

January 13, 2020

Via email (cityclerks@burlington.ca; jo-anne.rudy@burlington.ca)

Our File No.: 200029

Community Planning, Regulation and Mobility Committee
Committee Services, Clerks Department 426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Attention: Jo-Anne Rudy, Committee Clerk

Dear Members of the Community Planning, Regulation and Mobility Committee:

**Re: Proposed Amendments to the Official Plan and Zoning By-law
arising from the study for lands identified in Interim Control By-law 10-2019
Statutory Public Meeting on January 14, 2020**

We are the solicitors for Wal-Mart Canada Corp, the owner of the property municipally known as 2065 Fairview Street (the "Wal-Mart Site"), which is occupied by a Walmart department store of 12,000 sq. m. constructed about 13 years ago. This property is 120 metres from the Burlington GO station. The Wal-Mart Site is currently designated "Regional Commercial" and is zoned Regional Commercial, Exception 351.

We are writing to provide comments on behalf of our client in connection with Report PL-01-20 (the "Staff Report") which addresses, among other things, the City's wish to amend the Official Plan and Zoning By-law to accommodate higher density within the Burlington GO station area and makes recommendations for amendments to provide policy guidance for the area until such time as a secondary plan and the Region's Municipal Comprehensive Review are completed.

The policy changes proposed in the Staff Report, which are based on the planning study conducted on the City's behalf by Dillon Consulting (the "Dillon Study"), contemplate the identification of lands surrounding the Burlington GO Station as a "MTSA Special Planning Area". The Wal-Mart Site is proposed to retain its current "Regional Commercial" designation in the Official Plan and to be shown as Area B-1. The proposed Zoning Amendment would maintain the current Regional Commercial zoning but would restrict development on the north half of the Wal-Mart Site to 19 storeys, the south half to 11 storeys, and to 6 storeys within 20 metres of Fairview Street.

Neither the Dillon Study nor the Staff report provides an explanation for maintaining a Regional Commercial designation for the Wal-Mart Site, particularly given the goal of intensifying this MTSA in accordance with current Provincial policy. Further, no rationale is provided for restricting the maximum heights for Area B1 to 19 storeys, especially when the lands shown as Area A are to be permitted a maximum height of 24 storeys and when an adjacent property has already been developed with towers of 22 storeys. We also note that the Burlington GO Station MTSA is proposed to be bisected by a new public road for which no justification has been provided.

Our client would appreciate the opportunity to meet with staff to discuss changes to address its general concerns respecting the timeliness of the proposed amendments and its specific concerns that the proposed amendments could hamper its ability to adapt its current store as needed over time.

In the meantime we believe it is premature for the City to adopt amendments to the Official Plan and Zoning By-law for the Burlington GO station area until a comprehensive study and planning justification are prepared. There has been no compelling planning argument advanced for rushing forward with amendments prior to the detailed work that will be undertaken in conjunction with the preparation of a secondary plan for this area.

Yours truly,

Goodmans LLP



Roslyn Houser
RH/lr

Cc: William Chan
Kelly Voisin
Gladice Sarmiento
Rob Andreacchi
Oz Kemal