



SUBJECT: Statutory Public Meeting and recommendation report for a plan of subdivision for 5219 Upper Middle Road and 2004-2005 Georgina Court

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-05-20

Wards Affected: 5

File Numbers: 510-01/18

Date to Committee: January 13, 2020

Date to Council: January 27, 2020

Recommendation:

Approve the application submitted by Bloomfield Developments to draft approve a residential plan of subdivision consisting of 4 lots, 3 blocks and a public road at 5219 Upper Middle Road, 2004 & 2005 Georgina Court and Blocks 262 & 263 of Plan 20M-824, as shown in Appendix A of community planning department report PL-05-20, subject to the conditions contained in Appendix B of that report.

PURPOSE:

The purpose of this report is to provide information for a Statutory Public Meeting and recommend draft approval of the plan of subdivision application for 4 lots, 3 blocks and a public road at 5219 Upper Middle Road, 2005 & 2005 Georgina Court and Blocks 262 & 263 of Plan 20M-28.

Vision to Focus Alignment:

The subject application aligns with the following focus areas of the 2018-2022 *Burlington's Plan: From Vision to Focus*:

- *Increase economic prosperity and community responsive city growth*
 - The proposed plan of subdivision will facilitate the development of a mix of townhouse, single detached, and semi-detached dwellings, and an

increase in housing options along a major road with existing services (Upper Middle Road).

- *Improve integrated city mobility*
 - The proposed plan includes a block for a public walkway connecting Upper Middle Road to Georgina Court, and a sidewalk on the west side of Georgina Court. These facilities promote easy access to the existing bus stop next to the subject site and the secondary school across Upper Middle Road from the subject site, and supports walking, cycling and using public transit.
 - *Support sustainable infrastructure and a resilient environment*
 - The subject site is within a 5-minute walk to Orchard Woodlot, and a 10-minute walk to Brada Woods Park. As a condition of subdivision approval, the applicant will be required to agree to provide cash in lieu of parkland dedication (Condition 9a), Appendix B).
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Executive Summary:

RECOMMENDATION:		Draft Approve with Conditions	Ward:	5
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	Bloomfield Developments Inc. Upper Middle Road Enclave Inc. 510-01/18 (24T-18000/B) Plan of Subdivision Low density residential		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	North side of Upper Middle Road, east of Appleby Line 5219 Upper Middle Road, 2004 & 2005 Georgina Court, and Blocks 262 & 263 of Plan 20M-824 0.5 ha Single detached dwelling at 5219 Upper Middle Road. All other parcels are vacant.		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	Residential – Medium Density No change Orchard Community Residential (RO2-487 & RO2-488) No change		
Processing Details	NEIGHBOURHOOD MEETING: APPLICATION RECEIVED: STATUTORY DEADLINE: PUBLIC COMMENTS:	Neighbourhood meetings for associated rezoning application (520-05/17) were held on May 23, 2017 and December 12, 2017. June 16, 2018 January 12, 2019 (210 days) 142 of households were circulated. As of the writing of this report, no comments have been received.		

Background and Discussion:

General

On June 26, 2018, the Department of City Building acknowledged that a complete application had been received for a Plan of Subdivision at 5219 Upper Middle Road, 2004 & 2005 Georgina Court, and Blocks 262 & 263 of Plan 20M-824.

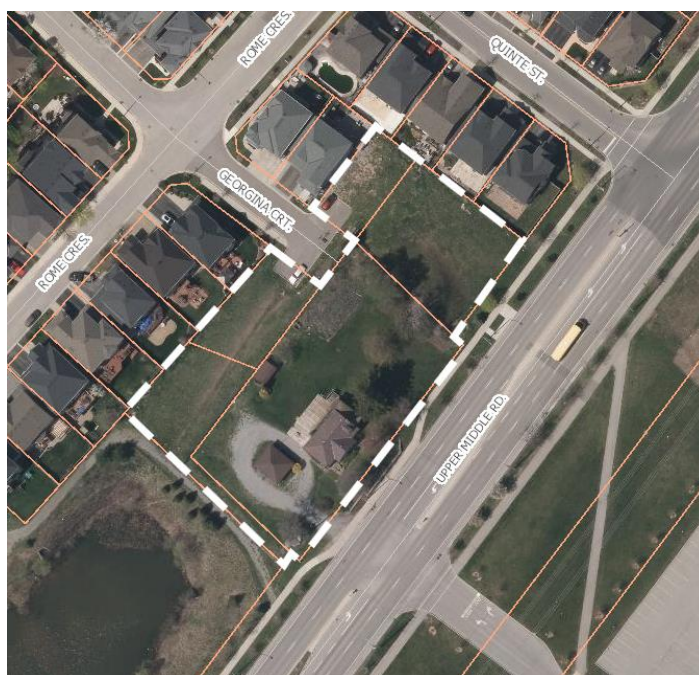
The purpose of the proposed Plan of Subdivision application is to create development parcels that implement Zoning By-law 2020.395, a by-law to permit the development of two detached dwellings, four semi-detached dwellings, 14 townhouse units, and a public walkway on the subject lands. Zoning By-law 2020.395 was enacted by City Council on July 16, 2018 and is in force and effect.

Site Description

The subject site is located on the north side of Upper Middle Road, east of Appleby Line. The site has an area of 0.5 ha, and is comprised of five properties, known municipally as 5219 Upper Middle Road, 2004 & 2005 Georgina Court, and two remnant parcels of the adjacent subdivision (Blocks 262 & 263 in Plan 20M-824). 5219 Upper Middle Road is currently developed with a single detached dwelling. The remaining properties are vacant.

Surrounding Land Uses

The site is surrounded to the north and east by single detached dwellings; to the south by a secondary school and vacant employment lands; and to the west by a City stormwater management pond and townhouse development.



**Figure 1 –
Air photo (2017) with the subject
site outlined**

History of Development Proposal

The subject lands were the subject of a Zoning By-law Amendment application (file number 520-05/17) that was received in 2017. The original proposal was for 22 residential units, consisting of eight semi-detached dwelling units and 14 townhouse units in three separate townhouse buildings.

Based on public consultation, the proposal was revised to 20 residential dwelling units, consisting of two detached dwelling units, four semi-detached dwelling units and 14 townhouse units in two townhouse buildings, and a public walkway between Georgina Court and Upper Middle Road.

After the rezoning application was submitted, the applicant submitted the subject Plan of Subdivision application to create the development parcels and extend Georgina Court. A Site Plan application (535-008/17) was also submitted.

On July 16, 2018, City Council approved the revised rezoning application with a modification for five visitor parking spaces, and passed Zoning By-law 2020.395 (PB-46-18). An appeal of the decision was subsequently filed with the Local Planning Appeal Tribunal, and the Plan of Subdivision and Site Plan applications were placed on hold until the appeal was resolved.

The Tribunal dismissed the appeal on July 2, 2019. Zoning By-law 2020.395 is therefore now in effect, and processing of the Plan of Subdivision and Site Plan applications has resumed.

Description of Application

As shown on Sketch No. 2 (Appendix A), the applicant proposes a plan of subdivision consisting of:

- 2 lots for two detached dwellings;
- 2 lots for four semi-detached dwellings;
- Blocks for townhouses, a public walkway/overland flow route, a future road widening of Upper Middle Road; and,
- A street (Georgina Court extension).

As established by Zoning By-law 2020.395, the proposed townhouse block is permitted to be developed with up to 14 townhouse units in two buildings, with 2 occupant parking spaces per unit and 5 visitor parking spaces.

Supporting Documents

Following the approval of Zoning By-law 2020.395, the applicant submitted the following materials in support of the subject plan of subdivision application:

- [Revised Draft Plan of Subdivision](#), prepared by Weston Consulting, dated August 19, 2019, signed by the Surveyor on October 29, 2019
- [Lot, Width and Area Schedule](#), prepared by J.D. Barnes Ltd., signed by Surveyor on May 23, 2018
- [Noise Report Memo](#), prepared by Rubidium Environmental Inc., dated August 12, 2019
- [Noise Barrier Illustration](#), from the City of Brampton, submitted August 20, 2019
- [Civil Engineering Drawings](#) (e.g. grading, servicing), prepared by Odan-Detech Consulting Engineers, dated August 15, 2019
- [Revised Functional Servicing & Stormwater Management Report](#), prepared by Odan/Detech Group, dated August 15, 2019
- [Correspondence from Technical Safety Standards Authority and Ministry of Environment, Conservation and Parks](#), compiled by Candec Engineering Consultants Inc., dated September 6, 2019

All of the supporting documents have been published on the City's website for the subject application, <http://www.burlington.ca/5219UpperMiddle>.

Policy Framework

The proposed Plan of Subdivision is subject to the following policy framework: Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2019), Region of Halton Official Plan, City of Burlington Official Plan, and the City of Burlington Zoning By-law 2020. The conformity and consistency of the development to these policy documents was confirmed as part of staff's review of the rezoning application.

Planning Act: Draft Plan of Subdivision Criteria

Section 51(24) of the Planning Act outlines criteria that approval authorities are to have regard to when considering a draft plan of subdivision, including:

- *Whether the proposed subdivision is premature or in the public interest;*

The proposed subdivision establishes development parcels for a mix of housing types and a public walkway that conform to and implement the Zoning By-law. Moreover, according to Halton Region, Halton District School Board, Halton Catholic District School Board, and City Parks & Open Space staff, adequate water, wastewater servicing, schools, and parks are available nearby to accommodate the development. The public walkway block will improve connections to existing transit, community

services and other neighbourhood conveniences. The proposed subdivision is therefore not premature, and is in the public interest.

- *Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The proposed subdivision conforms to the City's Official Plan and provides a logical extension of Georgina Court.

- *The suitability of the land for the purposes for which it is to be subdivided;*

The applicant has submitted an Environmental Site Assessment, Geotechnical Investigation, and Noise Report in support of the application. Halton Region and City Capital Works staff have reviewed these reports and find them satisfactory for the purpose of draft plan approval. As a condition of subdivision approval, the owner will be required to update the Noise Report for final approval, and implement the recommendations of the Geotechnical Report and final Noise Report.

- *The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

The proposed plan of subdivision includes a 14 m road allowance with a 14.5 m radius (bulb), for the extension of Georgina Court and to be dedicated to the City. City staff are satisfied with the alignment, width and radius of the street that is depicted on the plan.

The plan also includes a block for the future road widening of Upper Middle Road, to be dedicated to Halton Region. Regional staff comment that they are satisfied with the block that is shown.

The street and road widening block will be required to be graded to the satisfaction of the City and Halton Region (Conditions 3z) & 12p) & v), Appendix B).

As determined through the associated rezoning approval, traffic generated by the proposed development can be accommodated within the existing road network.

- *The dimensions and shapes of the proposed lots;*

The proposed lots and townhouse block conform to the Zoning By-law, and are therefore appropriately shaped and dimensioned.

- *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

Noise barriers are required to be constructed generally along the southerly length of Lots 2, 3 and part of Lot 4 to mitigate noise from Upper Middle Road. An easement in favour of Halton Region along the length of the barrier is required to secure Halton Region's ownership and access for maintenance of the barrier (Condition 12x),

Appendix B). The easement is to remain free of obstructions (Condition 11z), Appendix B).

During the review of the rezoning application, Parks and Open Space staff commented that there is an existing service road/walkway around the existing city stormwater management facility to the west of the subject site, and that the city will not permit snow from the site to be deposited on the city's property. The owner agreed to install a solid masonry garden wall between the development and the stormwater facility to ensure that snow storage from the development does not encroach onto city property. This is reflected in staff's recommended conditions of subdivision approval (Condition 3zz) and aaa), Appendix B), and will be further finalized through the Site Plan process.

- *Conservation of natural resources and flood control;*

The subject lands are not within a floodplain and do not have any natural heritage features or areas, as defined by the Provincial Policy Statement. Snow storage from the site will not be allowed to be deposited on the adjacent city stormwater facility lands.

- *The adequacy of utilities and municipal services and school sites;*

Burlington Hydro, Union Gas, Halton Region, and City departments have been circulated on the application and do not have objections to the proposed development. Halton District School Board and Halton Catholic District School Board comment that students from the proposed development can be accommodated at existing schools nearby.

- *The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

Approximately 0.009 ha of land is to be dedicated to the City for a public walkway/overland flow route. An 8.1 ha park (Orchard Woodlot) is located within 250 m of the subject site, and a 2.2 ha park (Brada Woods Park) is located within 800 m. Staff have determined through the rezoning that adequate parkland is available to accommodate this development. As such, cash in lieu of parkland dedication is recommended (Condition 9a), Appendix B).

- *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The proposed plan of subdivision facilitates a compact urban form and therefore supports an efficient use of energy.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of [the Planning Act].*

Lots 1-4 in the proposed subdivision are to be developed with single detached and semi-detached dwellings, which are not subject to site plan control.

The proposed townhouse block (Block 5) is subject to site plan control. Staff are continuing to review the associated Site Plan application to ensure that the design of the townhouse block (e.g. parking layout, grading and drainage, landscaping and lighting details) and the exterior design of the townhouse buildings are appropriate. Staff are of the opinion that site plan matters can be accommodated within the block shown on the proposed plan of subdivision.

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. The PPS promotes appropriate development based on efficient land use patterns that optimize the use of land, resources, infrastructure, and public service facilities, and that contain an appropriate range and mix of uses to meet long-term needs. Settlement areas are to be the focus of growth and development, and land use patterns within settlement areas are to be based on densities and a land use mix that minimize negative impacts to air quality and climate change, support active transportation and transit. (PPS, 1.1.1, 1.1.3.1, & 1.1.3.2a)

The proposed plan of subdivision is consistent with the Provincial Policy Statement. The proposed subdivision contributes to an efficient and cost-effective land use pattern since it will facilitate the intensification of one of the few remaining vacant and underutilized sites within the Orchard Community, where adequate servicing exists to accommodate the development. The proposed subdivision will support the intensification of the lands with an appropriate mix of housing options, in accordance with the City's Official Plan and Zoning By-law.

The proposed walkway/overland flow route block in the plan of subdivision provides a more direct pedestrian/cycling connection for current and future residents of Rome Crescent and Georgina Court to the existing transit stops and secondary school on Upper Middle Road. The proposed subdivision thus supports active transportation and transit.

Growth Plan for the Greater Golden Horseshoe, 2019

The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on May 16, 2019. All planning decisions made on or after May 16, 2019 must conform to the new Growth Plan. The Growth Plan builds on the policy foundation set out in the PPS and provides a framework for managing growth and achieving compact, complete communities in the Greater Golden Horseshoe. The Growth Plan directs the vast majority of growth to settlement areas and, more specifically, within delineated built-up areas and strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (Growth Plan, 2.2.1.2a); 2.2.1.2c)).

The proposed draft plan of subdivision will accommodate growth within the City's delineated built-up area, along an existing transit corridor. It will support the

implementation of Zoning By-law 2020.395, which was deemed to conform to the Growth Plan by LPAT.

Halton Region Official Plan (ROP)

The subject lands are designated as Urban Area in the Halton Region Official Plan (ROP). Urban areas are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The ROP states that the range of permitted uses and creation of new lots within the Urban Area shall be in accordance with local official plans and zoning by-laws, and other policies of the ROP. The proposed plan of subdivision creates new lots within the Urban Area in accordance with the City's Official Plan and Zoning By-law.

Regional staff comment that they are generally satisfied that draft plan of subdivision approval can be supported from a municipal servicing perspective. Regional staff have provided regional engineering requirements to be satisfied prior to final subdivision registration; these are included in Conditions 12a) to 12z) of Appendix B of this report.

City of Burlington Official Plan

The property is designated "Residential – Medium Density" on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation permits both ground and non-ground oriented dwelling units with a density ranging between 26 and 50 units per net hectare (Official Plan, Part III, 2.2.2). The Official Plan also encourages ground-oriented residential infilling within existing neighbourhoods (Part III, 2.5.4). Infilling is defined in the Official Plan as development or redevelopment within an existing developed area that is proposed to be undertaken in conformity with the existing zoning, and may include the creation of new lots.

The proposed subdivision is for the creation of new lots within an existing developed area, in conformity to the existing zoning. The proposed plan of subdivision is for ground-oriented housing (detached, semi-detached and townhouse units), and has a density of 46.4 units per net hectare. The application therefore conforms to the City's Official Plan.

City of Burlington Adopted Official Plan, 2018

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.

City of Burlington Zoning By-law 2020

The lands are zoned “RO2-487” and “RO2-488” in the City’s Zoning By-law 2020. These site-specific exceptions permit the site to be developed with two single detached dwellings, four semi-detached dwellings, and 14 townhouse units. The proposed draft plan of subdivision conforms to and implements this zoning.

Technical Comments

The draft plan of subdivision application was circulated to internal staff and external agencies for review. The following groups/agencies have provided no objection to the development proposal, but have conditions of approval for the subdivision application, included in Appendix B: City Site Engineering, City Forestry and Landscaping, City Parks & Open Space, Burlington Transit, Region of Halton, Halton District School Board, Halton Catholic District School Board, Burlington Hydro, and Union Gas.

The conditions of approval include requirements for:

- A noise mitigation barrier and easement for the Region to maintain and access the barrier along the southern length of Lots 2, 3 and part of Lot 4, next to Upper Middle Road, and updates to the supporting noise report with specific design and location details of the noise barrier for Regional approval;
 - A 1.2 m tall block/brick garden wall with an additional 0.6 m of decorative metal topping located 0.3 m inside Block 5, adjacent to the City’s stormwater management facility, to prevent snow from being pushed onto City property;
 - A concrete pad to be installed within existing bus stop waiting area south of the site to meet Burlington Transit design standards;
 - Construction access to be from Upper Middle Road;
 - Road improvements and restorations be undertaken within Upper Middle Road, including: removal of existing left turn lane into 5219 Upper Middle Road; removal of existing retaining wall; realignment of sidewalk to line up with existing sidewalk to east and west of site; tree planting; grading; and,
 - Confirmation of payment to the Orchard Community East Master Servicing Cost Sharing Agreement (OCEMSCSA) Group or settlement with the Group.
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Financial Matters:

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

Climate Implications

Not applicable. The subject subdivision application is a technical matter that implements the approved rezoning application.

Enterprise Risk:

Not applicable.

Engagement Matters:

A notice sign was posted on the property in June 2018. A public notice of the subdivision application and staff's recommendation was circulated in December 2019 to all property owners and tenants within 120 m of the subject site and to people that commented on the associated rezoning application. 142 households were circulated.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/5219UpperMiddle.

This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

As of the writing of this report, no comments have been received with respect to application 510-01/18.

Next Steps:

Following draft approval, the applicant has three years to satisfy the conditions of approval and obtain final subdivision approval from the Director of Community Planning before draft approval lapses. Once the Director grants final approval, the applicant may then register the plan with the Land Registry Office.

The associated Site Plan application for the townhouses will be reviewed and processed concurrently with the remainder of the subdivision process. However, the site plan cannot be approved until after the townhouse block is created (i.e. after subdivision plan registration).

Conclusion:

Staff's analysis of the application for a Plan of Subdivision considers the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Act, the Regional and City Official Plans, and the Zoning By-law 2020.

This report recommends that draft approval be given for a residential plan of subdivision to facilitate the creation of two single detached lots; two semi-detached lots; blocks for condominium townhouses, a public walkway and Regional road widening; and the extension of Georgina Court, subject to the conditions attached as Appendix B to Community Planning Department report PL-05-20.

Respectfully submitted,

Rebecca Lau

Planner I

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Appendices:

- A. Sketches
- B. Conditions of Subdivision Approval

Notifications:

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.