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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2023-12

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**Subject:** **Minor Variance Application**  
Calloway Real Estate Investment Trust  
14720-14760 Yonge Street  
CON 1 PT LOT 77 RS65R18443 PT 2  
File: MV-2023-12

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

**Department:** Planning and Development Services

**Date:** April 13, 2023

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## Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to permit the use of a supermarket on the subject lands. The following relief is being requested:

- a) Section 24.221.1 of the Zoning By-law states that supermarkets shall not be permitted on the lands. The applicant is requesting to include supermarkets as a permitted use.

## Background

### Subject Property and Area Context

The subject property, municipally known as 14720-14760 Yonge Street, is located on the west side of Yonge Street, directly south of Murray Drive. The lands are considered part of the existing SmartCentres Aurora South commercial plaza and have an approximate area of 2 hectares (5 acres). The property has a frontage along Yonge Street of approximately 120 metres and a frontage along Murray Drive of approximately 170 metres. As shown on Appendix B, the subject property contains 3 separate commercial buildings, identified as follows:

- 1) **Building B:** The former Winners building (approximately 2,555 square metres in size)

- 2) **Building C:** Multi-tenant building that includes: The State and Main, Healthy Planet, Mr. Sub, and Hakim Optical (approximately 1,549 square metres in size)
- 3) **Building D:** The Scotiabank building (approximately 604 square metres in size)

## Proposal

The requested variance is to allow a supermarket as a permitted use. More specifically, the applicant is proposing to convert Building B, the former Winners Building into a supermarket. No additions, major building construction, or expansions to the existing building are proposed as a result of this minor variance.

## Official Plan

The Town of Aurora Official Plan identifies the subject lands as being part of the Aurora Promenade and specifically designated as “Promenade General”. The Aurora Promenade is identified as a strategic area along the Yonge Street corridor that is planned to develop as a vibrant, mixed-use, and higher density pedestrian-oriented area. The Promenade General designation also specifically encourages an array of commercial uses, which are able to provide local access to amenities, goods, and services.

## Zoning By-law 6000-17, as amended

The subject property is zoned “Community Commercial (C4)” with site specific exception number 221. The site-specific zoning approval was originally granted in 1996 to facilitate the initial commercial development. The site-specific zoning permits a wide range of retail and service commercial uses and is intended to provide opportunities to serve the commercial needs of the local neighbourhood area. The site-specific zoning permits “*Specialty food stores*”, but prohibits “*Supermarkets*”. Specialty food stores are defined in the Zoning By-law as an establishment where food products are sold with a common theme, such as a meat shop, bakery shop, fresh produce or health food store. Alternatively, a supermarket is considered an establishment that has a ground floor area greater than 1,700 square metres and offers a balanced line of goods ranging from food products to housewares.

## Planning Application History

The Owner has applied for a Zoning By-law Amendment (ZBA-2021-04) on the subject property (14720-14760 Yonge Street) and the adjacent property to the south (former Canadian Tire building at 14700 Yonge Street). Additionally, a Site Plan application (SP-2021-09) has been applied exclusively for the southern property at 14700 Yonge Street only. As per the permissions of the Aurora Promenade plan, the purpose of the rezoning is to construct 5 mixed use buildings with at grade retail (ranging 6 – 7 storeys) and rows

of 3 storey townhouses. On March 8, 2023, the Owner appealed the Zoning By-law Amendment and Site Plan application to the Ontario Land Tribunal (OLT) on the basis that Council failed to make a decision within the applicable statutory timeline. Staff is waiting for the next available hearing date from the OLT.

The Owner is proposing a 2 phase, multi-year redevelopment of the area. Phase 1 is the vacant Canadian Tire building on 14700 Yonge Street with the site plan application submitted. Phase 2 would be the subject lands of this variance application which will occur over a longer-term horizon and with no site plan application yet received (14720-14760 Yonge Street).

Given the uncertainty on the timing of the planning decisions by the OLT, as well as the fact that the subject lands are part of the phase 2, longer term proposed redevelopment of the site, the Owner is proposing to occupy the vacant building "B" (Former Winners building) until the OLT makes a planning decision and when phase 2 is scheduled for redevelopment. This will ensure the continued viability of the commercial plaza.

### **Preliminary Zoning Review**

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora's Building Division. The PZR identified the required variance 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, "we are exploring the option of a supermarket, which is currently not permitted".

