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Town of Aurora
Committee of Adjustment Report
No. MV-2023-08

Subject: **Howland Green Wellington East Ltd.**
1623 Wellington Street East
PART LOT CONCESSION 3 WHITCHURCH, PARTS 1,2,3,4,6 AND 7
65R3924
File: MV-2023-08
Related Planning Application(s): SP-2022-14

Prepared by: **Kenny Ng, Planner**

Department: Planning and Development Services

Date: March 9, 2023

Application

The Owner is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to increase the maximum height and allow clinic as a permitted use for the proposed 4-storey office/commercial building. A conceptual site plan and elevations are attached as Appendix 'B' to this report.

PROPOSED VARIANCE

The following relief is being requested:

- a) Section 10.2 of Zoning Bylaw 6000-17 limits the maximum height of the building to 13.5 meters. The applicant is proposing an office and commercial building with a height of 16.0 meters, thereby requiring a variance of 2.5 metres.

- b) Section 10.1 and Section 24.531.1 of Zoning Bylaw 6000-17 does not allow a clinic as a permitted use. The applicant is proposing to add clinic as a permitted use for the property.

Background

Subject Property and Area Context

The subject property, municipally known as 1623 Wellington Street East, is located on the south side of Wellington Street East and west of Highway 404. The subject property has an area of approximately 0.89 hectares (2.2 acres) and a lot frontage of approximately 647.15 metres (399 feet). The subject lands have previously been subject to planning approvals to permit the creation of a master planned, mixed-use development within the Business Park area south of Wellington Street East.

North: Vacant Business Park lands, Wellington Street East, SmartCentres Aurora north commercial plaza

South: Existing employment uses

East: Employment/Business Park uses, Highway 404

West: Business Park Uses, Goulding Avenue, Winners/Homesense/Farm boy

Related Planning Application

Related to the subject application, a site plan control application was also submitted to the Town in December 2022 and deemed complete as file SP-2022-14. The proposed development consists of a four-storey office/commercial building with two levels of underground parking. The proposed development is intended to be highly sustainable with the proposed building aiming to achieve beyond net-zero carbon emissions.

The subject application is still currently under technical review, with the subject variance required to facilitate the development of the proposal.

Official Plan

The subject property is designated 'Business Park' by the Bayview Northeast Area 2B Secondary Plan (OPA 30). The intent of the Business Park designation is to provide opportunities for a mix of prestige employment uses and a variety of supporting commercial and community facilities generally geared to satisfying the needs of residents, businesses and employees in the Town of Aurora and the Region at large. Business/professional office uses are permitted, while limited retail and service commercial uses are permitted subject to provisions.

Zoning

The subject lands are zoned “E-BP (531) Business Park Exception Zone” under the Town of Aurora Zoning By-law 6000-17, as amended. Similarly, this zoning is intended to accommodate the business and supporting commercial function of the area.

Preliminary Zoning Review

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

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

Applicant submitted a cover letter to address reasons for non-compliance, and is attached to this report as Appendix ‘C’.

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2023-08 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

Business Park policies stipulate that buildings shall generally be low to mid-rise in form and shall generally not exceed four storeys in height. At certain key intersection locations on Wellington Street, building heights may increase provided such an increase is considered appropriate as articulated in the Urban Design Guidelines and does not exceed seven storeys in height. In considering the height variance, it is noted that the proposed office/commercial building would only require the variance in the northerly portion of the building, which is proposed at four storeys. The southerly portion is proposed to be three storeys in height, and is well within the maximum height requirement. The height difference of the building also provides an appealing transition and structural articulation that further increases its aesthetic value. It is staff’s opinion that the proposed building is able to maintain the objective of the ‘Business Park’ designation with a built form that is appropriate considering the surrounding context and will also help contribute to local job creation and employment growth within the Town.

As per Official Plan policy, limited retail sales and service commercial uses may be permitted as part of an office building subject to conditions: the retail sales or service commercial use shall be designed as an integral part of and located internal to the office building; primary access shall be provided from the interior lobby of the building. The

proposed Clinic use is proposed to occupy an internal unit, and would be designed to have access from the interior lobby and form an essential part of the proposed building, thus able to meet with Official Plan policy requirement. Further, the clinic use would supplement the other proposed uses, and would allow the daily needs of employees in the area to be satisfied.

The proposed variances will facilitate the development of an appropriately scaled, mixed-use building and provide employment opportunities on designated employment lands. As such, 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

The intent of the maximum height restriction is to restrict overbuilding and incompatibility to assist in achieving a uniform, aesthetically pleasing streetscape. The requested height relief is not significant and is only applicable on the north side of the proposed building. The built form remains at 4-storey and the slight increase in height is not expected to result in incompatible built form or character with existing or future surrounding buildings. The character of the surrounding business park environment is maintained with minimal visual impacts to adjacent properties as sufficient setbacks remain.

The proposed addition of 'Clinic' as a permitted use will serve to supplement the office use of the building and the overall business park. With access provided internally, the use is not anticipated to create any conflict with the business/professional office main use.

To address any traffic related concerns, the applicant also submitted an updated traffic brief prepared by T. Y. Lin International Canada Inc., dated March 1, 2023, which concluded that the overall trips generated by the added new use would be inconsequential, and the overall impact of the increase in site traffic to intersection and MTO ramp operations is expected to be minimal. As determined by Town transportation staff, the traffic brief provides sufficient evidence that the added clinic use is not anticipated to result in significant transportation related impacts on the development, nor there any negative impacts to the surrounding areas.

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 development aligns with the principles as set out in the Town's Bayview Northeast Area 2B Secondary Plan in that it provides for professional office use and supporting commercial uses to generate employment opportunities for local residents.

The built form of the proposed office building is compatible with the surrounding development context and it meets with all other requirements of the site-specific zoning except the height. Further, the increase in height will not negatively impact the appearance of the building or the surrounding area, and the use helps in generating local economic development and employment opportunities.

The added 'Clinic' use would support the main building's office function, as well as the other surrounding employment uses, and provided value added benefits to the community.

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

In evaluating the impact and scale of the requested variances, they are considered to be minor in the overall context for the subject development and existing and future surrounding businesses. The increase in height will create negligible visual impact or other related design/massing concerns, while the added clinic use is not expected to generate any traffic related or land use incompatibility concerns. The functionality of the site will not be negatively affected by the proposed variances, while the proposed uses will help to further generate new local employment opportunities to benefit the economy.

Staff are of the opinion that the requested variances are minor in nature.

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 February 22, 2023 to confirm the variances required for the proposed development.
Engineering Division (Traffic/Transportation)	Comments provided stating no concerns with proposed variance application (dated March 2, 2023)
Operational Services (Parks)	Comments provided stating no comments/concerns with proposed application (dated February 13, 2023)

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 17, 2023)
LSRCA	No comments received at the time of writing this report.
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' – Cover Letter

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2023-08 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.