

SUBJECT: PRELIMINARY REPORT
1307306 Ontario Ltd. & 1307307 Ontario Ltd.
(Whittamore's Farm)
Proposed Official Plan and Zoning By-law Amendments to
allow for the future severance of three residential dwellings
on portions of the subject lands, municipally known as 7150,
7186 and 7200 11th Concession

Files ZA 15-152217 & OP 15-152217

PREPARED BY: Stephen Corr, ext 2624
Planner II, East District

REVIEWED BY: Sally Campbell, MCIP, RPP, ext 2645
Acting Manager, East District

RECOMMENDATION:

- 1) That the report titled "PRELIMINARY REPORT, 1307306 Ontario Ltd. & 1307307 Ontario Ltd (Whittamore's Farm), Proposed Official Plan and Zoning By-law Amendments to allow for the future severance of three residential dwellings on portions of the subject lands, municipally known as 7150, 7186 and 7200 11th Concession, Files ZA 15-152217 & OP 15 152217, dated September 8, 2015, be received;
- 2) That staff be authorized to hold a Public Meeting to consider the proposed Official Plan and Zoning By-law amendment applications; and
- 3) 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 Official Plan and Zoning By-law Amendment applications and to seek authorization to hold a statutory Public Meeting. This report contains general information in regards to applicable Official Plan (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.

The Applications have been deemed complete

The rezoning application was submitted on June 3, 2015 by 1307306 Ontario Ltd. & 1307307 Ontario Ltd (Whittamore's Farm), and was deemed complete on June 19, 2015.

Upon preliminary review of the zoning amendment application, it was determined that an amendment to the in-force City of Markham Official Plan (revised 1987) is also required to facilitate the proposed development. Consequently, an Official Plan amendment application was submitted by 1307306 Ontario Ltd. & 1307307 Ontario Ltd (Whittamore's Farm) on September 22, 2015, and was deemed complete on September 24, 2015.

BACKGROUND:

The subject lands are located at the northwest corner of Steeles Avenue East and 11th Concession Road, as shown on Figures 1, 2, and 3. The site consists of two properties. The first is 19.7 ha (48.7 ac) in area, and is municipally known as 8100 Steeles Avenue East, and 7080 and 7150 11th Concession Road. The second is 13.5 ha (33.3 ac) in area, and is municipally known as 7186 and 7200 11th Concession. Figure 3 shows the location of each of the noted municipal addresses.

The subject lands are used for agricultural and residential purposes, including Whittamore's farm at 8100 Steeles Avenue East. There are four existing single detached dwellings located along the east side of the subject lands at 7080, 7150, 7186 and 7200 11th Concession Road. Assessment records indicate that these homes were built in 1972, 1999, 1854 and 1962, respectively, and they are each occupied by members of the Whittamore family. The dwelling at 7186 11th Concession, constructed in 1854, is listed on the Markham register of properties as having of cultural heritage value or interest.

The surrounding areas are predominantly agricultural with the exception of Christ the King Cemetery, located to the west, and the Heritage United Church, located to the east.

OFFICIAL PLAN AND ZONINGIn-Force City of Markham Official Plan (Revised 1987)

- Designated 'Agricultural' which allows for agricultural uses.
- In accordance with Land Severance policies of the in-force Official Plan (revised 1987), an amendment is required to create 'non-farm residential lots' on lands designated "Agricultural" (Section 2.7.3 d) ii).

2014 City of Markham Official Plan (not yet in force)

- Designated 'Greenway' which provides for countryside (i.e. agricultural) uses, providing they are outside natural heritage and hydrogeologic features.
- The portions of the subject lands subject to the proposed Official Plan and Zoning By-law Amendment applications are not within areas identified to contain any significant natural heritage or hydrogeologic features.
- Permitted Countryside uses include dwelling units.

Zoning

- Predominantly zoned Agricultural One (A1) under By-law 304-87, as amended which permits agricultural uses and up to two single detached dwellings that are accessory to an agricultural use.
- The areas proposed to be rezoned are within the A1 zone.

- The central portion of the subject lands, which comprises a woodlot, is zoned Open Space One (O1S) under By-law 304-87, as amended.
- The O1S zone prohibits the erection of any buildings or structures, unless they are associated with development by a conservation authority or the Ministry of Natural Resources and Forestry.

PROPOSAL

The applicants have indicated that the dwellings at 7150, 7186 and 7200 11th Concession Road are surplus to the farming operations and they plan on submitting a severance application to create three separate residential lots while retaining 7080 11th Concession as the primary farmhouse. To facilitate this severance, the applicants have submitted Official Plan and Zoning Amendment applications for specific portions of the subject lands, which are the subject of this report.

An Official Plan Amendment is required to amend the in-force City of Markham Official Plan (revised 1987) prior to the applicant applying to the Committee of Adjustment for a future land severance of three residential parcels of land, each containing an existing single detached dwelling at 7150, 7186 and 7200 11th Concession. This specifically relates to Section 2.7.3 d) ii) of the Official Plan, which requires an Official Plan Amendment to create 'non-farm residential lots' within areas designated as "Agricultural".

Similarly, the Zoning By-law application to amend Zoning By-law 304-87, as amended will place the residential lots into an appropriate zone category prior to the future land severance applications to the Committee of Adjustment. The Zoning Amendment proposes to rezone the lots from Agricultural One (A1) to Rural Residential One (RR1), which will permit single detached dwellings, which are not required to be accessory to an agricultural use. The lots to be severed will exceed the minimum lot size requirements of RR1 Zone, which requires a minimum lot frontage of 45 metres (147.6 ft) and a minimum lot area of 0.4 ha (1.0 ac). The proposed lots will have frontages of 84 m (276 ft) to 95 m (312 ft) and lot areas of approximately 0.89 ha (2.2 ac) to 1.0 ha (2.5 ac).

Should the Official Plan and Zoning By-law Amendments be approved, the Owner will be required to apply to the Committee of Adjustment (CofA) to sever the lands to create three residential lots. In addition, the future severances will also facilitate a farm consolidation, whereby the 'retained' agricultural parcels are consolidated to create one larger farm property, including the retention of one existing single detached dwelling (municipally known as 7080 11th Concession), which will be accessory to the agricultural use, as shown on Figure 4.

GREENBELT PLAN (2005) POLICIES

The subject lands are located within an area designated 'Protected Countryside' in the Provincial Greenbelt Plan (2005). Section 4.6 of the Greenbelt Plan sets out policies regarding the creation of lots within areas designated 'Protected Countryside', including those located within Prime Agricultural or Specialty Crop Areas. The intent of this policy is to establish criteria which allows for land severances within the 'Protected

Countryside'. This includes "minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling in specialty crop or prime agricultural areas and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature". Given that the purpose and effect of the Official Plan and Zoning By-law Amendment applications is to allow for the future severance to create separate lots for residential dwellings on the subject lands, the appropriateness of the amendments must be evaluated within the context of the applicable Greenbelt Plan (2005) policies.

The applicant advises that the three existing dwellings are surplus to the farming operation and is of the opinion that the future land severances to create a lot for each of the existing three homes conform to Section 4.6.3 c) of the Green Belt Plan which provides for "the severance of a residence surplus to a farming operation as a result of a farm consolidation, which residence was an existing use as of the date this [Greenbelt] Plan came into force, provided that the planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance." The proposal would consolidate two agricultural parcels into one larger farming operation, while retaining one existing dwelling (the farmhouse) thereby minimizing the potential for any new residential development on the retained lands. City Staff and are considering this rationale within the context of the City of Markham Official Plans and the Greenbelt Plan (2005).

TRCA REVIEW

The central portion of the subject lands, zoned O1S as described earlier, is located within the Toronto Region Conservation Authority Screening Zone. Given that the Screening Zone does not apply to the portions of the site subject to the proposed Official Plan and Zoning By-law Amendments, the TRCA does not have any objections to approval of the applications. The TRCA has recommended that the City be satisfied that the proposed development, including future severances, conforms with the intent and policies of the Greenbelt Plan (2005).

COMMENTS

City Staff and external agencies are currently completing the technical review of the applications, including evaluating the appropriateness of the proposal against the City's Official Plan policies the Provincial Green Belt Plan (2005).

This rural area of Markham is not connected to municipal services and the applicant will be required to demonstrate that existing (or new) septic and well systems are adequate for the existing dwellings on each lot in accordance with the policies of both Official Plans. This will be considered as part of the future land severance applications. Heritage Markham Committee will consider heritage conservation mechanisms for the existing dwelling at 1186 11th Concession Road at such time as a consent application to sever the subject lands is made to the Committee of Adjustment.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The application should be considered within the context of the City's growth management and strategic priorities

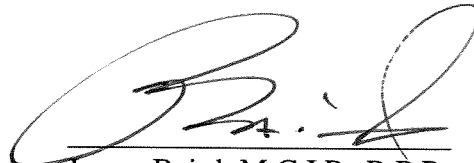
BUSINESS UNITS CONSULTED AND AFFECTED:

This application has been circulated to various departments within the City and applicable agencies for comment.

RECOMMENDED BY:



