

January 9, 2017

City of Burlington  
426 Brant Street, P.O. Box 5013  
Burlington, ON L7R 3Z6

Attention: Ms. Amber LaPointe,  
Committee Clerk

Dear Ms. LaPointe:

**Re: Statutory Public Meeting Delegation Comments  
Proposed Official Plan Amendment (POPA) and Zoning By-law Amendment (ZBA)  
File Nos. 505-04/16 and 520-10/16  
607 Dynes Road, City of Burlington**

Thank you for the opportunity to provide comments on the above matter. Please also note our preliminary comments in the attached letter dated October 28, 2016 (Attachment 1). We would appreciate it if you could share this package with members of the Development and Infrastructure Committee prior to the Statutory Public Meeting on Tuesday, January 10, 2017 at 6:30 pm.

Below are additional details or issues of clarification we are seeking:

**OWNERSHIP:**

A conclusive determination is needed whether there are two properties or one property involved. The planner's information report refers to eastern and western "portions" which is, of course, not substantive. According to a title search, there appears to be two separate Property Identification Numbers (PIN) in Teranet, however, there does not appear to be a separation done via a planning process i.e. a severance application. In addition, the Municipal Property Assessment Corporation continues to assess the property within one whole property (607 Dynes Road). The proposed Official Plan Amendment and Zoning By-law Amendment is being applied to the entire property and through an exception the applicants want to maintain an institutional use – the existing church while allowing development which is really a case of a split zoning. In any case, given the development may or may not be on a separate parcel, the POPA and ZBA applications is being applied to all of 607 Dynes Road which would be considered 'piecemeal development' which is never good planning.

## **CITY OF BURLINGTON'S OFFICIAL PLAN:**

### **a) Designations**

The Official Plan designations in the area are primarily Residential – Low Density in the immediate vicinity with some Residential – Medium Density along Dynes Road and on the south side of Prospect Street and east side of Guelph Line and Residential – High Density on the south side of Prospect Street across from the Burlington Mall. The majority of these higher density designations are separated from the subject property and the neighbours by Woodward Avenue. Thus, the majority of the surrounding housing is low density (see Attachment 2 of excerpts from the City's Official Plan and the photos in Attachment 3).

### **b) Policies**

The Provincial Policy Statement (PPS) and the Places to Grow Plan do express support for intensification development within existing built up areas, however, in its implementation of the Provincial policy and plan, Burlington's Official Plan has some policy that has specific relevance to this type of scenario where there is a proposal for higher density development than currently exists in an area regarding intensification, integration and compatibility. These are referenced below:

#### **A. Part III – Land Use Policies – Urban Planning Area, 2.0 Residential Areas, 2.2 General, 2.2.1 Objectives**

1. 2.2.1 a) Intensification
2. 2.2.1 f) Integrate Types of Housing
3. 2.2.1 g) Compatible with Development

Policies a) and g) emphasize compatibility and integration. Although, the Official Plan definition of compatible/compatibility (OP Part VIII pg 4.) emphasizes physical impacts, the use of compatibility in the policies implies consideration of more than strictly physical impacts. Clause f) specifically states a priority for a wide range of housing types and tenures and discourages large concentrations of high density development as this would be proposed.

#### **B. Part III 2.2.2 General Policies**

2.2.2 Low Density c) consideration of development to the maximum 25 units per net hectare is on the basis of compatibility with the scale, urban design and community features

This is an important policy of note because it appears quite clearly that the intention of the City's Official Plan is that, even within the existing designation, there is to be consideration of the nature of the existing neighbourhood and that going to the maximum with a development, as is being proposed, is not an automatic. This has to be identified and justified through the planning justification report and in the planner's information and recommendation reports.

C. Part II 2.5 Housing Intensification, 2.5.2 General Policies

Policy 2.5.2 provides evaluation criteria (i) to (xiii) with v) being directly relevant and referencing scale, massing, height, setbacks, coverage, parking, etc. This policy is significant with regards to use as there is a direct relationship with (x) as it relates to development on adjacent lands not being compromised and possibly requiring a tertiary plan.

Policy 2.5.2 b) Planning Justification addresses requirements for a Planning Justification Report and specifically refers to compatibility with the existing neighbourhood.

