

SUBJECT: Official plan and zoning by-law amendments for 1335-1355

Plains Road

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-37-18

Wards Affected: 2

File Numbers: 505-08/17 and 520-17/17

Date to Committee: July 10, 2018

Date to Council: July 16, 2018

Recommendation:

Receive and file department of city building report PB-37-18 regarding the proposed official plan and zoning by-law amendments for 1335-1355 Plains Road East.

Purpose:

The following objectives of the City's Strategic Plan apply:

A City that Grows

- Intensification
 - Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.
- Focused Population Growth
 - Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

REPORT FACT SHEET

REC	OMMENDATIONS: None; inform	nation only	Ward No.: 2
Application Details	APPLICANT:	Brenda Khes, GSP Grou	p Inc.
	OWNER:	DVLP Property Group Inc.	
	FILE NUMBERS:	505-08/17 & 520-17/17	
	TYPE OF APPLICATION:	Official Plan and Zoning By-law Amendment	
	PROPOSED USE:	Standard and back to back townhouse dwelling units	
Property Details	PROPERTY LOCATION:	North side of Plains Road Street and Glendor Aven	•
	MUNICIPAL ADDRESS:	1335-1355 Plains Road East	
	PROPERTY AREA:	0.46 ha	
Pro	EXISTING USE:	Three former nursery school buildings, one former commercial building (all currently vacant)	
	OFFICIAL PLAN Existing:	Mixed Use Corridor - Gei	neral
nts	OFFICIAL PLAN Proposed:	Mixed Use Corridor – Ge policy	neral with site specific
Documents	ZONING Existing:	Mixed-Use General (MXG)	
Doc	ZONING Proposed:	Mixed-Use General with site specific exception (MXG-XXX)	
Processing Details	NEIGHBOURHOOD MEETING:	March 7, 2018	
	PUBLIC COMMENTS:	4 e-mails, 1 letter (one co e-mails)	onstituent sent multiple
Pr			

Background and Discussion:

On December 18, 2018, the Department of City Building acknowledged that a complete application had been received for an Official Plan Amendment and Zoning By-law Amendment for 1335-1355 Plains Road East. The purpose of these applications is to amend the Official Plan and Zoning By-law in order to facilitate a residential development consisting of 9 standard and 29 back to back townhouse units. The location of the subject lands is illustrated in "Appendix A". A Detail Sketch of the development proposal is provided in "Appendix B".

The purpose of this report is to provide an overview of the proposed application and provide an outline of the applicable policies and regulations as well as a summary of the technical and public comments received to date. This report is intended as background information for the Statutory Public Meeting.

Site Description:

The subject property is located on the north side of Plains Road East, between Helena Street and Glendor Avenue. The property has an area of 0.46 hectares (1.14 acres). The site currently supports four buildings; two single storey buildings, one 1.5 storey building and one two-storey building. All buildings are currently vacant and are proposed to be demolished. Surrounding land uses include the following:

North: Two-storey single detached dwellings

East: Two-storey apartment building and two-storey commercial building

South: Automotive shop, beyond which is the CN railway

West: Three-storey townhouses

Discussion

Description of Application

The City of Burlington is in receipt of the following applications:

- 505-08/17 Official Plan Amendment application to redesignate the subject lands from "Mixed-Use Corridor – General" to "Mixed-Use Corridor - General with site specific policy"; and,
- 520-17/17 Zoning By-law Amendment application to rezone the subject lands from "Mixed-Use General (MXG)" to "Mixed-Use General with site specific exception (MXG-XXX)".

The current Official Plan designation on the subject lands is "Mixed-Use Corridor - General" in accordance with Schedule "B" of the City's Official Plan. The current zoning is "Mixed-Use General (MXG)". The applicant is proposing to construct a new townhouse

development consisting of 9 standard townhouse units and 29 back to back townhouse units. Site specific amendments to the Official Plan and Zoning By-law are required to facilitate the proposal.

Nine of the proposed back-to-back units are proposed to have driveway access from Plains Road East, six would have driveway access from Helena Street, and the remainder of the units would have driveways onto a private condominium road which proposes access from Plains Road East.

Since the submission of the application, a number of concerns have been raised by staff and the public, which will be discussed further in this report. As of the time of the writing of this report, no formal resubmission has been received by the City and therefore no additional technical review has been undertaken. The applicant, however, has been discussing potential solutions with staff and will continue to do so throughout the development application process.

Technical Reports

The applicant submitted the following technical reports in support of the subject application to be reviewed by various departments and technical agencies.

Report Name	Consultant	
Planning Justification Report	GSP Group	
Site Plan, Community Context and Elevation	Chamberlain Architect Services Limited	
Concept Plan	GSP Group	
Functional Servicing Report	S. Llewellyn & Associates Limited	
Traffic Brief and Parking Justification Study	Paradigm Transportation Solutions Limited	
Noise Feasibility and Vibration Study	HGC Engineering	
Shadow Study	Chamberlain Architect Services Limited	
Environmental Site-Screening Questionnaire		
Phase I Environmental Site Assessment	S2S Environmental Inc.	
Geotechnical Report	Sola Engineering	
Height Survey	Chamberlain Architect Services Limited	
Preliminary Grading Plan	S. Llewellyn & Associates Limited	
Vegetation Management Plan	GSP Group	

<u>Urban Design Brief</u>	GSP Group and Chamberlain Architect	
	Services Limited	

Technical Review

The Official Plan Amendment and Zoning By-law Amendment applications and supporting documents were circulated for review to internal departments and external agencies. Not all comments have been received for this revised development application. Comments are still forthcoming from Halton Region, Union Gas, Bell and the City's Fire and Emergency Services section. The following is a summary of other agency comments that have been received to date:

Urban Forestry:

Landscaping and Urban Forestry staff have reviewed the proposal. It is noted that caliper for caliper tree replacement might be possible, and that the applicant should explore this option. Landscaping and Urban Forestry staff have also requested that the applicant submit details of an agreement with adjacent properties in order to remove neighbouring trees. One city tree is proposed to be removed. Staff will require replanting of this tree within the municipal right-of-way or cash-in-lieu of replanting.

Transportation:

Transportation staff have provided comments on the proposal. They have advised that driveways fronting onto the private condominium road are required to have a length of 6.7 metres, whereas some of the currently proposed driveways are deficient, and that more visitor parking spaces are strongly encouraged in accordance with the City's Zoning By-law as well as in keeping with the comprehensive parking study recently undertaken for the City. With respect to the traffic impact of the proposed development, Transportation staff are satisfied that there are no concerns with trip generation or traffic.

Transportation staff have expressed concern with respect to the access being proposed for the development. More specifically, there is concern with the location of the access in relation to the intersection of Plains Road East and Helena Street and the potential safety impacts that may result. The applicant has been working with staff toward a solution to this issue. It should be noted that at the time of the writing of this report, a formal resubmission has not been made and therefore a formal review of the potential changes noted above has not yet been undertaken. Should the applicant submit a revised proposal, further review will be done and revised technical comments will be provided.

Site Engineering:

Site Engineering staff have reviewed the proposal and note that a Phase II Environmental Site Assessment will be required for review prior to the approval of the proposed Zoning By-law Amendment. Further comments were provided on the technical studies and reports submitted; however it was noted that these matters could be dealt with at the Site Plan Approval stage to follow.

Other:

The City's Parks and Open Space Section, Finance Department, Burlington Economic Development Corporation, Canada Post, Metrolinx, the Halton District School Board, the Halton Catholic District School Board and Burlington Hydro have provided their standard comments and have advised that they have no issues or concerns at this stage.

