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Town of Aurora
Committee of the Whole Report
No. PDS24-119

Subject: Extension of Approval to Draft Plan of Subdivision
Charlieville Developments Limited
45 Tyler Street
Lot 26 and Part Lots 24, 25 and 27, Plan 9
File Number: SUB-2015-03
Related File Number: SP-2022-03

Prepared by: Katherine Gatzos, Planner

Department: Planning and Development Services

Date: November 5, 2024

Recommendation

1. That Report No. PDS24-119 be received; and
2. That the Draft Approval to Plan of Subdivision for 45 Tyler Street, File SUB-2015-03, be extended for one year, with a lapsing date of December 17, 2025.

Executive Summary

This report seeks Council's approval to extend the Draft Approval to Plan of Subdivision for Charlieville Developments Limited at 45 Tyler Street for one year, with a lapsing date of December 17, 2025, following this extension in the event that the conditions are not fulfilled, and a final plan is not registered.

Background

Application History

The subject Draft Plan of Subdivision and related Official Plan Amendment and Zoning By-law Amendment were submitted to the Town on June 15, 2015, with a Notice of Complete Application issued on October 1, 2015. The Draft Plan of Subdivision relates to

the creation of one residential block (Block A), three environmental protection blocks (Block B, C and D) and one reserve block (Block E), to facilitate the construction of 70 townhouse units (see Figure 2 – Draft Approved Plan of Subdivision).

On May 15, 2016, a Public Planning Meeting was held with respect to the subject applications. In November 2017, Charleville Developments Limited filed appeals to the Ontario Land Tribunal (OLT) arising from the failure of the Town of Aurora Council to make decisions on the subject Draft Plan of Subdivision and related Official Plan Amendment and Zoning By-law Amendment within the prescribed legislative timelines of the Planning Act.

On December 17, 2021, the OLT approved the subject Draft Plan of Subdivision and related Official Plan Amendment and Zoning By-law Amendment. The Draft Plan of Subdivision was approved with associated Conditions of Approval (Appendix A), and the applicant continued working with staff to ensure that all conditions are addressed.

The applicant has since submitted a Site Plan application (SP-2022-03) to the Town and has been actively working with staff and external agencies to address the final technical details associated with this project. On October 31, 2023, the Town of Aurora finalized and executed a Vegetation Management Agreement and on September 26, 2024, the Lake Simcoe Region Conservation Authority (LSRCA) issued their permits for the interim earthworks.

Due to the approaching lapsing draft approval timeframe, the owner requested an extension of the Draft Plan Approval and conditions to allow for additional time to clear the conditions of approval and execute the development agreement for the proposed development. The letter (attached to this report as Schedule 'B') describes the progress the applicant has made towards satisfying the draft plan conditions to date as well as the work still requiring completion.

Location / Land Use

The subject property, municipally known as 45 Tyler Street, is located south of Wellington Street West, and west of Yonge Street (see Figure 1 – Location Map). The subject property has a lot area of 2.94 hectares (7.27 acres), with a frontage of 130.4 metres (427.8 feet) along the south side of Tyler Street.

A tributary of Tannery Creek flows north across the subject property towards Tyler Street and open space areas are located along the east and west portions of the site.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Residential dwellings

South: George Street Public School, residential dwellings

East: Residential dwellings

West: Residential dwellings

Policy Context

All relevant provincial planning policies were discussed in OLT Case File No. PL171423, please see this previous report for details. The following is a summary of the Regional and local planning policies discussed therein. No amendments are being made as a result of the request to extend the Draft Plan approval.

York Region Official Plan (YROP)

The subject lands are designated “Urban Area” and “Regional Greenlands System” by the YROP. Urban Areas are intended to facilitate wide range of residential, commercial, industrial and institutional uses, while the Regional Greenlands System is intended to identify, protect, and enhance natural heritage systems.

Town of Aurora Official Plan

The OLT approved Official Plan Amendment 6445-22 on December 17, 2021, to redesignate the subject property from Existing Employment-Brownfield Industrial, Private Parkland, Environmental Protection, and Stable Neighbourhoods, to Stable Neighbourhoods and Environmental Protection, to facilitate the residential development on the Draft Approved Plan of Subdivision. (see Figure 3 – Existing Official Plan Designation).

Zoning By-law 6007-17, as amended

The OLT approved Zoning By-law Amendment 6446-22 on December 17, 2021, to rezone the subject property from General Employment (E2) and Environmental Protection (EP) to Townhouse Dwelling Residential with Site Specific Exceptions (R8-541) and Environmental Protection (EP), to facilitate the residential development on the Draft Approved Plan of Subdivision. (see Figure 4 – Existing Zoning Designation).

Analysis

Planning Considerations

Section 51(33) of the Planning Act allows for a municipality to extend draft approval beyond the initial period for a time specified by the municipality.

Currently, it is the Town's standard practice to include a provision to require the Owner to satisfy all conditions within three years of the approval decision. If conditions of draft plan approval are not satisfied within the three-year timeframe, the approval is deemed to have lapsed, including the reservation of any servicing capacity allocation, unless an extension is approved by the Town before the approval lapses.

Staff are recommending that the subject Draft Approved Plan of Subdivision, issued on December 17, 2021, for Charleville Developments Limited, and set to lapse on December 17, 2024, be extended for one year with a lapsing date of December 17, 2025.

Staff consider a one-year extension to be an appropriate measure to ensure that the development can proceed in finalizing any technical review matters to clear subdivision conditions, execute a development agreement with the Town and register the subdivision. Should the applicant experience difficulties with clearing conditions with the extended timeframe, the applicant is able to request an additional extension before draft plan approval lapses.

No alterations are being requested and the proposed development continues to conform to Provincial Policies, the Region of York and Town of Aurora Official Plans and is permitted by the Zoning By-law as a result of this draft plan extension.

Department / Agency Comments

The request for draft plan extension was circulated to all internal and external agencies for review and comment. In general, all circulated agencies have no objection to the extension and have no further comments at this time. Any technical matters will be resolved prior to the execution of the development agreement.

Public Comments

Public consultation is not required with respect to the proposed extension to the Draft Approved Plan of Subdivision.

Advisory Committee Review

No committee review required.

Legal Considerations

Section 51(33) of the Planning Act, 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 subdivision. Refusal to extend a lapsing date can be appealed by an applicant.

In addition, the Conditions of Draft Plan Approval issued by the Ontario Land Tribunal (OLT) on December 17, 2021, specifies that Council may, at its sole discretion, extend the approval of the Draft Plan of Subdivision.

Financial Implications

There are no financial implications.

Communications Considerations

The Town will inform the public of the information contained in this report by posting the report on 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, and compliance with Town established Green Development Standards.

Link to Strategic Plan

The draft approved plan of subdivision 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 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

Staff recommend that the Draft Approved Plan of Subdivision for 45 Tyler Street (SUB-2015-03) that expires on December 17, 2024, be extended for one year to December 17, 2025. This will ensure that the previously endorsed development on the subject lands can proceed with its required technical studies and site works as it continues to advance to clearing associated draft conditions of approval and subdivision registration.

Attachments

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

Previous Reports

Public Planning Report No. PDS16-038

Pre-submission Review

Agenda Management Team review on October 17, 2024

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer