



Report to: Development Services Committee

Report Date: November 20, 2012

SUBJECT: PRELIMINARY REPORT
Wismer Commons Developers Group
Application for Zoning By-law Amendment to permit
residential uses
North of Fred McLaren Blvd., south of Hammersly Blvd., west
of Roy Rainey Avenue.
File Number: ZA.12-113883

PREPARED BY: Stephen Kitagawa, Senior Planner, East District

REVIEWED BY: David Miller, Manager, East District

RECOMMENDATION:

- 1) That the report dated November 20, 2012, entitled "PRELIMINARY REPORT, Wismer Commons Developers Group, Application for Zoning By-law Amendment to permit residential uses, North of Fred McLaren Blvd., south of Hammersly Blvd., west of Roy Rainey Avenue, File Number: ZA.12-113883", be received.
- 2) That Staff be authorized to schedule a statutory Public Meeting to consider the proposed Zoning By-law Amendment.
- 3) 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 provide preliminary information on the applications and to seek authorization to hold a statutory Public Meeting. This report contains general information in regards to applicable OP or other policies as well as other issues and the report should not be taken as Staff's opinion or recommendation on the application.

BACKGROUND:

Property and Area Context

The subject property, known as Parts 2, 3, 4, and 5, Plan 65R-29152 (the "Subject Lands"), is located north of Fred McLaren Blvd., south of Hammersly Boulevard, west of Roy Rainey Avenue in the Wismer Commons Community, and has an area of 0.022 ha (0.05 ac) (see Figure 3). The Subject Lands are owned by the City.

Surrounding uses are as follows:

- To the west and south is parkland
- To the north and to the east, across Roy Rainey Avenue, are single detached dwellings
- To the east, abutting the “Subject Lands” are four (4) part lots owned by Mackenzie Builders and Developers.

Official Plan and Zoning Context

The Wismer Commons Community is subject to the policies of the Town of Markham Official Plan (Revised 1987) and the Wismer Commons Secondary Plan (OPA 37). The Official Plan designates the lands Urban Residential and the Wismer Commons Secondary Plan designates the lands Low Density Residential. The Subject Lands are zoned Open Space Two (O2), by By-law 177-96, as amended (see Figure 2). An amendment to the by-law is required to permit residential uses.

Proposal

The applicant, on behalf of the City, is proposing to rezone the Subject Lands which are currently owned by the City, from Open Space Two (O2) to Residential Two-Special*99 (R2-S*99). This proposed zoning is the same zoning that applies to the 4 adjacent residential part lots to the east that front on Roy Rainey Avenue. The 4 residential part lots are owned by Mackenzie Builders and Developers (the “Residential Part Lots”). The City will convey the subject lands to the Wismer Commons Developers Group, who in turn will sell the lands to the adjacent land owner (Mackenzie Builders and Developers) and the properties will merge to create 4 single detached lots, each with a frontage of 10.67 m (35 ft).

OPTIONS/ DISCUSSION:

Block 206 set aside for Place of Worship

In 2001, Wismer Markham Developments Inc. registered Plan 65M-3519, located between Bur Oak Avenue and Castlemore Avenue, west of Markham Road. Block 206 on this plan, a 0.87 ha (2.14 ac) block at the southwest corner of Bur Oak Avenue and Mingay Avenue, was conveyed to the City by the Wismer Markham Development Inc. to be held in escrow for possible use for a place of worship. This conveyance was required under City’s places of worship policies in effect at the time, and Wismer Markham Developments Inc. received a credit from the Wismer Commons Developers Group for this community contribution (See figure 5 attached).

Balance of Block 206 conveyed as park

In 2003, the Bridal Trail Baptist Church Inc. purchased a 0.76 ha (1.87 ac) part of Block 206. Pursuant to a Consent and Release Agreement dated July 30, 2003 between the Corporation of the Town of Markham, Wismer Markham Developments Inc., and the Trustee of the Wismer Commons Developers’ Group, hereinafter referred to as the “Consent Agreement,” the Developers Group agreed to the remainder of Block 206 (0.11 ha/0.27 ac), hereinafter referred to as the “Remainder of Block 206”, being retained by

the City for park purposes (see Figure 5) in exchange for some equivalent parkland to be used for residential development. The Remainder of Block 206 is adjacent to other lands to the west and south owned by the City for stormwater management ponds. There is no significant difference in the total amount of parkland resulting from the exchange as set out in the Consent Agreement.

Exchange of park for residential lands

Under the terms of the Consent Agreement, the City will retain the remainder of the church site (Block 206) for use as parkland, while the Subject Lands and the Residential Part Lots (collectively the “Exchanged Land”), will be retained/acquired by the developer for residential purposes, instead of being developed as parkland (see Figure 4).

In 2003, when the Consent Agreement was signed, the lands comprising the Residential Part Lots (fronting on Roy Rainey Avenue) located within the Mackenzie Builders and Developers draft plan had not yet been developed. Mackenzie Builders and Developers retained these lands and established them as 4 residential part lots fronting onto Roy Rainey Ave with the registration of their plan of subdivision 65M-3809 (see Figure 4).

However, the Subject Lands, which make up the balance of the Exchanged Land, and are necessary to complete the 4 single detached lots, had already been conveyed to the City as part of a park block, and had already been zoned Open Space Two (O2). Consequently the Subject Lands must be re-zoned to accommodate residential development to implement the land exchange. The adjacent park has been designed and developed without including the Subject Lands, so no active parkland is being lost/removed.

Wismer Commons Developers Group is proposing to rezone the Subject Lands from Open Space Two (O2) to Residential Two-Special*99 (R2-S*99) so that they may be combined with the Residential Part Lots to complete 4 single detached lots.

The Subject Lands will be transferred from the City to the Wismer Commons Developers Group who in turn will sell it to Mackenzie Builders and Developers as authorized by the Consent Agreement and title to the Subject Lands and the Residential Part Lots will be merged.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

There is no significant difference in the total amount of land being exchanged and there are no direct cost or revenue implications to the City.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

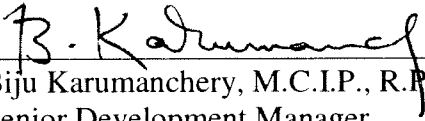
ALIGNMENT WITH STRATEGIC PRIORITIES:

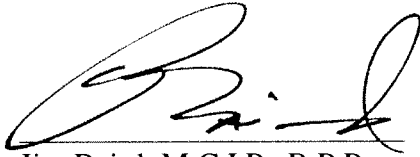
The Wismer Commons Community has been built out in an orderly fashion in accordance with the Wismer Commons Secondary Plan. The proposed application will continue the orderly development of this community and will align with the City's strategic priority of Growth Management.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various departments and external agencies for their review and comments.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager


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

APPLICANT AGENT:

Wismer Commons Developers Group
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L4B 3N6

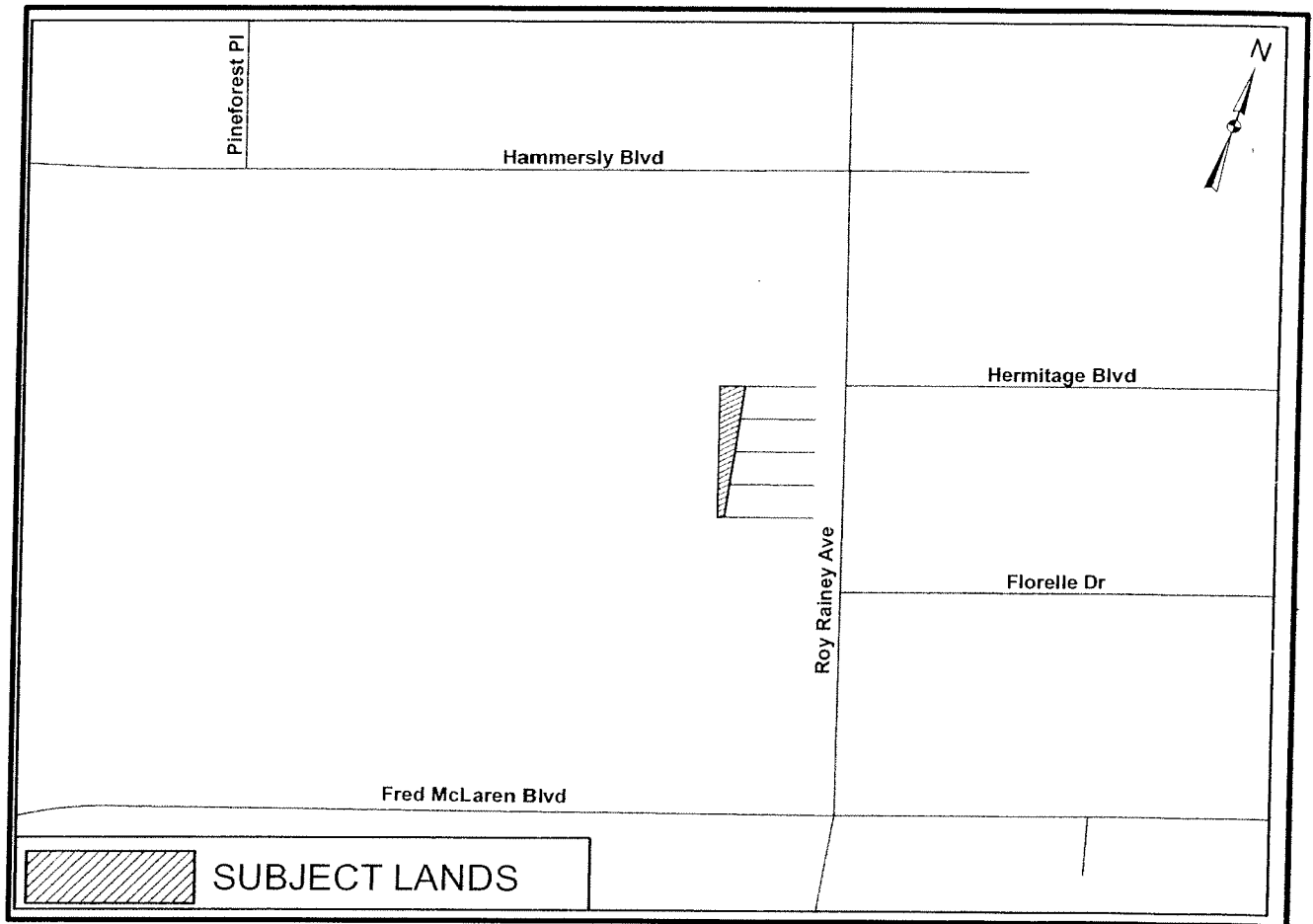
Tel: 905-770-3330

Email: troman.anison@rogers.com

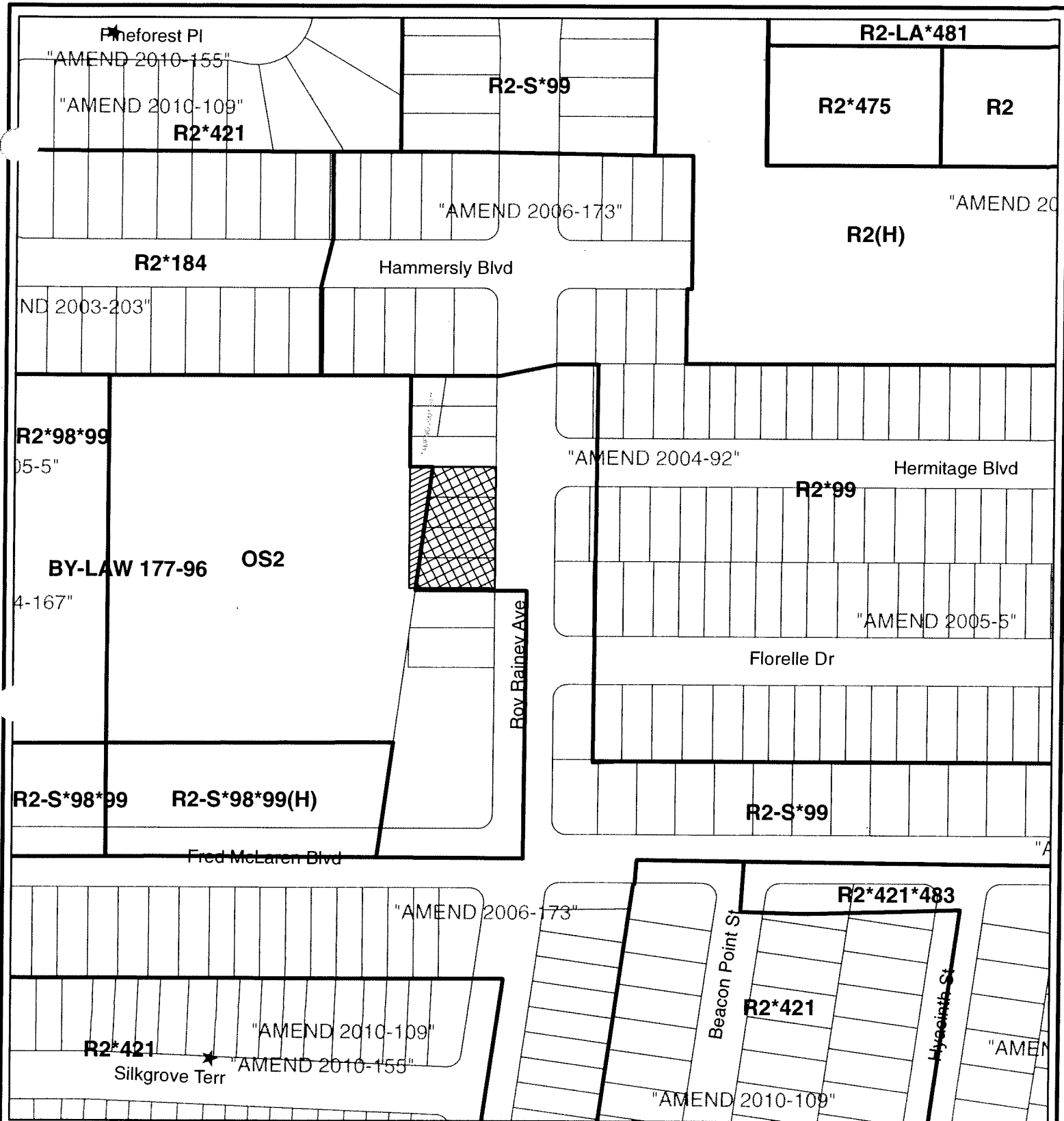
ATTACHMENTS:

Figure 1 – Location Map
Figure 2 – Area Context/Zoning
Figure 3 – Air Photo
Figure 4 – Plan Showing Part Blocks
Figure 5 – Plan 65M-3519 (Block 206)

File path: Amanda\File 12 113883\Documents\Recommendation Report



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AREA CONTEXT / ZONING

APPLICANT: WISMER COMMONS DEVELOPERS GROUP

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FIGURE No. 2



SUBJECT LANDS



LANDS RETAINED BY MacKENZIE
BUILDERS & DEVELOPERS



AIR PHOTO

APPLICANT: WISMER COMMONS DEVELOPERS GROUP

 SUBJECT LANDS

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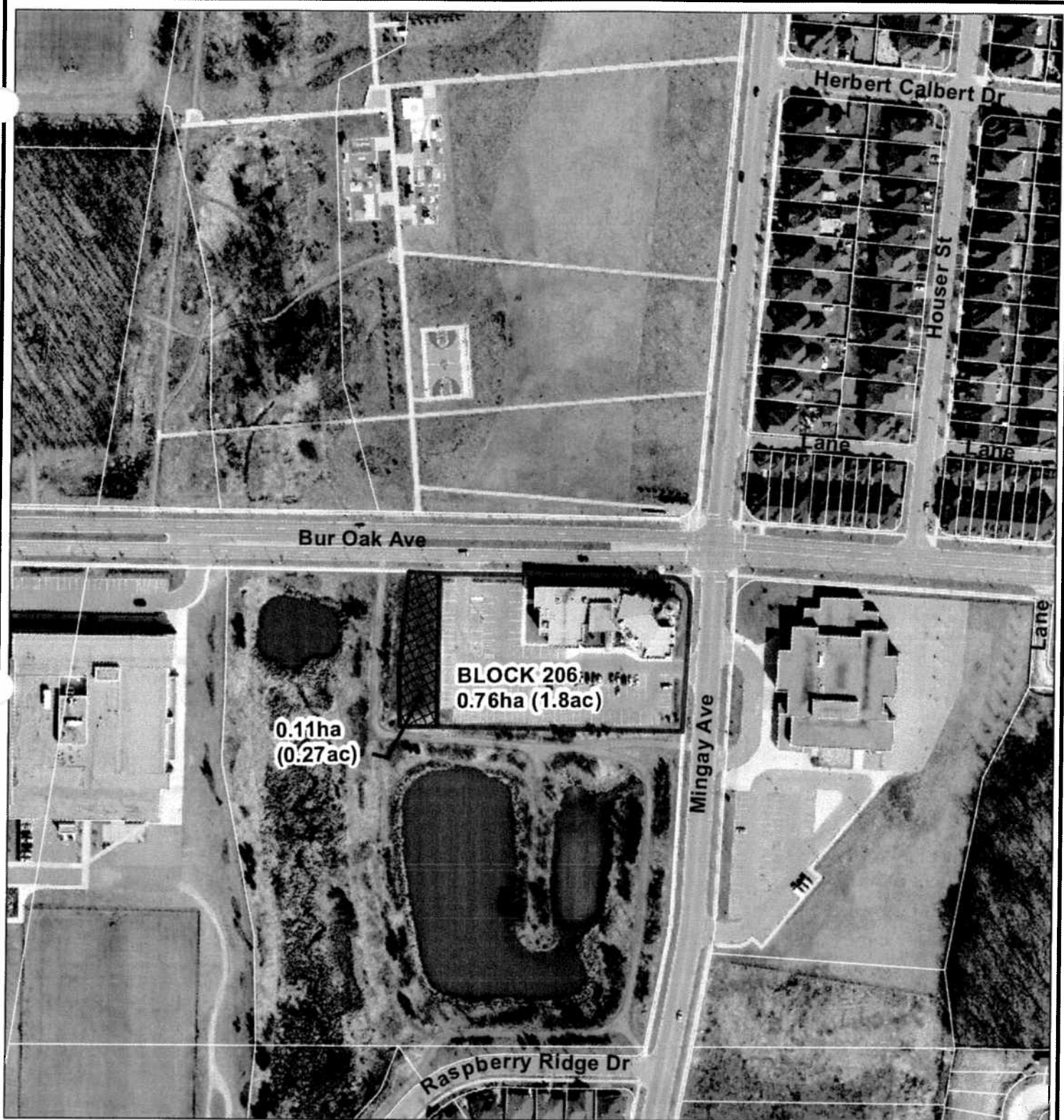
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FIGURE No. 3





BLOCK 206, PLAN 65M-3519

APPLICANT: WISMER COMMONS DEVELOPERS GROUP

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 PLACE OF WORSHIP BLOCK
 PARK BLOCK

DATE: 10/09/2012



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FIGURE No. 5