### **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2023-12 pursuant to the prescribed tests as set out in Section 45 (1) of the *Planning Act*, as follows:

#### **a) The proposed variance meets the general intent of the Official Plan**

The Promenade General designation in the Official Plan is intended to accommodate buildings and sites with an array of uses. The designation specifically permits commercial uses such as retail stores. It is the intent of the Official Plan to build a successful, functioning and vibrant 'Aurora Promenade' as a vital component of the Town's economic health and identity. Employment opportunities are a key component of a complete community. The Official Plan notes that the Aurora Promenade will continue to play a key role in the provision of an array of employment opportunities. Changing the

existing vacant Building “B” (former Winners building) to a supermarket use will support the commercial objectives and policies of the Town’s Official Plan by ensuring the economic and functional viability of this plaza. With no immediate timeline on the planning decision and potential redevelopment of this site, it is planning staff’s opinion that it is important to maintain the presence and capacity of the existing commercial plaza.

The proposed supermarket use will allow for a greater range of commercial opportunities that benefit the local community. Therefore, staff are of the opinion that the requested variance meets the general intent of the Town’s Official Plan.

**b) The proposed variance meets the general intent of the Zoning By-law**

The existing Community Commercial C4 (221) site-specific zoning from 1996 permits a range of commercial uses while prohibiting both a department store and a supermarket. The intent of this was to limit uses that would typically require a larger building footprint. Given that the anchor tenant was determined to be the Canadian Tire building on 14700 Yonge Street with a large building footprint, the decision was made to limit the remainder of the lands on 14720-14760 Yonge Street to smaller scale retail to encourage a wider range of commercial uses. As such, the site-specific zoning defined the term “Supermarket” to restrict the construction of a supermarket with a floor area greater than 1,700 square metres.

The intent of the current zoning is also not to expressly prohibit the sale of food or related items as occurs in a supermarket, but rather to limit the related scale of a supermarket on the property. Given, that both retailers (Canadian Tire and Winners) have relocated, currently no anchor tenant exists on the site. The Owner is proposing to change the use from a former retail clothing store into a supermarket without expanding or altering the building footprint. Given that the built form has already been established in the community for over 25 years, Staff have no concerns with the supermarket use as the anchor tenant and anticipate no adverse impacts. Staff are of the opinion the requested variance meets the general intent of the Zoning By-law.

**c) The proposed variance is considered desirable for the appropriate development of the land**

The applicant has confirmed there are over 259 parking spaces provided in the plaza. The Town’s Zoning By-law requires 5.4 spaces per 100 square metres for shopping centres, which the current site exceeds (approximately 253 spots required; 259 provided). The applicant has also confirmed that the inclusion of any related shopping cart corrals are not anticipated to impact the number of parking spaces provided. There is also sufficient access to the site from both Murray Drive and Yonge Street, with the property being an

established commercial plaza since 1996. The preliminary zoning review only identified the subject variance with no other non-conformities existing, and the requested variance will not result in any new construction or development of the site. Permitting a supermarket makes use of existing infrastructure and will not cause any adverse impacts.

From an economic perspective, the requested variance provides an opportunity to enhance the commercial offering for the area and anchor the existing plaza that has been subject to both the Canadian Tire and Winners re-locating. The proposal will assist in providing local amenities, services, and access to goods to help promote a complete and accessible community for residents. The site is also highly accessible by transit, and the use will generate local employment opportunities. Additionally, the permitting of a supermarket use is compatible in the current built-form context and will continue to be compatible should the southern vacant Canadian Tire parcel redevelop.

Staff are of the opinion that the requested variance is desirable for the lands.

#### **d) The proposed variance is considered minor in nature**

The proposed variance represents the reuse of existing buildings within an established and recognized commercial shopping centre. The proposed use is compatible with the surrounding area and will not result in any negative impacts. Food sales and specialty food stores are already permitted on the subject lands and the introduction of a supermarket will enhance the overall commercial offering and vitality of the plaza to the benefit of the local community.

Overall, staff are of the opinion that the requested variance is 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:

<b>Department or Agency</b>	<b>Comments</b>
Building Division	Preliminary Zoning Review completed. No other noncompliance identified
Engineering Division	No objections
Operational Services (Parks)	No objections
Operational Services	No objections

Department or Agency	Comments
(Public Works)	
Central York Fire Services	No comments received at the time of writing this report
York Region	No objections
LSRCA	No comments received at the time of writing this report. No new development is proposed.

## Public Correspondence

Written submissions were not received at the time of writing of this report. Should any 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 Planning Act for granting of minor variances. Staff recommend approval of the requested variances.

## Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Existing Site Plan (no new construction occurring)

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**Appendix 'A' – Recommended Conditions of Approval**

The following conditions are required to be satisfied should application MV-2023-12 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.