



**SUBJECT: Statutory Public Meeting and Recommendation Report for  
a proposed Official Plan Amendment at 4880 Valera Road**

**TO: Development and Infrastructure Committee**

**FROM: Planning and Building Department**

Report Number: PB-19-16

Wards Affected: 6

File Numbers: 505-03/15

Date to Committee: September 13, 2016

Date to Council: October 3, 2016

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### **Recommendation:**

Approve Official Plan Amendment No. 102, as contained in Appendix E of planning and building department report PB-19-16, in order to redesignate 4880 Valera Road from “Neighbourhood Commercial” to “Residential – High Density”; and

Deem that section 17(21) of the *Planning Act* has been met; and

Instruct planning staff to prepare the necessary By-law to adopt Official Plan Amendment No.102 as contained in Appendix E of planning and building department report PB-19-16.

### **Purpose:**

The purpose of the report is to recommend approval of the Official Plan Amendment application made by Wellings Planning Inc. to redesignate the subject lands from Neighbourhood Commercial uses to Residential – High Density uses.

The development proposal aligns with the following objectives in Burlington’s Strategic Plan 2015-2040:

A City that Grows:

- Intensification
  - 1.2.d: New/transitioning neighbourhoods are being designed to promote easy access to amenities, services and employment areas with more opportunities for walking, cycling and using public transit.

- Smart Population Growth
  - 1.3.a: Burlington is an inclusive city that has a higher proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

A City that Moves:

- Increased Transportation Flows and Connectivity
  - 2.1.g: Walkability has guided the development of new/transitioning neighbourhoods and the downtown so that people rely less on automobiles.

<b>RECOMMENDATIONS:</b>		<i>Approval</i>	<b>Ward No.:</b>	6
<b>Application Details</b>	<b>APPLICANT:</b> <b>OWNER:</b> <b>FILE NUMBERS:</b> <b>TYPE OF APPLICATION:</b> <b>PROPOSED USE:</b>	<i>Wellings Planning Consultants Inc.</i> <i>1621158 Ontario Ltd (Emery Homes)</i> <i>505-03/15</i> <i>Official Plan Amendment</i> <i>Residential- High Density</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b> <b>MUNICIPAL ADDRESSES:</b> <b>PROPERTY AREA:</b> <b>EXISTING USE:</b>	<i>West of Appleby Line, north of Dundas Street</i> <i>4880 Valera Road</i> <i>2.26ha</i> <i>Vacant Land</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b> <b>OFFICIAL PLAN Proposed:</b> <b>ZONING Existing:</b> <b>ZONING Proposed:</b>	<i>Neighbourhood Commercial</i> <i>Residential – High Density</i> <i>CN1-332</i> <i>None.</i>		
<b>Processing Details</b>	<b>NEIGHBOURHOOD MEETING:</b>  <b>PUBLIC COMMENTS:</b>	<i>June 23, 2015</i>  <i>7 emails, 1 letter, 7 neighbourhood meeting comment sheets and one petition with 36 signatures.</i> <i>Note: Some constituents sent multiple letters</i>		

## **Background and Discussion:**

### **Application Details and History**

On May 29, 2015 the Planning and Building Department acknowledged that a complete application had been received for an Official Plan Amendment for the lands known as 4880 Valera Road, to redesignate the property from Neighbourhood Commercial to Residential – High Density uses with site specific policies. The site location is illustrated in the sketch in Appendix A. The applicants have not proposed to rezone the lands at this time as they would like to determine if there would be support for a range of high density residential uses prior to undertaking detailed design.

A neighbourhood meeting was held on June 23, 2015 at the Haber Community Centre. This meeting was attended by approximately 11 people. A summary of the initial review process was previously outlined in staff report PB-78-15, including provision of all public comments received up until the date of report writing. This report was presented to Development and Infrastructure Committee on September 14, 2015 at a statutory public meeting.

Subsequent to the statutory meeting and in light of all public and technical comments received, the applicant submitted an updated traffic report which proposes to provide direct access to Appleby Line to ease traffic on Thomas Alton Blvd. Additionally the applicant submitted site-specific Official Plan policies to retain commercial uses along Thomas Alton Blvd. and propose a height transition to the existing residential uses along Valera Road.

This report provides details of the revised application and an analysis of the proposal against applicable policies and regulations, as well as the proposed Official Plan amendment. In addition, public comments received on the proposal are provided and discussed. It is recommended that the site be re-designated from “Neighbourhood Commercial” to “Residential – High Density” in the City’s Official Plan, with policies that require commercial uses along Thomas Alton Blvd and a height transition from the existing residential development to the west.

### **Site Description**

The subject lands are located in the Alton Community, west of Appleby Line and south of Thomas Alton Boulevard. The 2.24ha site is currently vacant with the exception of a temporary sales trailer. The site has frontage on Appleby Line, Thomas Alton Blvd and Valera Road.

Surrounding land uses are:

- North of the subject lands, north of Thomas Alton Blvd, is zoned (Mixed Use Corridor) MXE-322 and is developed with a two storey office commercial development. Northwest of the site at 4853 Thomas Alton Blvd. there are Official

Plan and Zoning By-law amendment applications seeking to permit 19 storey apartment building, traditional townhouse, and stacked townhouse units on the property. Council has directed staff to come back with modified amendments that are agreeable to staff and applicant to address a number of urban design and compatibility issues.

- West and southwest of the subject lands are designated for High Density Residential and Medium Density Residential uses and are zoned (Alton Residential) RAL4. The land is developed with a mix of single detached residential and townhouse dwellings.
- Southeast of the subject lands is a hydro transmission corridor, beyond which is a site zoned (Regional Commercial) CR-261 and is developed with a variety of retail uses.
- Lands east of Appleby Line are zoned (Regional Commercial) CR-408 and are developed with a variety of retail uses including a large home improvement and garden centre.

## **Policy Framework and Review**

The Official Plan Amendment and Rezoning applications are subject to review under the following documents:

- Provincial Policy Statement (PPS)
- Growth Plan for the Greater Golden Horseshoe (Growth Plan)
- Region of Halton Official Plan (ROP)
- City of Burlington Official Plan (OP)
- Zoning By-law 2020.

Each of these documents will be discussed below.

### **Provincial Policy Statement (PPS) 2014**

The Provincial Policy Statement (PPS) provides broad policy direction on matters of provincial interest related to land use planning and development. The PPS identifies settlement areas as the focus of growth and supports development within settlement areas based on densities and a land use mix that efficiently use land, resources, infrastructure, and public service facilities. It also directs planning authorities to provide for an appropriate mix of housing types and densities to meet current and future needs, and to establish “development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

Staff finds the development proposal is consistent with the policies of the PPS as the proposed development will provide additional housing through intensification within a developed neighbourhood that already provides some variety of dwelling forms and densities. The site makes use of existing roads and municipal services, which have

capacity to handle the expected increase in use. Further, the subject site is in close proximity to various facilities such as schools, a community centre, parks, and a path through a hydro corridor. The site is also located on an existing transit route with an immediately adjacent transit stop, and is within approximately 0.5 km of regional commercial sites at Appleby Line.

### **Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2006**

The Growth Plan for the Greater Golden Horseshoe came into effect on June 16, 2006 and provides a growth management policy direction for the defined growth plan area. 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 a compact, efficient form.

The subject property falls within a designated greenfield area, which is defined as “the area within a settlement area that is not built-up area”. Staff finds the subject application conforms to the Growth Plan as they support a more compact and efficient form within a designated greenfield area.

### **Region of Halton Official Plan (ROP)**

The lands are designated Urban Area in the Region’s Official Plan 2009 (ROP). The ROP states that the range of permitted uses in the Urban Area will be in accordance with Local Official Plans; however, all development is subject to the policies of the ROP. ROP Urban Area policies support residential intensification to develop complete, vibrant and healthy communities, and housing policies address provision of an adequate mix and variety of housing to satisfy different physical, social and economic needs.

The ROP indicates that a development proponent is required to indicate whether there is potential for any soils on site to be contaminated. In addition, the ROP requires that all new development in the Urban Area is to be connected to Regional Servicing. Region of Halton planning staff have indicated that the applicant has satisfied the requirement regarding clean soils and note that there are no contamination concerns for the subject lands. The applicant is proposing full connections to the existing municipal services. The Region has indicated there are no current servicing concerns for the proposed development. Lastly, the Region has reviewed a Traffic Impact Assessment and is satisfied that there will be no impacts to Appleby Line, a Regional roadway.

Regional Staff have advised that the proposal local Official Plan Amendment conforms to the policies of the 2009 ROP.

### **City of Burlington Official Plan**

Currently, the subject site is designated as “Neighbourhood Commercial” under the City’s OP. As stated previously, the application proposes a change from this designation to “Residential – High Density”. The residential policies for the Alton community state that in Residential-High Density designations housing forms may include townhouses, stacked townhouses, attached housing and apartments, to a maximum of 10 storeys. The Official Plan states that in Residential High Density areas, densities shall range between 51-185 units per net hectare. On this site, a maximum of 414 units could be

developed using this parameter. The adjustments required to the City's OP are a proposed map change to enact the change to the "Residential – High Density" designation, and a site specific policy to require commercial uses along Thomas Alton Blvd and transition from lower heights adjacent to residential to the west to higher buildings along Appleby Line, as outlined in the attached OPA Number 102.

The Official Plan states that the function of Neighbourhood Commercial sites such as the subject lands is "to provide opportunities for limited neighbourhood commercial centres within and at the periphery of residential neighbourhoods in locations that meet residents' day-to-day and weekly goods and service needs." Alton East is well served by commercial uses to serve daily and weekly needs of residents. The Regional Commercial node at Appleby Line and Dundas provides a department store, supermarket, drug store and other service commercial uses. The existing MXE zoned lands, located north of the subject lands, also provide the opportunity for service commercial and restaurants or specialty grocery stores. Although the Commercial Strategy Study that was prepared for the Official Plan Review did not include the subject lands as a part of their land inventory, the results of the Study indicate that the available supply of commercially designated lands will be sufficient to meet future demand to 2031 in the Alton community.

The retention of some commercial function along the Thomas Alton frontage is recommended. The Alton Community Secondary Plan area is envisioned as an 'urbanized' and pedestrian oriented community with a mix of uses. The Alton Central East Urban Design Guidelines identify the intersection of Thomas Alton and Appleby Line as a neighbourhood node which should be a community focal point and provide for social interaction. Based on the above and with the potential addition of residential uses on the subject site, the proposed intensification of 4853 Thomas Alton Blvd., and the build out of the BC1 lands north of Palladium Way, retaining a portion of the commercial uses along Thomas Alton Blvd. will help support the vision of the Alton Community Secondary Plan, and provide a walkable destination for surrounding residents and employees in the employment lands. If approved, the configuration of the commercial uses will be determined at the future rezoning stage.

The residential policies in the Burlington Official Plan identify a number of objectives related to encouraging residential intensification within the Urban Planning Area, providing housing opportunities that encourage the use of public transit and active transportation and decrease dependence on the car, providing a range of housing forms and tenure, and requiring new residential development to be compatible with surrounding properties. In assessing intensification proposals, Part III, Section 2.2.1 of the Plan states that "the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods." Part III, Section 2.5.2 then provides evaluation criteria to be considered when evaluating proposals for housing intensification in established neighbourhoods. Staff assessment of these criteria for the subject applications is discussed below.

***(i)adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation, and parkland;***

As already identified there is adequate water, wastewater and storm sewer capacity to handle the proposed increase in residential units. Further, the Halton District and Halton Catholic District School Boards have indicated that they have no objections to the application. Lastly, staff have highlighted the proximity of several parks.

***(ii) off-street parking is adequate;***

If approved, off-street parking will be addressed at the future rezoning stage.

***(iii) the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;***

With the initial application, the applicant submitted a transportation brief concluding that several upgrades to Thomas Alton Blvd would be required, including the extension of the east bound left turn lane onto Appleby Line. The recommended east bound left-turn lane would likely require removal of the landscaped median island which serves as a gateway to the community. The widening of this intersection would result in greater crossing distances and would negatively impact pedestrian and cyclist movements.

Based on the above, the applicant worked with the Region to determine if a right-in-right-out access would be permitted onto Appleby Line to relieve traffic at the Thomas Alton and Appleby Line intersection, and has resubmitted a traffic brief. Some upgrades to the surrounding roadways will be required to facilitate the development of the subject lands and the proposed residential intensification at 4853 Thomas Alton, including a west bound left turn lane onto Valera Road from Thomas Alton and a reconfiguration of the north bound Appleby Line and Thomas Alton intersection. Based on the review of this updated study, City of Burlington and Halton Region Transportation staff are satisfied that the traffic concerns have now been addressed.

If approved, an updated Transportation Study will be required at the zoning stage to determine the location and design of accesses based on the number of units and development form proposed.

***(iv) the proposal is in proximity to existing or future transit facilities;***

The proximity of the site to an existing transit route and transit stop is highlighted in Appendix A, which shows the approximate locations of the transit stop and routes within the Thomas Alton Blvd. road allowance (dot and line adjacent to property).

***(v) compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided;***

The proposed site specific policies add provisions for transitioning from lower heights adjacent to existing dwellings to higher heights along Appleby Line. The specifics of site design will be dealt with at the future rezoning stage.

***(vi) effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;***

The subject lands have been previously graded for future development; as such there is no vegetation on the site. If approved, a landscaping plan will be a requirement of a future site plan application.

***(vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;***

The size of the property will allow for a flexible placement of buildings. The specifics of site design will be dealt with at the future rezoning stage.

***(viii) accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;***

There are a range of facilities such as City parks, several elementary schools and a secondary school, and neighbourhood commercial areas within a 1.5 km radius. As mentioned above, Capital Works, Halton District School Board and the Halton Catholic District School Board have indicated that they have no objections to the application.

***(ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;***

The specifics of site design will be dealt with at the future rezoning stage.

***(xiii) Proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.***

The specifics of site design and built form will be dealt with at the future rezoning stage however, the proposed Official Plan amendment includes transitioning provisions and the site is adjacent to, and will have direct access to an arterial roadway.

Staff note that there are additional intensification policies under 2.5.2 a) (x) to (xii) that are not applicable to this application, and therefore are not discussed in this report.

Staff have considered the Official Plan policies and objectives for the Alton Community and the evaluation criteria for housing intensification discussed above. Staff find that the proposal satisfies the City's objectives to develop Alton as a mixed use community, provides a diverse range of housing forms, provides housing opportunities that encourage use of public transit and active transportation and requires development to be compatible with surrounding properties. It is staff's opinion that the application represents an appropriate form of development and conforms to the overall intent of the Official Plan.

### **City of Burlington By-law 2020**

The site is zoned (Neighbourhood Commercial) CN1-332, as shown in Appendix B. The CN1 zone allows for a wide range of retail, service commercial, office, restaurant and entertainment uses. Residential uses are also permitted above the ground floor.

Regulations include:

- Minimum 12m yard abutting a residential zone
- Maximum 3 storey (12m) height
- 3600m<sup>2</sup> maximum floor area per use.

Site Specific Exception 332 requires, among other things, that:

- Buildings shall occupy 60% of the Appleby Line frontage and 60% of the Thomas Alton Blvd. frontage.
- Minimum 6m yard abutting the hydro right-of-way.

Should this Official Plan amendment be approved, the existing CN1-332 zoning on the site will prevail. A future zoning bylaw amendment will be required to implement the proposed Residential-High Density designation, including a public meeting.

### **Technical Review**

The Official Plan amendment and supporting documents were circulated to internal departments and external agencies for review. Written responses to the technical circulation have been received from Halton Region, Halton District School Board, Halton Catholic District School Board, and the Sustainable Development Committee. No objections have been identified by these agencies. The Sustainable Development Committee's comments have been included in Appendix C, and will be addressed at future stages of planning.

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## **Financial Matters:**

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

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## **Public Engagement Matters:**

The applications were subject to the standard notification requirements to owners and tenants within 120 metres of the site following submittal of a complete application and prior to the statutory public meeting. A further notice was distributed in August 2016 advising individuals of the date committee will consider this recommendation report. All revised plans and reports submitted by the applicant, as well as planning staff notices and reports are posted on the project webpage as they become available.

The city conducted a neighbourhood meeting on June 23, 2015 that was attended by approximately 11 residents. Since the drafting of report PB-78-15, Planning staff received one written comment, and three delegations and one written submission expressed concerns with the proposal at the September 14, 2015 statutory public meeting. Additional comments received after the Statutory Public meeting are contained in Appendix D.

A summary of the issues raised by the community and staff's consideration of these comments is provided below.

**Concern:** Thomas Alton Blvd. and Appleby Line are already congested and intensifying the area will make existing traffic problem worse.

**Response:** If approved, upgrades will be required to the northbound left turn lane at Appleby Line and Thomas Alton Blvd., as well as the westbound left turn lane along Thomas Alton Blvd and Valera Road to increase capacity. With these upgrades the City's Transportation Department and the Region have no objections to the application.

**Concern:** There already isn't enough on-street parking in Alton.

**Response:** If approved, on-site parking will be evaluated at the rezoning stage.

**Concern:** 10% of trips completed by walking or transit are too high for the Alton Community.

**Response:** The Transit Mode Split (TMS) used by the proponent is consistent with the Region approved TMS of 10% by 2021. There are three transit routes that service the property.

**Concern:** Alton is supposed to be a walkable community but Starbucks and Shoppers Drug Mart are the only walkable commercial places in the neighbourhood. Crossing the street to reach the supermarket is very difficult. Would like to see something walkable and safe.

**Response:** The applicant has revised their application to retain a commercial component on the site. Additionally, public walkway connections to the hydro right of way and regional commercial lands to the south will be examined at the future stages of planning.

**Concern:** Parks in the Alton Area are always busy. Fields at the community are always rented out so they cannot be used for passive recreation. High Density residential will contribute to overcrowding, would like to see more park space provided in the neighbourhood.

**Response:** Capital Works has responded that there is adequate parkland in the neighbourhood. However, on-site amenity area will be examined through future stages of planning.

**Concern:** Concerns with height and shadow on surrounding homes. 10 storeys is too high at this location.

**Response:** The applicant has revised the application to include a site specific policy to provide height transitions from the existing dwellings, taller buildings may be permitted along the Appleby Line frontage. However, through a future rezoning application the shadow impacts and overlook over proposed buildings will be examined.

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## **Conclusion:**

Staff have reviewed the application in accordance with applicable provincial, regional, and local planning policies. Staff find that the application represents a reasonable change of use and recommends amending the Official Plan from Neighbourhood Commercial to Residential – High Density uses with site specific policies, as contained in Appendix E, be approved on the basis that that the application supports the intent of the Official Plan, is compatible with surrounding land uses, and satisfies the technical and servicing requirements of the affected City Departments and external agencies.

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Respectfully submitted,

Lisa Stern RPP, MCIP

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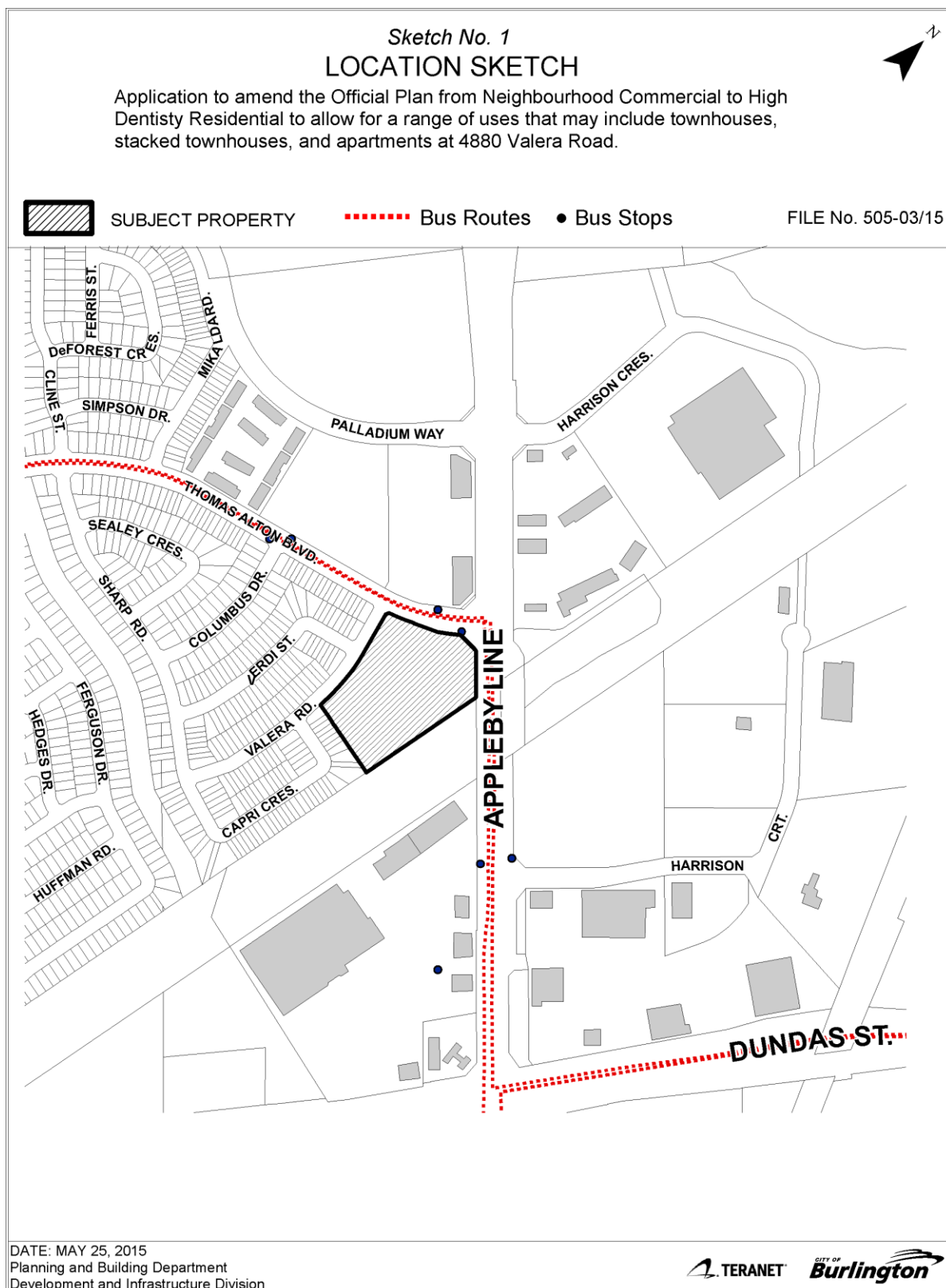
## **Appendices:**

- a. Location Sketch
- b. Location/Zoning Sketch
- c. Sustainable Development Comments
- d. Public Comments
- e. Proposed Official Plan Amendment No.102

**Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

## APPENDIX A – Location Sketch



## APPENDIX B – Location/Zoning Sketch

