



**SUBJECT:** Statutory public meeting for Official Plan and Zoning By-law amendments for 4103 Palladium Way

**TO:** Community Planning, Regulation & Mobility Cttee.

**FROM:** Community Planning Department

Report Number: PL-50-22

Wards Affected: 6

File Numbers: 505-02/22 & 520-03/22

Date to Committee: September 13, 2022

Date to Council: September 20, 2022

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### **Recommendation:**

Direct staff to continue to proceed with the processing of the submitted Official Plan amendment and Zoning By-law amendment application for 4103 Palladium Way, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

### **PURPOSE:**

The purpose of this report is to provide background information to Committee and the public related to the Official Plan Amendment and Zoning By-law Amendment application submitted for the land municipally known as 4103 Palladium Way and seek direction from Council to continue to process the application.

Pending the receipt of all public and agency comments and the conclusion of a technical review of the application, staff will work towards bringing forward a subsequent recommendation report to Council for consideration.

### **Vision to Focus Alignment:**

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

- Increase economic prosperity and community responsive city growth

- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

## Executive Summary:

<b>RECOMMENDATION:</b>		Proceed with processing application	<b>Ward:</b>	6
<b>Application Details</b>	<b>APPLICANT:</b>	Design Plan Services Inc.		
	<b>OWNER:</b>	Better Life Retirement Residence Inc (2669006 Ontario Inc.)		
	<b>FILE NUMBERS:</b>	505-02/22 & 520-03/22		
	<b>TYPE OF APPLICATION:</b>	Official Plan Amendment and Zoning By-law Amendment		
	<b>PROPOSED USE:</b>	5-storey Long Term Care Facility containing 256 beds and a 6-storey Retirement Home containing 115 units.		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	Northeast of the intersection of Walker's Line and Palladium Way, west of Palladium Way and east of Walker's Line.		
	<b>MUNICIPAL ADDRESSES:</b>	4103 Palladium Way		
	<b>PROPERTY AREA:</b>	1.48 ha		
	<b>EXISTING USE:</b>	Vacant land		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>	'Business Corridor' (1997 Official Plan)		
		'Business Corridor' (2020 Official Plan)		
	<b>OFFICIAL PLAN Proposed:</b>	'Modified Business Corridor'		
	<b>ZONING Existing:</b>	'Business Corridor' with site specific regulations (BC1-505)		
<b>Process</b>	<b>ZONING Proposed:</b>	'Business Corridor' with site specific regulations (BC1-505) as amended		
	<b>APPLICATION RECEIVED:</b>	May 5, 2022		

	<b>STATUTORY DEADLINE:</b>	September 2, 2022 (120 days)
	<b>COMMUNITY MEETING:</b>	March 30, 2021
	<b>PUBLIC COMMENTS:</b>	No written comments received. Number of Notices Sent: 51

## Background and Discussion:

On May 30, 2022, Planning staff deemed complete the application that had been received as of May 5, 2022 for an Official Plan amendment and Zoning By-law Amendment at 4103 Palladium Way (the “subject land”). The purpose of the application is to permit a 5-storey Long Term Care Facility building containing 256 beds and a 6-storey Retirement Home building containing 115 units fronting onto Palladium Way (as shown on Appendix B).

### Subject Land Description & Surrounding Land Uses

The subject land is located northeast of the intersection of Walker’s Line and Palladium Way, more specifically west of Palladium Way and east of Walker’s Line (as shown on Figure 1 (right), and Appendix A). The subject land has an area of approximately 1.48 ha and approximately 80.75 m of frontage on Palladium Way. The subject land is currently vacant.

The subject land is surrounded by a mix of employment uses, parks and open space uses as well as residential uses. Directly abutting the site to the north are lands zoned for open space which currently contains Appleby Creek and natural vegetation. Directly abutting the site to the south are lands zoned for employment uses currently occupied by the Region of Halton Court Services. Directly abutting the site to the east is Palladium Way and across is the public park ‘Palladium Park’. Directly abutting the site to the west is Walker’s Line and across



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

are lands zoned for employment uses which are currently vacant (as shown on Appendix A).

The subject land is approximately 550 metres north in walking distance from the nearest Burlington Transit bus stop located on Route 48 (Millcroft) which runs along Walker's line and Thomas Alton Boulevard and into the Millcroft Neighbourhood as well as Route 6 (Headdon – Haber) which also runs along Walker's line and Thomas Alton Boulevard and ends at the Burlington GO Train Station.

### **Description of Application**

The purpose of the application is to permit a five (5) storey Long Term Care Facility building containing 256 beds within 17,344 m<sup>2</sup> of Gross Floor Area (GFA) and a six (6) storey Retirement Home building containing 115 units within 9,509.7 m<sup>2</sup> of GFA fronting onto Palladium Way (as shown on Appendix B). Additionally, a total of 238 parking spaces will be provided through both surface and underground parking within the subject land. Access to the property will be located along Palladium Way.

A Zoning By-law Amendment application was previously approved by City Council on September 28, 2020 (By-law 2020.432) for this property to allow for a six (6) storey long-term care facility and associated ancillary uses. At this time, the applicant has made changes to the proposed concept plan, including a new proposed Retirement Home, which is not a permitted use on the subject land and would therefore trigger an Official Plan and Zoning By-law Amendment.

Applications for the Official Plan redesignation and implementing Zoning By-law amendments are required to facilitate the proposed development, which includes, an increased floor area ratio (FAR) for the Long Term Care Facility and Retirement Home of 1.8:1; a reduced south side yard setback for the underground parking structure of 3.5 m; a reduced yard abutting Walker's Line of 14 m and to expand the list of permitted uses to include a Retirement Home.

### **Supporting Documents**

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

- [Official Plan Amendment and Zoning By-law Amendment Application Form](#) prepared by Design Plan Services Inc. dated April 28, 2022
- [Application Submission Cover Letter](#) prepared by Design Plan Services Inc. Prepared by Design Plan Services Inc. dated April 29, 2022
- [Planning Justification Report \(includes the Pre-Application Public Consultation Meeting Minutes and response\)](#) prepared by Design Plan Services Inc. and Sam Esposto Architect Inc. dated April 2022
- [City of Burlington Urban Design Advisory Panel Minutes](#) dated May 20, 2021

- [Urban Design Brief](#) prepared by Sam Esposto Architect Inc. dated April 25, 2022
- [Site Survey](#) prepared by J.D. Barnes dated February 15, 2019
- [Site Plan](#) prepared by Sam Esposto Architect Inc. dated December 2020
- [Architectural Plans \(including Floor Plans, Elevations, Underground Parking Plan and Renderings\)](#) prepared by Sam Esposto Architect Inc. dated December 2020
- [D-6 Land Use Compatibility – Air Quality Feasibility Study](#) prepared by exp Services Inc. dated December 20, 2021
- [Sun Shadow Study](#) prepared by Sam Esposto Architect Inc. dated April 29, 2022
- [Landscape Concept Plan](#) prepared by Baker Turner Inc. dated April 26, 2022
- [Tree Inventory and Preservation Plan](#) prepared by Barker Turner Inc. dated April 26, 2022
- [Arborist Report](#) prepared by Barker Turner Inc. dated May 3, 2022
- [Functional Servicing Report](#) prepared by exp Services Inc. dated April 26, 2022
- [Hydrogeological Study](#) prepared by exp Services Inc. dated April 28, 2022
- [Noise and Vibration Impact Study](#) prepared by Thornton Tomasetti dated April 27, 2022
- [Traffic Impact Study](#) prepared by GHD dated April 22, 2022.
- [Storm Water Management Report](#) prepared by exp Services Inc. dated April 26, 2022
- [Geotechnical Report](#) prepared by exp Services Inc. dated November 3, 2021
- [Phase One Environmental Site Assessment](#) prepared by exp Services Inc. dated November 28, 2021
- [Sustainable Building and Development Guidelines Checklist](#) prepared by Design Plan Services Inc. dated May 2, 2022
- [Environmental Site Screening Questionnaire](#) prepared by Design Plan Services Inc. dated April 28, 2022
- [Draft Official Plan Amendments](#) prepared by Design Plan Services Inc. dated May 2022
- [Draft Zoning By-law Amendment](#) prepared by Design Plan Services Inc. dated May 2022
- [Construction and Mobility Management Plan](#) prepared by exp Services Inc. dated April 2022
- [Waste Management Report](#) prepared by GHD dated April 28, 2022
- [Site Grading Plan](#) prepared by exp Services Inc. dated April 2022
- [Site Servicing Plan](#) prepared by exp Services Inc. dated April 2022
- [Sections and Details](#) prepared by exp Services Inc. dated April 2022
- **PIN Report** dated April 4, 2022

Supporting documents have been published on the City's website for the subject application, [www.burlington.ca/4103palladiumway](http://www.burlington.ca/4103palladiumway).

## **Policy Framework**

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review against 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. A policy analysis will be provided in a future recommendation report to Council to demonstrate whether the proposal is in keeping with the applicable framework.

### **Provincial Policy Statement (PPS), 2020**

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 and 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, support active transportation and transit.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 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.

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

The subject land is designated as Urban Area within the Halton Region Official Plan (ROP). The Urban Area policies of the ROP identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity. Within the Urban Area, the Regional Urban Structure as shown on Map 1H implements Halton's planning vision and growth management strategy to ensure efficient use of land, amongst other matters.



Section 72.1 (6) identifies a Regional Urban Structure that directs growth to Strategic Growth Areas. The Subject Lands are not located within a Strategic Growth Area.

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

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

The subject land is designated as 'Business Corridor' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation aims to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes. Lands within this designation may permit a wide range of employment uses including office, industrial, utilities, transportation, hotel, conference and convention uses as well as services trades uses. Additionally, a limited range of retail, service commercial and recreation uses as well as a residence for a watchman or caretaker use may be permitted. A retirement home is not a permitted use under this designation therefore an Official Plan Amendment is required to facilitate the proposed development.

**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 land is designated as 'Business Corridor' under Schedule C: Land Use - Urban Area of the New Official Plan. This designation aims to provide locations in the city for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes. Lands within this designation may permit a wide range of employment uses and ancillary employment uses including office, industrial, utilities, transportation, service trades, hotel, conference and convention uses. Additionally, a limited range of accessory retail, a full range of accessory service commercial, a limited range of recreation uses and large-scale motor vehicle dealership uses may be permitted. The proposed use does not comply with the new OP, therefore an amendment would be required to permit for the Retirement Home use on the subject land.

## **Zoning By-law 2020**

The subject land is currently zoned as 'Business Corridor' (BC1-505) with site specific regulations (as shown on Appendix A). The BC1 zone permits a wide range of employment uses including office, industrial, hospitality, automotive as well as limited retail, service commercial and recreation uses. Zoning exception number 505 permits for additional uses including a Long Term Care Facility and related accessory uses such as a Day Care Centre, Medical Clinic (with accessory Pharmacy), and convenience restaurant. Zoning exception number 505 also permits for specific structures and walkways within the landscape area or buffer, increased floor area ratio, reduced parking, yards and setbacks as well as an increased height of up to six (6) storeys.

A Zoning By-law Amendment is required to allow for a five (5) storey Long Term Care Facility building containing 256 beds and a six (6) storey Retirement Home building containing 115 units to be developed as well as associated ancillary commercial uses on the ground floor (as shown on Appendix B). A Zoning By-law Amendment application was previously approved by City Council on September 28, 2020 (By-law 2020.432) for this property to allow for a six (6) storey long-term care facility and associated ancillary uses. At this time, the applicant has made changes to the proposed concept plan, including a new proposed Retirement Home, which is not a permitted use on the subject land and would therefore trigger the need for a revised Zoning By-law Amendment.

## **Technical Comments**

The subject application was circulated to internal staff and external agencies on June 14, 2022 for review. At this time, technical comments are being received and reviewed.

At the time of writing this report, comments are still forthcoming from Internal Departments (i.e. Transportation Planning, Site Engineering as well as Parks and Open Space) and External Agencies (Halton Region, Conservation Halton, Canada Post, Ministry of Transportation, Metrolinx) and utilities (i.e. Burlington Hydro, Bell Canada, Sun-Canadian Pipe Line Co. Ltd., Imperial Oil Pipelines).

The following are comments received to-date which are summarized below:

**Urban Forestry and Landscaping** – Further revisions have been requested to satisfy concerns. Staff do not support the application as there is more information required regarding all trees 10cm DBH and greater on site. Efforts should be made to preserve as many trees as possible. Alternate layout and grading options should be reviewed to protect and preserve all public trees.

**Finance Department** – Property taxes must be paid in full. This includes all outstanding balances plus current taxes that have been billed but not yet due.

**Accessibility – Site Engineering Services** – Six (6) barrier-free parking spaces have been provided at grade for visitor and staff. We appreciate that all spaces are sized to be



Type A and have clearly marked access aisles. It appears that no barrier-free parking spaces have been provided in the parking garage for the retirement home residents who have an accessible parking permit and may use a mobility device and/or have a modified vehicle. Given the nature of the facility and probability that there will be residents with limited mobility living in the retirement home, providing no barrier-free parking spaces will not meet the demand for accessible parking at this facility. Additional spaces in addition to the minimum number required by law should be considered.

**Recreation Community and Culture Department** – For this application cash-in lieu of parkland will be required in accordance with our Park Dedication By-Law. Their team notes that Palladium Park is located across the street from the development property and will be available to the future residents of the complex. The current park is suited more towards youth needs with a soccer pitch and a playground. Some enhancements to this park could make it more suitable and functional for older adults including more seating, shade structure, outdoor fitness equipment, or maybe even pickleball subject to land space. If appropriate their staff would consider using Section 37 or the proposed Community Benefits program as a means for funding some of these enhancements.

There are also concerns about the safe movement of the residents in the area. For example residents may need to cross Walkers Line to catch a bus, or cross Palladium Way to get to the Park. Our Transportation colleagues may address this matter and look at safe road crossings for the residents.

**Fire Department** – The building(s) are proposed to be served via a single looped fire access route leading from Palladium Way to the East. In general, the proposed fire access route will need to be designed, constructed and designated as a fire access route in accordance with Articles 3.2.5.4., 3.2.5.5. and 3.2.5.6. of the 2012 Ontario Building Code, as amended.

As the project progresses and plans become more detailed, the following will need to be identified:

- locations of all fire department connections
- locations of the nearest municipal fire hydrants and private fire hydrants
- locations of proposed fire alarm annunciator panel(s), etc.

A more formal and detailed review will be conducted by our Department at the Site Plan review stage.

**Burlington Transit** – Burlington Transit would like to note that there is currently no active service in the area of the development. Should this project continue to Site Plan, we would like consideration in the design for potential future transit amenities along the ROW of Palladium Way.

**Canada Post** – Standard comments have been provided.

**407 Express Toll Route (ETR) Engineering Services** – No concerns at this time. Has requested to be circulated on all new submissions related to this development.

**Halton District School Board** – Standard comments have been provided, including requests to be circulated in future applications.

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### **Financial Matters:**

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

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### **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.

A discussion of the climate implications of the proposed Zoning By-law Amendment application will be provided in the next staff report.

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### **Engagement Matters:**

The applicant held a virtual Pre-Application Community Consultation Meeting on March 30, 2021, prior to the submission of the applications. There were two (2) public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Ward 6 Councillor Bentivegna, and City Planning staff also attended the meeting.

Notice signs will be posted on the subject land. A public notice of the Zoning By-law amendment application has been mailed to 51 members of the public, which includes all property owners and tenants within 120 m of the subject land.

A webpage was created on the City of Burlington website, accessible at [www.burlington.ca/4103palladiumway](http://www.burlington.ca/4103palladiumway). 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, no public written comments have been received by staff with respect to the subject applications. If comments are received, these will be included as part of a subsequent report to City Council.

## **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.

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## **Conclusion:**

This report provides a description of the development application, an update on the technical review that is underway and an overview of the applicable policy framework which the application will be reviewed against. Planning staff recommend that the processing of the application continue and that comments received through the ongoing technical review, including comments received at the Statutory Public Meeting, be evaluated as part of a detailed planning analysis, and be incorporated into a future recommendation report for consideration by Committee and Council.

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Respectfully submitted,

Mariana Da Silva

Planner I – Development Review

905-335-7600 ext. 7536

## **Appendices:**

- A. Existing Zoning
- B. Concept Plan

## **Notifications:**

Steven Qi (Design Plan Services Inc.)

[steven@designplan.ca](mailto:steven@designplan.ca)

**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.