



PLANNING & BUILDING SERVICES
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April 2, 2015

**JOINT DEVELOPMENT & INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES AND
ENGINEERING SERVICES REPORT 2015-12**

TO: Committee of the Whole

SUBJECT: Proposed Trail from Yonge Street to Rita's Avenue

ORIGIN: Engineering Services/Planning and Building Services

RECOMMENDATIONS

THAT Joint Development & Infrastructure Services/Planning and Building Services/Engineering Services Report 2015-12 dated April 2, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be received and the following recommendation(s) be adopted:

- 1. THAT staff be directed to complete the trail connection from Rita Ave to Yonge Street as proposed by Option 1 contained in this report;**
- 2. AND THAT Staff organize and hold a Public Information Centre;**
- 3. AND THAT a portion of the land be conveyed to the residents with a Town Easement to allow access for tree maintenance of existing trees on the current property line**

Background

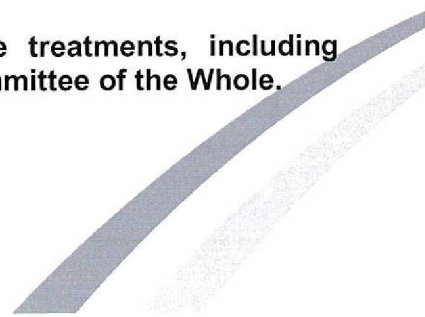
Through the 2012 subdivision agreement between Landmark Estates (1209104 Ontario Limited) and the Town of Newmarket, a strip of land, measuring 9.2 metres in width stretching from Rita's Avenue to Yonge Street was conveyed to the Town for the purposes of a trail connection intended to be constructed in 2015. The intention to convey these lands to the municipality had been contemplated since the plan was originally draft plan approved by the Region of York in 1994.

Residents on Tom Taylor Crescent attended the August 25, 2014 Committee of the Whole meeting presenting a petition to Council requesting reconsideration of the implementation of this trail/walkway. The petition outlined a number of concerns which are discussed further below in this report.

At the September 8, 2014 Council meeting, the following recommendations were adopted:

THAT any construction plans and future work on the proposed walkway on Tom Taylor Crescent be immediately halted;

AND THAT staff explore all options associated with alternate treatments, including conveyance and naturalization for that area and report back to Committee of the Whole.



Residents' Concerns and Petition

The above noted petition was signed by residents of Tom Taylor Crescent and Rita's Avenue requesting Council reconsider the implementation of the proposed walkway setting out a number of reasons for Council's consideration. The concerns are as follows:

- 1) No indication when they purchased their property that there may be a trail/walkway in this location.

It appears that notice to the residents of the future walkway in the Tom Taylor Crescent Condominium development was not required in the site plan agreement for this development (site plan approved in 2003). While it would have been prudent to provide this information, there is not a municipal requirement to do so. However, not providing notice does not diminish the appropriateness of providing the trail connection. Furthermore, notice of the construction of the proposed trail was provided in May 2014 indicating the conceptual trail design was being developed and that a Public Information Centre would be held to garner resident comment.

The subject land has historically been owned by a developer and intended to come to the municipality through the subdivision agreement process (subdivision Agreement entered into in 2012).

- 2) Safety and Privacy Concerns

We appreciate the safety and privacy concerns of the residents. It appears that this area currently is used as an informal trail as footprints can be seen along the lands. The frequency of such use is unknown. The proposal to install the trail may actually assist in addressing the concern by providing a public defined space for pedestrians. Furthermore, a wood privacy fence would be installed along the back of the residential property dividing the residents from the trail. Additional plantings (trees and shrubs) will be provided to create a natural buffer between the residents and the trail.

- 3) Construction of the walkway will threaten existing vegetation and habitats.

Every effort will be made to protect the existing vegetation where feasible and logical. Invasive species and non-native species may be subject to removal for the greater health of the area. Additional plantings will be provided to enhance the naturalization of the site and provide a natural buffer from the trail for adjacent residents. This area is not identified as a protected forest or conservation land.

Options for the lands

- 1) **Construct the trail as proposed with careful consideration to vegetation, security and privacy.**

This option would propose the construction of a 3 metre wide fully lit asphalt trail with 1 metre of sod recovery on either side. This proposed trail would link the existing east-west trail system from Billy Watson Park on Bathurst Street through the road network and existing walkways between roads and out to Yonge Street (see appendix 1). This is seen as an important link for connecting communities, allowing residents in the area to access Yonge Street by foot through a trail network rather than having to rely on a vehicle. The construction of this trail link also promotes active transportation and healthy communities by facilitating alternate transportation modes.