Policy Framework:

The application is subject to the following policy framework: the Provincial Policy Statement 2014, the Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, the City of Burlington Official Plan and the City of Burlington Zoning By-law 2020. Consideration of applicable policies from these documents will be addressed in the subsequent recommendation report. Listed below is an overview of the land use designations and policy directions at the provincial, regional and local level.

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (PPS) 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 range and mix of land uses. Through the PPS, growth and development are to be focused within the established settlement areas. Decisions affecting planning matters made on or after April 30, 2014 "shall be consistent with" the PPS.

Growth Plan for the Greater Golden Horseshoe

The updated 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 and well-designed form.

Halton Region Official Plan

The subject lands are designated "Urban Area" in accordance with the Halton Region Official Plan (ROP). The Urban Area objectives promote growth that is compact and transit-supportive. This designation also encourages intensification and increased densities. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Halton Region Official Plan.

City of Burlington In Force Official Plan (2008)

The subject lands are designated "Mixed-Use Corridor – General" in accordance with the City's Official Plan. This designation allows for a wide range of retail, service commercial and personal service uses; a broad range of office uses; entertainment, recreation and other community facilities such as day care centre; and small scale motor vehicle dealerships. In addition, the "Mixed-Use Corridor – General" designation permits high density residential uses and a full range of office uses.

According to Part III, subsection 5.3.2(ii) of the City's Official Plan, "townhouses may only be permitted as a component of an overall development of mixed residential or residential/commercial building forms, where the townhouse portion of the mixed development does not abut the multi-purpose arterial or major arterial road and where the development of the townhouse component does not compromise the long-term objectives for the Mixed Use Corridor designation with respect to such matters as mix of uses, building form and intensity".

The applicant is proposing a townhouse use with no commercial component. Further, Plains Road East is considered to be a multi-purpose arterial road, to which the townhouses would be adjacent. In light of the above, the proposed development does not meet the policies of the City's Official Plan. The applicant has therefore submitted an application for an Official Plan Amendment.

In addition to the above and in keeping with Provincial requirements, Part III, section 2.5.2 of the Official Plan contains policies pertaining to residential intensification. While the policies are intended for intensification within established neighbourhoods, the proposal is surrounded by established residential areas and these policies are a useful means of evaluating land use compatibility. As such, the proposed development will be reviewed in accordance with these criteria.

City of Burlington Council Adopted Official Plan (Grow Bold)

The proposed new Official Plan was adopted by Council on April 27, 2018 but is not yet in effect. The new Plan 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 new Official Plan reflects Council's vision for future development in Burlington.

The subject lands are located within the "Mixed Use Nodes and Intensification Corridors" area of the New Official Plan, and are further designated as "Urban Corridor". Chapter 8, Subsection 8.1.3(7.2)(d); policies applicable to the "Urban Corridor" designation, states the following:

Other forms of ground-oriented dwellings may only be permitted, provided that the ground-oriented residential portion of the development:

- i) Does not abut a Multi-Purpose Arterial Street, Urban Avenue or Main Street, as shown on Schedule O-1, Classification of Transportation Facilities – Urban Area, of this Plan;
- ii) Is developed in conjunction with, and is part of, a multi-residential or mixed-use building; and
- iii) Does not compromise the objectives of the Urban Corridor designation.

It should be noted that Plains Road East is considered to be a Multi-Purpose Arterial Street. As such, the proposal does not meet the policy requirements for standalone ground-oriented residential development. An Official Plan Amendment has been submitted, along with a Planning Justification Report which will be used to evaluate the requested change in Official Plan policy.

City of Burlington Zoning By-law 2020

The property is zoned "Mixed-Use General (MXG)" in accordance with Zoning By-law 2020. The "Mixed-Use General (MXG)" Zone permits various retail commercial; service commercial; office; community; automotive; entertainment and recreation and residential uses. The proposed development does not comply with some regulations, including building length; setbacks; visitor parking and amenity area. A Zoning By-law Amendment application is therefore required. The following table outlines the requirements of the "Mixed-Use General (MXG) Zone" as well as what is proposed by the applicant and whether site specific provisions would be required. It should be noted that this chart is based on a preliminary review by staff based on the current proposal. Those items listed in bold within the chart below are not in keeping with the Zoning By-law requirements and will therefore require site specific relief. A more detailed review of the proposal will be undertaken by Zoning staff at a later stage in the process.

Regulation	Current MXG Requirement	Proposed
Definition – Townhouse	Requires maximum building length of 55 metres	Maximum building length of 47 metres
Definition – Back-to-	Requires maximum 16 units per	18 units with maximum

Regulation	Current MXG Requirement	Proposed
Back Townhouse	building and maximum building length of 55 metres	building length of 50 metres
Permitted Use: Back-to-Back Townhouse	Not permitted within 25 metres of a public street having a deemed width of 26 metres or greater	Proposed to be 3 metres from Plains Road East
Permitted Use: Townhouse	Not permitted within 55 metres of a public street having a deemed width of 26 metres or greater	Proposed to be 35.5 metres from Plains Road East
Lot Width	30 metres	44.95 metres
Lot Area	1200 square metres	4612 square metres
Front Yard	3 metres, except entrance to an attached garage shall be set back 6 metres	4.5 metres; except entrance to an attached garage shall be set back 6 metres
Side Yard	3 metres	West Side – 1.5 metres East Side – 4.5 metres
Yard Abutting Residential Zone	12 metres for a three storey building	6 metres
Density	30 units per hectare	82 units per hectare
Floor Area Ratio	Minimum 0.3:1 Maximum 1.5:1	1.16:1
Landscape Area Abutting Street	3 metres	3 metres
Landscape Buffer Abutting Residential Zone	6 metres	1.5 metres
Parking – Townhouse	2 occupant spaces per unit (18 spaces) 0.5 visitor spaces per unit (5 spaces)	2 occupant spaces per unit (18 spaces) 0.2 visitor spaces per unit (2 spaces)
Parking – Back-to- Back Townhouse	2 occupant spaces per unit (58 spaces) 0.35 visitor spaces per unit (11 spaces)	2 occupant spaces per unit (58 spaces) 0.1 visitor spaces per unit (3 spaces)
Driveway and Parking Lot Setback from Window of Habitable Room	Townhouse: 3 metres Back-to-Back Townhouse: 3 metres	Townhouse: 1.2 metres Back-to-Back Townhouse: 1.5 metres
Parking Space Size Internal Garage Dimension	2.75 metres by 6 metres 3 metres by 6 metres 3 metres by 5.5 metres of unobstructed area	2.75 metres by 6 metres 3 metres by 6 metres 3 metres by 5.5 metres of unobstructed area

Regulation	Current MXG Requirement	Proposed
Amenity Area – Townhouse	20 square metres per 1- bedroom unit 35 square metres per 2- bedroom unit	29 square metres per unit
	(1330 square metres required)	1102 square metres total proposed
Amenity Area – Back-to-Back Townhouse	100 square metres minimum common amenity area, or 6 square metres per unit, whichever is greater (100 square metres required)	71 square metres common amenity area
Privacy Area – Townhouse	20 square metres per unit	20 square metres per unit
Privacy Area – Back-to-Back Townhouse	5.5 square metres of balcony per unit separated from adjoining units by a wall or privacy screen	30 square metres rooftop amenity space per unit separated by a privacy screen
Maximum Height – Townhouse	3 storeys (14 metres)	3 storeys (9 metres)
Maximum Height – Back-to-Back Townhouse	3 storeys (14 metres)	3 storeys plus rooftop amenity – 11.5 metres

As mentioned above, those proposed development standards listed in bold do not comply with the Zoning By-law requirements, and as such a Zoning By-law Amendment is required. The applicant is requesting to add a site-specific exception to the existing "Mixed-Use Corridor – General (MXG)" Zone.

Financial Matters:

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

Public Engagement Matters:

Public Circulation/Notification

The applicant posted a public notice sign on the property to reflect their submission on January 25, 2018. All of the technical studies and supporting materials for this development were posted on the City's website at www.burlington.ca/1335-1355-Plains-East. The application was subject to the standard circulation requirements for Official

Plan and Zoning By-law Amendment applications. A public notice of a Neighbourhood Meeting with a request for comments was circulated to surrounding property owners in February 2018.

Neighbourhood Meeting

City staff conducted a neighbourhood meeting for the proposal on March 7, 2018 at City Hall that was attended by approximately four members of the public who reside in the area. Planning staff provided a brief presentation of the planning process and introduced the application. The key concerns raised by the public at the meeting included a lack of proposed visitor parking, the removal of trees, traffic generation, noise and compatibility with the surrounding area.

The applicant continues to work with staff to make changes to the design of the building based on input received from staff and the public; however no formal revision has been submitted at this time.

Public Comments

As a result of the public consultation, written comments were received from members of the public. Public comments can be found in "Appendix C" of this report. The comments received highlighted the following themes and areas of concern about the development and are summarized below:

- Lack of visitor parking spaces
- Privacy impacts from north side of subject lands
- Removal of too many trees
- Concerns with noise, dust and other factors related to construction
- Additional traffic generated
- Concerns with proposed building design and lack of compatibility

Conclusion:

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

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Respectfully submitted,

Melissa Morgan

Planner II – Development Review

905-335-7600 extension 7788

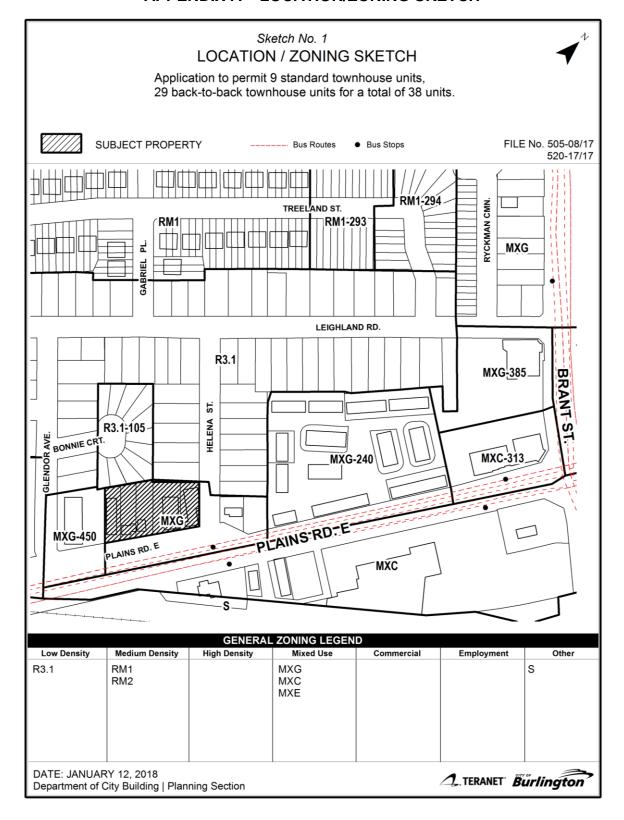
Appendices:

- A. Location/Zoning Sketch
- B. Detail Sketch
- C. Public Comments

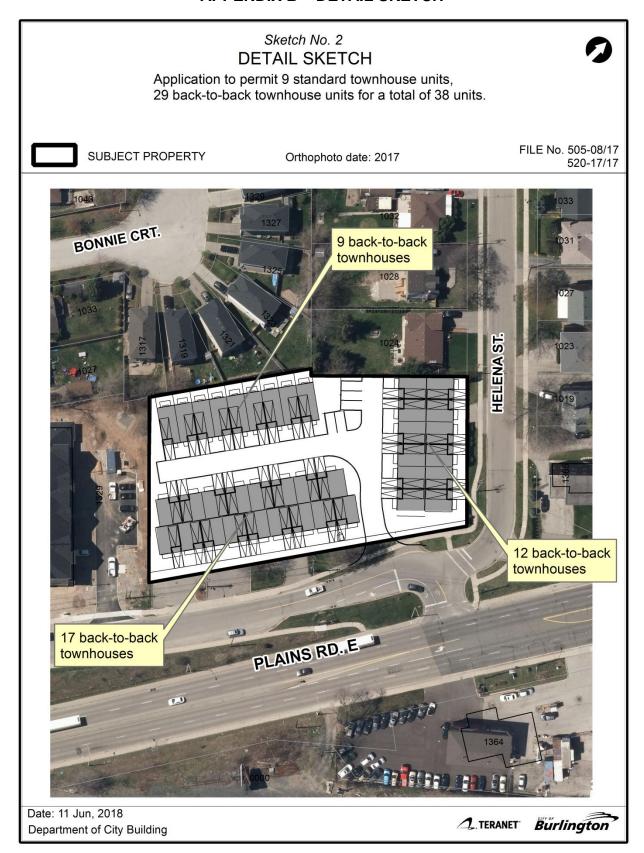
Report Approval:

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/ZONING SKETCH



APPENDIX B - DETAIL SKETCH



APPENDIX C - PUBLIC COMMENTS

----Original Message-----From: Dan Bright [mailto:]

Sent: Friday, February 23, 2018 4:37 PM

To: Emberson, Lola

Subject: Application 1335-1355 Plains Rd East

Hi Lola,

With regards to our conversation last week I want to further express my concerns with the development proposal for 1335-1355 Plains Road East.

- 1 Parking is not adequate, it is ridiculous to believe that 5 visitors parking spots would be adequate for 38 townhouse units. If just one townhouse unit has guests the 5 parking spots would be full. On a Saturday evening it is possible to have 20 to 30 guest vehicles for a property this large.
- 2 My second point pertains to how this affects my property at 1365 Plains Road East. Currently my driveway connects to a small tail section of road that has been left behind by development over the years. Years ago this small roadway used to be longer and exited in front of my neighbours property to the east. Today, however, the roadway is a dead end that ends at my property line.

For the last 17 years since I have owned the property the old piece of roadway has essentially been my driveway. I plow the roadway and maintain the weeds in the summer time. The city has paid no attention to this piece of roadway for the past 17 years. They do not ticket on this piece of roadway and to be honest it is only the odd guest for my building that parks on this roadway.

My concern is that this development is going to have a serious need for visitor street parking. I have been a landlord for many years and these parking estimates are just not realistic. The vehicles for this property are going to want to use my driveway as their visitors parking lot. These are my concerns:

- the old piece of roadway is no longer a thoroughfare and is very narrow. Any vehicle attempting to park in this area will have to try to back out and turn around on my driveway.
- when they attempt to parallel park on this roadway they will make it impossible for my vehicles to reverse and turn to go out of the driveway.
- when they attempt to parallel park on this roadway close to Helena they will make it impossible for my vehicles to get past them to exit my lot.

If this development is to proceed the city needs to access this small tail piece of road as my driveway. When they developed the property at 1371 Plains Rd. E (next door) they took their piece of this roadway and turned it into a front lawn. This is the only solution that would make any sense. We have already had

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one minor accident with a visitor backing into one of our vehicles on this strip of roadway.

Please don't hesitate to call me to discuss further.

Sincerely, Dan Bright Cell: ----Original Message----From: Martyna Ziu [mailto:]

Sent: Monday, March 12, 2018 2:52 PM

To: Emberson, Lola

Subject: 1335-1355 plains rd. Feedback

Hello Lola,

We recently attended a neighbourhood meeting looking for feedback on the proposed development on 1335-1355 plains rd east.

We are nearby residents residing at 1317 Bonnie Crt. We do not agree with the proposed development for the following reasons:

- 1. The height of the proposed townhouse backing onto my property will hover over my backyard and take away natural light that we have been enjoying since we moved in. This will also impact our property value as many people would not consider having a tall townhouse so close to ones property, looking into their backyard.
- 2. The proposed townhouses will be very close to my property closer than the current building there and we strongly feel our privacy will be affected because the windows on the back of the townhouses will be looking in on my property.
- 3. There will be a huge increase in traffic coming out on plains rd that will significantly increase the time for me to turn left on plains rd. This issue needs to be looked into as currently its almost impossible to turn left during rush hour and with this new development it will be impossible to exit the community through plains rd.
- 4. We feel 5 visitor parking for 38 homes is not enough. We are concerned visitors are going to park on Bonnie Crt which is one of the closer streets to this development. Bonnie Crt is already full and we can't imagine having to compete with more residents for parking when guests come over.
- 5. We are also concerned that the style of the development doesn't coincide with the current community. The community is mixed of older bungalows and new townhouses but with a contemporary style. This development looks more modern and we don't think the architectural style works with the community. This development would look good with stores on main floor like the neighbouring development nearby.

Thank you,

Longina Ziubinska-Lewartowski and Janusz Lewartowski Residents of 1317 Bonnie Crt.

----Original Message----From: Martyna Ziu [mailto:]

Sent: Tuesday, March 13, 2018 7:32 PM

To: Emberson, Lola

Subject: Re: 1335-1355 plains rd. Feedback

Hello Lola,

We had additional feedback to add:

- 1. We are concerned about the demolition/construction dust/dirt coming into our property. Another concern is the noise from the construction.
- 2. We will not be able to enjoy the use of our property for the duration of the construction. This is a huge concern for us because our grandson lives with us, he is 10 years old and spends time outside in the yard especially in the summer. Also we have another infant grandson who will be exposed to the construction dirt/dust when outside in the yard.

We would like to know who will be paying for cleaning costs- cleaning dust off our windows and dust getting into our ducts, a/c and on the exterior of the home.

Thank you,

Longina Ziubinska-Lewartowski and Janusz Lewartowski. Residents of 1317 Bonnie Crt.

Sent from my iPhone

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> On Mar 12, 2018, at 2:51 PM, Martyna Ziu < > wrote:
>
> Hello Lola,
> We recently attended a neighbourhood meeting looking for feedback on the
proposed development on 1335-1355 plains rd east.
> We are nearby residents residing at 1317 Bonnie Crt. We do not agree with the
proposed development for the following reasons:
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over my backyard and take away natural light that we have been enjoying since we
moved in. This will also impact our property value as many people would not
consider having a tall townhouse so close to ones property, looking into their
backyard.
> 2. The proposed townhouses will be very close to my property closer than the
current building there and we strongly feel our privacy will be affected because
the windows on the back of the townhouses will be looking in on my property.
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significantly increase the time for me to turn left on plains rd. This issue
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we don't think the architectural style works with the community. This development
would look good with stores on main floor like the neighbouring development
nearby.
>
>
> Thank you,
> Longina Ziubinska-Lewartowski and Janusz Lewartowski
> Residents of 1317 Bonnie Crt.
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Feb. 27/18

Attn: hola Emberson
In regards to Files: 505-8/17, 520-17/17 I do not wish this construction to go forward. Habitat for Humanity took 4 yrs. to build similar townhouses on Glendor Ave. Between the noise, dust, and road congestion caused I don't want to go through that again.

The existing buildings are in perfect shape and working order. They should still be used for commercial use, not residential. I sleep during the day and don't want to have lots of construction noise outside again.

I DO NOT WANT THIS application to be approved!!!

fabe Boondo 1026 Glendor Ave,#103 Burling ton. Ont., LTRYMT.

RECEIVED

MAR - 6 2018

City of Burtington Planning Department