

April 23, 2018

Mayor Goldring and Members of Council  
City of Burlington  
426 Brant Street, Box 5013  
Burlington, ON  
L7R 3Z6

Dear Mayor Goldring and Members of Council:

**RE: City of Burlington New Draft Official Plan (April 2018)**  
**Penta Properties (4445 Fairview Road, 1200 King Road, Bronte Creek Meadows, Paletta Court, Eagle Heights)**  
**OUR FILE: 1886A**

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MHBC has been retained by Penta Properties to assist with the review and assessment of several of its properties in relation to the April 2018 draft of the City's Official Plan which is proposed for adoption by Council at its meeting on April 24, 2018.

As part of our review we have prepared a series of maps (extracts from the April 2018 Draft Official Plan) to illustrate the proposed designations for each of the subject properties, along with a summary of the issues identified with the proposed mapping and policy direction. We have also provided a request for further consideration by Council prior to adoption. We recognize that many of these issues have been raised throughout the Official Plan Review process but to date have not been addressed as requested through past correspondence.

We respectfully request that Council give consideration to all of the historical and current application materials related to the subject properties. This would include all of the technical reports submitted in support of past and ongoing applications.

At this time, we would ask Council to consider the following changes prior to adoption:

**4445 Fairview Street:** Redesignate to "Urban Corridor" on Schedule C

**1200 King Road:** Further modify the Plan provided to ensure consistency of the defined NHS areas, boundaries and land uses to implement the current Draft Plan. If the City is intent on adopting the Official Plan at this time, it would be appropriate to defer the land use designation for the Subject Lands to allow for the completion of this work.

**Bronte Creek Meadows:**

Deferral of consideration of the employment designation pending an Area Specific Plan to allow the opportunity to explore various approaches to create an innovation district and employment area.

**4480 & 4450 Paletta Court:**

Include both sites in the Appleby GO Mobility Hub boundary. The land within the amended Mobility Hub on Schedule C should be noted as an area subject to further study through an "Area Specific Plan". Policies should be incorporated into the Plan which do not preclude further consideration for conversion by the City and the Region pending the finalization and implementation of the Area Specific Plan.

**Eagle Heights:**

Schedule M1 should include a notation that "the NHS on lands within North Aldershot shall be subject to the approved North Aldershot Plan and Schedule K to this Plan". Policies in Section 4.2.2 (h) should be further amended to reflect the approved North Aldershot Plan designations.

We trust that these requests and the attached information as well as the historical and current development proposals will all be appropriately considered by Council in its decision to adopt the April 2018 Official Plan.

Please do not hesitate to contact me with any questions or comments on this matter.

Yours truly,

**MHBC**



Dana Anderson, MCIP, RPP  
Partner

Cc: Dave Pitblado, Penta Properties  
Scott Snider, Turkstra Mazza

# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)


1200 King Road, Burlington, Ontario

*Penta Properties*

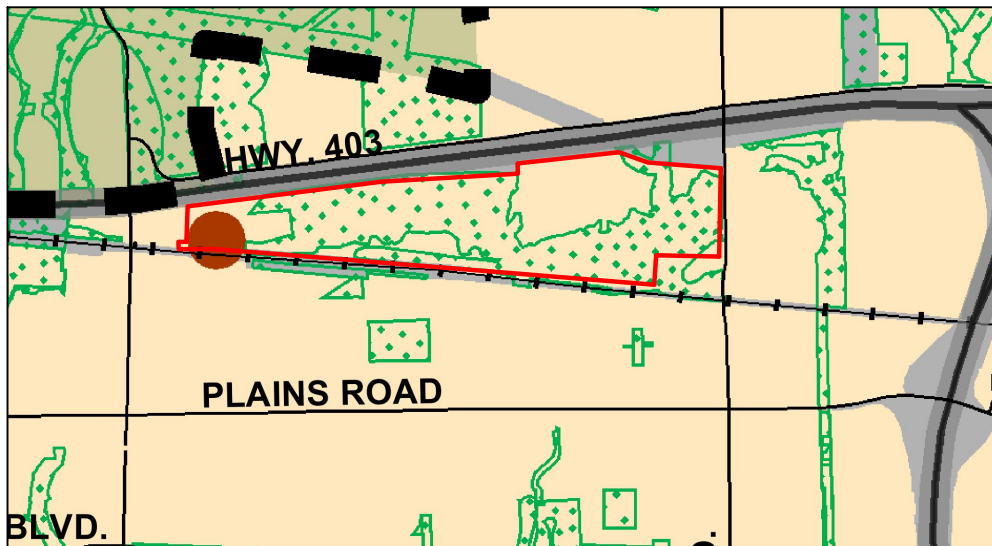


1200 King Road  
City of Burlington, Ontario

## Location Map

 Subject Lands








\*Property lines are shown approximate  
for illustrative purposes\*

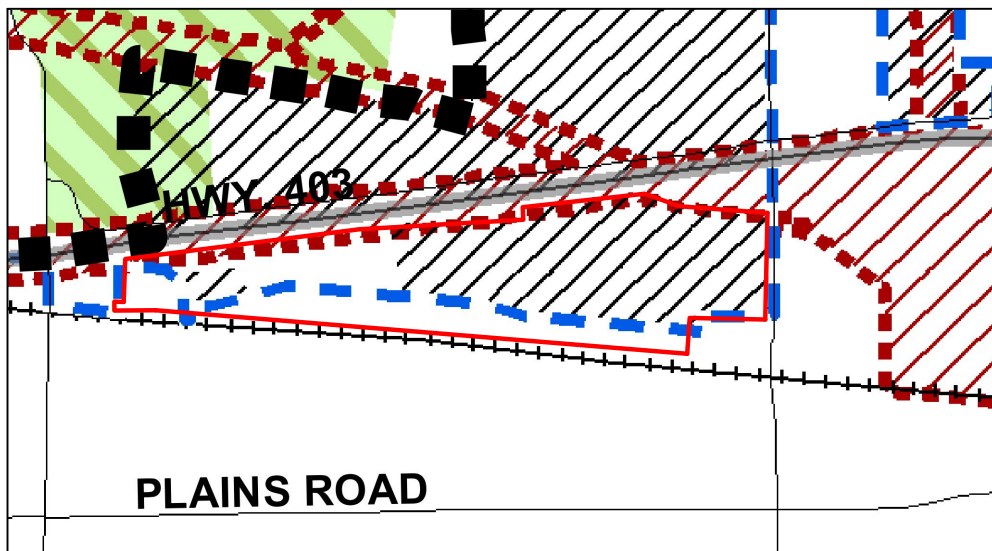


1200 King Road  
City of Burlington, Ontario

## Official Plan - April 2018 Schedule A - City System

### Legend







-  Subject Lands
-  Urban Area
-  Rural Area
-  Green System
-  Infrastructure and Transportation Systems
-  Major Transit Station
-  Urban Boundary



1200 King Road  
City of Burlington, Ontario

## Official Plan - April 2018 Schedule A-1 - City System Provincial Land Use Plans and Designations

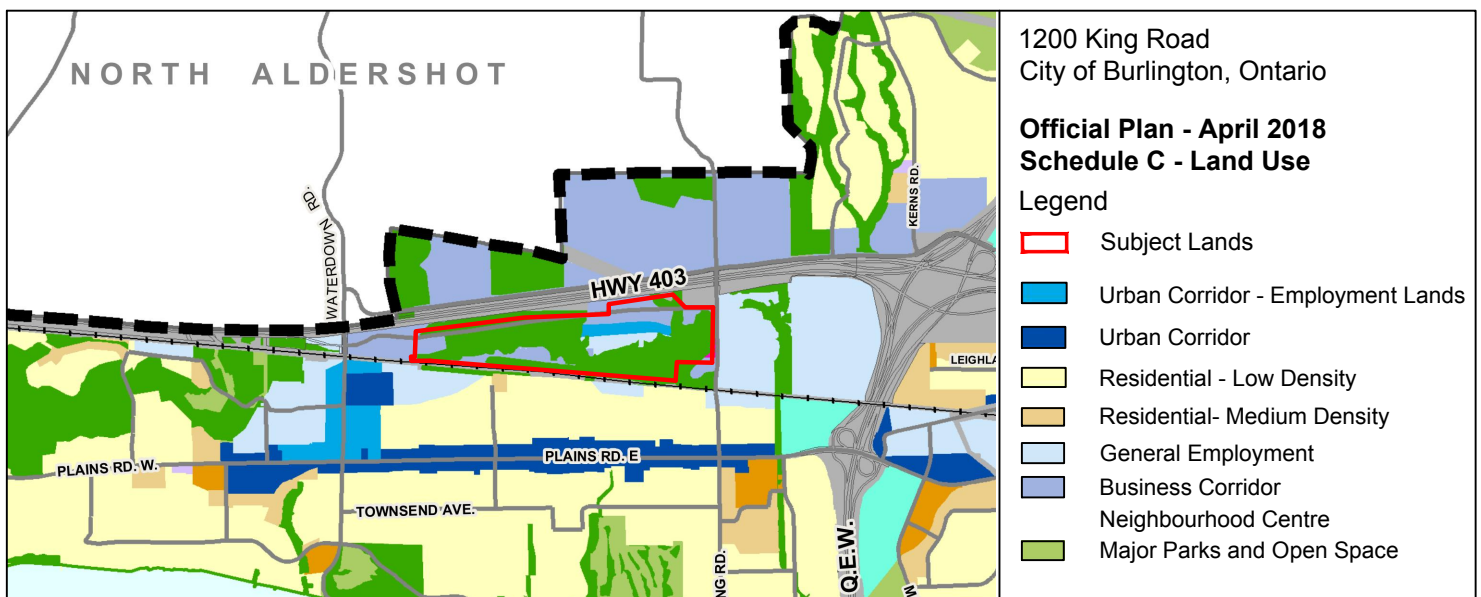
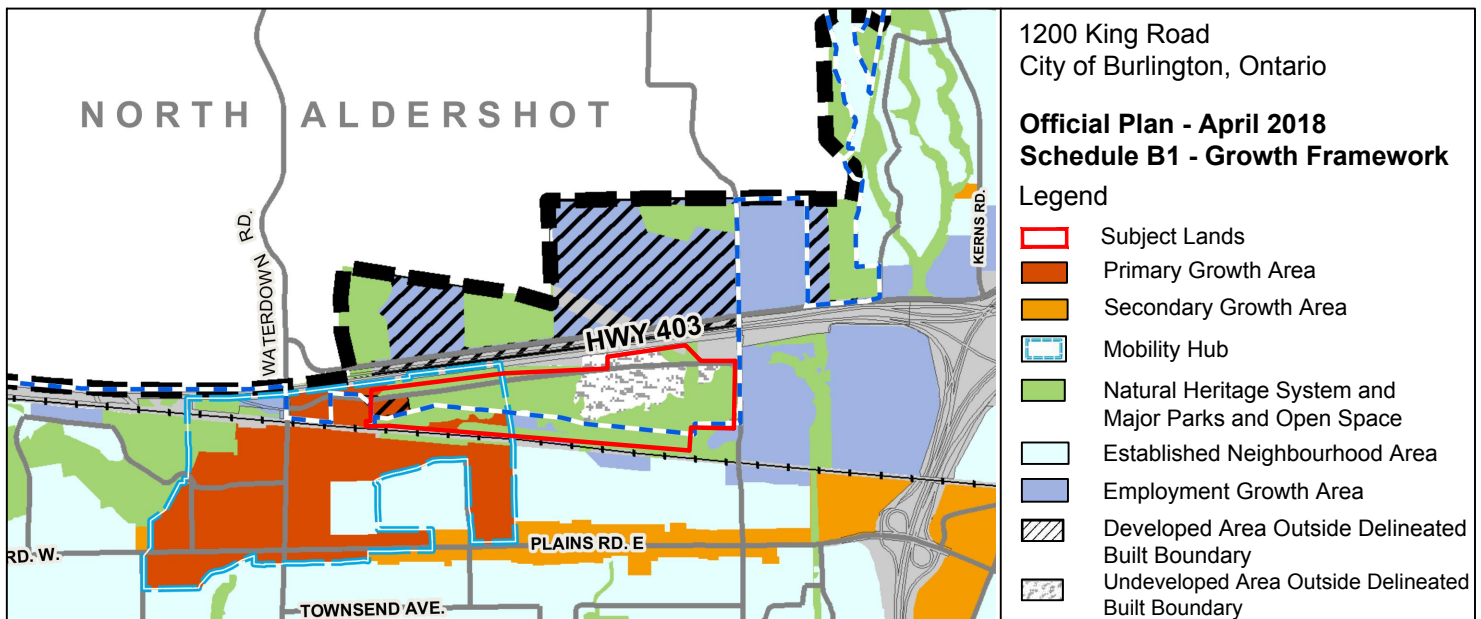
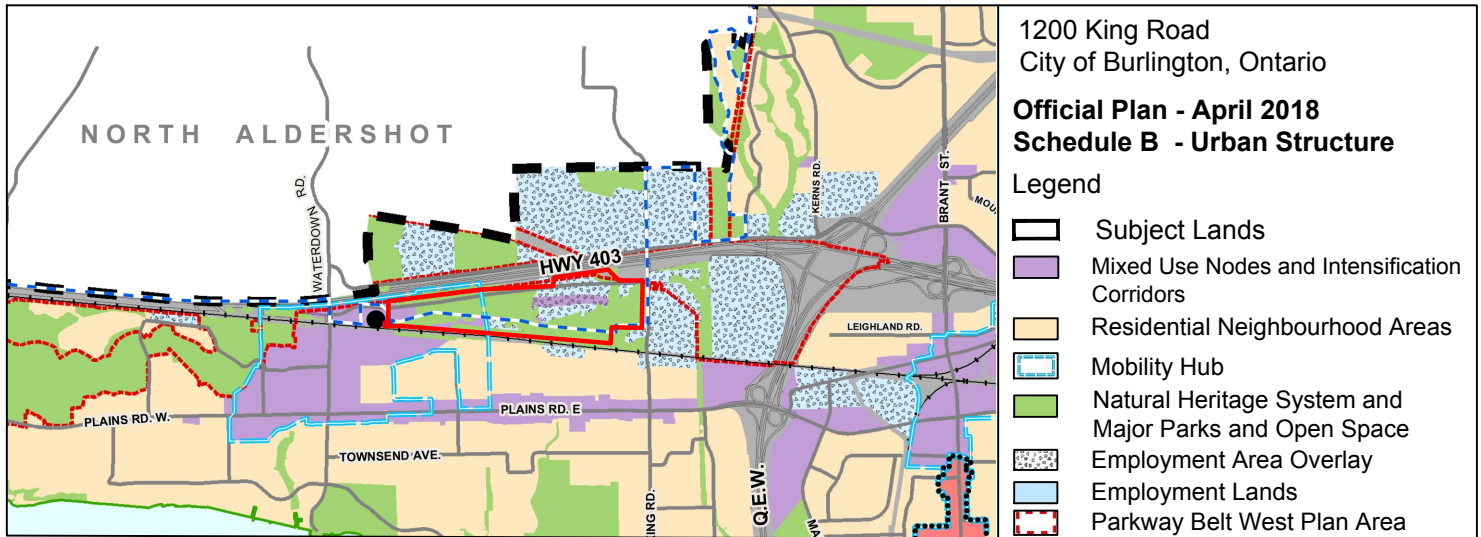
### Legend

-  Subject Lands
-  Protected Countryside Area
-  Greenbelt Natural Heritage System
-  Delineated Built Boundary
-  Designated Greenfield Area
-  Parkway Belt West Plan Area

# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

## 1200 King Road, Burlington, Ontario

### Penta Properties

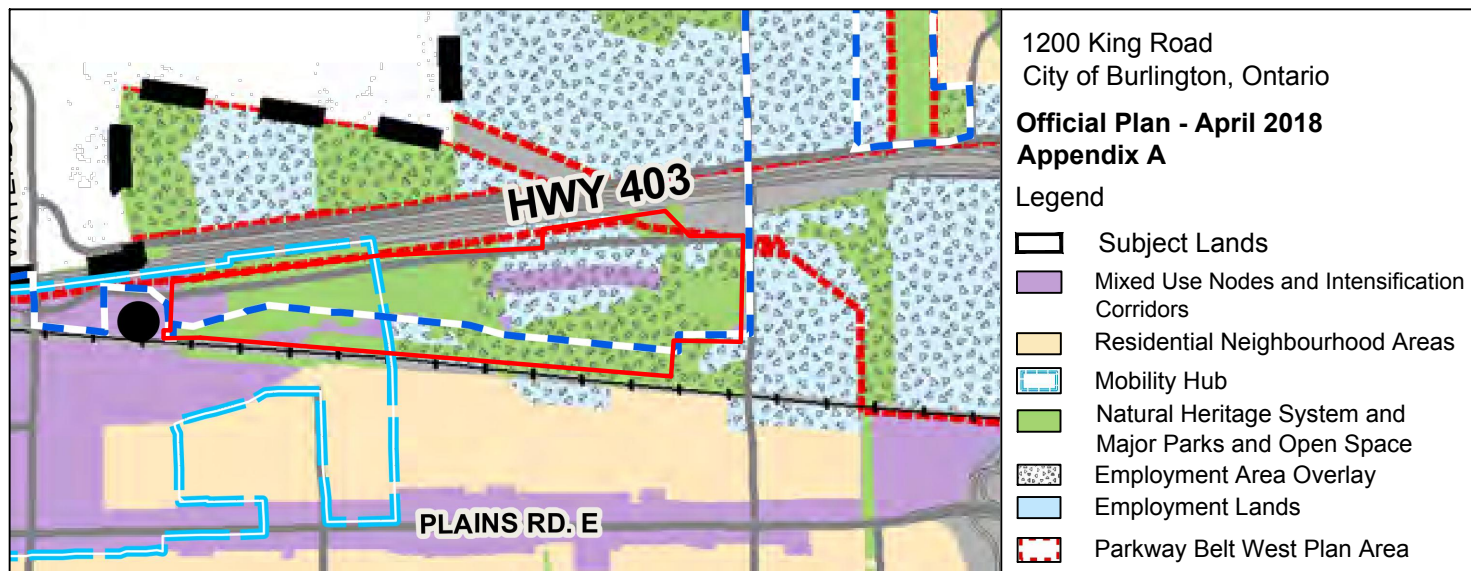
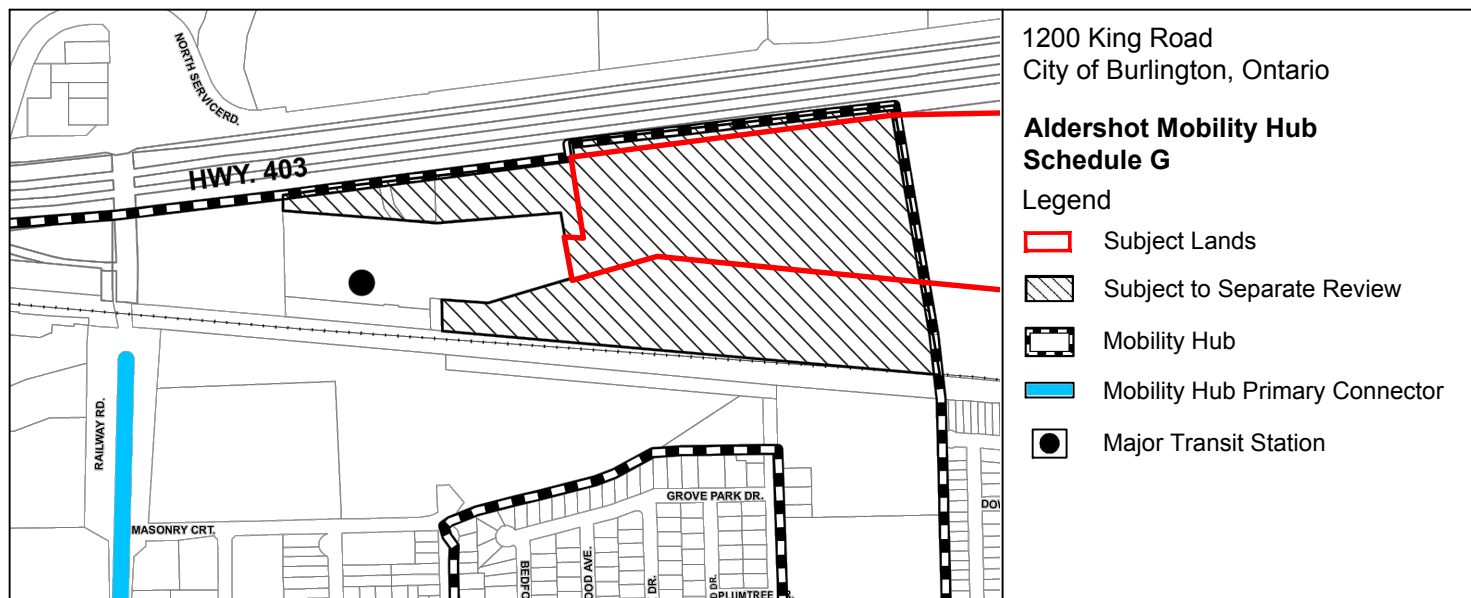
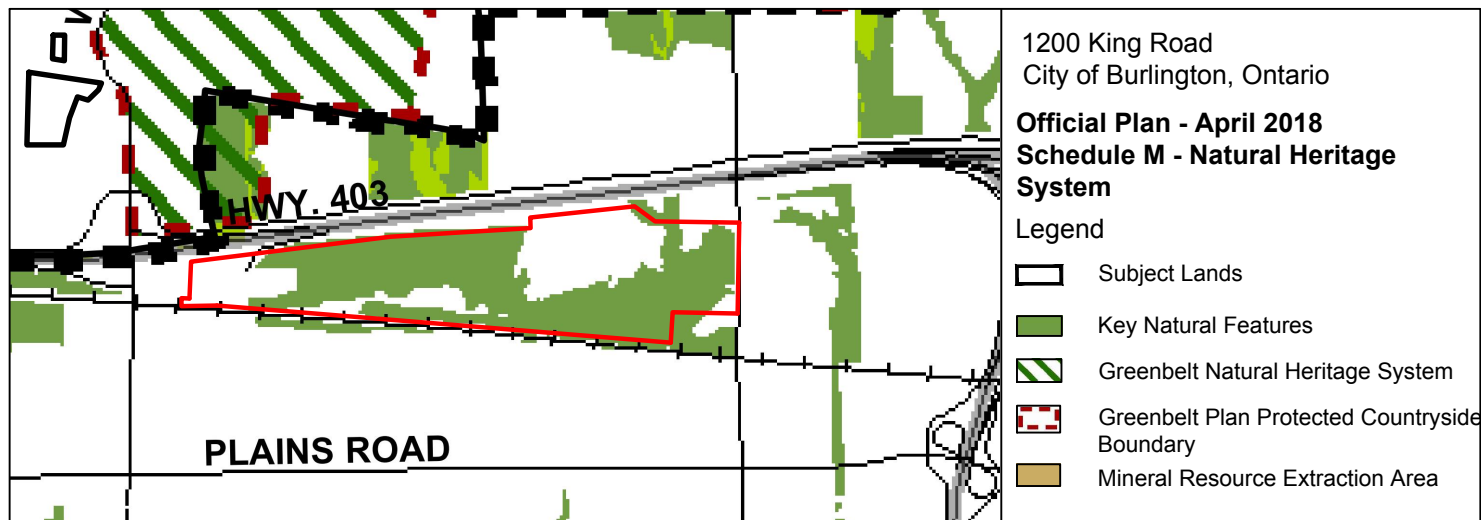




# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

1200 King Road, Burlington, Ontario

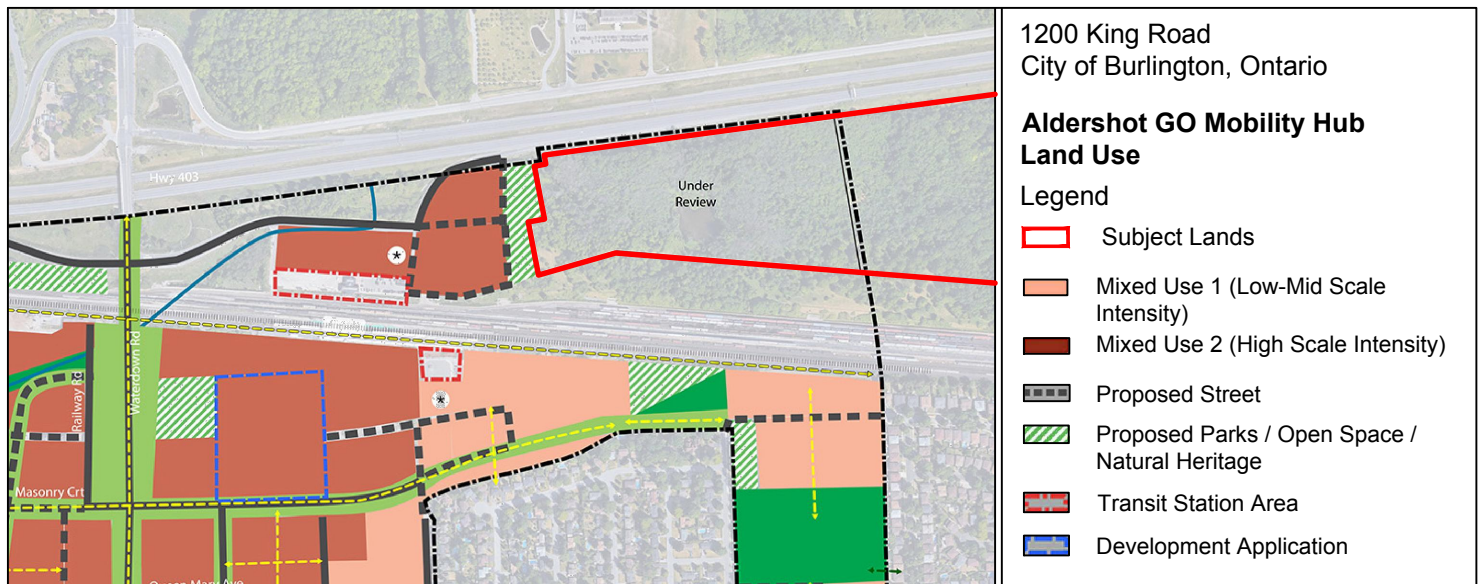
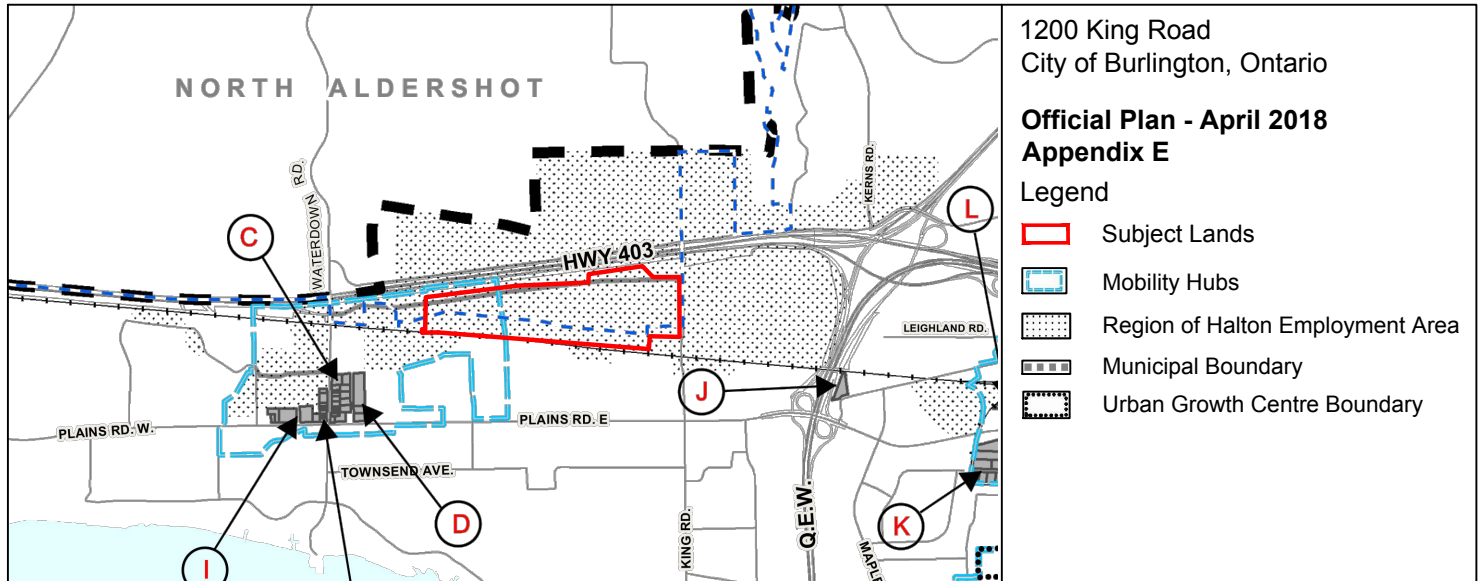
*Penta Properties*



# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

## 1200 King Road, Burlington, Ontario

### Penta Properties



## **Location: 1200 King Road**

### **Issues/ Concerns:**

- The property at 1200 King Road is partially located (westerly half) within the Aldershot GO Mobility Hub (19.6 ha). The property is approximately 49.1 ha in total area.
- There are multiple designations that apply to the subject lands on Schedule C (Major Parks and Open space, General Employment, Urban Corridor-Employment and Business Corridor).
- Mapping is generally inconsistent and the extent of the Natural Heritage/ Green System/ Major Parks and Open Space seems to change from schedule to schedule.
- Through the City's Official Plan Review process, the westerly portion of the Subject Lands were recommended for conversion. Appendix D to the Official Plan illustrates the portion of the Subject Lands within the Aldershot Mobility Hub as "Subject to Further Review".
- The Subject Lands are currently being processed through a Draft Plan of Subdivision application at the City (510-01/14).
- The subject lands are currently subject to two site specific amendments in the Official Plan under sections 8.1.3 (8.3) and 8.2.3(3). Both of these exceptions relate to past Minutes of Settlement from a previous Ontario Municipal Board hearing in 2009.
- It is anticipated that through the processing of the current Draft Plan, the implementation of the Area Specific Plan for the Aldershot GO Mobility Hub and the completion of the EIA work and review by the City, changes to the policies will be required.
- The most appropriate implementation and planning for these lands should provide for more flexibility given the size of these lands and their importance to the area context. Such flexibility is currently not provided for in the Plan.

### **Request:**

- Given the current application which applies to the entire land parcel at 1200 King Road and the further implementation of amendments through the Aldershot GO Mobility Hub Area Specific Plan, it is recommended that a further modification to the Plan be made to ensure consistency of the defined NHS areas and boundaries and that land uses be provided to implement the overall Draft Plan.
- If the City is intent on adopting the Official Plan at this time, it would be appropriate to defer the land use designation for the Subject Lands to allow for the completion of that work.




**Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)**  
**4445 Fairview Street, Burlington, Ontario**

*Penta Properties*

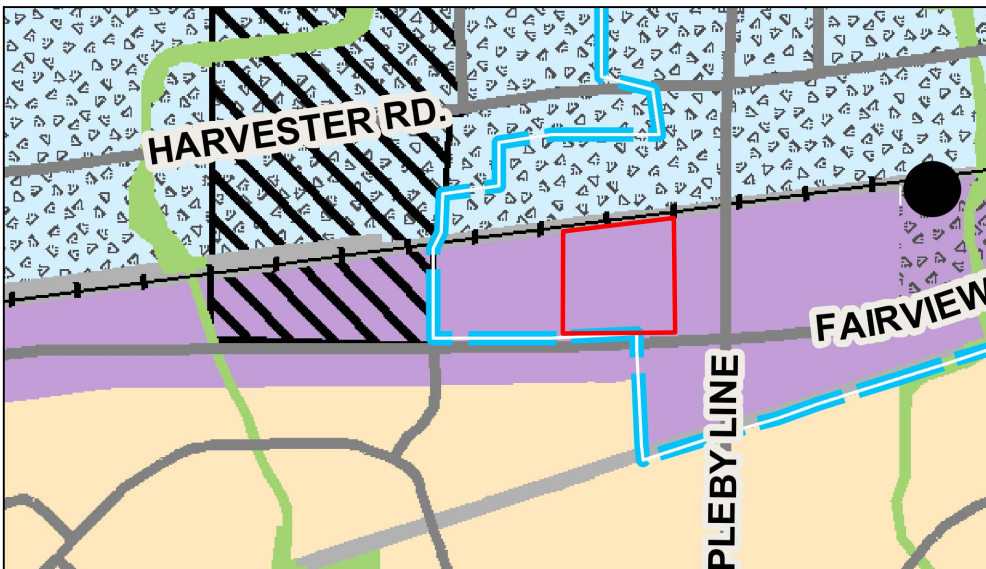


4445 Fairview Street  
City of Burlington, Ontario

**Location Map**

 Subject Lands









\*Property lines are shown approximate for illustrative purposes\*

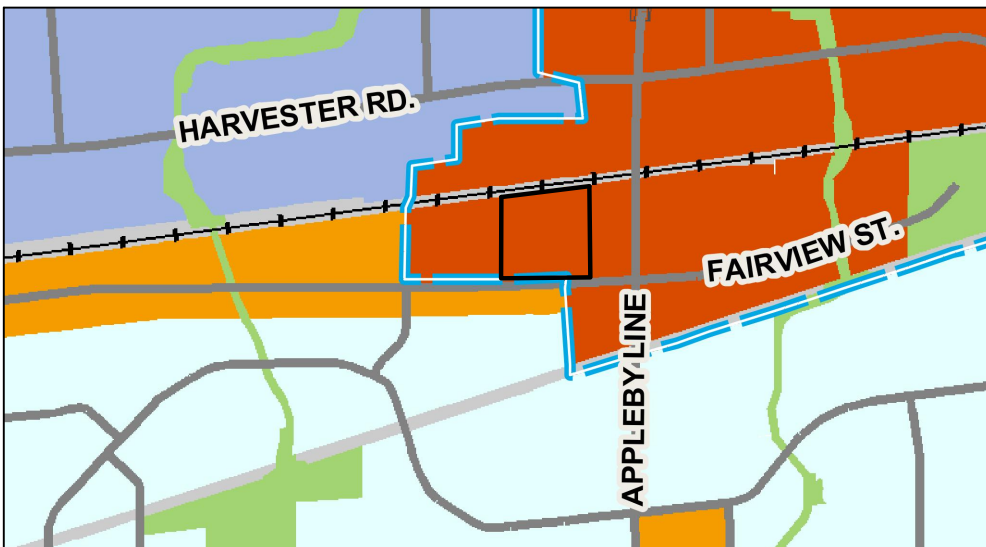


4445 Fairview Street  
City of Burlington, Ontario

**Official Plan - April 2018**  
**Schedule B - Urban Structure**

**Legend**








-  Subject Lands
-  Mixed Use Nodes and Intensification Corridors
-  Residential Neighbourhood Areas
-  Mobility Hub
-  Natural Heritage System and Major Parks and Open Space
-  Employment Area Overlay
-  Employment Lands
-  Innovation District (Chapter 5)



4445 Fairview Street  
City of Burlington, Ontario

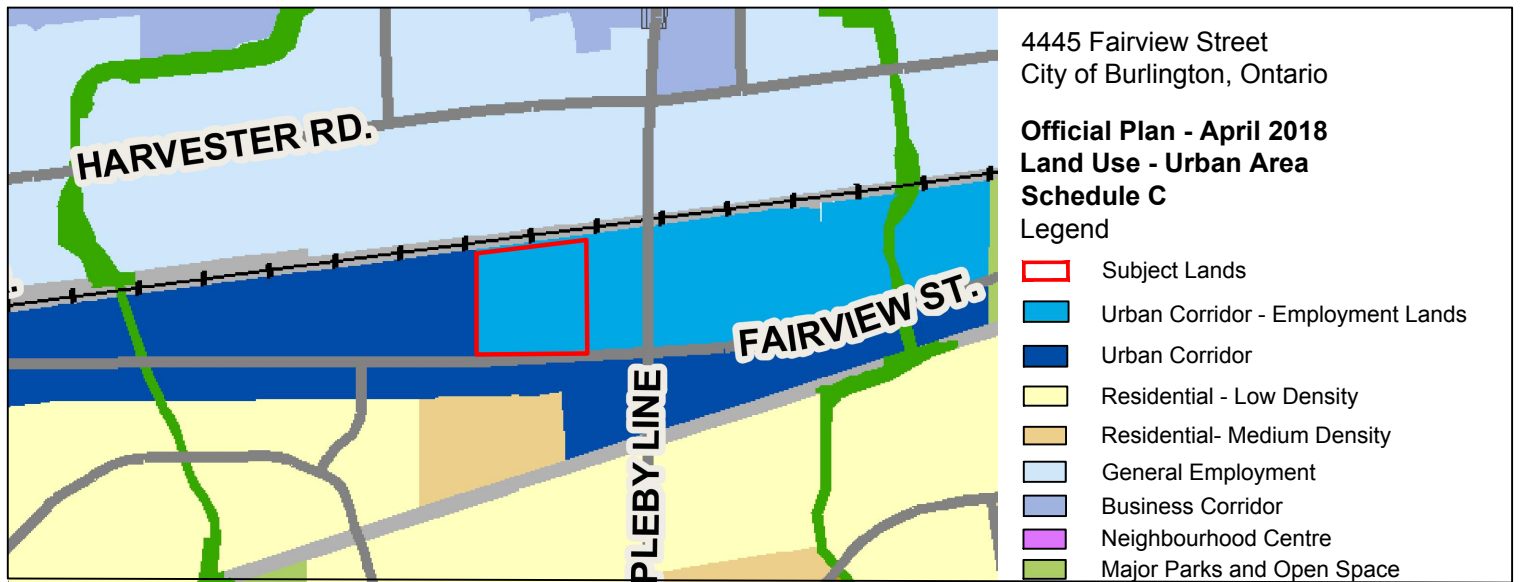
**Official Plan - April 2018**  
**Schedule B 1 - Growth Framework**

**Legend**

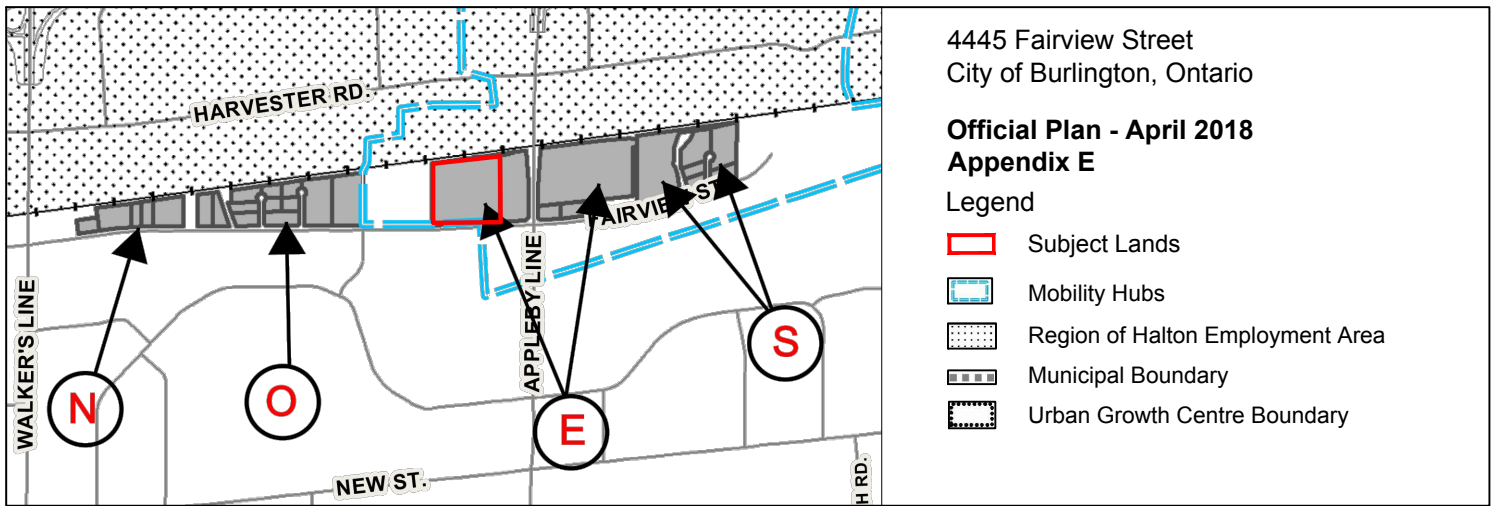
-  Subject Lands
-  Primary Growth Area
-  Secondary Growth Area
-  Mobility Hub
-  Natural Heritage System and Major Parks and Open Space
-  Established Neighbourhood Area
-  Employment Growth Area



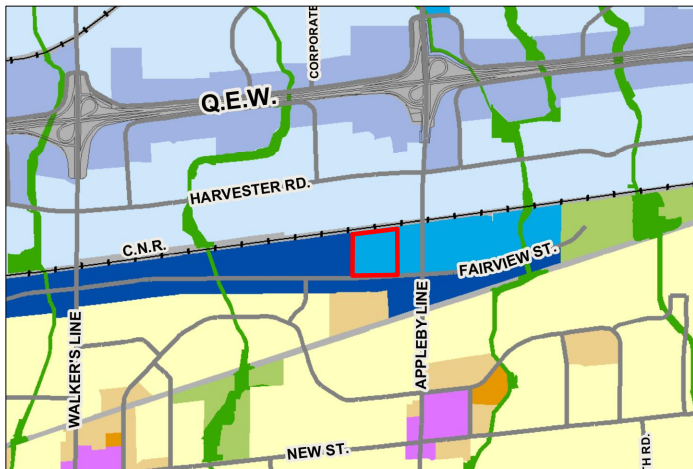
**Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)**  
**4445 Fairview Street, Burlington, Ontario**  
*Penta Properties*



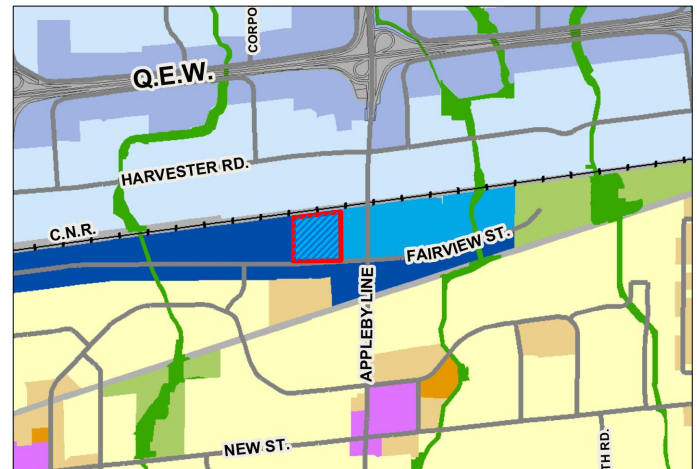
**Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)**  
**4445 Fairview Street, Burlington, Ontario**  
*Penta Properties*



**EXISTING - SCHEDULE C**



**REQUESTED AMENDMENT - SCHEDULE C**



Lands to be re-designated to Urban Corridor

## **Location: 4445 Fairview Street**

### **Issues/ Concerns:**

- The Subject Lands have been subject to considerable review by the City since 2014.
- The Subject Lands are NOT in the Region of Halton's Employment Overlay.
- The Subject Lands are designated Mixed Use Employment Corridor Employment in the current Official Plan.
- The Subject Lands are identified as Mixed Use Nodes and Intensification Corridors (Schedule B), Primary Growth Area (Schedule B1) and Mixed Use 1, Mixed Use 2 (Appleby Go Preferred Concept: Land Use). The land use designation and vision is clearly for mixed use and not employment only as per the preferred Appleby Mobility Hub land use plan.
- Appendix E to staff's report PB-04-18 identifies the lands, along Fairview Street which are shown in the Urban Structure Map as – Mixed Use Nodes and Intensification Corridors. The majority of these lands (Area N and O) are all now shown on Schedule C as Urban Corridor.
- The Subject Lands, however, are still identified as Urban Corridor- Employment on Schedule C. The chart notes under "Land Use Designation Vision" that the lands are "Unknown at this time. To be determined through the Appleby GO Mobility Hub Area Specific Plan."
- The proposed Urban Corridor- Employment designation applied to the Subject Lands on Schedule C is not consistent with the land use vision for the Lands in accordance with Schedule B, B-1 and the Appleby Go Preferred Concept.
- The Urban Corridor- Employment designation and implementing policies set out in Section 8.1.3.(8) of the Official Plan would limit future development on the Subject Lands to industrial uses, office uses, accessory retail, home improvement and home décor sales, automotive commercial uses, entertainment uses; and, recreation uses. Residential uses are prohibited.
- The range of uses permitted in the Urban Corridor- Employment designation is limiting and does not provide for the development of a mixed use area.
- As noted the Subject Lands are not within the Employment Area in the Halton Region Official Plan.
- The proposed designation does not implement the Urban Structure and Growth Framework set out in the Official Plan and the designation does not implement the intended future vision for the Appleby GO Mobility hub as set out in the preferred concept.
- The Subject Lands are connected to other lands owned by Penta Properties to the west (4415 Fairview) and to the south (4460 to 4490 Fairview) both of which are designated Urban Corridor.
- When previously raised as an issue on the November 2017 draft, staff's response has been that the land use designation will be amended during the Area Specific Planning Process.
- It is not clear why these lands, identified to the Region at this time as lands to be part of a mixed use node, would not be so designated, along with other lands along Fairview.

### **Request:**

- Schedule C should be modified such that the Subject Lands and in fact all lands outside of the Regional Employment area along Fairview currently shown as Urban Corridor Employment to Urban Corridor. The Urban Corridor designation is more is a more appropriate land use, which

aligns with the Urban Structure, Growth Framework and Appleby GO Mobility Hub preferred concept, all of which are consistent with the Provincial Policy Statement and conform to the Growth Plan.

- The Urban Corridor designation is more appropriate and better illustrates the City's direction to the Region through the Official Plan adoption of its vision.



# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)


## 4480 and 4450 Paletta Court, Burlington, Ontario

*Penta Properties*

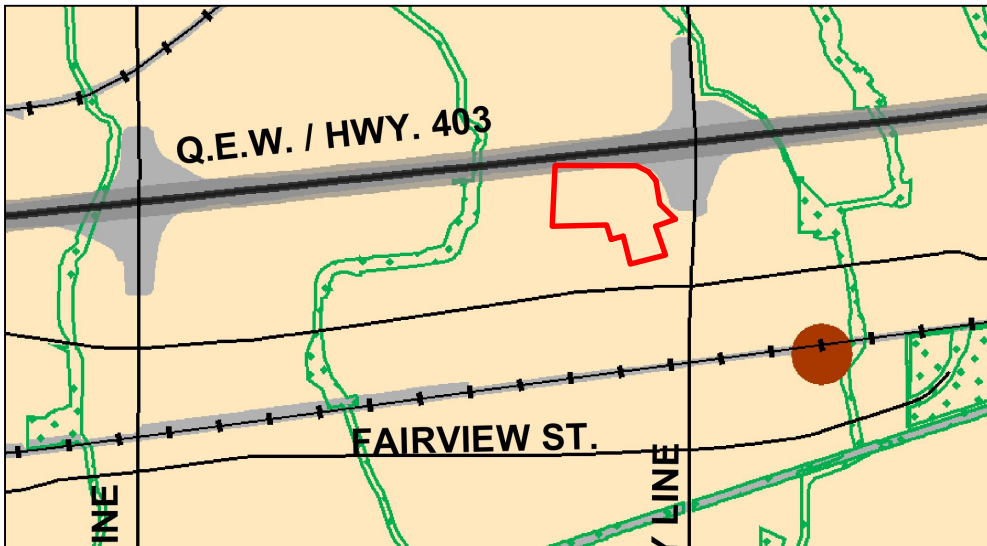


4480 and 4450 Paletta Court  
City of Burlington, Ontario

### Location Map

 Subject Lands








\*Property lines are shown approximate  
for illustrative purposes\*

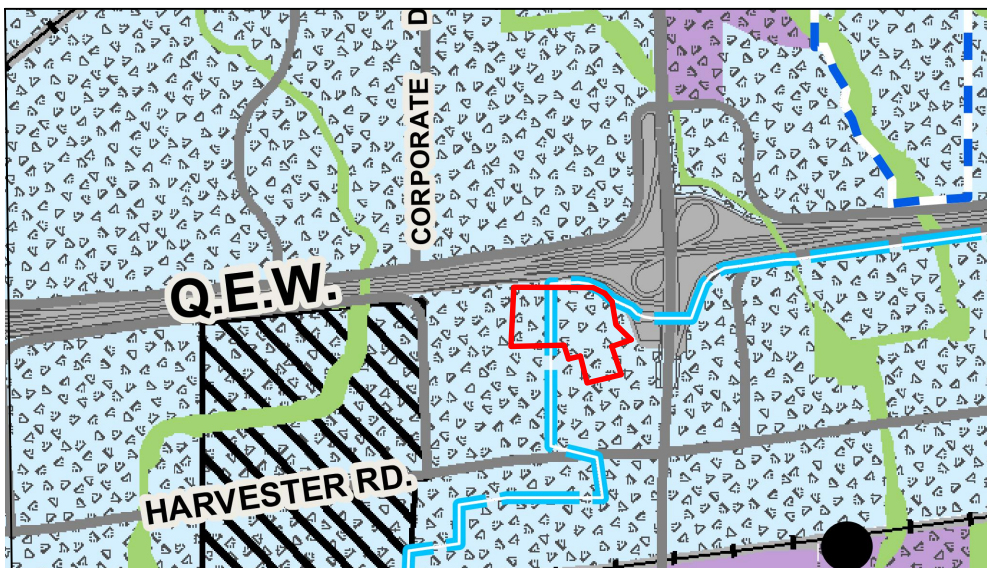


4480 and 4450 Paletta Court,  
City of Burlington, Ontario

### Official Plan - April 2018 Schedule A - City System

#### Legend










-  Subject Lands
-  Urban Area
-  Rural Area
-  Green System
-  Infrastructure and Transportation Systems
-  Major Transit Station
-  Urban Boundary



4480 and 4450 Paletta Court  
City of Burlington, Ontario

### Official Plan - April 2018 Schedule B - Urban Structure

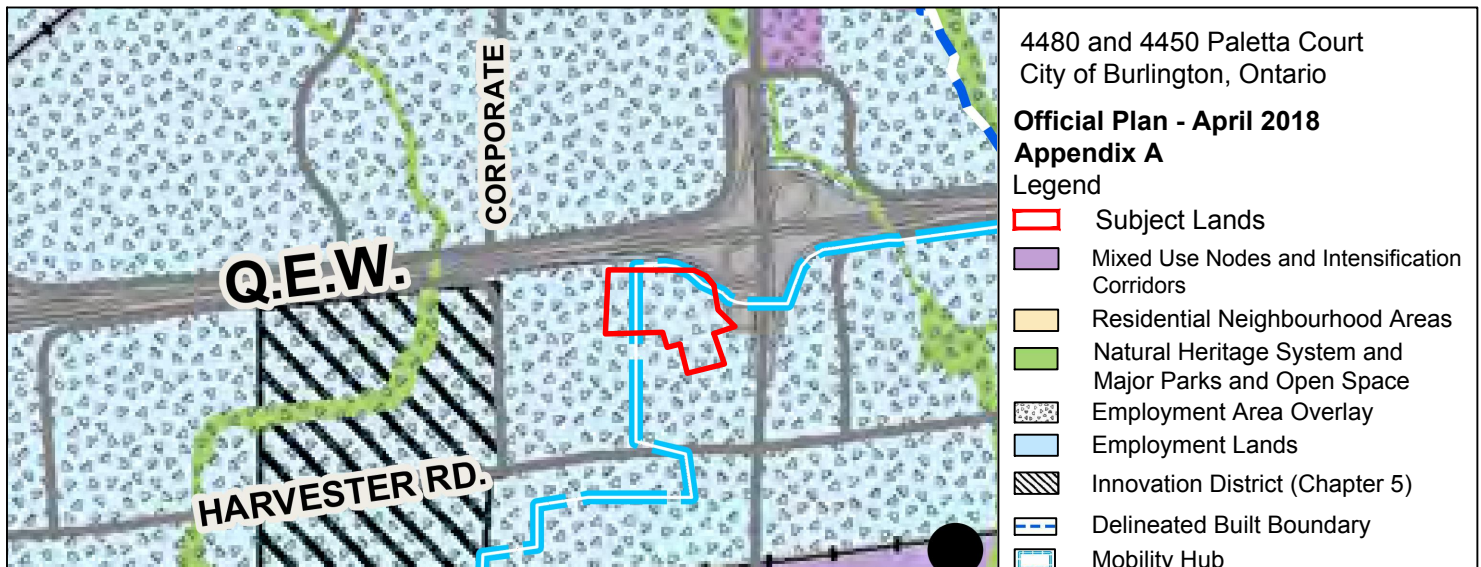
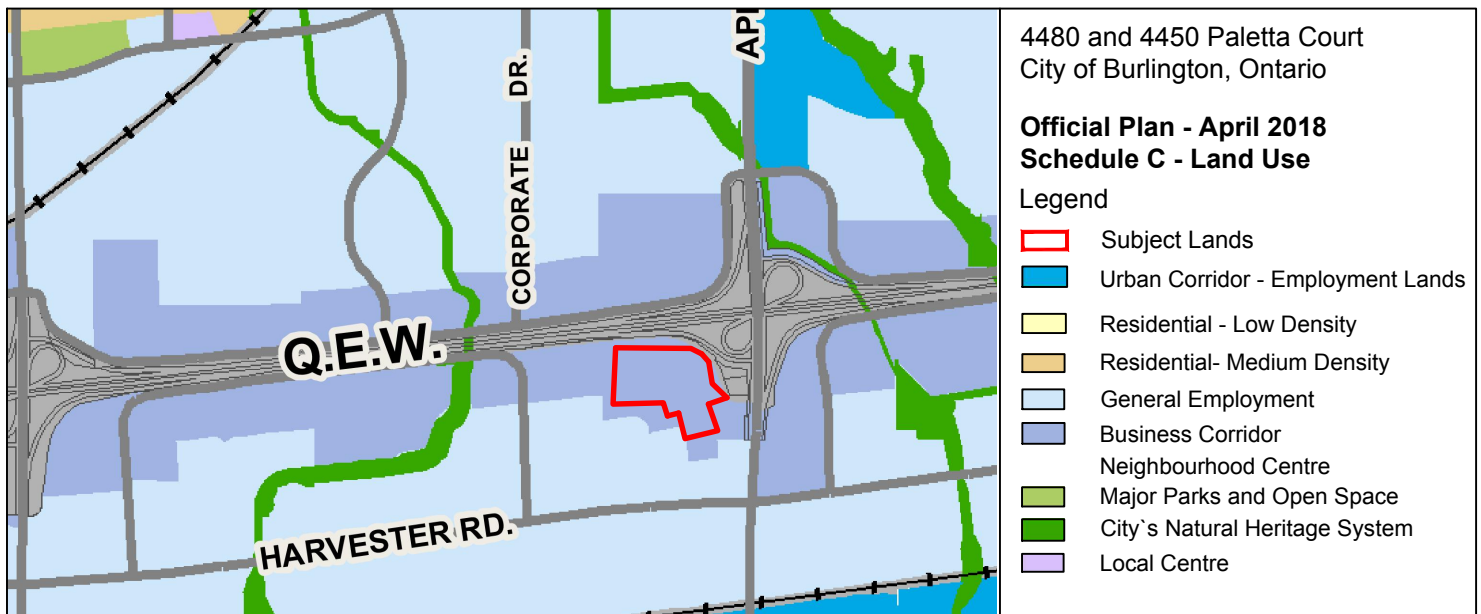
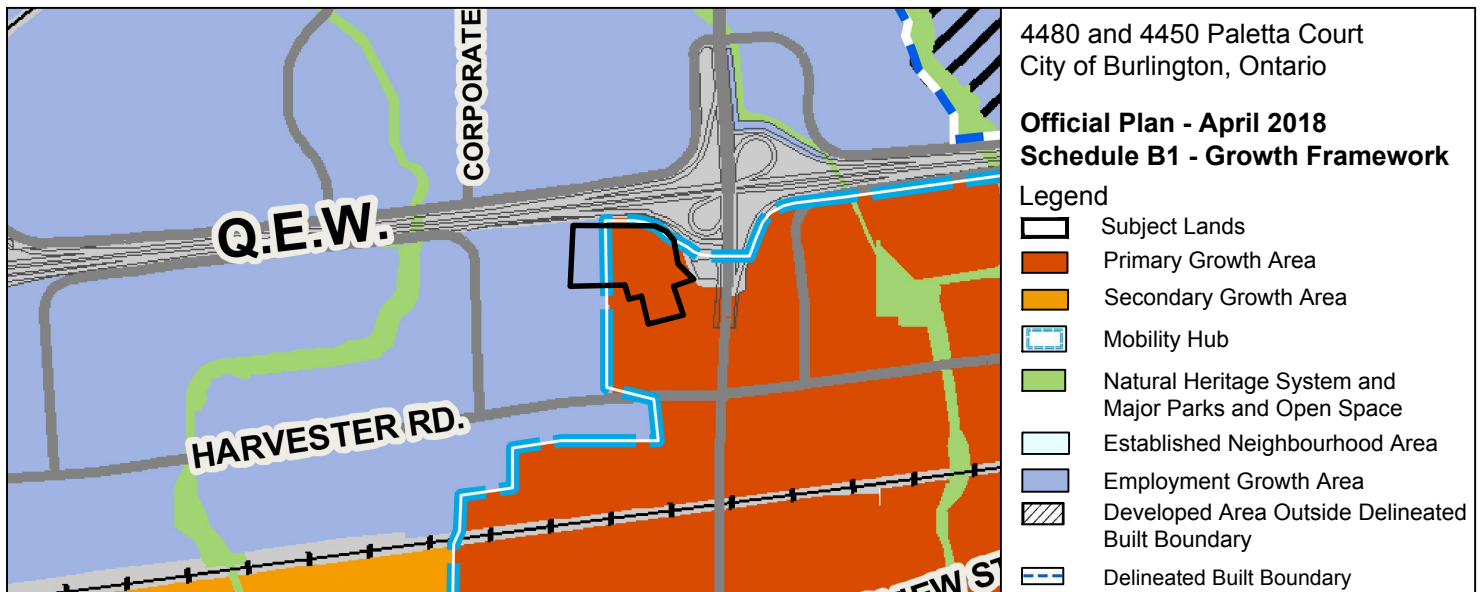
#### Legend

-  Subject Lands
-  Mixed Use Nodes and Intensification Corridors
-  Residential Neighbourhood Areas
-  Mobility Hub
-  Natural Heritage System and Major Parks and Open Space
-  Employment Area Overlay
-  Employment Lands
-  Delineated Built Boundary
-  Innovation District (See Chapter 5)

# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

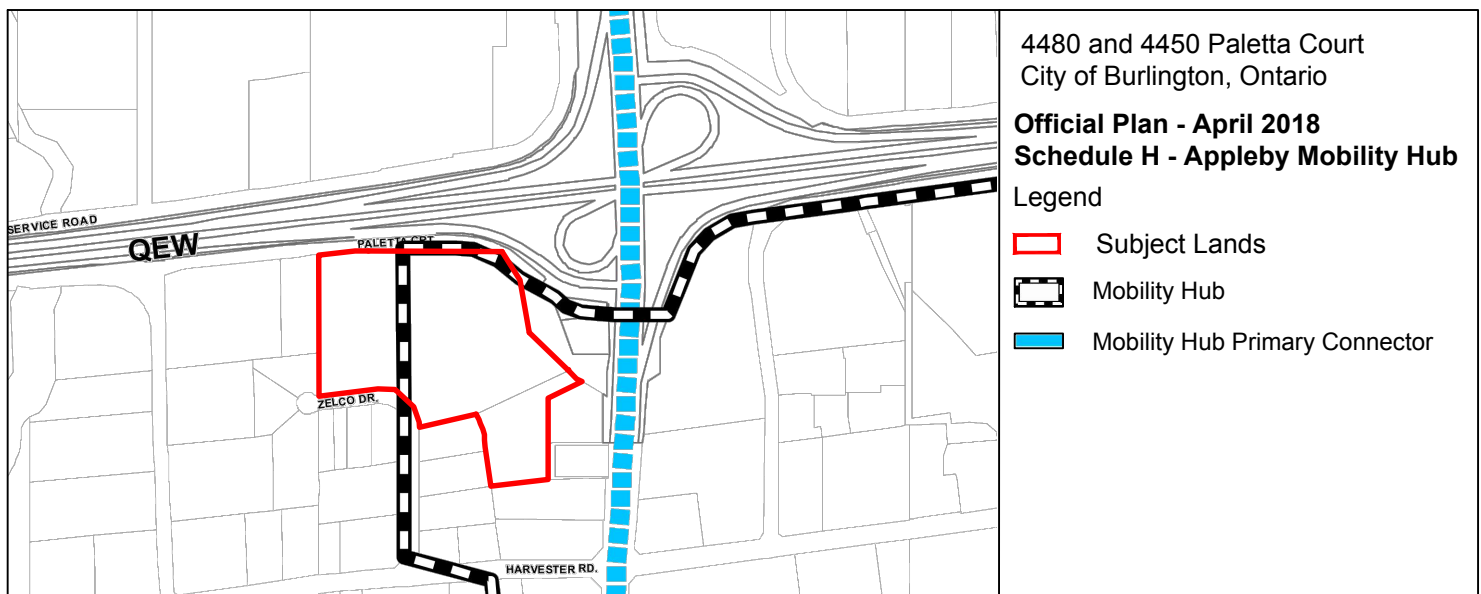
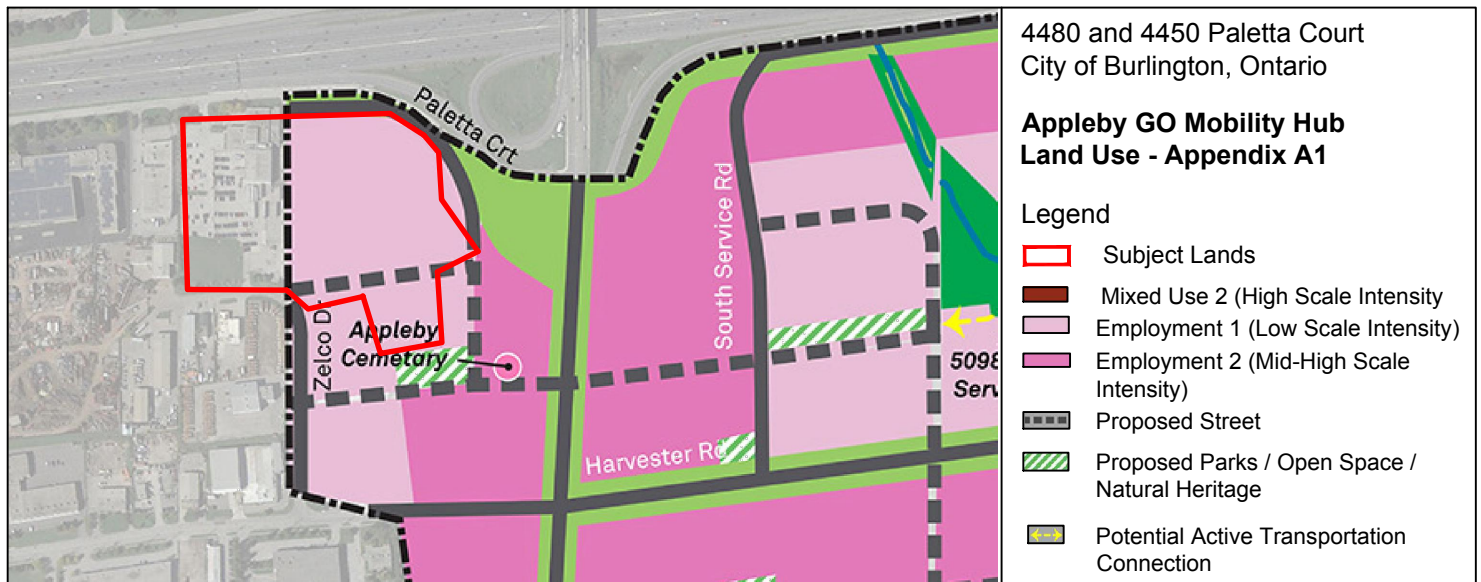
## 4480 and 4450 Paletta Court, Burlington, Ontario

### Penta Properties





**Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)**  
**4480 and 4450 Paletta Court, Burlington, Ontario**  
*Penta Properties*



**Location: 4480 and 4450 Paletta Court, Burlington**

**Issues/ Concerns:**

- The lands are within the Employment Land Overlay on Schedule B (Urban Structure). Part of the lands are within the Primary Growth Area on Schedule B1 and are part of the Appleby GO Mobility hub boundary.
- The portion of the lands within the Appleby GO Mobility Hub are envisioned to be Employment 1 (Low Scale Intensity). The implementing policies for the Appleby GO Mobility Hub will be finalized through the completion of the Area Specific Plan.
- The Subject Lands however are not entirely within the Mobility Hub Boundary and are precluded from any other form of land use by the adoption of the Business Corridor designation on Schedule C and Employment Area on Schedule B1.
- Any opportunity to address land needs and population and employment targets for the Appleby GO Mobility Hub will be lost with the fixed employment land use designation at this time.
- The Primary Growth Areas should be comprehensively studied before the adoption of the parent plan OR the underlying designations should be prescribed as a Special Policy Area and subject to further study so as not to preclude conformity with the Growth Plan requirements for a complete community.

**Request:**

- The entirety of the subject lands should be included within the Mobility Hub boundary to assist the City in achieving the growth and intensification objectives for the Mobility Hub.
- The land within the amended Mobility Hub on Schedule C should be noted as an area subject to further study and an "Area Specific Plan".
- Policies should be incorporated into the Plan which do not preclude further consideration for conversion by the City and the Region pending the finalization and implementation of the Area Specific Plan.

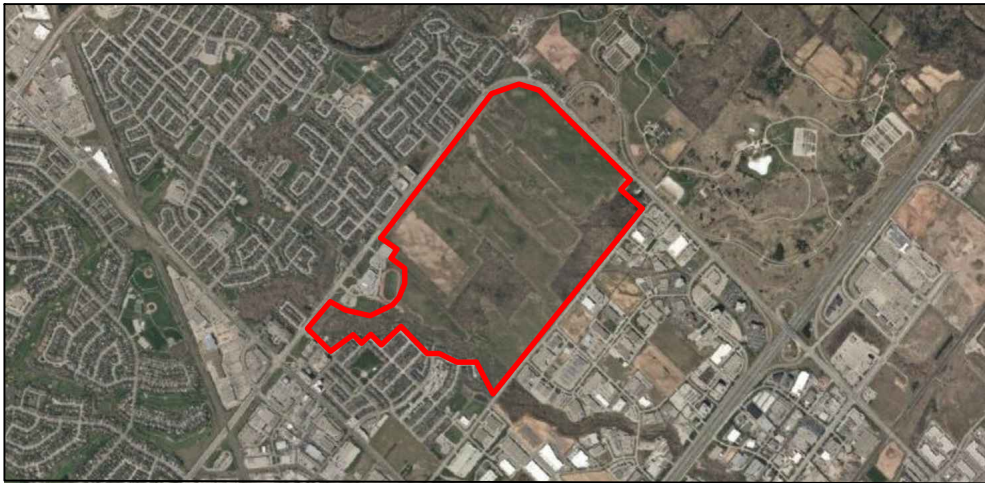


# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

## Bronte Creek Meadows, Burlington, Ontario


5164 Upper Middle Road, 5366 Upper Middle Road, 5470 Upper Middle Road, 5900 Upper Middle Road, 5201 Mainway

### Penta Properties

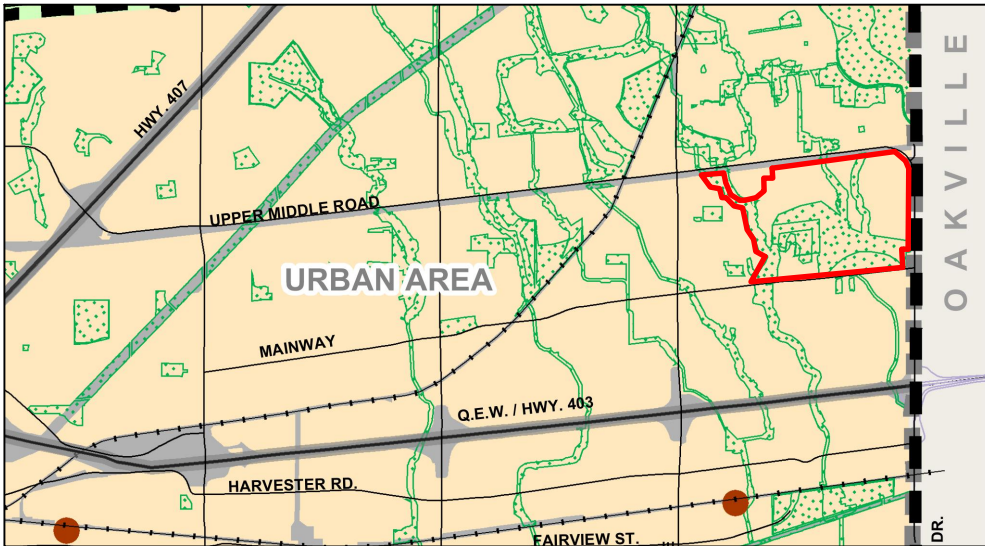


Bronte Creek Meadows  
City of Burlington, Ontario

#### Location Map

 Subject Lands








\*Property lines are shown approximate for illustrative purposes\*

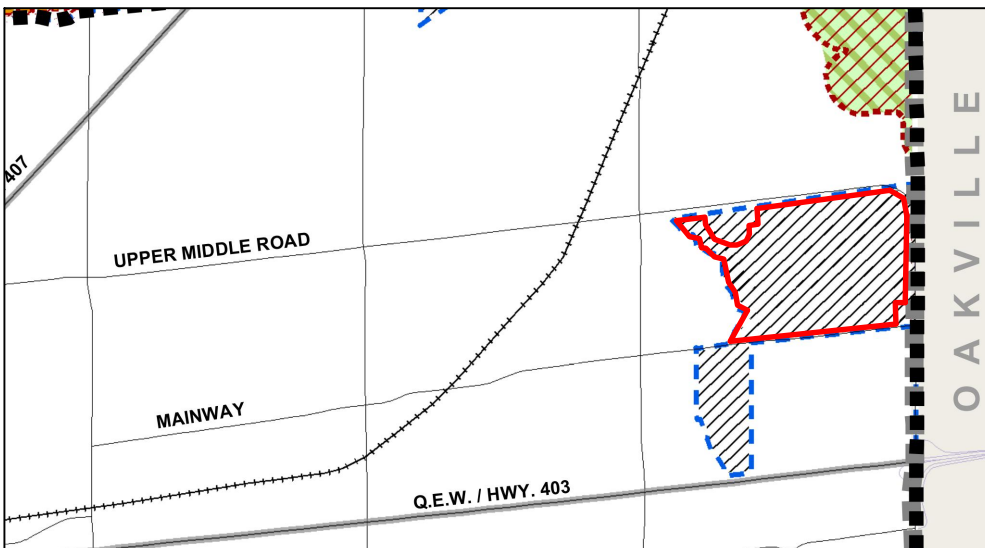


Bronte Creek Meadows  
City of Burlington, Ontario

#### Official Plan - April 2018 Schedule A - City System

##### Legend

-  Subject Lands
-  Urban Area
-  Rural Area
-  Green System
-  Infrastructure and Transportation Systems
-  Major Transit Station
-  Urban Boundary



Bronte Creek Meadows  
City of Burlington, Ontario

#### Official Plan - April 2018 Schedule A-1 - City System Provincial Land Use Plans and Designations

##### Legend

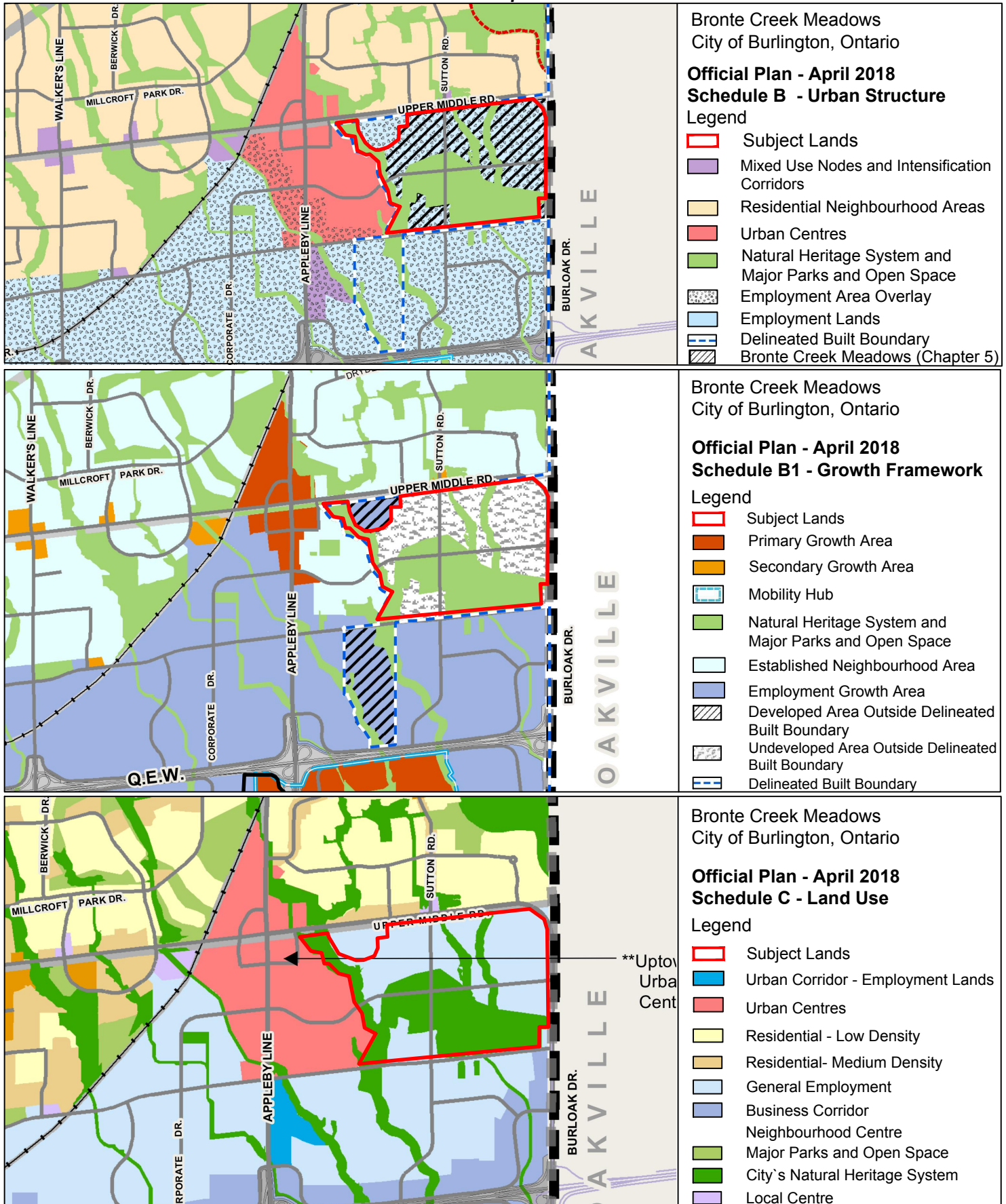
-  Subject Lands
-  Protected Countryside Area
-  Greenbelt Natural Heritage System
-  Delineated Built Boundary
-  Designated Greenfield Area
-  Parkway Belt West Plan Area

# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

## Bronte Creek Meadows, Burlington, Ontario

5164 Upper Middle Road, 5366 Upper Middle Road, 5470 Upper Middle Road, 5900 Upper Middle Road, 5201 Mainway

### Penta Properties



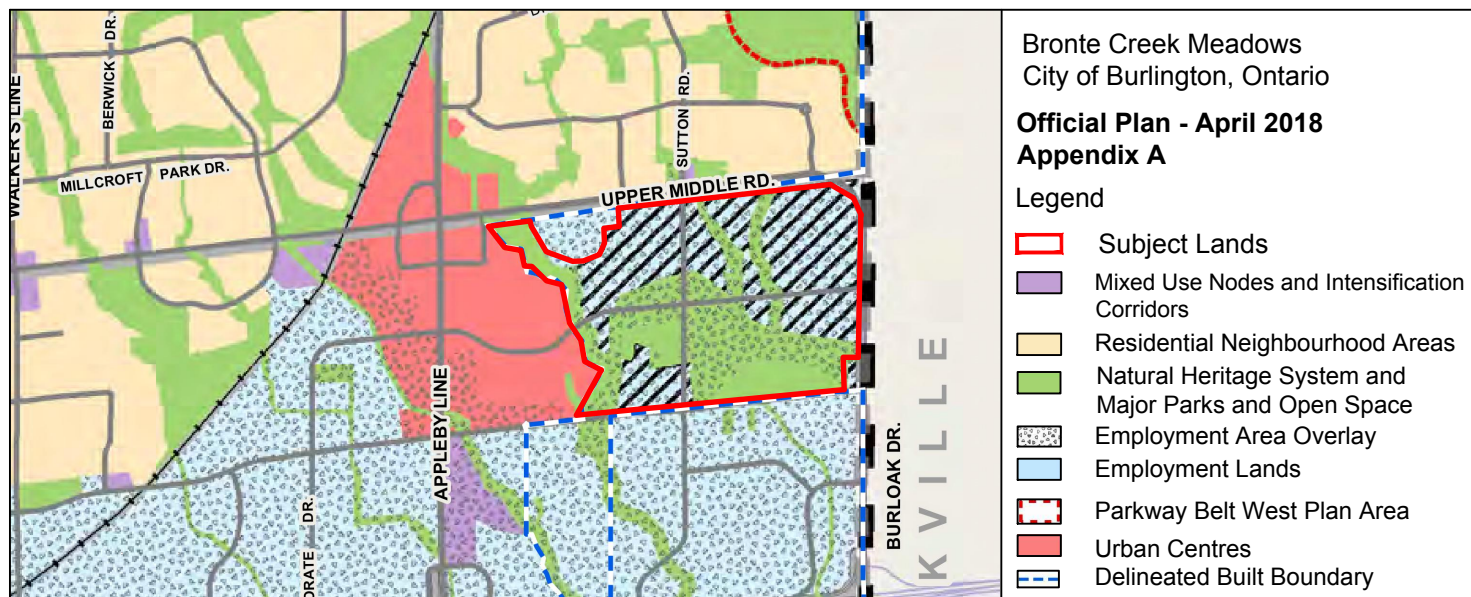
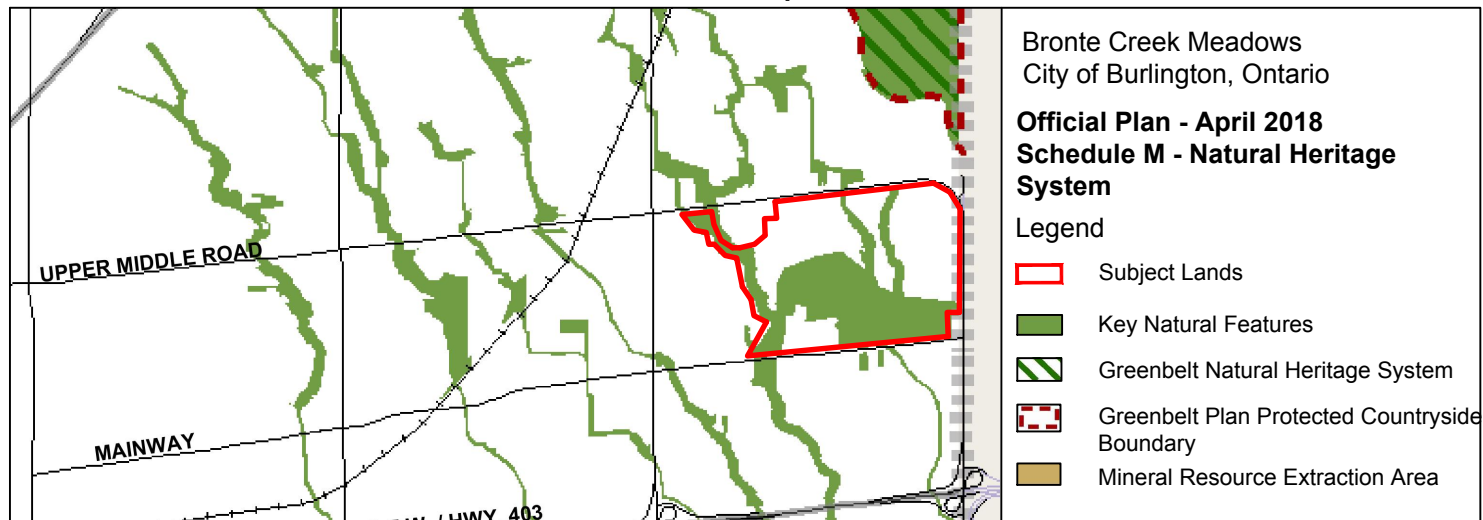


# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

## Bronte Creek Meadows, Burlington, Ontario

5164 Upper Middle Road, 5366 Upper Middle Road, 5470 Upper Middle Road, 5900 Upper Middle Road, 5201 Mainway

### Penta Properties



**Location: Bronte Creek Meadows**

*(5164, 5366, 5470, 5900 Upper Middle Road & 5201 Mainway)*

**Issues/ Concerns:**

- These lands have a long history.
- The lands are designated within the Greenfield area of the City's urban structure boundary and are within the Region's Employment Overlay; however, the Regional designations are under appeal. The lands contain parts of the Natural Heritage System but the mapping is inconsistent with detailed ecological work that was completed some time ago and remains current given ongoing agricultural uses of the property.
- The lands have not been proposed for a conversion from employment lands but are subject to a site specific policy in Section 5.4.2 of the Plan that requires that the lands be subject to an area specific plan that looks at the development of innovative employment uses and complete communities.
- Innovative employment uses such as those located within an innovation district are shown through research to require a mix and range of supportive uses including commercial and residential uses. Such uses can be introduced through an area specific study through a variety of planning tools including performance based criteria in a community permit system.
- There is an opportunity to explore the area specific plan for this remaining district with the Region and the Province. The implementing designation of the lands for employment only uses would preclude this opportunity and should be reconsidered prior to the adoption of the Plan.

**Request:**

- The land use designations and policies for Bronte Creek Meadows should not be restricted to employment only uses but should remain open to an area specific study and plan which may allow for a true innovation district that incorporates the mix of uses required to support such a district. At a minimum, the Official Plan designations should be deferred to allow the completion of the proposed Area Specific Plan.



# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

## Eagle Heights, Burlington, Ontario


1640 Flatt Road Extension, 1751 Flatt Road Extension,  
1664 Waterdown Road, 66 Horning Road, 0 Flatt Road

**Paletta International Corporation**

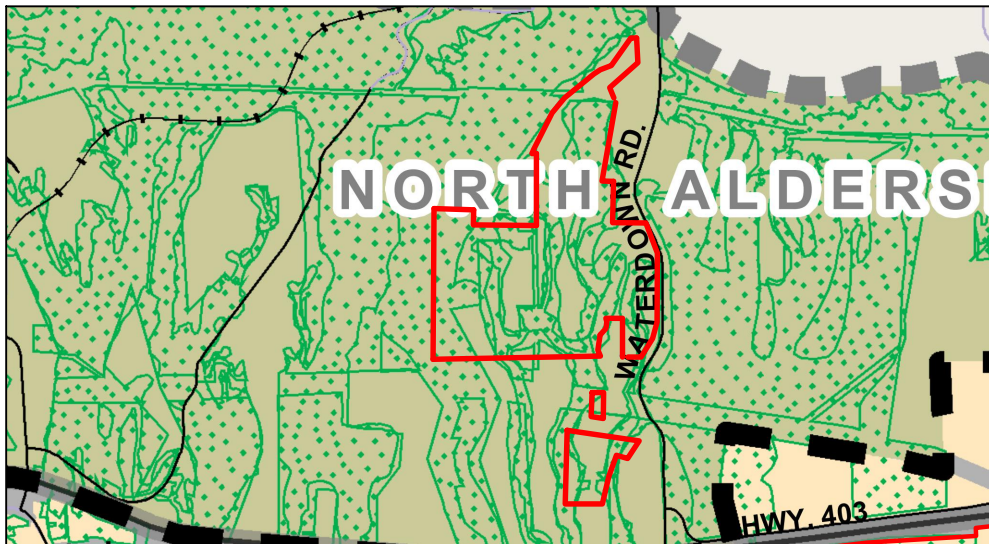


Eagle Heights  
City of Burlington, Ontario

### Location Map

 Subject Lands








\*Property lines are shown approximate for illustrative purposes\*



Eagle Heights,  
City of Burlington, Ontario

### Official Plan - April 2018 Schedule A - City System

#### Legend










-  Subject Lands
-  Urban Area
-  Rural Area
-  Green System
-  Infrastructure and Transportation Systems
-  Major Transit Station
-  Urban Boundary



Eagle Heights  
City of Burlington, Ontario

### Official Plan - April 2018 Schedule A-1 - City System Provincial Land Use Plans and Designations

#### Legend

-  Subject Lands
-  Protected Countryside Area
-  Greenbelt Natural Heritage System
-  Delineated Built Boundary
-  Designated Greenfield Area
-  Parkway Belt West Plan Area
-  North Aldershot Policy Area
-  Niagara Escarpment Plan Boundary
-  Urban Boundary

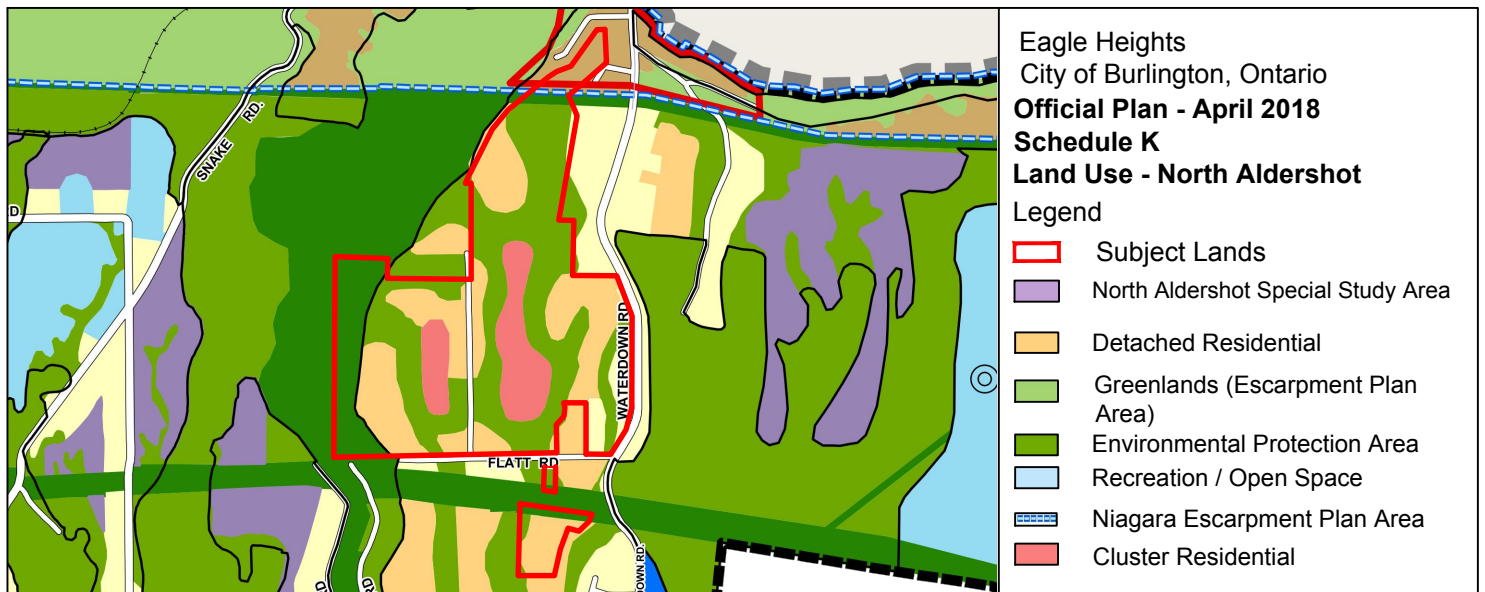
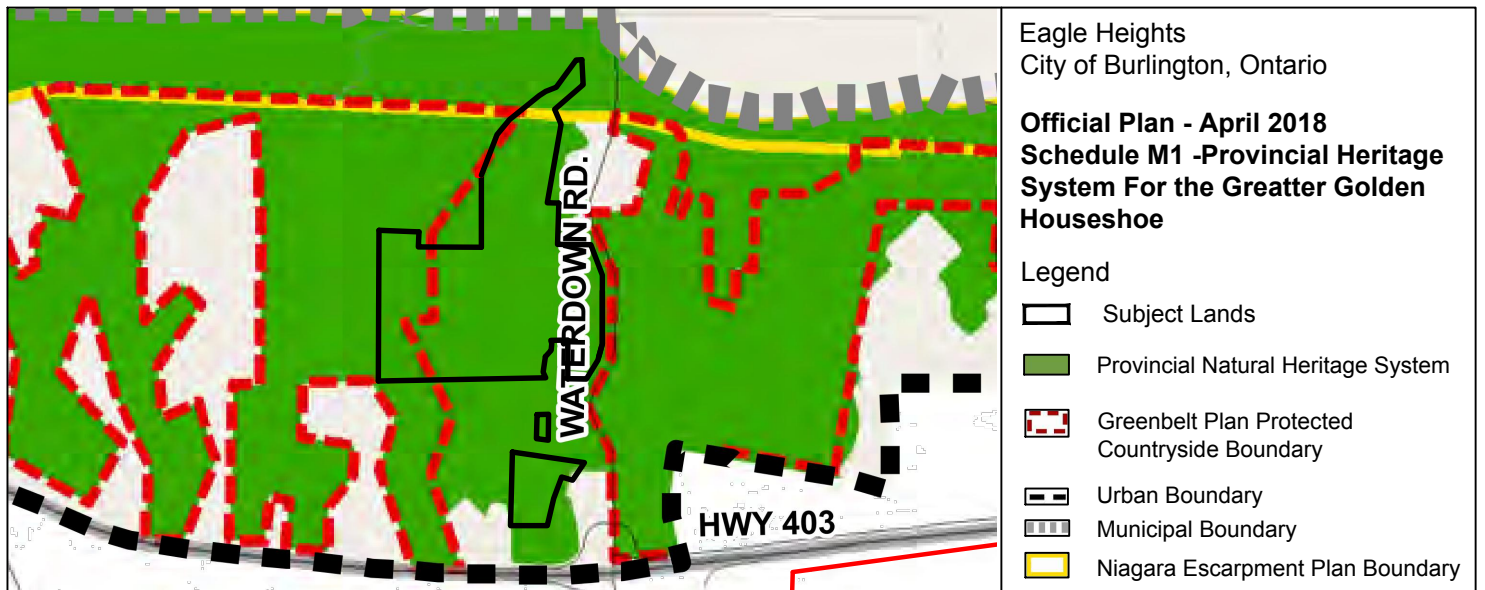


# Comments on the City of Burlington Official Plan Recommended for Adoption (April 2018)

## Eagle Heights, Burlington, Ontario

1640 Flatt Road Extension, 1751 Flatt Road Extension, 1664 Waterdown Road, 66 Horning Road, 0 Flatt Road

*Paletta International Corporation*



**Location: Eagle Heights, North Aldershot**

*(1640 Flatt Road Extension, 1751 Flatt Road Extension, 1664 Waterdown Road, 66 Horning Road, 0 Flatt Road)*

**Issues/ Concerns:**

- The Subject Lands have been subject to considerable review by the City through the North Aldershot Inter Agency Review and resulting Plan. There are ongoing applications before the Board (now Tribunal) that are subject to the review of the City
- The current City System Schedule A shows the differentiation between the Green System and Rural Area over the subject lands.
- The mapping for Schedules M and M1 area very different and add uncertainty related to the delineation of the NHS area on the lands. Schedule M1 covers the entire property as Provincial NHS.
- Policies related to the NHS are addressed in Section 4.2 and specifically 4.2.2 (h). We understand these policies may be subject to further amendment but currently note that refinements to the NHS may be provided through an EIA.
- Where an EIA has been completed, such as North Aldershot, there should be clarification that the NHS shall be in accordance with Schedule K and not subject to further review and refinement (form Schedule M) through the Region's Municipal Comprehensive Review.

**Request:**

- Schedule M1 should include a notation that the NHS on lands within North Aldershot shall be subject to the approved North Aldershot Plan and Schedule K to this Plan.
- The policies in Section 4.2.2. (h) should be further amended to reflect the approved North Aldershot Plan designations.