



SUBJECT: A housekeeping Zoning By-law amendment to permit an approved development at 1215 Appleby Line to proceed via a Plan of Condominium.

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-59-17

Wards Affected: 5

File Numbers: 520-07/17

Date to Committee: September 5, 2017

Date to Council: September 11, 2017

Recommendation:

Approve the application by Glenn Wellings, Wellings Planning Consultants Inc, 513 Locust Street, Burlington to rezone 1215 Appleby Line.

Approve By-law 2020.XXX to rezone 1215 Appleby Line by amending exception No. 452 to accommodate a condominium form of development.

Purpose:

The proposed development at 1215 Appleby Line is a compact and intensified development of a hotel, an auto repair shop and two future employment uses previously approved in 2014. This current application will allow the development to proceed via Plan of Condominium.

A City that Grows

- Promoting Economic Growth
- Intensification

Background and Discussion:

1215 Appleby Line Holdings Inc. have draft Site Plan approval for the first phase of

development, a hotel and automotive repair facility. The applicant would like to proceed with the development in a Plan of Condominium, which requires a minor amendment to the approved Zoning (MXE-452).

Site Description

The subject lands are located on the east side of Appleby Line between Mainway and North Service Road. The surrounding land uses include metal manufacturing, processing and distribution to the west, car wash and gas station to the north, recreation facility to the south and a creek and an environmental transfer facility to the east.

Description of Application

The applicant seeks to further amend the City's Zoning By-law No. 2020 to amend the definition of a lot and to exempt the development from the additional regulations for Parcels of Tied Land in order for the development to proceed within a Plan of Condominium.

Policy Framework

Halton Region Official Plan

The subject lands are designated as "Urban Area". Urban areas are locations where urban services (water and waste water) are or will be made available to accommodate existing and future development. The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

City of Burlington Official Plan

The subject lands are designated, "Mixed Use-Employment" in Burlington's Official Plan, (Schedule B). The objective of this designation is to provide for higher intensity commercial and employment uses, and transit and pedestrian oriented employment development. The uses proposed in the development comply with the Official Plan policies, and the zone change currently under consideration is more a technical change that does not affect the previously approved uses or development form.

City of Burlington By-law 2020

The subject lands are zoned as site-specific MXE-452 (Mixed Use – Employment) as illustrated in attached Appendix 1. The MXE-452 Zone permits a range of service commercial, office, hospitality, recreation, automotive uses, and additionally a hotel,

financial institution subject to certain regulations. The proposed development complies with the permitted uses and all regulations if it does not form a Plan of Condominium.

The approval of a Plan of Condominium to establish Parcels of Tied Land that can be separately owned will create new lot lines that the regulations need to meet. The current zoning does not address Condominium ownership. Therefore the applicant is seeking a technical zone change that permits the development to remain identical but under multiple ownerships instead of one ownership.

The city's Zoning By-law includes the following definition of a Lot: "a parcel of land under one ownership", therefore a condominium plan would be interpreted to have several "Lots". In addition, Zoning By-law 2020, Part 1, 2.33 "Parcel of Tied Land", contains additional regulations for Parcels of Tied Lands. These additional regulations are not reflected in the zoning. The attached Zoning By-law to further amend the MXE-452 Zone addresses both of the concerns as follows:

1. allows interpretation of the lot lines on 1215 Appleby Line to be the external boundaries of a plan of Condominium; and ,
2. removes the requirement to meet the Part 1, 2.33 regulations.

Technical Review

On May 25th, 2017, staff circulated a request for comments to internal and external technical agencies including Halton Region. No objections have been received.

Strategy/process

Staff have reviewed the relevant Policy framework, a Site Plan application has been thoroughly reviewed, and a Plan of Condominium exemption application has been received. Staff are of the opinion that this rezoning is needed and appropriate.

Financial Matters:

Required application fees have been paid.

Connections:

Not applicable

Public Engagement Matters:

Preliminary Public Notice was mailed out on June 22, 2017 and a Public Notice sign was erected on the subject lands on June 20, 2017. No public comments were received. Notice of this meeting was also provided in advance.

Conclusion:

The application is technical in nature and only required due to the type of proposed ownership. The application complies with all relevant policies and will result in no negative impacts to the City. Staff are of the opinion that this technical change in zoning is appropriate and should be approved.

Respectfully submitted,

Kristen Boulard

Planner II

(905) 335-7600, ext. 7824

Appendices:

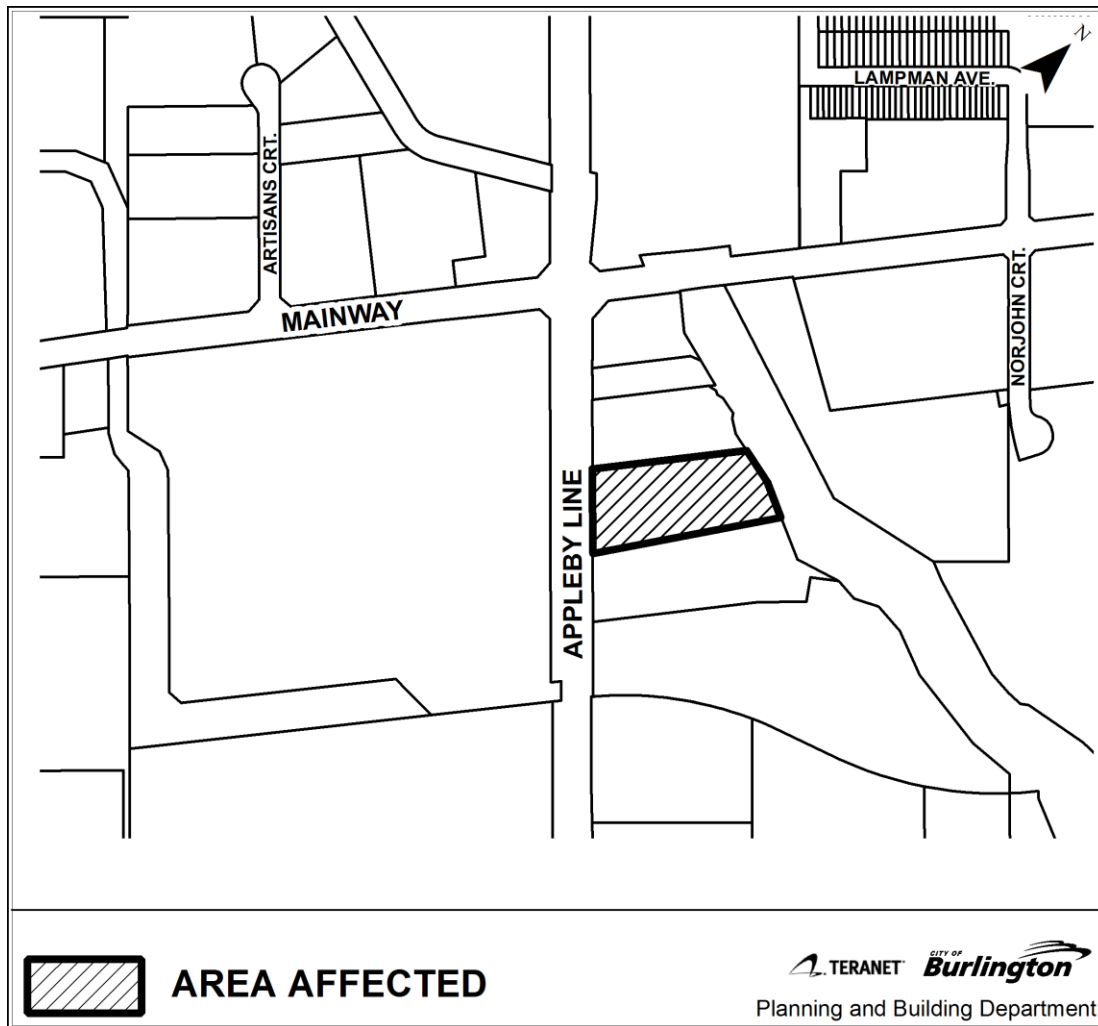
- a. Location Sketch
- b. Draft Zoning By-law

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 A

Location Sketch



Appendix B

Draft Zoning By-law

DRAFT

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

A By-law to amend By-law 2020, as amended;

1215 Appleby Line

File No.: 520-07/17

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-XX-17 on _____, 2017, to amend the City's existing Zoning By-law 2020, as amended; to facilitate the development of the mixed use project as a future common element condominium

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding the following new Clause 4 to Exception MXE-452:

Exception	Zone	Map	Amendment	Enacted
452	MXE-452	28-W	2020.350 PL141237 (OMB) 2020.xxx	July 21/15 x x x
4. The lands zoned MXE-452 shall be considered one lot for the purposes of applying zoning regulations and shall not be subject to the additional regulations in Part 1, Section 2.33 of Zoning By-law 2020 applicable to Parcels of Tied Land in any zone other than a Low Density Residential Zone.				

2. When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, this By-law shall be deemed to have come into force on the day it was passed.
3. If one or more appeals are filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this _____ day of _____, 2017

_____ MAYOR

_____ CITY CLERK