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Town of Aurora

General Committee Report

No. PDS23-036

Subject: Extension of Approval to Draft Plan of Condominium
Dormlind Developments Limited
14029 Yonge Street
Block 28, Plan 65M-470
File Number: CDM-2017-01

Prepared by: Kenny Ng, Planner

Department: Planning and Development Services

Date: April 4, 2023

Recommendation

1. That Report No. PDS23-036 be received; and
2. That the approval to Draft Plan of Condominium and related conditions of approval at 14029 Yonge Street, File CDM-2017-01, be extended for one (1) year with a lapsing date of May 28, 2024.

Executive Summary

This report seeks Council's approval to extend the Town's approval to the Draft Plan of Condominium and related conditions of approval at 14029 Yonge Street for one (1) year, with a lapsing date of May 28, 2024.

Background

Application History

Draft Plan of Subdivision and Condominium

The approved Draft Plan of Subdivision and Condominium were submitted on March 15, 2017. On July 24, 2018, Council approved the Draft Plan of Subdivision SUB-2017-01 and Draft Plan of Condominium CDM-2017-01 for the subject lands.

The Draft Plan of Subdivision relates to the creation of 27 single-detached residential lots, a trail block along east side of Yonge Street (block 29), 0.3 m reserve (blocks 30 and 31) and a Common Element Condominium block (block 28).

The Draft Plan of Condominium (Common Elements) proposes 27 Parcels of Tied Land (POTLs), and includes the private roads, eight (8) visitor parking spaces, green space around the Butternut tree, and the existing woodlands on the easterly portion of the subject lands. The Draft Approved Plan of Condominium is shown in Figure 4.

Draft Plan of Condominium approval is subject to the Conditions of Draft Plan Approval attached to Council Report No. PDS18-086, which are also attached to this report as Schedule 'A'. A lapsing provision was included in the Conditions of Draft Plan Approval to provide the Owner a three (3) year timeframe to register the Condominium.

On May 28, 2021, a two-year extension of the approved Draft Plan of Condominium was granted, which is set to lapse on May 28, 2023.

The plan of subdivision was registered on August 20, 2021 and the related development agreement and other documents were registered shortly thereafter.

Currently, the applicant is in the process of completing the construction of the common element of the condominium (the laneway, sidewalks, landscaping, etc.)

Location / Land Use

The subject property, municipally known as 14029 Yonge Street, is located on the east side of Yonge Street north of Hunters Glen Road (Figure 1). The property has a lot area of 7.14 ha and a frontage of 117.8 m on the east side of Yonge Street. Buildings on the subject lands include a single detached dwelling, a Quonset hut and a barn, accessed via two driveways from Yonge Street.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Open Space (golf course)

South: Residential

East: Residential

West: Yonge Street and Residential

Policy Context

Provincial Policies

All development applications shall have regard for the related Provincial planning policy such as the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe (The Growth Plan), the Lake Simcoe Protection Plan (LSPP) and the Oak Ridges Moraine Conservation Plan (ORMCP). Description of the provincial policies are discussed in the previous Council Meeting Report No. PDS18-076, July 24, 2018.

York Region Official Plan (YROP)

The subject lands are designated "Urban Area" by the YROP, which permits a wide range of residential, commercial, industrial and institutional uses.

Town of Aurora Official Plan

The subject lands are designated Site Specific Policy Area 53 as shown on Official Plan Schedule 'H'. SSPA 53 changes the land use designation from "Cluster Residential" to "Cluster Residential Site Specific Policy No. 49". The provisions allow twenty-seven (27) blocks to be developed as single detached units and related amenities.

Yonge Street South Secondary Plan (OPA 34)

The subject lands are designated "Cluster Residential", "Environmental Protection Area" and "Environmental Function Area" by OPA 34 (Figure 2).

The "Cluster Residential" designation allows clusters of residential development with areas of open space that visually and functionally distinguish development clusters from one another. Permitted uses include single detached dwellings, semi-detached dwellings, linked housing, townhouses, and private open space.

The "Environmental Function Area" designation contains natural areas with a moderate level of environmental significance but which provide an important environmental function. The intent in designating Environmental Function Areas is to protect ecological function only.

Zoning By-law 6000-17, as amended

Council approved Zoning By-law Amendment 6111-18 on July 24, 2018 to permit residential development on the subject lands. The lands are currently zoned as 'Detached Fourth Density Residential – Exception 501 [R4(501)]', 'Public Open Space

(O1)', 'Private Open Space (O2)' and 'Oak Ridges Moraine Environmental Protection (EP-ORM)' (see Figure 3).

The 'Detached Fourth Density Residential – Exception 501 [R4(501)]' permits a single detached dwelling as the primary use. Home occupation and second suite are permitted uses subject to requirements of the Zoning By-law. The zoning also includes site specific development standards for lot area, height, yard encroachment and density.

The Public Open Space block is to be conveyed to the Town for trail purpose, the zoning permits Athletic Fields, Cemetery, Agricultural Uses, Conservation Uses, Golf Courses, Public Park, Private Park, Stormwater Management Ponds, Woodlands and Recreation Centre.

The Private Open Space zoning is to be used for landscaping, roadway and open space purpose, the zoning permits Athletic Fields, Cemetery, Agricultural Uses, Conservation Uses, Golf Courses, Public Park, Private Park, Stormwater Management Ponds, Woodlands and Recreation Centre.

The Oak Ridges Moraine Environmental Protection zoning permits all existing uses as of November 15, 2001, fish, wildlife and forest management, conservation projects including flood and erosion control projects, non-motorized trails, transportation, infrastructure and utilities uses and natural heritage appreciation.

Reports and Studies

The Owner submitted the following documents as part of a complete application to the proposed request to extend draft approval to plan of Subdivision:

Report Name
Approved Draft Plan of Condominium
Approved Draft Conditions of Approval
Extension Request Letter

Proposed Application

The Owner is seeking to extend the Draft Plan of Condominium approval from May 28, 2023 to May 28, 2024. No additional units will be provided, and no development standards are proposing to be amended as a result of this request.

Analysis

Planning Considerations

Section 51(33) allows for a municipality to extend draft approval beyond the initial period for a time specified by the municipality and may further extend it but no extension is permissible if the approval lapses before the extension is given.

Staff are recommending that Council approve the request to extend the Draft Plan of Condominium for one (1) year with a lapsing date of May 28, 2024.

It is Planning Staff's opinion that a one-year extension is appropriate to ensure that the associated condominium conditions may be cleared to permit the registration of the condominium plan. Should the applicant experiences difficulties with clearing conditions within the extended timeframe, the applicant is able to request an additional extension before draft plan approval lapses.

The proposed extension of the approved Draft Plan of Condominium will continue to align with Provincial Policy, conforms to the Region of York and Town of Aurora Official Plans, and is permitted by the Zoning By-law.

Department / Agency Comments

The request for draft plan approval extension was circulated to all internal and external agencies for review and comments. In general, all circulated agencies have no objection to the extension and have no further comments at this time.

Public Comments

The Planning Act does not require public consultation to extend the approved Draft Plan of Condominium.

Advisory Committee Review

No Communication Required.

Legal Considerations

Section 51(33) of the Planning Act, R.S.O. 1990, c. P.13, allows a municipality to extend draft approval beyond the initial period for a time specified by the municipality at any time prior to the lapsing of the draft approval timeframe and prior to the registration of a

plan of condominium. Refusal to extend a lapsing date can be appealed by an applicant. As such, the extension to the Draft Approved Plan of Condominium and Conditions may be subject to future Ontario Land Tribunal appeals.

Financial Implications

There are no financial implications.

Communications Considerations

The Town will inform the public about the information contained in this report by posting it to the Town's website.

Climate Change Considerations

The proposal will result in development of parcels within the urban boundary that are currently underutilized. The impact on GHG emissions is mitigated due to the subject lands' proximity to existing infrastructure and services, as well as energy efficient building using Passive House design. Existing woodland and wetland features will not be disturbed by the proposed development while sufficient trees are preserved on site.

The project increases the Town's ability to adapt to climate change by incorporating sustainable housing construction materials and practices into the development reducing heat island effect and allows for water saving measures through low impact development practices. This project supports the objectives from the Community Energy Plan, and Section 5 of the Official Plan.

Link to Strategic Plan

The proposed application supports the Strategic Plan Goal of Supporting environmental stewardship and sustainability and the objectives of encouraging the stewardship of Aurora's natural resources and promoting and advancing green initiatives. The goal and these objectives are supported through the plan of subdivision/condominium process by conducting detailed analysis and evaluation of natural features, as well as identifying means of securing, protecting and enhancing those features both during the development process and after the site is built.

Alternative(s) to the Recommendation

1. That Council provide direction.

Conclusions

Planning and Development Services recommends that the approved Draft Plan of Condominium at 14029 Yonge Street (CDM-2017-01) be extended for one (1) year to May 28, 2024. The extension will ensure that the previously endorsed development on the subject lands can proceed with its required site works as it continues to advance to clearing associated draft conditions of approval and condominium registration.

Attachments

Figure 1 – Location Map
Figure 2 – Existing Official Plan Designation
Figure 3 – Existing Zoning By-Law
Figure 4 – Draft Approved Plan of Condominium
Schedule 'A' – Draft Conditions of Approval
Schedule 'B' – Extension Request Letter

Previous Reports

Council Meeting Report No. PDS18-076, July 24, 2018

Pre-submission Review

Agenda Management Team review on March 16, 2023

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer