

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: September 10, 2020

FROM: Anna Henriques, Acting Manager, Development Planning

RE: Application for Change of Conditions for Consent (for C-2020-01)
1623 Wellington Street Developments Limited
1623 Wellington Street East
File: C-2020-04

APPLICATION

The purpose of this application to request a change of conditions for provisional consent which was granted by the Committee, subject to 7 conditions, on March 12, 2020 (C-2020-01). The applicant is seeking that condition #4 be revised as follows:

“That the Owner enter into an agreement with the Town, to the satisfaction of the Director of Planning and Development Services for:

- a. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
- b. To construct and dedicate the extension of Goulding Avenue to the Town within 12 months of starting construction, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services.”

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 13.07 hectares (32.30 acres) and approximately 647.15

metres (2,123.20 feet) of frontage on Wellington Street East. The property is currently vacant.

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.

Application History

On March 12, 2020 the Committee granted provisional consent, subject to the fulfillment of 7 conditions (Appendix 'A'). The severance created two new lots fronting onto Wellington Street as outlined below and as per the sketch presented to Committee on March 12, 2020 (Appendix 'B'):

- Sever and convey a parcel of land (Parts 5, 7 & 8) with an approximate area of 7.8 acres (31,688 m²) and lot frontage of 194.53 m (638.2 ft); and,
- Retain two parcels of land; one with an approximate lot area of 14.1 acres (57,039m²) and lot frontage of 294.19 (965.2ft²) (Parts 2, 3, 4); and one with an approximate lot area of 12.4 acres (50,219m²) and lot frontage of 136.27 m (447 ft) (Parts 1 & 6).

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 development	Parts 2, 3, 4
Official Plan & Zoning By-law Amendment (OPA 2020-02 & ZBA 2020-02)	To permit additional site specific uses (e.g. motor vehicle sales, commercial self storage, etc.)	Parts 1, 5, 6,7 & 8

REVIEW & COMMENTS

Planning

The Planning Act [S. 53 (23)] allows the Committee to change the conditions of provisional consent at any time before the consent is given (i.e. once all conditions of approval fulfilled and consent finalized).

The applicant has requested a change to condition #4 as they wish to proceed with the construction of the extension of Goulding Ave separate from the commercial development (Site Plan application 2018-05) located on the west side of the extension of Goulding, as originally contemplated when provisional consent was granted on March 12, 2020 (C-2020-01).

Staff have reviewed the requested revision to condition #4 and have no concerns. The intent of this condition was to secure the construction and dedication of the extension of Goulding Avenue to provide access to the retained and severed lands and to ensure the Owner enters into an agreement with the Town. The requested revision to condition #4 satisfies both requirements. Staff do however recommend that condition #4 be amended as follows to provide greater clarity (see bold for recommended revision to #4 b):

“That the Owner enter into an agreement with the Town, to the satisfaction of the Director of Planning and Development Services for:

- c. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
- d. To construct and dedicate the extension of Goulding Avenue (**Part 3 on draft RPlan**) to the Town within 12 months of starting construction, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services.”

Also, given that Smart Centres cannot confirm the timing with respect to the development of the lands west of the future extension of Goulding Avenue at this time, there will be no

Site Plan Agreement (2018-05) for these lands. Therefore, staff recommend an additional condition of approval to ensure payment of Cash in Lieu of Parkland:

“That the Owner enter into an agreement or a Memorandum of Understanding with the Town, agreeing to pay cash-in-lieu parkland, if required, to the satisfaction of the Director of Planning and Development Services.” (Condition #7, Appendix ‘D’).

The subject application was circulated to Town departments and external agencies for review and comment. There were no objections to the requested amended condition #4 or requests for further revisions to the conditions with the exception of the Region of York. The Region of York has issued updated conditions of approval as outlined in their letter dated September 1, 2020 (Appendix ‘C’). The amended conditions are generally consistent with the conditions provided by the Region when provisional consent was granted on March 12, 2020 with the exception of two additional conditions of approval, as outlined below:

1. The Owner shall agree that no direct private access is permitted onto Wellington Street. All accesses shall be provided through local roads. This applies to Part 1, Part 2 and Part 8, as identified in the Plan of Survey of Part of Lot 20 Concession 3.
2. The Owner shall agree to include the following clause in all subsequent Purchase and Sale Agreement(s), Tenant Lease Agreement(s) and subsequent development application agreement(s). "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT NO ACCESS IS PERMITTED TO WELLINGTON STREET, ALL ACCESSES SHALL BE PROVIDED VIA LOCAL ROADS."

Staff are recommending approval of the requested change to condition #4 and the further updates and revisions as outlined above. All other conditions of approval of provisional consent, as approved on March 12, 2020, will apply.

A consolidated list of updated conditions of approval for provisional consent (previous conditions of approval that still apply, requested change by applicant, and updates by Town and York Region as outlined in this report) are outlined in Appendix ‘D’. Staff recommend approval of the updated conditions of approval as outlined in Appendix ‘D’ for consent application C-2020-01 for 1623 Wellington St.

ADDITIONAL COMMENTS

Department / Agency	Comments Provided
Engineering Services	No comments
Building Division	No comments provided at the time of writing of this report.
Operational Services	No comments
Central York Fire Services	No comments provided at the time of writing of this report.
Legal Services	Please reference Part 3 on Draft Reference Plan as future extension of Goulding for updated condition #4b
Accessibility	No comments provided at the time of writing of this report.
Alectra Utilities	We have reviewed the proposed Variance application and have no objections to its approval.
York Region	See letter dated September 1, 2020 (Appendix 'C')
LSRCA	Not within regulated area
Ministry of Transportation	No comments provided at the time of writing of this report.

Public Correspondence

No written submissions were received at the time of writing of this report. Should any written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting. Staff recommend that the Committee consider public input in reaching a decision.

CONCLUSION

Staff recommend approval of the updated conditions of approval as outlined in Appendix 'D' for consent application C-2020-01 for 1623 Wellington St.

Staff note that Section 53 (26) of the Planning Act states that notice of changed to conditions of consent is not required if the Committee is the opinion that the changes to the conditions are minor in nature.



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Town of Aurora
Planning and Development Services

APPENDICES

Appendix 'A' – Original Conditions of Approval (C-2020-01)

Appendix 'B' – Severance Sketch for Provisional Consent Granted March 12, 2020

Appendix 'C' – Updated York Region Conditions of as per Letter dated September 1, 2020

Appendix 'D' – Updated Consolidated Conditions of Approval for C-2020-01

Appendix "A"

CONDITIONS FOR APPROVAL:

1. Payment of any outstanding property taxes owing to date for the subject properties 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 showing the subject land, which conforms substantially to the application form and sketch as submitted with this application.
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2020-01 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
4. That the Owner has entered into a Site Plan/Development Agreement for Site Plan file number SP-2018-05 and any other agreement necessary, to the satisfaction of the Director of Planning and Development Services, for:
 - a. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
 - b. To construct and dedicate the extension of Goulding Avenue to the Town before the end of 2020, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services.
5. Submission to the Secretary-Treasurer of written confirmation from the Region of York; that the Applicant has satisfied all concerns below and as noted in the February 28, 2020 memo by Tiffany Wong, Associate Planner:
 - a. Prior to final approval, the Owner shall convey the following lands shown on Part 4 of Reference Plan: Job No. 12-2210-Ref 1, survey completed on February 14, 2018 and signed by Holding Jones Vanderveen Inc. on April

4, 2018 to York Region for public highway purposes free of all costs and encumbrances, to the satisfaction of the Regional Solicitor.

- i. A widening across the full frontage of the site where it abuts Wellington Street East of sufficient width to provide a minimum of 18 metres from the centre of construction of Wellington Street East.
 - ii. Sufficient property to provide a 15 metre by 15 metre daylighting triangle at the south-east corner and south-west corner of Wellington Street East and Goulding Avenue
- b. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to York Region. Alternatively, the Owner shall submit documentation to the Region confirming that the existing streetline represents sufficient right-of-way as required by York Region.
- c. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the

requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement

- d. York Region's development application processing fee as identified in By-law No.2010-15 is for Consent to Sever, additional lots and Environmental Site Assessment. All payments shall be in the form of a certified cheque and made payable to "The Regional Municipality of York." Development application fees are subject to annual adjustments and increases. Any unpaid fees, regardless of the year the application is submitted, will be subject to current fee requirements.
 - e. Prior to final approval, the Planning and Economic Development Branch shall certify that Condition 6 (a) to (d) have been met to its satisfaction.
6. The Owner to provide any documentation requested by the Director of Planning and Development Services to the Director's satisfaction, demonstrating that all required



