



**SUBJECT: Proposed zoning by-law amendment for 2477 Queensway Drive**

**TO: Planning and Development Committee**

**FROM: Department of City Building - Planning Building and Culture**

Report Number: PB-53-18

Wards Affected: 2

File Numbers: 520-08/16

Date to Committee: June 5, 2018

Date to Council: June 18, 2018

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**Recommendation:**

Modified approval of the application submitted by Riepma Consultants, on behalf of 1937570 Ontario Inc., to amend the Zoning By-law for the lands known as 2477 Queensway Drive, as outlined in department of city building report PB-53-18; and

Approve Zoning By-law 2020.XXX, rezoning the lands at 2477 Queensway Drive, from "BC1-266" to "BC1-485" attached as Appendix "B" to department of city building report PB-53-18; and

Instruct Planning staff to finalize the by-law to amend Zoning By-law 2020, as amended, rezoning the lands at 2477 Queensway Drive from "BC1-266" to "BC1-485" in accordance with the draft Zoning By-law contained in Appendix "B" to department of city building report PB-53-18; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

**Purpose:**

The purpose of the report is to recommend approval of a rezoning application to permit a day care as an additional permitted use within the "Business Corridor with site specific exception (BC1-266)" zone of the City of Burlington Zoning By-law 2020, as amended.

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

A City that Grows

- Promoting Economic Growth
  - More people who live in Burlington also work in Burlington.
  - Small businesses contribute to the creation of complete neighbourhoods where residents are close to goods and services.



**Executive Summary:**

<b>RECOMMENDATIONS:</b>		<i>Approval</i>	<b>Ward No.:</b>	<i>2</i>
<b>Application Details</b>	<b>APPLICANT:</b>	<i>Clare Riepma, Riepma Consultants Inc.</i>		
	<b>OWNER:</b>	<i>1937570 Ontario Inc.</i>		
	<b>FILE NUMBERS:</b>	<i>520-08/16</i>		
	<b>TYPE OF APPLICATION:</b>	<i>Rezoning</i>		
	<b>PROPOSED USE:</b>	<i>Day care centre</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	<i>North-west corner of Guelph Line and Queensway Drive</i>		
	<b>MUNICIPAL ADDRESSES:</b>	<i>2477 Queensway Drive</i>		
	<b>PROPERTY AREA:</b>	<i>0.3 ha</i>		
	<b>EXISTING USE:</b>	<i>Office in existing heritage building</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>	<i>Business Corridor</i>		
	<b>OFFICIAL PLAN Proposed:</b>	<i>Business Corridor (no change)</i>		
	<b>ZONING Existing:</b>	<i>BC1-266</i>		
	<b>ZONING Proposed:</b>	<i>BC1-485</i>		
<b>Processing Details</b>	<b>NEIGHBOURHOOD MEETING:</b>	<i>October 18, 2016</i>		
	<b>PUBLIC COMMENTS:</b>	<i>No emails, written comments, or phone calls received</i>		

## **Background and Discussion:**

The subject lands are 0.3 hectares in size and located at the northwest corner of the intersection of Guelph Line and Queensway Drive/Harvester Road. The lands currently support a building designated under Part IV of the *Ontario Heritage Act* which is known as Locust Lodge. The original portion of the building was constructed in 1838 and was used for residential purposes. Through applications for a Zoning By-law Amendment and an Official Plan Amendment in 2001, antique furniture sales were permitted in this building. More recently, the building was used for office purposes but it is currently vacant. There is a detached garage on the property which is proposed to be demolished.

## **Surrounding Land Uses:**

<b>North</b>	QEW highway interchange which is regulated by the Ministry of Transportation Ontario (MTO)
<b>East</b>	Guelph Line, beyond which are a variety of office and industrial uses
<b>South</b>	Queensway Drive, beyond which is a vacant property zoned for high-density residential uses
<b>West</b>	Queensway Drive, beyond which are a variety of retail uses, hotels and detached dwellings

## **Description of Applications and History**

On October 3, 2016 the City of Burlington Department of City Building acknowledged that a complete application had been received for a Zoning By-law Amendment (File No. 520-08/16) for 2477 Queensway Drive to permit the development of a day care on the property, as shown in the sketches in Appendix A. The application proposes to rezone the subject lands from BC1-266 to BC1-485 to facilitate the development of an expansion of an existing building and the construction of a new building to be used as a day care.

The applicant proposes a four-storey building on the east side of the property which is to be used as a day care centre. Site specific zoning regulations will be required to facilitate the construction of the building as it is surrounded by rights-of-way for existing streets and highways which require large setbacks in accordance with the City's Zoning By-law 2020, as amended.

The existing heritage building is also proposed to be used for day care purposes. The applicant has submitted a Heritage Impact Statement to discuss the proposed addition onto the existing heritage building. This will be discussed further in this report.

Report PB-08-17 was presented to Planning and Development Committee on May 2, 2017. A Statutory Public Meeting was held on this date and the applicant, Clare Riepma, spoke at the time of public delegations. No other delegations were made at the Statutory Public Meeting with regard to this file.

This report provides details of the application and an analysis of the proposal against applicable policies and regulations. Agency comments from the technical circulation are included. It is recommended that the site be rezoned from BC1-266 in accordance with Zoning By-law 2020, as amended, to BC1-485. The proposed site specific development standards will be discussed further in this report.

## **Discussion:**

### **Policy Framework**

The proposed Zoning By-law amendment is subject to the following policy framework: the Provincial Policy Statement 2014, Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Halton Regional Official Plan, the City of Burlington Official Plan, and Zoning By-law 2020, as amended.

### **Provincial Policy Statement (PPS) 2014**

The Provincial Policy Statement provides broad policy direction on land use planning and development matters of provincial interest. The PPS provides policies for appropriate development based on efficient use of land and infrastructure, protection of natural resources, and supports residential and employment development including a mix of land uses.

Subsection 1.1.1 b) of the Provincial Policy Statement states that healthy, livable and safe communities are sustained by “*accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs*”.

The proposal seeks to add a day care use as a permitted use within the current zone. A day care would increase the mix of land uses and would contribute to a community that can exist together with those in nearby residential developments as well as those who use the surrounding employment zones.

Section 1.1.3, Settlement Areas, discusses the importance of using land efficiently and responsibly. 1.1.3.2 a) 1) states that land use patterns within settlement areas shall be based on densities and a mix of land uses which “*efficiently use land and resources*”. The applicant is proposing a four-storey building and an addition to an existing heritage

designated dwelling. Staff are of the opinion that this proposal can effectively increase density while having little impact on neighbouring development, which consists largely of rights-of-way. 1.1.3.2 a) 2) states that land use patterns within settlement areas shall be based on densities and a mix of land uses which “*are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion*”.

The Region of Halton confirmed that adequate servicing exists for the proposed development. The proposal seeks to intensify a property that has the existing potential for redevelopment and intensification. As such, existing infrastructure and land can be used efficiently and responsibly.

Section 1.3 of the PPS provides policies relating to employment uses. The policy states the following:

*Planning authorities shall promote economic development and competitiveness by:*

- a) Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and,*
- d) Ensuring the necessary infrastructure is provided to support current and projected needs.*

The proposed day care use will assist in creating a more complete community comprised of a mix of uses, including institutional. The subject lands can be considered an ancillary use in conjunction with existing surrounding residential and employment uses. A day care may assist in reducing travel times for those who will be using it, as it will be located in proximity to both employment and residential uses.

Section 1.3.2 provides policies relating specifically to Employment Areas. Section 1.3.2.1 states that “*Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs*”. The proposed day care use, although institutional, is permitted within the City’s Official Plan and will serve as a use ancillary and complementary to the surrounding employment uses.

Heritage Planning Comment

Section 2.6.1 of the Provincial Policy Statement requires the conservation of significant built heritage resources and cultural heritage landscapes. The proposal seeks to conserve the existing built heritage resource on the property, and includes restoration of the building's designated exterior. The new building that is proposed has been designed to minimize impacts on the designated heritage resource.

Staff find the development proposal to be consistent with the PPS as it contributes to an appropriate range and mix of land uses to meet the long-term needs of the community, supports compact built form and proposes to use existing infrastructure and preserve an existing designated heritage building.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. Through the Growth Plan, growth is focused in the existing urban areas through intensification. The guiding principles of the Growth Plan include building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in an efficient, well-designed form.

Subsection 2.2.1.2 a) of the Growth Plan states that *"the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities"*.

The subject lands are located within the built boundary, and the application proposes to intensify an existing property. The proposed compact residential development would contribute to a complete community with a variety of residential forms of housing and other land uses. The proposed day care use would be able to serve surrounding residents in addition to those who use the surrounding employment development.

Section 2.2.5 of the Growth Plan contains policies that relate to Employment Uses. Subsection 2.2.5.1 states the following:

*Economic development and competitiveness in the Greater Golden Horseshoe (GGH) will be promoted by:*

- a) Making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) Ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c) Planning to better connect areas with high employment densities to transit;*  
*and,*

*d) Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment.*

The City's Official Plan conforms to these policies by establishing its own policies which determine where employment lands can be located and what uses are permitted within these areas. In accordance with these policies, institutional uses, such as the proposed day care, are permitted to be located within the area subject to criteria which will be discussed in the Official Plan analysis section of this report.

Section 2.2.5 7) provides direction for municipal planning related to employment areas within settlement areas. 2.2.5 7) a) states that "*Municipalities will plan for all employment areas within settlement areas with the exception of any prime employment areas, by prohibiting residential uses and limiting other sensitive land uses that are not ancillary to the primary employment use*".

Residential uses are not contemplated on the site. The day care use is considered to be a sensitive use; however the City's existing Official Plan limits sensitive land uses in employment areas by requiring a Zoning By-law Amendment.

Section 2.2.5.13 b) notes that "*existing office parks will be supported by providing for an appropriate mix of amenities and open space to serve the workforce*". While the City of Burlington does not have defined "office parks", the subject lands are located within an area that contains office buildings and a range of employment uses. The proposed day care use will be an amenity for these uses and will serve both the workforce and surrounding residents.

Heritage Planning Comment

Heritage Planning staff note that Section 4.2.7 (1) of the Growth Plan requires cultural heritage resources to be conserved in order to foster a sense of place and benefit communities. The proposed development not only conserves the built heritage resource on the site, but relocates the driveway to the front of the building to restore its original role as the entrance to the property. This emphasizes the contextual relationship of the built heritage resource to its historic surroundings and effectively re-creates a sense of place. Heritage Planning staff are of the opinion that the application conforms to the heritage policies of the Growth Plan.

Staff find the application to be consistent with the Growth Plan as it supports a compact and efficient development form and contributes to a complete community.

**Halton Region Official Plan (ROP)**

The subject lands are designated as "Urban Area" in the ROP and are part of the "Employment Area – Overlay". The Employment Areas are protected for current and future use; and prohibit residential and other non-employment uses including major



retail uses within these areas. The ROP, however, also states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan. Because the day care use is permitted within the City of Burlington Official Plan, the Region does not object to the proposed use.

Section 143 (12) of the ROP requires the assessment of sensitive land uses which are in close proximity to transportation facilities. The Region has reviewed submitted documents and studies and note that they are satisfied with the proposed use, subject to mitigation measures which can be discussed and implemented at the Site Plan stage.

Section 72 of the ROP speaks to the objectives of the Urban Area designation. The objective stated in policy 72(3) is “*to provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure*”; and 72(10) is “*to provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs*”.

The area is characterized by a mix of land uses including industrial, office, retail and residential. The applicant is proposing an institutional, or day care, use. A review for the appropriateness of the sensitive use is discussed both above and below in various sections of this report. Given that the use is considered to be appropriate with respect to its sensitivity, it should be noted that the use will be convenient for those who live and work in the area. Providing a large day care use may also reduce the length of vehicle trips associated with dropping off children. Staff are of the opinion that the proposed use will contribute to a balance of uses in the area.

Policy 74 of the ROP states that “*The Urban Area consists of areas so designated on Map 1 where urban services are or will be made available to accommodate existing and future urban development and amenities...*”. Regional staff were circulated on the application, technical studies, and associated revisions and have confirmed that the site can be serviced by water and wastewater infrastructure.

#### Heritage Planning Comment

Section 167 (3) of the ROP establishes as one of its goals the protection of the material, cultural and built heritage of Halton for present and future generations. This section requires that proposals for development adjacent to protected cultural heritage resources study and consider the preservation and/or adaptive reuse of historic buildings, incorporate design features that are in harmony with the area’s character and existing buildings, and express the cultural heritage resource in some way. The proposed development includes a heritage impact study that considers the value of the cultural heritage resource on site, the potential impacts to it, and necessary mitigation measures. The design of the new building is visually separated from the heritage building while the new addition on the heritage building is designed to be visually

subordinate to the original structure. The overall design of the site incorporates the original building as a prominent feature and the first thing visitors see when entering the property via the new driveway. The application therefore conforms to the cultural heritage policies of the ROP.

### **City of Burlington Official Plan**

The subject lands are designated as “Business Corridor” in the City’s Official Plan. The Business Corridor designation permits a wide range of employment uses, including office, industrial and related uses. The Business Corridor designation on the subject lands includes a site specific policy allowing for the sale of antiques and reproduction furniture and decorative accessories (OPA 24). The subject lands are also designated as a heritage property under Part IV of the *Ontario Heritage Act*. The Official Plan contains policies to regulate development and preserve cultural heritage resources.

Day care centres are considered Institutional Uses according to Part II, Section 4.3 (iv) of the Official Plan and are only permitted in the Business Corridor designation after completion of studies to identify and address potential sources of hazard from surrounding employment land uses. The applicant has submitted the required studies regarding compatibility with surrounding land uses to the satisfaction of commenting agencies, and therefore no application for Official Plan Amendment is required to facilitate this development.

Part II, Section 4.0 of the Official Plan speaks to the assessment of Institutional Uses when proposed in areas where they are not explicitly permitted under the existing land use designation. Subsection 4.1 a) states that the plan seeks to “*encourage the educational, health and social well-being of residents of the City by providing opportunities for the development of institutional uses within the community*”. According to subsection 4.2, the objectives of providing additional institutional uses within the City are “*to recognize and permit institutional land uses within the Plan, while considering the potential effects of these uses on adjacent uses*”; and “*to ensure that the use of surplus institutional lands or buildings is compatible with adjacent uses*”.

The subject lands are surrounded on all sides by rights-of-way and are not adjacent to any developments. On a physical level, the buildings themselves will not create negative impacts on surrounding development such as shadowing, privacy or noise. The area is characterized by many different land uses including employment, industrial, retail and residential. The proposed day care use will further diversify the number of land uses in the area and will provide a service to those who live and work in the surrounding area.

While it is important to assess the impacts of the proposed development on the surrounding area, a day care centre is considered to be a more sensitive use than what

is currently permitted in the area, and it is therefore also important to assess the impacts of existing development on the proposed. A Risk Assessment was therefore completed by the applicant and submitted as part of the application. The industrial uses located in the surrounding area are considered “Class 1” by the Ministry of Environment; meaning they are small scale and produce or store products that are contained in a package and have a low probability of emissions. The Ministry suggests a separation distance of 20 metres and a potential influence area of 70 metres. It should be noted that the nearest industrial uses are located more than 70 metres from the subject lands. A noise study was also submitted by the applicant to assess the impacts of the noise generated by the Queen Elizabeth Way on the subject lands. Staff reviewed the study and are satisfied with its findings, which include noise mitigation measures to be implemented by the applicant. Due to concerns relating to sensitivity, staff are recommending as part of a modified approval that industrial uses be prohibited on the subject lands.

Part II, Section 6.0 of the Official Plan contains policies and objectives relating to Design. Part II, Section 6.1 a) of the Official Plan states that “*The tangible elements of the urban form, consisting of a combination of the built environment and open space that form the urban landscape, shall be designed in an efficient, attractive and compact manner to enhance the well-being of the residents of the community and to reflect the vision of this Plan*”.

One of the objectives of the Design section of the Official Plan, found in Subsection 6.2 b), is “*to ensure that the design of the built environment enhances heritage features*”. There is an existing designated heritage building on the subject lands. The applicant is proposing an addition to this building which has been reviewed by the Burlington Heritage Committee and the City’s Heritage Planner. Comments are discussed further in this report.

Another objective is subsection 6.2 f), “*to ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression*”; and 6.2 g): “*to integrate urban design into the full range of decision-making activities to assist in achieving the design objectives of this plan*”. Subsection 6.5 a) notes that “*the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area*”.

The surrounding area does not have a distinct character, as it is surrounded by many different types of development, streets and rights-of-way. The applicant is proposing a building that incorporates a variety of building materials and design features and will contribute to an attractive streetscape. The proposed addition to the heritage building also includes quality building materials and design and will be physically attractive from the street.

The proposal will be subject to a Site Plan application, at which time the building design will be reviewed in detail by staff from the City's Site Plan and Urban Design staff. As part of the Zoning By-law Amendment application, however, modified zoning regulations are established for standards such as setbacks and height. In this regard, it is important to consider certain factors at this stage.

Staff have reviewed the building in terms of the above-noted design requirements and note that the two proposed buildings are appropriate for the site location and they will not negatively impact surrounding development. Due to the separation of the subject lands from existing development, the impacts of reduced setbacks will not be significant, and may contribute to a streetscape that is more attractive and interesting. Staff acknowledge the fact that the building must be located outside of the MTO 14 metre setback, which limits the possibilities for the siting of the proposed building.

#### Heritage Planning Comment

Burlington's Official Plan addresses cultural heritage resources in Part II, Section 8. The policies of this section have guided the heritage staff review of the revised application. In particular, section 8.4.1 (c) states that *"approval of development on lands with significant cultural heritage resources may be subject to conservation of the cultural heritage resources. Should Council, in consultation with its municipal heritage committee (Heritage Burlington), determine that the proposal to alter, demolish or erect a structure that would detract from, or indirectly impair the character, quality, heritage attributes or stability of a cultural heritage resource, the proposal shall be subject to the recommendations of a heritage impact statement"*. In accordance with this policy, the City will require the conservation of the cultural heritage resources as part of the proposed redevelopment of 2477 Queensway Drive.

Staff have reviewed the proposal in the context of the Provincial Policy Statement, the Places to Grow Act, the Regional Official Plan and the City of Burlington Official Plan and are of the opinion that the proposed development is in keeping with the policies of the above.

#### **City of Burlington New Official Plan**

The proposed New Official Plan was approved by Council on April 27, 2018 but is not yet in effect, and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new Official Plan will not come into effect until it has been approved by Halton Region; however the City's proposed new Official Plan reflects Council's vision and as such, should be acknowledged as part of the proposal.

The subject lands are identified as "Employment Lands" in accordance with "Schedule B – Urban Structure" and are further designated as "Business Corridor" in accordance

with “Schedule C – Land Use – Urban Area”. Section 3 of the New Official Plan – Complete Communities, Subsection 3.2.2 c) states the following:

*Notwithstanding Subsections 3.2.2 a) and b) of this Plan, public service facilities and institutional uses should be discouraged from locating within the Employment Area as they often require locations that would better serve the broader community. These uses may only be permitted in the Employment Area where the following criteria are met:*

- (i) The use is an ancillary employment use, as defined in Chapter 13, Definitions, of this Plan;*
- (ii) The use is located at the periphery of the Employment Area, as shown on Schedule B: Urban Structure, of this Plan by being within 400 m of a Major Arterial, Multi-Purpose Arterial Street or an Urban Avenue, as identified on Schedule O-1: Classification of Transportation Facilities –Urban Area, of this Plan;*
- (iii) The use has access to at least one Major Arterial, Multi-Purpose Arterial, Urban Avenue, or Industrial Connector Street, as identified on Schedule O-1: Classification of Transportation Facilities – Urban Area, of this Plan;*
- (iv) The use has a maximum floor area of 500 sq. m.; and,*
- (v) The use shall not contain a residential use.*

The proposed day care use can be considered to be ancillary to the employment uses in the surrounding area, as it provides a service. Further, the subject lands are on the periphery of the Employment Area. The lands have access to a major arterial (Guelph Line) as well as an Industrial Connector (Queensway Drive); and do not contain a residential use. In this regard, the proposed development meets the intent of subsections 3.2.2 c) i); ii); iii) and v).

The proposed day care has a floor area of 1815 square metres; greater than the 500 square metres permitted within the New Official Plan. Staff are recommending a modified approval of the proposal; which would require 4 parking spaces per 100 square metres of gross floor area. The building footprint currently proposed would require 44 parking spaces; whereas the applicant is proposing 33 spaces (excluding the proposed parking within the MTO’s 14 metre setback). As such, based on the parking required and provided; a floor area of 1815 square metres would not be feasible.

Staff recognize that the New Official Plan is not yet in effect; and as such, staff are satisfied with the applicant’s proposal of a day care use in excess of 500 square metres. In order to comply with the required parking, the applicant will need to reduce the floor area to slightly less than what is currently proposed. While the floor area would continue

to be greater than the 500 square metres noted in the Official Plan, staff are satisfied that complying with the parking would alleviate concerns associated with site function.

### Zoning By-law 2020

The subject lands are zoned “Business Corridor with Site Specific Exception (BC1-266)”. The Business Corridor component of the designation permits various industrial, office, hospitality, automotive, retail, service commercial and recreation uses. The site specific exception permits the sale of antiques, reproduction furniture and decorative accessories in addition to the uses mentioned above. Institutional uses, including daycares, are not permitted within the Employment Zones which includes the BC1 zone. As such, a Zoning By-law Amendment is required to add a day care as a permitted use on the subject lands.

The property is bound by Queensway Drive, Guelph Line and the Queen Elizabeth Way which require large setbacks for development as well as landscape buffers. As such, site specific development standards will be required.

The following table depicts the regulations of the existing BC1-266 zone and the proposed site specific exception requested by the applicant, followed by a staff comment.

Existing BC1-266	Proposal	Staff Comment
Permitted Uses: Range of uses as per Zoning By-law	Day care centre as an additional permitted use  Industrial Uses Prohibited	The proposed day care use has been reviewed in accordance with applicable policies including the Provincial Policy Statement, the Growth Plan, the Regional Official Plan and the City of Burlington Official Plan. Staff find the proposed use to be appropriate for the subject lands for the reasons outlined in the discussion of Official Plan policies.  Staff are recommending that industrial uses be prohibited on the subject lands as they would be incompatible with a day care use.
Yard Abutting Guelph Line: 30 metres	1.9 metres	The proposed setback of 1.9 metres represents the closest point of the proposed building on the southeast side of the site. The remainder of this property line does not contain any buildings. The property line is approximately 25 metres from the sidewalk of Guelph Line, and there are no buildings

Existing BC1-266	Proposal	Staff Comment
		immediately adjacent to this side of the property. Staff are satisfied that the impacts of the reduced setback are minimal and will not negatively affect adjacent uses. It should also be noted that as a result of the requirement for development to be located outside of a 14 metre setback required by the MTO, there is no other location for the proposed building to be sited, which is recognized by staff.
Yard Abutting Queensway Drive: 15 metres	2 metres	The proposal requests a minimum setback of 2 metres abutting Queensway Drive. This measurement is a pinch point which represents the closest point of the proposed new building to the property line. Staff are of the opinion that the proposed setback and building location will not negatively impact the surrounding area.
Maximum Floor Area for Day Care Use: Not included	1815 square metres	The applicant is proposing approximately 1815 square metres of floor area to be used as a day care centre. Staff have evaluated the proposal based on this size and are satisfied that the development is appropriate, but are of the opinion that the development should not be larger than what is proposed. As such, staff are of the opinion that it is appropriate to include a maximum floor area for a day care use. It should be noted that should staff's modified approval pertaining to the number of required parking spaces be implemented, it is likely that this number will be reduced.
Landscape Area Abutting Queensway Drive: 15 metres	1 metre	Landscaping is provided along the Queensway Drive frontage, as well as outdoor play area. There is a parking lot at the rear (north side) of the site and the closest point of a parking space is located 1 metre from the property line. This 1 metre

Existing BC1-266	Proposal	Staff Comment
		<p>setback is the closest point of development to the property line. The property currently supports a wall along the perimeter which will also help with buffering along the street. Staff are satisfied that the proposed reduced landscape buffer is acceptable for the proposed development.</p>
<p>Landscape Area Abutting Guelph Line: 15 metres</p>	<p>0 metres</p>	<p>Landscape Area is provided along Guelph Line; however there are proposed walkways along this frontage. Because the walkway is running in the same direction as the landscape area, it is by definition not considered to be part of the Landscape Area. Staff are satisfied that the property line is located a significant distance from the paved portion of the street and the sidewalk, from which the building would be the most visible.</p>
<p>Parking for Day Care Use: 4 spaces/100 square metres of Gross Floor Area</p>	<p>3 spaces/100 square metres of Gross Floor Area</p>	<p>The applicant is proposing a parking ratio of 3 spaces per 100 square metres of Gross Floor Area. Staff have reviewed the number of parking spaces in the context of the proposed use.</p> <p>Staff note that a recent parking study was undertaken by IBI which reviewed the City's current parking requirements. The parking rate for a day care was included in this review and it was determined that 4 spaces per 100 square metres of gross floor area would be required. This is consistent with the in effect requirement of the Zoning By-law. Because of the location of the subject lands, opportunities do not exist for on-street parking to assist with parking overflow.</p> <p>The applicant is requesting 38 spaces when considering the site as a whole; and 33 permanent spaces should the MTO setback be taken. The proposal would require 44</p>



Existing BC1-266	Proposal	Staff Comment
		spaces. Staff are not opposed to the development as a whole and are supportive of the applicant decreasing the proposed floor area and therefore decreasing the number of required parking spaces in order to comply.
Loading Spaces: 2 required	None provided	Staff are of the opinion that loading spaces are not required for the proposed day care use and are satisfied with the applicant's proposal which does not include any loading spaces.

### Technical Review

The Zoning By-law Amendment application and supporting documents were circulated to internal departments and external agencies for review. Originally the applicant had proposed a development consisting of an expansion of the existing heritage building and a two-storey day care; however the Ministry of Transportation of Ontario (MTO) requires a 14 metre setback from their property in which no essential site features are permitted. This means that the property must be functional and in compliance with applicable zoning standards with or without required site features located within the 14 metre setback. The previous proposal shows a building with a larger footprint located partially within this setback. The applicant revised their proposal to show a building with a smaller footprint which had been moved to the southeast corner of the site.

The revised proposal was circulated to various departments and agencies for further review and comment. Internal departments who commented on this application include Transportation, Site Engineering, Zoning, Landscaping and Forestry, Finance, Heritage Planning, Fire and Emergency Services and Burlington Economic Development Corporation. External agencies who have commented on this file include Halton Region and the MTO.

### Internal Department Comments

#### Site Engineering

Site Engineering staff have indicated that they have no concern with the proposed rezoning; however they note that detailed servicing and grading plans were not submitted for review as part of the application and will need to be reviewed in detail at the Site Plan stage.

#### Zoning

Zoning staff have reviewed the site plan and have assisted in producing the site-specific zoning by-law regulations for this site, provided as Appendix “B” to this report. Zoning Staff will be tracking all applications for Zoning Clearance for the development in the future to ensure that the site specific exceptions needed for the site are enforced.

### **Transportation**

The City’s Transportation staff have reviewed the proposed development. It should be noted that under the current zoning, 44 parking spaces are required based on the proposed gross floor area. The applicant is proposing 38 spaces with the MTO 14 metre setback included; and 33 spaces should the setback be taken.

A *Burlington City-Wide Parking Standards Review* was undertaken by IBI Group in July of 2017, which reviews uses throughout the City and provides suggested parking ratios. The study recommends 4 spaces per 100 m<sup>2</sup> of gross floor area, which is in keeping with the Zoning By-law requirements. The applicant is requesting a parking ratio of 3 spaces per 100 m<sup>2</sup>. Staff note that the site is constrained in that it is surrounded by rights-of-way with no opportunity for on-street parking. This prevents opportunity for overflow parking should the site become congested. It is the opinion of staff that the parking ratio should remain at 4 spaces per 100 m<sup>2</sup> of gross floor area in accordance with the City’s Zoning By-law, the Burlington City-Wide Parking Standards Review and due to site constraints.

### **Heritage Planning**

The subject lands currently support a stone farmhouse building, known as “Locust Lodge”, which was built in 1838 with later additions on the south elevation. The property is designated pursuant to the Ontario Heritage Act by municipal by-law 85-1993. Heritage Planning staff have reviewed and commented on the proposed development and the proposed alterations to Locust Lodge, and their comments are included below.

#### Comments on Proposed Alterations

Heritage Planning staff note that there are no issues with the proposed four storey building, as it has been designed in such a way that does not overwhelm the existing heritage building. A detailed review of the design of the proposed additions to the existing heritage building will be completed at the site plan stage; however it should be noted at this stage that staff appreciate that the proposed addition respect the scale and massing of the original building.

Heritage Planning staff note that the internal features of the building are not protected in the designation by-law, and there are therefore no objections to internal renovations. The applicant will be required to provide the City with a photographic record of significant interior and exterior features of the heritage building and its existing additions that are to be removed or significantly altered for archival purposes.

The locust trees on the site are of heritage interest and are referred to in the Reasons for Designation in Schedule A of the designation By-law. Heritage staff notes that Part II, Section 8.4.2 (c) of the Official Plan states that “*in all areas, care will be taken to preserve landmark trees and other vegetation of heritage significance and/or scenic value*”. *The inclusion of landmark trees and tree and hedge lines shall be considered in the design of any development. Where removal of a landmark tree(s) and/or other vegetation of heritage significance and/or scenic value is proposed, the applicant may be required to revise the site layout such that significant vegetative features are retained*”. Heritage staff acknowledge that some trees on site will need to be removed; however they do encourage as many locust trees to be preserved as possible.

### Consultation

Part II, Section 8.3.1 (b) of the Official Plan requires the City to “*consult its municipal heritage committee (Heritage Burlington) with regard to the use and treatment of cultural heritage resources*” (8.3.1 b). Heritage Burlington reviewed the revised Heritage Impact Study, dated November 2017, at its meeting of May 9, 2017. The committee passed the following motion regarding the revised proposal:

*Heritage Burlington supports in principle the December 2017 revised proposal to amend the Zoning By-law for 2477 Queensway Drive to permit an institutional use located within a new building on site and within a proposed addition on the original farm house. Heritage Burlington will provide comment on detailed design of such an addition through consideration of a future heritage permit application.*

### Conclusion

Heritage staff are satisfied with the applicant’s proposal to construct a new four storey day care building and an addition to the existing heritage building. It should be noted that a more detailed review will be undertaken at the Site Plan stage.

## **External Agency Comments**

### **Ministry of Transportation of Ontario (MTO)**

The MTO has provided comments relating to the subject proposal. An Environmental Assessment is currently being undertaken which may impact the subject lands. The MTO has requested a 14 metre setback from their adjacent lands which could be taken for use by MTO in the future. As such, no essential development or required facilities are permitted within the 14 metre setback.

The applicant’s proposal includes parking spaces and driveway within the 14 metre setback. The parking spaces and driveway can be used for as long as the 14 metre setback remains part of the subject lands; however the parking spaces cannot be

included in the required parking number and site circulation must be possible without the driveway portion included within the setback. The development was reviewed by departments and agencies both with and without the 14 metre setback, and staff and the MTO are satisfied.

Because the property is located within 45 metres of the Queen Elizabeth Way limits or within a 395 metre radius of the centrepoint of Guelph Line and the Queen Elizabeth Way, further review will be required by the MTO at the Site Plan stage and additional conditions will be provided; however the MTO has no objection to the proposed Zoning By-law Amendment.

### **Region of Halton**

The Region of Halton has provided comments on the proposal and note that they have no objections to the rezoning application. They note that a Municipal Class Environmental Assessment is underway for the Guelph Line/Harvester Road/QEW Interchange intersections. A preferred design alternative has not yet been completed, and the subject lands may be impacted as a result. The Region has noted that other matters, such as air quality mitigation methods and servicing details can be discussed at the Site Plan stage.

### **Other Comments**

Comments were also received by the Finance Department, the Burlington Economic Development Corporation, Fire and Emergency Services, Transportation Planning and Landscaping and Urban Forestry, who provided their standard comments on the proposal and had no objections.

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### **Financial Matters:**

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

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### **Public Engagement Matters:**

The application was subject to the standard circulation requirement for Zoning By-law Amendment applications. A public notice and request for comments were circulated on October 4, 2016 to surrounding property owners and tenants. A public notice sign with information about the development proposal was also posted on the property by the applicant on September 30, 2016. All technical studies and required supporting

materials for the development were posted on the City's website, which is [www.burlington.ca/2477Queensway](http://www.burlington.ca/2477Queensway).

A Neighbourhood Meeting was held at the Best Western Plus Hotel, located at 2412 Queensway Drive, on October 18, 2016. The meeting was attended by the Ward Councillor and Planning staff, however no members of the public were present.

A Statutory Public Meeting was held on May 2, 2017. There were no delegations. No other public comments have been received in response to the development application.

### **Conclusion:**

Staff's analysis of the application for a Zoning By-law Amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff finds that the application conforms to the Provincial Policy Statement, Places to Grow Act and the Regional and City Official Plan. This report recommends that the subject rezoning application be approved and that Zoning By-law 2020-XXX attached as Appendix B, to Report PB-53-18 be adopted.

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Respectfully submitted,

Melissa Morgan

Planner II – Development Review

905-335-7600 extension 7788

### **Appendices:**

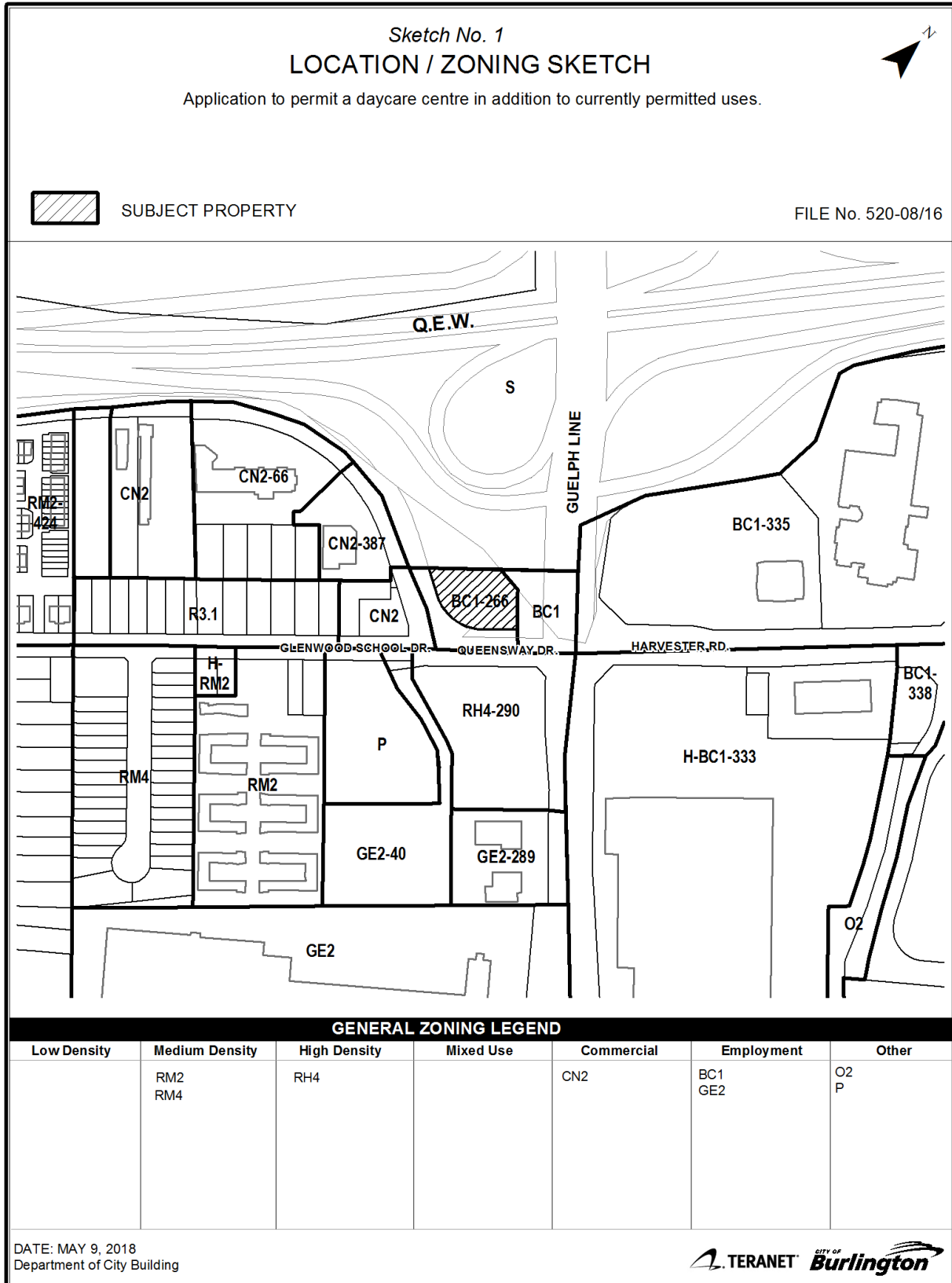
A. Sketches

B. Proposed 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"



Sketch No. 2  
DETAIL SKETCH



Application to permit a daycare centre in addition to currently permitted uses.



SUBJECT PROPERTY

--- Bus Routes

• Bus Stops

FILE No. 520-08/16

