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Town of Aurora

General Committee Report

No. PDS23-035

Subject: Application for Draft Plan of Condominium
Wellington Aurora Developments Inc.
497 Wellington Street West
Part 40 Reserve, Plan 102, designated as Part 12 on Plan 65R-38133
File Number: CDM-2017-03
Related File Number: SP-2015-01

Prepared by: Kenny Ng, Planner

Department: Planning and Development Services

Date: April 4, 2023

Recommendation

1. That Report No. PDS23-035 be received; and
2. That the Draft Plan of Condominium (Common Elements Condominium) File No. CDM-2017-03 to establish a condominium road to service eleven (11) parcels of tied land, each containing a single-detached residential dwelling, be approved, subject to the conditions attached hereto as Schedule "A" of this report.

Executive Summary

This report seeks Council's approval for the proposed Draft Plan of Condominium (common elements) located at 497 Wellington Street West (the 'subject lands').

- The applicant submitted a Draft Plan of Condominium application to establish a common elements condominium over the right-of-way within the development.
- The proposed application is consistent with the Provincial Policy Statement and conforms with the Growth Plan.
- The proposed application conforms to the Lake Simcoe Protection Plan.
- The proposed application conforms to the York Region Official Plan.

- The proposed application conforms to the land use policies of Town Official Plan and the Town's Comprehensive Zoning By-law 6000-17, as amended.
- The proposed application was circulated to internal staff and external agencies for review and comments. All circulated staff and agencies are satisfied with the revisions and have no objections, subject to conditions of approval attached hereto as Schedule 'A.'

Background

Application History

Zoning By-law Amendment (ZBA-2014-07) and Site Plan Application (SP-2015-01)

The original Zoning By-law Amendment application was submitted to the Town in October 2014 (File ZBA-2014-07), followed by the site plan application submission in February 2015 (File SP-2015-01). In 2015, Town Council refused the ZBA and SP applications. The applicant appealed Town Council's refusal of the applications to the former Ontario Municipal Board (OMB), which then became the Local Planning Appeal Tribunal (LPAT) and is now the Ontario Land Tribunal (OLT).

On August 24, 2019, the LPAT issued an order authorizing the Town to finalize the Zoning By-law Amendment and approve the Site Plan Application in accordance with the terms of the settlement. The implementing Zoning By-law Amendment to permit this development was enacted in July 2021 and is now in full force and effect. The related Site Plan agreement was executed on June 23, 2022.

Consent Application

On September 14, 2017, the Committee of Adjustment approved a consent application to create 11 parcels of tied lands and a right of way on the subject lands. As required by Section 53(41) of the Planning Act, the applicant failed to satisfy the conditions of approval within the one-year period, and therefore, the consent approval lapsed in 2018. Consequently, the applicant resubmitted this same consent application in 2021 to implement the decision/orders issued by the OMB and LPAT. The consent was approved by the Committee of Adjustment and finalized in 2022.

Draft Plan of Condominium Application

The subject Draft Plan of Condominium application was submitted in September of 2017 under File No. CDM-2017-03. The subject application was circulated and pending

on the related site plan application (SP-2015-01) to be approved and agreement executed.

Location / Land Use

The 0.79 ha (1.95 ac) vacant subject property municipally known as 497 Wellington Street West is located on the south side of Wellington Street West, east of Bathurst Street and west of Timpson Drive. The site has an approximate frontage of 60.4 m (198.2 ft) along Wellington Street West, and an approximate depth of 132.7 m (435.4 ft). There is a significant amount of vegetation located on the property, particularly at the rear which slopes to the Tannery Creek which abuts the site to the south.

Surrounding Land Uses

Surrounding land uses are predominantly residential. The surrounding land uses are as follows:

North: Christ Evangelical Lutheran Church, Detached dwellings

South: Residential neighbourhood, Elizabeth Hader Park, Tannery Creek watercourse

East: Aurora High School, Detached dwellings

West: Detached dwellings

Policy Context

Provincial Policies

All Planning Act applications must have regard to matters of Provincial interest, consistent with the Provincial Policy Statement ('PPS'), and must conform with provincial plans, regional and local municipal official plans as well as the local zoning by-law.

The PPS policies support the development of strong communities through the promotion of efficient land use and development patterns.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('The Growth Plan') is a guiding document for growth management within the Greater Golden Horseshoe Area. The Growth Plan provides a framework which guides land-use planning.

The Lake Simcoe Protection Plan ('LSPP') provides policies that address aquatic life, water quality and quantity, shorelines and natural heritage, other threats and activities (invasive species, climate change and recreational activities) and implementation.

York Region Official Plan (YROP)

The subject lands are designated “Urban Area” within the YROP. The Region’s vision for the Urban Area is to strategically focus growth, while conserving resources and to create sustainable, lively communities. A primary goal of the YROP is to enhance the Region’s urban structure through city building, intensification and compact, complete vibrant communities.

Town of Aurora Official Plan

The subject lands are designated as “Stable Neighbourhoods” by the Town of Aurora Official Plan. The Stable Neighbourhoods designation contains a number of older, distinct residential neighbourhoods. The Official Plan recognizes the importance of protecting and enhancing stable neighbourhood lands. New development within this designation shall be compatible with its surrounding context. The Stable Neighbourhood designation permits ground-related residential uses including detached, semi-detached and townhouse residential dwelling units.

The southwest corner of the property is designated “Environmental Protection” by the Official Plan. This designation is designed to identify, protect and enhance the environmental features and functions that will form a permanent Greenlands system.

Zoning By-law 6000-17, as amended

As noted, the implementing zoning by-law was enacted in accordance with the OMB and LPAT orders to permit the proposed development. The subject lands are zoned Detached Dwelling Fourth Density Residential – Exception 508 (R4(508)) and Environmental Protection – Exception 509 (EP(509)).

The R4(508) zone permits a maximum of 11 detached units subject to site specific provisions such as building setbacks, a maximum lot coverage of 40% per lot, and maximum building heights of 10.0 m (32.8 ft). The minimum required lot area is 325 m² (3,498.3 ft²) and the minimum required lot frontage is 10.9 m (35.7 ft).

The EP(509) Zone is applicable to the south portion of the subject lands, and includes portions of the rear yards for Lots 5 through 9. The zone boundary is reflective of the ‘Top of Bank’ established in consultation with the Lake Simcoe Region Conservation Authority, as it slopes southward to the Tannery creek and is in place to protect existing natural features within this portion of the subject lands. This zone permits athletic fields, agricultural uses, conservation uses, golf courses, public parks, private parks, stormwater management ponds and woodlands. It prohibits buildings and structures,

except those intended for flood or erosion control and approved by a Public Authority. Exception 509 permits a maximum encroachment of 3.7 m (12.1 ft) for balconies, decks and patios into this zone, which was agreed to as part of the LPAT settlement.

Reports and Studies

The Owner submitted the following documents as part of a complete application:

- Draft Plan of Standard Condominium, prepared by R-PE Surveying Ltd.;
- R-Plan 65R-38113, prepared by Ertl Surveyors; and
- Cover letter.

Proposed Application

Draft Plan of Condominium

As shown on Figure 4, the applicant submitted a Draft Plan of Condominium application to establish a common elements condominium over the private road within the overall development. The interests in this private road will be tied to and service the future eleven (11) single detached dwellings within the subject lands. Permanent access into the subject lands will be from Wellington Street West.

Analysis

Planning Considerations

The proposed application is consistent with the Provincial Policy Statement (PPS) and conforms with the Growth Plan

The subject development achieves the objectives of intensification within settlement areas, capitalizes on existing infrastructure, contributes to a range of housing tenure within the Town and minimizes environmental impacts. The proposed application implements the OMB approved development plan. Staff is satisfied that the proposed application is consistent with the PPS and conforms to the Growth Plan.

The proposed application conforms to the Lake Simcoe Protection Plan (LSPP)

The Lake Simcoe Region Conservation Authority ('LSRCA') has reviewed the proposed application and has no objection to its approval, as LSRCA matters of interest (natural hazards, natural heritage and stormwater management) for this development were adequately addressed through previous application approvals and subsequent issuance of clearance letters.

The proposed application conforms to the York Region Official Plan (YROP)

The proposed application facilitates the development of single detached dwelling units with a freehold tenure, tied to common elements thereby contributing to a mix of housing stock and tenure within the Region.

The proposed application conforms to the land use policies of Town of Aurora Official Plan and the Town's Comprehensive Zoning By-law 6000-17, as amended

The proposed residential use is a permitted use in accordance with the "Stable Neighbourhood" designation. In addition, Staff evaluated the proposed development and have determined the subject proposal meets the performance standards of the applicable zone categories.

Department / Agency Comments

All circulated staff and agencies are satisfied with the submission and have no objections, subject to conditions of approval.

The proposed application was circulated to all internal staff and external agencies for review and comments. All circulated staff and agencies are satisfied with the submission and have no objections, subject to conditions of approval. The recommended conditions of approval are presented as Schedule 'A' to this report.

Public Comments

Planning Staff have received no comments from the public on the proposed application.

Advisory Committee Review

No Communication Required.

Legal Considerations

Section 9(2) of the Condominium Act, 1998 states that the requirements of the Planning Act that apply to a plan of subdivision apply to a plan of condominium with necessary modifications. Under the Planning Act, Council has 120 days to make a decision on subdivision applications before the Owner can appeal. Staff deemed the application complete on September 7, 2017; therefore, the applicant may appeal at any time.

Financial Implications

All applicable development fees and charges in this regard have been and will continue to be collected by the Town as required.

Communications Considerations

In accordance with the Planning Act, applications for Common Elements Condominium do not require notice or a statutory public meeting. The Town will inform the public of the information 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 environmental 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 an exceptional quality of life for all, by strengthening the fabric of our community. Through the subject development, housing is provided in accordance with the objective to collaborate with the development community to ensure future growth includes housing opportunities for everyone.

Alternative(s) to the Recommendation

1. That Council provide direction.

Conclusions

Planning and Development Services reviewed the proposed Draft Plan of Condominium application against the relevant Provincial plans, Regional and Town Official Plans, the Comprehensive Zoning By-law and municipal development standards. The development is considered good planning and conforms to Provincial and Regional policies and is consistent with policies of the Town's Official Plan. Therefore, Staff recommend approval of Draft Plan of Condominium File No. CDM-2017-03 and related conditions of approval.

Attachments

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

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