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Town of Aurora

Public Planning Report

No. PDS21-073

Subject: Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision
Shining Hill Collections Inc.
162, 306, 370, 434 & 488 St. Johns Sideroad West
File Number: OPA-2021-02, ZBA-2021-02 & SUB 2021-01

Prepared by: Rosanna Punit, Planner

Department: Planning and Development Services

Date: June 8, 2021

Recommendation

1. That Report No. PDS21-073 be received; and,
2. That the comments presented at the Public Planning Meeting be addressed by Planning and Development Services in a report to a future General Committee Meeting.

Executive Summary

The purpose of this report is to provide Council with background information on the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for the properties municipally known as 162, 306, 370, 434 and 488 St. John's Sideroad West (the 'subject lands'). The following is a summary of the applications:

- The Official Plan Amendment proposes is to re-designate the subject lands from "Suburban Residential (SR-1)", "Existing Major Institutional", "Supporting Area Open Space" and "Core Area Open Space" designations and replacing it with the "Suburban Residential (SR-1)", "Stable Residential", "Environmental Protection", "Public Parkland", "Core Area Open Space" and "Supporting Area Open Space" designations;

- The Official Plan Amendment proposes a new site-specific policy to increase the maximum building height to 10 storeys for Block 89 (high rise block) and single detached dwellings permitted to a maximum of three (3) storeys or eleven (11) metres;
- The Zoning By-law Amendment propose to rezone the subject lands form from “Oak Ridges Moraine - Rural (RU-ORM)”, “Rural (RU)” and “Institutional (I)” to: “Detached Third Density Exception X” (R3-X), “Detached Fourth Density Exception X” (R4-X), “Second Density Apartment Residential Exception X” (RA2-X), “Institutional Exception X” (I-X), “Oak Ridges Moraine Environmental Protection Zone” (EP-ORM) “Environmental Protection” (EP) and “Public Open Space” (O1);
- The draft plan of subdivision contemplates a future residential block consisting of 88 single detached dwelling lots, a mid/high rise block with approximately 233 apartment units, a neighbourhood park block, a school block, a natural heritage system block, and public and private roads; and
- A preliminary review of the proposed applications undertaken by the Town and external agencies have identified comments to be addressed before a final report is prepared for Council’s consideration;

Application History

A Pre-consultation meeting was held on February 13, 2020 and February 16, 2021. The applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision were submitted on March 19, 2021. The Town declared the subject applications complete on March 26, 2021 and the applications were circulated for review and comment by Town of Aurora to internal departments and external agencies.

On June 16, 2020, Town of Aurora General Committee, draft approved a plan of subdivision on the south portion of 306, 370, 434 and 488 St. John’s Sideroad to facilitate the future development of 90 single detached units (referred to as Phase 2). These lands are also owned by Shining Hill Estates Collections Inc. The owner is working on clearing the draft plan conditions imposed for the subdivision. The applicant has also submitted a Site Plan application for these lands, this will be presented to a future Council meeting.

Location/Land Use

The proposed development and associated amendment are proposed for the north side of St. John’s Sideroad, west of Yonge Street and east of Bathurst Street (see Figure 1).

The subject lands are comprised of five separate parcels and are known municipally as 162, 306, 370, 434 & 488 St. John's Sideroad West. The subject lands are vacant with the exception of 306 and 162 St. John's Sideroad West, which contains an estate dwelling and accessory buildings. The dwelling is planned to be the future home of the St. Anne's All-Girls Private School. The subject lands are irregular in shape with an approximate area of 31.79 ha (2.47 ac).

A significant natural heritage system is located on a majority of 488, 434 and 370 St. John's Sideroad West. The natural heritage system continues on the southern portion of 306 St. John's Sideroad West and south western portion of 162 St. John's Sideroad.

Surrounding Land Uses

The surrounding land uses are as follows:

North: Undeveloped lands, Natural Heritage lands, and the Town of Newmarket;

South: St. Johns Sideroad, Phase 2 Shining Hill Estate Collection Inc.;

East: Vacant Land, Natural Heritage Lands and Yonge Street;

West: Natural Heritage Lands and residential subdivisions.

Policy Context

Provincial Policies

All planning applications are subject to provincial policies. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest. These policies support the development of strong communities through the promotion of efficient land use and development patterns.

The Growth Plan for the Greater Golden Horseshoe is a guiding document for growth management within the Greater Golden Horseshoe (GGH) Area. The Growth Plan provides a framework which guide decisions on how land will be planned, designated, zoned and designed.

The Oak Ridges Moraine Conservation Plan provides the necessary land use policies for the protection of the Oak Ridges Moraine's ecological and hydrological features and functions. A portion of the Subject Lands are designated 'Settlement Area' in the ORMCP. These lands are intended for urban uses thereby mitigating the impact of development on the natural ecological functions and hydrological features and to

promote the efficient use of land resources through intensification and redevelopment of underutilized lands within urban areas.

The Lake Simcoe Protection Plan (LSPP) is a provincial document that provides policies which addresses aquatic life, water quality, water quantity, shorelines and natural heritage, other threats and activities (including invasive species, climate change and recreational activities) and implementation.

The subject site is partially regulated within an area governed by Ontario Regulation 179/06 under the Conservation Authorities Act. A permit from the Lake Simcoe Region Conservation Authority will be required prior to any development taking place.

York Region Official Plan (YROP)

The subject lands are designated 'Urban Area', 'Rural', and 'Regional Greenlands System'. The westerly portion of the subject lands are located within the "Urban Area" and 'Regional Greenlands System' of the York Region Official Plan. The easterly portion is designated 'Whitebelt' and further designated as 'Rural Area'.

The intent of the Urban Area is to strategically focus growth while conserving resources and to create sustainable, lively communities. A range of uses are permitted within the Urban Area, including residential.

Development and site alteration are prohibited within the Regional Greenlands System and development within 120 m requires that an Environmental Impact Study be submitted to determine the impacts of a proposed development on the natural heritage system and its features.

The Rural Area designation intent is to protect agricultural, rural and Holland Marsh Speciality crop areas and support the agricultural industry as essential components of the regional fabric.

Official Plan

Town of Aurora Official Plan

Some of the lands are designated Site Specific Policy Area #14 as shown on Official Plan Schedule 'H' (see Figure 2). These lands permit a comprehensive retirement complex, including 350 apartments units, 90 medical care units, medical clinics, related administrative office space and a conference centre. The conference centre is to provide overnight accommodation for a maximum of 60 persons and includes space for day time conferences. The retirement complex and conference centre are to be

connected to the Town's sanitary system and to a municipal water supply. No development will be permitted until Council has approved a Master Site Plan Agreement.

Town of Aurora Official Plan – OPA 37

The remainder of the subject lands are designated 'Suburban Residential (SR)', 'Suburban Residential (SR-1)', 'Core Area Open Space' and 'Supporting Area Open Space' under OPA 37 (See Figure 3).

The intent of the 'Suburban Residential (SR)' designation within OPA 37 is that these lands shall be developed for fully serviced residential lots of approximately 0.2 hectares in size. Development on lands designated Suburban Residential is to be compatible with the existing estate and suburban residences on the south side of St. John's SR.

The intent of the 'Suburban Residential - (SR-1)' designation within Site Specific Policy Area OPA 37 is that these lands be developed as fully serviced single-detached residential lots with frontages generally greater than 24 metres, and areas generally greater than 800 square metres. Neighbourhood oriented community services such as schools and parks are also permitted.

The intent of the 'Core Area Open Space' designation within the Site Specific Policy Area OPA 37 is that these lands shall be comprised of open space, approved stormwater management outlets, and approved road and municipal service crossings. Other than the above permitted services these lands are intended to remain in its natural state with only passive recreation uses being permitted.

Development in proximity to these Core Area Open Space lands is intended to protect and respect the existing natural edges, provide slope stabilization, and if desirable and necessary, provide trails and open space management programs. Lands designated Core Area Open Space are comprised of two interrelated ecological elements -the riparian corridor and the highest quality vegetation communities.

Lands designated 'Supporting Area Open Space' within the Site Specific Policy Area of OPA 37 are intended to generally be comprised of open space, approved stormwater management facilities, approved road and municipal service crossings, trails and passive use parks. Boundaries and natural edges will be defined, through the subdivision approval process. Lands designated "Supporting Area Open Space" are comprised of two interrelated ecological elements - the supporting vegetation communities and the valley land forms.

Zoning By-law 6000-17, as amended

The subject lands are currently zoned 'Oak Ridges Moraine Rural General (RU-ORM)', 'Rural (RU)' and 'Institutional (I)' (See Figure 4).

Within the Oak Ridges Moraine Rural General zone, the Zoning By-law provisions state that no person shall use these lands, including expanding, enlarging or otherwise altering an existing use, building or structure, for any use other than a use legally existing as of November 15, 2001, or a use for which a building permit has already been legally issued in accordance with Section 1.9.1 of Bylaw 6000-17, as amended, without an amendment to the Zoning By-law or relief from this by-law in accordance with the policies of the Official Plan and the Planning Act.

Uses permitted in the Rural Zone include Agricultural uses, Detached Dwelling, Second Suites, Greenhouses, Home Occupations and Places of Worship.

Uses permitted in the Institutional Zone include, Athletic Fields, Cemetery, Day Care Centres, Hospitals, Public Library, Long Term Care Facility, Museum Place of Worship, Recreation Centre, Retirement Home, Post-Secondary School, Private School, Public School.

Reports and Studies

As part of a complete application submission for the subject applications, the applicant has submitted studies and materials as listed in Appendix 'A'.

Proposed Applications

The Official Plan Amendment proposes is to re-designate the subject lands from "Suburban Residential (SR-1)", "Existing Major Institutional", "Supporting Area Open Space" and "Core Area Open Space" designations and replacing it with the "Suburban Residential (SR-1)", "Stable Residential", "Environmental Protection", "Public Parkland", "Core Area Open Space" and "Supporting Area Open Space" designations.

As illustrated in Figure 5, the Official Plan Amendment proposes to re-designate the subject lands from "Suburban Residential (SR-1)", "Existing Major Institutional", "Supporting Area Open Space" and "Core Area Open Space" designations and replacing it with the "Suburban Residential (SR-1)", "Stable Residential", "Environmental Protection", "Public Parkland", "Core Area Open Space" and "Supporting Area Open

Space” designations. This will require an amendment to schedule ‘A-A’ of OPA 37. Schedule ‘H’ of the Town of Aurora Official Plan to delete #14 site specific policy.

The current SR-1 designation within OPA 37 allows for neighbourhood orientated support services such as schools and parks to be permitted. The applicant is not seeking a change to the designation of this portion of the lands. There is a small portion of this area that proposed to be re-designated from “Supporting Area Open Space” to “Suburban Residential” (SR-1) (see Figure 5).

The Official Plan Amendment proposes a new site-specific policy to increase the maximum building height to 10-storeys for Block 89 (high rise block) and single detached dwellings permitted to a maximum of three (3) storeys or eleven (11) metres.

The proposed Official Plan Amendment seeks to establish a new site specific policy to increase the maximum height permitted on the subject lands to 10 storeys for the high density block. Currently, the Official Plan does not include a height requirement for a these lands. The Official Plan Amendment also proposes an increase in height for the single detached dwellings from 10 metres to 11 metres or 3 storeys.

York Region advised that they will be the approval authority for the private Official Plan amendment.

The Zoning By-law Amendment propose to rezone the subject lands from “Oak Ridges Moraine - Rural (RU-ORM)”, “Rural (RU)” and “Institutional (I)” to: “Detached Third Density Exception X” (R3-X), “Detached Fourth Density Exception X” (R4-X), “Second Density Apartment Residential Exception X” (RA2-X), “Institutional Exception X” (I-X), “Oak Ridges Moraine Environmental Protection Zone” (EP-ORM) “Environmental Protection” (EP) and “Public Open Space” (O1)

As shown in Figure 6, the applicant proposes to rezone the subject lands from “Oak Ridges Moraine - Rural (RU-ORM)”, “Rural (RU)” and “Institutional (I)” to: “Detached Third Density Exception X” (R3-X), “Detached Fourth Density Exception X” (R4-X), “Second Density Apartment Residential Exception X” (RA2-X), “Institutional Exception X” (I-X), “Oak Ridges Moraine Environmental Protection Zone” (EP-ORM) “Environmental Protection” (EP) and “Public Open Space” (O1).

The applicant has submitted a draft Zoning By-law Amendment which is currently under review by staff. Block 89 (high-rise block) does not propose any reduction to the RA2 parking standard and further does not require any exceptions for the minimum amenity area standard. A further review of a detailed site plan is required to confirm that Block

89 complies with the Town's Zoning By-law. A Zoning By-law comparison is provided in Appendix B.

The draft plan of subdivision contemplates a future residential block consisting of 88 single detached dwelling lots, a mid/high rise block with approximately 200 apartment units, a neighbourhood park block, a school block, a natural heritage system block, and public and private roads

As illustrated in Figure 7 the draft plan of subdivision contemplates a future residential block consisting of 88 single detached dwelling lots, a mid/high rise block with approximately 233 apartment units, a neighbourhood park block, a school block, a natural heritage system block, and public and private roads. A conceptual plan of the overall concept, including Town of Newmarket lands is provided in Figure 8.

The detailed breakdown of the plan of subdivision is provided in Appendix 'C'.

Analysis

Department/Agency Comments

A preliminary review of the proposed applications undertaken by the Town and external agencies has identified comments to be addressed before a final report is prepared for Council's consideration:

Below is a summary of key comments received to date from Town staff and external agencies:

Planning

Staff note that the draft plan of subdivision does not show an access (driveway) to the St. Anne's School via a public road located in Aurora. The road access to the school block must comply with Engineering and Fire requirements. A further analysis of the potential road connection of the two municipalities (Town of Aurora and Town of Newmarket) requires further review and comment. Staff will further review the proposed density and review the compatibility of the applications to the applicable Provincial Plans.

Engineering

Lane A dead-ends and is proposed to be dedicated to the Town. Although the proposed width of the lane is 9.2m with driveways on one side, it does not meet operational standards for snow removal, garbage pickup and maintenance. As well there is no turnaround at the dead end for safety the lane is proposed to join a trail head.

Street B does not appear to meet the Town standard for angle bend at the south end and could be an operational concern for maintenance. Street B at the north end has only a 15m ROW and uses the future Park Block 91 for boulevard services thus encumbering the block. All lands dedicated to the Town are to be free of encumbrances.

Block 91 future Park Block has a proposed SWM tank which again encumbers the Block to be dedicated to the Town. Services for Block 90 (St Anne's School), are proposed to go through the future Park Block 91 which encumbers the land. There is no access to future Block 90 as it only fronts a future road in the Town of Newmarket. The Town of Aurora does not have jurisdiction over Newmarket to create block frontage. Water service is proposed from Aurora for Block 90 but there is no proposed frontage in Aurora, so water cannot be billed.

A slope stability report was provided. It is not correlated to the proposed lot and road fabric and the long-term stable top of slope based on stable gradient may impact the proposed layout. A sidewalk along St. John's Sideroad is required to connect the proposed Phase 2 sidewalk to Yonge Street. A boundary water meter will be required at the Newmarket/Aurora boundary.

The noise report identifies the need for attenuation on flankage lots along St. John's Sideroad which will need to be of sufficient width. A trailhead is shown at the end of Lane A, a further review and analysis is required confirming how this will function within the lane.

Town of Newmarket

Newmarket has not approved any urban uses on the adjacent lands to date. An OPA application has been received to convert the lands adjacent to the subject lands from environmental protection to urban designations. It is anticipated to be a lengthy process involving numerous stages, currently only the principle of development is being considered.

The plan contemplates a future connection to Newmarket, until such time as a decision is made on the lands in Newmarket, the plan in Aurora should be able to function on its own in terms of servicing (water, sanitary, and storm), grading, transportation, road connection, trail connection, future parks, open space, etc.

Lake Simcoe Conservation Authority (LSRCA)

The Ontario Regulation 179/06 does apply to the subject site. A permit from the Lake Simcoe Conservation Authority is required prior to any development taking place. The applications have not demonstrated consistency with Section 3.1 of the Provincial Policy Statement. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan. The applications be deferred until such time as the LSRCA have completed the technical review of the submitted reports and studies.

Operation Services – Parks Division

A significant number of trees are proposed to be removed from the site to facilitate the proposed development. Vegetation management initiatives will be required to address tree removals, tree protection and preservation, and compensation plantings in accordance with the Town's Urban Forest Management Plan, specifically Policy C – Tree Removals and Compensation (sections 6.8 & 7.0), and Policy D – Tree Protection/Preservation (sections 5.0 & 6.0). Any proposed tree removals prior to execution of the development agreement will require a Vegetation Management Agreement with the Town.

The Town of Aurora Trails Master Plan identifies a neighbourhood trail within the natural heritage system Block 92 extending east west beyond the draft plan lands. In order to facilitate future construction of this trail by the Town, the block will need to be conveyed to the Town at no cost and free of all encumbrances. Clarification is required with respect to servicing Block 93 and question if this block could facilitate a trail connection to the adjacent natural heritage system Block 92. Block 91 is designated as parkland.

Existing trees are located within the northwest quadrant of the park block which may significantly constrain the ability to provide a soccer field which has been contemplated. An underground stormwater storage is proposed within the park block. Parkland is required to be conveyed free and clear of all constraints and encumbrances. Landscape plans will be required through the development agreement process to

address our minimum landscape standards in accordance with the Town's Landscape Design Guidelines.

Operations Services – Roads Division

Low Impact Development (LID) drainage components are proposed for the private lots, the park block and road right of ways. LIDS require a major investment in ongoing routine maintenance, which is currently not part of the Town's Service level standards. Conditions of approval will require that the developer provide water infiltration design standards, and that these standards will be subject to on-site testing and verification throughout the period of construction and development of the site.

The Town will require a full value financial contribution for the ongoing maintenance liabilities that these features add to the Town's operation. The Town requires further rationale for implementing LIDs on private property and how these will be maintained.

The 15 meter road widths are not maintainable for snow removal and are not considered as public streets. These laneways if left at their proposed design width should remain in private ownership with all maintenance being the responsibility of the home owners including both solid waste collection and recycling collection.

The water main connection to Newmarket will need further input from Operational Services with regards to water metering, flow to and from Newmarket and the responsibility for billing and maintenance.

York Region

Formal comments have not been submitted to date. York Region has confirmed they are the approval authority for the private Official Plan Amendment.

Public Comments

Planning Staff have not received comments from members of the Public to date. Any comments received from the public will be reflected in the final recommendation report and presented to Council at a future General Committee Meeting.

Advisory Committee Review

Not Applicable.

Legal Considerations

Subsections 22(7) and 22(7.0.2) of the Planning Act states that if Council refuses the Official Plan Amendment application or fails to make a decision on it within 120 days after the receipt of the application, the applicant (or the Minister) may appeal the application to the Local Planning Appeal Tribunal (LPAT).

Subsection 34(11.0.0.0.1) of the Planning Act states that if the passing of a Zoning By-law Amendment also requires an amendment to the Official Plan, and that if both applications are made on the same day, if Council refuses the Zoning By-law Amendment application or fails to make a decision on it within 120 days after the receipt of the application, the applicant (or Minister) may appeal the application to the LPAT.

Subsection 51(34) of the Planning Act states that if Council refuses the Draft Plan of Subdivision application or fails to make a decision on it within 120 days after the receipt of the application, the applicant (or the Minister) may appeal the application to the Local Planning Appeal Tribunal (LPAT).

The applications were received on March 19, 2021, and therefore the applicant may appeal them to the LPAT as of August 26, 2021.

Financial Implications

There are no financial implications at this time.

Communications Considerations

On April 1, 2021, a Notice of Complete Application respecting the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications was published in the Auroran and Aurora Banner newspapers.

On May 14, 2021, Public Meeting Notices were issued by mail to all addressed property Owners within a minimum of 120 metres (393 feet) of the subject lands, and all Interested Parties to the applications. Signage on the property was also posted with information regarding the Public Meeting. On May 20, 2021, Notice of Public Planning Meeting was published in the Auroran and Aurora Banner newspapers. Notification has been provided in accordance with the *Planning Act*.

Link to Strategic Plan

The applications will be reviewed in accordance with the Strategic Plan and its goal of enabling a Diverse, Creative and Resilient Economy through promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business.

Alternative(s) to the Recommendation

1. That comments presented at the Public Meeting be addressed by Planning and Development Services in a report to a future Public Planning meeting.

Conclusions

Staff continue to review the subject applications having consideration for the above noted matters, the comments received from the agency circulation, and the feedback received from the public and Council at the Public Planning Meeting. A final report with recommendations will be presented to Council for consideration at a future General Committee Meeting.

Attachments

- Figure 1 – Location Map
- Figure 2 – Official Plan Schedule 'H'
- Figure 3 – Existing Official Plan Designation
- Figure 4 – Existing Zoning By-Law
- Figure 5 – Proposed Official Plan Amendment Designations
- Figure 6 – Proposed Zoning By-law Zones
- Figure 7 – Proposed Draft Plan of Subdivision
- Figure 8 – Conceptual Overall Plan

Appendix 'A' – Documents Submitted in Support of a Complete Application

Appendix 'B' – Zoning By-law Comparison

Appendix 'C' – Draft Plan of Subdivision Chart

Previous Reports

There are no previous reports for the subject applications.

Pre-submission Review

Agenda Management Team review on May 27, 2021.

Approvals

Approved by David Waters, RPP, MCIP, PLE, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer