

To: Joint Development Services Committee and Community Services Committee

From: Paul D. Ralph BES, RPP, MCIP, Commissioner,  
Development Services Department

Ron Diskey, Commissioner  
Community Services Department

Report Number: DS-18-111

Date of Report: May 31, 2018

Date of Meeting: June 5, 2018

Subject: Declaration of Certain City-owned Lands on south side of Britannia Avenue West, west of Simcoe Street North as Surplus and Proposed New Location for the Future Windfields Community Park

File: S-O-2012-01, D-4660-2050

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## **1.0 Purpose**

The purpose of this report is to provide a recommendation on a proposed new location for the Windfields Community Park and to conditionally declare the lands comprising the current approved location for the Windfields Community Park as surplus to municipal needs and requirements.

The current approved future Windfields Community Park location is designated in the Oshawa Official Plan and Windfields Part II Plan on the south side of Britannia Avenue West between Simcoe Street North and Thornton Road North and has an approximate area of 7.2 hectares (17.8 ac.). The Community Park has yet to be developed in this location. The land is vacant.

The proposed new location for the Windfields Community Park that is now being considered is at the northeast corner of the future extension of Britannia Avenue West and Thornton Road North and has an approximate area of 13.39 hectares (33.1 ac.).

On June 13, 2016, City Council considered Report DS-16-96 and authorized City staff to initiate the process for Council to consider a proposed new location for the Windfields Community Park at the northeast corner of the future extension of Britannia Avenue West and Thornton Road North.

Attachment 1 shows the currently approved location and proposed new location of the Windfields Community Park and the existing zoning in the area.

Attachment 2 is a copy of the current approved Windfields Part II Plan Land Use and Road Plan.

Attachment 3 is a copy of the Tribute Communities (Tribute) approved plan of subdivision S-O-2012-01 in this area.

Attachment 4 is a copy of the Campus Master Plan for Durham College and the University of Ontario Institute of Technology (U.O.I.T.) which has been modified to generally show the current approved location of the Windfields Community Park and the future U.O.I.T. athletic fields.

It is noted that the Campus Master Plan assumes that the west end of the Community Park lands currently owned by the City are needed for a driveway access off Britannia Avenue West opposite Kentucky Derby Way.

On September 12, 2016 a non-statutory public meeting was held by the Joint Development Services and Community Services Committee to consider the proposed new community park location (DS-16-149). The minutes of the public meeting form Attachment 5 to this report. At the conclusion of the meeting the Joint Committee referred the matter back to staff for further review and a subsequent report and recommendation.

## **2.0 Recommendation**

That the Joint Development Services Committee and Community Services Committee recommend to City Council:

1. That, pursuant to Report DS-18-111 dated May 31, 2018, the requirement to declare the subject City-owned land comprising the current approved future Windfields Community Park location on the south side of Britannia Avenue West, west of Simcoe Street North as generally identified on Attachments 1 and 2 to said Report as potentially surplus and all notice requirements in accordance with By-law 97-2000 be waived in consideration of the non-statutory Public Meeting previously held on September 12, 2016.
2. That, pursuant to Report DS-18-111 dated May 31, 2018, the subject City-owned land comprising the current approved future Windfields Community Park location on the south side of Britannia Avenue West, west of Simcoe Street North as generally identified on Attachments 1 and 2 to said Report be declared surplus to municipal needs and requirements subject to the City acquiring the U.O.I.T. and Tribute lands for Community Park purposes at the north east corner of Thornton Road North and the future extension of Britannia Avenue West.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

### **4.1 Other Departments and Agencies**

The following were consulted in the preparation of this report and earlier reports (DS-16-96 and DS-16-149) that advanced this proposal through a non-statutory public meeting:

- Commissioner of Finance/Treasurer
- Tribute
- U.O.I.T.

### **4.2 Public Comments**

The minutes of the non-statutory public meeting concerning the proposed new location of the Windfields Community Park form Attachment 5 to this Report.

Key concerns raised by a member of the public are set out below together with a staff response.

#### **4.2.1 Concern with Increased Traffic, Noise and Lighting**

##### **Comment:**

A local resident that lives across from the proposed new location of the community park is concerned about the size of the park and associated noise and traffic related to the new park location. He advised that the community park location should remain in its current location.

##### **Staff Response:**

The proposed park location is located within an Industrially designated area that would permit a range of industrial/commercial uses that could have greater traffic and noise than the proposed community park. The Bickle subdivision located across Thornton Road North is effectively surrounded by the Northwood Business Park and Industrially designated lands.

The proposed park location is at the intersection of two arterial roads (Thornton Road North and further Britannia Avenue West extension). Arterial roads are intended to carry higher volumes of traffic including truck traffic. There is also a proposed interchange at Thornton Road North and Highway 407 in the future.

A community park compared to a smaller neighbourhood park does generate more traffic, noise and lighting associated with this use. The City has not yet decided what recreational facilities would be provided at this park. Matters such as traffic, noise and lighting will be properly and professionally addressed when the type of recreational facilities to be provided have been concluded and a proposed site design is finalized.

A future public open house will be held by Community Services staff to obtain public input on the type of facilities to be provided and the site design.

## **5.0 Analysis**

### **5.1 Background on Current Approved Location of Future Windfields Community Park**

On June 9, 2003 City Council approved the location of the Windfields Community Park as designated in the Oshawa Official Plan and Windfields Part II Plan. The current approved future Windfields Community Park location is located on the south side of Britannia Avenue West between Simcoe Street North and Thornton Road North, and has an approximate area of 7.2 hectares (17.8 ac.) (see Attachments 1 and 2).

The following Windfields Part II Plan policy relates to the City council approved location of the Windfields Community Park:

“8.6.9.3.2 The Community Park located west of Simcoe Street, south of Britannia Avenue and immediately adjacent to the future University of Ontario Institute of Technology campus shall be a minimum of 7.2 hectares (17.8 ac.) in area. It is intended to provide the opportunity for a greater range of recreational facilities and programming than would otherwise be possible in a Neighbourhood Park and to provide the opportunity for the shared use of facilities with the University of Ontario Institute of Technology. The City may enter into an appropriate agreement with the University of Ontario Institute of Technology to allow for the integrated development, joint use and maintenance of land and facilities.”

The Community Park is surrounded on the east, west and south by the future U.O.I.T. campus which is intended to be generally developed in accordance with the Campus Master Plan.

The current approved location for the park is zoned AG-A (Agricultural) in Zoning By-law 60-94 (see Attachment 1).

The Tribute draft plan of subdivision S-O-2012-01 included the 7.2 hectare (17.8 ac.) Community Park (see Block Y on Attachment 3).

In October 2015 City Council approved the Phase 4 of the draft plan of subdivision S-O-2012-01 subject to a number of conditions including that the Community Park Block be conveyed to the City at no cost and in a condition acceptable to the City.

The Community Park lands (Block Y) in the Tribute draft plan of subdivision S-O-2012-01 were conveyed to the City on September 9, 2016.

The staff report that recommended approval of the Phase 4 draft plan (DS-15-189) indicated that Community Services staff wanted to explore a future land exchange with U.O.I.T. to move the Community Park from the location shown in the Windfields Part II

Plan to lands owned by U.O.I.T. at the northeast corner of Thornton Road North and the future extension of Britannia Avenue West.

On June 13, 2016 City Council authorized City staff to initiate the process for Council to consider a proposed new location for the Windfields Community Park.

On September 12, 2016 a non-statutory public meeting was held by the Joint Development Services Committee and Community Services Committee to obtain public input on the proposal to relocate the Windfields Community Park (see Attachment 5 for minutes of Public Meeting). At the conclusion of the Public Meeting the Joint Committee referred the matter back to staff for further review and a subsequent report and recommendation.

## **5.2 Proposed New Location of Future Windfields Community Park**

The proposal related to the new location of the Windfields Community Park would involve the following:

- The City conveys the 7.2 hectare (17.8 ac.) parcel on the south side of Britannia Avenue West to U.O.I.T.
- U.O.I.T. conveys approximately 7.85 hectares (19.4 ac.) of land it owns at the northeast corner of Thornton Road North and the future extension of Britannia Avenue West to the City.
- Tribute sells an approximate 5.54 hectare (13.7 ac.) block of land on the east side of Thornton Road North north of the U.O.I.T. lands to the City.

The following table provides key site details for each site involved in the proposed re-location of the future Windfields Community Park location (see Attachment 1):

<b>Item</b>	<b>Current City-owned Community Park Site</b>	<b>U.O.I.T. Site</b>	<b>Tribute Site</b>
Oshawa Official Plan Designation	Open Space and Recreation	Industrial	Industrial
Windfields Part II Plan Designation	Community Park	Not applicable	Not applicable
Zoning By-law 60-94	AG-A (Agricultural)	UR (Urban Reserve)	UR (Urban Reserve)
Approximate Site Area	7.2 ha (17.8 ac.)	7.85 ha (19.4 ac.)	5.54 ha (13.7 ac.)
Existing Land Use	Vacant	Agricultural with farm buildings	Agricultural

Item	Current City-owned Community Park Site	U.O.I.T. Site	Tribute Site
Adjacent Land Uses	Vacant lands for future U.O.I.T. campus uses to the west, east and south. To the north are residential uses in the Tribute subdivision.	Agricultural lands to north and south. Oshawa Creek to the east. Vacant lands and Bickle residential subdivision to the west.	Single detached dwellings to the north, agricultural lands to the south. Oshawa Creek to the east. Vacant lands to the west.

**5.3 Declaring City Land Potentially Surplus and Surplus**

**5.3.1 General Procedures**

Before the City can dispose of any land, Council must declare the land surplus to municipal requirements.

The City’s Real Estate Disposition By-law (By-law 97-2000) and best practices set out the following process for declaring any City holding surplus to municipal requirements:

- Interested Parties may approach the City from time to time with a request to purchase City land that has not been declared surplus to municipal requirements or the City may initiate the process itself;
- Requests are typically presented to the Development Services Committee for direction;
- In most cases, the Development Services Committee refers the request to staff for a report;
- The Development Services Department prepares an open session staff report to the Development Services Committee that includes a recommendation on whether the city lands should be declared potentially surplus;
- If Council determines that the City land might not be required for municipal purposes it deems the City land potentially surplus in open session;
- Staff place an ad in the two local newspapers inviting the public to provide comments on the fact that the City land has been declared as potentially surplus;
- The Development Services Department prepares an open session staff report outlining any public comments received in response to the ads and providing a recommendation on whether the City land should be formally declared surplus to municipal requirements and disposed of; and
- Council makes a decision on whether to declare the City lands surplus and initiate a disposal process.

If Council deems it appropriate, based on site specific circumstances or the localized nature of a matter, to adjust the procedures set out above and included in By-law 97-2000, it may do so by resolution.

Given the site specific circumstances that have resulted in the subject City-owned land becoming surplus to City requirements and given the previous non-statutory Public Meeting and its related notice, it is recommended that both the notice requirements and the requirement to declare a property as potentially surplus first in accordance with By-law 97-2000 be waived. The notice of the non-statutory public meeting was provided in both the Oshawa Express and Oshawa This Week newspapers and to all property owners within 120m (400 ft.) of both the current approved and proposed Community Park locations.

### **5.3.2 Declaring the Subject Land as Surplus to Municipal Requirements**

It is recommended that the City-owned land as generally identified on Attachments 1 and 2 be declared surplus to municipal requirements for the following key reasons:

- The proposed park location is larger than the existing approved site [13.39 hectares (33.1 ac.) vs. 7.2 hectares (17.8 ac.)] and therefore provides an opportunity to construct more recreational facilities in order to implement the recommendations of the Council approved Parks Recreation Culture and Library Facility Needs Study;
- The new location will have better access at the intersection of two arterial roads;
- Community Services staff recommend that the proposed location of the Community Park should now be at the corner of Thornton Road North and Britannia Avenue West. Given this recommendation, from a land use planning perspective, the existing approved Community Park location should be used for future post-secondary education/major institutional purposes.
- U.O.I.T. will have complete control and better access to all the lands south of Britannia Avenue West including driveway access opposite Kentucky Derby Way. It would be inappropriate to develop the approved Community Parkland location for private sector development such as residential uses that would create an island of development surrounded by the campus;
- The original premise for the current approved location was for an opportunity for the shared use and maintenance of the park with U.O.I.T. However, U.O.I.T. no longer has interest in a shared use arrangement. The Durham College/U.O.I.T. Campus Master Plan shows their future athletic fields further south (see Attachment 4); and
- City staff, U.O.I.T. and Tribute have had several meetings to discuss the proposed new Windfields Community Park location and all parties are in favour of the proposal. A future report which will include a recommended disposal/acquisition strategy that will guide the necessary land transactions in order to realize the proposed Community Park re-location if Council declares the current approved Community Park location as surplus will be provided.

#### **5.4 Required Actions – Next Steps**

The following steps will need to be undertaken:

- Council makes a decision on the new location of the Windfields Community Park and conditionally declares existing approved Community Park location surplus.
- Council approves a disposal/acquisition strategy.
- The City, U.O.I.T. and Tribute execute purchase and sale agreements and conclude necessary studies.
- The City to convey the 7.2 hectare (17.8 ac.) City-owned park block on the south side of Britannia Avenue West to U.O.I.T.
- U.O.I.T. to convey their 7.85 hectares (19.4 ac.) property at the northeast corner of Thornton Road North and the future extension of Britannia Avenue West to the City.
- Tribute to convey their 5.54 hectare (13.7 ac.) block of land on the east side of Thornton Road North, north of the U.O.I.T. lands, to the City.
- City initiated amendments to the Oshawa Official Plan (Part I), Windfields Part II Plan and Zoning By-law 60-94 to an Institutional Official Plan designation and MIN (Major Institutional) Zone in relation to the existing location of the future Windfields Community Park to be advanced after the lands are conveyed to U.O.I.T.

#### **6.0 Financial Implications**

There are no financial implications associated with the recommendation in this report.

#### **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendation advances Economic Prosperity and Financial Stewardship and Social Equity goals in the Oshawa Strategic Plan.



Ron Diskey, Commissioner,  
Community Services



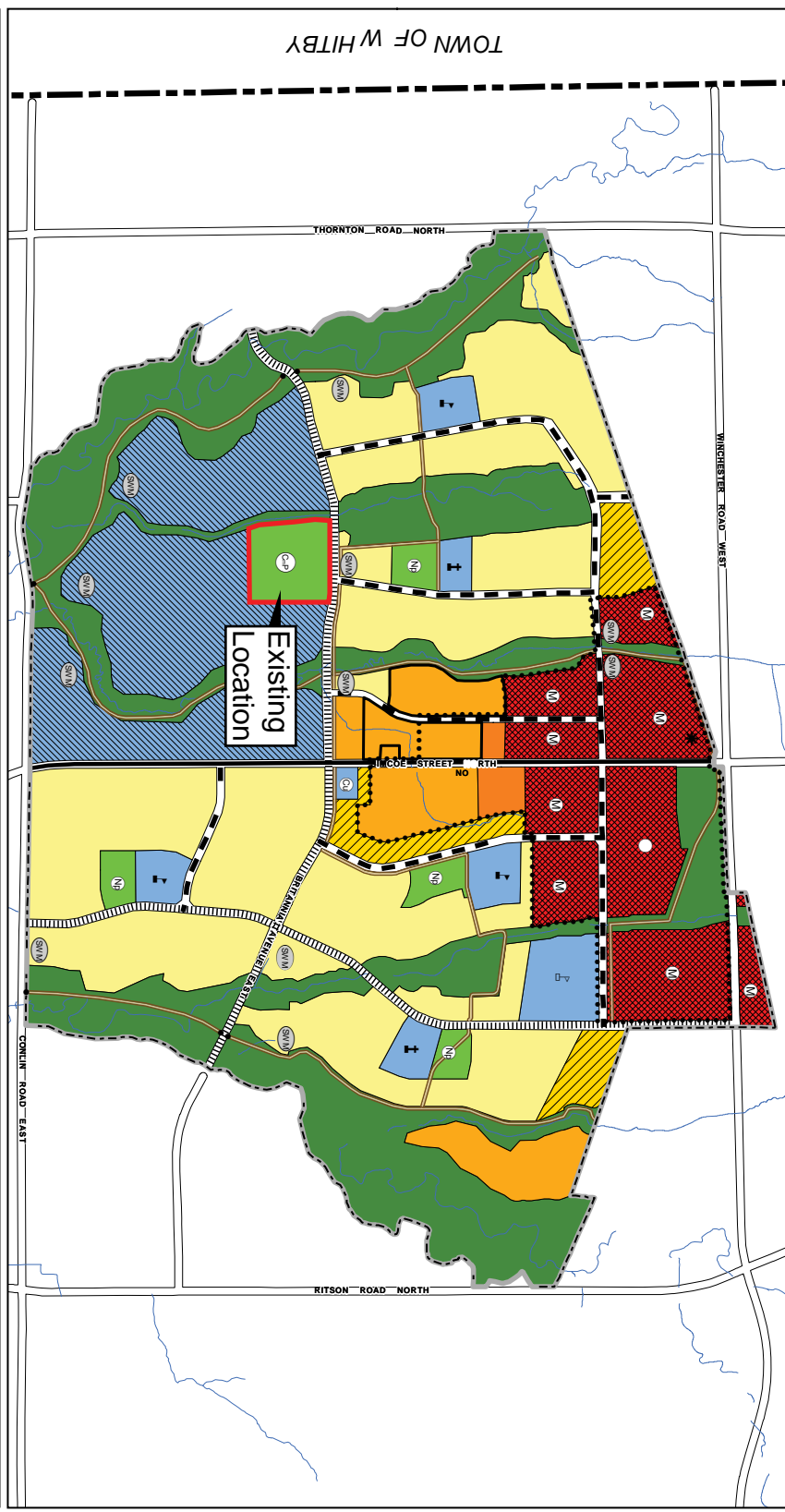
Paul D. Ralph BES, RPP, MCIP, Commissioner,  
Development Services Department





Title: Current Approved Windfields Part II Plan Land Use and Road Plan  
 Subject: Declaration of Certain City-owned Lands on south side of Britannia Avenue West, west of Simcoe Street North as Surplus and Proposed New Location for the Future Windfields Community Park  
 File: S-O-2012-01, D-4660-2050

City of Oshawa  
 Development Services Department



**Schedule 'A'**  
**Windfields Land Use and Road Plan**  
 Part II Plan for the Windfields Planning Area  
 January 2018  
 Development Services Department

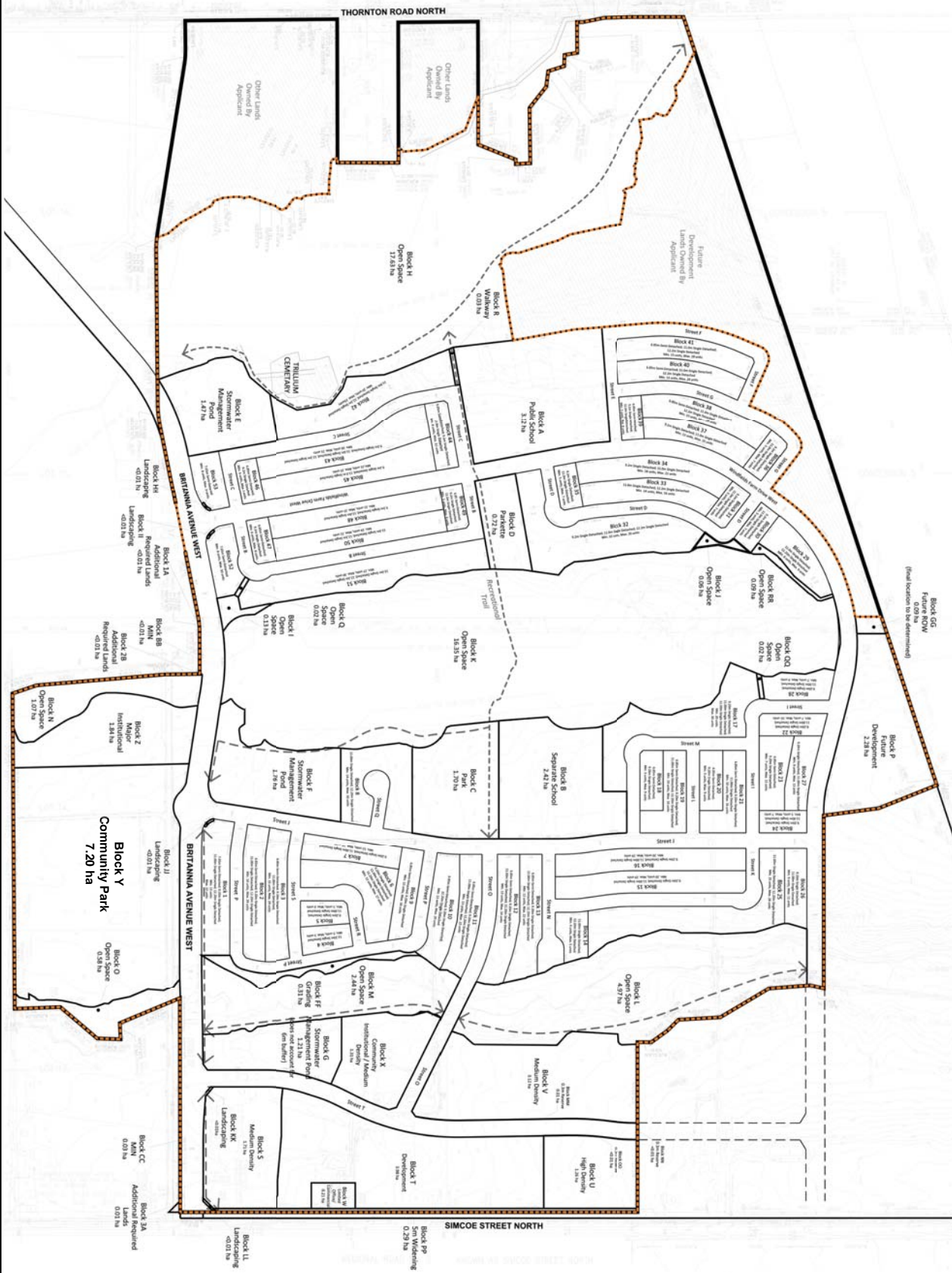
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**Legend**

Residential - Low Density Residential	Commercial - Planned Commercial Centre	Transportation - Type 'B' Arterial Road
Residential - Medium Density I Residential	Commercial - Main Community Use	Transportation - Type 'C' Arterial Road
Residential - Medium Density II Residential	Community Use - Public Elementary School	Transportation - Collector Road
Residential - High Density I Residential	Community Use - Separate Elementary School	Transportation - Recreational Trail
Subject to Policy 8.6.6, 14.14. in the Windfields Part II Plan	Institutional - University of Ontario	Transportation - Transit Station
Open Space and Recreation - Neighbourhood Park	Institutional - Institute of Technology	Transportation - Pedestrian Underpass
Open Space and Recreation - Community Park		Stormwater Management Facilities
Open Space and Recreation - Open Space and Recreation		Windfields Planning Area Boundary

Title: Tribute Communities (Tribute) approved plan of subdivision S-O-2012-01  
 Subject: Declaration of Certain City-owned Lands on south side of Britannia Avenue West, west of Simcoe Street North as Surplus and Proposed New Location for the Future Windfields Community Park  
 File: S-O-2012-01, D-4660-2050

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Title: Campus Master Plan for Durham College and the University of Ontario Institute of Technology (U.O.I.T.)  
 Subject: Declaration of Certain City-owned Lands on south side of Britannia Avenue West, west of Simcoe Street North as Surplus and Proposed New Location for the Future Windfields Community Park  
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