



**SUBJECT: Statutory Public Meeting and recommendation report for
a Plan of Subdivision for 600 Maplehill Drive**

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-58-20

Wards Affected: 4

File Numbers: 510-01/20

Date to Committee: November 10, 2020

Date to Council: November 23, 2020

Recommendation:

Direct staff to continue to work with the applicant (T. Johns Consulting Group) on behalf of 2531820 Ontario Inc. in regards to the submitted residential Plan of Subdivision for 600 Maplehill Drive (formerly 607 Dynes Road).

PURPOSE:

The purpose of this report is to provide background information for the Statutory Public Meeting for this Plan of Subdivision application and to seek direction from Council to continue working with the applicants in an effort to bring forward a subsequent recommendation report.

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
- Support sustainable infrastructure and a resilient environment

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| RECOMMENDATION: | | Direct Staff to Continue to Work with Applicant | Ward: | 4 |
| Application Details | APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSAL: | <i>T. Johns Consulting Group</i> <i>DiCarlo Homes</i> <i>510-01/20</i> <i>Plan of Subdivision</i> <i>Create blocks for 20 condominium townhouse units fronting onto private roads</i> | | |
| Property Details | PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE: | <i>South of Woodward Avenue, east of Dynes Road, west of Cumberland Avenue, north of New Street</i> <i>600 Maplehill Drive</i> <i>0.54 hectares (1.3 acres)</i> <i>Vacant</i> | | |
| Documents | OFFICIAL PLAN Existing: ZONING Existing: | <i>Residential – Medium Density</i> <i>Medium Density Residential with Site Specific Exception (RM2-478)</i> | | |
| Processing Details | APPLICATION RECEIVED: STATUTORY DEADLINE: PUBLIC COMMENTS: | <i>July 30, 2020</i> <i>November 27, 2020</i> <i>Number of Notices Sent: 76</i> <i>9 pieces of written correspondence as of the time of writing of this report</i> | | |

Background and Discussion:

On July 30, 2020, the Department of Community Planning acknowledged that a complete application had been received for a Plan of Subdivision at 600 Maplehill Drive. The purpose of the proposed Plan of Subdivision application is to create development blocks that implement OPA 110 and Zoning By-law 2020.388; Official Plan and Zoning By-law Amendments to permit the development of 20 townhouse units and condominium roads on the subject lands. These instruments were enacted following the decision of the Local Planning Appeal Tribunal (LPAT) on March 26, 2019.

Site Description

The subject property is located east of Dynes Road and south of Prospect Street. The parcel under application is the eastern portion of the site at the north end of Maplehill Drive. The subject property has an area of 0.54 hectares. Surrounding land uses include the following:

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| North: | Tecumseh Public School, Tecumseh Park and low-density detached dwellings; |
| East: | Ontario Hydro Corridor, Multi-Use Trail, Assumption Catholic Secondary School and Cumberland Park; |
| South: | Low-Density Residential |
| West: | Low-Density Residential |

History of Development Proposal

On October 18, 2016 the Department of Community Planning acknowledged that complete applications had been received for an amendment to the City's Official Plan and Zoning By-law 2020, as amended (files 505-04/16 and 520-10/16). The original application had proposed the construction of 23 townhouse units and two semi-detached units for a total of 25 units. The proposal was later revised, and a total of 20 townhouse units were approved by Council on March 19, 2018.

The most prominent concern that was heard from the public at the time of the Official Plan and Zoning By-law Amendment applications was with respect to the vehicular access to the site being proposed from the terminus of Maplehill Drive rather than as an easement across the church property abutting the subject lands to the west. Discussion of this matter was provided in report PB-12-18, which was brought forward to the Planning and Development Committee (now known as the Community Planning, Regulation and Mobility Committee) on March 6, 2018.

The decision of Council was subsequently appealed to the Local Planning Appeal LPAT by local residents; however Council's decision was upheld by the Tribunal as stated in its decision dated March 26, 2019.

Supporting Documents

Following the approval of Zoning By-law 2020.388, the applicant submitted the following materials in support of the subject plan of subdivision application:

- Planning Brief (Prepared by T. Johns Consulting Group, dated July 2020); and,
- Draft Plan of Subdivision (Prepared by A. T. McLaren Limited, dated March 9, 2020).

All of the supporting documents have been published on the City's website for the subject application, <http://www.burlington.ca/600Maplehill>.

Policy Framework

The proposed Plan of Subdivision is subject to the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019), the Regional Official Plan and the City of Burlington Official Plan. The conformity and consistency of the development to these policy documents was confirmed as part of staff's review of the Official Plan Amendment and Zoning By-law Amendment applications. It should be noted that the development has been approved in accordance with the Official Plan and Zoning By-law Amendments and the purpose of this application is to implement these approvals by legally subdividing the lands. Should Council grant additional time for staff to work with the applicant, a policy analysis will be provided to demonstrate whether the proposal is in keeping with the applicable framework.

Provincial Policy Statement (PPS) 2020

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.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe came into effect on May 16, 2019 as an update to the previous provincial growth plan and provides a growth management policy direction for the defined growth plan area. Through the Growth Plan, growth is focused in the 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.

Halton Region Official Plan (ROP)

The subject lands are designated as “Urban Area” within the Halton Region Official Plan. Urban areas are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. Further comments pertaining to servicing for the proposed development are discussed in the Technical Review section of this report. The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

City of Burlington Official Plan

The property is currently designated as “Residential – Medium Density”, as per OPA 110, which permits a 20-unit townhouse development with a density of 37 units per hectare. This is in keeping with the “Residential – Medium Density” Section of the Official Plan.

Zoning By-law 2020

The subject lands are currently zoned “Residential – Medium Density with site specific exceptions (RM2-478)” in order to facilitate the approved townhouse development consisting of 20 units fronting onto a private condominium road.

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 will have conditions of approval for the subdivision application: City Site Engineering, Burlington Accessibility Advisory Committee, City Finance, Bell, Enbridge, Halton Police, Halton Catholic District School Board, Halton District School Board, Burlington Hydro and Burlington Transit.

Comments are still forthcoming from City Forestry and Landscaping, City Parks & Open Space, Region of Halton, City Transportation and Union Gas. Without having full comments, City staff are unable to provide a recommendation of the proposed draft plan of Subdivision application within the 120 day timeframe prescribed within the Ontario Planning Act and, as such, are requesting additional time in which to continue to review the application.

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.

Engagement Matters:

A notice sign was posted on the property in August 2020. A public notice of the subdivision application was circulated in August 2020 to all property owners and tenants within 120 m of the subject site.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/600Maplehill. 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, 9 sets of written comments have been received with respect to application 510-01/20. Comments have been included as "Appendix C" to this report. It is important to note that the subject application before Committee is with respect to the subdividing of lands to implement the approved Official Plan Amendment and Zoning By-law Amendments for the subject lands. The application, including traffic impacts and vehicular access to the site, were reviewed in detail at the time of those applications. The subject application for Draft Plan of Subdivision approval seeks to subdivide the lands into four townhouse blocks and a condominium road block in accordance with the development concept approved by the LPAT.

Next Steps:

Given that not all comments and conditions have been received at this time, staff is requesting additional time to review the subject application for draft plan of subdivision approval. Should draft approval be granted in the future, the applicant would have three years to satisfy the conditions of approval and obtain final subdivision approval from the Director of Community Planning before draft approval lapses. If the Director grants final approval, the applicant would then register the plan with the Land Registry Office.

The associated Site Plan application for the townhouses is currently being reviewed and processed. However, the site plan cannot be approved unless the blocks are created through the plan of subdivision process.

Conclusion:

This report provides a description of the development application, an update on the technical review of the application and advises that public comments have been received. Planning staff recommend that Council direct staff to continue to work with the applicant and to receive remaining agency conditions.

Respectfully submitted,

Melissa Morgan, MCIP RPP

Planner II – Development Planning

melissa.morgan@burlington.ca

Appendices:

- A. Location/Zoning Sketch
- B. Detail Sketch
- C. Public Comments

Notifications:

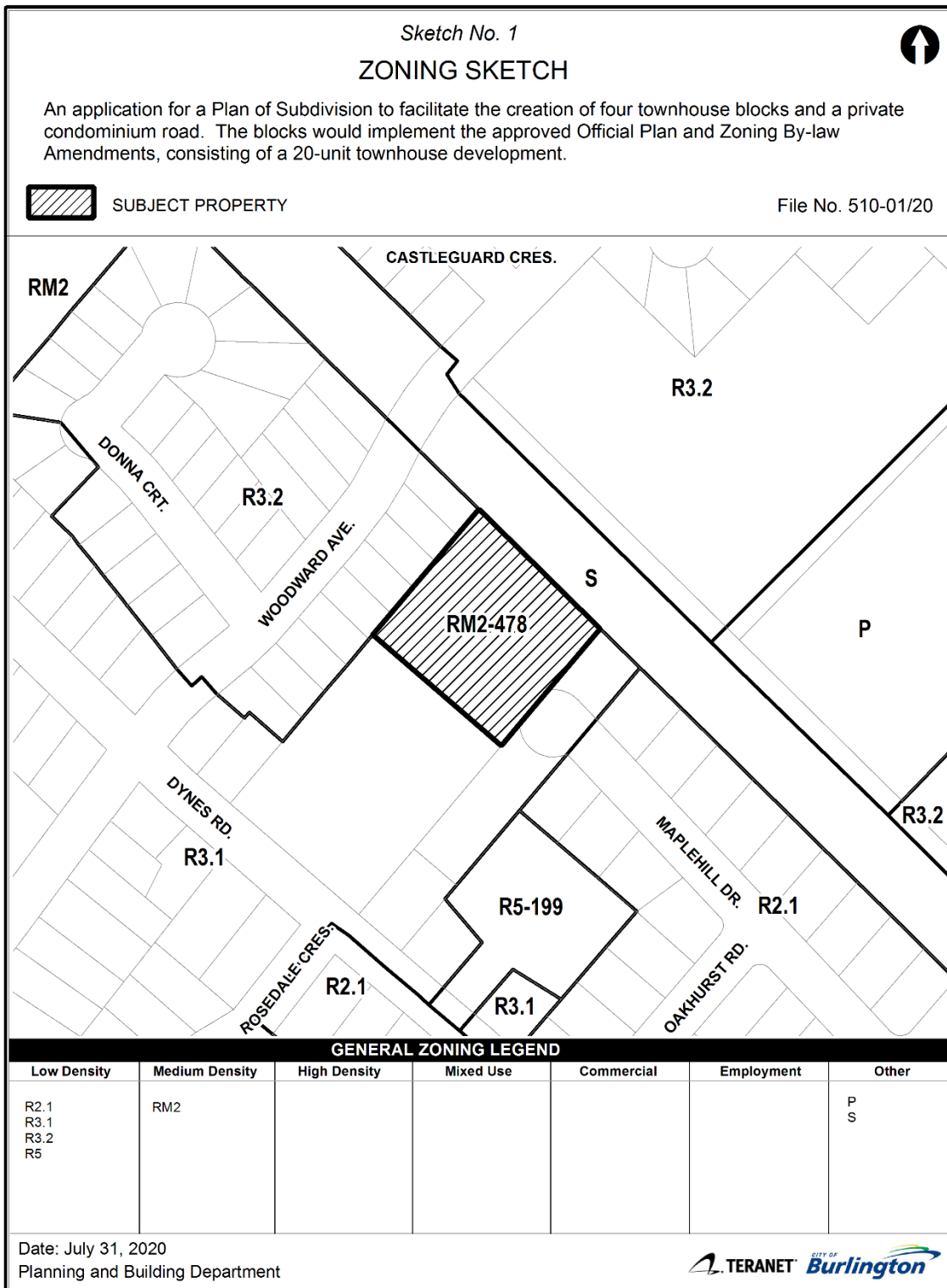
Diana Morris, T. Johns Consulting Group

dmorris@tjohnsconsulting.com

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

APPENDIX 'A'



APPENDIX 'B'

Sketch No. 2 DETAIL SKETCH

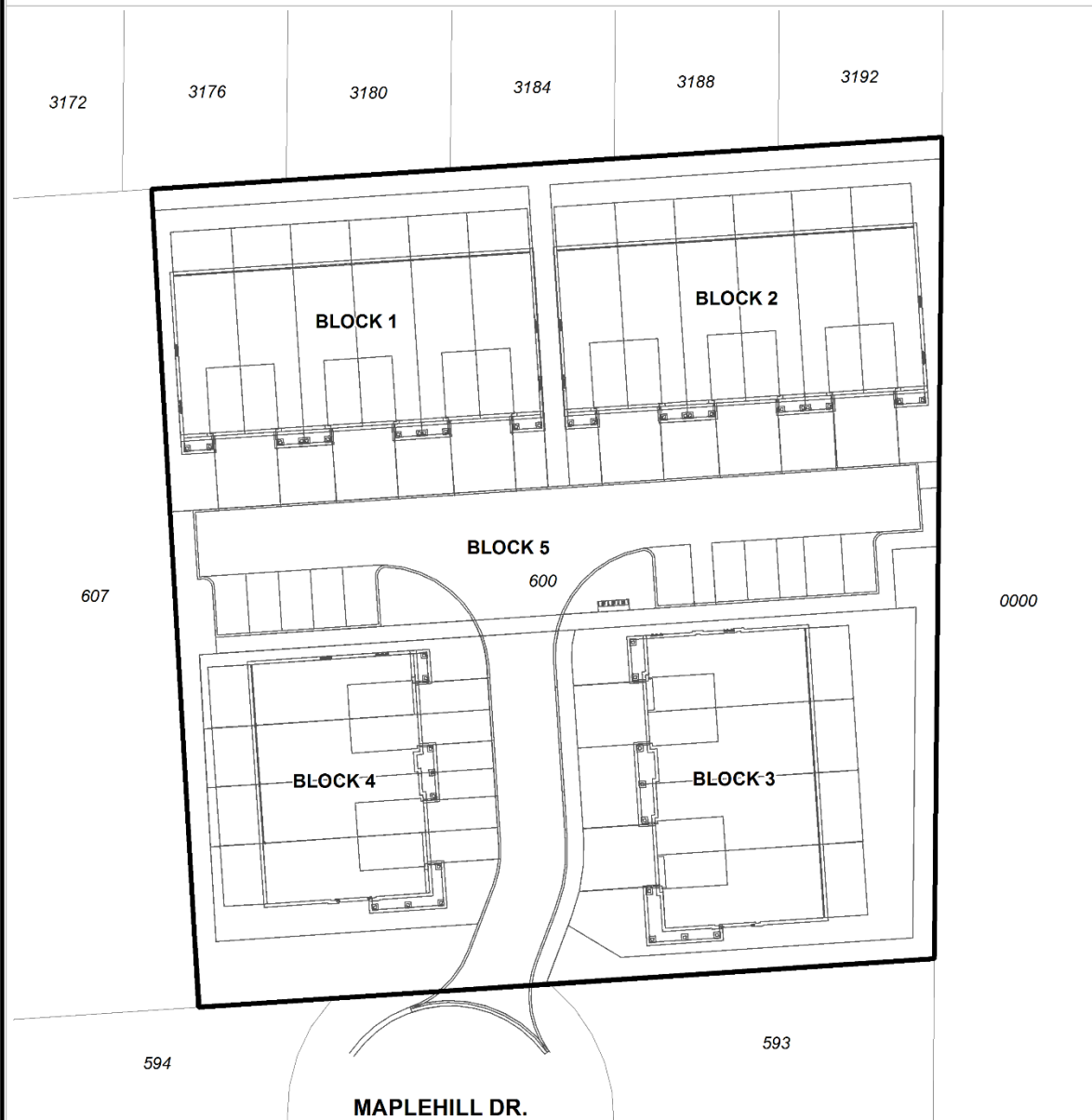


An application for a Plan of Subdivision to facilitate the creation of four townhouse blocks and a private condominium road. The blocks would implement the approved Official Plan and Zoning By-law Amendments, consisting of a 20-unit townhouse development.



SUBJECT PROPERTY

File No. 510-01/20



Date: August 10, 2020
Planning and Building Department

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CITY OF
Burlington

APPENDIX 'C'

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| 1 | <p>Good Morning</p> <p>I am writing my comments regarding the proposal to build at 600 Maplehill Drive. My concerns are traffic additions considering there are 2 schools within 5 minutes .</p> <p>Dirt and dust and noise during construction. Property values decreasing with putting townhouse in that area. Taking away green space.</p> <p>I know that it probably is a done deal because city gains tax dollars but it's always nice to hear from the people who will be affected by this construction.</p> <p>Thank You for your time</p> <p>Bob Chepyha</p> |
| 2 | <p>Dear Sir or Madam,</p> <p>I am the owner of 594 Maplehill Drive, Burlington, L7N 2W3.</p> <p>I have a big concern about the development of 600 Maplehill Drive, where was 607 Dynes Rd. Burlington. Especially, they applied to "the committee of adjustment for consent for a watermain easement at the southern property line of the existing church".</p> <p>I refuse this application. I disagree with this application.</p> <p>Yesterday, was the first day I got a notice about this application, and it was not from my mailbox, it was hand to me by my neighbour. How could this happen?</p> <p>This has a huge effect on my property and not on the good side, but there is no notice to me. This is absurd.</p> <p>I, Qinyao Yu, owner of 594 Maplehill Drive, Burlington, L7N 2W3, lodge a formal protest to this application, file number: B-003/20.</p> <p>As I know, the land of the developing townhouses was for a primary school, and it is beside a church, so there is a watermain remaining. There is no reason to ask easement from my property!</p> <p>Regards,</p> <p>Qinyao Yu</p> |
| 3 | <p>Correspondence from Marsha Paley dated September 16, 2020 attached at end of "Appendix C"</p> |
| 4 | <p>Good Morning Melissa,</p> <p>I am writing to submit my comments for the 600 Maplehill Drive proposal for a plan of subdivision for 20 townhomes.</p> <p>http://www.burlington.ca/600maplehill</p> |

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| | <p>It is probably no surprise that I continue to remain opposed to the development for the numerous reasons which were all cited in the LPAT appeal previously in 2018-2019.</p> <p>I am hoping a future meeting or communication from the city will explain why this is being treated as a new project on the website, and why a new planning brief has been submitted. Why easement access for water through the church is now proposed, when we were previously told that such a thing was against city policy? Why are some of the measurements of the buildings alternated after the zoning approvals have been obtained?</p> <p>Many of the residents here are stuck working from home during the pandemic, and the next steps in the development will become part of our daily routines. If this plan is approved, will the city help guide construction in the least disruptive way possible? Will hydro outages be handled and communicated in a scheduled manner? Two houses have driveways within a few meters of the proposed entrance, how will the city manage their access during construction?</p> <p>I am certain many of the questions have been answered internally at City Hall, but the residents of this area would need access to this information in some form. Further to that point, I wish to be included in any future city communications about the project. This would include any mailed notifications and public meeting notices.</p> <p>Respectfully,</p> <p>-Drew Garside 574 Maplehill Drive</p> |
| 5 | <p>My name is John Scott, and I reside at 573 Maplehill Drive. I myself, along with the majority of the neighborhood are still opposed to this development with access down Maplehill Drive. This will have a major negative impact on our neighborhood given the extra traffic created by the new 20 units. The cul de sac, was a major buying point for this area, and many new residents with toddlers, have bought here for just that reason. I for see major safety concerns and potential liabilities for the city. opening of the cul de sac, that has existed for over 60 years, is not just poor planning, but a travesty in representation by our public servants. Furthermore the 10' variance the developer is seeking to provide water service to the development, is routed through 607 Dynes Road where a deeded driveway already exists. We were told by Melissa Morgan that such an access could not be used to provide services to the development, yet that's exactly what is being requested now. Just how much mis-information are we expected to accept? I am therefore strongly opposed to any variance until first our trust is restored by acknowledging the</p> |

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| | <p>reserve in trust put in place some 60 years ago!</p> <p>Respectively Outraged property owner John Scott, 573 Maplehill Drive</p> |
| 6 | <p>My name is Larry Czainski @ 3176 Willow Lane</p> <p>My comments: I am against this development and the traffic that will be generated by possibly 40+ additional vehicles using our neighborhood streets to access a major artery roadway, Dynes Rd. There are already traffic problems with school kids using Willow Lane to access the Assumption school yard and their parents driving or picking students up twice daily. None are using the sidewalk that EVERYBODY was apposed to but planning still insisted be built. (another faux pas planning mistake)</p> <p>Opening of the Cul De Sac on Maplehill Dr will add to the traffic danger on our relatively quiet neighborhood streets. Many new residents with small toddlers now reside in the neighborhood and doubling the traffic of the entire neighborhood from such a small parcel (4 lots with 20 units) of much higher density builds will be disastrous. Normally higher density builds are closer to the main artery street not several streets back. (Poor planning)</p> <p>Furthermore the city via DeCarlos, his newly # company Inc or the 607 Dynes Rd. church? is requesting a 10' variance to supply a basic water service main from Dynes Rd. to this development when we were told by Melissa (on record) that such access (through an already a deeded right of way) could not be used for services as std. city planning policy. So basically she misinformed us. I was the one that said the existing services were inadequate for this development. Wait till sanitary presents this same issue.</p> <p>At the beginning the argument used for this development and such high density in a single detached zoning was to provide affordable housing. At \$1,040,000 starting price this hardly qualifies as affordable. It's more expensive than existing homes in the neighborhood on 1/5th the lot size. Another lie.</p> <p>The mailing notifications were not given to the neighborhood nor delegates involved in this proposed development; only received after we managed to obtain copies from a few people, some not even affected by this development. This whole process appeared underhanded as did the inability to contact our ward 4 representative concerning this matter. It appears like a deliberate attempt to ignore inquiries and have as few residents aware of the proposal developments quickly slipping it through under the cloud of covid. This is not how responsive transparent municipal planning is conducted.</p> |

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| | <p>We will not feel we can trust this process until the original reserve in trust, put in place some 58 years ago to protect our neighborhood from exactly such an event is lawfully respected.</p> <p>The entire process reflects cronyism; from the LPAT tribunal court, to quote the chair "This is not a court of law" to the condescending attitude of the city planning department which NEVER addressed the legitimate concerns we ALL have and pushed this through. Have we not learned anything from covid or is it business as usual?</p> <p>Sincerely suspicious, Larry Czainski</p> <p>To quote Les Brown; "Life is a fight for territory and once you stop fighting for what you want, what you don't want will automatically take over"</p> <hr/> <p>In addendum to my original email outlining my concerns I would like to add;</p> <p>This plan like the many others does not comply with the overall provincial plan on higher density which stated that changing zoning to higher density in established neighborhoods could only be done if there was direct access to a main artery road. This development proposal STILL does not comply as it uses a series of small residential streets that service single home neighborhood for access.</p> <p>Also the existing traffic issues are not addressed....daily drop off school traffic on Maplehill Dr & Willow Lane 3x daily.</p> <p>The last issue was the hypocrisy of wanting to put our neighborhood through potentially 3 years of construction disruption with associated traffic when the church's existing deeded driveway access sits literary empty 6 days of the week.</p> <p>This all adds up to short sightedness in planning for a better community.</p> <p>Regards, Larry Czainski</p> <p>PS; wrong Morgan in municipal planning. I have no idea where you came from. Scuzey.</p> |
| 7 | <p>Hello Melissa,</p> <p>I am writing to submit my comments for the 600 Maplehill Drive Development of 20 townhomes (formerly 600 Dynes Road).</p> |

Our entire neighborhood and surrounding streets crowd funded an appeal against the change in zoning for this development - and lost. It's quite painful to be asked for comments knowing they will make absolutely no difference.

I can still easily recall the many hours I devoted to reading the PPS, regional and municipal plans - only to have their conveniently vague language interpreted entirely in the planning department and developers favour.

The developer asked for an extensive list of exceptions to allow for this density change: everything from windows overlooking driveways to the entrance the complex itself not being set back as far as normally required. The distance between each townhouse is narrower. They are quite literally crowded together to fit on that parcel of land. We argued that a list of exceptions this long proved the land wasn't suited for a density change. But the developer was granted every single exception and our request to keep this development small enough that townhomes didn't outnumber the established houses on our street, was denied.

The thing is, in the scheme of things: for this developer's profits, for the city and the provinces tax collection, the difference between ten and twenty townhouses is nothing. Nothing.

But to the residents of this neighborhood the difference between ten and twenty is enormous.

It would have cost the city and developer so very little to grant us this small change. A change we rallied, crowdfunded, studied, hired a planner and a lawyer and valiantly fought for. But even just this, the change of density, was over ruled and our voices were utterly ignored.

My question is: what is the point of asking for or comments? For our letters and input and time at your meetings, when we are totally powerless to effect change?

My husband and I spent countless months hunting for our first home. We knew we could afford to buy just once. We chose a quiet, dead end street in south Burlington with its larger yard space and established neighborhoods. We found our dream bungalow.

I didn't know then that traffic isn't regulated. That we couldn't even argue that we feared for our kids playing on a road that would be suddenly full of cars. That our mortgage investment, our taxes and community participation meant nothing in the face of the provinces voracious appetite for the profits of development.

And I truly did not know, that all those meetings the city invited us to, all those comments they asked us for, meant nothing. I was naive. Now I'm just sad.

I watched documents about where the hydrant supply would need to come from magically change for the length of our appeal, only to now see the development will

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| | <p>be using the very easement we argued the church should grant the townhouses use of, to supply water from a hydrant on Dynes - just as the original documents stated before our appeal.</p> <p>Am I supposed to feel that isn't crooked? That we represented such an insignificant blip to the city's plans that it was easy to change documents to just make everything go smoothly?</p> <p>My faith in this process is lost. The Planning Team seems as powerless to the provinces mandate for development as we the neighborhood are. A lot of what we see happening seems decided without us.</p> <p>I wish I felt your team or any team could help us. I'm so disappointed in this entire process, our appeal, and what will happen to our sweet, quiet little street where my kids safely run and play, and my husband and I put our precious financial savings, investing in the life we wanted to enjoy here in Burlington.</p> <p>Sincerely,</p> <p>Natalie Garside</p> |
| 8 | <p>The original development should never have been accepted. The property was zoned "low density" R31 (single/semi-detached homes and we are an established neighbourhood. Having only ONE entrance/exit for a 20 unit townhouse development is insane and dangerous.</p> <p>This application represents an over-intensification of a stable, low density neighbourhood. We don't need a little village at the end of Maplehill Drive.</p> <p>Remember "A City that Grows"? Older neighbourhoods are important to the character & heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.</p> <p>We just can't imagine 40 or 50 extra vehicles using Maplehill, Oakhurst & Willowlane. There's little families with young children living in this neighborhood. Two schools that have a lot of children walking to and from home.</p> <p>The number of units has to be a lot lower than 20 units!!!!</p> <p>Mrs. G. Colby, 588 Maplehill Dr., Burlington, Ontario L7N 2W3</p> |