



SUBJECT: Recommendation Report for Official Plan and Zoning By-law amendments for 3110 South Service Road

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-74-22

Wards Affected: 4

File Numbers: 505-04/22 & 520-05/22

Date to Committee: December 6, 2022

Date to Council: December 13, 2022

Recommendation:

Approve the applications for Official Plan and Zoning By-law amendments, to permit a three (3) storey office building including training facilities and a veterinary clinic; and

Approve Official Plan amendment No. 131 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-74-22, to increase the maximum permitted floor area ratio and increase the permitted total floor area of an ancillary service commercial use; and

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

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 131 as contained in Appendix D of community planning department report PL-74-22; and

Approve Zoning By-law 2020.448, attached as Appendix E of community planning report PL-74-22, which amends the site-specific "BC1-225" zone of the subject lands; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan amendment No. 131 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan amendment No. 131 is adopted.

PURPOSE:

The purpose of this report is to recommend approval of the Official Plan amendment and Zoning By-law amendment applications for the lands municipally known as 3110 South Service Road, to permit a three (3) storey office building including training facilities and a veterinary clinic fronting onto South Service Road.

Vision to Focus Alignment:

- 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:

RECOMMENDATION:		Approval	Ward:	4
Application Details	APPLICANT:	Ruth Victor & Associates		
	OWNER:	P3 Real Estate Limited		
	FILE NUMBERS:	505-04/22 & 520-05/22		
	TYPE OF APPLICATION:	Official Plan Amendment and Zoning By-law Amendment		
	PROPOSED USE:	Three (3) storey office building including training facilities and a veterinary clinic		
Property Details	PROPERTY LOCATION:	East of the intersection of Queen Elizabeth Way and Guelph Line, on South Service Road		
	MUNICIPAL ADDRESSES:	3110 South Service Road		
	PROPERTY AREA:	0.80 ha		
	EXISTING USE:	Vacant standard restaurant		

Documents	OFFICIAL PLAN Existing:	'Business Corridor' (1997 Official Plan) 'Business Corridor' (2020 Official Plan)
	OFFICIAL PLAN Proposed:	'Modified Business Corridor'
	ZONING Existing:	'Business Corridor' with site specific regulations (BC1-225)
	ZONING Proposed:	'Business Corridor' with site specific regulations (BC1-225)
	APPLICATION RECEIVED:	June 22, 2022
	STATUTORY DEADLINE:	October 20, 2022 (120 days)
	COMMUNITY MEETING:	March 7, 2022
	PUBLIC COMMENTS:	One (1) comment received Number of Notices Sent: 95

Background and Discussion:

On July 11, 2022, the Community Planning Department acknowledged that complete applications had been received to amend the Official Plan and Zoning By-law for property at 3110 South Service Road (the "subject lands"). The purpose of the applications is to permit a three (3) storey office building including training facilities and a veterinary clinic fronting onto South Service Road (as shown on Appendix B).

The purpose of this report is to provide an overview of the applications, an outline of applicable policies and regulations, and a summary of technical and public comments that have been received and staff's opinion with respect to these applications. This report contains background information, a detailed policy analysis and a staff recommendation.

Subject Land Description & Surrounding Land Uses

The subject lands are located east of the intersection of Queen Elizabeth Way and Guelph Line, on South Service Road (as shown on Figure 1 (right), and Appendix A). The subject lands have an area of approximately 0.80 hectares and approximately 158 metres of frontage measured on an arc on South Service Road. The subject lands are currently occupied by a vacant stand-alone restaurant.

The subject lands are surrounded by a mix of employment uses, predominantly made up of “Business Corridor” (BC1) zones as well as with BC1 zones with site-specific regulations. To the north of the subject lands is South Service Road and Queen Elizabeth Way (QEW) (as shown on Appendix A). To the south are two properties, 3106 South Service Road which has the same zoning as the

subject lands and contains restaurant building of approximately one (1) storey in height as well as 3115 Harvester Road which is zoned BC1 and contains an office building of approximately (9) storeys in height. To the west is the South Service Road and across this road is the property at 3063 South Service Road which is zoned BC1-335 and currently contains a hotel building of approximately seven (7) storeys in height. To the east is the property 3120 South Service Road which with has the same zoning as the subject lands and contains two (2) restaurant buildings of one (1) storey in height. The nearest residential zone is approximately 400m away from the subject land. There is currently an easement running along the eastern property boundary from South Service Road to Harvester Road.