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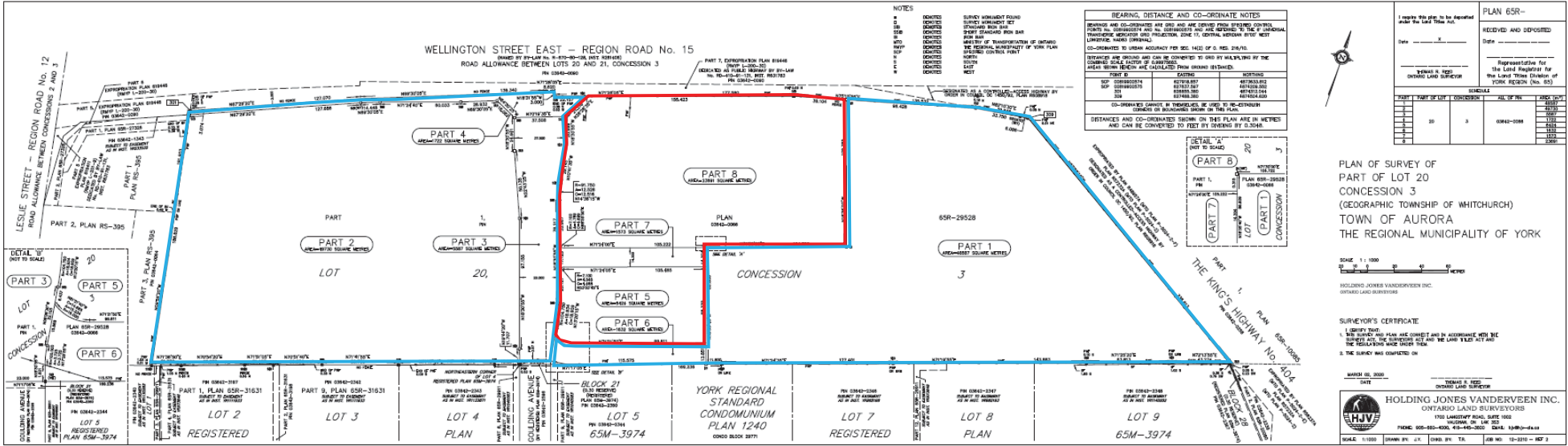
Town of Aurora
Planning and Development Services

approvals applicable for the severed and retained lots required by any other government agency have been obtained.

7. Fulfilment of all of the above conditions within one (1) year 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.

Proposed Consent Application - 1623 Wellington St E

Appendix 'B' – Severance Sketch for Provisional Consent
Granted March 12, 2020





Corporate Services

September 1, 2020

File No.: C-20-04 (CONS.20.A.0017)

Brashanthe Manoharan
Committee of Adjustment
Town of Aurora
100 John West Way, Box 1000
Aurora, ON
L4G 6J1

RE: Consent Application C-2020-04 (CONS.20.A.0017)
1623 Wellington Street Developments Limited
1623 Wellington Street
Town of Aurora

The Regional Municipality of York ("Region") has completed its review of the above noted consent application. The subject site is municipally known as 1623 Wellington Street and is located on the south side of Wellington Street, east of Leslie Street in the Town of Aurora.

The purpose of this application is for a severance that will create two new lots for the establishment of a business park. The surrounding area is commercial.

The site designated as Urban Area on Map 1 of the York Region Official Plan 2010 (YROP-2010) and located within the Built Boundary and outside the Regional Greenlands System.

The subject property is located on a Regional Road as identified on Map 12 or the YROP-2010. As such, the Region is protecting for a 36 metre(s) right-of-way along the frontage of this section of Wellington Street East for the purpose of a road widening as per Section 7.2.49 of the YROP-2010. Access from the subject lands onto Wellington Street will not be permitted. All access from the subject lands shall be provided through local roads. *The Region has discussed this restriction with the owner and he acknowledges there will be no access from the subject lands onto Wellington Street.*

The Region has no objection to the consent application subject to the following conditions are satisfied:

1. The Owner shall agree that no direct private access is permitted onto Wellington Street. All accesses shall be provided through local roads. This applies to Part 1, Part 2 and Part 8, as identified in the Plan of Survey of Part of Lot 20 Concession 3.
2. The Owner shall agree to include the following clause in all subsequent Purchase and Sale Agreement(s), Tenant Lease Agreement(s) and subsequent development application agreement(s). "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT NO ACCESS IS PERMITTED TO WELLINGTON STREET, ALL ACCESSES SHALL BE PROVIDED VIA LOCAL ROADS."
3. The Owner shall arrange for the preparation, review and deposit on title of a 65R reference plan, describing the lands identified below, to the satisfaction of the Region. The reference plan shall identify all the lands to be conveyed to the Region:
 - a. A road widening to establish a right-of-way 18 metres from the centerline of construction of Wellington Street East and
 - b. a 15x15 metre daylight triangle at the southwest corner of the St. John's Sideroad/Willow Farm Lane intersection, to the satisfaction of the York Region Solicitor.

Alternatively, the Owner shall submit documentation to the Region confirming that the existing streetline represents sufficient right-of-way as required by the Region Official Plan.

4. The Owner shall convey the lands identified in the R Plan, pursuant to Condition 2, to the Region, for the purpose of road widenings and easements, free of all costs and encumbrances, to the satisfaction of the Regional solicitor.
5. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to the Region.
6. The Region requires the Owner submit an updated Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2)

years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted

7. Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

8. The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.
9. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-6 have been met to its satisfaction.

With respect to the conditions above, we request a copy of the notice of decision when it becomes available.

Should you have any questions regarding the above, please contact Gabrielle Hurst at extension 71538 or through electronic mail at gabrielle.hurst@york.ca

Regards,

Gabrielle Hurst

Gabrielle Hurst, MCIP, RPP. Associate Planner
Programs and Process Improvement, Planning and Economic Development Branch

APPENDIX 'D' – Conditions of Approval C-2020-01 (Updated Sept 2020)

1. Payment of any outstanding property taxes owing to date for the subject properties 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 showing the subject land, which conforms substantially to the application form and sketch as submitted with this application.
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2020-01 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
4. That the Owner enter into an agreement with the Town, to the satisfaction of the Director of Planning and Development Services for:
 - a. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
 - b. To construct and dedicate the extension of Goulding Avenue (Part 3 on draft RPlan) to the Town within 12 months of starting construction, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services.”
5. Submission to the Secretary-Treasurer of written confirmation from the Region of York; that the Applicant has satisfied all concerns below and as noted in the September 1, 2020 letter:
 - a. The Owner shall agree that no direct private access is permitted onto Wellington Street. All accesses shall be provided through local roads. This applies to Part 1, Part 2 and Part 8, as identified in the Plan of Survey of Part of Lot 20 Concession 3.

- b. The Owner shall agree to include the following clause in all subsequent Purchase and Sale Agreement(s), Tenant Lease Agreement(s) and subsequent development application agreement(s). "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT NO ACCESS IS PERMITTED TO WELLINGTON STREET, ALL ACCESSES SHALL BE PROVIDED VIA LOCAL ROADS."
- c. The Owner shall arrange for the preparation, review and deposit on title of a 65R reference plan, describing the lands identified below, to the satisfaction of the Region. The reference plan shall identify all the lands to be conveyed to the Region:
 - i. A road widening to establish a right-of-way 18 metres from the centerline of construction of Wellington Street East and
 - ii. a 15x15 metre daylight triangle at the southwest corner of the St. John's Sideroad/Willow Farm Lane intersection, to the satisfaction of the York Region Solicitor.

Alternatively, the Owner shall submit documentation to the Region confirming that the existing streetline represents sufficient right-of-way as required by the Region Official Plan.

- d. The Owner shall convey the lands identified in the R Plan, pursuant to Condition 2, to the Region, for the purpose of road widenings and easements, free of all costs and encumbrances, to the satisfaction of the Regional solicitor.
- e. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to the Region.
- f. The Region requires the Owner submit an updated Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted

- g. Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

- h. The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.
- i. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 5 (a-h) have been met to its satisfaction.