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Town of Aurora  
**Committee of Adjustment Report**  
No. C-2024-03

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**Subject:** **Consent Application**  
1623 Wellington Street Developments Limited  
63 Sunday Drive  
WHITCHURCH CON 3 PT LOT 20; RP 65R39324 PARTS 1 TO 4, 6  
AND 7  
File: C-2024-03

**Prepared by:** **Felix Chau, Planner**

**Department:** Planning and Development Services

**Date:** August 8, 2024

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## Application

The purpose of the proposed consent application is to sever the subject lands with frontages along a private laneway (Sunday Drive) as follows (see Appendix 'B'):

- a) **Proposed Severed Lands:**  
Part 1 of the Draft Plan of Severance  
Lot area of 0.607 hectares (1.5 acres)
- b) **Proposed Retained Lands:**  
Part 2 of Draft Plan of Severance  
Lot area of 1.89 hectares (4.68 acres)

## Background

### Subject Property and Area Context

The subject property, municipally known as 63 Sunday Drive, is located south of Wellington Street East and west of Highway 404 (see Appendix 'C'). The subject property has an area of approximately 2.5 hectares (6.18 acres). The subject property is currently vacant.

Surrounding land uses include a car dealership to the north; a self storage facility and future office development to the west; various employment uses fronting Don Hillock Drive to the south; and a GO Transit carpool lot and Highway 404 to the east.

### **Proposal**

The applicant is proposing to sever a 0.607 hectare (1.5 acre) parcel of land on the western portion of the subject property to create a new employment lot. The severed and retained parcels are shown on the proposed severance plan attached as Appendix 'B'. There is no proposed construction currently associated with this application. A Site Plan Application will be required prior to any development on either the severed or retained lots.

### **Official Plan**

The subject property is designated 'Business Park' by the Town of Aurora Official Plan. More specifically, the property subject to the Bayview Northeast Area 2B Secondary Plan (OPA 30). The intent of the Business Park designation is to accommodate a broad range of high-quality employment opportunities as well as a variety of supporting service commercial uses and retail uses. This designation permits the creation of lots that are able to provide opportunities for employment uses.

### **Zoning**

The subject lands are zoned "E-BP (531) Business Park Exception Zone" under Zoning By-law 6000-17, as amended.

The "E-BP (531)" Exception Zone provides that notwithstanding any existing or future conveyance, consent, severance, partition or division of the Business Park block east of Goulding Street (along Sunday Drive), the provisions of the E-BP (531) Exception Zone, including minimum lot area and frontage requirements, shall apply to the entire block, as if no conveyance, consent, severance, partition, or division occurred.

### **Preliminary Zoning Review**

A Preliminary Zoning Review (PZR) was undertaken by the Building Services Division prior to submission of the subject application. The PZR confirmed that the proposed application will not result in any non-compliance with the Zoning By-law.

## Planning Comments

When considering an application for consent to sever lands, regard shall be had to the criteria of Section 51 (24) of the *Planning Act*. This includes, amongst other things:

- Matters of Provincial Interest
- Conformity with the Official Plan and adjacent plans of subdivision
- Suitability of the land for the purpose in which it is to be subdivided
- The dimension and shape of the proposed lots
- Adequacy of utilities and municipal services
- Number and adequacy of highways

Based on a review of the *Planning Act* criteria, staff have no concerns with the proposed consent application, and it is the opinion of staff that the proposed consent represents good planning that will be able to support employment opportunities and economic development within the Town. The following supporting rationale is provided:

### **Matters of Provincial Interest**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Matters of provincial interest include the adequate provision of employment opportunities, the protection of the economic well-being of the Province and its municipalities, and ensuring the appropriate location of growth and development in an orderly manner. The proposed consent application facilitates the development of key employment lands in Town, that are located within a designated employment area and able to capitalize on proximity to Highway 404. The development of the site will enhance the employment function of the area and will occur in a logical and orderly manner as part of an established business park. The lands are currently vacant and underutilized, and their development will provide positive contributions to the Town economically. Staff are satisfied that the proposed consent application is consistent with the PPS and supports matters of provincial interest.

### **Conformity with the Official Plan and adjacent plans of subdivision**

As previously described, the subject lands are designated as part of the Town's "Business Park" area adjacent to Highway 404. The lands are planned to serve the employment function of the area and provide economic development opportunities for the Town. Similar employment uses along Sunday Drive have received consent approvals as part of

the logical development of the area, most notably the abutting property to the west, 35 Sunday Drive (refer to Appendix 'C'), which was submitted by the same applicant and was approved by the Committee of Adjustment on June 9, 2022 (file number C-2022-05). The proposed consent ensures an additional parcel is available to accommodate employment uses.

The applicant has informed Staff that the creation of the new lot is intended to facilitate the development of a four-storey office building. Existing lots within the Bayview Northeast Business Park Area are generally 0.8 hectares in size or greater. The applicant has provided Staff with preliminary plans which demonstrates that the proposed 0.607 hectare severed lot can accommodate an appropriately sized office building can adequately function on the site while meeting all minimum setback and parking requirements. Furthermore, the proposed severed parcel has a lot frontage of approximately 84.7 metres along Sunday Drive which is relatively consistent with adjacent lots in the Business Park Area, mitigating visual concerns from a streetscape perspective. While Sunday Drive is a private road, Section 4.5 – Lot Frontage on Road or Street of the By-law #6000-17 permits buildings or structures to be erected on lots which front upon a public or private street, or has legal access to a public street. As previously mentioned, a Site Plan Application will be required prior to any construction the severed and retained lots. Further detailed design review will be undertaken, and cash-in-lieu of Parkland Dedication will be requested at such time.

The consent application and related development of the lands will also help contribute to the Town and Region's employment targets in line with Official Plan policies, while maximizing the prestige image of the Town and business park area from Highway 404.

### **Suitability of the Land and Adequacy of Utilities, Services, Highways and Access**

Town staff have confirmed that municipal services are available to accommodate the proposed consent application. The lands are also suitable from a land use designation and compatibility perspective, as they are part of an approved and established business park location. A private local road (Sunday Drive) provides appropriate access to the site, with there also being appropriate nearby connection to Highway 404 to help support the employment function of the lands. Overall, staff are of the opinion that the lands are suitable for the purpose in which it is to be severed and that appropriate services and access are available to support the efficient and optimal function of the lands and intended uses.

### **Dimension and Shape of the Proposed Lot**

The proposed severed and retained lots are shaped in a manner that will be able to facilitate future employment land uses in an appropriate and desirable way. The consent allows for the efficient and optimal use of the land in terms of generating employment opportunities and contributing to the economic development of the Town. As confirmed through the PZR, the proposed severed and retained lands meet the zoning provisions and no relief to the minimum lot area or lot frontage are required. Planning staff are of the opinion that the dimension and shape of the proposed lots is appropriate, and in fact desirable as part of the wise use of land.

### Additional Comments

The consent application was circulated to Town Departments/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. No objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operations (Public Works)	No objections.
Central York Fire Services	No objections.
York Region	No objections.
LSRCA	No objections.

### 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

Staff have reviewed the application with respect to the Section 51(24) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, the Provincial Policy Statement, Provincial Plans and the Town's Official Plan and are satisfied with the proposed consent application.

Based on the aforementioned, Staff have no objection to the approval of Consent application File No. C-2024-03 subject to the conditions attached (Appendix 'A').

## Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Proposed Severance Plan

Appendix 'C' – Location Map

## Appendix 'A' – Recommended Conditions of Approval

### Planning and Development Services:

1. That the consent only applies to the subject property in conformity with the plans attached as Appendix 'B' to this report, to the satisfaction of the Director of Planning and Development Services.
2. That the Owner provide written confirmation of no outstanding payment of property taxes owing to date for the subject property, to the satisfaction of the Secretary-Treasurer.
3. Submission to the Secretary-Treasurer of four (4) white prints of a deposited Reference Plan for review showing the subject lands, which conforms substantially to the application form and sketch as submitted with this application (Appendix 'B'). One copy of the deposited reference plan must be submitted to the Town prior to the issuance of the Certificate of Official. Please note, if the transaction in respect of which the consent was given is not carried out within the two-year period following issuance of the Certificate of Official, the consent effectively will lapse [Planning Act, R.S.O. 1990, c.P.13, as amended, s. 53 (43)].
4. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2024-03 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act. Subsection 50 (3 or 5) of the Planning Act, R.S.O 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. That the Owner pay the Legal Services Fees (\$238.00) regarding the Town's cost to obtain a Parcel Abstract/PIN as per the Application, and written confirmation be provided to the satisfaction of the Secretary-Treasurer. The cheque is payable to "The Corporation of the Town of Aurora" quoting file number C-2024-03 and delivered to the attention of Legal Services, 100 John West Way, Box 1000, Aurora, ON L4G 6J1.
6. Submission to the Secretary-Treasurer a Letter of Undertaking confirming that vehicular access will be facilitated and maintained to the retained and severed lots from the private condominium road (Sunday Drive).

7. Fulfilment of all of the above conditions shall occur within two (2) years of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act. R.S.O. 1990, c.P.13, or the consent will lapse.