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Town of Aurora

## General Committee Report

No. PDS23-016

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**Subject:** Application for Draft Plan of Subdivision and Zoning By-law  
Amendment Approval  
Highfair Investments (BT) Inc.  
5-70 Archerhill Court  
Lots 1 to 14 and Archerhill Court, Plan 65M-2494  
File Numbers: SUB-2021-02 and ZBA-2021-06

**Prepared by:** Adam Robb, MPL, MCIP, RPP, CAHP, Senior Planner

**Department:** Planning and Development Services

**Date:** February 21, 2023

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### Recommendations

1. That Report No. PDS23-016 be received;
2. That Draft Plan of Subdivision application SUB-2021-02 be approved, as shown in Figure 4 of this report and subject to the Conditions of Draft Plan Approval as outlined in Appendix 'A';
3. That the corresponding Zoning By-law Amendment application ZBA-2021-06 be approved, to rezone the subject lands from "Estate Residential (ER)" to "Detached Third Density Residential (R3-X) Exception Zone", "Detached Fourth Density Residential (R4)", "Detached Fourth Density Residential (R4-X) Exception Zone", "Detached Fourth Density Residential (R4-X2) Exception Zone", "Public Open Space (O1)", and "Environmental Protection (EP)" with site specific zoning standards as outlined in Appendix 'B' of this report;
4. That the appropriate servicing be allocated to the development (138 units);
5. That an implementing Zoning By-law Amendment be brought forward to a future Council meeting for enactment; and
6. That a By-law to stop up, close and convey Archerhill Court to the owner of the subject lands be brought forward to a future Council meeting for enactment.

## Executive Summary

This report seeks Council's approval of a Draft Plan of Subdivision and Zoning By-law Amendment application for the lands located at 5-70 Archerhill Court.

Details of the proposal are as follows:

- The subject lands are currently comprised of 14 Estate Residential lots and Archerhill Court and are located at the northwest corner of Bayview Avenue and Vandorf Sideroad.
- The applicant proposes to rezone the lands from Estate Residential to Residential Third and Fourth Density, Public Open Space, and Environmental Protection, with site-specific zoning standards as outlined in Appendix 'B'.
- The application has been subject to two Public Planning Meetings (June 2022 and January 2023) with revisions and updates being made to the proposal to enhance trail connections, improve access, increase park space, and also reduce density to now be 138 single detached units (originally 146, then 139, now 138).
- Over 3 hectares of the subject lands will be conveyed to the Town as Open Space blocks / Environmental Protection, and a further 0.458 hectares are to be dedicated as a community park along Vandorf Sideroad.
- The applicant proposes that the Town convey the existing public road known as Archerhill Court to the owner of the subject lands for the purpose of creating a new road network to be dedicated back to the Town.
- Conditions of Draft Plan of Subdivision approval have also been developed to comprehensively ensure the appropriate and orderly development of the lands, as outlined in Appendix 'A' of this report.

## Background

### Application History

An initial pre-consultation package for the proposed applications was issued on January 15, 2021. The applications were then received by the Town on August 4, 2021 and deemed complete on September 22, 2021.

A virtual Community Information meeting, hosted by the applicant, was held on January 20, 2022, to introduce the application to area residents and obtain feedback. The meeting was attended by 29 residents, representatives of the Town, and the applicant and their consulting team. In addition, a resident committee comprised of representatives of Monkman Court was created. The committee and the applicant met twice and continued communicating through the balance of the review process.

A statutory Public Planning Meeting for subject applications was first held on June 14, 2022. At this meeting, Council passed a motion to receive Report No. PDS22-083, and to have comments be addressed by the applicant and presented back in a report to a future Public Planning meeting.

The subject applications were revised to include improved access from Vandorf Sideroad, additional right in/right out access from Bayview Avenue, multiple trail access points, reduced density, and a larger and re-located community park. The revised plan was then presented again to Council and the public for review at an additional, non-statutory Public Planning Meeting held on January 30, 2023.

Comments received from the public at the January 30, 2023, Public Planning Meeting were largely positive, and a summary of the comments received, and revisions made by the Applicant from both of these Public Planning meetings is included under the Public Comments section of this report.

## **Location / Land Use**

The subject lands municipally known as 5 to 70 Archerhill Court are approximately 12.3 hectares (30.5 acres) in size and are located at the northwest corner of Bayview Avenue and Vandorf Sideroad. Currently, the area consists of 14 Estate Residential lots which accommodate 14 individual Estate Residential dwellings as well as a public road being Archerhill Court. The subject lands are considered self-contained as an enclave community.

## **Surrounding Land Uses**

The surrounding land uses are as follows:

North: Open space, environmentally protected lands and further north is a community consisting of detached dwellings.

South: Vandorf Sideroad and a community of detached dwellings.

East: Bayview Avenue and a community of detached dwellings.

West: Open space, environmentally protected lands and then further west are employment area lands.

## **Analysis**

### **Policy Context**

#### **Provincial Policies:**

All *Planning Act* development applications are subject to provincial policies. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest. These policies support the development of strong communities through the promotion of efficient land use and development patterns.

The Growth Plan for the Greater Golden Horseshoe is a guiding document for growth management within the Greater Golden Horseshoe (GGH) Area to 2051. The Growth Plan provides a framework which guide decisions on how land will be planned, designated, zoned and designed.

The Lake Simcoe Protection Plan (LSPP) is a provincial document that provides policies which addresses aquatic life, water quality, water quantity, shorelines and natural heritage, other threats and activities (including invasive species, climate change and recreational activities) and implementation.

The Oak Ridges Moraine Conservation Plan (ORMCP) provides land use and resource management planning direction on how to protect the Moraine's ecological and hydrological features and functions. Official Plan Amendment No. 48 (OPA 48) was adopted by Council on October 22, 2003, to bring the Town of Aurora Official Plan into conformity with the ORMCP.

The proposed applications are consistent with and conform to the directions of Provincial policy. The subject applications assist in achieving the Town's goals and targets for density, population, and intensification, while also contributing to the development of a complete community with access the high-quality open spaces, parks and trails. The proposal represents an efficient and wise use of land to support a mix of housing and amenities for the community.

#### **York Region Official Plan (YROP):**

The subject lands are designated as Urban Area within the York Region Official Plan. The purpose of this designation is to accommodate residential uses as part of meeting

required population and density forecasts. The subject applications conform to the York Region Official Plan.

**Town of Aurora Official Plan:**

The subject lands are designated as “Stable Neighbourhoods” in the Town of Aurora Official Plan. This designation permits ground-related residential uses with a maximum height permission of 9 metres (three storeys). Additional information regarding the heights of the proposed development is provided further in this report.

**Zoning By-law 6000-17, as amended:**

The subject lands are currently zoned as “Estate Residential (ER)” in the Town of Aurora’s Comprehensive Zoning By-law. The ER zone is characterized by larger setbacks and lot areas in a low-density neighbourhood setting. The current maximum height permission for the Estate Residential zone is 10 metres as of right. Additional information regarding the heights of the proposed development is provided further in this report.

**Proposed Applications****Reports and Studies:**

Reports and studies submitted as part of a complete application were outlined in previous Report No. PDS22-083, dated June 14, 2022. Since the January 30, 2023, Public Planning Meeting, the applicant has also revised their Draft Plan to feature 138 units, which is outlined in Figure 4 of this report. All reports and studies pertaining to the subject applications remain available for public review and investigation as requested.

Additionally, specific conditions of approval have been developed and included in the attached Appendix ‘A’ - Conditions of Draft Plan Approval for the applicant to satisfy prior to registration. One such condition is for the applicant to provide a Green Development Standards report prior to execution of the Subdivision Agreement to ensure the sustainable building design and development of the site, including through such measures as energy efficient appliances and home systems, electric vehicle charging, and renewable energy considerations. The applicant will have three years from the date of Draft Plan approval to satisfy the listed Conditions, with Council at its sole discretion being able to extend this approval period.

**Draft Plan of Subdivision:****The Draft Plan of Subdivision proposes 138 single detached lots, a new road network, and dedicated blocks for environmental protection and a community park**

The applicant has revised the Draft Plan of Subdivision to accommodate a new lotting pattern inclusive of 138 new single detached lots. As shown previously, the proposal also features a road network with improved access from Vandorf Sideroad and right in/right out from Bayview Avenue, an enlarged and relocated community park, and blocks for environmental protection and open space along the east and west boundary areas. The 138 lots represents a reduction from the previously proposed 139 lots at the January 30, 2023, Public Planning Meeting, and the originally proposed 146 lots.

The existing public road being Archerhill Court is intended to be replaced with a new 18.0 metre wide 'ring road' providing internal access for the enclave community. The park block has been relocated to front onto Vandorf Sideroad and has increased in size from the original submission by 0.32 hectares. As discussed at the January 30, 2023, Public Planning Meeting, this park will also be fenced to ensure appropriate risk management.

Trail access and pedestrian mobility is also being improved through the development of local connections, including to the Holland River Valley Trail to the west of the subject area. In response to comments from the January 30, 2023, Public Planning Meeting, staff also evaluated the feasibility for an additional connection to the trail from approximately the midpoint of the subject area along the western boundary, but it was determined that the resulting tree clearing would lead to negative impacts on the forested area and natural features. There are also limitations due to grading at this location.

The blocks dedicated for open space and environmental protection will be conveyed to the Town as a condition of Draft Plan approval. These blocks also incorporate the respective 10m buffer for woodlots (western block) and 30m buffer for wetlands (eastern block), as required by the LSRCA and shown in the proposed Draft Plan. In total, the open space blocks for environmental protection account for over 3 hectares of the subject lands, equating to over 25% of the total area.

The following is a further breakdown of the proposed Draft Plan of Subdivision:

Proposed Land Use	Area	Site Coverage
Residential – 138 Single Detached lots	6.326 ha	51.3%
Community Park Space	0.458 ha	3.7%
Open Space Environmental Protection Blocks	3.189 ha	25.9%
Reserve Blocks along Vandorf Sideroad and Bayview Avenue	0.010 ha	0.1%
Internal Road Network	2.322 ha	18.8%
Storm Outlet and Overland Flow	0.030 ha	0.2%
<b>Totals</b>	<b>12.334 ha</b>	<b>100%</b>

The 138 single-detached lots are proposed to contain lot sizes ranging from 11.0 metres to 18.3 metres, with an average lot depth of 32.0 metres.

#### **Zoning By-law Amendment:**

**The Zoning By-law Amendment application with site-specific provisions and standards is required to enable the proposed higher density built form**

As outlined in Appendix 'B', the applicant proposes to rezone the subject lands from "Estate Residential" to "Detached Third Density Residential (R3)", "Detached Fourth Density Residential (R4)", "Environmental Protection (EP)", and "Public Open Space (OS1)", with site specific zoning standards and exceptions.

Final zoning performance standards will be evaluated by staff in detail prior to the implementing Zoning By-law Amendment being brought forward to Council for enactment. The Town's R3 and R4 zoning categories permit 10 and 11 metre height permissions respectively. The current Estate Residential (ER) zoning for the subject property also permits a 10 metre height maximum as of right. Once siting and architectural details are finalized by the applicant, details will be reported back to Council regarding the specific heights of the dwellings on each lot, with the applicant confirming their general intent to abide by the 9 metre maximum of the Stable Neighbourhoods designation, but also recognizing that further details will come and some potential increases may be required based on the individual conditions and the siting of each lot. Once details are known, the exact heights of the proposed

development will be reviewed as part of Council's future enactment of the related Zoning By-law Amendment.

The following is a table to generally compare the differences between the existing Estate Residential zoning requirements with the proposed R3 and R4 zoning and site-specific standards and exceptions:

	Parent ER Zone Requirements	Proposed R3 and R4 zoning with site specific zoning standards and Exceptions	
		R3 Exception	R4 Exception
Permitted Uses	Detached dwellings, second suites, home occupations	Detached dwellings, second suites, home occupations	Detached dwellings, second suites, home occupations
Lot Area (minimum)	8,000 m <sup>2</sup>	460 m <sup>2</sup>	345 m <sup>2</sup> *
Front Yard (minimum)	15 m	4.5 m*	4.5 m*
Rear Yard (minimum)	22 m	7.0 m*	6.5 m*
Interior Side Yard (minimum)	9 m one side 4.5 m other side	1.2 m one side 1.5 m other side	1.2 m one side 0.6 m other side
Exterior Side Yard (minimum)	15 m	6 m	2.4 m*
Lot Coverage (maximum)	15%	50%*	50%



	Parent ER Zone Requirements	Proposed R3 and R4 zoning with site specific zoning standards and Exceptions	
		R3 Exception	R4 Exception
Height (maximum)	10 m	10 m	11m

Note: Asterisks (\*) indicate site-specific zoning standards. As mentioned, final zoning performance standards will be evaluated by staff in detail prior to the implementing Zoning By-law Amendment being brought forward to Council for enactment.

## Department / Agency Comments

**In general, all circulated agencies are satisfied with the proposed applications and have included the necessary Conditions of Draft Plan approval to ensure the orderly and responsible development of the site**

The proposed applications were circulated to all internal and external agencies for review and comments. In general, all circulated agencies are satisfied with the revisions and have no further comments at this time. Any remaining technical matters can be resolved prior to the enactment of the subject Zoning By-law Amendment and prior to the execution of the subdivision agreement, with detailed conditions of approval also outlined in Appendix 'A' of this report.

## Development Engineering

The sewers and watermain have capacity available for the proposed development. Storm water management is also accommodated. Draft Plan conditions addressing matters as it relates to detailed design have also been developed, for inclusion into a future Subdivision Agreement.

The assumed public road known as Archerhill Court will be removed at the sole cost of the owner of the subject lands. A by-law is required to be enacted to close Archerhill Court before it is conveyed to the owner of the subject lands, with a future report to be brought back to Council.

**Operations – Parks**

Parks staff have no concerns with the proposal. Revisions have been made to relocate and increase the size of the park block, and trail connections have been provided. Staff reviewed the ability to provide an additional trail access along the western boundary of the site, but this is not warranted due to negative impacts resulting from tree clearing as well as grading issues. The proposed park will also be fenced to ensure appropriate risk management, and conditions of Draft Plan Approval have also been provided.

**Traffic Analyst**

The proposed applications support and encourage active transportation and will enhance connectivity of the Lake-to-Lake route by ensuring suitable connection opportunities. The appropriate conditions of Draft Plan Approval have also been developed and included in Appendix 'A'.

**Central York Fire Services**

Central York Fire Services has no objections to the proposed applications. Draft Plan conditions addressing matters as it relates to detailed design are incorporated and will be included in a future Subdivision Agreement.

**Lake Simcoe Region Conservation Authority (LSRCA)**

The LSRCA has no further comments and advises that all comments related to functional review have been addressed for the proposed applications. Draft Plan conditions addressing matters as it related to detailed design have been developed and will be included as part of a future Subdivision Agreement.

**The Regional Municipality of York**

York Region has no concerns with the proposed access to Bayview Avenue as a right in/right out only. Further, York Region has no objections to the proposed applications subject to the pre-conditions and included Conditions of Draft Plan Approval.

**Public Comments**

Planning Staff have received comments from the public on the proposed applications through two Public Planning Meetings. Previous report PDS23-004 provided an

overview of the comments received, and the following is a further general summary as well as an overview on the revisions and updates made by the applicant in response:

	Comments Received	Revisions/Updates Made
Public Planning Meeting #1 – June 14, 2022	<ul style="list-style-type: none"> <li>a) Concern for adequacy of park space</li> <li>b) Concern for vehicular access</li> <li>c) Concern over density</li> <li>d) Desire for trail connections</li> </ul>	<ul style="list-style-type: none"> <li>a) Park increased to 0.458 hectares and relocated along Vandorf Sideroad</li> <li>b) Additional access created along Bayview Avenue plus a dedicated left turn from Vandorf Sideroad</li> <li>c) Lots reduced from original 146 to current 138 singles</li> <li>d) Access to trails and pedestrian connections provided</li> </ul>
Public Planning Meeting #2 – January 30, 2023	<ul style="list-style-type: none"> <li>a) Remaining concerns about density but appreciative of revisions made including additional access</li> <li>b) Confirm fencing around park for risk management</li> <li>c) Ensure appropriate tree preservation</li> <li>d) Explore options for additional trail access</li> <li>e) Explore options for salvaging of existing home materials</li> </ul>	<ul style="list-style-type: none"> <li>a) Density has been lowered to the current 138 units (from original 146 to 139 at January 30, 2023 public meeting, to now be 138)</li> <li>b) Fencing will be provided</li> <li>c) Tree removal limited to only what is needed and is occurring in accordance with tree removal compensation policy as a condition</li> <li>d) Additional trail access was reviewed but would have negative impacts due to clearing and grading concerns</li> <li>e) Applicant is stated as working with Habitat for Humanity (Restore) to achieve this</li> </ul>

	f) Confirm heights of buildings to be at 9 metres, in line with Official Plan	f) Once siting and architectural plans are finalized, details will be reported back to Council on heights for specific lots prior to Zoning By-law enactment
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Additionally, questions from the January 30, 2023, Public Planning Meeting included the following, with the answers provided below:

- 1) What is the buffer for the Environmental Protection lands?
  - 10 metres for the woodlot on the west and 30 metres for the wetland at the east, in line with the Town's Official Plan and LSRCA mandates.
- 2) Can the Bayview Avenue access be moved any further north?
  - This was explored but moving the access further north would impede on the wetland area.
- 3) Can construction access be limited to Bayview Avenue only?
  - This is noted and will be aimed to be achieved as part of the detailed construction management planning of the development. A construction impact mitigation study is a required condition of draft plan approval.
- 4) Is there opportunity for commercial uses?
  - The subject lands are currently used and designated for residential purposes and are proposed to continue as a residential use.
- 5) Will there be a restriction on pools for the subdivision?
  - Any required restrictions or limitations will be noted as notice clauses to be included in the Subdivision Agreement and in all offers of purchase and sale.
- 6) What will be the heights of the homes be?
  - The applicant has expressed their intent to remain within 9 metres. Lot grading and siting however will impact the determination of exact heights. The R3 and R4 zones permit 10m and 11m heights respectively and the current Estate Residential zoning permits 10m heights as of right. Details on the specific heights will be presented to Council as part of the enacting Zoning By-law Amendment.

## Advisory Committee Review

No review required.

## Legal Considerations

Section 34 (11) of the Planning Act states that if Council refuses the zoning by-law amendment application or fails to make a decision on it within 90 days after the receipt of the application, the applicant (or the Minister) may appeal the application to the Ontario Land Tribunal (OLT).

Section 51(34) of the Planning Act states that if Council fails to make a decision on the subdivision application within 120 days after the receipt of the application, the applicant may appeal the application to the OLT.

If Council approves or refuses the applications, then the applicant, Minister, or a public body or specified person (as defined in the Act) that made oral or written submissions may appeal to the OLT after receiving notice of Council's decision.

These applications were received on August 4, 2021, and therefore, the applicant may appeal to the OLT at any time.

### **A future report and by-law will be brought to Council to stop up, close and convey Archerhill Court to the owner of the subject lands**

In order to remove and replace Archerhill Court with the new proposed right-of-way shown on the draft plan, Council will be required to enact a by-law to permanently close Archerhill Court, which will be presented to Council as part of a future report dealing with the proposed purchase of Archerhill Court by the applicant. A draft plan condition has been included requiring the applicant to purchase Archerhill Court prior to approval of the final plan. In accordance with the notice requirements of the Town's Public Notice By-law, notice of the intention to pass the by-law must be given at least 14 days prior to Council's consideration of the by-law by posting an informational sign on the side of Archerhill Court. The by-law will not take effect until the by-law is registered on title.

## Financial Implications

All applicable fees and charges relating to this development will be collected as required by applicable legislation, agreement, or policy. The approval of the proposed development will also add to the Town's assessment growth over the coming years.

## **Communications Considerations**

All public meeting signage and notification requirements as per the Planning Act were met relating to the review of the subject applications. Subject to Council's decision on the subject applications, additional Notice of Decision/Notice of Passing requirements will be met, including providing appropriate information on appeal rights to the applicant and public.

## **Climate Change Considerations**

To understand and mitigate impacts of greenhouse gas emissions resulting from the application, the preparation of a Green Development Report has been included as a required draft plan condition of approval for the subject application. The proposed subdivision is to include direct trail access and opportunities for sustainable building design and energy efficiency.

## **Link to Strategic Plan**

The applications have been reviewed in accordance with the Strategic Plan and its goal of supporting an exceptional quality of life for all through the key objective of collaborating with the development community to ensure future growth includes housing opportunities for everyone.

## **Alternative(s) to the Recommendation**

1. Direct staff to report back to another General Committee Meeting addressing any issues that may be raised at the General Committee Meeting.
2. Refusal of the application with an explanation for the refusal.

## **Conclusions**

Planning and Building Services reviewed the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications in accordance with the provisions of Provincial, Regional, Official Plan, Zoning By-law and municipal development standards respecting the subject lands. The proposed development is considered to be in keeping with the policies and standards of the Town and staff recommends approval of the Draft Plan of Subdivision and Zoning By-law Amendment applications, which will be followed by an enacting Zoning By-law Amendment. Lastly, a future report and by-law will be brought to

Council to stop up, close and convey Archerhill Court to the owner of the subject lands prior to approval of the final plan.

## **Attachments**

Figure 1 – Location Map

Figure 2 – Existing Official Plan Designation

Figure 3 – Existing Zoning By-Law

Figure 4 – Proposed Draft Plan of Subdivision (February 2023)

Appendix A – Conditions of Draft Plan Approval

Appendix B – Proposed Draft Zoning By-law Amendment and Schedule  
(subject to future enactment)

## **Previous Reports**

Public Planning Report No. PDS23-083

Public Planning Report No. PDS23-004

## **Pre-submission Review**

Agenda Management Team review on February 2, 2023.

## **Approvals**

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer