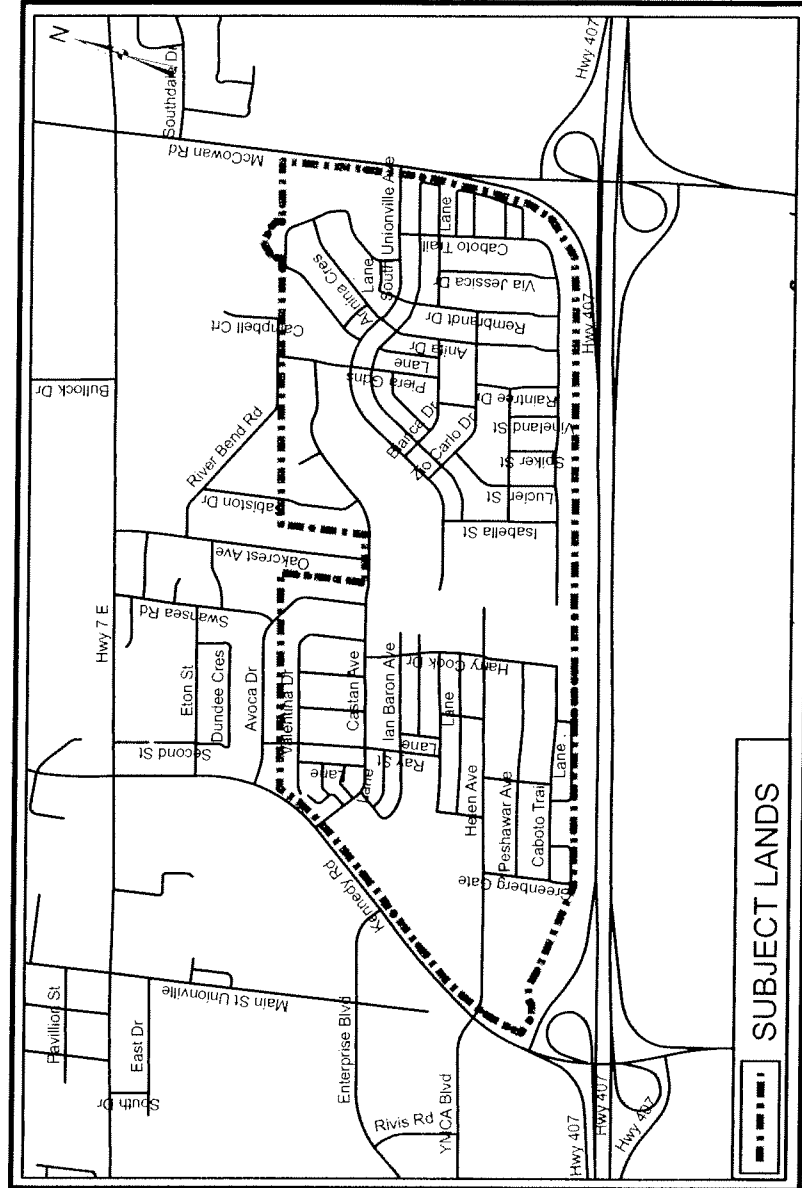
Figure 1: Location Map

Figure 2: Area Context – Proposed Filice Draft Plan of Subdivision and vicinity

Figure 3: Existing and Proposed Parks

Appendix 'A': Letter from South Unionville Working Group (Residents)

File path: Amanda\File SU 10 128366\Documents\Information Report – Update of South Unionville Parkland Issue



LANDS OWNED BY
SUPERIOR DEVELOPMENTS
(DRAFT PLAN APPROVED
AND REGISTERED)

LANDS OWNED BY
AURELIO FILICE
(PROPOSED DRAFT
PLAN OF
SUBDIVISION
CURRENTLY UNDER
REVIEW)

CASTAN AVE.

HARRY COOK DRIVE

IAN BARON AVENUE

LANE 'A'

PARK

SOUTH UNIONVILLE AVE.

LANDS OWNED BY HARRY COOK
DEVELOPMENTS INC. (PROPOSED
DRAFT PLAN OF SUBDIVISION
CURRENTLY UNDER REVIEW).

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AREA CONTEXT-PROPOSED FILICE DRAFT PLAN OF SUBDIVISION AND VICINITY

APPLICANT: SOUTH UNIONVILLE PARKLAND

SOUTH UNIONVILLE SECONDARY PLAN AREA

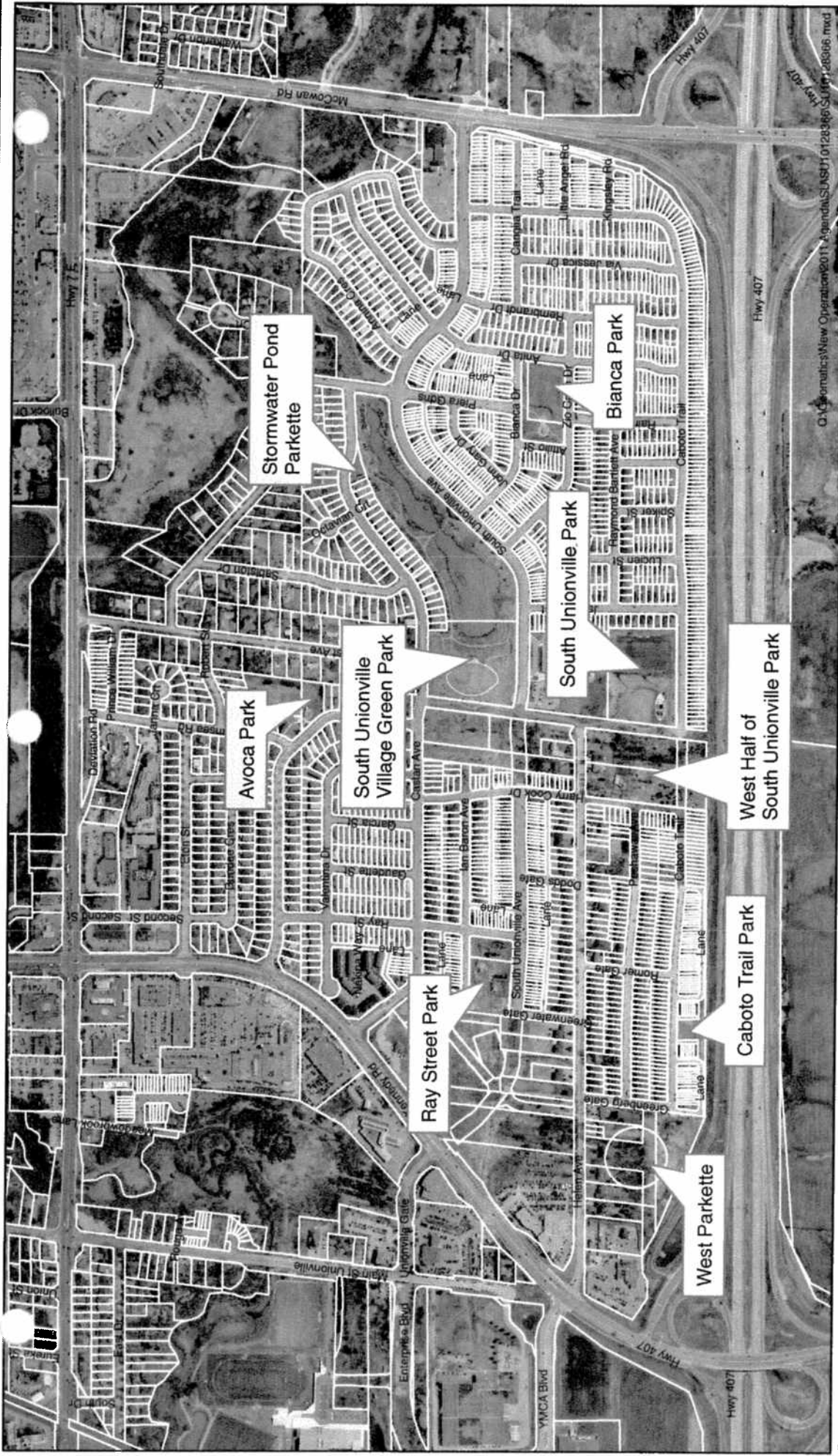
FILE No. SU10128366(SB)

 SUBJECT LANDS



DATE: 06/21/11

FIGURE No. 2



EXISTING AND PROPOSED PARKS

APPLICANT: SOUTH UNIONVILLE PARKLAND
 SOUTH UNIONVILLE SECONDARY PLAN AREA

FILE No.SU10128366(SB)



DATE:06/21/11
 FIGURE No. 3

South Unionville Working GroupBackground:

South Unionville has a deficit of parkland. Most of the existing parkland is “passive” green space surrounding and adjacent to a storm water management pond. The community facilities that do exist are overused simply because there aren’t enough of them to meet the demand. There is conflict amongst children because there aren’t enough swings, slides, fields, etc to share. The Town has long-established plans to add an additional park with amenities near the centre of the neighbourhood; however, the designated land is privately-owned and there is no timetable to acquire it.

There are two reasonable locations left within the community where the planned park could be located. The working group was originally formed as a result of an application for development of a portion of one of these properties (Filice). The proposal is for rezoning from RR1 Open Space/Parkland to medium density residential. The mandate of the working group was to report back in June 2011. To meet this deadline, the Filice proposal will not be addressed in this document.

Concerns raised and discussed by the working group included:

1. The Town has no solution to provide the missing parkland in a finite amount of time.
2. Centrally-located parks and shared facilities/amenities are important building blocks for safe, healthy communities. They have a real impact on quality of life for the many children, youth, seniors and multi-generational families that call South Unionville home.
3. Developers and private landowners are aggressively pursuing their own agendas. None appear willing or able to take real action in support of the community’s interest: adequate parkland.
4. If the Filice application is approved, the Town has only one option for remaining parkland. Leaving the zoning as is keeps the Town from being backed into a corner. The RR1 zoning is appropriate and sets the market value for this land should the Town wish to acquire this parcel for parkland. Medium density housing is much more expensive.
5. The Filice units will further increase pressure on the existing parks/amenities, and the families who live in these homes will experience the same frustration as existing residents.
6. An expansion to the existing school has just been approved. This expansion reduces the amount of open space available within the community, replacing it with parking spaces.
7. South Unionville is a unique area bordering a major transit corridor. Future developments along this corridor will be high density residential. The Town must plan now for future residential pressures. Adequate community parkland is a key objective of this long term planning.

The Official Plan, and other documents including the Town’s New Home Buyer’s Guide, show multiple amenities that, based on recent developments will never be part of South Unionville. The Official Plan and zoning is what residents used to make purchase decisions on houses in the area; it was used to set market value for said houses, and ultimately it was used to determine what taxes would be paid by residents. The erosion of this plan, removal of amenities, and indeed lack of any plan to provide such amenities represents a source of considerable concern within the community. People invested in South

Unionville based on the vision that was presented by the Town. With every concession, that vision moves further and further away from reality.

Working Group Recommendations:

There are multiple areas of concern that must be addressed. Addressing these concerns should be a priority for the Town given the desire and commitment to provide viable, vibrant communities, now and in the future. In order to achieve these goals, the working group recommends the following:

1. Acquire lands to build another community park and take South Unionville out of parkland deficit. The challenge with this objective is uncooperative landowners and an outdated developers agreement that does not provide enough funds to acquire the necessary lands. There are 2 potential locations for this park, with the lands to the south of Helen Ave at Harry Cook being the preferred location for the Town. The residents do not have a preferred location for this park. The main concern of the residents is getting the parkland allocated to the Town/Community in a reasonable amount of time. By reasonable, the community would like to see said parkland conveyed with a 3 year time span. The working group recommends that the Town use all means available to acquire the necessary lands. This would include measures such as, but not limited to a development freeze and/or expropriation.
2. Acquire additional lands above and beyond what is currently identified within South Unionville for parklands/community facilities. There is no community centre or library within South Unionville. In the future, South Unionville will be accepting significant population growth along the Kennedy transit corridor. The Town must plan now for these residents and secure community parkland to provide for future pressures. Failure to do so will mean that South Unionville is underserved in the future. It is important to understand when planning for the future, that density requirements are going to be coming from the high rise towers along Kennedy road, and not a few town homes in South Unionville. This land is much more valuable as parkland and future capacity planning (perhaps a school in the future when there are many more residents in the area).
3. Update and upgrade existing community facilities. The vast majority of parkland in South Unionville is passive park area. The community has a single soccer field, splash pad and 3 playgrounds that do not provide enough swings, slides and climbing areas for the volume of children. A review of the existing amenities should be undertaken in partnership with the community. This review should identify opportunities to upgrade existing facilities, and provide additional facilities within existing passive areas to maximize the usage of the parkland that exists.

These three recommendations represent what is required to bring South Unionville up to the high standards of the Town of Markham and ensure that those standards are maintained for years to come.