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Town of Aurora
Committee of Adjustment Report
No. MV-2022-45

Subject: 2352107 Ontario Inc.
1588 St John's Side Road (Blocks 5 & 6)
Part of Lot 26 Concession 3
File: MV-2022-45
Relate Files: SP-2020-08; SUB-2015-02; ZBA-2015-05

Prepared by: Kenny Ng, Planner

Department: Planning and Development Services

Date: March 9, 2023

Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the development of a two (2) storey, multi-unit industrial building. A conceptual overall and subject site plan are attached as Appendix 'B' to this report for further reference.

Proposed Variance(s)

The following relief is being requested:

- a) Section 24.503.6 of the Zoning Bylaw 6000-17 states the minimum Gross Floor Area of all buildings and structures for all uses outlined in Section 24.503 shall be 92.6% of the lot area or portion of the lot within the E-BP (503) Zone for each individual lot. The applicant is proposing a multi-unit industrial building with a Gross Floor Area at 61.17%.
- b) Section 5.4 of the Zoning Bylaw 6000-17 requires a minimum of 99 parking spaces for Blocks 5 and 6. The applicant is proposing a multi-unit industrial building with 93 parking spaces, thereby requiring a variance of 6 spaces.
- c) Section 24.503.3.3 - of the Zoning Bylaw 6000-17 requires a minimum landscape strip adjacent to St. John's Sideroad East of 6.0 meters for Block 6. The applicant is proposing a landscaping strip of 2.36 meters.

- d) Section 24.504.3.3 of the Zoning Bylaw 6000-17 requires a minimum landscaping strip adjacent to St. John's Sideroad East of 4.0 meters for Block 5. The applicant is proposing a landscaping strip of 3.0 meters.
- e) Section 24.503.3.3 of the Zoning Bylaw 6000-17 requires a minimum landscaping strip adjacent to Melvin Robson of 3.0 meters for Block 6. The applicant is proposing a landscaping strip of 1.36 meters.
- f) Section 24.504.3.3 of the Zoning Bylaw 6000-17 requires a minimum landscaping strip adjacent to Melvin Robson of 3.0 meters for Block 5. The applicant is proposing a landscaping strip of 1.57 meters.
- g) Section 5.3 of the Zoning Bylaw 6000-17 requires the manoeuvring aisle for 90 degree parking to be a minimum of 7.0 meters. The applicant is proposing a manoeuvring aisle for 90 degree parking at 6.0 meters for Blocks 5 and 6.

Background

Subject Property and Area Context

The subject lands are municipally known as 1588 St. John's Sideroad and are part of the Aurora Mills Business Park located north of St. John's Sideroad and east of Leslie Street. More specifically, the subject variances are only applicable to Blocks 5 and 6 of the overall Business Park subdivision. Blocks 5 and 6 are located on the south side of the future Melvin Robson Avenue, which will serve as an interior east-west collector road for the Business Park area.

Blocks 5 and 6 have an approximate lot area of 1.34 hectares (3.33 acres), and an approximate lot frontage of 258.18 metres (847 feet) onto Melvin Robson Avenue. Blocks 5 and 6 are currently vacant and undergoing earthworks to prepare the lands for the associated Site Plan (SP-2020-08). Council also approved the initial Zoning By-law Amendment and Draft Plan of Subdivision for the overall business park on June 6, 2017 (SUB-2015-02 and ZBA-2015-05).

Surrounding Land Uses

The surrounding land uses for the subject property are as follows:

North: Environmental Protection land;

South: Vacant future Employment land;

East: Vacant future Employment land; and
West: Residential Neighbourhood.

Official Plan

The subject lands are designated 'Business Park 1' by the Town of Aurora Official Plan (OPA 73). The intent of this designation is to provide a full range of employment opportunities including industrial and office uses to meet the long-term needs of the Town of Aurora. The secondary plan requires that Business Park lands achieve a minimum density of 40 jobs per developable hectare.

Zoning

The subject lands are zoned E-BP (503) "Employment-Business Park Exception Zone" for Block 5, and E-BP (504) "Employment-Business Park Exception Zone" for Block 6 by Zoning By-law 6000-17, as amended. Both zones permit industrial uses as of right.

Related Planning Applications

On June 6, 2017, Council approved a Zoning By-law Amendment and Draft Plan of Subdivision for the Aurora Mills Business Park area to define the block areas and establish the permitted uses. A site plan application to facilitate the development of a multi-unit industrial building on the subject property (SP-2022-08) was received by the Town and is currently under review. The subject variance is required to facilitate the approval of the related site plan application.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora's Building Division. The PZR identified the above-mentioned required variances, and no other non-compliance was identified.

Applicant's stated reason(s) for not complying with the Zoning By-law

As stated on the application form, "Currently, the properties are subject to a site-specific zoning by-law which was approved prior to the Covid-19 pandemic. Following the pandemic, there has been a change in market conditions and need for office space. We are requesting modifications to site-specific requirements."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-45 pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

a) The proposed variances meet the general intent of the Official Plan

The proposed variances will support the development of a draft approved employment subdivision block and provide employment opportunities on designated employment lands. The proposed multi-unit industrial building maintains the objective of the 'Business Park 1' designation with a built form that is appropriate considering the surrounding context and will contribute to local job creation and employment growth within the Town. The Applicant has also submitted a job density calculation (attached as Appendix 'C') to justify the reduced GFA, which shows that provincial, regional and local minimum job density targets are met effectively, even despite the proposed GFA reduction. 71 jobs per hectare are being provided, which exceed policy requirements and will help to bolster the Business Park function of the area in line with the policies of the Official Plan..

The overall design of the building and function of the site are not negatively affected by the reduced landscape strip in that the overall prestige image of the business park is being maintained. Further, the deficient parking spaces is not expected to generate significant impacts to the functionality of the subject site and the overall subdivision as a whole. In considering the context of Official Plan policies, the variances requested are not anticipated to have any negative impacts or non-conformities, and they fulfill the objective of providing employment generating land uses for the area.

Staff are of the opinion that the requested variances meet the general intent of the Official Plan.

b) The proposed variances meet the general intent of the Zoning By-law**Minimum Gross Floor Area**

The minimum Gross Floor Area (GFA) provision was developed from the initial site-specific zoning by-law amendment, which was approved in 2017 for the development of the overall subdivision. The provision was developed to ultimately ensure that only 20% of the total GFA within the Business Park would be used for standalone commercial/ancillary uses, with the rest being used for employment, and to make sure the employment / job densities provided by the Business Park was satisfactory. It was assumed that maximizing the GFA to as great an extent possible and setting that as a minimum would ensure higher job yields over the lands. Since the approval of the site-specific By-Law though, the overall development concept for the lands has changed.

In recognizing however, the true intent of the provision being to a) limit the amount of commercial uses and b) maximize employment yield, which at the time was aimed at 40 jobs per hectare, an evaluation of the proposed variances shows that the intent is still met. The variance to reduce the minimum GFA to be 61.17% of the lot area would not result in an increase to the overall percentage of commercial spaces on property, thereby

maintaining the intent of Aurora 2C Secondary Plan and the overall intent of the site-specific zoning by-law of limiting commercial area to be maximum 20% of the site area. No commercial uses are proposed on the subject blocks. The overall job density is also actually increased from the initial development concept, as a job density of 77 jobs per hectare is provided, which exceeds the secondary plan requirement of 40 jobs per hectare. This increased job yield despite a lower GFA is largely made possible due to the multi-tenant nature of the specific proposal.

Parking Space

The general intent of the parking space requirement is to ensure that sufficient parking spaces are provided to meet the needs of the proposed facilities and that vehicle spillover will not occur for overcrowding the subject site.

The applicant submitted a Parking Justification letter prepared by C.F. Crozier & Associates Inc., dated January 30, 2023, exceed municipal requirements. As the business park builds out, it is anticipated that the area will become more walkable to accommodate patrons, thus also further reducing the need for parking spaces.

Landscape Strip

Staff do not have concerns about the reduction in landscape area when combined with reduction in parking which attempts to minimize excessive hard surfaces.

The general intent and purpose of the landscape strip regulation is to provide for appropriate mitigation and buffering through landscaped open space to screen undesirable site activities such as parking and loading areas.

Along St. John Sideroad (Block 5 and 6)

Blocks 5 and 6 on the approved Draft Plan of Subdivision generally provides a 3.0 metre landscape strip along the lot frontage on St. John's Sideroad. The proposed landscape strip starts at 3.0m along the frontage of Block 5 and tapers along Block 6 as the property line contours north.

It is the opinion of Staff that the proposed reduced landscape strip will continue to provide attractive, meaningful landscaped areas to enhance the site and the surrounding area. In addition to the proposed landscaping strip, there is also a retaining wall, which serves as additional visual screening purposes. In lieu of this, the proposed variances for the reduced landscape strip is considered to be adequate.

Along Melvin Robson (Block 5)

The proposed reduced landscape strip along Melvin Robson Road is appropriate. A comprehensive landscape plan will be prepared to bolster the landscaping on site and contribute to the surrounding area. Lot line tree planting is required by parks staff and the provision of tree plantings will effectively separate the public realm from the subject lands. The site plan review process ensures that the frontage along Melvin Robson Avenue is designed with a high degree of attention to detail and high-quality building materials. In considering this, the reduction is considered to generally maintain the purpose and intent of the site-specific zoning.

Minimum Maneuvering aisle for 90 Degree Parking

The intent of the minimum maneuvering aisle width is to ensure that parking stalls have adequate space for maneuvering turns to avoid vehicular conflicts. The development proposes an aisle width of 6.0 metres at its narrowest point only along the north and west portions of the blocks and 7.31 m at its widest point. A truck turning movement assessment prepared by Crozier Consulting Engineers was submitted to confirm that the driveway is appropriate. The figures demonstrate that the reduced driveway is feasible, able to meet operational requirements and would not compromise the safety of the pedestrian and vehicular users of the site. As the technical function of the driveway is maintained, and that the 1.0 metre decrease is minor overall and not discernable from the street, it is staff's opinion that the general purpose and intent of the Town's Zoning By-law is met.

Staff are of the opinion that the requested variances meet the general intent of the Zoning By-law.

c) The proposed variances are considered desirable for the appropriate development of the land

The proposed variances will continue to meet the development vision as set out by the Town 2C Secondary Plan. The proposed variances will continue to allow a compatible build form and would not represent an overbuild structure of the subject lands. The building meets all other building requirements in the site-specific zoning and the reduction of GFA would result in minimal visual disturbance, while providing more jobs than the requirements of the Official Plan.

The parking study sufficiently demonstrates that the proposed spaces are satisfactory in accommodating the parking needs of the site. The study has been reviewed by the Town's Traffic/Transportation analyst and no traffic related concerns have been raised. It is in the opinion of staff that the reduced parking spaces are sufficient to accommodate the proposed industrial building. The reduction in landscape strip width will not affect the overall compatibility and functionality of the site; sufficient green space is proposed to

soften the appearance and undesirable component of the development. The reduction of the minimum maneuvering aisle width is marginal and study has been provided to ensure that vehicular safety is maintained.

Staff are of the opinion that the requested variances are considered desirable for the appropriate development of the property.

d) The proposed variances are considered minor in nature

The proposed variances are considered to be minor in the overall context for the development of the entire business park subdivision. The proposed variance on the GFA will not does not impact job yields, the parking space shortfall is minor. The reduction of landscape strip width along St. John’s Sideroad is not expected to result in significant visual impacts. The landscape strip reduction along the internal roadway is considered to be minor as the site will be facing blocks 3 and 4 of the overall subdivision, of which will be operating similar employment land uses, thus the reduction will not result in compatibility issue or any other significant impacts. The impact generated by the reduction of minimum maneuvering aisle is also considered minor as the proposed manoeuvring aisle is considered sufficient through professional engineering investigation and study. The proposed reduction is only applied on specific parking area for Blocks 5 and 6.

Additional Comments

The minor variance application was circulated to Town Department/Divisions and to external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Building Division	Preliminary Zoning Review was completed on January 26, 2023 to confirm the variances required for the proposed development.
Engineering Division (Traffic/Transportation)	Comments provided stating no concerns with proposed variance application (dated February 21, 2023)
Operational Services (Parks)	Comments provided stating no comments/concerns with proposed application (dated November 24, 2022)

Department or Agency	Comments
Operational Services (Public Works)	No comments received at the time of writing this report.
Central York Fire Services	Comments provided stating no comments/concerns with proposed application (dated February 9, 2023)
York Region	Comments provided stating no comments/concerns with proposed application (dated February 15, 2023)
LSRCA	Comments provided stating no comments/concerns with proposed application (dated February 22, 2023)
Alectra	No concerns with the proposed minor variance (dated February 9, 2023)
Accessibility	No concerns with the proposed minor variance (dated February 27, 2023)

Public Correspondence

Written submissions were not received at the time of writing of this report. Should written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

Conclusion

Planning staff have reviewed the application with respect to Section 45(1) of the Planning Act, R.S.O, 1990, c.P.13, as amended, and are of the opinion that the requested variance meets the four tests of the Planning Act for the granting of minor variances. Staff recommend approval of the requested variances subject to the conditions outlined in Appendix 'A'.

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'C' – Employment Use Justification Letter

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2022-45 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.
2. That the approval of the proposed variances are conditional on the final registration of the associated Plan of Subdivision (SUB-2015-02) related to the lands.