

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: February 13, 2017

CASE NO(S): PL151160

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant:	Highland Gate Developments Inc.
Subject:	Request to amend the Official Plan - Failure of the Town of Aurora to adopt the requested amendment
Existing Designation:	"Private Parkland" and "Environmental Protection"
Proposed Designation:	"Stable Neighbourhoods", "Environmental Protection" and "Public Parkland"
Purpose:	To permit the redevelopment of the former Highland Gate Golf Club lands consisting of 184 lots for detached residential dwellings, a high density block to accommodate a 10-storey mixed-use residential building (estimate at 144 residential units), a series of new public roads, environmental protection blocks, parkland and other open space, with approximately 48% of the proposed draft plan of subdivision to be identified as parkettes, open space and environmental protection areas
Property Address/Description:	21 Golf Links Drive
Municipality:	Town of Aurora
Approval Authority File No.:	OPA-2015-01
OMB Case No.:	PL151160
OMB File No.:	PL151160
OMB Case Name:	Highland Gate Developments Inc. v. Aurora (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Highland Gate Developments Inc.
 Subject: Application to amend Zoning By-law No. 2213-78, as amended – Refusal or neglect of the Town of Aurora to make a decision

Existing Zoning: “Major Open Space (O) Zone”, “Major Open Space (O-2) Exception Zone” and “Oak Ridges Moraine Environmental Protection (EP-ORM) Zone”

Proposed Zoning: “Detached Dwelling Second Density Residential (R2-XX1) Exception Zone”, “Detached Dwelling Second Density Residential (R2-XX2) Exception Zone”, “Third Density Apartment Residential (RA3-X) Exception Zone”, “Environmental Protection (EP-X) Exception Zone” and “Major Open Space (O-X) Exception Zone”

Purpose: To permit the redevelopment of the former Highland Gate Golf Club lands consisting of 184 lots for detached residential dwellings, a high density block to accommodate a 10-storey mixed-use residential building (estimate at 144 residential units), a series of new public roads, environmental protection blocks, parkland and other open space, with approximately 48% of the proposed draft plan of subdivision to be identified as parkettes, open space and environmental protection areas

Property Address/Description: 21 Golf Links Drive
 Municipality: Town of Aurora
 Municipal File No.: ZBA-2015-02
 OMB Case No.: PL151160
 OMB File No.: PL151161

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Highland Gate Developments Inc.
 Subject: Proposed Plan of Subdivision - Failure of the Town of Aurora to make a decision

Purpose: To permit the redevelopment of the former Highland Gate Golf Club lands consisting of 184 lots for detached residential dwellings, a high density block to accommodate a 10-storey mixed-use residential building (estimate at 144 residential units), a series of new public roads,

Property Address/Description:	environmental protection blocks, parkland and other open space, with approximately 48% of the proposed draft plan of subdivision to be identified as parkettes, open space and environmental protection areas
Municipality:	21 Golf Links Drive
Municipal File No.:	Town of Aurora
OMB Case No.:	SUB-2015-01
OMB File No.:	PL151160
	PL151162

APPEARANCES:

Parties

Highland Gate Developments Inc.

Town of Aurora

Sunrise Senior Living LLC, Sunrise North Senior Living Limited, and SZR Aurora Inc.

Highland Gate Ratepayers Association Inc.

Colette Nemni

Residents Group (13 individual parties)

Highland Green (York Region Condominium Corp. #692)

Robert and Judy MacDermott

Counsel

Ira Kagan and Mark Flowers

Kim Mullin

Rick Coburn

Stephen D'Agostino

Leo Longo

Anna Toumanians

Eric M. Davis

Mary Flynn-Guglietti

Participants

Lorraine and Joseph Coens

Bruce Corbett

Susan Shaw

AMENDING DECISION DELIVERED BY IAN ROWE

[1] On January 23, 2017, the Board issued a Memorandum of Oral Decision and Order (“Decision”) for the above mentioned matter.

[2] Following the issuance of the Board’s Decision, the Board was advised by Counsel to the Town of Aurora that Attachment 1 to the Board’s Decision was not the OPA provided to the Board, and needed to be replaced.

[3] In accordance with Rule 108 of the Board’s *Rules of Practice and Procedure*, whereby the Board may correct a technical or typographical error made in a decision or order, the Board’s Decision is hereby amended by replacing Attachment 1 to that Decision with Attachment 1 to this decision.

[4] In all other respects, the Board’s Decision remains the same.

“Ian Rowe”

IAN ROWE
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1



AMENDMENT NO. 12

TO THE OFFICIAL PLAN

FOR THE TOWN OF AURORA

**AMENDMENT NO. 12
TO THE OFFICIAL PLAN
FOR THE TOWN OF AURORA**

STATEMENT OF COMPONENTS

PART I – THE PREAMBLE

1. Introduction
2. Purpose of the Amendment
3. Location
4. Basis of the Amendment

PART II – THE AMENDMENT

1. Introduction
2. Details of the Amendment
3. Implementation and Interpretation

PART I – THE PREAMBLE

1. Introduction

This part of the Official Plan Amendment No. 12 (hereinafter the “Amendment”), entitled Part I – The Preamble, explains the purpose and location of this Amendment, and provides an overview of the reasons for it. It is for explanatory purposes only and does not form part of the Amendment.

2. Purpose of the Amendment

The purpose of this Amendment is to change the land use designation from “Private Parkland” and “Environmental Protection” to “Public Parkland”, “Environmental Protection”, “Stable Neighbourhood – Site Specific Policy No. 43” and “Promenade General – Site Specific Policy No. 44”. The provision of this Amendment will allow the development of 159 single detached dwelling lots; a multi-unit residential block, parkland, parkettes, open space/vistas, a trail system and environmental protection.

3. Location

The lands affected by this Amendment are located between Yonge Street and Bathurst Street, approximately mid-way between Wellington Street West and Henderson Drive, municipally known as 21 Golf Links Drive; having a lot area of approximately 41 hectares (101 acres); and are legally described as Blocks 28 & 31, Plan 65M-2391 & Block 75, Plan 65M-2358, Part of Blocks 58, 59 & 60, Plan M-2034, Part of Block 7, Plan 65M-2441, Blocks 97 & 99 & Part of Blocks 96 & 100, Plan M-2035 & Block 11, Plan 65M-2036 & Block 36, Plan 65M-2198 & Blocks 67 & 71, Plan 65M-2336 & Block 54, Plan 65M-2259 & Part of Block 10, Plan 65M-2243 & Block 52, Plan 65M-3679, Town of Aurora, Regional Municipality of York (hereinafter the “Subject Lands”).

4. Basis of the Amendment

The basis of the Amendment is as follows:

- 4.1 The Town undertook an Official Plan review resulting in a new Official Plan which was adopted by Town Council on September 27, 2010 and approved by the Region of York on June 28, 2012. The Town’s Official Plan came into force on August 14, 2012. The Official Plan designated the Subject Lands as “Private Parkland” and “Environmental Protection”.
- 4.2 Three Public Planning Meetings were held by the Town’s Council on June 24, 2015, September 30, 2015 and October 28, 2015 to present the development

proposal and obtain input from members of the public and Council. An appeal was taken to the Ontario Municipal Board, following which an OMB-led mediation took place which resulted in a revised development proposal.

- 4.3 As a result of the closure of the former golf course, and the mediated settlement, it is appropriate to consider another use of the Subject Lands. The redevelopment of land designated Private Parkland is contemplated by the Official Plan, as Policy 12.4.3 e) states that:

“When private open space is proposed to be developed for another use, Council may require:

- i) An evaluation of the environmental impact;
- ii) Evidence that the proposed use is compatible with the surrounding uses;
- iii) An Official Plan, Secondary Plan and/or Zoning Bylaw amendment; and
- iv) A Plan of Subdivision and development, including the approval of the applicable agencies.”

- 4.4 The development of the former golf course for single detached homes with the proposed lot areas and frontages and the proposed buffers and trails is compatible with the existing surrounding lands designated “Stable Neighbourhood”.
- 4.5 Site Specific policies will apply to be implemented in the zoning by-law and subdivision agreement to address urban design and built form compatibility of the Subject Lands.
- 4.6 Appropriate development of the proposed multi-unit residential block for a 5 storey plus 2 storeys as bonusing apartment building subject to the execution of a bonusing agreement under section 37 of the *Planning Act* satisfactory to the Town can be achieved through the detailed review and urban design evaluation as part of the Town’s Site Plan control process.

PART II – THE AMENDMENT

1. Introduction

All of this part of the document entitled Part II – The Amendment, consisting of the following text and attached maps, designated as Schedule “A” (Structure Plan), Schedule “B1” (The Aurora Promenade Secondary Plan Area), Schedule “B2” (Building Heights) and Schedule “H” (Site Specific Policy Areas) constitutes Amendment No. 12 to the Official Plan.

2. Details of the Amendment

The Official Plan is hereby amended as follows:

- Item (1): “Schedule “A”, The Structure Plan, being part of the Town of Aurora Official Plan, is amended by changing the land use designation from “Private Parkland” and “Environmental Protection” to “Public Parkland”, “Environmental Protection”, “Stable Neighbourhood” and “The Aurora Promenade”, as shown on Schedule “A” to Official Plan Amendment No. 12, attached hereto and forming part of this Amendment.”
- Item (2): “Schedule “B1”, The Aurora Promenade Secondary Plan Area, being part of the Town of Aurora Official Plan, is amended by adding the “Promenade General” designation, as shown on Schedule “B” to Official Plan Amendment No. 12, attached hereto and forming part of this Amendment.”
- Item (3): “Schedule B2”, The Aurora Promenade Building Heights, being part of the Town of Aurora Official Plan, is amended by adding the “Promenade General” designation, as shown on Schedule “C” to Official Plan Amendment No. 12, attached hereto and forming part of this Amendment.”
- Item (4): “Schedule H”, Site Specific Policy Areas, being part of the Town of Aurora Official Plan, is amended by adding two site specific policy areas (Site Specific Policy Area – No. 43 and Site Specific Policy Area – No. 44), as shown on Schedule “E” to Official Plan Amendment No. 12, attached hereto and forming part of this Amendment.
- Item (5): “Notwithstanding any policies to the contrary as outlined in Section 8.1 respecting the Stable Neighbourhoods designation, the following site specific policy shall apply to the lands designated as “Stable Neighbourhoods – Site Specific Policy No. 43”, within the area shown as the Subject Lands on Schedule “H” attached hereto and forming part of this Plan:
- a) The permitted uses within the Stable Neighbourhoods – Site Specific Policy No. 43 designation shall be single-detached dwellings;
 - b) All new development within the “Stable Neighbourhoods – Site Specific Policy No. 43” designation shall have a maximum of 159

lots and a maximum height of 2 storeys or 10 metres, whichever is less;

c) All new development within the “Stable Neighbourhoods – Site Specific Policy No. 43” designation shall be consistent with Urban Design Guidelines which shall be prepared, and approved prior to any further development approvals, to the satisfaction of the Town;

d) An interface plan shall be prepared to identify and map known areas to ensure a suitable and sensitive interface can be developed between the permitted right of way and the abutting established residential areas; and

e) Any trail developments within the Subject Lands shall be developed and designed generally consistent with the requirements of the Aurora Trails Master Plan. However, details with respect to the classification, design standards and finish requirements shall be developed as part of the approved Urban Design Guidelines.

Item (6): “Notwithstanding any policies to the contrary as outlined in Sections 11.6.1 b) respecting permitted uses, 11.6.2 (a) i) respecting building heights, 11.6.2 (a) iii) respecting height and density bonus provisions, 11.6.2 (c) respecting lot coverage, 11.6.2 (d) respecting lot coverage by a surface parking lot and 11.6.2 (f) respecting setback requirements, the following site specific policy shall apply to the lands designated as “Promenade General – Site Specific Policy No. 44”, within the area shown as the Subject Lands on Schedule “H” attached hereto and forming part of this Plan:

- a) The permitted uses within the Promenade General – Site Specific Policy No. 44 designation shall be limited to Multiple-unit buildings, townhouses and apartment buildings; Institutional uses; Parking facilities at-grade and/or in structure; a variety of parks and Urban Squares; and, Public uses and public and private utilities;
- b) The minimum building height shall be 2 storeys and a maximum of 5 storeys plus 2 storeys as bonusing, subject to the execution of a bonusing agreement under section 37 of the *Planning Act* satisfactory to the Town;
- c) The maximum number of units shall be 114;
- d) Within the Promenade General – Site Specific Policy No. 44 designation, the maximum height of new development may be

increased from 5 storeys by up to 2 storeys, subject to the execution of a bonusing agreement under section 37 of the *Planning Act* satisfactory to the Town, to a maximum of 7 storeys or 22.5 metres, whichever is less, through a Height Bonus, subject to the Height and Density Bonus provisions of this Plan. In addition, in order to achieve any part of the Height Bonus, the following additional requirements must be met:

- the property in question must have a minimum frontage of 70 metres;
 - the development proposal must meet massing performance standards, including any angular planes and stepback provision that apply;
 - the development must provide a public benefit which includes, but is not limited to, heritage protection, public amenity space, public art, affordable housing, affordable artist space or streetscape improvements; and
 - the development proposal must have appropriate regard for the Aurora Promenade Concept Plan – Urban Design Strategy.
- e) The maximum lot coverage by a building or buildings on a lot shall be 35 percent;
- f) Policy 11.6.2 d) shall not apply;
- g) Policy 11.6.2 f) shall not apply;
- h) The maximum Floor Area Ratio (FAR) shall be 2.30.

3. Implementation

This Amendment has been considered in accordance with the provisions of the Official Plan. The implementation of this Amendment shall be in accordance with the respective policies of the Official Plan, Zoning By-law and Draft Plan of Subdivision Conditions and where applicable, Site Plan Agreement.