The subject land is approximately 200 metres north from the nearest Burlington Transit bus stop which includes service from Route 50 (Burlington South) and Route 80 (Harvester/North Service) along Harvester Road. These routes connect to the Burlington GO and Appleby GO stations as well as the Downtown Bus Terminal.



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

Description of Application

The purpose of the applications is to amend the Official Plan and Zoning By-law designations to permit a three (3) storey office building including training facilities and a veterinary clinic fronting onto South Service Road (as shown on Appendix B). The office uses comprise approximately 2,098 square metres or forty-one (41) percent of the total building floor area. The training uses comprise approximately 664 square metres or thirteen (13) percent of the total building floor area. The veterinary clinic uses comprise approximately 1,394 square metres or twenty-seven (27) percent of the total building floor area. The remainder of the floor area includes building services which make up approximately 557 square metres or seventeen (17) percent of the total floor area. Overall, the uses proposed result in a building with a total floor area of approximately 5,045 m². The development proposal further contemplates a floor area ratio of approximately 0.63:1 and a floor area for ancillary employment use of approximately twenty-seven (27) percent as per the 1997 Official Plan (as amended).

The development proposal also contemplates a total of a hundred sixty-two (162) vehicle parking spaces of which eighty (80) are located underground and eighty-two (82) at grade as well as thirty-four (34) bicycle parking spaces. Ten (10) of the parking spaces are not recognized under the Zoning By-law 2020 given these are unofficial spaces located within the Ministry of Transportation (MTO) required setback. Vehicular access to the site is proposed via two (2) entrances on the South Service Road.

The applications request amendments to the Official Plan and Zoning By-law to facilitate the proposed development. The Official Plan amendment proposed includes an increased floor area for the ancillary veterinary clinic, beyond the maximum permitted 15 percent for an ancillary use. The Zoning By-law amendment proposed includes reduced setbacks abutting the South Service Road; reduced landscape area abutting the South Service Road; loading and/or unloading activities to occur on the yard abutting the South Service Road; and waste containers and/or garbage enclosures to be permitted in the yard abutting the South Service Road.

Supporting Documents

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

- [Completed Application Form](#) signed July 3, 2022.
- [Planning Justification Report](#) prepared by Ruth Victor & Associates dated May 25, 2022.
- [Site Survey](#) prepared by J. H. Gelbloom Surveying Ltd
- [Conceptual Site Plan Layout](#) prepared by IDEA Inc. dated June 22, 2022.
- [Architectural Plans](#) prepared by IDEA Inc. dated June 22, 2022.
- [Arborist Report](#) prepared by Adesso Design Inc. dated May 13, 2022.

- [Tree Inventory, Tree Preservation Plan and Landscape Concept Plan](#) prepared by Adesso Design Inc. dated June 9, 2022.
- [Functional Servicing Report \(Water, Wastewater and Stormwater Management\)](#) prepared by Trafalgar Engineering Ltd. dated May 13, 2022.
- [Noise and Vibration Study](#) prepared by SS Wilson Associates Inc. dated May 17, 2022.
- [Transportation Impact Study and Parking Study](#) prepared by Paradigm Transportation Solutions Ltd. dated May 2022.
- [Geotechnical Report](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated January 14, 2022.
- [Geotechnical Investigation – Supplemental Comments](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated January 14, 2022.
- [Phase One Environmental Site Assessment](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated November 24, 2021.
- [Urban Design Brief](#) prepared by IDEA Inc. dated June 2, 2022.
- [Environmental Site Screening Questionnaire](#) signed July 3, 2021.
- [Construction and Mobility Management Plan](#) prepared by IDEA Inc. dated June 2, 2022.
- [Waste Management Plan](#) prepared by IDEA Inc. dated June 27, 2022.
- [Waste Management Letter](#) prepared by P3 Veterinary Partners Inc. dated May 9, 2022.
- [Sanitary Sewer CCTV Report](#) prepared by PipeFlo Contracting Corp dated June 27, 2022
- [University of Guelph Education Partnership Letter](#) prepared by the University of Guelph dated October 19, 2021.
- [Pre-consultation Meeting Notes](#) prepared by the City of Burlington dated March 2, 2022.
- [Transportation Impact Study - MTO Comment Response](#) prepared by Paradigm Transportation Solutions dated October 4, 2022.
- [Revised Waste Management Plan](#) prepared by IDEA Inc. dated October 5, 2022.
- [Revised Elevation Plans](#) prepared by IDEA Inc. dated October 5, 2022.
- [Revised Space Plans](#) prepared by IDEA Inc. dated September 8, 2022.
- [Revised Arborist Inventory](#) prepared by Adesso Design Inc. dated October 18, 2022.
- [Revised Erosion and Sediment Control Plan](#) prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- [Revised Arborist Report](#) prepared by Adesso Design Inc. dated October 19, 2022.

- [Revised Construction and Mobility Management Plan](#) prepared by IDEA Inc. dated September 21, 2022.
- [Revised Functional Servicing Report \(Water, Wastewater and Stormwater Management\)](#) prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- [Revised Grading Plan](#) prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- [Revised Servicing Plan](#) prepared by Trafalgar Engineering Ltd. dated October 21, 2022.
- [Revised Conceptual Site Plan Layout](#) prepared by IDEA Inc. dated October 21, 2022.
- [Region of Halton Clearance Email](#) prepared by Ruth Victor & Associates dated October 24, 2022.
- [Re-Submittal Letter](#) prepared by Ruth Victor & Associates dated October 24, 2022.
- [Second Submission Comments Matrix](#) prepared by Ruth Victor & Associates dated October 24, 2022
- [Revised Landscape Plan](#) prepared by Adesso Design Inc. dated October 25, 2022.
- **PIN Report** dated May 6, 2022.

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/3110southservice.

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. Staff are of the opinion that the proposed applications are consistent with and conform to the applicable policy framework, as discussed below.

Planning Act

Staff have considered the criteria in Section 2 of the Planning Act in the review of the applications and are of the opinion that the subject applications have regard for the Planning Act, as discussed in the PPS section and subsequent sections of this report.

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 land is 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 within an employment area and currently contain a vacant restaurant building. The proposed Official Plan amendment and Zoning By-law amendment would allow for additional uses including employment uses such as office and veterinary service uses as well as institutional uses including training and educational uses on the subject lands, which would result in a more efficient use of the property. This will in turn consider 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 proposed development does not propose industrial nor manufacturing uses and proposes a mix of uses including office, an ancillary service commercial use in the form of a veterinary clinic and institutional uses in the form of training and educational 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 the South Service Road which is recognized as a 'Collector' street. The operation of the proposed uses on the subject lands would help serve the employment area and support the viability of the public transit routes along the South Service Road and major intersections such as the Queen Elizabeth Way and Guelph 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 use permissions would promote the economic viability of the area by optimizing the existing resources and infrastructure.

As per the analysis provided, planning staff is of the opinion that the Official Plan amendment and Zoning By-law amendment on the subject lands is consistent with the PPS.

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

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan.

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 Official Plan amendment and Zoning By-law amendment would allow for additional uses including employment uses such as office and ancillary veterinary service uses as well as institutional uses including training and educational uses on the subject lands to result in more efficient use 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 proposed uses on the subject lands would help support the viability of public transit routes including the nearest Burlington Transit bus stop which runs on Route 50 (Burlington South) and Route 80 (Harvester/North Service) along Harvester Road which is approximately 200 metres south from the subject land. These routes connect to the Burlington GO and Appleby GO stations as well as the Downtown Bus Terminal. The development proposal further encourages active transportation modes by proposing pedestrian sidewalks and crossings throughout the property that connects to the existing public realm, as well as thirty-four (34) bicycle parking spaces located at-grade and within the underground parking structure.

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 development proposal contemplates 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 Official Plan amendment would allow for an increase from fifteen (15) percent to thirty (30) percent of

the total floor area for the ancillary service commercial veterinary clinic portion of the building, as well as retail uses on the subject lands up to a maximum of 28 square metres.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan amendment and Zoning By-law amendment conforms to 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 policies of Urban Area designation support a form of growth that is compact and supportive of transit, in addition to the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure.

The subject lands are also located within an Employment Area as outlined on Map 1 of the ROP. The Employment Area policies of the ROP identify that employment areas are to accommodate the forecasted employment growth and are to provide a fully diversified economic base for Halton. Residential and non-employment uses including major retail uses in Employment Areas are prohibited unless through a municipal comprehensive review subject to criteria as set out in Subsection 77.4(4) of the ROP. Further, Subsection 83.2 (5) of the ROP requires municipalities to promote intensification and increased densities in both new and existing employment areas by facilitating compact, transit-supportive built form and minimizing surface parking. Lastly, in accordance with ROP Subsection 78.1 (4), the Region aims to identify Regional Employment Areas and protect them for long term employment use. The ROP also provides flexibility within employment areas to address changes in the role and function of said employment areas throughout the Region.

Regional Official Plan Amendment (ROPA) 49 was adopted by Regional Council on June 15, 2022 and is the second amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the 2051 planning horizon as part of the municipal comprehensive review process. The amendment also includes changes that support planning for growth in Halton and achieving conformity with the Provincial Growth Plan for the Greater Golden Horseshoe. The Ministry of Municipal Affairs and Housing is the approval authority of ROPA 49 and approved ROPA 49 with modifications on November 4, 2022. ROPA 49, as approved, does not have any impact on the proposed development addressed in this report.

The proposal includes a 'service commercial' component in addition to the proposed employment use. Subject to appropriate service commercial area caps being implemented in accordance with the approved Employment Area policies of the City's

new Official Plan, Regional Staff have identified the proposed development would conform with the employment area policies ROP.

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 Official Plan amendment and Zoning By-law amendment and have no objections. City Planning staff have also reviewed the application and find that the proposed development applications on the subject land conforms with the policies of the ROP.

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 lands are designated 'Business Corridor' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and related uses and to establish high design and development standards for Business Corridor lands.

This designation permits a broad range of office, industrial, utilities, transportation and service trade uses provided these are located within an enclosed building and are unlikely to cause significant pollution or excessive noise. A limited range of ancillary retail commercial and service commercial uses as well as recreation uses such as restaurants, banks and fitness centres, subject to specific provisions of Part III, Subsection 3.4.2 e) may be permitted. Additionally, hotel, conference and convention uses as well as residence for a watchman or caretaker may be permitted. Furthermore, in accordance with Part III, Subsection 3.4.2 b) and d), Zoning By-law regulations affecting office uses on Business Corridor lands may permit a maximum floor area ratio of development at any site of up to 0.5:1 and a range of building heights and development intensities shall be permitted within areas designated as Business Corridor.

The proposed development contemplates a three (3) storey office building including training facilities and an ancillary veterinary clinic fronting onto the South Service Road (as shown on Appendix B). The proposed office uses comprise approximately 2,098 square metres or forty-one (41) percent of the total building floor area. The training uses comprise approximately 664 square metres or thirteen (13) percent of the total building floor area. The veterinary clinic uses comprise approximately 1,394 m² or twenty-seven (27) percent of the total building floor area. The remainder of the floor area includes building services which makes up approximately 557m² or seventeen (17) percent of the

total floor area. Overall, the uses proposed result in a building with a total floor area of approximately 5,045 m² and a floor area ratio of approximately 0.63:1. Therefore, the proposed development requires an Official Plan Amendment to reflect the requested increase in the permitted floor area ratio from 0.5:1 to 0.65:1.

According to Subsection 3.4.2 e) the retail, service commercial and recreation uses permitted under Part III, Subsection 3.4.2 a) (ii) shall be ancillary to, and primarily serve, uses, businesses and employees within the surrounding employment area; shall only be permitted on lands having one or more buildings with a total floor area greater than 3,000 square metres; and no more than fifteen (15) percent of the total floor area of any one building shall be used for ancillary uses, except that a restaurant subject to specific criteria. The proposed veterinary clinic use is contemplated as a subordinate ancillary service commercial use to the head office component. Notwithstanding, the proposed development requires an Official Plan Amendment to reflect the requested increase in the permitted floor area for the ancillary veterinary clinic employment use from fifteen (15) percent to thirty (30) percent.

The proposed development includes a portion of the building dedicated to training uses. As described in the proposal, the proposed use would be associated with the higher education of Veterinary Doctors. Specifically, the Planning Justification Report submitted as part of the application materials states, "...to provide hands on training for veterinarian students as well as required experience for foreign trained veterinarians gaining certification in Canada. These two uses are directly related to and supported by the veterinarian clinic which is proposed as an ancillary use on this property...Veterinary students will use the facility and Continuing Education for Practicing Veterinarians will be provided".

In accordance with Part II Subsection 4.3 a), institutional uses are defined as uses with the primary purpose of serving the educational, health and social needs of the community and are further defined as educational facilities such as universities, colleges, elementary and secondary schools, both public and private, among other uses. Given the nature of the proposed training uses and its association with higher education, staff believe that it would be appropriate to consider the associated training uses as an institutional use. Furthermore, in accordance with Part II Subsection 4.3 c), institutional uses shall be permitted within all land use designations located on Schedule B, Comprehensive Land Use Plan - Urban Planning Area with the exception of the Greenlands and Watercourse land use designations.

In accordance with Part II, Subsection 4.3 d), within the Business Corridor designation, certain sensitive institutional uses such as educational facilities shall require an amendment to the Zoning By-law. Furthermore, 'Sensitive Land Uses' are defined as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from

contaminant discharges generated by a nearby major facility. Staff is of the opinion the proposed development is therefore not recognized as a sensitive land use.

In accordance with Part II, Subsection 6.5 a), the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area. Similarly, in accordance with Part II Subsection 6.5 b) the compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing. As part of the development application materials, the applicant provided an Urban Design Brief which outlines that the proposed development contemplates a building of three (3) storeys with an increased floor area ratio from the maximum permitted 0.5:1 to approximately 0.63:1 as well as a reduced yard abutting the South Service Road from the required 30 metres to 14 metres and reduced landscape area abutting the South Service Road from the required 15 metres to 3 metres.

The neighbouring properties municipally known as 3120 South Service Road and 3106 South Service Road directly abutting the subject lands to the south and east contain buildings of approximately one (1) storey in height and setbacks with more than 20 metres from the proposed building. Additionally, the property to the west across South Service Road municipally known as 3063 South Service Road contains a building of approximately seven (7) storeys. Staff is therefore of the opinion the proposed development continues to be compatible with the surrounding land uses and building structures. Additional design details will be reviewed as part of a subsequent Site Plan application.

In accordance with Part II subsection 6.5 e) all developments shall be designed having regard for public transit accessibility in the Urban Planning Area, convenience and comfort, and access and parking for the physically challenged, and to ensure that the needs of persons with disabilities and other special needs groups are addressed. The proposed Official Plan amendment and Zoning By-law amendment application materials were circulated to the City's Accessibility Site Engineering Services staff whose comments indicate no concerns with the proposed concept plan. The development proposal contemplates a total of a hundred sixty-two (162) vehicle parking spaces of which six (6) are designated as accessible parking spaces as required by the Zoning By-law 2020. Additionally, the development proposal further proposes pedestrian sidewalks and crossings throughout the property that connects to the existing public realm for improved convenience and comfort for pedestrians.

In accordance with Part II subsection 6.5 g) the location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact. City Council shall require landscaped islands and screening in the design of large parking lots. The development proposal contemplates an enhanced parking layout which includes a variety of

landscaped islands throughout the parking space to help minimize the impact onto the existing streetscape.

In accordance with Part II subsection 6.5 h) the streetscape appearance of major, multi-purpose and minor arterial roads and collector streets shall be enhanced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances. The street to which the subject land fronts onto, also known as the South Service Road, is designated as a 'Collector' under Schedule J: Classification of Transportation Facilities. The front façade of building will be located facing the South Service Road towards the north property line. As a result, staff have no concerns with the proposed building layout.

In accordance with Part II subsection 6.5 j) the functional and visual impact of site servicing, loading, air conditioning and ventilation equipment and waste handling facilities shall be minimized, by integrating them into the building's main structure, by screening or by site design. Although the proposed development contemplates locating loading and/or unloading activities on the yard abutting the South Service Road. Staff find the proposed location for the loading area does not disrupt the existing streetscape as well vehicular and pedestrian traffic given it is located along the side of the proposed building. Transportation staff have also reviewed the proposed site traffic circulation and do not have any concerns.

In accordance with Part II subsection 6.5 m) all development shall be designed having regard for Sustainable Development considerations as set out in Part II, Subsection 2.7.3 of the Plan. Additionally, in accordance with Part II, subsection 2.7.3 of the Plan, exposure of sensitive land uses to vibration, noise, dust, odours or other effects caused by transportation or industrial facilities, and likewise, the encroachment of sensitive land uses on these facilities, shall be avoided through the use of separation distances, the placement of non-sensitive land uses in buffer areas, and/or other means. Staff is of the opinion, the proposed uses do not constitute sensitive land uses. Furthermore, as part of the application material submission, the applicant provided a Noise and Vibration Study which has shown no negative impact for the subject land and the proposed use will not cause adverse effects in terms of dust or odour. Additionally, a review of the development proposal's considerations for sustainable design has been included under the 'Climate Implications' section of this report.

Staff are therefore of the opinion that the proposed Official Plan amendment as set in the Draft Official Plan under Appendix D 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 the time of the writing of this report, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject lands are designated 'Business Corridor' under Schedule C: Land Use - Urban Area of the New Official Plan. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and ancillary employment uses and to establish high design and development standards for Business Corridor lands.

In accordance with Subsection 8.2.4(2) a), the 'Business Corridor' designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust. A limited range of accessory retail, a full range of accessory service commercial, a limited range of recreation uses may be permitted. Additionally, large-scale motor vehicle dealerships, hotel, conference and convention uses may be permitted. The accessory retail and service commercial uses permitted under this designation are subject to the provisions of subsection 8.2.2 c), which specifies that the accessory retail and service commercial uses permitted under this designation shall be ancillary employment uses as defined in Chapter 13: Definitions, of this Plan as well as no more than fifteen (15) percent of the total floor area of anyone building shall be used for accessory uses, except for a restaurant.

In accordance with Subsection 8.2.2 d), where accessory retail and/or service commercial uses are proposed on an existing occupied employment site that would exceed the maximum fifteen (15) percent total floor area set out in subsection 8.2.2 c) (ii) of the Plan, such a proposal may be considered by the City through a site-specific Zoning By-law amendment, without the need for an amendment to this Plan, where specific criteria are addressed to the satisfaction of the City. The criteria specifies that the proposed use shall meet the definition of ancillary employment use as defined in Chapter 13: Definitions, of this Plan; the proposed use shall maintain and support the employment function of the site and shall in no case exceed thirty (30) percent of the total floor area of all existing buildings on the site; the applicant shall demonstrate that there are no unacceptable adverse effects on the surrounding area related to noise, vibration, dust or odour, or

unacceptable adverse impacts related to traffic and parking, and that the surrounding existing or permitted uses are compatible with the proposed use; the proposed use shall have direct access to existing or planned transit; and the proposed use is, or shall be, pedestrian and active transportation accessible.

An 'Ancillary Employment Use' is defined under Chapter 13 of the Plan as the use of any land, building or structure which is subordinate to uses in the surrounding Employment Area and primarily provides its service to the uses, businesses and employees in the surrounding Employment Area. An ancillary employment use could include accessory retail and service commercial uses as defined in subsection 8.2.2 c) of this Plan, as well as public service facilities and institutional uses such as emergency service facilities, trade schools, other adult education facilities and post-secondary education facilities. Staff is therefore of the opinion the proposed veterinary clinic meets the 'Ancillary Employment Use' definition under the Plan.

Additionally, as part of the application material submission, the applicant provided a Noise and Vibration Study which has shown no negative impact for the subject land and the proposed use will not cause adverse effects in terms of dust or odour.

In accordance with subsection 8.2.2 k), in the 'Business Corridor' designations, institutional uses may be considered, subject to the policies of Subsection 3.2.2 e) of this Plan which describes that notwithstanding Subsections 3.2.2 a), b) and c) of this Plan, public service facilities and institutional uses that are considered a sensitive land use which are proposed within an employment area, shall be subject to specific consideration. A 'Sensitive Land Use' is defined under Chapter 13 of the Plan as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges, fumes, sound waves or radiation generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities. Staff is of the opinion the proposed development is therefore not recognized as a sensitive land use.

In accordance with subsection 8.2.4 (2) b), a range of building heights and development intensities shall be permitted within areas designated as Business Corridor. Additionally, subsection 8.2.4 (2) c) describes the City will encourage a minimum floor area ratio of development of 0.25:1 for office development in Business Corridor Lands to promote more efficient use of land. The proposed development contemplates a building of three (3) storeys with a floor area ratio of approximately 0.63:1.

As a result, although an amendment is required to the 1997 OP as set in the Draft Official Plan Amendment under Appendix D, staff's review of this application can be informed by the direction of the Council approved, under appeal, new OP which sets out criteria for permitting accessory service commercial uses to a maximum of fifteen (15) percent of

total floor area. As mentioned, the plan also sets out criteria and process through a Zoning By-law amendment to consider increases of up to a maximum of thirty (30) percent of total floor area. Staff is therefore of the opinion that the proposed development conforms with the new OP.

Zoning By-law 2020

The subject lands are currently zoned 'Business Corridor' (BC1-225) with site-specific exceptions. The BC1 zone permits a broad range of industrial, office, hospitality, automotive, retail as well as a limited range of service commercial and recreation uses while a veterinary clinic is not a permitted use. The site-specific zoning exemption 225 describes that a Night Club is a prohibited use and Footnote (f) to Table 2, Permitted Uses, of Part 3 – Employment Zones, of the by-law, shall not apply to standard restaurants. The footnote specifies that, a restaurant may occupy up to 100% of the total floor area of a single building on a lot, provided that the total existing building floor area of all buildings on the lot is not less than 3,000 m², and provided the lot abuts an arterial, multi-purpose arterial or minor arterial road.

A Zoning By-law Amendment is required to add veterinary clinic and training facility uses as well as the retail sales of pet foods and supplies up a maximum of 28 square metres of the building floor area as a permitted use on the subject land. Whereas under the Official Plan the proposed veterinary clinic and the training facility portion of the building are interpreted as separate uses, under Zoning By-law 2020 these are interpreted as one service commercial use. Additionally, the application contemplates amendments to the Zoning By-law for: reduced yard abutting South Service Road; reduced landscape area abutting South Service Road; loading and/or unloading activities to occur on the yard abutting South Service Road; and waste containers and/or garbage enclosures to be permitted in the yard abutting South Service Road. Furthermore, in order to reflect the policies under the Official Plan, the Draft Zoning By-law under Appendix E also includes: a maximum Floor Area for Retail Sales of Pet foods and supplies of 28 square metres; a maximum Floor Area of Veterinary Services containing a Training Facility of fifty-one (51) percent with a minimum thirteen (13) percent of the Floor Area devoted to the Training Facility use; and a maximum Floor Area Ratio for all uses of 0.65:1.

In accordance with Part 3, Section 4.2, of Zoning By-law 2020, the subject land requires a minimum yard of 30 m abutting a street adjacent to the Queen Elizabeth Way, in this case being the yard abutting the South Service Road. The intent of the minimum yard setback regulation is to promote compatibility and mitigate adverse effects of massing on the surrounding streetscape and adjacent properties as well as to ensure there is adequate open space around a structure to provide the desired balance between built form and landscape features. The proposed development contemplates a reduced yard abutting the South Service Road from the required 30 metres to 14 metres. Staff is of the

opinion the proposed reduction does not cause a negative impact to the overall neighbourhood compatibility.

