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Town of Aurora

General Committee Report

No. PDS23-110

Subject: Application for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision
Livewell on Wellington General Partners Ltd.
1452-1460 Wellington Street East
Lots 3 and 4, Registered Plan 525
File Numbers: OPA-2022-04, ZBA-2022-06, SUB-2022-01
Related File Number: SP-2022-10

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

Department: Planning and Development Services

Date: September 19, 2023

Recommendation

1. That Report No. PDS23-110 be received; and
2. That Official Plan Amendment application OPA-2022-04 be approved to redesignate the subject lands from "Community Commercial" to "Medium-High Density Residential", as outlined in Appendix 'A';
3. That Zoning By-law Amendment application ZBA-2022-06 be approved to rezone the subject lands from "Community Commercial C4 (464) Exception Zone" to "Townhouse Dwelling R8 (X) Exception Zone", as outlined in Appendix 'B';
4. That Draft Plan of Subdivision application SUB-2022-01 be approved as shown in Figure 4, subject to the conditions outlined in Appendix 'C';
5. That the implementing By-laws for the Official Plan and Zoning By-law Amendments be brought forward to a future Council meeting for enactment; and
6. That the appropriate servicing allocation be granted to facilitate the proposed development of 30 townhouse units.

Executive Summary

This report seeks Council's approval of an Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision (subject applications) for the lands located at 1452-1460 Wellington Street East. Approval of the subject applications will facilitate the development of thirty (30) townhouse units on a private road.

- The proposed development has been exempted from Regional approval and conforms to the policy directions of the Province, Region and Town.
- The proposal remains subject to Site Plan approval, which has been delegated to staff under Provincial Bill 109, as well as future applications for Part Lot Control Exemption and a Plan of Condominium, which will require Council approval.
- All external agencies and Town staff have completed their review and have no objections to the approval of the subject applications.

Background

Application History

Current Applications

The subject applications were received by the Town on September 14, 2022. The applications were deemed complete on October 19, 2022.

A Community Information Meeting was held on February 27, 2023, to allow opportunity for review and comment by interested members of the public.

A statutory Public Planning Meeting was subsequently held on March 21, 2023. At this meeting, Council passed a motion to receive Report No. PDS23-033 and to have comments be addressed by Planning and Development Services in a report to a future General Committee Meeting. A summary of the comments received and the associated responses are provided further in this report.

Previous Commercial Zoning Approval

Previously, on September 13, 2016, Council passed by-law 5895-16 to rezone the subject property from "Rural - RU" to "Shopping Centre Commercial Exception Zone – C4-27". This rezoning was to permit a multi-tenant commercial building and restaurant on the site. At the time, the Town's Comprehensive Zoning By-law was By-law No, 2213-

78. The site-specific exceptions from that rezoning application have carried forward to the Town's current Zoning By-law No. 6000-17, through the current C4 (464) Exception. The previously approved commercial rezoning is no longer being pursued by the applicant, due to larger commercial growth that has occurred in the area east of Leslie Street, with residential development being considered more suitable and appropriate for the site moving forward.

Location / Land Use

The subject lands are municipally known as 1452-1460 Wellington Street East and are located on the north side of Wellington Street East, just west of Leslie Street. The property is generally rectangular in size and has an approximate area of 0.6 hectares (1.5 acres), with a frontage of 77 metres. The parcel currently contains one vacant single detached residential dwelling and a detached accessory garage.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Immediately abutting the property to the north is 15286 Leslie Street, which has been approved as a higher density residential development consisting of 6-storey buildings (Polo Club).

South: Immediately to the south of the subject property is Wellington Street East, and across is currently vacant land being 1289 Wellington Street East, which is considered for higher density residential development.

East: Abutting the subject property to the east is an Esso gas station and associated Tim Hortons. Across Leslie Street is a large commercial plaza known as SmartCentres Aurora North, which is recognized as a Regional Commercial Centre.

West: An existing single detached residential dwelling is immediately to the west of the subject property (1426 Wellington Street East), followed further to the west by the Stronach Aurora Recreation Complex, Central York Fire Station, and then a medium density residential development (Aurora Views).

Policy Context

The following provincial, regional, and local municipal policy documents guide the review and evaluation of development proposals within the Town. An overview of these guiding documents is provided as follows:

Provincial Policies

All *Planning Act* development applications are subject to provincial policies. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest. These policies support the development of strong communities through the promotion of efficient land use and development patterns. All planning decisions shall be consistent with the policies and directions of the PPS, including providing a mix of housing and ensuring a compact and efficient built form.

The Growth Plan for the Greater Golden Horseshoe is a guiding document for growth management within the Greater Golden Horseshoe (GGH) Area to 2051. The Growth Plan provides a framework which guide decisions on how land will be planned, designated, zoned and designed. The Growth Plan recognizes the subject lands as part of the Built-Up Area, able to accommodate residential development and intensification.

The Lake Simcoe Protection Plan (LSPP) is a provincial document that provides policies which addresses aquatic life, water quality, water quantity, shorelines and natural heritage, other threats and activities (including invasive species, climate change and recreational activities) and implementation. The proposal has been reviewed by the LSRCA and is not located with the Regulated Area or any hazard areas.

York Region Official Plan (YROP)

The subject lands are designated as part of the Urban Area within the YROP. Urban Areas are planned to accommodate a significant portion of growth for the Region through intensification. Wellington Street East is also considered a Regional Road, with the application having been reviewed by the Region with no negative impacts anticipated. Access on Wellington Street East will be right-in and right-out only.

Section 7.3.8 of the Region of York Official Plan states that amendments to local Official Plans may be exempt from Regional approval if they are of local significance and no Regional interest is adversely affected. The proposed Official Plan Amendment has been reviewed and deemed a local matter by the Region with no expected adverse impacts to the Regional road or greenlands system, and as such has been exempted from Regional approval.

Town of Aurora Official Plan (OPA 30)

The subject lands are part of the Bayview Northeast Area 2B Secondary Plan and are designated as “Community Commercial” by the Official Plan. This designation was implemented by Council through OPA 30 in 2000. It is the intent of this designation to

promote neighbourhood scale commercial opportunities to service the local community. The applicant is proposing to redesignate the subject lands to “Medium-High Density Residential” to facilitate the townhouse development.

Town of Aurora Zoning By-law 6000-17, as amended

The property is currently zoned “Community Commercial C4 (464) Exception Zone”, which, as previously described, was part of a site-specific rezoning application approved in 2016 to permit commercial uses for the site. Again, due to the large commercial development that has occurred east of Leslie Street, residential uses are now being considered as a more appropriate use of the site.

Reports and Studies

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

Report Name	Report Author
Architectural Drawings	Hyphen Studio
Construction Management Plan	Site Plan Tech Inc.
Draft OPA and ZBA	JKO Planning
Lighting and Electrical Details Plan	Hyphen Studio
Environmental Impact Study	Beacon Environmental
Noise Assessment	YCA Engineering
Erosion and Sediment Control Plan	Site Plan Tech Inc.
Grading Plan	Site Plan Tech Inc.
Hydrogeological Study and Geotechnical Investigation	Fisher Engineering
Landscape Plan and Details	Marten-Nikzad Landscape Architects
Pedestrian and Bicycle Circulation Plan	Trans-Plan Engineering
Phase 1 and 2 ESA	Fisher Environmental
Planning Justification Report	JKO Planning

Report Name	Report Author
Servicing and SWM Report, Drainage Plans	Site Plan Tech Inc.
Green Development Summary	JKO Planning
Stage 1 and 2 Archaeological Assessment	TMHC Inc.
Streetscape Plan	Marten-Nikzad Landscape Architects
Topographic Survey and Draft Plan	WAHBA Surveying
Traffic Management Plan and Transportation Study	Trans-Plan Engineering
Tree Inventory and Preservation Plan	Kuntz Forestry Consulting Inc.
Urban Design Brief	Hyphen Studio

