



**SUBJECT: Proposed Official Plan and Zoning By-law Amendment for  
1335-1355 Plains Road East**

**TO: Planning and Development Committee**

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

Report Number: PB-15-19

Wards Affected: 2

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

Date to Committee: March 5, 2019

Date to Council: March 25, 2019

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**Recommendation:**

Approve the application submitted by DVLP Property Group Inc., 1 Kawana Road, Brampton ON, L6Y 6A8, to amend the Official Plan and Zoning By-law at 1335-1355 Plains Road East to permit a 34 unit townhouse development; and

Approve Amendment No. 114 to the City of Burlington Official Plan, attached as Appendix B of department of city building report PB-15-19, to add a site specific policy for the lands at 1335-1355 Plains Road East to permit a townhouse development; 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. 114 as contained in Appendix B of department of city building report PB-15-19; and

Enact the draft amending Zoning By-law 2020.406, contained in Appendix C of department of city building report PB-15-19, to rezone lands at 1335-1355 Plains Road East from "Mixed Use Corridor – General (MXG)" to "Mixed Use Corridor – General with Site Specific Exception (H-MXG-494)"; and

Deem that Zoning By-law 2020.406 conforms to the Official Plan of the City of Burlington; and

Approve the request by GSP Group Inc., on behalf of DVLP Property Group Inc. to remove one (1) city tree adjacent to 1335-1355 Plains Road East; and

Instruct GSP Group Inc., on behalf of DVLP Property Group Inc. to obtain a Tree Permit to remove the city tree and to provide compensation for the tree removal by providing replanting in the municipal right-of-way or cash-in-lieu, with a total value of \$4,825.00 at the time of Site Plan Approval; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 114 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 114 is adopted.

### **Purpose:**

The purpose of the report is to recommend approval of Official Plan Amendment and Zoning By-law Amendment applications to permit a medium-density residential development consisting of 5 standard townhouse units and 29 back-to-back townhouse units at 1335-1355 Plains Road East.

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

#### **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.

**Executive Summary:**

| <b>RECOMMENDATIONS:</b>    |  | <i>Approval</i>   | <b>Ward No.:</b> | <i>2</i> |
|----------------------------|--|---|------------------|----------|
| <b>Application Details</b> | <b>APPLICANT:</b><br><b>OWNER:</b><br><b>FILE NUMBERS:</b><br><b>TYPE OF APPLICATION:</b><br><b>PROPOSED USE:</b>      | <i>Brenda Khes, GSP Group Inc.</i><br><i>DVLP Property Group Inc.</i><br><i>505-08/17 and 520-17/17</i><br><i>Official Plan &amp; Zoning By-law Amendment</i><br><i>5 standard and 29 back-to-back townhouse dwelling units</i>                     |                  |          |
| <b>Property Details</b>    | <b>PROPERTY LOCATION:</b><br><b>MUNICIPAL ADDRESS:</b><br><b>PROPERTY AREA:</b><br><b>EXISTING USE:</b>                | <i>North side of Plains Road East, between Helena Street and Glendor Avenue</i><br><i>1335-1355 Plains Road East</i><br><i>0.46 hectares</i><br><i>Three former nursery school buildings, one former commercial building (all currently vacant)</i> |                  |          |
| <b>Documents</b>           | <b>OFFICIAL PLAN Existing:</b><br><b>OFFICIAL PLAN Proposed:</b><br><b>ZONING Existing:</b><br><b>ZONING Proposed:</b> | <i>Mixed Use Corridor - General</i><br><i>Mixed Use Corridor – General with site specific policy</i><br><i>Mixed-Use General (MXG)</i><br><i>Mixed-Use General with site specific exception and Holding Provision (H-MXG-493)</i>                   |                  |          |
| <b>Processing Details</b>  | <b>NEIGHBOURHOOD MEETING:</b><br><b>PUBLIC COMMENTS:</b><br><b>STATUTORY PROCESSING END DATE:</b>                      | <i>March 7, 2018</i><br><i>4 e-mails, 1 letter (one constituent sent multiple e-mails)</i><br><i>June 16, 2018 (180 days)</i>   |                  |          |

## Background and Discussion:

### 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 which previously supported a dance studio and a day care. 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

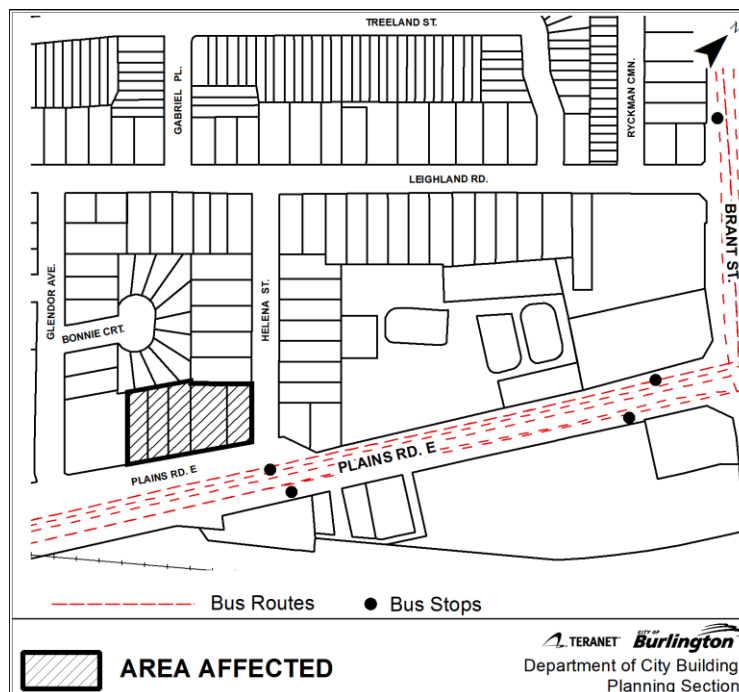
South: Automotive shop, beyond which is the CN railway

West: Three-storey townhouses

### Description of Application and History:

On December 18, 2017, 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 5 standard and 29 back to back townhouse units. The location of the subject lands is illustrated in “Sketch 1” below:

### Sketch 1



The applicant is proposing to construct a new townhouse development consisting of 5 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 are proposed to have driveway access from Helena Street; and the remainder of the back-to-back units as well as the standard townhouse units are proposed to have driveways onto a private condominium road which would be accessed from Plains Road East. The site proposes 7 visitor parking spaces and a common amenity area at the north side of the property. Private amenity space is provided in the form of rooftop terraces for the back-to-back units and rear yards for the standard townhouse units.

One of the standard townhouse units is proposed to be one storey and will be constructed as an accessible, single storey unit. It includes one accessible parking space in the driveway. The proposed density of the site is 74 units per hectare, which is considered high-density in accordance with the City of Burlington Official Plan.

Information Report PB-37-18 was presented to Planning and Development Committee on July 10, 2018, at a Statutory Public Meeting. Following the meeting, extensive discussions took place with the applicant and a revised application and supporting technical requirements were finalized in January 2019. The revised applications reflect significant changes to the original plan, which are listed below:

| <b>Development Standard</b>                   | <b>Previous Proposal</b>                          | <b>Current Proposal</b>  |
|---|---|--|
| Number of Units                               | 38 Units<br>- 9 standard<br>- 29 back-to-back     | 34 Units<br>- 5 standard<br>- 29 back-to-back                                |
| Side Yard Setback (North Side)                | 6 metres (including a 1.5 metre landscape buffer) | 8 metres (including a 3 metre landscape buffer)                              |
| Realignment of Plains Road East/Helena Street | No changes to street                              | Realignment of Helena Street to run straight and connect to Plains Road East |
| Visitor Parking                               | 5 regular visitor parking spaces                  | 6 regular visitor parking spaces, 1 accessible parking space                 |
| Accessible Unit                               | None Proposed                                     | 1 Proposed   |

This report provides details of the application and an analysis of the proposal against applicable policies and regulations. It is recommended that the Mixed Use Corridor –

General designation be amended through a site specific policy permitting a standalone townhouse development on this site, and that the property be rezoned from “Mixed-Use General (MXG)” to “Mixed-Use General with site specific exception and a Holding Provision (H-MXG-493)”.

## **Policy Framework**

The proposed Official Plan Amendment and Zoning By-law Amendment are 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 e) of the Provincial Policy Statement states that healthy, livable and safe communities are sustained by *“promoting cost-effective developments and standards to minimize land consumption and servicing costs”*; and subsection 1.1.3.2 1) 3) states that land use patterns within settlement areas shall be *“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”*.

Adequate servicing exists for the proposed development. Further, the proposed development will intensify land uses that have the existing potential for redevelopment and intensification. As such, existing infrastructure and land can be used efficiently and responsibly.

Subsection 1.4.3 e) states that *“planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety”*, and, in subsection 1.4.3 d), *“promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed”*.

The proposed development supports population growth and intensification and contributes to the establishment of a range and mix of housing types. The proposed

changes to the Official Plan and Zoning By-law will support compact built form while having regard for public health and safety.

The PPS promotes the creation of healthy, active communities by planning public streets, spaces and facilities to be safe and meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (Section 1.5.1). Section 1.1.1 of the PPS speaks to improving accessibility for persons with disabilities and the elderly by removing barriers that restrict full participation in society. In order to respond to this policy, the applicant has proposed to convert one of the standard townhouse units into an accessible unit. This unit will maintain the same building footprint, but will be one storey and will include an accessible parking space. Detailed design of this unit will take place at the Site Plan approval stage.

The development proposal is consistent with the PPS as it accommodates an appropriate range and mix of housing types to meet long-term needs of the community and proposes to use existing infrastructure.

### **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. Growth is focused in 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.

Part 1.2.1, Guiding Principles, states: *“the policies of this Plan regarding how land is developed...are based on the following principles...”*. Some of the relevant principles are: *“prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability”* and *“support a range and mix of housing options, including second units and affordable housing to serve all sizes, incomes and ages of households”*.

The subject proposal introduces a compatible low-rise townhouse form to an existing serviced neighbourhood, which currently contains single detached and townhouse dwelling units. The proposal responsibly uses land to promote intensification which can exist in harmony with the current neighbourhood character.

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”*.

Section 2.2.2 Delineated Built-up Areas, Policy 4 states: *“all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout the delineated built-up areas, which will:*

- a) encourage intensification generally to achieve the desired urban structure;*
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;*
- c) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
- e) be implemented through official plan policies and designations, updated zoning and other supporting documents”.*

The City of Burlington’s intensification strategy drives significant population growth to the Mobility Hubs and the Urban Growth Centre; however it also contemplates modest intensification within existing serviced neighbourhoods. The appropriate type and scale of development and transition of built form to adjacent areas is achieved through the application of Evaluation Criteria to intensification proposals.

The application proposes to intensify an existing serviced property. The subject property is surrounded by a mix of uses, and the proposed compact residential development would contribute to a complete community with a variety of forms of housing. The proposed townhouse development would use existing infrastructure and would promote growth and intensification on a property in the City’s urban area. The subject application is consistent with the Growth Plan as it supports a compact and efficient development form as well as contributes to a complete community.

### **Halton Region Official Plan (ROP)**

The property under application is designated “Urban Area” in the Regional Official Plan, 2006 (ROP). The ROP states that the range of permitted uses in the Urban Area shall be in accordance with Local Official Plans and Zoning By-laws but that all development is subject to the policies of the ROP.

Policy 44 of the Regional Official Plan states that *“The Region’s primary role is to provide broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services. Recognizing the above, the Local Municipalities are to deal with their local environments to best express their own individualities. The structuring of communities*



*and neighbourhoods and the internal configuration of each of the Local Municipalities, for instance, are the responsibilities of the Municipalities as long as the overall planning vision for Halton and policies of this Plan are adhered to”.*

Policy 81(6) requires local municipalities to “*ensure the proper integration of intensification areas with surrounding neighbourhoods through pedestrian walkways, cycling paths and transit routes, and the protection of the physical character of these neighbourhoods through urban design*”.

As noted above, it is important to ensure that the proposal conforms to the Regional Official Plan policies; however the municipality has the discretion to determine whether an application is appropriate for the subject lands. The City’s Official Plan contains evaluation criteria upon which ground-related residential proposals are evaluated. The proposed development has been evaluated in accordance with these criteria as discussed later in this report.

This policy speaks to the importance of good design when integrating new developments into the neighbourhoods surrounding them. This policy provides an important link to the Evaluation Criteria for intensification projects found in the Burlington Official Plan. These criteria are used to ensure that compatible design is achieved.

The proposed development will be properly integrated into the surrounding neighbourhood which is comprised of a mix of uses including low-density and medium-density residential. Townhouses are an appropriate built form for the subject lands as the site abuts residential development and the subject lands are not located on the frequently traveled segment of Plains Road East due to the irregular street network. The proposed townhouse development acts as an appropriate transition into the surrounding residential neighbourhood. Further, buffering has been integrated into the design in order to reduce visual and privacy impacts of the proposed development on the existing neighbourhood.

## **City of Burlington Official Plan**

### **Townhouse Use**

The property is currently designated as “Mixed Use Corridor - General” in Burlington’s Official Plan. Part III, Section 5.3.2 ii) states that:

*“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”.*

This proposal is for townhouse uses only and does not include the required mix of building forms. An Official Plan Amendment has therefore been requested by the applicant. The City’s Official Plan contemplates mixed-use development or development consisting of a mix of residential built form in this location. It should be noted that a 6 storey apartment building is permitted on this property under the current permissions; however a standard townhouse and back-to-back townhouse form is more compatible due to the subject lands fronting onto the less traveled portion of Plains Road East rather than the main Plains Road East corridor.

The subject lands have a Plains Road address; however they do not front onto the main segment of Plains Road East. The street onto which the subject lands front runs parallel to the main Plains Road East, is not as frequently traveled, and functions as a local road rather than a multi-purpose arterial road. Because of this street layout, consideration should be given to a standalone townhouse development. Further, the subject lands are adjacent to existing townhouses on the northeast corner of Plains Road East and Glendor Avenue, and the proposed development would serve as a transition from the more frequently traveled Plains Road East segment to the surrounding residential development. This site is geographically unique, so it is appropriate to consider an alternate built form.

#### Land Use Compatibility

The Official Plan encourages residential intensification as a means of increasing the amount of housing stock, provided that development is compatible and appropriate for the area.

Accordingly, the Official Plan contains criteria that must be assessed when considering proposals for housing intensification. The subject application has been evaluated in accordance with the criteria found in subsection 2.5.2 (a) of the Official Plan), as follows:

- i) Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.*

The Region of Halton has reviewed the Functional Servicing Report submitted by the applicant and notes that the servicing capacity is available. Stormwater was reviewed by the City’s Site Engineering staff who have no issues with the proposal.

Adequate parkland exists in the area and existing schools can accommodate the increase in residents. According to Parks and Open Space staff, Leighland Park is located within a 0.8 kilometre walking distance from the site for a neighbourhood park

and Maple Park is located within the 0.8 – 2.4 kilometre distance for a city/community park. Cash-in-lieu of parkland dedication will be required at the Site Plan stage.

The Halton District School Board notes that students from the proposed development can be accommodated within Tecumseh Public School and Burlington Central Elementary School and High School with minimum impact to the facility; while the Halton Catholic District School Board has advised that students can be accommodated at St. Gabriel Catholic Elementary School and Notre Dame Catholic Secondary School. This criterion has been met.

*ii) Off-street parking is adequate.*

A reduction in the required visitor parking is proposed as follows:

| Unit Type    | Number of Units | Visitor Parking Required                     | Visitor Parking Proposed   |
|--------------|-----------------|--|--|
| Back-to-Back | 29              | 0.35 spaces per unit (10.15 spaces required) | 7 visitor parking spaces in a condominium parking lot<br>7 boulevard driveway spaces in back-to-back townhouse units |
| Standard     | 5               | 0.5 spaces per unit (2.5 spaces required)    | 4 driveway spaces to be used as visitor parking  |
| Total        | <b>=34</b>      | <b>=13 required visitor parking spaces</b>   | <b>=7 standard visitor parking spaces</b><br><b>=11 “driveway” parking spaces</b>                                    |

Only seven visitor parking spaces are proposed in a condominium parking lot; however, additional parking is being proposed throughout the site. The standard townhouse units will include double garages (with the exception of the accessible townhouse unit); resulting in space for two cars within the garage and two spaces in the driveway (four per unit). Further, the back-to-back units fronting onto Plains Road East have longer boulevards which can accommodate increased visitor parking. In addition, a realignment of Plains Road East and Helena Street is proposed, and as part of this realignment, the applicant is proposing to add five lay-by parking spaces along Plains Road East.