These policies above need to be clearly identified in the planner's reports and recommendations to the Committee and how they are justified given the surrounding low density housing.

**ACTIVE TRANSPORTATION:**

The PPS and Places to Grow Plan emphasizes "active transportation". Given the 2016 reconstruction of Maplehill Drive, Oakhurst and Willow Lane, street access would be preferred on Dynes Road where sidewalks exist although public transit is still not yet available. Public transit is only found on the major roads including Prospect Street, New Street, Cumberland Avenue, Guelph Line and Woodward Avenue (see Attachment 2).

**ACCESS DESIGN:**

The current internal traffic design does not seem to provide any turning option for snow removal. In addition, design of the access to Maplehill Drive does not make any technical sense. There appears to be a deeded access from Dynes Road on the south east boundary of 607 Dynes Road to the school property on the east. There has also been an indication that since the property also 'touches' the cul-de-sac, this provides automatic additional access to Maplehill Drive. This would require the City to allow access via a by-law over the supposed 1.49 foot reserve otherwise there is no access to the cul-de-sac and the subject parcel would be otherwise landlocked without the access from Dynes Road. Should there be development with access permitted to Maplehill Drive, it is also concerning that the townhouse condominium development has enough parking otherwise this may impact street parking on Maplehill Drive.

We look forward to the City's Engineer and Traffic Services Department's comments on these matters.

**PROCESS:**

We also have significant concerns about the current process particularly as we have not had access to a condominium plan to review. Without the plan, it is impossible to evaluate the proposal within the context of a number of other of the City's Official Plan policies.

Thank you for the opportunity to provide these comments and to seek clarification on other issues regarding the above-noted proposed Official Plan Amendment and Zoning By-law Amendment. As property owners on Maplehill Drive, we also ask that we directly receive a copy of any other information reports, a copy of the recommendation report and notification of any meetings of the Development and Infrastructure Committee or related committee or Council meeting regarding the proposed development. We are looking forward to receiving additional information and being included in further discussions on the proposed amendments and development. Should you have any questions, please contact us at 905-634-2080 or via e-mail at either [paleymarsha@gmail.com](mailto:paleymarsha@gmail.com) or [mpaley@distributel.net](mailto:mpaley@distributel.net).

Regards,

Marsha Paley, MCIP, RPP, CMO  
(on behalf of the Family of Paul and Elsie Paley  
551 Maplehill Drive)

Attachment 1: Preliminary Comments in October 28, 2016 Letter  
Attachment 2: Excerpts of Related City of Burlington Official Plan Policies and Schedules  
Attachment 3: Photos of Subject Property and Surrounding Properties

cc: Memembers of Development and Infrastructure Committee  
Mark Hefferton, Planner II

**Attachment 1: Preliminary Comments dated October 28, 2016**

October 28, 2016

The Corporation of the City of Burlington  
426 Brant Street, P.O. Box 5013  
Burlington, ON L7R 3Z6

Attention: Mr. Mark Hefferton, MCIP, RPP  
Planning & Building Department

Dear Mr. Hefferton:

**Re: Official Plan and Zoning By-law Amendments  
23 Townhomes and One Semi-Detached Dwelling  
607 Dynes Road, File Nos. 505-4/16 and 520-10/16**

Thank-you for inviting the adjacent community to the presentation on the proposed Official Plan and Zoning By-law Amendments for 607 Dynes Road. We also appreciate the opportunity to provide comments. The Community Consultation Meeting was held at the former John Calvin Christian School (behind the Ebenezer Reform Church) on October 13, 2016. It was unfortunate that we were away and could not attend as a property owner being impacted. Though we would have preferred more time to prepare our comments, please consider the following initial comments as our most significant concerns during your consideration of the proposal and staff report for Council's consideration.

Our family was one of the first purchasers 58 years ago of a house in the subject neighbourhood and remains a property owner. It is our understanding that DiCarlo Custom Homes has made an application for an Official Plan Amendment and Zoning By-law Amendment to permit a 23-unit townhouse and one semi-detached dwelling development at the rear of the parcel with frontage 607 Dynes Road. As a resident which will experience impacts from the proposed development, we have the following issues of concern and interest:

**Access** – Although the address of the property is 607 Dynes Road, proposed access is to be via Oakhurst Road and Willow Lane to Maplehill Drive. The proposed development is located at the rear of the parcel behind the Ebenezer Reformed Christian Church. This is the location of the former school for the church, John Calvin Christian School (Grace Christian School). It would be appropriate, given the location, to redesign the layout to have access to Dynes Road or Woodward Avenue. For example, the Sketch No. 2 indicates the development will be supported by a T-designed private road. There is no snow storage or garbage disposal location noted. Due to traffic impacts noted below, alternate access should be provided.