Proposed Applications

The following is an overview of the subject planning applications as they relate to the implementation of the proposed development:

Proposed Official Plan Amendment:

As shown in Figure 2, the applicant is proposing to amend the existing Official Plan designation from “Community Commercial” to “Medium-High Density Residential” for the entire site. The Medium-High Density Residential designation permits townhouses, with height permissions up to 4-storeys, and a maximum density of 99 units per hectare.

The draft Official Plan Amendment is included under Appendix A.

Proposed Zoning By-law Amendment:

As shown in Figure 3, the Applicant proposes to rezone the subject lands from “Community Commercial C4 (464) Exception Zone” to “Townhouse Dwelling R8 (X) Exception Zone” across the entire site to permit the townhouse built form.

The draft Zoning By-law is included under Appendix B, and the following is a table to compare the differences between the parent R8 zoning requirements with the proposed Exception Zone standards:

	Parent R8 Zone Requirements	Proposed R8 (X) Exception Zone
Permitted Uses	Townhouse Dwelling Units	Townhouse Dwelling Units
Lot Area (minimum)	180 m ² per unit	112.5 m ² per unit*
Lot Frontage	6 m per unit	5.7 m per unit*
Front Yard (minimum)	7.5 m	1.05 m*
Rear Yard (minimum)	7.5 m	7.0 m for units in northern block* 0 m for units in central and southern blocks*
Interior Side Yard (minimum)	1.5 m for end units 0.0 m for internal units	1.22 m along the east and west lot lines for end units* 0.0 m for internal units
Minimum Parking	1.5 space / unit Min. 20% Visitors - (9 spaces) 54 required in total based on 30 units	2 spaces / unit 6 visitor spaces* 66 provided in total based on the 30 units
Lot Coverage (maximum)	50%	36.5%

	Parent R8 Zone Requirements	Proposed R8 (X) Exception Zone
Height (maximum)	10 m	14.05 m*

Note: The proposed bylaw exceptions are specifically labelled with an asterisk “*”. Final zoning performance standards will be evaluated by Staff in detail prior to the implementing Zoning By-law Amendment being brought forward to Council for enactment.

The proposed two parking spots per unit exceed the requirements of the Zoning By-law. Additionally, 6 visitors parking spots are provided, and although this is lower than the Zoning By-law requirement of 20% of total required spots to be for visitors (9 spots), the surplus of spots provided on each unit lowers the dependency for visitors parking. The appropriate barrier-free spot is also provided. The proposed maximum lot coverage is also below the parent R8 zone permission of 50%, and the proposed heights are able to correspond with the implementing Official Plan designation by being under 4-storeys. Remaining exceptions are able to support the appropriate function and utilization of the site overall.

The three-year sunset clause provision has also been implemented into the proposed site-specific zoning to ensure the timely development of the site and delivery of housing.

Proposed Plan of Subdivision and future Part Lot Control Exemption and Plan of Condominium Applications:

The Draft Plan of Subdivision will ultimately result in the existing Block 3 and 4 being identified under one common block/lot. The proposed Draft Plan of Subdivision is considered a technical application that is needed to establish a clearly defined M-Plan and title over the parcel, which can then be used to facilitate a future Part Lot Control Exemption application that defines the exact building lot dimensions.

A Part Lot Control Exemption application will be submitted to the Town after initial construction begins and the building foundations are poured, as this makes it easier to determine the accurate and exact property boundaries between each of the townhouse units. Further, a Plan of Condominium application will also be required to establish common elements, such as the internal roadway.

