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Town of Aurora
Committee of Adjustment Report
No. C-2022-05

Subject: **Consent Application**
1623 Wellington Street Developments Ltd.
1623 Wellington Street East
File: C-2022-05

Prepared by: Sean Lapenna, Planner

Department: Planning and Development Services

Date: June 9, 2022

Application

The purpose of the proposed consent application is to sever 0.8862 hectares (2.19 acres) of the subject property municipally known as 1623 Wellington Street East, to facilitate the creation of one new lot with a frontage of 100.56 m (330.0 ft). The applicant is requesting the consent in order to accommodate the following:

- a) Parts 1, 2, 3, portion Part 4, 6 and 7 are the retained lot.
- b) Portion of Part 4 is to be severed from the retained lot.

Background

Subject Property and Area Context

The subject property, municipally known as 1623 Wellington Street East, is located on the south side of Wellington Street East and west of Highway 404. The subject property has an area of approximately 13.71 hectares (33.90 acres) and approximately 647.15 metres (2,123.20 feet) of frontage on Wellington Street East.

Surrounding land uses include, a motor vehicle service station, and the Smart Centres plaza to the north; Highway 404 to the east; employment uses and Goulding Avenue to the south; and a motor vehicle service station to the west.

Proposal

The Owner is proposing to sever the subject lands to create one new lot within the subject property, as highlighted per the attached Draft R-Plan (Appendix 'B'). The new lot is intended to be developed with a 4-storey office development with 2 levels of underground parking for which future site plan approval would be required. Details of the proposed severance are outlined as follows:

	Proposed Severed Lot	Proposed Retained Lot
Parts	4	1, 2, 3, portion of 4, 6 and 7
Lot Area	0.8862 hectares (2.19 acres)	8.58 hectares (21.2 acres)

Related Applications

The subject lands are currently subject to the following Planning Applications:

Planning Application	Purpose of Application	Applicable Lands (Appendix 'B')
Site Plan Control (SP 2018-05)	To permit a commercial retail development	Part 2
Site Plan Control (SP 2021-03)	To permit motor vehicle sales establishment	Part 5
Site Plan Control (SP 2021-03)	To permit a self storage facility	Parts 9 & 3

Official Plan

The subject property is designated 'Business Park' by the Bayview Northeast Area 2B Secondary Plan (OPA 30). The intent of the Business Park designation is to provide opportunities for a mix of prestige employment uses and a variety of supporting commercial and community facilities generally geared to satisfying the needs of residents, businesses and employees in the Town of Aurora and the Region. Business Park lands shall be planned, designed and built in an integrated campus-like setting to create a superior built form along Highway 404 and Wellington Street East.

Zoning

The subject lands are zoned “E-BP (531) Business Park Exception Zone” and “E-BP (532) Business Park Exception Zone” under the Town of Aurora Zoning By-law 6000-17, as amended.

The parent E-BP (531) Exception Zone provides that despite any existing or future conveyance, consent, severance, partition or division of the lot (the Developed Business Park), the provisions of the E-BP (531) Zone, including minimum lot area and frontage requirements, shall apply to the lands as if no conveyance, consent, severance, partition, or division occurred.

Preliminary Zoning Review

The applicant has completed a Preliminary Zoning Review (PZR) with the Town’s Building Division, prior to submitting the consent application. The PZR has confirmed no zoning non-compliance.

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 land severance as proposed. Staff note that the retained and severed lands meet the Zoning By-law as it relates to minimum lot area and lot frontage requirements. In addition to this, adequate access to the newly created lot has already been established as shown on Parts 10 & 6 on the deposited R-Plan (Appendix ‘C’).

Staff are of the opinion that the proposed severance is generally compatible with the surrounding area and will not result in any negative impacts on adjacent properties or character of the area.

Additionally, staff are satisfied that the proposed consent application is consistent with the Provincial Policy Statement and conforms with applicable provincial plans. Cash-in-Lieu of Parkland is required and will be secured at the site plan agreement stage (payable prior to building permit issuance) for the new parcel of land.

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	Preliminary Zoning Review was completed on May 9, 2022.
Engineering Division	We have reviewed the above noted application and have no objections.
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 LSRCA will not be providing a formal comment letter for this consent application nor will we be collecting an LSRCA review fee per our MOU with the Town as the subject property is located outside of an area that is regulated by the LSRCA under Ontario regulation 179/06.
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">- 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

	<ul style="list-style-type: none">- 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- 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.
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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-2022-05, subject the conditions outlined in Appendix 'A' to this report.

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Draft R-Plan showing newly proposed lot

Appendix 'C' – Deposited R-Plan

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 '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)]
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2022-05 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.