



SUBJECT: Statutory public meeting and information report for a proposed draft plan of subdivision for 1200 King Road.

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-04-17

Wards Affected: 1

File Numbers: 510-01/15

Date to Committee: January 10, 2017

Date to Council: January 23, 2017

Recommendation:

Receive and file planning and building department report PB-04-17 regarding a proposed draft plan of subdivision for 1200 King Road.

Purpose:

The development proposal aligns with the following objectives in Burlington's Strategic Plan 2015-2040:

Promoting Economic Growth:

- 1.1.d Employment lands are connected to the community and region through active transportation and public transit. Employment lands include transportation links and options that are easy to access and contribute to a sustainable, walkable and bikeable community.

Increased Transportation Flows and Connectivity:

- 2.1.b Mobility hubs are being developed and supported by intensification and built forms that allow walkable neighbourhoods to develop.



RECOMMENDATIONS:		None. Statutory Public Meeting	Ward No.:	1
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	Metropolitan Consulting Inc. Penta Properties 510-01/15 Draft Plan of Subdivision Industrial/Commercial Subdivision		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	Between the Aldershot GO Station and King Road, south of Highway 403 1200 King Road 49.17ha Vacant Land		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	General Employment, Business Corridor, Mixed Use Corridor – Employment, Employment Commercial, Watercourse OPA 49 – Industrial (west of Falcon Creek) None BC1, H-GE1-410, H-MXE-411, CD-412, O2 T-MR3 (west of Falcon Creek) None		
Processing Details	NEIGHBOURHOOD MEETING: PUBLIC COMMENTS:	January 13, 2016 1 neighbourhood meeting comment sheet and one email.		



Background and Discussion:

On October 20, 2015 the Planning and Building Department acknowledged that a complete application had been received for a Draft Plan of Subdivision at 1200 King Road. The application proposes to create 27 lots for various employment and commercial land uses, and 8 stormwater and open space blocks east of Falcon Creek. Lands west of Falcon Creek are proposed to be divided into two large blocks on either side of Road A (a future South Service Road allowance between King Road and the GO Transit Station), as illustrated in the sketch in Appendix I.

The purpose of this report, PB-04-17, is to provide an overview of the proposed application, an outline of applicable policies and regulations and a summary of technical and public comments received to date. This report is intended as background information for the statutory public meeting.

Site Description

The 49.17ha site is bounded by Hwy 403 to the north, King Road to the east, CN Railway lands to the south, and the Aldershot GO station to the west.

The site is vacant and contains portions of the Falcon Creek, Grindstone Creek and Indian Creek. The western portion of the site is well treed and contains an unevaluated wetland. While the background reports state that the eastern portion has historically been used for agricultural purposes, a site visit conducted by City Staff on November 18, 2015 also identified a large amount of brick debris on the eastern portion of the subject lands and in several locations within the treed area of the site, as a former brick manufacturing plant existed on the lands.

Surrounding land uses include:

- North of the subject lands is the 403 and Ontario Hydro Corridor.
- West of the site is the Aldershot GO Station.
- South of the subject lands is the CN rail corridor.
- East of the site is zoned General Employment (GE1) and is developed with a variety of manufacturing and distributing uses.



History

The subject lands were subject to OMB hearings (File No: PL080169 & PL080632) related to Official Plan Amendment (OPA) 55. Minutes of Settlement between the City and Paletta International Corp. (now Penta Properties) were issued by the Board on September 28, 2009. As a part of this process, land uses in the Burlington Official Plan (OP) were resolved for lands from Falcon Creek to King Road. Lands west of Falcon Creek are still under appeal. The developable area and the potential for the development of a broad range of uses as a part of a 'mobility hub' on these westerly lands are subject to further review of natural heritage and environmental features. The OMB Minutes of Settlement state that *"because the City and other agencies have not*



had the opportunity to study these lands, it is agreed that all facilities (including roads and crossings), the aerial extent of designations and zoning, and the development areas...are subject to verification and revision following a thorough environmental, natural heritage and watershed/creek assessment of the lands. The normal assessment process as described above, involving those agencies with jurisdiction, will apply to this exercise."

In April 2012 a Terms of Reference (TOR) was prepared jointly by the City of Burlington, Conservation Halton, and Halton Region for the preparation of an Environmental Impact Assessment on the subject lands. The applicant and their Counsel were advised that the April 2012 TOR should be used as the guiding document to complete the Environmental Impact Assessment for the study area. If an alternative methodology was used, it would run the risk that the resulting study would not meet Provincial, Regional or local policies and would therefore not provide acceptable technical documentation of the feasibility and impacts of future proposed development.

Discussion:

Description of Application

The application proposes to create 27 lots and 8 blocks representing various employment and commercial land uses, and stormwater and open space blocks east of Falcon Creek. Lands west of Falcon Creek are proposed to be divided into two large blocks on either side of Road A (a future South Service Road allowance between King Road and the GO Transit Station).

Technical Reports

The applicant submitted the following technical reports in support of the subject application:

- Planning Justification Report prepared by Metropolitan Consulting Inc, dated January 26, 2014
- Draft Plan of Subdivision Metropolitan Consulting Inc, dated January 16, 2014
- Environmental Impact Assessment, prepared by Savanta, dated January 6, 2015
- Hydrogeological and Hydrological Study, prepared by Terra-Dynamics, dated August 21, 2014
- Forest Assessment/Tree Inventory & Preservation Plan, prepared by Kuntz Forestry Consulting, dated April 14, 2015



- Traffic Impact Study, prepared by Paradigm Transportation Solutions, dated April 2015
- Functional Servicing & Stormwater Management Report, prepared by Metropolitan Consulting Inc., dated January 2014
- Geotechnical Investigation, prepared by Soil-Mat Engineers, dated November 22, 2013
- Phase 1 Environmental Site Evaluation, prepared by Bruce A. Brown Associates Ltd., dated January 26, 2011
- Stage 1 & 2 Archaeological Report, prepared by Archaeological Assessments LTD, dated November 4, 2014
- Slope Study, Falcon Creek, Indian Creek & Grindstone Creek, prepared by Soil-Mat Engineers, dated January 14, 2014
- Hydrologic Modeling, prepared by Schoreter & Associates, dated September 23, 2014
- Fluvial Geomorphology Characterization and Recommendations, prepared by Parish Geomorphic, dated August, 2014

The following is a brief summary of the proposal as submitted by the applicant:

Roadways:

The Minutes of Settlement state that a South Service Road roadway will have a 20m right-of-way, including bike lanes which will be constructed by Penta Properties. The roadway is required to be built to urban standards including lighting and underground power. If turning lanes are required, a wider ROW may be necessary. If a sidewalk is required, it will be constructed by the City. There are three creek crossings proposed and the City shall bear the cost of the crossing of Falcon Creek only.

The Transportation Impact Assessment (TIA) has proposed a cross section with one lane each way and a centre turning lane, bike lanes and a side walk on one side, as per the Minutes of Settlement. The TIA recommends that to achieve the modal split of 30% recommended by the applicant, transit service should be provided along the proposed South Service Road and King Road and that sidewalks and bike lanes should be developed. The TIA also recommends several modifications to existing roadways and structures that will be needed to accommodate forecasted traffic volumes to be reviewed by the City of Burlington and the MTO.

Environmental:

The proposed South Service Road alignment proposes to traverse two creeks and areas of Sugar Maple, Oak and Ash Forest, and Swamp, which are identified in the Environmental Impact Assessment (EIA) submitted by the applicant as Significant



Woodlands. Also, the western portion of proposed lots 27, 28 & Block 3 encompass an area identified as significant woodland in the EIA.

The reports state that Indian Creek was historically channelized; as such the proposed stormwater management plan includes a channel redesign to address flooding for the length of Indian Creek from Highway 403 to the portion of the creek already channelized during the King Road Grade Separation Project.

The Tree Inventory identified several Butternut trees on the subject site. Butternuts are identified as Endangered in the Species at Risk Act. An assessment of the Butternut Trees on site has not occurred.

Servicing:

The applicant has proposed five options for water distribution for the subject lands. The applicant's preferred distribution system to service the proposed development would run the water main from King Road across the site and Creek crossings, and loop under the CNR tracks at St. Matthews Ave to the watermain at Masonry Court.

The applicant's proposed sanitary system for the lands east of Falcon Creek is to drain east along the proposed South Service Road to the existing sewer in King Road. West of Falcon Creek are proposed to drain west on the proposed South Service Road and connect to the existing "St. Matthews Avenue" sanitary sewer at the north side of the GO Station parking lot.

East of Falcon Creek, stormwater is proposed to drain to two (2) wet ponds proposed on either side of the Indian Creek (proposed Blocks 4 & 6). West of Falcon Creek, the applicant proposes that stormwater management will be addressed once a mobility hub study has been completed.

Archaeological:

At this time, an archaeological assessment was conducted on the portion of the site east of Falcon Creek. Three sites of interest were found on the property. The report states that two sites require further Stage 3 assessments, which have yet to be completed.

Policy Framework

The proposed Draft Plan of Subdivision is subject to the following policy framework: the Provincial Policy Statement (PPS) 2014, the Places to Grow: Growth Plan for the Greater Golden Horseshoe, Parkway Belt West Plan, Environmental Assessment Act, the Halton Region Official Plan, the City of Burlington Official Plan, Zoning Bylaw 4000-3, and Zoning By-law 2020.



Parkway Belt West Plan

The Parkway Belt West Plan is a Provincial Plan intended to provide for a multi-purpose utility corridor, urban separator and linked open space system. The Plan was enacted in 1978. In order to implement the Plan, Minister's Zoning Order (MZO) Ontario Regulation 482/53 was put in place in 1973.

The subject lands are outside of the mapped boundaries of the Parkway Belt West Plan, the text of the Plan states that a right-of-way of approximately 100 ft should be obtained between the subject lands and Highway 403 for inter-urban transit. The MTO has requested that a strip of land 30 metres in width extending southeasterly from the current Highway 403 right-of-way on the subject lands remain under the MZO until at least December 31, 2017.

Halton Region Official Plan

The subject lands are within the Urban Area and are part of the Employment Area-overlay and Regional Natural Heritage System in the Regional Official Plan, as amended by Regional Official Plan Amendment No. 38 (ROPA 38). Additionally, lands are located in close proximity to Aldershot GO station, a Major Transit Station identified in the Regional Official Plan as an intensification area. As noted above, there is an ongoing site specific OMB appeal to ROPA 38 relating to various policies and the mapping as contained in certain schedules of the Plan.

City of Burlington Official Plan

Official Plan (East of Falcon Creek)

East of Falcon Creek, the subject lands are designated for General Employment, Business Corridor, Mixed Use Corridor – Employment, Employment Commercial, and Watercourse uses.

The Business Corridor designation allows for prestige office and industrial uses that require direct access to roadways that can accommodate anticipated traffic generation and high visibility along Highways.

The General Employment designation allows for a broad range of employment and office uses that have access to and from a multi-purpose arterial or major arterial roadway, that require direct access to roadways that can accommodate anticipated traffic generation, and that efficient public transit can be provided in the area. Site specific policies (Part III, Section 3.3.3f)) state that recreation and entertainment uses,



including a sports arena and/or stadium, shall be permitted only up to a maximum seating capacity of 9,000 persons.

The Employment Commercial designation allows for a wide range of employment uses as well as retail uses that have employment characteristics on sites that are located on the periphery of an employment area with separation from industrial traffic.

The Mixed Use Corridor- Employment designation allows for industrial, office, and a limited range of retail uses that serve the surrounding employment area. Transit supporting and pedestrian oriented design shall be required in the development of mixed-use corridor sites. Site specific policy (Part III, Section 5.3.4j) states that should the sports arena and/or stadium facility be developed, additional retail and service commercial uses related to the sports arena and/or stadium facility and permitted in the Mixed Use Corridor-Commercial Corridor designation shall be permitted. These uses shall consist of those uses permitted in the MXC zone, with the exception of residential uses, supermarket/grocery store and large building supply store.

The City of Burlington Official Plan requires the dedication of creeks, associated valley lands and buffers to the City.

Official Plan (West of Falcon Creek)

West of the Falcon Creek, the lands are subject to Deferral 49 (OPA 49) to the Official Plan and are designated for Industrial uses in the previous OP.

Aldershot GO Station – Future Mobility Hub

As part of the new Official Plan project, City Council endorsed a two-staged approach to mobility hubs planning in response to the regional transportation plan *The Big Move*. Mobility Hubs consist of major transit stations and the surrounding area and are designed to maximize access to public transport, encourage transit ridership and support higher intensity land uses.

In the first stage, the City will develop transitional Mobility Hub policies in the new Official Plan to guide future area planning and address development applications which may arise pending the outcome of the City's Mobility Hub Area Planning process. These policies will be informed by a mobility hubs opportunities and constraints study completed in 2014 which included the Aldershot GO Station lands.

As a part of the second stage, the City will develop detailed area specific plans for each of the City's four mobility hubs, as approved by Council through report PB-48-16, in order to comprehensively plan for the future redevelopment and intensification of these



areas. These studies are expected to commence in January 2017 with the retention of a consulting firm.

City of Burlington Zoning By-law

Although the proposed lots conform to the size requirements of the zoning bylaw, if approved, the zoning east of Falcon Creek, will have to be adjusted to reflect the proposed lot boundaries, the limit of the natural areas, and the location of the proposed service road.

Zoning (East of Falcon Creek)

The lands have been zoned BC1, H-GE1-410, H-MXE-411, CE-412 and O2 in Zoning Bylaw 2020.

The BC1 (Business Corridor) Zone allows for the development of various industrial, automotive, office, hospitality, retail and service commercial uses.

The H-GE1-410 (General Employment) Zone allows for the development of various industrial, office, hospitality, automotive, and retail uses. The site specific exception on the subject lands allows for the development of all uses permitted in the GE1 (General Employment) Zone prior to the removal of the Holding symbol. The exception also allows for the development of an indoor or outdoor sports arena with a maximum seating capacity of 9000 persons, after the removal of the Holding symbol. The holding symbol can be removed by way of an amending zoning by-law to permit a recreation or entertainment facility when the following has been completed to the satisfaction of the City:

1. The submission of a parking and access study which demonstrates that site access and parking will be adequate to meet the demands of the recreation or entertainment facility;
2. the proposed service road extending from Waterdown Road to King Road has received all applicable approvals to permit its construction; and
3. Adequate securities have been posted with the City to ensure that the construction of the service road will be completed concurrent with the completion of the recreation or entertainment facility.

The CE-412 (Employment Commercial) Zone allows for the development of various retail, service commercial, office, automotive, entertainment and recreation, and industrial uses permitted in a GE2 zone. The site specific exception exempts restaurants and banks from the size restrictions in the CE zone.



The H-MXE-411 (Mixed Use Corridor Employment) Zone allows for the development of various retail commercial, service commercial, community, office, hospitality, industrial, and entertainment uses. The site specific exception allows for the development of uses permitted in the GE1 zone, except for a sports stadium, prior to the removal of the holding provision. After the removal of the holding symbol, retail uses shall not have a maximum floor area. The Holding symbol shall be removed from the zone designation when the following has been completed to the satisfaction of the City:

1. Draft approval of a plan of subdivision which shows the organization of land uses to the south of the proposed service road between Falcon Creek and Indian Creek, and the access to the employment lands to the south.

The O2 (Open Space) Zone permits the development of municipal parks and public open space, storm water management and erosion control, Public Utilities and Non-Intensive Outdoor Recreation uses such as walking trails, nature viewing, bird watching, etc.

Zoning (West of Falcon Creek)

These lands are zoned T-MR3 and are subject to the City's previous Zoning bylaw, Bylaw 4000-3. The MR3 zone permits a wide range of industrial and employment uses. The T- prefix means that this is a transitional zone, which is much like a holding provision.

Technical Review

On November 3, 2015, staff circulated a request for comments to internal and external technical agencies including Conservation Halton and Halton Region. Below is a summary of comments received from reviewers. The applicant is awaiting the completion of an Environmental Study of the subject lands prior to addressing outstanding comments.

Burlington Economic Development Corporation:

Given the fact that the ultimate layout, especially the South Service Road alignment and surrounding blocks are not fixed at present, a detailed economic analysis of the area was not completed at this time. However, in the opinion of BEDC, the proposed industrial/commercial plan of subdivision supports the intended employment function of the 403 west Corridor. It creates opportunities for growth in both employment and the assessment base. Given the range of zoning designations and differing block sizes on the overall site, the plan of subdivision will create a diversity of employment opportunities and ranges.



1200 King Road represents a much needed resource for not only Burlington companies, but also potential new business investors looking for a home in Burlington. A high level analysis indicates over 116,000 sq. m of new development could be constructed based on the applicant's proposal. New employment land product entering into the marketplace is an important factor for Burlington to remain as a competitive business environment. BEDC has been working with a number of clients interested in expanding their operations in Burlington, but who have expressed frustration at the lack of land expansion opportunities, both in leased and for sale land offerings. It is vital to the strategic growth objectives of the municipality to see that this area is brought to market in an expeditious manner.

Halton Region:

Halton Region offers the following comments related to matters of regional interest.

1. **Regional Natural Heritage System:** As mentioned above, there is a site specific appeal of the Region's Natural Heritage policies and mapping within ROPA 38 on the subject lands. Halton Region states that the EIA submitted is not consistent with the Region's approach to natural heritage system protection and does not accurately define all of the various aspects of the system as defined in ROPA 38. Buffers to the natural heritage system and future enhancements should be addressed in the applicant's reports.
2. **Urban Servicing:** ROPA 38 requires that approvals of development applications within Urban Area be on the basis of connection to regional water and sanitary systems. While there are five options for regional servicing put forward in the Functional Servicing report, the region requires a number of concerns to be addressed.
3. **Site Contamination:** Regional policies require that the applicant identify any potential for contamination on the site. Regional Staff note that the submitted Phase 1 ESA is out of date in accordance with MOECC requirements.
4. **Archaeology:** An archaeological assessment for the lands east of Falcon Creek was reviewed by Regional Staff and the Ministry of Sport, Culture, and Tourism. The submitted report concludes that three sites were found, with two requiring further Stage 3 archeological assessment. An archaeological assessment for the



lands west of Falcon Creek should be completed in order to consider the appropriateness of development on these lands.

Conservation Halton:

The subject property is located within Conservation Halton's watershed and contains portions of lands that are regulated by Conservation Halton pursuant to Ontario Regulation 162/06. Conservation Halton regulates the lands 15 metres from the greatest hazard (stable top of bank or flood plain, whichever is the greatest) associated with the Grindstone Creek and 7.5 metres from the greatest hazard associated with the Falcon Creek and Indian Creek which traverse the subject lands. The subject property also contains lands with wetland features. Conservation Halton regulates 120 metres from the limit of Provincially Significant Wetlands (PSW) and Wetlands greater than 2 ha and also regulates 30 metres from the limit of Wetlands less than 2 ha in size. A permit will be required prior to development (including any grading) within the regulated lands.

At the time that comments were provided, Region of Halton staff had not provided review of this submission. Conservation Halton staff will reserve the right to modify comments once Halton Region has reviewed the submission.

1. **Terms of Reference:** Overall, it is Conservation Halton's opinion that the Environmental Impact Assessment (EIA) and Planning Justification Report do not provide enough information to demonstrate conformance with the Provincial Policy Statement (PPS). In order to address requirements, the studies should be updated to reflect the Terms of Reference prepared by the City of Burlington and agency staff in order to meet the requirements of provincial, municipal and agency policies and legislation. Staff notes that since the development of the ToR, a new Provincial Policy Statement (PPS) has been released.

Further, it is Conservation Halton's opinion that the EIA does not demonstrate conformance with Conservation Halton's Policies and Regulation. Specifically, as the appropriate setbacks to the wetlands are not identified, the need for the road is not justified, nor have we received an Environmental Assessment or equivalent comprehensive study to support the road crossing. Proposed development is within the Regulation Limits and the wetland features, which is not in keeping with Conservation Halton's Ontario Regulation 162/06 and Policies.

2. **Coordinate Studies:** The Environmental Impact Assessment, Functional Servicing Study, Slope Study, Hydrogeological and Hydrological Assessment, Forest



Assessment/Tree Inventory and Fluvial Geomorphology Characterization and Recommendations have not been coordinated and provide inconsistent recommendations.

3. **Limits of Constraints:** Conservation Halton's mapping includes several additional regulated tributaries to the Grindstone Creek and an additional tributary of Falcon Creek for which the flooding and erosion have not been appropriately assessed. Where flooding and erosion hazards have been analyzed, additional work is required to appropriately assess the flooding and erosion hazards associated with the Grindstone, Falcon, and Indian Creeks and their associated tributaries.

The presence or limits of the Natural Heritage System, wetlands, and physical top of bank of all watercourses must be staked on site with the appropriate agency staff (Conservation Halton, Region of Halton and Ministry of Natural Resources and Forestry). Conservation Halton staff in conjunction with the MNRF staff will require a site visit to delineate the wetlands during the appropriate field season (i.e., early June to late September, while the vegetation is present).

4. **Wetland Significance:** In light of the ecological characteristics of the wetlands, and in order to demonstrate adherence with the PPS Policy, the wetland and swamp on the subject lands are considered as Provincially Significant Wetlands until such time that an evaluation has been completed and approved by the MNRF to demonstrate otherwise. This is consistent with the discussions between the MNRF and CH as well as the approach taken in 2006 for the Aldershot GO Train Expansion. No development is permitted within Provincially Significant Wetlands as per the PPS.
5. **Endangered and threatened species:** More information is required to confirm habitat of endangered and threatened species (Chimney Swift, Barn Swallow, Butternut, Little Brown Bat, Northern Bat and Eastern Small-footed Bat) and all requirements under the *Endangered Species Act* with the Ministry of Natural Resources and Forestry have been met.
6. **Groundwater:** Hydrogeological assessment does not provide enough detail as it relates to groundwater and surface water interactions. It presents data and general site characterization without an assessment and what it means in terms of site development and potential impacts.
7. **Impact Assessment of South Service Road:** The EIA does not provide a complete impact assessment of the South Service Road on the western half of the site, nor does it address all impacts from grading, filling and servicing. The impact



assessment and related mitigation measures must be updated to demonstrate no negative impacts to the natural heritage system, and to maintain the connected and interrelated nature of the system. As noted above, an evaluation of the wetland should be provided, or constraint analysis must be updated accordingly and the road must be realigned to avoid development within the PSW.

City of Burlington Planning

Planning is supportive of the principle of providing employment uses and a transportation link to the mobility hub in this location; however, in order to complete our review of Official Plan policies, the following additional information and comments must be received/addressed:

1. **Mobility Hub Lands:** We note that several of the technical studies defer further work to the future Mobility Hub area specific plans/studies. All environmental technical work needed to confirm the limits of all constraint areas, and the impact assessment and mitigation measures to support all development proposed at this time, including all roads and servicing on the west side of the site, must be completed as part of the subject application.
2. **Low Impact Development:** Several of the technical reports (Environmental Impact Assessment, Functional Servicing Study, and Hydrogeological Assessment) provide inconsistent recommendations regarding the use of Low Impact Development measures. Coordination is needed amongst disciplines to provide a comprehensive set of recommendations regarding the use of LID's. City staff encourages the use of innovative measures in order to improve the sustainability of the site.
3. **Draft Plan & Land Use Designations:** The limits of lot lines and proposed development will need to be revised to reflect the results of revised technical studies.
4. **Creek Block Dedication:** Creek blocks must be dedicated to a public body to protect and allow access for maintenance and emergency works.
5. **Natural Feature Assessment:** The City of Burlington relies upon the technical review of Conservation Halton and the Region of Halton for the review Natural Heritage and Natural Hazards, so while we have policies regarding areas of environmental significance, we rely upon the technical review and permitting processes of several external agencies to ensure that potential impacts to these natural heritage features can be mitigated. City of Burlington Environmental Planning



staff concur with the above noted comments provided by Conservation Halton. Additional comments will be provided when revised technical studies are received. In order to address city and agency requirements, the studies should be updated to reflect the TOR in order to meet the requirements of provincial, municipal and agency policies and legislation.

City of Burlington Site Engineering:

1. **Limits of Development:** Agreement between all parties (Region of Halton, Conservation Halton, Ministry of Transportation, Ministry of Natural Resources, etc.) on the limits of development, proposed stormwater management scheme, and measures to mitigate environmental impact is required. These topics will have bearing on the layout of the subdivision, and location and design of the proposed South Service Road. As a result, staff are unable to provide detailed comments on the development proposal at this time.
2. **Fill Material:** Staff note that there are inconsistencies between reports that need to be addressed. Specifically regarding fill (clay bricks, ceramics, broken concrete, etc.) on the site, on November 18, 2015 City of Burlington staff, representatives from Metropolitan Consulting and the Owner's representative, witnessed obvious evidence of fill on the site. Broken up bricks mixed with organic/clay/silt/till/sand were found to be scattered across the surface of the open space on the eastern portion of the property. There was also evidence of a discarded metal tank, piles of concrete, and garbage on the site.

The geotechnical report contains borehole logs from 2011 and 2013, neither indicates brick/ceramic debris/fill at the surface, both only state various depths of topsoil. Borehole logs included in the Hydrogeological Study also does not indicate fill on site. In addition, the Phase I ESA dated January 26, 2011 does not mention fill. Then in 2014 The Stage 1-2 Archaeological Assessment (dated November 2014) indicates "*massive amounts of broken bricks, concrete, modern building debris and fill*". As the City of Burlington does not have a record of an approved Site Alteration permit for the site, further discussion and investigation regarding possible fill material being brought to the site sometime between 2011 and present day is required.

3. **Grading at the South of Site:** The preliminary grading drawing indicates that fill is to be placed along the southern portion of the development which will raise the area near the south lot line by nearly 6 metres. Staff have asked the applicant to provide a rationale for this grade change. Additionally, considering the proposed grade



change and possible recreation facility (as mentioned in the minutes of settlement) there may be noise impacts to the existing residential area to the south of the property. A Noise Feasibility Study to address external noise sources on the proposed subdivision, and the proposed subdivision as a possible noise source on the existing residential uses to the south, is required.

4. **Functional Servicing and Stormwater Management:** The Functional Servicing and Stormwater Management Report will need to be updated once the above items are resolved. The report has not been reviewed in detail at this time due to the above noted outstanding items. It is also our understanding that that the mobility hub study timelines may not coordinate with the timelines of this development and/or the limits of the study may not include the development lands, therefore the design of this site may be required to be independent of the mobility hub study, further discussion is necessary to clarify.

City of Burlington Transportation:

Transportation Staff have reviewed the Transportation Impact Assessment (TIA) and has a number of questions regarding the assumptions used to formulate the findings of the report, and recommends that that City, MTO, Region and consultant staff meet to discuss the study assumptions, preliminary findings and confirm next steps prior to the applicant revising the report. Due to the nature of the comments, ultimate subdivision design and alignment of the South Service road has not been examined by transportation staff at this time.

Ministry of Transportation:

The MTO provided comments on February 29, 2016 and advises that the site is within the MTO's area of permit control, and no construction or grading will be permitted on the site prior to the issuance of MTO Building and Land Use Permits.

The MTO has questions about the traffic impacts of this development. The applicant should work with MTO to:

- Update the TIA to ensure that it meets MTO guidelines,
- Determine the configuration of proposed south service road at GO Train/Waterdown Interchange

Assessment of Draft Conditions for Approval of the Subdivision from a transportation perspective is premature at this time.



Burlington Hydro:

BHI has requested a 5m easement along the frontage of each lot along the south service road to provide for potential switch gear placement. Switch gears are often put in after the fact and are required to service neighbouring properties. The 5m requested by BHI is greater than 3m landscape strip required in MXE zone, this also means that trees cannot be planted in this area. To ensure that a pleasant walkable streetscape is created along the South Service Road, the applicant has been asked to work with BHI to determine if specific locations for switch gears can be defined at the subdivision stage to minimize the easement areas.

Hydro One:

The Functional Servicing and Stormwater Management Report states that Hydro One has agreed to their land adjacent to the site being re-graded, permission to be stated in writing is required.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined to date have been received.

Connections:

The Environmental Impact Study submitted in support of the subdivision application was reviewed by City, Region and Conservation Halton staff and found to be inadequate, and not in keeping with the agency Terms of Reference noted above. The subdivision file including the development of the South Service Road and key employment lands, and by extension determining development viability in the Mobility Hub is therefore in limbo until the environmental features on the site can properly be evaluated through a four season study.

In order to move this matter forward, the City has retained a consulting firm to undertake the environmental analysis required to understand the opportunities and constraints of the property. WSP (formerly EcoPlans) was retained to complete the ecological work that would be required to satisfy agency and policy requirements to determine a possible alignment of the South Service Road and development potential in the mobility hub on the western portion of the site. WSP was retained to provide for continuity of



staff (Ecoplans completed work on this property in 1998). The general tasks to be completed are outlined below:

- Background Review - Review and collection of existing background information and all relevant and available existing reports. Includes liaison with agencies (MNRF, CH) for existing available Natural Heritage information.
- Field Surveys – Four seasons of vegetation, wildlife and aquatic studies required.
- Policy Analysis
- Evaluation of the Wetlands – to determine their level of significance.
- Opportunities and Constraints Analysis - Constraints to development as it relates to presence of natural heritage features and functions will be identified and mapped. This includes feature limits and recommended setbacks as well as rankings of low, moderate and high based on sensitivity. Those areas considered opportunities for development (i.e. absence of significant natural features, existing disturbance) will also be highlighted.

The consultant has costed the works provided above at approximately \$102 000. Staff have obtained permission from Penta to access the site to complete the field work, and surveys were undertaken in the summer and fall to ensure that the 2016 field season was not missed.

These works are specific to the ecological study, additional works have also been identified related to fluvial geomorphology, stormwater management, and local hydrology/hydrogeology which remain outstanding.

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments were circulated in November 2015 to surrounding owners/tenants. A notice sign was also posted on the property in 2014.

Neighbourhood Meeting

On January 13, 2016 a neighbourhood meeting was held at Maitre D' Catering and was attended by approximately 14 members of the public and the Ward Councillor.

Comments included the following:



- Questions regarding the type of development that would be allowable, and specifically if residential developed is permitted.
- Questions relating to the timing for construction of development and construction of the proposed South Service Road.
- Will there be an opportunity to provide rail access to the site?
 - Applicant advised that grade difference between the tracks and development may pose a challenge.

Public Comments

Beginning in January 2016, staff began receiving correspondence from members of the public regarding the proposed development. To date, staff have received 1 neighbourhood meeting comment sheet and one email. The public comments received to date are included in Appendix III.

Conclusion:

This report provides a description of the development application, an update on the technical review of this application and advises that several public comments have been received. A subsequent report will provide an analysis of the proposal in terms of applicable planning policies and will provide a recommendation on the proposed application.

Respectfully submitted,

Lisa Stern, Senior Planner

335-7600, ext. 7427

Appendices:

Appendix I – Location Sketch

Appendix II – Detail Sketch

Appendix III– Neighbourhood Comments

Notifications:

Leah Chishimba, Conservation Halton

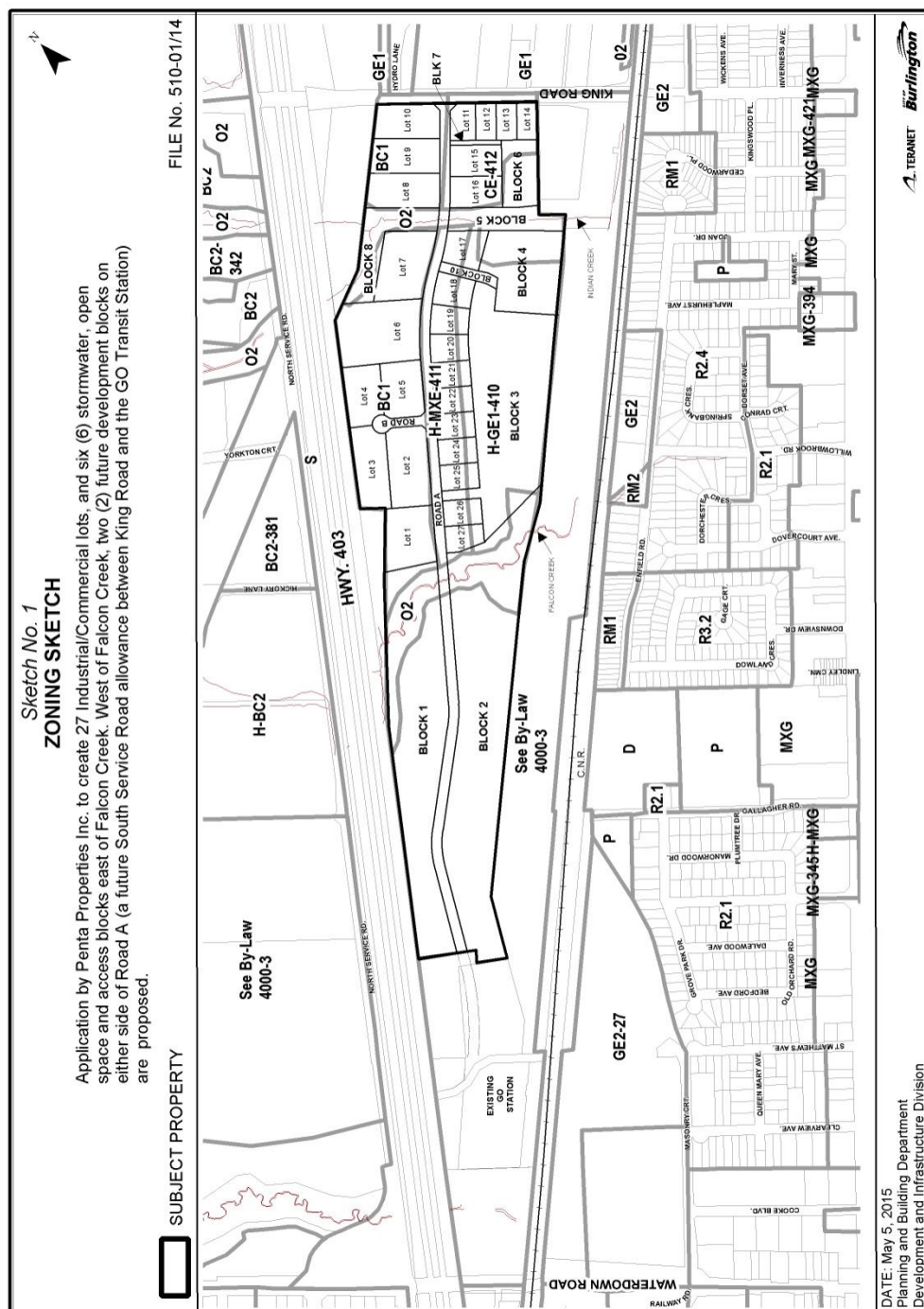


Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

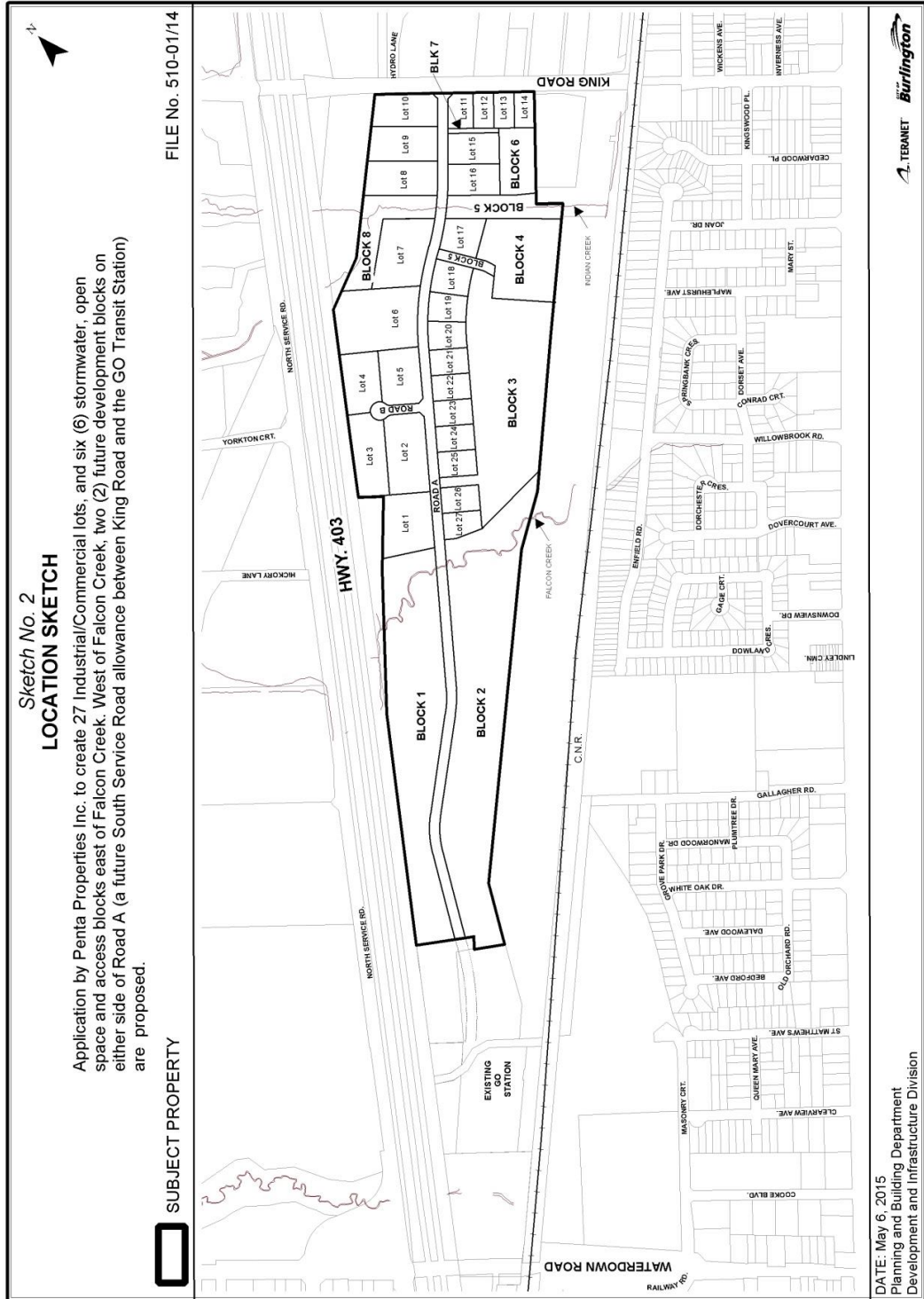


APPENDIX I – LOCATION SKETCH





APPENDIX II – DETAIL SKETCH

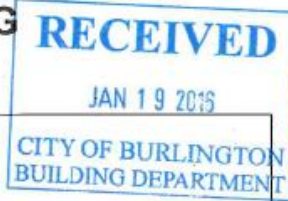




APPENDIX III – NEIGHBOURHOOD COMMENT

→ Lisa H

NEIGHBOURHOOD MEETING COMMENT SHEET



Subject: Jan 13/16 meeting @ Maître D'
Address:
Files:

Please Indicate Below Any Comments or Special
Concerns You May Have About This Project

Very poor presentation made - read whole
statement, referred to maps & topics. Leader
sat down most of time, Developer's lawyer
stole with back to audience - never did
stand & face the audience. The traffic
people did same thing. Attitude of presumption
was, we don't have anything to say, no
initiatives from staff or Council on this
file - it's OK just wait & we will arrange
another meeting, you (the audience) are
still in the loop - suddenly at the next
meeting the developer moves on issues &
we can't do anything about "the developer owns
the property ---". This was not a professional
present - staff looked tired, not the style
we expect of 200,000 people city.

RECEIVED

JAN 21 2016

CITY OF BURLINGTON
PLANNING DEPARTMENT

[Signature]



From: ■■■■■■■■■■

Sent: Thursday, January 14, 2016 9:47 AM

To: Craven, Rick

Subject: South Service Road

Hi Rick,

I've been thinking about the South Service Road and really feel that it needs to be wider than two lanes (one lane each way). As we continue to transform Plains Road into a village street by increasing the number of stop lights, boulevards, etc - in order to slow down the traffic - people who are in a hurry are going to want other routes. . Also, the 40 km/hour when the schools are letting out and the occasional closer of the 403. All of this will increase the amount of traffic on the South Service Road

I realize that the developer will be against this due to cost - but better to plan for it now instead of later.

What do you think?

■■■■■■■■■■

BTW: I've forgotten the Planner's name so could you forward this on to her.