



SUBJECT: Completeness review for zoning by-law amendment application for 2154 Walker's Line

TO: Mayor and Members of Council

FROM: Community Planning Department

Report Number: PL-61-21

Wards Affected: 6

File Numbers: n/a

Date to Committee: n/a

Date to Council: November 30, 2021

Recommendation:

Deem, in accordance with section 34(10.3) of the Planning Act, that the application submitted on November 5, 2021 by Millington & Associates to amend the Zoning By-law for lands at 2154 Walker's Line is incomplete as the required information and materials have not been provided; and

Direct the Director of Community Planning to notify Millington & Associates that the required information and materials have not been provided for the application to amend the Zoning By-law for the lands at 2154 Walker's Line, in accordance with section 34(10.4) of the Planning Act.

PURPOSE:

This report provides information about an application that has been submitted to the City under the Planning Act and recommends that this application be deemed incomplete in accordance with section 34(10.3) of the Act, and that the applicant be notified accordingly.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

Background and Discussion:

The City of Burlington requires that pre-consultation with City and agency staff occur prior to the submission of an application for a Zoning By-law Amendment. This requirement is in accordance with section 34 (10.0.1) of the Planning Act as well as Part VI, section 1.3(e) of the Official Plan (1997, as amended) (“the Official Plan”) and section 12.1.2(1.2) of the Official Plan (2020) (“the new Official Plan”) and By-law 40-2007.

On January 20, 2021, City and agency staff attended a pre-consultation meeting with representatives of Millington & Associates on behalf of the property owner of 2154 Walker’s Line. The purpose of the meeting was to determine the requirements for complete application to amend the Zoning By-law to facilitate the owner’s proposal to redevelop the site with a residential development that does not conform with the Zoning By-law regulations.

The pre-consultation meeting resulted in the creation of a pre-consultation package that was provided to the representative of Millington & Associates (“the applicant”) by City staff by email on January 26, 2021. The pre-consultation package outlines the following, in accordance with sections 34(10.1), and 34(10.2) of the Planning Act; Part VI, sections 1.3(f) and (g) of the Official Plan, sections 12.1.2(1.2)(c) and (d) of the new Official Plan, and By-law 40-2007.

- Type of applications required (Zoning By-law Amendment)
- Application fees required;
- Requirement to hold a Pre-Application Community Meeting prior to submitting an application;
- Required Information for Complete Application.

In accordance with the requirements set out in the pre-consultation package, the applicant held a virtual Pre-Application Consultation Meeting via Zoom on March 29, 2021. The meeting was attended by the Mayor, Councillor Bentivegna, City staff, and members of the public. The City created a Development Pre-Application webpage, www.burlington.ca/2154walkers, to provide information to the public about the development proposal and the Pre-Application Consultation Meeting.

On November 5, 2021, City staff received a submission package from the applicant requesting amendments to the City’s Zoning By-law to permit the proposed development at 2154 Walker’s Line. City staff confirmed receipt of these materials and fees as of November 5, 2021 and initiated a comprehensive review to determine whether the required information and material, as identified in the pre-consultation package, had been provided.

Strategy/process

City staff have determined that the required information and material have not been provided. Specifically, the following required information and material were not included in the applicant's submission:

1. Phase Two Environmental Site Assessment;
2. Environmental Site Screening Checklist;
3. Draft Zoning By-law;
4. Pre-Application Public Consultation Meeting Minutes;
5. Waste Management Report.

Options Considered

If the City does not notify the applicant that the application is incomplete by December 4, 2021, the applicant may make a motion at any time (not limited to 30-day time limit) for the Ontario Land Tribunal to determine whether the information and material have in fact been provided, or whether the requirement to provide this information and material is reasonable.

Financial Matters:

If Council deems the submitted applications to be incomplete as recommended in this report, or if the City fails to give notice of its determination to the applicant within the legislated timeframe, the applicant may make motions to the Ontario Land Tribunal as described under "Strategy/process" and "Options Considered" above, and the City may incur costs in association with such motions.

Climate Implications

Not applicable

Engagement Matters:

Not applicable.

Conclusion:

The City has received a submission from Millington & Associates requesting amendments to the Zoning By-law. The applicant's submissions did not include required information and material. This report recommends that these applications be deemed incomplete in accordance with section 34(10.3) of the Act, and that the applicant be notified accordingly.

Respectfully submitted,

Mariana Da Silva

Planner I

(905) 335-7600 ext. 7536

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.