



SUBJECT: Completeness review for Official Plan and Zoning By-law Amendment application for 1029 and 1033 Waterdown Road

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-11-22

Wards Affected: 1

File Numbers: 505-09/21 & 520-10/21

Date to Committee: January 11, 2022

Date to Council: January 11, 2022

Recommendation:

Deem, in accordance with Section 22(6) and Section 34(10.3) of the *Planning Act*, that an application submitted on December 17, 2021 by Infinity Development Group to amend the Official Plan and Zoning By-law, is complete as the required information and materials have been provided; and

Direct the Director of Community Planning to notify Infinity Development Group that the required information and materials have been received with the application for Official Plan Amendment and Zoning By-law Amendment, in accordance with Section 22(6.1) and Section 34(10.4) of the *Planning Act*; and

Direct the Director of Community Planning to provide notification of receipt of a complete application to prescribed persons and public bodies, pursuant to Section 22(6.4) and Section 34(10.7) of the *Planning Act*.

PURPOSE:

The purpose of this report is to provide a recommendation to Council to deem an application for Official Plan Amendment and Zoning By-law Amendment 'complete', pursuant to the *Planning Act* and applicable policies of the City of Burlington Official Plan and for notification to be circulated to the applicant and prescribed persons and public bodies, accordingly.

Vision to Focus Alignment:

The subject application relates to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increasing Economic Prosperity and Community Responsive Growth Management
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Background and Discussion:

An application for Official Plan Amendment and Zoning By-law Amendment was submitted by Infinity Development Group and received by the City of Burlington Community Planning Department on December 17, 2021 with respect to lands municipally known as 1029 and 1033 Waterdown Road.

Included with the submission package were technical reports, plans and studies in support of the proposed development and which are required to process the application. Applicable Development Application Fees (2021) were also received at that time.

Prior to accepting and proceeding to process a development application, the City of Burlington Official Plan and *Planning Act* require that certain information is provided as part of a 'complete' application. Once an application (and applicable fee) has been submitted and received by the City, a timeline of 30 days is provided to ensure that all required information and materials have been provided and for the City to respond to the applicant. A notification to the applicant is required in response to the receipt of this application by no later than January 16, 2022.

Until that date, there is an option to accept or refuse the application; at which point the matter may be referred to the Ontario Land Tribunal.

The information and materials required by the City as part of a completeness review of a development application are communicated to proponents prior to submission at a Pre-Consultation Meeting. They are also contained within applicable policy documents (i.e. Official Plan (1997), as amended, and OP 2020) as Part VI, Sections 1.3(f), (g) and (h) and Sections 12.1.2(1.2)(c), (d) and (e), respectively.

Sections 22(4), 22(5), 34(10.1) and 34(10.2) of the *Planning Act* provide the legislative basis for requiring that prescribed information and materials be provided at the time of application for Official Plan Amendment and/or Zoning By-law Amendment, respectively. That prescribed information and material includes that which is provided by O. Reg. 543/06 (Schedule 1) and O. Reg. 545/06 (Schedule 1) of the *Planning Act*.

As noted above, the City of Burlington Official Plan also includes 'other information' requirements that are needed upon the submission of development applications, as is provided for by the *Planning Act*.

These information and material requirements include technical reports, plans and studies and other supporting documentation and are needed to allow full consideration of a development application, at the discretion of the City.

General

The City of Burlington Official Plan and *Planning Act* provide for the requirement of pre-consultation of proponents with City and External Agency staff prior to the submission of development applications (including applications for Official Plan Amendment and/or Zoning By-law Amendment). The holding of Pre-Consultation Meetings as a requirement for the submission of a 'complete' application is pursuant to the authority of By-law No. 40-2007 (Development Applicants Pre-Consultation By-law).

A virtual pre-consultation meeting was held on February 10, 2021 to provide a preliminary and cursory review of the development proposal. City of Burlington Community Planning Department staff as well as other Internal Departments and External Agencies were in attendance. Representatives of Infinity Development Group and consultant team were also present.

The purpose of the Pre-Consultation Meeting was to provide the proponent with initial comments related to the development concept and to advise on the technical and supporting submission requirements needed at the time of a complete development application (i.e. plans/studies/reports). Each department and agency identified submission requirements that would be needed upon the receipt of an application and provided general comments based on the information made available by the proponent in preparation for the Pre-Consultation Meeting.

Pre-Consultation Meeting comments were consolidated and included those from the City (Community Planning, Site Engineering, Urban Forestry & Landscape, Parks Design & Construction, Transportation), Region of Halton (Planning and Engineering), Conservation Halton, and Metrolinx.

Community Planning Department staff circulated a Development Application Pre-Consultation Form (Checklist) and Pre-Consultation Meeting Notes as follow-up to the pre-consultation meeting on February 17, 2021. The Form included a list of all required plans, studies and reports that would be required upon the submission of a development application and which would be evaluated in the context of a review for 'completeness'.

The Development Application Pre-Consultation Form also provided pertinent information to the applicant with respect to the type(s) of application required; applicable application fee(s) (including Region of Halton and Conservation Halton); and, other public consultation requirements (i.e. virtual Pre-Application Community Meeting and Burlington Urban Design (BUD) Advisory Committee Meeting).

Strategy/Process

Community Planning Department staff initiated a completeness review of the information and materials received with the application. On this basis, City staff have determined that the required information and material have been provided.

Upon determination of a 'complete' application and following notification to the applicant of receipt of all required information and materials, the *Planning Act* requires notification be provided to prescribed persons and public bodies within 15 days of notifying the applicant of the receipt of a complete application.

The manner in which notification is to be provided as well as to whom notification is to be provided are pursuant to Section 22(6.4) and Section 34(10.7) of the *Planning Act* (and applicable Regulations). This report recommends that Council direct staff to notify prescribed persons and public bodies in accordance with the *Planning Act*, pending the deeming of the application 'complete'.

Other Options Considered

Refusal of Receipt of Application

Should Council determine that the required information and materials have not been provided, and that additional information is needed, the *Planning Act* provides for the refusal of receipt or consideration of an application until such time as the applicant submits the outstanding information. A refusal of the receipt of the application does not affect appeal timelines as provided in the *Planning Act* for the refusal to approve an amendment application or a non-decision.

Notification to the applicant of refusal to accept the application, on the basis of insufficient required information and material, is required within 30 days of receipt of an application (and applicable fee); following the same procedure as an application which is deemed complete. An applicant may make motion to the Ontario Land Tribunal at any time following the 30-day time period, if no notification is provided of the refusal to accept the application.

Within 30 days following the receipt of notification of refusal to accept an application, an applicant may make motion to the Ontario Land Tribunal to determine whether

the required information and material have been provided or whether the requirement for 'other information' is reasonable.

Financial Matters:

Refusal by Council of the receipt of an application, on the basis of insufficient required information and material, may result in referral to the Ontario Land Tribunal for resolution, and costs incurred as a result (i.e. legal).

Climate Implications

Not Applicable.

Engagement Matters:

Not Applicable.

Conclusion:

The information and materials required for a complete application have been received, pursuant to the applicable policies of the City of Burlington Official Plan and *Planning Act*. Accordingly, the report recommends that Council deem the application 'complete' and that the processing of the application may proceed following the required notification to the applicant.

Respectfully submitted,

Gordon Dickson, MCIP, RPP
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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.