None of the additional parking methods discussed above meet the regulations for visitor parking in Zoning By-law 2020, however, in consideration of the visitor parking as well as the additional parking spaces proposed there will be sufficient off-street parking. This criterion has therefore been met.

*iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and*

*potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets.*

The City's Transportation Staff have reviewed the proposal and note that the trips created by the new development can be accommodated on the existing street. The applicant has proposed to realign Helena Street, to create a more typical intersection. Transportation staff are satisfied that the realigned intersection would be an improvement to the road network and would not have a negative impact on traffic or safety. The permit process for this realignment will take place outside of the subject Official Plan Amendment and Zoning By-law Amendment applications although the realignment will be a condition of the 'H' Zone Removal. This criterion has been met.

*iv) The proposal is in proximity to existing or future transit facilities.*

Bus routes currently exist along Plains Road East and Brant Street, to the east of the subject lands. Bus stops exist along both bus routes, including at Plains Road East and Helena Street, in front of the subject lands. The subject lands are also located within an 800 metre radius of the Burlington GO station, which is also accessible by public transit. This criterion has been met.

*v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided.*

### Height

The residential neighbourhood on Helena Street and Glendor Avenue is characterized by a mix of townhouses and single detached units ranging from two to three storeys.

The current planning permissions for this site allow for apartment buildings up to six storeys. The proposed development represents a more compatible built form.

The proposed development is for three-storey standard townhouses and four-storey back-to-back townhouses. The fourth storey contains rooftop amenity space and does not include indoor living space. The subject lands abut three-storey medium-density residential uses to the west. The proposed heights also provide transition to the abutting single detached dwellings to the north of the site from the more intensive mixed-use corridor sites along the remainder of Plains Road East. The current zoning permits a six storey apartment building; however the proposed townhouse built form is more appropriate for the area.

In the Zoning By-law, the front yard is defined as the narrowest frontage, which means that the rear yard for the condominium development is on the west side of the site.

The rear yard setbacks (functioning as side yard setbacks for the standard and back-to-back townhouses on the west side) are proposed to be reduced to 1.4 metres. This

represents a pinch point, reflecting the closest corners of the units to the property line. While the site abuts a townhouse development to the west, it should be noted that these reduced setbacks will be adjacent to a parking lot. As such, there are no concerns with these setback reductions.

The Zoning By-law requires that townhouse units with flat roofs which are two storeys and under 11.5 metres in height provide a rear yard setback of 9 metres. A setback of 12 metres is required for those townhouse units which are two or three storeys and above 11.5 metres in height. Because the proposed standard townhouse units are three storeys, they fall into the greater setback requirement; however their linear height is only 10 metres. The setback requirement of 12 metres contemplates dwellings that have a linear height greater than 11.5 metres; thereby creating a larger impact on adjacent development. The proposed standard townhouse units, despite being three storeys in height, are significantly below 11.5 metres. As such, massing and privacy impacts are reduced.

The north side yard setbacks (yards behind the standard townhouses) are 8 metres, including a 3 metre landscape buffer. The dwellings to the north of the subject lands have setbacks that are 7 metres or more. This creates more distance between the buildings and reduces the impact. While a reduction to the required side yard is proposed, this setback has been evaluated in combination with other factors, such as the height and proposed buffering.

This northern setback includes a 3 metre landscape buffer. Appropriate landscaping will be required within this buffer in order to provide additional privacy. Detailed landscape plans will be required at the Site Plan stage and will be reviewed by Landscaping and Urban Forestry staff to ensure appropriate plantings. In order to further mitigate negative impacts caused by a reduction in this setback, a modified approval is proposed to permit a higher fence of up to 2.5 metres and restrict balconies from the rear of the standard townhouses.

Also included along the north side of the site is a proposed setback reduction to 3 metres from the side of the back-to-back townhouse block. This side wall is predominantly adjacent to the side wall of a single detached dwelling to the north, which reduces the potential privacy and overlook issues. Additional measures such as increased fence height, restriction of balconies and dense landscape screening offer opportunities to mitigate potential impacts and achieve greater compatibility.

#### Amenity

A common amenity area of approximately 100 square metres is proposed at the north side of the site, in addition to private amenity area for each unit. For the standard townhouses, this amenity area is provided in the form of rear yards. For the back-to-back townhouses, private amenity area is provided in the form of individual rooftop

terraces. The north side of the site will be fenced with a 2.5 metre wood fence, while the rooftop terraces will include privacy screens. The terraces facing the north side of the site will be set back an additional metre in order to enhance privacy and reduce overlook into the property to the north. Because private amenity area is provided throughout the site, for each unit, the common amenity area is sufficient.

The Zoning By-law requires 25 square metres of private amenity area per unit. This requirement is met with the exception of six end units. The two northernmost back-to-back units provide 20 square metres of private amenity area, due to the terraces being recessed to provide more privacy to the dwellings to the north. The southernmost units of this block, as well as the two end units on the south side of the site propose minimum private amenity areas of 24 square metres. This reduction is requested because the end walls contain portions that are recessed from the main wall in order to mitigate the visual impact of a large wall and improve the building façade. In both cases, the proposed reductions are appropriate.

#### Coverage, Scale and Massing

A minimum Floor Area Ratio (FAR) of 0.3:1 and a maximum of 1.5:1 are permitted; whereas a FAR of 1.05:1 is proposed. This floor area is distributed into 3 and 4 storey standard and back-to-back townhouse units. Staff are of the opinion that the combination of the floor area distribution and the built form creates appropriate massing and scale when evaluated in the context of the surrounding area, as it provides a transition from the proposed development, being more dense, to the adjacent residential neighbourhood for reasons outlined above.

The proposed townhouse dwellings are compatible with the surrounding area. This criterion has been met.

*vi) Effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.*

Fourteen private trees are proposed to be removed from the property. It is recommended that the trees are replanted caliper for caliper, resulting in a caliper replacement value of 402 cm. A detailed Landscape Plan will be submitted and reviewed in detail at the Site Plan stage which will address opportunities for replanting on the site.

A landscape buffer is proposed on the north side of the property in order to enhance privacy and provide a visual buffer from residents to the north. The landscape buffer ranges from 1.5 metres to 3 metres along the north side of the site. This buffer will allow for opportunity to replant some of the vegetation that is proposed to be removed while screening the development from existing residential development.

*vii) Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.*

The applicant submitted shadow studies to address the shadow impact on adjacent properties. The shadow study for March 21 shows minimal shadowing on the properties to the north of the subject lands at 9:30 am, and even less at 12:30 pm, only on the property to the northeast of the subject lands. The shadow study for June 21 shows very slight shadowing on the property to the northeast and the properties to the west of the subject lands. Shadowing is the greatest on December 21 (in the winter solstice), which affects the lots immediately north of the subject lands, and to the east, across Helena Street. The site is currently permitted to have a six storey apartment building, which would result in a much greater shadow. The shadow impacts are minimal and are therefore acceptable for the proposed development. This criterion has been met.

*viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.*

The subject lands are located in proximity to shops, restaurants, automotive repair, offices and other neighbourhood commercial uses along Plains Road East as well as Brant Street. Many of these uses would be accessible by foot or by transit. This criterion has been met.

*ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts.*

Concerns relating to privacy and setbacks were received from members of the public who reside to the north of the subject lands. Particularly, residents were concerned about the rear yard setbacks of the standard townhouse units adjacent to their own rear yards. In the applicant's original proposal, a rear yard setback of 6 metres was proposed, which incorporated a 1.5 metre landscape buffer. In response to concerns that were received, the rear yard setback has been increased to 8 metres which includes a 3 metre landscape buffer. The increased setback and landscape buffer will provide the space for dense landscape screening and greater privacy for the abutting neighbours.

The back-to-back townhouse units contain rooftop amenity space. While this can create potential privacy concerns, the rooftop amenity area will be separated by solid privacy screens, and the units abutting the north property line will be recessed to prevent overlook into the yards to the north.

A tall wood fence exists along the west property line as well as approximately half of the north property line. The fence is currently in poor condition. In light of the requested setback reductions, construction of a 2.5 metre wood fence along the full length of the

north property line will be required at Site Plan. This will further screen the properties to the north from the impacts of the proposed development. This criterion has been met.

- x) Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate.*

Directly to the west of the subject lands, at 1329 Plains Road East, there is a townhouse development that was constructed in 2016, beyond which is Glendor Avenue. To the north of the subject lands is a stable low-density residential neighbourhood. To the east is Helena Street. The proposed development represents a land assembly of five parcels and will not compromise future development of adjacent properties. This criterion has been met.

- xi) Natural and cultural heritage features and areas of natural hazard are protected.*

Not applicable – there are no natural and cultural heritage features on this site.

- xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m).*

Not applicable – These sections relate to measures to address potential increased downstream flooding or erosion resulting from development occurring in areas south of Plains Road East. Neither is applicable to this application.

- xiii) Proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between the existing and proposed residential buildings is provided.*

Not applicable – proposal is for ground oriented development.

While the proposal does not include a mix of building forms, it is located away from the portion of Plains Road East that functions as a major arterial. As such, the townhouses can serve as a transition to the lower intensity, low-rise residential area. Further, the proposal can accommodate high-density intensification within a ground-oriented built form. The proposed townhouse uses will appropriately achieve this, and a townhouse development is appropriate for the subject lands given their location.



## City of Burlington Adopted Official Plan

The proposed New Official Plan was adopted by Council on April 27, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. Halton Region has identified areas of non-conformity, and as such, the adopted Official Plan will be subject to additional review and revision prior to its approval. Further, City Council has directed a new staff review and public engagement process to consider potential modifications, including a review of height and density provisions. As a result, no weight is placed on the policies of the adopted Official Plan in the review of this application at this time.

## Zoning By-law 2020

The subject lands are currently zoned “Mixed Use - General (MXG)” in the City’s Zoning By-law 2020. The MXG Zone permits a range of retail commercial, service commercial, office, community, automotive, entertainment and recreation and residential uses. Standard and back-to-back townhouses are permitted in this zone as a component of a mixed development. It is recommended that the lands be rezoned to “Mixed Use – General with site specific exception (MXG-494) with the following regulations:

The following table details the regulations of the existing MXG zone and the proposed site specific exception, followed by a staff comment.

| Existing MXG Zoning   | Proposed   | Staff Comment  |
|---|--|--|
| <p>Definition: Back-to-Back Townhouse</p> <p>A residential building containing not more than 16 dwelling units with attached units being separated by a common or party wall, provided that:</p> <ul style="list-style-type: none"> <li>a) townhouse buildings shall have a maximum length of 55 metres;</li> <li>b) individual units shall have at least one separate outside entrance.</li> </ul> | <p>A residential building containing a maximum of 17 residential units and having a maximum length of 59 metres.</p> | <p>The proposed townhouse units are compatible with surrounding uses.</p> <p>The building elevations fronting onto the street use architectural elements which break up the massing of the building and reduce the effects of the longer building length.</p> <p>Due to the street configuration, the area of Plains Road East on which the subject lands are located are behind the main section of Plains Road East. This section of Plains Road East has a large boulevard which provides more distance to the front of the dwellings from the street.</p> <p>As such, the proposed building length will not negatively affect the streetscape or the character of the area. The remaining townhouse block lengths throughout the site are in keeping with the Zoning By-law requirement.</p> |
| Buildings containing  | Buildings  | The intent of these regulations is to restrict   |

| Existing MXG Zoning   | Proposed  | Staff Comment  |
|---|---|--|
| <p>standard townhouse units are not permitted within 55 metres of a public street having a deemed width of 26 metres or greater</p> <p>Buildings containing back-to-back townhouse units are not permitted within 25 metres of a public street having a deemed width of 26 metres or greater.</p> | <p>proposed within 31 metres of a public street having a deemed width of 26 metres or greater for standard townhouses, and 3 metres for back-to-back townhouses</p> | <p>townhouses to the rear of a larger development consisting of different built forms.</p> <p>As mentioned, the section of Plains Road East onto which the subject lands have frontage functions more as a local road, due to its location north of the heavily travelled segment of Plains Road East.</p>   |
| <p>Rear Yard Setback: 3 metres</p>  | <p>1.4 metres (west setback)</p>  | <p>The applicant is proposing a setback of 1.4 metres. The rear yard setback functions as a side yard for the standard townhouses; however the zoning regulations are taken from external property boundaries. It should be noted that this setback is measured at a pinch point, and the remainder is slightly further away, at approximately 3 metres.</p> <p>On the side where the reduced setback is requested, the property is adjacent to a parking lot of a townhouse development. The reduced setback is representative of the corner of each of three of the proposed townhouse units adjacent to the west property line. The distance between the proposed townhouse block and the existing building to the west is substantial.</p> |
| <p>Yard abutting R3.1 Zone (standard townhouse): 12 metres</p>  | <p>8 metres (north setback)</p>   | <p>The standard townhouse units will be 10 metres in height. While the Zoning By-law requires a 12 metre setback to flat-roof townhouse dwellings that are two or three storeys in height, it allows a setback of 9 metres for flat-roof townhouse dwellings that are two storeys in height, but less than 11.5 metres in height. While the proposed standard townhouse units are three storeys, they are only 10 metres in height; substantially lower than the 11.5 metre maximum required for two storey dwellings. The proposed setback is</p>   |

| Existing MXG Zoning   | Proposed  | Staff Comment  |
|---|---|--|
|   |   | <p>therefore a 1 m reduction from the setback which would be required for a building with this linear height, despite being above two storeys.</p> <p>In addition to the physical separation distance (rear yard setbacks), a landscape buffer will mitigate privacy concerns, along with site design features such as fences and recessed rooftop amenity areas where abutting low-density residential.</p> <p>A 2.5 metre wood fence is proposed to be provided along the north property line. In addition, the Zoning By-law Amendment will include provisions which restrict second floor balconies on the standard townhouse units to prevent overlook.</p>       |
| Landscape Buffer abutting R3.1 Zone: 6 metres               | <p>1.5 metres abutting back-to-back units, visitor parking and amenity area</p> <p>3 metres abutting standard townhouse units</p> | <p>Much of the proposed landscape buffer along the north side of the property lines adjacent to the standard townhouses is 3 metres. The remainder of the north side, adjacent to the private driveway and the sides of the back-to-back townhouses, is proposed to have a 1.5 metre landscape buffer. It should be noted that landscape screening exists in this location, and 1.5 metres will ensure that this screening remains and the privacy impacts are minimal.</p> <p>A Landscape Plan will be implemented during the Site Plan process which will address what plantings are to be provided within this buffer.</p>  |
| Yard abutting R3.1 Zone (back-to-back townhouse): 12 metres | 2 metres  | <p>The proposed sides of two back-to-back townhouse units will be adjacent to the side elevation of an existing dwelling unit to the north of the property. Dense landscape buffers will be incorporated along the north side of the site in order to provide additional screening.</p> <p>The buildings will include a privacy screen on both sides of the rooftop from the amenity space, including adjacent to the north property line; and have set back the privacy screen in order to avoid issues relating to overlook.</p> <p>Other measures recommended by staff to reduce privacy impacts are the inclusion of a wood fence with a minimum height of 2.5</p> |

| Existing MXG Zoning   | Proposed                                       | Staff Comment  |
|---|--|--|
|   |  | metres along the north property line, as well as the restriction of balconies on the second and third storeys of the building (as amenity area will be provided on the fourth).  |
| Maximum Building Height: 3 storey to 10 metres (flat roof)                        | 4 storey to 12.5 metres for back-to-back units | <p>The relief requested for the height applies only to the back-to-back townhouse units; the standard townhouse units comply with the Zoning By-law from a height perspective.</p> <p>The proposed dwellings are considered to be 4 storeys in height because of the amenity space on the roof. The indoor floor area of the proposed townhouse dwellings comprises only 3 storeys. The proposed building will contain adequate privacy screening and the overlook concerns will be addressed.</p>   |
| Visitor Parking: 13 spaces required   | 7 visitor parking spaces                       | <p>The applicant is proposing seven visitor parking spaces, which is less than the required 13 visitor parking spaces. The applicant is proposing additional parking spaces to account for the deficient spaces.</p> <p>For the standard townhouses, the applicant proposes double driveways with double garages. This allows for four parking spaces for each of the standard townhouse units.</p> <p>Some of the back-to-back townhouse units front onto Plains Road East. The boulevard along this portion of the street is quite long and as such, the driveways of seven of these units can accommodate additional cars within the boulevard. Finally, the applicant is proposing a realignment of Helena Street, and as part of the construction is proposing to add approximately five lay-by parking spaces.</p> <p>While only seven of the proposed parking spaces can be included as visitor parking spaces, adequate parking exists for the site.</p> |
| Parking for Accessible Unit:<br><br>2 occupant spaces required for townhouse unit | 1 space  | Because of the requirement for an accessible parking space to have a larger size, there is not space to accommodate a second parking space in front of this townhouse unit. In order to ensure accessibility, the provision of a larger parking stall is important. As such, the   |

| Existing MXG Zoning   | Proposed   | Staff Comment   |
|---|--|---|
| 0.5 visitor parking spaces required per townhouse unit  |  | <p>reduction in the occupant parking requirement is appropriate in this case.</p> <p>This unit also proposes to remove the attached garage in order to facilitate a one-storey built form. As a result, visitor parking will not be provided in the driveway of this unit. The remainder of the standard townhouse units include visitor parking spaces. Staff are supportive of this reduction, as it facilitates a townhouse unit that is accessible.</p>   |
| Setback of Parking Spaces from R3.1 Zone: 3 metres  | 2 metres   | <p>The site abuts an R3.1 zone on the east side of the northern property boundary. The driveway space that is located two metres from this boundary is one small portion of the parking area which is to be used as a turnaround for vehicles. Impacts on abutting properties will be reduced through fencing and landscaping.</p>  |
| Balcony: Each back-to-back unit shall include a balcony with a minimum area of 5.5 square metres                    | Privacy Area for back-to-back units to be a minimum of 20 square metres in the form of rooftop terrace or balcony  | <p>The applicant is proposing that the privacy area be provided in the form of rooftop terraces for the back-to-back townhouse units rather than balconies. The proposed rooftop terraces would be adequately screened from adjacent residential development and will be recessed on the north side of the site to prevent potential overlook into abutting lands. In this case, the proposed rooftop terraces are an appropriate form of private amenity area.</p>   |
| Amenity Area (back-to-back): 25m <sup>2</sup> private amenity area per unit, 174 m <sup>2</sup> common amenity area | <p>25 m<sup>2</sup> private amenity area per unit, with the exception of six units which have a minimum of 20 m<sup>2</sup></p> <p>103 m<sup>2</sup> common amenity area</p> | <p>The applicant is proposing private amenity area for the back-to-back townhouse units in the form of rooftop terraces. The units meet the requirement of 25m<sup>2</sup> per unit with the exception of six end units. The two northernmost back-to-back units provide 20m<sup>2</sup> of private amenity area to allow for them to be recessed, thus providing more privacy for the dwelling to the north. The southernmost units of this block, as well as the two end units on the south townhouse block, propose minimum private amenity areas of 24 m<sup>2</sup>. This reduction is requested in order to reduce the impact of blank three storey walls.</p> <p>Each unit in the proposed development has adequate privacy area, and as such, the</p> |

| Existing MXG Zoning  | Proposed   | Staff Comment   |
|--|--|---|
|  |  | proposed common amenity area at the north side of the site, totalling 103 m <sup>2</sup> , is acceptable.   |
| Driveway Length: 6.7 metres measured from back of curb for units fronting onto internal and common condominium roads | 6.7 metres measured from front of curb for units fronting onto internal and common condominium roads | The intent of this regulation is to ensure that there are no vehicles overhanging onto the common roads within a residential development for the purposes of emergency vehicle access. The applicant has provided 6.7 metres, but measured from the front of the curb. Transportation staff have reviewed this proposal and find it to be acceptable given that 6.7 metres can still be accommodated within the internal driveways. |
| Loading Spaces: 3 required   | None   | The “Mixed Use – General” zone contemplates mixed-use development, which is the intent of this zoning regulation. Given that the proposal is for residential uses only, loading spaces are not required. Therefore, it is desirable and preferred to eliminate the requirement for loading spaces.  |
| Fence Height: 1.8 metres maximum   | 2.5 metres   | While the proposal meets the requirements for fence height in accordance with Zoning By-law 2020, it is recommended that a modified approval be given to require fence heights of 2.5 metres along the north property line to address privacy screening.  |
| Balconies on 2 <sup>nd</sup> and 3 <sup>rd</sup> storey  | Not Permitted  | <p>Due to the proximity of the proposed townhouses to other residential development, it is recommended that balconies be restricted on the second and third storeys of the buildings. This will minimize overlook and therefore increase privacy.</p> <p>While recognizing that balconies provide private amenity area, adequate private amenity area exists on the rooftops and at grade.</p>                                      |

### Holding Zone

A Holding Provision is recommended because the site must undergo additional testing and remediation prior to development taking place. Approval of the proposed Zoning By-law Amendment will confirm the principle of the redevelopment; however no construction can occur until the remediation measures are undertaken and completed to

the satisfaction of the City of Burlington and the Region of Halton and the “H” is subsequently removed. In addition, the Owner must obtain necessary permits from the City, and the realignment of Helena Street and Plains Road East must be completed to the satisfaction of the City of Burlington.

## **Technical Review**

The Official Plan Amendment and Zoning By-law Amendment applications and supporting documents were circulated to internal departments and external agencies for review. Internal departments who commented on this application include Site Engineering, Transportation Planning, Landscaping and Forestry, Parks and Open Space, Burlington Economic Development Corporation and Finance. External agencies who have commented on this file include Halton Region, Burlington Hydro, Halton District School Board, Halton Catholic District School Board, CN Rail and Canada Post. Comments have been addressed by the applicant.

## **Site Engineering**

Site Engineering staff have provided extensive comments on the development proposal for the subject lands, including comments on the submitted technical reports and studies. Site Engineering have advised that based on the Phase II Environmental Site Assessment that was completed and reviewed, additional testing is required and a remediation plan must be submitted to the satisfaction of the City. This will be included as a condition of the removal of the Holding Zone (H).

In addition, permits must be acquired and the road construction to facilitate the realignment must be completed before the H can be removed. This is in order to ensure as little disruption as possible for the future construction of the proposal, should the development applications be approved, as well as mitigation of potential future traffic concerns.

## **Landscaping and Urban Forestry**

The proposed development requires the removal of one city tree. This tree will require compensation for its removal as well as Council approval. Approval from Council is requested as part of the recommendations section of this report. Compensation can be provided in the form of 48 cm caliper replacement within the city’s right-of-way, or in the form of cash-in-lieu of tree removal, having been calculated by the City’s Landscaping and Urban Forestry staff to be in the amount of \$4,825. This requirement is included in the recommendation section of this report.

## **Transportation Planning**

Transportation staff have reviewed the proposal and have provided extensive comments. While the larger driveways, longer boulevards and lay-by parking spaces

cannot be considered by definition to be visitor parking spaces, staff agree that the function of these spaces remains and is satisfactory. Transportation staff have no concerns with respect to proposed vehicle trip generation.

As mentioned, the applicant is proposing to realign Helena Street, which abuts the subject lands to the east. Transportation has reviewed this proposal and notes that there are no issues from their perspective. The road works will need separate approvals from the City, and a more detailed review of this component of the proposed development will be undertaken.

### **Region of Halton**

The Region of Halton has reviewed the proposal and has commented that servicing is available; however remediation measures are required for the site and final approval cannot be given until such time as the remediation is complete. The Region has agreed that a Holding Provision is appropriate at this time, which is not to be lifted until the site is remediated to the satisfaction of both the Region of Halton and the City of Burlington.

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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 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](http://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.

A neighbourhood meeting was held on March 7, 2018 at City Hall that was attended by approximately four members of the public who reside in the area. 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.

Information Report PB-37-18 was presented to Planning and Development Committee on July 10, 2018, at a Statutory Public Meeting where one delegation was made by the applicant.



As a result of public consultation, staff received four e-mails and one letter. Some constituents sent multiple pieces of correspondence. Public comments received to date have been included in Appendix “D” of this report. The following table depicts concerns raised by the public as well as a response from staff:

| Public Comment  | Staff Response   |
|---|--|
| Lack of Visitor Parking Spaces                                      | <p>While the proposed development is deficient in parking spaces by definition of the Zoning By-law, the applicant is proposing to provide additional parking in other ways. As previously mentioned, these additional spaces cannot be defined as visitor parking for the purposes of the Zoning By-law; however they can provide the same function.</p> <p>As noted, the additional parking will be provided in the form of longer driveways where there are boulevards; and wider driveways and double garages for the standard townhouses.</p> |
| Privacy Impacts from North Side of Subject Lands                    | <p>The revised proposal increases the setback at the rear (north side) of the property from 6 metres including a 1.5 metre landscape buffer to 8 metres including a 3 metre landscape buffer. This will provide increased privacy and allow for a dense landscaping screen to be planted.</p>  |
| Removal of Too Many Trees   | <p>The applicant will be required to replace the street (City) tree by either caliper for caliper replacement or cash-in-lieu. The proposed private trees to be removed must be replaced caliper for caliper.</p>  |
| Concerns with Noise, Dust and Other Factors Related to Construction | <p>A Construction Management Plan will be submitted and reviewed prior to construction to ensure that these concerns are mitigated as much as possible.</p>  |
| Additional Traffic Generated  | <p>The Traffic Brief submitted as part of the application was reviewed by the City’s Transportation staff. They have noted that there are no concerns with additional trip generation or its effect on existing traffic.</p>   |
| Concerns with Proposed Building Design and Lack of Compatibility    | <p>The issue of land use compatibility is discussed in the Official Plan section of this report.</p>   |

## **Conclusion:**

During the course of its review, the applicant has made significant changes to the proposed townhouse development, which have improved its compatibility with the existing neighbourhood. Staff's analysis of the application for an Official Plan amendment and Zoning By-law amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. It is recommended that Council approve OPA 114 and Zoning By-law 2020.406 attached in Appendices B and C to facilitate the development of this property for 5 standard townhouse units and 29 back-to-back townhouse units.

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Respectfully submitted,

Melissa Morgan

Planner II – Development Review

905-335-7600 extension 7788

## **Appendices:**

- A. Sketches
- B. Official Plan Amendment 114
- C. Zoning By-law 2020.406
- D. 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'