**Character of Neighbourhood** – The neighborhood along Maplehill Drive, Oakhurst Road and Willow Lane is an established single detached dwelling neighborhood with homes owned by both senior citizens and new families. Nine homes contain the second generation of homeowners whose families stayed in the neighbourhood and either reside in original family homes or purchased homes in part due to the quietness of the dead-end streets. Homes on adjacent lots to the proposed development have wide frontages and depths of lots. This proposed development is out-of-character with adjacent development, even recent development on Dynes Road (i.e. 581 Dynes Road and the three homes – 542, 546 and 550 Dynes located on the former Dynes Farmhouse property developed a couple years ago).

**Density** – As mentioned above, the neighbourhood adjacent to the subject property is zoned low density which permits single detached dwellings. The Linden Woods development of town homes by van der Woerd Associates created 8 semi-detached homes with access onto Dynes Road following consultation with the neighbourhood. The proposed 25 – unit development is of a significant higher density than existing or recently built in the area and out-of-character with adjacent residences.

**Height and Design** – The current information being provided does not contain sufficient details regarding other aspects of the proposed development and how such development would be integrated into the neighbourhood or would lessen the impact of the development on adjacent properties.

**Vehicles and Traffic** – The number of single detached homes from Oakhurst Road to the cul-de-sac on Maplehill Drive is eleven. The Traffic Brief (Metropolitan Consulting Inc., 2016) does not contain any existing vehicle traffic counts for Maplehill Drive, Willow Lane or Oakhurst Road or discuss any impacts regarding the changes projected. Based on a historical suggested use of two vehicles per home, the number of vehicles to exit/enter the section of Maplehill Drive from the cul-de-sac to Oakhurst Road would be approximately 22 vehicles. The 25 - unit development would increase the number of vehicles by at minimum 25 vehicles and up to 50 additional vehicles, if the dwelling units support two vehicles per residence. However, there is also 12 additional visitor parking spaces shown. This means up to possibly 62 vehicles entering/exiting onto a street which has previously supported less than one-third of this number of vehicles. This would significantly impact the safety and quiet enjoyment of our neighbourhood.

Given the recent changes to the *Planning Act*, it would be suggested, as the planner on these files, to provide clear guidance to the neighbours regarding the process. For example, there is a concern that the Community. consultation Meeting will be the only opportunity for written or verbal comments to be provided on the proposed amendments. Additional communication about the meeting when the Development and Infrastructure Committee of Council and then Council would consider the minutes of their meeting, prior to the Notice of the public meeting, would be appreciated. There is also no paragraph in the Community Consultation Meeting Notice regarding the need for comments required prior to the ability of an appeal to the Ontario Municipal Board. We would also suggest given the extent of the possible impacts of such a proposal that

direct notice be provided to the property owners encompassing all of Willow Lane, Oakhurst Road, Maplehill Drive, the Halton (Catholic) District School Board, and residents adjacent on Woodward Avenue.

Although the Provincial Policy Statement promotes higher density developments, it also respects the characteristics of existing neighbourhoods. There has been little to no consideration given through the Planning Justification Report (Metropolitan Consulting Inc. July 2016) or any of the other submitted studies regarding these aspects. As such, these proposed amendments have not been undertaken with good planning and should not be considered in their present form.

Thank-you for your consideration of our comments. We would ask that these concerns be identified in discussions with the proposed developer and prior to the consideration of the amendments by Council. As property owners on Maplehill Drive, we also ask that we receive notification of any public meetings regarding the proposed development and look forward to further discussions on the proposed amendments and development. Should you have any questions, please contact Marsha Paley, MCIP, RPP, CMO or Marianne Paley at 905-634-2080 or via e-mail at either [paleymarsha@gmail.com](mailto:paleymarsha@gmail.com) or [mpaley@distributel.net](mailto:mpaley@distributel.net).

Regards,

Marsha and Marianne Paley  
on behalf of Paul Paley & family  
551 Maplehill Drive

cc: Mayor Rick Goldring and Members of Council

Attachment 2#: Burlington's Official Plan – Part VII-Table 1 Function and Classification of Transportation Facilities

PART VII – SCHEDULES AND TABLES

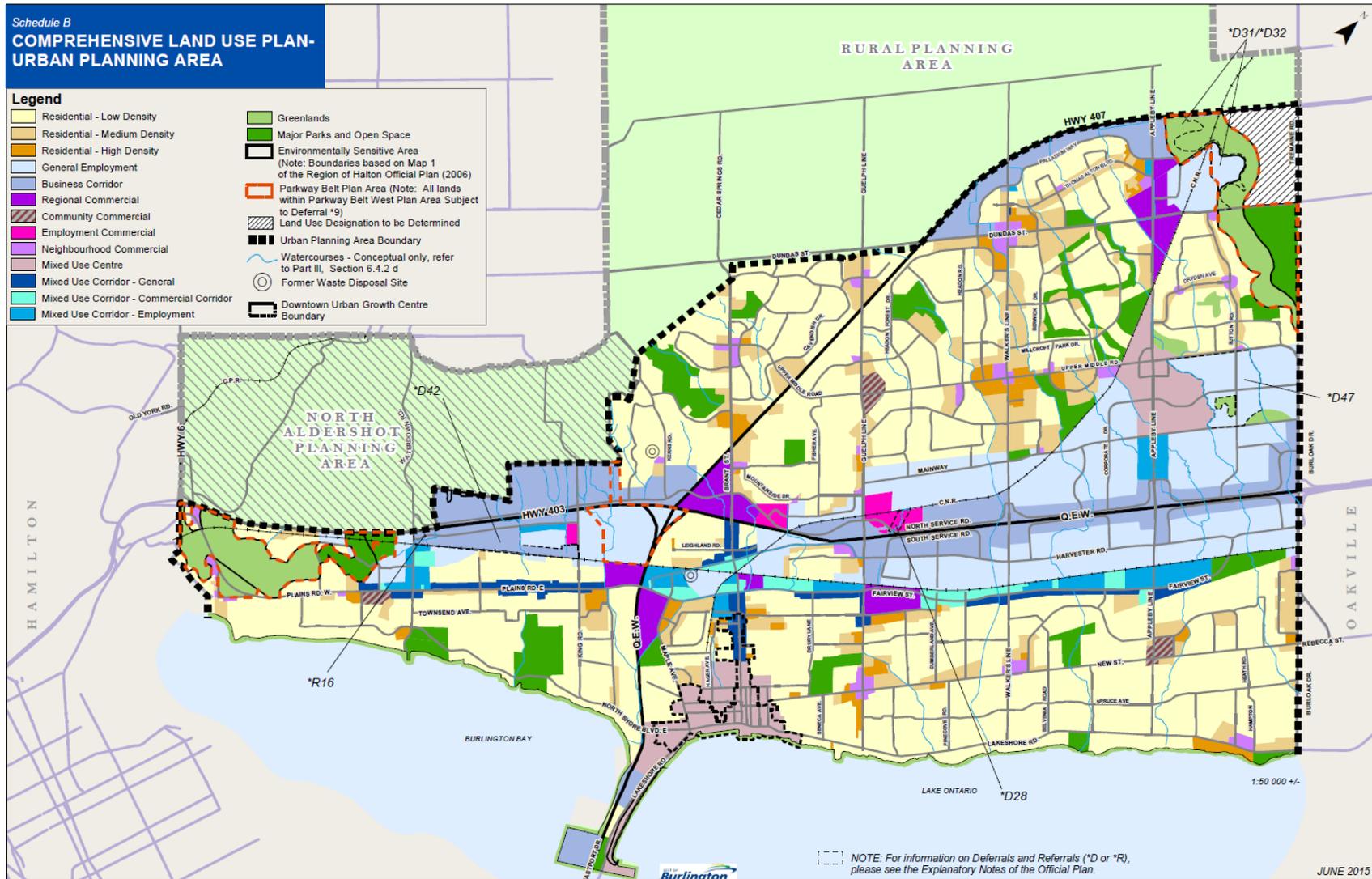
TABLE 1 - FUNCTION AND CLASSIFICATION OF TRANSPORTATION FACILITIES *R9				
FACILITY TYPE	ACCESS CONTROL	FUNCTION <sup>1</sup>	GENERAL DESIGN GUIDELINE <sup>2</sup>	RANGE OF <sup>3</sup> DAILY TRAFFIC
Provincial Freeways	Full	<ul style="list-style-type: none"> <li>. Serve mainly inter-regional travel demands and long distance traffic</li> <li>. Accommodate inter-regional high-order transit services</li> <li>. Connect major centres in different regions</li> <li>. Accommodate truck traffic</li> <li>. Carry high volumes of traffic</li> </ul>	<ul style="list-style-type: none"> <li>. Full control of access</li> <li>. Minimum 4 travel lanes</li> <li>. Busways, bus-only lanes or high occupancy vehicle lanes within the right-of-way</li> <li>. Noise-sensitive land uses to be discouraged along right-of-way</li> <li>. Geometric and access control under the jurisdiction of the Ministry of Transportation</li> </ul>	typically over 50,000
Provincial Highways	Partial	<ul style="list-style-type: none"> <li>. Serve mainly regional (i.e. inter-municipal) travel demands</li> <li>. Accommodate regional or high order transit services</li> <li>. Connect major centres in different regions</li> <li>. Accommodate truck traffic</li> <li>. Carry high volumes of traffic</li> </ul>	<ul style="list-style-type: none"> <li>. <i>May</i> contain busways and/or additional lanes for transit vehicles and high occupancy vehicle lanes.</li> <li>. Transit-supportive land uses to be encouraged along right of way in Urban Area</li> <li>. Geometric and access control under the jurisdiction of the Ministry of Transportation</li> </ul>	Up to 50,000
Major Arterials	Partial	<ul style="list-style-type: none"> <li>. Serve mainly inter-regional and regional travel demands</li> <li>. Accommodate truck traffic</li> <li>. Accommodate rapid transit services and high occupancy vehicle lanes</li> <li>. Connect urban areas or Nodes in different municipalities</li> <li>. Carry high volumes of traffic</li> <li>. Distribute traffic to and from Provincial Freeways and Highways</li> </ul>	<ul style="list-style-type: none"> <li>. High degree of access control</li> <li>. Transit-supportive land uses to be encouraged along right-of-way within urban areas</li> <li>. Right of way requirements up to 50 m</li> <li>. Geometric and access control under the jurisdiction of the Region of Halton.</li> </ul>	
Multi-Purpose Arterials	Partial	<ul style="list-style-type: none"> <li>. Serve a mix of functions of Major Arterials and Minor Arterials</li> <li>. Typically connects Major Arterials through urban areas or Nodes</li> </ul>	<ul style="list-style-type: none"> <li>. <i>May</i> contain bus-only lanes or high occupancy vehicle lanes or other transit priority operational measures</li> <li>. Transit-supportive land uses to be encouraged along right-of-way in Urban Area</li> <li>. On-street parking generally prohibited</li> <li>. Right-of-way width up to 50 m unless specifically identified</li> </ul>	Up to 40,000
Minor Arterials	Partial	<ul style="list-style-type: none"> <li>. Serve mainly local travel demands; <i>may</i> have inter-municipal function</li> <li>. Accommodate major local and inter-municipal bus routes</li> <li>. Connect communities and inter-connect Major and Multi-Purpose Arterials</li> <li>. Carry moderate to high volumes of traffic</li> <li>. Accommodate truck traffic</li> </ul>	<ul style="list-style-type: none"> <li>. <i>May</i> contain bus-only lanes or high occupancy vehicle lanes or other transit priority operational measures</li> <li>. Transit-supportive land uses to be encouraged along right-of-way in Urban Area</li> <li>. Consolidated access points where possible</li> <li>. On-street parking generally prohibited</li> <li>. Right-of-way width generally up to 35 m unless specifically identified</li> </ul>	Up to 35,000

Attachment 2#: Burlington's Official Plan – Part VII-Table 1 Function and Classification of Transportation Facilities (cont'd)

PART VII – SCHEDULES AND TABLES

TABLE 1 - FUNCTION AND CLASSIFICATION OF TRANSPORTATION FACILITIES *R9				
Collectors	Generally Not Required	<ul style="list-style-type: none"> <li>. Connect neighbourhoods</li> <li>. Distribute traffic to and from arterials</li> <li>. Provide convenient local transit routes</li> <li>. Provide access to adjacent land uses</li> </ul>	<ul style="list-style-type: none"> <li>. 2 to 4 travel lanes</li> <li>. On-street parking generally permitted, usually on one side only</li> <li>. Right-of-way width from 20 to 30 m unless specifically identified</li> </ul>	Up to 12,000
Local Streets	Not Required	<ul style="list-style-type: none"> <li>. Provide access to adjacent land uses</li> <li>. <i>May</i> accommodate local transit connections</li> </ul>	<ul style="list-style-type: none"> <li>. 2 travel lanes</li> <li>. Spacing and alignment to be designed to distribute traffic as evenly as possible</li> <li>. Convenient linkages to collector roads and arterial roads to provide transit route access</li> <li>. Parking generally allowed on both sides depending on pavement width</li> <li>. Right-of-way generally 20 m unless specific development proposal warrants reduced standards and/or unless specifically identified<sup>4</sup></li> </ul>	Up to 3,000
Bikeways	N/A	<ul style="list-style-type: none"> <li>. Serve both local transportation and recreational travel demands</li> <li>. Connect communities and activity areas throughout the City</li> </ul>	<ul style="list-style-type: none"> <li>. Bike Paths <i>may</i> be located off-street or within road right-of-way and separated from vehicular traffic</li> <li>. Bike Routes <i>may</i> be located within road right-of-way in traffic</li> </ul>	N/A
Rapid Transit Corridors	N/A	<ul style="list-style-type: none"> <li>. Serve inter-municipal and inter-regional travel demands by public transit</li> <li>. Accommodate rapid transit services</li> <li>. Connect Nodes</li> </ul>	<ul style="list-style-type: none"> <li>. Exclusive right-of-way for transit vehicles where possible</li> <li>. Transit-supportive land uses to be encouraged around stations</li> </ul>	
Rail Lines	N/A	<ul style="list-style-type: none"> <li>. Serve all types of people and goods movements by rail at the regional or national scale</li> <li>. Accommodate commuter rail movement to major urban centres in the Greater Toronto Area and surrounding region</li> </ul>	<ul style="list-style-type: none"> <li>. Grade separations at intersections with highways and arterial roads</li> <li>. Noise or vibration-sensitive land uses to be discouraged along right-of-way</li> <li>. Transit-supportive land uses to be encouraged around commuter rail stations</li> </ul>	
<p><sup>1</sup> All roads other than Provincial Freeways are to be designed to facilitate safe &amp; convenient pedestrian &amp; cyclist movement.</p> <p><sup>2</sup> Right-of-way widths indicated are approximate. In some cases, the right-of-way <i>may</i> need to be wider to accommodate noise walls, additional turning lanes, bus bays, separated bike paths, utilities &amp; road cuts &amp; embankment slopes. Final right-of-way requirements along roads will be determined through functional designs, subdivision approval, etc.</p>			<p><sup>3</sup> Vehicles per day. These totals are intended for general guidance only and are not to limit or preclude the outcome of a future Environmental Assessment.</p> <p><sup>4</sup> In view of emerging land-use designs aimed at intensification and at reduced infrastructure costs, the City will consider local street right-of-way widths to as low as 16 m and the introduction of laneways (public or private) to as low as 9 m width subject to individual subdivision approval.</p>	

Attachment 2: Burlington's Official Plan – Schedule B: Comprehensive Land Use Plan-Urban Planning Area



Attachment 3: Photo of North End of Maplehill Drive



Attachment 3: Photo of North End of Maplehill Drive and Late 1950's Low Density Housing



Attachment 3: North-west Maplehill Drive Homes



Attachment 3: 607 Dynes Road South Access



Attachment 3: 607 Dynes Road South Access



Attachment 3: 607 Dynes Road North Access



Attachment 3: Photo of Woodward Avenue and 70's/80's Low Density Housing



Attachment 3: Photo of Assumption Catholic High School and Trail Entrance on Woodward Avenue



Attachment 3: Photo of 581 Dynes Road (Eight Unit Medium Density Housing)