Ron Blake, M.C.I.P., R.P.P.
Acting Senior Development Manager

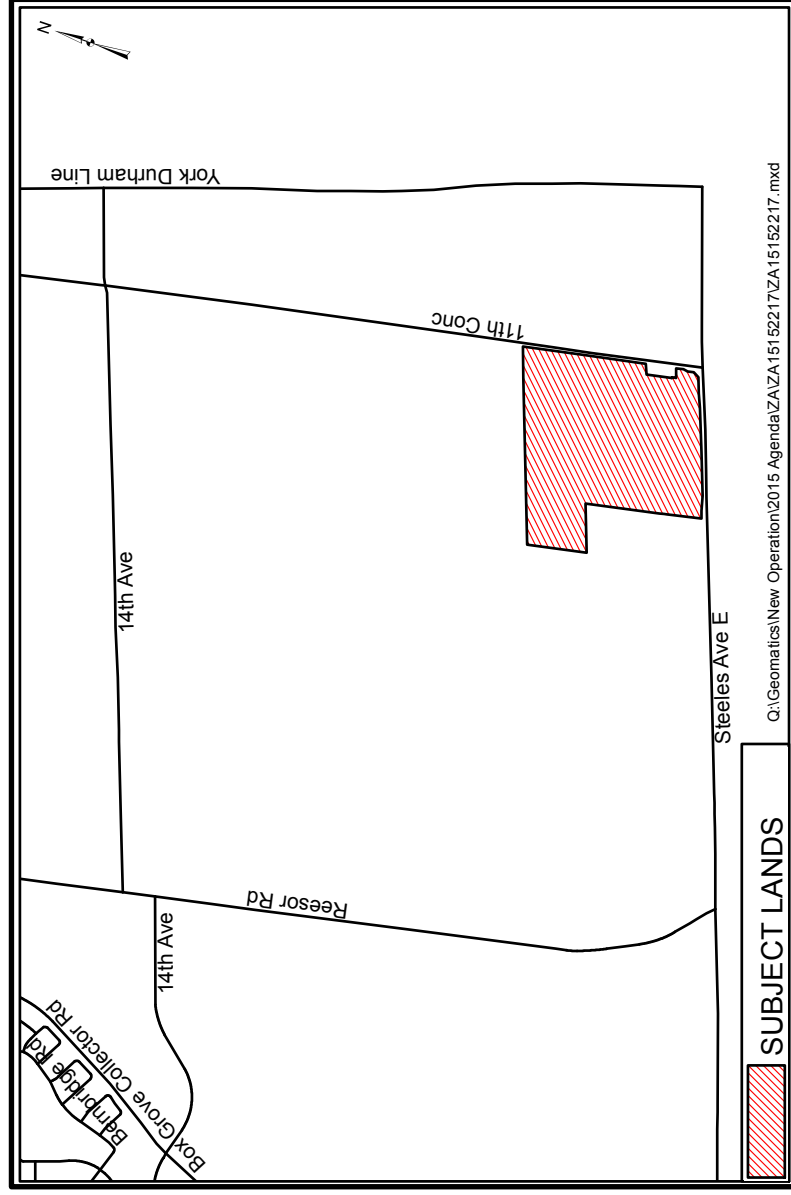


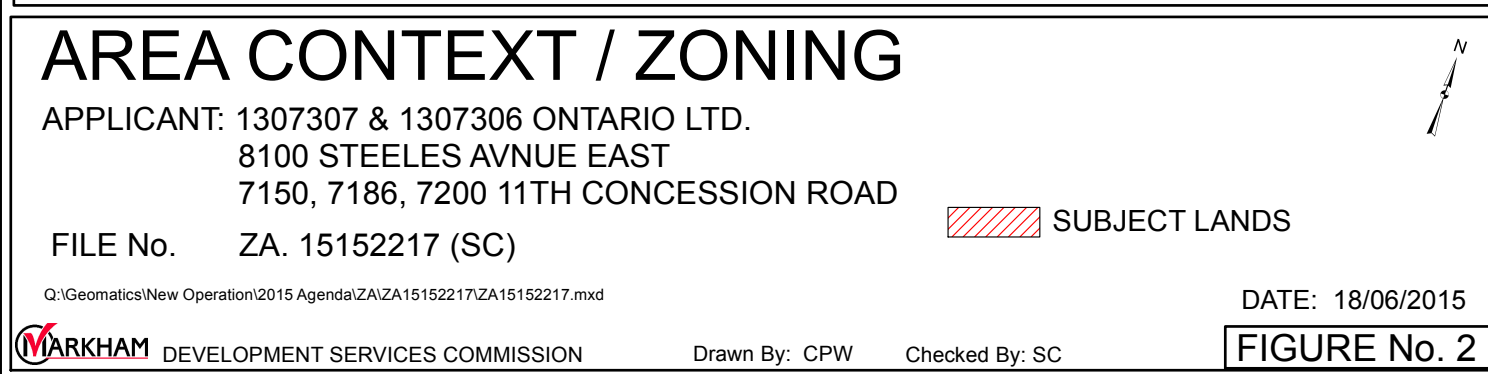
James Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

- Figure 1 – Site Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Aerial Photo, 2012
- Figure 4 – Proposed Severance Plan

File path: Amanda\File 15 152217\Documents\Recommendation Report







AIR PHOTO

APPLICANT: 1307307 & 1307306 ONTARIO LTD.
8100 STEELES AVENUE EAST
7150, 7186, 7200 11TH CONCESSION ROAD

FILE No. ZA. 15152217 (SC)

 SUBJECT LANDS

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DATE: 18/06/2015



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

FIGURE No. 3





Title:

Plan of Proposed Zoning
By-law Amendment
and Severances



1307307 Ontario Limited
& 1307306 Ontario Limited
landholdings



Consolidated farming
operation to be maintained,
with existing dwelling



Existing detached dwellings
subject to proposed ZBLA
& lots to be created
through severances

Scale:	n/a	Date:	May, 2015
Job #:	65MA-1417	Draw #:	n/a



Gatzkos Planning +
Development Consultants Inc.
701 Midland Road - 3rd floor
Toronto, ON, M6E 2M4
T: (416) 318-4444
www.gatzkosplanning.com

PROPOSED ZONING & SEVERANCE PLAN

APPLICANT: 1307307 & 1307306 ONTARIO LTD.
8100 STEELES AVENUE EAST
7150, 7186, 7200 11TH CONCESSION ROAD

FILE No. OP. 13120934

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DATE: 10/07/2015

FIGURE No. 4