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Town of Aurora  
**Committee of Adjustment Report**  
No. C-2022-06

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**Subject:**                   **Consent Application**  
TFP Aurora Developments  
25 Mavrinac Boulevard  
File: C-2022-06  
Related Planning Application: SP-2021-08

**Prepared by:**           Sean Lapenna, Planner

**Department:**          Planning and Development Services

**Date:**                    June 9, 2022

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## **Application**

The purpose of the proposed consent application is to create two mutual easements along walkway and parkette blocks for access and use of a parkette, to be utilized by a future seniors' building and townhouse development under separate ownership but located on the same property (25 Mavrinac Boulevard).

## **Background**

### **Subject Property and Area Context**

In 2017 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications were submitted for 20 & 25 Mavrinac Boulevard in order to redesignate the two properties from employment land use to residential.

On June 15, 2021, Town Council approved the Draft Plan of Subdivision and implementing Zoning By-law Amendment for the two properties. The Official Plan Amendment was approved in principle by Town Council as the Region was the approval authority.

The Zoning By-law amendment submitted re-designated the two properties to accommodate single-detached dwelling lots, street townhouses, rear lane townhouses, back-to-back townhouses as well as a supportive Housing Building for Senior Citizens' which includes apartment dwelling units and retirement suites.

The development in its entirety is comprised of two separate development blocks which are part of a draft approved plan of subdivision (west and east blocks). The 'west' block (municipally known as 20 Mavrinac Boulevard) is located at the northwest intersection of Wellington Street East and Mavrinac Boulevard and has an approximate area of 2.72 ha (6.72 ac). The 'east' block (municipally known as 25 Mavrinac Boulevard) is located on the north side of Wellington Street East and east side of Mavrinac and has an approximate area of 2.01 ha (4.96 ac). The subject consent application has been submitted for the 'east' block (25 Mavrinac Boulevard only).

On February 1, 2022 Town Council approved associated Site Plan application SP-2021-08 for 20 and 25 Mavrinac Boulevard to permit the development of 211 units. 130 units were approved for the 'west block' while 81 units were approved for the 'east block'. The Site Plan has been included as Appendix 'B'.

The 'east block' (25 Mavrinac Building) is comprised of 81 units (street townhouse units) and parkette. Future site plan approval will be required for the seniors' building.

Surrounding land uses include low-density residential to the north, Wellington Street East and open playing fields to the south, David Tomlinson and low-medium density residential to the east as well as Weslock Crescent and medium density residential to the west.

## **Proposal**

The application submitted is a consent application for a walkway block (1.5 m wide with a total area of 0.01 ha or 100.0 m<sup>2</sup>) and parkette block (total area of 0.07 ha or 700.0 m<sup>2</sup>) located at 25 Mavrinac Boulevard. The purpose of this consent application is to create two mutual easements along the walkway and parkette blocks in favour of the future seniors' building and eastern townhouse development as these facilities are intended to be shared by future residents of both corporations. This is shown on the submitted Draft R-Plan (Appendix 'D').

The future Seniors' building and Townhouse Development Condominium Corporation will not fall under single ownership. As such, the walkway and parkette will not fall under single ownership. As shown on the Draft R-Plan in Appendix 'D', Parts 1-4 will be owned by the future townhouse corporation (Parkette and majority of walkway) while the rest of the walkway (Part 5) will be owned by the future Senior's Building Corporation.

One easement will be applied to Parts 1-4 shown on the Draft R-Plan for the parkette and portions of the townhouse condo corporation owned sidewalk, which will be in favour of the future seniors' building corporation (Access Easement and Use of Park Easement).

The second easement will be applied to Part 5 shown on the Draft R-Plan (portion of the sidewalk owned by the future seniors' building corporation) and will be in favour of the future Townhouse Condominium Corporation (Access Easement).

A summary of the areas for which the easement will apply as shown on the submitted Draft R-Plan is as follows:

Part	Facility	Area (ha)	Future Ownership by	Colour on Draft R-Plan
1	Parkette	0.07	Townhouse Condo Corporation	Green
2	Walkway	0.003	Townhouse Condo Corporation	Yellow
3	Walkway	0.003	Townhouse Condo Corporation	Yellow
4	Walkway	0.001	Townhouse Condo Corporation	Yellow
5	Walkway	0.003	Seniors' Building Corporation	Orange

### **Related Planning Application**

The subject lands are currently subject to Site Plan application SP-2021-08 for 20 and 25 Mavrinac Boulevard to permit the development of 211 units (210 townhouse units and 1 single-detached unit). The application has been approved by Town Council and a site plan agreement is currently in draft.

### **Official Plan**

The subject property is designated 'Medium-High Density' Residential' under the Town of Aurora's Official Plan (OPA 30). The 'Medium-High Density' Residential' designation contemplates 'a range of predominantly above grade housing forms such as stacked rowhouses, terrace houses, maisonettes, and garden apartments. In areas designated Medium-High Density Residential, a mix of housing types shall be provided, and may include street and/or block row houses.

### **Zoning**

The subject property is zoned 'Townhouse Dwelling Residential – Exception 539 (R8 \*539)' and 'Second Density Apartment Residential – Exception 540 (RA2\*540)' under Town of Aurora Zoning By-law 6000-17, as amended.

### **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

Based on a review of the Planning Act criteria, staff have no concerns with the mutual easements as proposed which would allow for the use of shared parkette and walkway space as shown on the attached Draft R-Plan which is located central to the two separate developments within the subject property of 25 Mavrinac Boulevard (Seniors Building and Townhomes).

Planning Staff note that the consent application submitted to accommodate the shared easements as proposed is consistent with the site plan approved by Aurora Town Council on February 1, 2022.

Overall staff are satisfied that the proposed easements for the mutual use of the parkette and walkway facilities highlighted in the Draft R-Plan as shown on Appendix 'D' will not result in any conflicts as it relates to shared access to the parkette and walkway facilities.

Planning Staff are of the opinion that the easements proposed maintains the general intent and purpose of the Town's Zoning By-law and Official Plan. As such, the proposal is considered to be an appropriate and orderly form of development.

## Additional Comments

The consent application was circulated internally and to external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Building Division	No concerns with easements proposed.
Engineering Division	We have reviewed the above noted application and have no concern with it.
Operational Services - Parks	We have reviewed the documentation for the property associated with the above noted application and have no formal comments.
York Region	The Regional Municipality of York has completed its review of the above application and has no comment.
LSRCA	The subject consent application is located within an area that is regulated by the LSRCA. However, LSRCA has reviewed multiple concurrent and former

Department or Agency	Comments
	applications related to development of this site. All technical comments pertaining to this site will be addressed through the site plan application and we have no objection to approval of this consent application.
Alectra	<p>We have reviewed the proposed Consent Application and have no objections to its approval subject to the following comments:</p> <ul style="list-style-type: none"><li>- All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced</li><li>- In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established</li><li>- In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.</li></ul>

## 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 C-2022-06, subject the conditions outlined in Appendix 'A' to this report.

## Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Approved Site Plan for 20 & 25 Mavrinac Boulevard (West & East Blocks)

Appendix 'C' – 20 Mavrinac Boulevard (East Block) with Proposed Easement Highlighted

Appendix 'D' – Draft R-Plan outlining Proposed Easement

**APPENDIX 'A' – Conditions of Approval**

1. Payment of any outstanding property taxes owing to date for the subject property and that the Secretary Treasurer receive written confirmation that this condition has been fulfilled.
2. 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 'D'). 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)]
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under File C-2022-06 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.
4. Fulfilment of all of the above conditions 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.