



Planning and Development Committee Meeting

Minutes

Date: July 10, 2018
Time: 1:00 pm
Location: Room 247, Level 2, City Hall

Members Present: Rick Craven (Chair), John Taylor, Marianne Meed Ward, Jack Dennison, Paul Sharman, Blair Lancaster, Mayor Rick Goldring
Staff Present: James Ridge, Mary Lou Tanner, Heather MacDonald, David Thompson (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

1. Declarations of Interest:

None

2. Statutory Public Meetings:

2.1 Recommendation report regarding city initiated housekeeping amendments to Zoning By-law 2020 (PB-64-18)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 13-18 on July 10, 2018 to approve the city initiated housekeeping amendments to Zoning By-law 2020. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee approved PB-64-18.

Moved by Councillor Taylor

Approve the general amendments to Zoning By-law 2020 as outlined in department of city building report PB-64-18; and

Enact By-law 2020.394 as outlined in Appendix A to department of city building report PB-64-18.

CARRIED

- a. Staff presentation regarding city initiated housekeeping amendments to Zoning By-law 2020 (PB-64-18)
- 2.2 Recommendation report regarding city initiated Tremaine Dundas Secondary Plan (PB-35-18)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 14-18 on July 10, 2018 to adopt the Tremaine Dundas Secondary Plan. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee approved PB-35-18.

Moved by Councillor Dennison

Adopt the Tremaine Dundas Secondary Plan, attached as Appendix A to department of city building report PB-35-18 on the basis that it is consistent with the Provincial Policy Statement, conforms to all applicable Provincial Plans, Region of Halton Official Plan and City of Burlington Official Plan, has regard for matters of Provincial interest and represents good planning for the reasons set out in department of city building report PB-35-18; and

Adopt Amendment No. 107 to the City Official Plan implementing the Tremaine Dundas Secondary Plan, attached as Appendix B to department of city building report PB-35-18; and

Deem that section 17(21) of the *Planning* Act has been met; and

Direct the City Clerk to prepare the necessary By-law to adopt Official Plan Amendment No. 107, attached as Appendix B to department of city building report PB-35-18; and

Direct the City Clerk to submit the required materials to Halton Region for approval of the Tremaine Dundas Secondary Plan and Official Plan Amendment No. 107 to the City of Burlington Official Plan; and

Request that, subject to Halton Region approval of OPA No. 107, the Region of Halton modify the Grow Bold: Burlington Official Plan (adopted April 2018) to implement the Tremaine Dundas Secondary Plan as adopted by City Council; and

Endorse the addition of lands designated in OPA No.107 as Business Corridor and Mixed Use Corridor – Employment to the Region of Halton Employment Area overlay, per ROP policy.

CARRIED

- a. Staff presentation regarding city initiated Tremaine Dundas Secondary Plan (PB-35-18)
 - b. Cyndi Rottenberg-Walker and Tony De Franco, Urban Strategies Inc., representing Krpan Group, provided an overview of her client's development application as it relates to the Tremaine Dundas Secondary Plan. (PB-35-18)
 - c. Glen Wellings, Wellings Planning Consultants Inc., representing Vivian and Bruce Zhao, requested a special study area for the Business Corridor designation along Dundas Street. (PB-35-18)
 - d. Norman Sicard expressed concern for the future of his property at 3278 Tremaine Road and the lack of engagement with area residents. (PB-35-18)
 - e. Correspondence from Burlington Sustainable Development Advisory Committee regarding city initiated Tremaine Dundas Secondary Plan (PB-35-18)
 - f. Correspondence from Scott Snider, Turkstra Mazza, representing Penta Properties Inc./ Paletta International Corporation, regarding the Tremaine Dundas Secondary Plan (PB-35-18)
- 2.3 Information report regarding official plan and zoning by-law amendments for 1335-1355 Plains Road East (PB-37-18)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 15-18 on July 10, 2018 to receive the proposed official plan and zoning by-law amendments for 1335-1355 Plains Road East. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee received PB-37-18 for consideration.

Moved by Councillor Meed Ward

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.

CARRIED

- a. Staff presentation regarding official plan and zoning by-law amendments for 1335-1355 Plains Road East (PB-37-18)
- b. Brenda Khes, GSP Group Inc., representing DVLP Property Group Inc., provided an overview of the application for the official plan and zoning by-law amendments for 1335-1355 Plains Road East. (PB-37-18)
- c. Delegation material from Brenda Khes, GSP Group Inc., regarding official plan and zoning by-law amendments for 1335-1355 Plains Road East. (PB-37-18)

2.4 Information report regarding official plan and zoning by-law amendments at 2087-2103 Prospect Street (PB-62-18)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 16-18 on July 10, 2018 to receive the proposed official plan and zoning by-law amendments for 2087-2103 Prospect Street. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee received PB-62-18 for consideration.

Moved by Councillor Meed Ward

Receive and file department of city building report PB-62-18 regarding official plan and zoning by-law amendments for 2087-2103 Prospect Street.

CARRIED

- a. Staff presentation regarding official plan and zoning by-law amendments at 2087-2103 Prospect Street (PB-62-18)
- b. Jack Neal, Ruth Victor & Associates, provided an overview of the application for the official plan and zoning by-law amendments at 2087-2103 Prospect Street. (PB-62-18)
- c. Helen Kowal expressed concern with the size of the proposed development and safety in the community. (PB-62-18)
- d. Ryan and Lindsey Bruce expressed concern with several aspects of the proposed development specifically as it relates to grading, storm water and trees. (PB-62-18)

2.5 Recommendation report regarding official plan and zoning by-law amendments for 401-413 Brant Street 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)

The Planning and Development Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 17-18 on July 10 and 11, 2018 to approve the proposed official plan and zoning by-law amendments for 401-413 Brant Street, 444,448 &450 John Street and 2002 & 2012 James Street. Having considered the oral and written comments received from staff and delegations, the Planning and Development Committee approved PB-67-18.

Moved by Mayor Goldring

Approve the application submitted by Reserve Properties Inc., to amend the Official Plan and Zoning By-law, as modified by staff in department of city building report PB-67-18, to permit a mixed used development with a height up to 18 storeys; and

Approve Amendment No. 113 to the City of Burlington Official Plan, as contained in Appendix B of department of city building report PB-67-18, to modify the "Downtown Core Precinct" policies affecting 401,403,405,409,411 & 413 Brant Street, 444,448 & 450 John Street, 2002 and 2012 James Street, to permit a mixed use development consisting of a 18 storey building with a minimum of 365 square metres of commercial or office space on the second floor and 760 square metres of commercial retail space at grade; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 113 as contained in Appendix B of department of city building report PB-67-18 (File: 505- 01/18); and

Approve the application by Reserve Properties Inc., to amend the Zoning By-law, as modified by staff in department of city building report PB-67-18, to permit a mixed use building with a height of up to 18 storeys at 401,403,405,409,411 & 413 Brant Street, 444,448 & 450 John Street, 2002 and 2012 James Street; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 113 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 116 is adopted; and

Execute a Section 37 Agreement, in accordance with Section 37 of the Planning Act and Part VI, Section 2.3 of the City's Official Plan, as they relate to the request for increased density on the subject properties; and

Approve the proposal by Reserve Inc., to remove three (3) city-owned trees from the Brant Street, James Street, and John Street rights-of-way in front of the properties at 401,403,405,409,411 & 413 Brant Street, 444,448 & 450 John Street, 2002 and 2012 James Street and identified on Sketch No.2 in Appendix A of Report PB-67/18, subject to the following:

1. The Owner shall compensate the City of Burlington for the tree removals by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$4,100); and

Advise that all associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved to the satisfaction of the Executive Director of Capital Works.

CARRIED

Moved by Councillor Meed Ward

Approve the application submitted by Reserve Properties Inc., to amend the Official Plan and Zoning By-law, as modified by staff in department of city building report PB-67-18, to permit a mixed used development with a height of 3 storeys along Brant Street and up to 11 storeys along John Street.

LOST

- a. Staff presentation regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- b. Roland Tanner expressed concern with the proposed development as it relates to the protection of the heritage properties on this site. (PB-67-18)
- c. Gary Scobie expressed concern with the size of the proposed development and the negative impact it will have on the downtown. (PB-67-18)

- d. Bryne Emeneau expressed concern with the proposed development as it relates to the pipeline on the easement adjacent to the property. (PB-67-18)
- e. David Bronskill, Goodmans LLP, and Enzo Corazza, Graziani & Corazza Architects, representing property owners, provided an overview of the proposed development. (PB-67-18)
- f. Lisa Kearns expressed several concerns with the proposed development and asked that further consideration be given to this file. (PB-67-18)
- g. Kelly Childs, Kelly's Bake Shoppe expressed concern with the intensification of the downtown and thanked everyone for their support over the last eight years. (PB-67-18)
- h. Erin Janus expressed concern with the proposed development and the negative impact it would have on Burlington's public space. (PB-67-18)
- i. Courtney Puddington expressed concern with the proposed development and the loss of a vibrant/charming downtown. (PB-67-18)
- j. Mary Alice St. James expressed concern with the proposed development as it relates to height, density and overshadowing. (PB-67-18)
- k. Lisa Pellerin expressed concern with the proposed development and applauded Kelly's Bake Shoppe for the business it has brought to Burlington. (PB-67-18)
- l. Wendy Scandlan expressed concern with the proposed development and the importance of Kelly's Bake Shoppe for those who have food allergies and/or intolerances. (PB-67-18)
- m. Ken Childs spoke to the importance of Kelly's Bake Shoppe in the downtown in order to maintain the vibrancy and charm of Burlington. (PB-67-18)
- n. Kim Carreiro expressed concern with the proposed development and the resulting loss of charm in the downtown. (PB-67-18)
- o. Kathleen O'Connor expressed concern with the proposed development as it relates to an increase in traffic in the downtown. (PB-67-18)

- p. Brian Jones expressed concern with the proposed development and the impact it will have on Kelly's Bake Shoppe. (PB-67-18)
- q. Matthew Maronese expressed concern with the proposed development as it relates to traffic, parking and disruption from construction. (PB-67-18)
- r. Jessie Caton expressed concern with the proposed development and the loss of Kelly's Bake Shoppe in the downtown. (PB-67-18)
- s. Correspondence from Gary Parker regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- t. Correspondence from Lynn Devine regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- u. Correspondence from Linda Goodman regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- v. Correspondence from Elaine Dang regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- w. Correspondence from Tom Muir regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- x. Correspondence from Kimberly Longstreet regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- y. Correspondence from Sandrine Exibard-Edgar, Trans-Northern Pipelines Inc., regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- z. Correspondence from Penny Hersh, Engaged Citizens of Burlington, regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- aa. Correspondence from Amanda VanderVeen regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)

- ab. Delegation material from Bryne Emeneau regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- ac. Delegation material from David Bronskill, Goodmans LLP, and Enzo Corazza, Graziani & Corazza Architects, regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- ad. Delegation material from Kelly Childs, Kelly's Bake Shoppe, regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- ae. Delegation material from Erin Janus regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)
- af. Confidential memorandum from legal department staff regarding official plan and zoning by-law amendments for 401-413 Brant Street, 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-67-18)

3. Delegation(s):

None

4. Consent Items:

4.1 Sign Variance Application for 1220 Brant Street (PB-57-18)

Moved by Councillor Dennison

Approve the application for a variance to Sign By-law 34-2007, made by Pride Signs Limited, to permit a new fascia sign on building 'A' at 1220 Brant Street, which requires the following variance:

- 1. To permit a sign area of 21.21 m² instead of the maximum permitted 13 m²

Subject to the following condition:

- 1. The variance applies to the proposed fascia sign only and is valid only for the duration of the existing uses on site

CARRIED

4.2 Sign Variance Application for 1217 King Road (PB-61-18)

Moved by Councillor Dennison

Approve the application for a variance to Sign By-law 34-2007, made by Jones Neon Displays Limited, to permit the installation of a new ground sign, which requires the following variance:

1. To permit a ground sign with a height of 2.16 m to have a setback of 0.61 m from the actual width of King Road instead of the minimum required 1.88 m from the deemed width of King Road.

Subject to the following conditions:

1. The variance applies to the proposed ground sign only and is valid only for the duration of the existing uses on site; and
2. The owner of the subject property enter into an encroachment agreement with the City, to the satisfaction of the City Solicitor and Director of Legal Services. The encroachment agreement shall require the current owner of the property to ensure that any subsequent purchaser of the subject property is advised of the agreement with the City. The City and the current owner shall endeavour to have the encroachment agreement registered on title to the subject property.

CARRIED

4.3 Grant application from the Community Heritage Fund for 2222 Lakeshore Road (PB-07-18)

Moved by Councillor Dennison

Approve the grant application by Sokol Meta for painting and for restoration of chimney and woodwork, in the amount of \$14,815.06, to be funded by the Burlington Community Heritage Fund; and

Instruct the City Solicitor to prepare the necessary Heritage Conservation Agreement (Letter of Understanding); and

Authorize the Mayor and City Clerk to sign the Heritage Conservation Agreement (Letter of Understanding) in connection with this matter.

CARRIED

4.4 New Memorandum of Understanding for an Integrated Planning System (PB-55-18)

Moved by Councillor Dennison

Endorse the new Memorandum of Understanding for an Integrated Halton Area Planning System, attached as Appendix 'A' to department of city building report PB-55-18; and

Authorize the City Manager and Director of City Building to sign the new Memorandum of Understanding for an Integrated Halton Area Planning System on behalf of the City of Burlington; and

Terminate the existing 1999 Memorandum of Understanding for an Integrated Halton Planning System.

CARRIED

5. Regular Items:

- 5.1 Section 37 Community Benefits for 401-413 Brant Street 444, 448 & 450 John Street, and 2002 & 2012 James Street (PB-68-18)

Moved by Mayor Goldring

Approve community benefits, **as amended**, in relation to the development of 401, 403, 405, 409, 411, & 413 Brant Street, 444, 448 & 450 John Street, 2002 & 2012 James Street in relation to the proposal submitted by Reserve Properties Inc. consisting of direct and indirect benefits as outlined in this report **by amending Community Benefit #4 as follows:**

Add the following after Downtown Burlington Farmers Market "or other downtown festivals or events";

and replace Community Benefit #9 with the following:

"The Developer agrees to retain, preserve, rehabilitate, restore and/or move the heritage attributes of the built heritage resource currently located at 401 Brant Street as per the approved site plan (an indirect community benefit assessed at \$300,000), to the satisfaction of the Director of City Building."

and replace Community Benefit #10 with the following:

"The Developer agrees to retain, preserve, rehabilitate, restore and/or move the heritage attributes of the built heritage resource currently located at 444 John Street as per the approved site plan (an indirect community benefit assessed at \$300,000), to the satisfaction of the Director of City Building."; and

Direct staff to prepare and execute an agreement pursuant to Section 37 of the Planning Act securing the benefits agreed to and to the satisfaction

of the Director of City Building and the City Solicitor and that such Agreement be registered on title to the lands in a manner satisfactory to the City Solicitor to secure said community benefits.

CARRIED

5.2 Relocation of Kelly's Bake Shoppe (SD-24-18)

Moved by Councillor Meed Ward

Direct the Director of City Building to work with Kelly's Bake Shoppe, the Downtown Business Improvement Area and the Burlington Economic Development Corporation to relocate the bake shop in the downtown.

CARRIED

6. Confidential Items:

None

7. Procedural Motions:

Moved by Councillor Meed Ward

Suspend the rules of procedure to allow the meeting to proceed beyond the hour of 10 p.m. on July 10, 2018, in accordance with procedure by-law 64-2016 s. 26.

CARRIED

Moved by Councillor Meed Ward

Suspend the rules of procedure to allow the meeting to proceed beyond the hour of 10 p.m. on July 11, 2018, in accordance with procedure by-law 64-2016 s. 26.

CARRIED

8. Information Items:

None

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

2:44 p.m. (recessed), 6:30 p.m. (reconvened), 8:27 p.m. (recessed), 8:37 p.m. (reconvened), 10:30 p.m. (recessed), 6:30 p.m. July 11, 2018 (reconvened), 8:07 p.m. (recessed), 8:15 p.m. (reconvened)

Chair adjourned the meeting at 10:20 p.m. (July 11, 2018)