Proposed Site Plan:

The owner concurrently submitted a site plan application, as shown in Figure 5, for the creation of the thirty (30) 3.5-storey common element condominiums, accessed by an internal roadway from the north side of Wellington Street East. The site will feature 12 units in the northernmost row of townhouses, 8 units in the central row, and 10 units in the southernmost row fronting onto Wellington Street East. Each unit will contain two parking spots, and then an additional visitors parking area is also provided at the west of the site (6 spots, including 1 barrier-free). The buildings are designed with hipped roofs and dormers to provide articulation along the streetscape. A playground area and dog park are also incorporated on site, with privacy fencing to be erected along the property boundaries.

Due to Provincial Bill 109, site plan approval is delegated to Staff. Once the land use permissions of the Official Plan and Zoning are established, approval will then be considered for the site plan, with the appropriate conditions of site plan approval also developed.

Analysis**Planning Considerations**

The proposed development has been exempted from Regional approval and conforms to the policy directions of the Province, Region and Town

Consistency with the Provincial Policy Statement (PPS)

It is Planning Staff's opinion that the proposed applications are consistent with the PPS. The proposal contemplates the efficient infill development of a site that helps contribute to an appropriate increase in density, being 51 units per hectare. The existing vacant residential lot is underutilized, and the proposal represents an opportunity to provide housing in close proximity to existing amenities and public transportation facilities as part of the wise use of land and resources in building a complete and sustainable community.

Conformity with the Growth Plan

It is Planning Staff's opinion that the proposal also conforms to the Growth Plan. The development site is located within the established Built-Up Area of the Growth Plan, which is designed to promote development and appropriate intensification through

infill. The proposal assists the Town in meeting population growth, housing, and intensification targets, while also promoting the wise use of municipal infrastructure and land. The proposal also provides intensification near the intersection of Arterial Roads and in proximity to a variety of social and commercial amenities to help promote community service facility effectiveness.

Conformity to the Lake Simcoe Protection Plan (LSPP)

It is Planning Staff's opinion that the proposed development conforms to the Lake Simcoe Protection Plan. The LSRCA has reviewed and has no objection to the approval of the subject applications as presented. Appropriate conditions will also be included as part of the future site plan approval. The subject lands are located outside of the LSRCA regulated limits and accordingly no Regulation Permit is required. The subject lands are also free from any natural hazards and are outside of hazardous lands.

Conformity to the York Region Official Plan (YROP)

The proposal implements Regional policies by supporting a mix and range of unit and lot sizes, and represents a modest increase in density while promoting local access to transit, commerce, and community services and facilities. The proposed development is consistent with the overall densities and built form of the surrounding area and redevelops an underutilized parcel of land to assist in meeting intensification and residential housing objectives, without any negative impacts to the Natural Heritage System or Regional road. As part of the Region's review, access to the site is to be limited to right-in and right-out only, and the median along Wellington Street East will feature knockdown bollards that enable appropriate and timely emergency access as needed.

Further, Section 7.3.8 of the YROP states that amendments to local Official Plans may be exempt from Regional approval if they are of local significance and no Regional interest is adversely affected. The proposed Official Plan Amendment is considered a local matter by the Region and has been exempted from approval by the Region after a detailed review by planning, engineering, and transportation staff determined there would be no adverse impacts resulting from the proposal.

Conformity to the Town of Aurora Official Plan

Planning Staff are of the opinion that the proposed development conforms to the land use and development policies of the Official Plan and is compatible with the surrounding land uses. The introduction of thirty new townhouse units will assist the Town in achieving its residential intensification targets while not disrupting areas of the

natural environment. The proposal aligns with the Official Plan by encouraging residential units that are accessible by transit, and in close proximity to social and service amenities. Further, the proposed density of 51 units per hectare aligns with the Medium-High Density Residential permission of not exceeding 99 units per hectare. The proposal features high quality design that will enhance the streetscape, and the proposed heights are within the permission of the designation.

Although the property was previously pursued for and designated to permit commercial uses, the expansion of other existing commercial uses east of Leslie Street now favours residential uses on this site, as the market viability of these lands have changed. The proposal of residential townhouses ultimately supports the provision of a range and mix of housing sizes, densities, designs, and prices to meet the needs of current and future residents of Aurora, in an appropriate and highly accessible location.

Conformity to the Town's Zoning By-law 6000-17, as amended

Planning staff are of the opinion that the proposed development is appropriate and compatible with adjacent and neighbouring development, and that the by-law exceptions are appropriate to facilitate the development. The proposed R8 zoning is the same as has been applied to the townhouse developments to the west on Wellington Street East. Further, the site-specific exceptions enable alignment with the proposed Official Plan designation, which permit heights up to four storeys. There are no concerns with parking, as each unit is able to accommodate two spaces each, which exceeds the requirements of the Zoning By-law and helps to reduce dependency on visitors parking. Sufficient amenity area is also provided through dedicated playground area and a dog park along the western boundary, and the proposal represents a balance of open and green space relative to the building areas.

The proposal is subject to Site Plan approval, which has been delegated to staff under Provincial Bill 109, as well as future applications for Part Lot Control Exemption and a Plan of Condominium, which will require Council approval

Bill 109 has resulted in the delegated approval of site plan applications to staff. Once the parent permissions for the property have been established to enable the townhouse built form via approval of the subject Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision, staff will proceed with approval of the related site plan application.

Further, the applicant will also be required to submit a future Part Lot Control Exemption application to define the specific lot boundaries, as well as a Plan of Condominium, to establish the common elements of the site, including the road.

Approval of the site plan application will necessitate the owner to enter into a Development Agreement and ensure all related conditions of site plan approval are satisfied.

Department / Agency Comments

All external agencies and Town staff have completed their review and have no objections to the approval of the subject applications

Department/Agency	Comments
Building Division	No objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operational Services (Public Works)	No objections.
Transportation/Traffic	No objections.
York Region	No objections.
LSRCA	No objections.

The appropriate conditions of draft plan approval have also been included, as listed in Appendix C, with further conditions to apply as part of the subsequent approval of the related Site Plan Application.

Public Comments

Planning Staff have received comments from the public on the proposed planning applications. Below is a summary of key comments and the respective responses.

Well water monitoring and impact mitigation: A Hydrogeology Study has been prepared for the subject application and reviewed by the Town and LSRCA. No impacts to wells are anticipated, and to ensure no impacts occur, the applicant will be required to

continually monitor adjacent wells and water supply, with the appropriate technical conditions required as part of approval of the development.

Replacement/Impacts to boundary tree – A general boundary tree is located at the southwest area of the subject site, with roots shared across the neighbouring property to the west. A tree inventory and preservation plan has been provided by the applicant, with any replacement of this tree to be appropriately accommodated for the neighbouring property. Appropriate conditions of approval will also be implemented, as well as the requirement to conform to the Town's Tree Protection By-law through the construction process.

Noise and light pollution impacts – The subject proposal will consist of noise and light abatement fencing, in particular on the east and west sides, to mitigate any potential noise and light pollution impacts, and will be required to be installed to the satisfaction of the Town. The appropriate conditions of approval will also be implemented.

Streetscape and Design – The design of the townhouse blocks has been revised slightly to incorporate feedback received regarding the style of the buildings, in particular as they face a major Town gateway along Wellington Street East. Provincial Bill 23 no longer enables urban design review of applications, however the applicant adjusted the pitch of the roof lines and enhanced the style of the blocks through the introduction of dormers and gables to provide better articulation of the public realm along the streetscape. The proposal is also supported by high quality landscaping, particularly along the front yard.

Traffic and Left Turning – Concern was noted about the potential of left turns occurring out of the subject property. Access to the site will be limited to right-in and right-out only. Knockdown bollards will also be required in the median along Wellington Street East to prevent any left turning, while still enabling appropriate emergency services access to the site. A traffic management plan and transportation study was also prepared and reviewed to the satisfaction of the Town and York Region, with no negative impacts anticipated.

Advisory Committee Review

Not applicable.

Legal Considerations

Subsections 22(7) and 22(7.0.2) of the Planning Act states that if Council refuses the Official Plan Amendment application or fails to make a decision on it within 120 days after the receipt of the application, the applicant (or the Minister) may appeal the application to the Ontario Land Tribunal (OLT).

Subsection 34(11.0.0.0.1) of the Planning Act states that if the passing of a Zoning Bylaw Amendment also requires an amendment to the Official Plan, and that if both applications are made on the same day, and Council refuses the Zoning By-law Amendment application or fails to make a decision on it within 120 days after the receipt of the application, then the applicant (or Minister) may appeal the application to the OLT.

Section 51(34) of the Planning Act states that if Council fails to make a decision on the subdivision application within 120 days after the receipt of the application, the applicant may appeal the application to the OLT. If Council approves or refuses the application, then the applicant may appeal to the OLT after receiving notice of Council's decision. The applicant can appeal the decision as well as the conditions of approval.

The applications were received in September of 2022 and therefore, the applicant may appeal to the OLT at any time.

Financial Implications

There are no financial implications arising from this report.

Communications Considerations

On October 19, 2022, a Notice of Complete Application respecting the subject applications was provided.

On February 27, 2023, a Community Information Meeting was held, with appropriate notice provided to the local community.

On March 21, 2023, a statutory Public Meeting was held, with Notices provided through mail, to all Interested Parties, publication in the newspaper, and signage on the property.

All communication requirements as directed by the *Planning Act* have been satisfied. Notices of Council's Decision on the subject applications will also be provided accordingly.

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

Climate Change Considerations

The following actions have been taken into consideration:

- A peer-reviewed Natural Heritage Evaluation was conducted to ensure protection of local features, to the satisfaction of the Region as evidenced through Regional approval exemption.
- Low Impact Development (LID) measures are being employed to maintain and enhance the post-development water balance.
- Park and amenity space is provided on-site.
- New and enhanced native landscape plantings are provided.
- Commitments by the applicant are in place for high efficiency, low-flow fixtures.
- Green Development Standards report submitted as part of application to implement the above noted measures.

Overall, the applications support the climate change objectives from the Community Energy Plan and Town Official Plan and will also be able to capitalize on alternative transportation methods including walking, cycling and public transit due to the centralized location of the site with close proximity to commercial and recreational amenities.

Link to Strategic Plan

The proposed applications support the Strategic Plan goal of Supporting an exceptional quality of life for all through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Strengthening the fabric of our community: Through the review and approval of the Zoning By-law Amendment, Official Plan Amendment and Draft Plan of Subdivision applications, housing opportunities are created that assist in achieving growth targets while providing housing opportunities for everyone.

Alternative(s) to the Recommendation

1. Refusal of the subject applications with an explanation for the refusal.

Conclusions

Planning and Building Services reviewed the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision in accordance with the provisions of Provincial, Regional and Town policies and development standards. The proposal represents good planning and staff recommend approval of the subject applications, with the implementing Official Plan Amendment and Zoning By-law documents to be brought forward at a future Council meeting.

Attachments

Appendix A – Draft Official Plan Amendment
Appendix B – Draft Zoning By-law Amendment
Appendix C – Draft Plan of Subdivision Conditions of Approval

Figure 1 – Location Map
Figure 2 – Proposed Official Plan Designation
Figure 3 – Proposed Zoning
Figure 4 – Proposed Draft Plan of Subdivision
Figure 5 – Site Plan and Architectural Package

Previous Reports

Public Planning Report No. PDS23-033, dated March 21, 2023.

Pre-submission Review

Agenda Management Team review on August 31, 2023

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer