



SUBJECT: Recommendation report for Zoning By-law amendment for 5030-5045 Tico Creek Common

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-51-22

Wards Affected: 5

File Numbers: 520-13/21

Date to Committee: July 5, 2022

Date to Council: July 12, 2022

Recommendation:

Approve the Zoning By-law amendment application for the property located at 5030-5045 Tico Creek Common to permit an increase in the maximum building floor area as well as to expand retail store permissions for two (2) proposed 1-storey buildings; and

Approve Zoning By-law 2020.443, attached as Appendix D to community planning department report PL-51-22, which amends the site-specific "MXE-452" zone of the lands at 5030-5045 Tico Creek Common; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

PURPOSE:

The purpose of this report is to recommend approval of the Zoning By-law Amendment application for lands municipally known as 5030, 5035, 5045 & 5040 Tico Creek Common, (formerly 1215 Appleby Line) to permit an increase in the maximum building floor area as well as to expand retail store permissions for the two (2) proposed 1-storey buildings on the west side of the site.

Vision to Focus Alignment:

The subject applications align with the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus:

- Increase economic prosperity and community responsive city growth
- Building more citizen engagement, community health and culture

Executive Summary:

RECOMMENDATION:		Approval	Ward:	5
Application Details	APPLICANT:	Wellings Planning Consultants Inc.		
	OWNER:	1215 Appleby Line Holdings Inc.		
	FILE NUMBERS:	520-13/21		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	PROPOSED USE:	Two (2) 1-storey buildings with a mix of uses		
Property Details	PROPERTY LOCATION:	East side of Appleby Line between Mainway and North Service Road		
	MUNICIPAL ADDRESSES:	5030, 5035, 5045 & 5040 Tico Creek Common (formerly 1215 Appleby Line)		
	PROPERTY AREA:	1.2 ha		
	EXISTING USE:	Hotel & automotive repair		
Documents	OFFICIAL PLAN Existing:	Mixed Use Corridor – Employment (1997 Official Plan) Urban Corridor – Employment (2020 Official Plan)		
	OFFICIAL PLAN Proposed:	No change proposed		
	ZONING Existing:	'Mixed Use Corridor – Employment' with site specific regulations (MXE-452)		
	ZONING Proposed:	Amendments to 'Mixed Use Corridor – Employment' with site specific regulations (MXE-452)		

Processing Details	<p>APPLICATION RECEIVED: December 23, 2021</p> <p>STATUTORY DEADLINE: March 23, 2022 (90 days)</p> <p>COMMUNITY MEETING: August 12, 2021</p> <p>PUBLIC COMMENTS: 1 public comment received. Number of Notices Sent: 56</p>
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Background and Discussion:

The current zoning for the subject lands was previously approved by the former Ontario Municipal Board (OMB) through Minutes of Settlement executed in June of 2015. The resulting Zoning By-law (MX3-452) reflected a development consisting of a 6-storey hotel building, a 1-storey building with mixed uses, a 1-storey standard restaurant building, and a 1-storey fast food restaurant with drive-thru. Site Plan Approval (File No.: 535-14/14) was later granted for the hotel and an automotive repair shop. Additionally, a Site Plan Agreement dated March 6, 2018 was executed between the City and property owner. Since then, the hotel and automotive repair buildings have been constructed on the subject lands.

In 2017, applications were submitted for a Zoning By-law Amendment (File No. 520-07/17) and Consent (File No. B-017/18) to facilitate a common element Plan of Condominium. Zoning By-law 2020.382 was enacted by City Council on September 11, 2017 to permit the property to be considered one lot for the purpose of applying zoning regulations to Parcels of Tied Land (POTL's) and the Consent application was approved on February 5, 2019. A condominium exemption application (File No. 525-4/17) was later filed on August 20, 2019 and final approval was granted by the City on September 30, 2019. The condominium Plan No. HC707 was registered on November 5, 2019.

On January 18, 2022, Council deemed complete the application that had been received as of December 23, 2021 for a Zoning By-law Amendment at 5030, 5035, 5045 & 5040 Tico Creek Common (the "subject lands"). The purpose of the application is to permit an increase in the maximum building floor area as well as to expand the retail store permissions for the two (2) proposed 1-storey buildings that are proposed on the west side of the site directly abutting and fronting onto Appleby Line (as shown on Appendix B).

On March 1, 2022 the Department of Community Planning presented an information report to council concerning the Zoning By-law application with a recommendation to continue to work with the applicant in order to resolve staff concerns. At this time, the applicant has addressed all of staff's concerns, which will be discussed throughout the report in more detail.

The purpose of this report is to provide an overview of the application, an outline of applicable policies and regulations, a summary of technical and public comments that have been received and staff's opinion and recommendation with respect to this application.

Subject Lands Description & Surrounding Land Uses

The subject lands are located on the east side of Appleby Line between Mainway and North Service Road (as shown on Figure 1 (right), and Appendix A). The subject lands have an area of approximately 1.2 ha, approximately 78 m of frontage on Appleby Line, and contain an internal private roadway known as Tico Creek Common. The subject lands are currently occupied by a hotel (Hampton Inn & Suites) located at 5040 Tico Creek Common (existing building located in south-east corner of the site as shown on Appendix B) and an automotive repair shop (Master Mechanic) situated at 5045 Tico Creek Common (existing building located at north end of the site as shown on Appendix B).

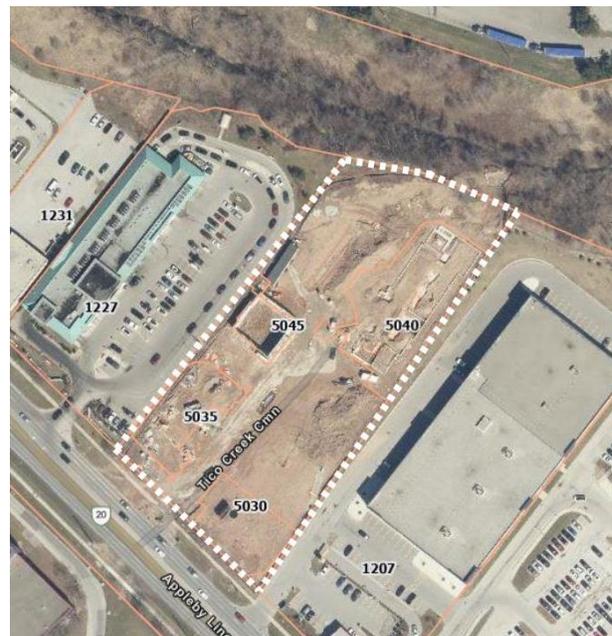


Figure 1 - Air Photo (2019) with subject property outlined

The subject lands are surrounded by a mix of employment, commercial and recreational uses. To the north is a car wash and detailing establishment (Auto Spa Burlington). To the south is a self-storage facility (SmartShop Self Storage) and restaurant (A&W) and beyond the City owned Appleby Ice Centre. To the east on the opposite side of Appleby Creek is a waste and recycling facility (Walker). To the west on the opposite side of Appleby Line is an employment use (Samuel, Son & Co).

The subject lands are approximately 20 metres from the nearest Burlington Transit bus stop on Route 11 (Sutton-Alton) which runs along Appleby Line (as shown on Appendix B). The subject lands are also approximately 250 metres from Burlington Transit bus stops on Route 81 (North Service).

Description of Application

The purpose of the application is to permit an increase in the maximum building floor area as well as to expand retail store permissions for the two (2) proposed 1-storey buildings on the west side of the site directly abutting and fronting onto Appleby Line (Building A and B, as illustrated on Appendix B).

Supporting Documents

The applicant has submitted the following materials in support of the subject applications:

- [Cover Letter](#) from Wellings Planning Consultants Inc., dated December 20, 2021.
- [Completed Application Form](#) signed December 14, 2021.
- [Pre-Consultation Meeting Notes](#) dated May 12, 2021.
- [Pre-Application Public Consultation Meeting Minutes](#) dated August 12, 2021.
- [Planning Justification Report](#) prepared by Wellings Planning Consultants Inc. dated December 2021.
- [Draft Zoning By-law Amendment](#) prepared by Wellings Planning Consultants Inc., dated December 2021.
- [Conceptual Site Plan Layout & Site Survey](#) prepared by API Development Consultants Inc., dated November 10, 2021.
- [Site Survey](#) prepared by J.D. Barnes Limited dated March 12, 2019.
- [PIN Report](#) dated December 17, 2021
- [Elevations and Floor Plans for Building A](#) prepared by API Development Consultants Inc., dated November 10, 2021.
- [Elevations and Floor Plans for Building B](#) prepared by API Development Consultants Inc., dated November 10, 2021.
- [Stormwater Management Brief](#) Prepared by MTE Consultants Inc., dated December 13, 2021.
- [Functional Servicing Report Addendum](#) prepared by MTE Consultants Inc., dated December 13, 2021.
- [Original Functional Servicing and Stormwater Management Report](#) prepared by MTE Consultants Inc., dated April 27, 2017
- [Engineering Drawings including Site Grading and Erosion and Sediment Control, Site Servicing and Site and Details Plans](#) prepared by MTE Consultants Inc., dated November 19, 2021
- [Landscape and Tree Preservation Plans](#) prepared by Strybos Barron King Landscape Architecture, dated October 28, 2021.
- [Transportation Impact Study](#) prepared by Dillon Consulting, dated November 17, 2021.

- [Noise Impact Assessment](#) prepared by SLR Consulting (Canada) Ltd., dated December 9, 2021.
- [Construction Management Plan \(Phase 2\)](#) prepared by MTE Consultants Inc., dated December 13, 2021.
- [Environmental Site Screening Questionnaire](#) signed December 20, 2021.
- [Transportation Impact Study – Response to Agency Comments](#) prepared by prepared by Dillon Consulting, dated May 31, 2022.

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/ticocreek.

Policy Framework

The proposed Zoning By-law Amendment is subject to the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. Staff are of the opinion that the proposed application is consistent with and conforms to the applicable policy framework, as discussed below.

Provincial Policy Statement (PPS), 2020

The PPS provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS promotes healthy, liveable and safe communities that are sustained by appropriate development and land use patterns that make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health, safety and the environment. The PPS directs that growth and development be focused in settlement areas. In settlement areas, land use patterns are to be based on densities and a mix of land uses to meet long term needs and which efficiently use land, resources, infrastructure and public service facilities, prepare for the impacts of a changing climate and support active transportation and transit.

Subsection 1.1.3.1 of the PPS describes Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The subject lands are located within the Urban Planning Area Boundary according to Schedule A of the City's Official Plan, and therefore are considered to be within a Settlement Area. Subsection 1.1.3.2 of the PPS further explains that land use patterns within Settlement Areas shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;

- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid their unjustified and or/uneconomical expansion;
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) Prepare for the impacts of a changing climate
- e) Support active transportation; and,
- f) Are transit-supportive, where transit is planned, exists or may be developed.
- g) Are freight supportive

Similarly, subsection 1.3.1 of the PPS describes that planning authorities shall promote economic development and competitiveness of employment lands by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs as well as by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The subject lands are of employment nature and currently include automotive repair and hotel uses. The proposed Zoning By-law amendment aims to increase the maximum building floor area of Buildings A and B as well as to expand retail store permissions. This will in turn take into account the needs of existing and future businesses and help assist in promoting a range and mix of employment land uses while protecting the employment nature of the subject lands.

Subsection 1.3.2 of the PPS describes that planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. To maintain land use compatibility within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas. The Zoning By-law Amendment does not propose industrial nor manufacturing uses and proposes a mix of uses including retail and service commercial uses that would serve the surrounding employment areas.

The PPS further describes that planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations. As per both the 1997 Official Plan (as amended) and new Official Plan (2020), the subject lands are located along Appleby Line which is recognized as a

'Major Arterial' corridor. The operation of the existing and proposed uses on the subject lands would serve the employment area and help support the viability of the public transit routes along Appleby Line and major intersections such as Mainway and Appleby Line.

Subsection 1.7.1 of the PPS describes that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness; optimizing the long-term availability and use of land, resources, infrastructure and public service facilities. Therefore, staff is of the opinion that the expansion of permitted retail store use permissions would promote the economic viability of the area by optimizing the existing resources and infrastructure.

Planning staff have considered the policies of the PPS with regard to this Zoning By-law amendment application and are of the opinion that the proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure in order to support growth in an efficient and well-designed form.

One of the Growth Plan's guiding principles is to provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries. Similarly, Subsection 2.2.5 (1) a) describes that Economic development and competitiveness in the Greater Golden Horseshoe will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands. The Zoning By-law amendment would allow for additional retail store permissions on the subject lands to result in more efficient use of the existing vacant and underutilized section of the property.

Subsection 2.2.5 (3) and (4) of the Growth Plan describes that retail and office uses will be directed to locations that support active transportation and have existing or planned transit. Furthermore, it details that in planning for employment, surface parking will be minimized, and the development of active transportation networks and transit-supportive built form will be facilitated. The operation of the existing and proposed uses on the subject lands would help support the viability of public transit routes including the Burlington Transit bus stop on Route 11 (Sutton-Alton) that runs along Appleby Line and is located approximately 20 m south from the subject lands (as shown on Appendix B) as well as the Burlington Transit bus stops on Route 81 (North Service) located approximately 250 metres north from the subject lands, on the intersection of Mainway and Appleby Line. The development proposal further proposes pedestrian sidewalks and

crossings throughout the subject lands that connect to the existing public realm as well as 20 bicycle parking spaces to encourage a variety of transportation modes.

Subsection 2.2.5 (7) of the Growth Plan describes that municipalities will plan for all employment areas within settlement areas by prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use; prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold. Similarly, subsection 2.2.5 (8) describes that the development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment. The Zoning By-law Amendment proposes uses which maintain the employment nature of the subject lands. Sensitive land uses such as residential uses and major retail that are not associated with the primary employment use are not proposed. The Zoning By-law amendment would allow for additional retail uses on the subject lands up to a maximum of 860 square metres as set in the Draft By-law under Appendix D.

Planning staff have reviewed the application and find that the proposed Zoning By-law amendment on the subject lands conforms with the policy direction provided by the Growth Plan.

Halton Region Official Plan (ROP)

The subject lands are designated as Urban Area under Map 1 of the 2009 Halton Region Official Plan (ROP) and are within the Built Boundary. The Urban Area policies of the ROP provide that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant policies of the ROP.

Through ROPA 48, the Region has implemented an updated Regional Urban Structure and growth management framework to implement the planning vision provided within the Growth Plan. The subject lands are not within a strategic growth area as defined through ROPA 48. Appleby Line has been identified as being a Higher Order Transit Corridor under Map 1H and Map 3 of the ROP. Lands within higher order transit corridors form part of the Regional Corridors identified throughout Halton Region. Regional Corridors are areas which have a concentration of residential and employment uses with development densities and patterns supportive of pedestrian traffic and public transit.

The subject lands are located adjacent to lands that form part of the Regional Natural Heritage System (RNHS) which is a systems approach to protecting and enhancing natural features and functions based on environmental Key Natural Features. In accordance with subsections 118 (3) and (3.1) of the ROP, the proposed development would trigger the Environmental Impact Assessment (EIA) requirements of the Plan.

Regional staff noted that the proposed development was subject to a Zoning By-law Amendment in 2013, which included the submission of an EIA. As the proposed development (Buildings A and B) is situated at the frontage of the subject lands, regional staff were of the opinion that an EIA was not required for this application.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. Regional Staff noted that in the pre-consultation comments (May 12, 2021) Regional staff sought the submission of an Environmental Site Screening Questionnaire (ESSQ) and Phase One Environmental Site Assessment (ESA), should it be warranted based on the outcome of the ESSQ. Based on a review of the submitted ESSQ, no further studies were required and Regional staff were satisfied from a site contamination perspective.

In accordance with ROP Policy 171, the goal for transportation in Halton is to provide safe, convenient, accessible, affordable and efficient transportation systems in Halton, while minimizing the impact on the environment and promoting energy efficiency. Furthermore, Table 3 of the ROP categorizes and characterizes the function and design criteria of Major Arterials (in addition to others) throughout Halton Region. Appleby Line has been defined as a 'Major Arterial' in accordance with Map 1H and Map 3 of the ROP. Major Arterials are roadways that serve mainly inter-regional and regional travel demands carrying high volumes of traffic while accommodating higher order transit services. Given the level of intensity Major Arterials accommodate, in accordance with Part IV, Table 3 (Function of Major Transportation Facilities) of the ROP a high degree of access control is required.

Halton Region staff were circulated on the development application and associated technical studies and drawings. Regional staff have indicated that the applicant's application materials are satisfactory for the rezoning and have no objections to the proposed amendments. City Planning staff have reviewed the application and find that the proposed Zoning By-law amendment on the subject lands conforms with the Halton Region Official Plan.

City of Burlington Official Plan (OP), 1997, as amended

The City of Burlington's OP provides specific guidance on land use planning and development within the City. The OP includes local principles, objectives and policies for the orderly growth and compatibility of different land uses.

The subject lands are designated 'Mixed Use Corridor – Employment' under Schedule B 'Comprehensive Land Use Plan – Urban Planning Area' of the OP. Lands within this designation are intended to provide for the retail and service commercial needs of the employment uses and their employees within and immediately adjacent to the Corridor.

This designation may permit industrial uses; a broad range of office uses, a limited range of retail, service commercial and personal service uses which serve the day to day needs of employees; financial institutions and services; entertainment, recreation and other community facilities as well as motor vehicle dealerships. In addition, residential uses shall be prohibited, retail uses related to home improvement shall be permitted and individual retail and service commercial uses shall be limited to a maximum size as set out in the Zoning By-law.

Part II, subsection 5.3.4 e) outlines that Zoning By-law regulations affecting Mixed Use Corridor-Employment locations shall be based on the following factors:

- (i) the maximum floor area ratio of development at any site shall be 1.0:1, except industrial uses, where the maximum floor area ratio shall be 0.5:1;
- (ii) the maximum building height shall be six storeys, except for industrial uses, where the maximum building height shall be two storeys;
- (iii) buildings should be located so as to front and face the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and to transit services; and
- (iv) off-street parking needs may be reduced for sites with transit supportive designs or shared parking arrangements.

Similarly, Part III subsection 5.3.4 f) outlines that the zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location based on site specific factors that may include, but not be limited to, traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as soil contamination. Furthermore, Part III subsection 5.3.4 g) outlines transit-supportive and pedestrian-oriented urban design shall be required in the development of 'Mixed Use Corridor-Employment' sites.

The Zoning By-law Amendment proposes an increase in the maximum building floor area for the proposed retail store uses up to 860 square metres within the two (2) proposed 1-storey buildings on the west side of the site directly abutting and fronting onto Appleby Line (Building A and B, as illustrated on Appendix B) and contemplates a floor area ratio (FAR) of approximately 0.65:1 which is in keeping with the OP 'Mixed Use Corridor-Employment' criteria. The proposed off-street parking consists of 152 parking spaces including 6 designated accessible parking spaces as well as 20 bicycle parking spaces which is in accordance with the existing zoning exception 452 requirements.

Part III subsection 5.3.4 g) identifies that Transit-supportive and pedestrian-oriented urban design shall be required in the development of 'Mixed Use Corridor-Employment' sites. The subject lands are located on Appleby Line which is recognized as a Major Arterial Road under Schedule J 'Classification of Transportation Facilities' of the OP. As

previously mentioned, the subject lands are located in close proximity to viability of public transit routes including the Burlington Transit bus stop on Route 11 (Sutton-Alton) that runs along Appleby Line and is located approximately 20 m south from the subject lands (as shown on Appendix B) as well as the Burlington Transit bus stops on Route 81 (North Service) located approximately 250 metres north from the subject lands, on the intersection of Mainway and Appleby Line. The development proposal further proposes pedestrian sidewalks and crossings throughout the subject lands that connect to the existing public realm.

Staff are therefore of the opinion that the proposed Zoning By-law amendment conforms to the City's 1997 Official Plan (as amended).

City of Burlington New Official Plan (OP, 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being December 22, 2020 for the new Burlington Official Plan. At this time, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject lands are designated 'Urban Corridor – Employment' under Schedule C 'Land Use - Urban Area' of OP. Lands within this designation are intended to provide for the retail and service commercial needs of the employment uses and their employees within and immediately adjacent to the Corridor. The uses that may be permitted on lands designated Urban Corridor – Employment include: industrial; office; accessory retail and service commercial uses which serve the day to day needs of employees; home improvement and home décor sales; automotive commercial uses; entertainment uses; and recreation uses. The proposed Zoning By-law amendment would limit the permitted floor area for the proposed retail uses to a maximum of 860 square meters to ensure that the proposed retail uses remain accessory to the employment function in the area.

The Zoning By-law Amendment is subject to the development criteria policies under subsection 12.1.2(2) of the OP. As per subsection 12.1.2(2.2) c) (i) development shall be consistent with the land use compatibility policies under Section 4.6, which describes the objective is to mitigate adverse effects to sensitive land uses from human-made hazards and environmental land use compatibility concerns such as noise, vibration, odour, dust and air pollution as well as to protect employment uses from the encroachment of sensitive land uses. It is staff's opinion that the proposed retail and service commercial uses would pose no adverse effects in terms of compatibility with the existing uses located on the subject lands and those on neighbouring lands.

As per subsection 12.1.2(2.2) c) (iii) development shall be consistent with the intent of the Urban Structure as outlined under Section 2.3 and maintain the land use vision established in the land use designation. As per Schedule B – Urban Structure the subject lands are designated as ‘Mixed Use Nodes and Intensification Corridors’ which represents areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas serving as important transportation routes along higher order transit corridors to support the frequent transit corridors and active transportation.

As per subsection 12.1.2(2.2) c) (ii) and (iv) development shall achieve built form compatibility, high quality urban design and be consistent with the policies contained under Chapter 7 ‘Design Excellence’. As per Schedule B-1 – Growth Framework the subject lands are designated as ‘Employment Growth Area’, therefore both subsection 7.3.2 for ‘Existing Community Areas’ and Subsection 7.3.2 (3) for ‘Employment Growth Areas’ would apply. These sections emphasize ensuring building design are compatible with the surrounding area and to consider how it contributes to maintaining and enhancing the physical character of the surrounding area, ensuring appropriate built form transition in scale between buildings, the public realm and abutting development as well as ensuring safe and convenient access to buildings for pedestrians, cyclists and transit users. In regards to the proposed Zoning By-law Amendment, the placement of the two (2) proposed buildings has been maximized along the frontage of the lot facing Appleby Line, by proposing appropriate setbacks, landscape areas, screening and landscaping of loading, site service and off-street parking areas.

As per subsection 12.1.2 (2.2) c) (xii) the development shall address multi-modal transportation considerations and be consistent with the policies under section 6.2 ‘Multi-modal Transportation’, including but not limited to mitigating potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity, accommodating sufficient off-street parking and transportation demand management measures. Additionally, as per subsection 12.1.2 (2.2) c) (xvi) and (xvii) the development shall consider the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters and the development complements and connects with the public realm, including walking and cycling facilities. As per Schedule O-1 – Classification of Transportation Facilities – Urban Area the subject lands are located along a ‘Major Arterial’ corridor and as per Schedule P – Long Term Cycling Master Plan the subject lands are located along a ‘Buffered Bike Lane’ corridor.

City of Burlington and the Region of Halton Transportation Planning staff have reviewed the Zoning By-law Amendment application and materials and have no objections to the approval of the application.

Zoning By-law 2020

The subject lands are currently zoned 'Mixed Use Corridor – Employment' (MXE-452) with a site-specific exemptions. The MXE zone permits a limited range of retail and service commercial uses, office, and some hospitality, automotive, industrial, entertainment and recreation uses. The site-specific zoning exemption 452 allows for additional uses including a hotel, bank, trust company, credit union and prohibits outdoor amenity areas associated with a hotel. The subject Zoning By-law Amendment proposes to permit an increase in the maximum building floor area as well as to expand retail store permissions for the two (2) proposed 1-storey buildings on the west side of the site directly abutting and fronting onto Appleby Line (as shown on Appendix B).

The application proposes a maximum floor area of 558 m² for Building A and a maximum Floor Area of 294 m² for Building B. These result in a total floor area of approximately 852 m² and a floor area ratio of 0.654:1. The MXE zone requires a maximum floor area per retail or service commercial use of 500 m² and a Floor Area Ratio of 1.0:1 for 'Other Building' types as referenced under Table 1. The intent of regulating the maximum floor area for retail and service commercial uses is to ensure that a limited amount of ancillary uses to the principal employment uses is provided to protect the employment nature of the subject lands and surrounding area. Given the proposal contemplates a mix of uses including retail and service commercial units within Building A and Building B the Draft By-law contained in Appendix D reflects a permitted maximum retail floor area of 860 m².

The Zoning By-law Amendment also triggers changes to the MXE zone regulations in terms of setbacks and landscape areas. Building A proposes a proposes 5 m setback instead of the 4.5 m maximum setback for a yard abutting any other street. Similarly, Building B proposes a 20 m setback instead of the required 4.5 m maximum setback for a yard abutting any other street. The intent of the required maximum setback for a yard abutting a street is to ensure the façade of buildings provide a sense of human comfort, pedestrian scale and interest by being placed in close proximity to the street and to transit services. Furthermore, Building A proposes a 1.5m landscape area abutting Appleby Line instead of the minimum required 3 m. The intent of the required Landscape Areas is to provide sufficient landscaping and provide a separation from the public realm and the proposed built form.

Table 1: Zone Comparison (Current and Site-Specific Zone Proposed)

Zone Regulation	Zone Requirement		
	'MXE' Zone (Part 5, Section 4.0)	'MXE-452' Zone (Part 14) (Existing)	'MXE-452' Zone (proposed)
Lot Width	25 m	--	78.91 m
Lot Area	1000 m ²	--	12,160.43
Yard abutting any other street	3 m minimum; 4.5 m maximum (maximum yard shall apply on to buildings located within 60 m of a public street)	--	Building A: 3.69 m minimum and 5 m maximum Building B: 15.31 m minimum and 20 m maximum yard
Side Yard	No minimum	--	Building A: 4.19 m (south side) Building B: 5.15 m (north side)
Building setback abutting a creek block	7.5 m	Minimum setback from an 02 zone for building: 4.0 m	Approximately 16.62 m
Maximum Floor Area (FA) and Floor Area Ratio (FAR)	Entertainment or Recreation Buildings: 0.5:1 Industrial Buildings: 0.5:1 Other Buildings: 1.0:1 Maximum Floor Area Per Retail Use or Service Commercial Use: 500 m ²	Mixed Use Building: Maximum gross Floor Area: 345 m ² Standard Restaurant: Maximum gross Floor Area 470 m ² Fast Food Restaurant: Maximum gross Floor Area 280 m ²	Building A: Maximum Floor Area: 558 m ² Building B: Maximum Floor Area 294 m ² Resulting in a Total Floor Area of approximately 852 m ² and a Floor Area Ratio of 0.654:1
Landscape Area and Buffer	Abutting a street: 3 m Abutting a creek block or 03 zones: 3 m Abutting a PC or P zone: 3 m	Landscape area South: Minimum 1.5 m (adjacent to parking only)	Abutting a street (Appleby Line): 1.5 m to the "Patio"

	An outdoor patio may encroach into a required landscape area abutting a street.	Landscape Area North: Minimum 1.4 m	platform for Building A Landscape Area South: 1.5 m (adjacent to parking only) Landscape Area North: 1.5 m
Building Height	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey maximum	--	1-storey for both Building A and B
Parking	Bank, Trust Company, Credit Union: 5 spaces per 100 m ² gross floor area Hotel: 1 space per guest room or suite Retail Store: 3.5 spaces per 100m ² gross floor area Service Commercial Uses: 4 spaces per 100m ² gross floor area For parking over 90 spaces: 3% of required parking is to be designated for accessible parking Bicycle parking for Retail, Retail Centre, Service Commercial Office, Institutional: 2 spaces plus 1 space / 1000 m ² GFA	152 spaces in total for the subject lands including 6 designated accessible parking spaces	152 spaces in total for the subject lands including 6 designated accessible parking spaces as well as 20 bicycle spaces
Other General Parking Provisions	Each parking space shall have a minimum width of 2.75m and a minimum area of 16.5 m ² and bicycle parking space shall be 60 cm x 1.8 m in size.		Parking Space Minimum: 2.6 m x 5.6 m

As per the analysis above staff is of the opinion that the proposed amendments to Zoning By-law 2020 are appropriate for the subject lands.

Technical Comments

The subject applications were circulated to internal staff and external agencies for review. A summary of the comments received has been included below.

City of Burlington Site Engineering – Site Engineering staff confirmed the submitted reports, addendums and plans submitted have been found acceptable for the purposes of approving the Zoning By-law Amendment. Site Engineering staff will be conducting a more thorough review of the engineering drawing set at the Site Plan review stage.

City of Burlington Transportation Planning – Transportation staff agrees with the recommendations of the TIS to add a walkway along the south side of Building A and the removal of the indicated westbound stop sign and has concerns with the with the proposed conversion of the $\frac{3}{4}$ movement driveway to a full movement in that the queuing may obstruct the drive through exit, in that it may block the drive-thru entrance during the PM peak. Transportation staff find this can be resolved during the Site Plan review stage.

City of Burlington Parks and Open Space & Landscaping – Landscaping staff do not object to the application, however the review of this application is considered pre-liminary at this time and may provide additional comments and concerns or request additional information upon receiving the outstanding or revised information and further comprehensive review of its contents at the Site Plan review stage.

City of Burlington Recreation, Community and Culture – Notes there is a lot of surface parking and creates a heat island, therefore they encourage more trees, greenery and natural elements to be incorporated as well as benching along Appleby line for hotel guests, restaurant patrons or people using Appleby, could use to sit and relax with a set back from the road. It is staff's opinion that the mentioned recommendations can be addressed at the Site Plan Review stage.

City of Burlington Finance – Note that taxes must be paid which includes outstanding balances plus current year taxes that have been billed but not yet due. Local improvements must be commuted. This condition applies to all properties in the affected development as per Development's Attachments sent January 31, 2022.

Halton Region – Regional staff have considered the Zoning By-law Amendment in the context of Provincial and Regional planning policy and note that provincial and regional planning policy generally supports the proposed development. However, they note that matters related to Regional Transportation will need to be addressed at time of Site Plan application.

Halton Regional Police Services – No concerns.

Conservation Halton – Conservation Halton does not object to the proposed Zoning By-law amendment application. Should this application be approved, Conservation Halton will not require circulation of the subsequent Site Plan application, unless changes are proposed to the concept plans provided as part of this application.

Canada Post – No objections, standard comments and conditions related to Canada Post have been shared with the applicant.

Financial Matters:

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

Climate Implications

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and, support waste reduction and diversion.

The proposed Zoning By-law Amendment addresses sustainability considerations by providing for active transportation connections and connectivity to public transit. Public transit in close proximity to the subject lands includes Burlington Transit bus stop on Route 11 (Sutton-Alton) that runs along Appleby Line and is located approximately 20 m south from the subject lands (as shown on Appendix B) as well as the Burlington Transit bus stops on Route 81 (North Service) located approximately 250 metres north from the subject lands. The development proposal further proposes pedestrian sidewalks and crossings throughout the subject lands that connect to the existing public realm as well as 20 bicycle parking spaces to encourage a variety of transportation modes.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on August 12, 2021, prior to the submission of the applications. There were no public attendees at the meeting. Ward 5 Councillor Sharman, and City Planning staff attended the meeting.

Notice signs have been posted on the subject lands. A public notice of the Zoning By-law amendment application has been mailed to 56 members of the public, which includes all property owners and tenants within 120 m of the subject lands.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/ticocreek. 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.

Public Comments

As of the writing of this report, 1 public written comment has been received by staff with respect to the subject applications as attached on Appendix C. The comments received pertain to existing traffic congestion along Appleby Line, the managing of traffic entering and exiting the subject lands and whether the developers would be responsible for the cost of traffic lights if required. Transportation staff have demonstrated no concerns with the traffic capacity increased derived from the proposed development on the subject lands.

Next Steps:

Technical and public comments will be received and a fulsome review and analysis will be completed. Staff is requesting direction to continue to review the subject applications in order to bring a subsequent report to City Council in the future outlining staff's recommendation on the proposed application and an analysis of the proposal based on applicable planning policies.

Conclusion:

Staff's analysis of the Zoning By-law Amendment application submitted for the lands located at 5030-5045 Tico Creek Common considers the applicable policy framework and comments submitted by technical agencies and the public. Staff conclude that the application is consistent with the PPS and conform to the Growth Plan, Regional Official Plan, and the City's Official Plans. It is therefore recommended that the subject Zoning By-law Amendment application be approved as outlined in Appendix D of this report.

Respectfully submitted,

Mariana Da Silva

Planner I – Development Review

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Appendices:

- A. Existing Zoning Map
- B. Concept Plan
- C. Public Comments
- D. Draft Zoning By-law

Notifications:

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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.