It should be noted that the recently adopted Urban Centres Secondary Plan details on Schedule 5 "Street Network" a proposed local road in this general location from Yonge Street to McCaffrey

Road. The intent of the proposed streets identified in the Plan is to facilitate a balanced movement system for pedestrians, cyclists, transit riders and motorists. The Street Network in the Urban Centres are planned to create short, walkable blocks that provide direct pedestrian and vehicular access to Yonge Street and Davis Drive and provide a fine grid street network that ensures connectivity and permeability within the Urban Centres and to the adjacent existing and planned neighbourhoods outside the Urban Centres.

If this option is supported, an existing row of mature trees is on the property line between the trail and adjacent homes would need to be addressed. In order to preserve the trees a proposed wood privacy fence could be installed on the Town's side of the trees giving the adjacent residents backing onto the Town Property a minimum of 1 metre of additional property depth along all rear lots that back onto the proposed trail. The extent of the land conveyance would be through the detailed design. Appendix 2 details this arrangement. This buffer strip of land could require an easement to allow the Town access for tree maintenance if required in the future. All significant trees will be protected as per Town Standard tree protection. Some tree removals may still be necessary to install the trail. Residents will be given notice to remove all existing resident owned structures, patios, gardens and debris from within the Town's lands. If it is not removed when construction is scheduled to commence it will be removed and disposed of off-site. If the resident chooses to keep the encroaching items and is not able to remove them, the items can be removed and placed in the residents' rear yard. The trail will be designed to accommodate positive drainage on both sides of the trail. The entire lot for the proposed trail will be cleaned up and additional plantings will be added to beautify the trail and create a buffer between the existing residents and the trail. Site furniture such as benches, trash receptacles, and P-gates will be installed only at trail entrances. Benches will not be installed in areas that are adjacent to residential lots.

2) Naturalize the area and maintain as a natural open space

A detailed environmental and ecological assessment of the lands will be required to develop a base or starting point for improvement. A detailed tree inventory and report will also be required to determine the health and quality of all trees and/or shrubs present in the subject site. The area subject to naturalization will experience tree pruning, grubbing, and selective removal depending on tree health (result of tree inventory and assessment). Additional native plants (trees and shrubs) will be planted to enhance the naturalization of the subject site along with the addition of native seed mixes to all disturbed areas. As per Town Standard, a 1.5 metre high black vinyl chain link fence will be installed to separate the residential lots from the naturalized open space. Several large trees are currently located on the rear property line that divides the subject lands from the existing residential properties. These trees are to be protected and the black vinyl fence is to be installed on the north side (Town side of the trees) giving the adjacent residents a minimum of 1 metre of additional property depth along all rear lots that back onto the proposed open space block (as in Option 1).

3) Return the lands to the developer who then would have an opportunity to retain or dispose of the lands

The subject land was a conveyance to the Town through the subdivision process for the municipal use of a trail. If this land is no longer going to be used for municipal purposes (trail or naturalization) in fairness, there would be an onus on the Town to re-convey the lands to the developer and it would leave the use of this area uncertain. If this land is conveyed back to the developer, we see

the following options available to them: They could retain the lands in its natural state or convey it to adjacent property owners being either the residents, or the Province of Ontario (Courthouse) and private commercial owners at 17070 Yonge Street. If they propose selling lands to the adjacent residents, it is our opinion that all adjacent residents would need to purchase these lands to ensure there are no landlocked parcels. Also, the large trees will be on privately owned land and will be the sole responsibility of the private land owner in which the tree resides. If any damage occurs to these trees where removal is necessary for safety reasons, the residents will be responsible for all costs associated with the removal and/or repair/pruning. This could be a risk to the residents financially as these trees are anywhere from 300mm to 600mm in diameter and anywhere from 20 to 30 metres tall. This is a continuous townhouse complex where each owner would not have individual access for tree pruning and/or removal.

If the land is sold to the courthouse and other adjacent commercial land owners, they may look at it as an opportunity to expand their parking lot which would have considerable impacts on the existing vegetation.

CONCLUSIONS

As a result of the foregoing assessment of these options, staff are recommending Option 1, where a 3 metre wide fully lit asphalt trail with 1 metre of sod recovery on either side of the trail is constructed. This proposed trail would link the existing east-west trail system from Billy Watson Park on Bathurst Street through the road network and existing walkways between roads to Yonge Street. It also provides an opportunity to convey a strip of land adjacent to the residential properties for mature tree preservation.

BUDGET IMPACT (CURRENT AND FUTURE)

Option 1 will have costs associated with the trail design, construction, fencing, tree assessment and maintenance and legal fees associated with the proposed conveyance of buffer land to adjacent home owners.

Option 2 will have costs associated for tree assessment reports, maintenance, plantings, fencing and legal fees associated with the proposed conveyance of buffer land to adjacent home owners.

Option 3 would have legal fees associated with conveying the lands back to the developer.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of pedestrian trails has linkages to the Community Strategic Plan as follows:

Living Well – health safety and the environment is a focus of the Official Plan, promoted through the development of recreational opportunities and the protection of the Town's natural heritage.

Well Equipped & Managed – providing exceptional community, recreational and cultural opportunities to encourage personal interest and development, promote activity and enrich lives.

Well Planned & Connected – enhancing travel to, from and within the community, while providing a variety of linkages through neighbourhoods.

Well Respected – inspire partnerships and cooperation between all stakeholders, acting as a champion for cooperation and collaboration.

CONTACT

For more information on this report, contact: Mike Ashworth, 905-953-5300, ext. 2510 or Dave Ruggle, Senior Planner – Community Planning, at 905-953-5300, ext 2454; druggle@newmarket.ca



Commissioner, Development and
Infrastructure Services



Director of Planning & Building Services



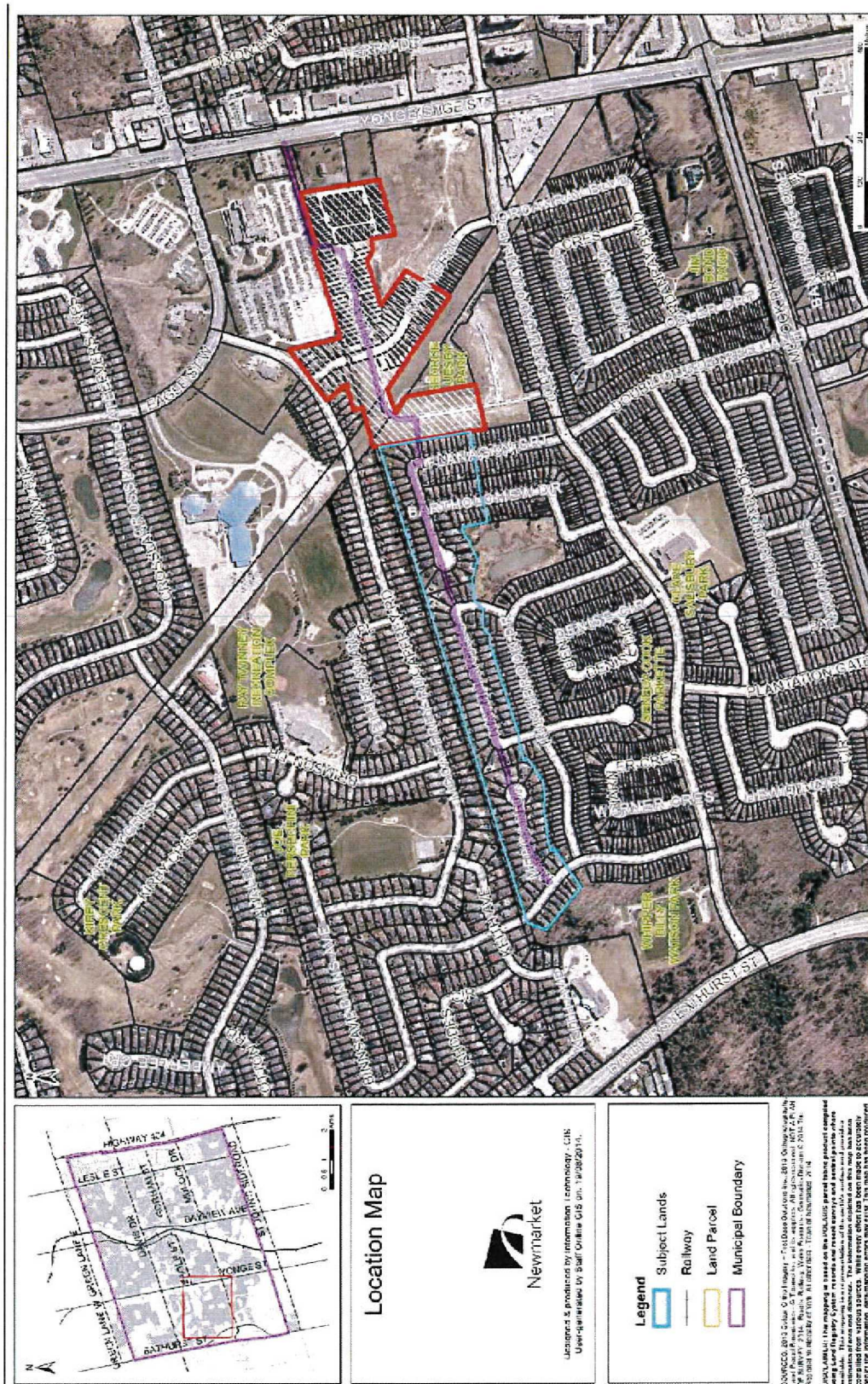
Director of Engineering Services



Capital Projects Parks Development Coordinator



Senior Planner - Community Planning



Appendix 2

