



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

June 5, 2020

Mayor Meed Ward and Members of Council  
c/o Jo-Anne Rudy, Committee Clerk  
City of Burlington  
426 Brant Street  
PO Box 5013  
Burlington, Ontario  
L7R 3Z6

Dear Mayor Meed Ward and Members of Council:

**RE: Item 5.2 – Garden Trails Subdivision Phase II - Request for Draft Plan Approval Extension  
Community Planning, Regulation and Mobility Committee Meeting (June 9, 2020)  
550 Genista Drive, Burlington  
Our File No. 1583N**

---

MHBC have been recently retained by Emshih Developments Inc. (“Emshih”) to assist with the finalization of approval matters related to the Garden Trails Phase II Subdivision located at 550 Genista Drive in the City of Burlington. Report PL-31-20 is presented to you in response to a request under Section 51(33) of the *Planning Act* that is seeking an extension of the Draft Plan approval provided to Plan 24T-099005/B. City planning staff are recommending refusal of the extension.

We are respectfully requesting that the Committee grant the extension in consideration of the information presented herein and in accordance with a resolution of the Committee for this item which is attached to this letter as Appendix 1.

### **Context for Consideration of Draft Plan Approval Extension under 51(33)**

While Planning staff have provided some background context to the request in Report PL-31-20, it is important to understand the following additional points for context.

The subject lands are currently designated as *Urban Area* and *Natural Heritage System* in the Region of Halton Official Plan. The lands are designated as *Residential Low Density* and *Greenlands* in the current Official Plan of for the City of Burlington. While still under consideration, the lands remained designated *Residential Low Density* and *Natural Heritage System* (replaced *Greenland* designation) under the adopted April 2018 Official Plan. The lands are zoned *R3.1* and *O2* in Zoning By-law 2020. These plans and zones all contain policies that address development where adjacent to natural heritage features and the assessment required to delineate feature boundaries and appropriate setbacks.

The final approval of the draft plan will be assessed within the above-noted policy framework which is current and not outdated. Modified conditions and an updated plan will implement the updated setback and regulatory requirements now being completed through the permit process with Conservation Halton.

### **Policy and Regulatory Changes since the Original Draft Plan Approval**

It is very common for draft plans of subdivision to be processed over extensive periods of time due to delays, market changes and several other circumstances. Where policy and regulatory changes occur, the *Planning Act* allows for modifications to draft plans and draft plan conditions to be made under Section 51(44) of the *Planning Act*. Municipalities can extend draft plan approval with modified conditions and revisions to a draft plan to address changes to policies and regulations. This ensures that appropriate and up to date conditions are applied to the finalization of the plan.

This process and approach requires coordination and commitment to the process by working collaboratively with all parties to finalize a plan's approval. From our independent review, there have clearly been considerable delays in the process (on all sides and due to many circumstances) which has resulted in the continued extensions. We believe with a committed and coordinated effort, led by us, we can provide for a consolidated set of modified conditions and an updated plan that will address the concerns as outlined by the Region and Conservation Halton. This approach will provide for an efficient resolution to the outstanding matters related to this plan. Phase 1 and 2 of Garden Trails subdivision are interconnected. The servicing for the stormwater management pond and waste pump station are all located on the Phase 2 lands. The proposed approach to finalizing the approval will ensure an efficient and timely resolution needed to finalize Phase 1.

I have spoken to Regional and Conversation Halton staff and they are agreeable to a process whereby we collaboratively work towards an updated set of conditions and a revised plan that reflects their requirements. I have also contacted Planning staff about an alternative approach and while I was able to have a brief conversation was unfortunately, as of the time of submission of this letter, not been able to confirm their agreement but hope to follow up before the Committee meeting.

On this basis, I would respectfully request that Council support a revised resolution on this matter to permit the extension in accordance with the conditions outlined in Appendix 1 to this letter.

Sincerely,

**MHBC**



Dana Anderson, MA, MCIP, RPP  
Partner

Cc: Dr. Michael Shih, Emshih  
Melissa Morgan, Community Planning Department, City of Burlington  
Adam Huycke, Region of Halton  
Emma DeFields, Conservation Halton

## **Appendix 1**

### **Revised Motion of Planning, Regulation and Mobility Committee**

That the request to extend the Draft Plan approval for the Garden Trails subdivision (24T-099005/B) at 550 Genista Drive be granted in accordance with the following conditions:

1. The applicant, through its consultant, coordinate a meeting(s)/discussion(s) with City, Regional and Conservation Halton staff to clarify all outstanding matters to be addressed, finalize a set of modified draft plan conditions and prepare a revised draft plan;
2. The modified draft plan conditions and revised draft plan shall be provided to Council by staff for information;
3. That upon completion of the modified conditions and revised draft plan, the applicant shall commence clearance of conditions to obtain final approval and registration of the plan within two years (June 23, 2022).