



Development and Infrastructure Committee Meeting

Minutes

Date: July 12, 2016
Time: 1:00 p.m.
Location: Council Chambers Level 2, City Hall

Members Present: Rick Craven, John Taylor, Marianne Meed Ward, Jack Dennison, Paul Sharman, Blair Lancaster, Mayor Rick Goldring

Staff Present: James Ridge, Mary Battaglia, Allan Magi, Mary Lou Tanner, Vito Tolone, Amber LaPointe

1. **Declarations of Interest:**

None.

2. **Statutory Public Meetings:**

- 2.1 Statutory public meeting and information report for a proposed zoning by-law amendment on 2360, 2364, and 2368 New Street. (PB-62-16)

The Development and Infrastructure Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 9 on July 12, 2016 to receive the report for a proposed zoning by-law amendment on 2360, 2364, and 2368 New Street. Having considered the oral and written comments received from staff and delegations, the Development and Infrastructure Committee received PB-62-17 for consideration, as noted above.

Moved by Councillor Meed Ward

Receive and file planning and building report PB-62-16 providing a proposed zoning by-law amendment on 2360, 2364, and 2368 New Street.

CARRIED

- a. Presentation from staff regarding proposed zoning by-law amendment on 2360, 2364 and 2368 New Street. (PB-62-16)

Lisa Stern provided an overview of the proposed zoning by-law amendment application submitted by Dawn Victoria Homes to permit townhomes at 2360, 2364, and 2368 New Street.

- b. Delegation from Roger Harnock, Halton Condo Corp 270 regarding proposed zoning by-law amendment on 2360, 2364 and 2368 New Street. (PB-62-16)

Mr. Harnock presented concerns with the application including the removal of desired green space, sight elevations, and the type of incorporation of the condominiums.

- c. Delegation from Nancy Frieday, Wellings Planning Consultants Inc, representing Dawn Victoria Homes regarding proposed zoning by-law amendment on 2360, 2364 and 2368 New Street. (PB-62-16)

Ms. Frieday appeared at committee to provide information on the application and respond to questions of the committee.

- d. Delegation from Don Husack, Dawn Victoria Homes regarding proposed zoning by-law amendment on 2360, 2364 and 2368 New Street. (PB-62-16)

Mr. Husack provided concerns regarding storm water management and the proposed retaining wall.

- e. Delegation from Mike Cioci regarding proposed zoning by-law amendment on 2360, 2364 and 2368 New Street. (PB-62-16)

Mr. Cioci, resident of Sterling Walk, discussed concerns regarding intensification and number of condominium units proposed.

- f. Delegation from Doug Self regarding proposed zoning by-law amendment on 2360, 2364 and 2368 New Street. (PB-62-16)

Mr. Self, resident of Sterling Walk, discussed concerns regarding the number of condominium units proposed.

- 2.2 Temporary use by-law to permit entertainment uses on downtown patios. (PB-66-16)

The Development and Infrastructure Committee, in accordance with Section 34 of the Planning Act, as amended, held Public Meeting No. 10 on July 12, 2016 to receive the report for a temporary use by-law to permit entertainment uses on downtown patios. Having considered the oral and

written comments received from staff and delegations, the Development and Infrastructure Committee received PB-66-17 for consideration, as noted above.

Moved by Mayor Goldring

Direct the Director of Planning and Building to bring forward a Temporary Use By-law to permit entertainment/recreational uses on outdoor patios in the downtown.

Amendment:

Moved by Councillor Meed Ward

Amend the motion to include the following words: permit the use of amplified music on the patio.

CARRIED

Direct the Director of Planning and Building to bring forward a Temporary Use By-law to permit entertainment/recreational uses on outdoor patios in the downtown and **permit the use of amplified music on the patio.**

CARRIED

- a. Presentation from staff regarding temporary use by-law to permit entertainment uses on downtown patios. (PB-66-16)

Rosa Bustamante provided an overview of the proposed temporary use by-law to the zoning by-law to permit entertainment uses on outdoor patios located within Downtown Zones for a period of two years subject to certain provisions.

- b. Delegation from Craig Kowalchuk regarding temporary use by-law to permit entertainment uses on downtown patios. (PB-66-16)

Mr. Kowalchuk appeared in support of the staff recommendation, but requested an amendment to allow amplified music on patios.

- c. Delegation from Gary Puppa regarding temporary use by-law to permit entertainment uses on downtown patios. (PB-66-16)

Mr. Puppa provided concerns regarding the validity of the proposed by-law in respect to the Liquor License Act of Ontario.

- d. Correspondence from Burlington Downtown Business Association regarding temporary use by-law to permit entertainment uses on downtown patios. (PB-66-16)
- e. Correspondence from Tim Park, Board Director and Kim Verrall, Board Secretary, The Arts and Culture Collective of Burlington regarding temporary use by-law to permit entertainment uses on downtown patios. (PB-66-16)
- f. Correspondence from Brad Hails regarding temporary use by-law to permit entertainment uses on downtown patios. (PB-66-16)

3. Delegation(s):

- 3.1 Delegation from Ruth Victor, Ruth Victor and Associates representing Starlight Investments regarding Official Plan and Zoning By-law amendments for 2051-2085 Prospect Street. (PB-56-16)

Ms. Victor appeared in support of the application, but requested an amendment to add the words "substantially in accordance with" to the motion.

- 3.2 Delegation from James Young regarding Tender Award for CW-16-15 Willow Lane area reconstruction. (CW-43-16)

Mr. Young appeared in support of the staff recommendation, but requested that the sidewalk be placed on the South side of the road instead of the North side.

- 3.3 Delegation from Chris Reuse and Mark McGurie representing The Mayor's Millennial Advisory Committee regarding Cycling alternatives for New Street (Guelph Line to Burloak Drive). (TS-10-16)

Mr. Reuse and Mr. McGurie presented the Mayor's Millennial Advisory Committee's support for alternative 2, cycle tracks on New Street.

- 3.4 Delegation from Chris Ariens representing Burlington Cycling Committee regarding Cycling alternatives for New Street (Guelph Line to Burloak Drive). (TS-10-16)

Mr. Ariens presented the Burlington Cycling Committee's support for alternative 3, road diet on New Street.

- 3.5 Delegation from James Young regarding Cycling alternatives for New Street (Guelph Line to Burloak Drive). (TS-10-16)

Mr. Young recommended that transit options for senior's be implemented instead of cycle lanes.

4. Consent Items:

5. Regular Items:

- 5.1 Request for removal from the municipal register for 3015 Dundas Street. (PB-64-16)

Moved by Councillor Taylor

Refuse the owner's request to remove 3015 Dundas Street from the Municipal Register; and

Retain 3015 Dundas Street, the McCulloch-Greer House, on Burlington's Municipal Register.

CARRIED

- 5.2 Official Plan and Zoning By-law amendments submitted by Starlight Investments Inc. for 2051-2085 Prospect Street. (PB-56-16)

Moved by Councillor Meed Ward

Approve Amendment No. 98 to the City of Burlington Official Plan, as contained in Appendix B of Report PB-56-16, to modify the "Residential-High Density" policies affecting 2067 and 2077 Prospect St, and to redesignate lands at 2051-2065 and 2069-2085 Prospect Street from "Residential-Medium Density" to "Residential-High Density" to permit a comprehensive development of 96 stacked townhouses along with the two existing apartment buildings at 2067 and 2077 Prospect Street; 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. 98 as contained in Appendix B of Report PB-56-16 (File: 505-02/15); and

Approve in principle the application by Starlight Investments, c/o Ruth Victor & Associates, 481 North Service Rd W, Unit A-33, Oakville, ON L6M 2V6 to rezone the lands at 2051-2067 and 2069-2085 Prospect Street from "RH2", "RH4" and "RM2" to "RH4-exception" subject to Section 37 negotiations; and

Direct staff to hold discussions with the applicant to secure community benefits in accordance with Section 37 of the Planning Act and to return to Council with a report outlining the recommended community benefits;

Instruct planning staff to prepare the by-law to amend Zoning By-law 2020, as amended, rezoning the lands at 2051-2067 and 2069-2085 Prospect Street from “RH2”, “RH4” and “RM2” to “RH4-exception” substantially in accordance with the draft regulations contained in Appendix C of Report PB-56-16 and direct that the amending zoning by-law will not be enacted until completion by the applicant of the following:

i) Execution of a Residential Development Agreement substantially in accordance with the conditions listed in Appendix D of Report PB-56-16; and

ii) Execution of 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

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 98 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 98 is adopted. (File: 520-03/15)

CARRIED

5.3 Tender Award for CW-16-05 Willow Lane area reconstruction. (CW-43-16)

Moved by Councillor Dennison

Approve the tender for Contract No.: CW-16-05, Willow Lane Area Minor Reconstruction, submitted by King Paving & Construction Company, A Division of KPM Industries Ltd. , 3385 Harvester Road, Burlington, Ontario, L7R 3Y5.; be accepted at a total price of \$742,039.08 (HST included); and

Direct the Mayor and City Clerk to sign related documents, subject to the satisfaction of the City Solicitor; and

Authorize the Manager of Procurement Services to issue a purchase order to King Paving & Construction Company, A Division of KPM Industries Ltd.; and

Authorize the removal of 2 trees, if required; and

Authorize the Total Project Cost of \$866,000; be charged to Capital Order RL0261 to be financed as follows:

Capital from Current \$866,000

Total Project Financing \$866,000

LOST

Moved by Mayor Goldring

Approve the tender for Contract No.: CW-16-05, Willow Lane Area Minor Reconstruction, submitted by King Paving & Construction Company, A Division of KPM Industries Ltd. , 3385 Harvester Road, Burlington, Ontario, L7R 3Y5.; be accepted at a total price of \$742,039.08 (HST included); and

Approve the construction of a new sidewalk on the north side of willow lane; and

Direct the Mayor and City Clerk to sign related documents, subject to the satisfaction of the City Solicitor; and

Authorize the Manager of Procurement Services to issue a purchase order to King Paving & Construction Company, A Division of KPM Industries Ltd.; and

Authorize the removal of 2 trees, if required; and

Authorize the Total Project Cost of \$866,000; be charged to Capital Order RL0261 to be financed as follows:

Capital from Current \$866,000

Total Project Financing \$866,000

CARRIED

- 5.4 Cycling alternatives for New Street (Guelph Line to Burloak Drive). (TS-10-16)

Moved by Mayor Goldring

Direct the Executive Director of Capital Works to bring forward alternative 2 - cycle tracks on New Street (from Guelph Line to Walkers Line), outlined in report TS-10-16, to the 2017 capital budget process.

LOST

Moved by Councillor Taylor

Direct the Executive Director of Capital Works to pilot Alternative 3 – Road Diet on New Street (from Guelph Line to Walkers Line) outlined in report TS-10-16; and

Approve that funding for the pilot remarking, in the amount of \$210,000 be provided from savings achieved through Tender Award of Contract CW 16-04, as per Report CW 20-16; and

Direct the Executive Director of Capital Works and Director of Transportation Services to report back on the performance of the pilot project prior to the top layer of asphalt being placed on the section of New Street between Guelph Line and Cumberland Avenue; and

Direct the Executive Director of Capital Works to add the pilot remarking of New Street from Guelph Line to Walkers Line to Contract CW 16-04.

CARRIED

- 5.5 Memorandum from Councillor Sharman regarding removal of cut ash tree wood from city owned lands. (DI-04-16)

Moved by Councillor Sharman

Refer the following direction to the 2017 operating budget discussion;

Direct the Director of Roads and Parks Maintenance to initiate the removal of cut ash tree wood and logs from the city-owned lands on the west side of Appleby Creek between Spruce Avenue and the south limit of Pineland Park, using existing funding allocated to the Council-approved Emerald Ash Borer Management Strategy.

CARRIED

- 5.6 Memorandum from Councillor Meed Ward regarding a resolution on Ontario Municipal Board (OMB) reform. (DI-03-16)

Moved by Councillor Meed Ward

Whereas, the Government of Ontario has announced a review of the Ontario Municipal Board and is seeking input from municipalities and members of the community; and

Whereas, the City of Burlington has an Official Plan and Zoning Bylaw that set out Council's policies on how lands should be used, guides and directs future growth, and is developed in consultation with the community; and

Whereas, Burlington's Official Plan and Zoning Bylaw have been approved by the Region of Halton and the Government of Ontario and conform to applicable regional and provincial legislation; and

Whereas, Council retains the legislative power to initiate, grant or deny Official Plan and Zoning Bylaw amendments after appropriate review; and

Whereas, currently all Burlington land use planning decisions may be appealed to the Ontario Municipal Board (OMB); and

Whereas, municipalities are a mature order of government able to make planning and other decisions for our communities;

Therefore, be it resolved that the City of Burlington requests the Government of Ontario to recognize and respect the rights of municipalities to make decisions regarding adherence to municipally, regionally and provincially approved Official Plans and Zoning Bylaws, which reflect local community needs and visions, by implementing the following OMB reforms:

1. Exclude the Board from hearing appeals of applications for amendments to municipally, regionally and provincially-approved Official Plans and Zoning Bylaws.
2. Require the OMB to show deference to the decisions of local Councils.
3. Limit appeals to the Board to matters pertaining to following due process or procedure in processing an application.

Be it further resolved that a copy of this Motion be sent to the Honourable Kathleen Wynne, Premier of Ontario; the Honourable Bill Mauro, Minister of Municipal Affairs and Housing; Mr. Patrick Brown, Leader of the Progressive Conservative Party; Ms. Andrea Horwath, Leader of the New Democratic Party; all MPPs in the Province of Ontario; the Regional

Municipality of Halton and all Halton Region Municipalities and the Association of Municipalities of Ontario (AMO).

LOST

6. Confidential Items:

7. Procedural Motions:

7.1 Motion to suspend the rules of procedure

Moved by Mayor Goldring

Suspend the rules of procedure to waive the requirements of notice to allow discussion regarding DI-04-16 in accordance with section 32 of procedure by-law 37-2014.

CARRIED

8. Information Items:

Moved by Councillor Lancaster

Receive and File the following six items, having given due consideration by the Development and Infrastructure Committee:

CARRIED

8.1 Correspondence from Jim Clemens, Chair, Heritage Burlington regarding request for removal from the municipal register for 3015 Dundas Street. (PB-64-16)

8.2 Presentation from staff regarding Official Plan and Zoning By-law amendments for 2051-2085 Prospect Street. (PB-56-16)

8.3 Correspondence from Christopher Pritchard regarding Tender Award for CW-16-15 Willow Lane area reconstruction. (CW-43-16)

8.4 Correspondence from Rob Proctor, Chair, Integrated Transportation Advisory Committee regarding Tender Award for CW-16-15 Willow Lane area reconstruction. (CW-43-16)

8.5 Correspondence from Gareth Williams, Chair, Burlington Sustainable Development Committee regarding Cycling alternatives for New Street (Guelph Line to Burloak Drive). (TS-10-16)

8.6 Correspondence from Rob Proctor, Chair, Integrated Transportation Advisory Committee regarding Cycling alternatives for New Street (Guelph Line to Burloak Drive). (TS-10-16)

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

2:48 p.m. (recess), 2:53 p.m. (reconvened), 3:55 p.m. (recess), 6:30 p.m. (reconvened).

Chair adjourned the meeting at 9:15 p.m.