In accordance with Part 3, Section 4.8, of Zoning By-law 2020, the subject lands require a minimum landscape area of 15m abutting a street adjacent to the Queen Elizabeth Way, in this case being the landscape area abutting the South Service Road. Under the by-law, a 'Landscape Area' is defined as an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. The intent of a minimum landscape area regulation is to achieve appropriate landscaping and separation to existing streetscapes. The proposed development contemplates a reduced landscape area abutting the South Service Road from the required 15 metres to 3 metres. It is staff's opinion the proposed reduction will be compatible with the existing streetscape and will provide for sufficient landscaping.

In accordance with Part 3, Section 4.12 (b) of Zoning By-law 2020, loading and/or unloading activities are not permitted in a yard abutting a street. Loading spaces are recognized under Zoning By-law 2020 as off-street space or berth on the same lot with a building for the temporary parking of commercial vehicles that load or unload merchandise or materials. The intent of regulating the location of loading and/or unloading activities is to ensure that proper yards and neighbourhood streetscapes are preserved as well as to ensure that vehicular and pedestrian traffic circulation is not disrupted. The proposed development contemplates locating loading and/or unloading activities on the yard abutting the South Service Road. Staff find the proposed location for the loading area does not disrupt the existing streetscape nor vehicular and pedestrian traffic. Transportation staff have reviewed the proposed site traffic circulation and do not have any concerns.

In accordance with Part 3, Section 4.10, of Zoning By-law 2020, the subject land requires all refuse, waste, and refuse and waste containers to be screened such as not to be visible from any street. Additionally, Part 1, Section 2.2.3, of the Zoning By-law specifies that a structure for the storage of garbage would be permitted only in a rear or side yard. The intent of locating waste containers and/or garbage enclosures away from front yards is to ensure that proper yards and neighbourhood streetscapes are preserved. The proposed development contemplates the proposed waste containers to be located within the yard abutting the South Service Road. Staff is of the opinion the proposed waste collection location would not pose a negative impact onto the existing streetscape.

As per the analysis above staff is of the opinion that the proposed amendments to Zoning By-law 2020 as described on the Draft By-law under Appendix E are appropriate for the subject lands.

Technical Comments

The subject applications were circulated to internal staff and external agencies on July 26, 2022 for review. At this time, technical comments have been received and reviewed. Comments received have been summarized below:

Finance Department – Property taxes to be paid in full, including all installments levied.

Accessibility – Site Engineering Services – Related to the proposed parking, with 163 parking spaces proposed, (6) barrier-free parking spaces are required. Five (5) are shown at grade and three (3) spaces shall be “Type A” being 3400 mm in width and signed to indicate Van Accessible Parking. The remaining three (3) spaces shall be “Type B” being 2.75 m and the access aisles shall be 2 m as per the Zoning By-law. The access aisles are to be clearly identified through appropriate line painting and can be shared by two spaces. Access aisles for the barrier-free parking spaces at grade shall include a curb ramp and Tactile Walking Surface Indicators (TWSIs) leading to the walkway to the entrance. No fewer than two (2) barrier-free spaces shall be relocated to Level 0 and placed in close proximity to the elevator vestibule. The pedestrian crossings as shown are clearly marked throughout the site and applicant is to ensure each curb includes a curb cut with TWSIs. Applicant is to ensure there is a dog relieving area easily accessible to the main entrance following a straight path of travel to serve the needs of guide dogs and service animals. This area should be equipped with a waste receptacle and a means by which surfaces can be easily cleaned. The relieving area should enable a guide dog handler to allow a guide dog on a 1.5 m leash to circle its handler prior to relieving itself. All comments and revisions requested by staff have been provided by the applicant and therefore staff have no additional comments or concerns.

Site Engineering – Site engineering staff has been circulated the application and related materials. While Engineering comments are not available at the time of the writing this report planning staff is of the opinion site engineering comments may be addressed through conditions and subsequent phases of the development review process such as Site Plan review. The applicant is requesting an increase in the maximum permitted floor area for the veterinary clinic use and building floor area ratio, the proposed uses are permitted under the 1997 Official Plan (as amended) and the new Official Plan (2020). Staff is of the opinion that the proposed planning instruments recommended in this report satisfy the principle of land use and associated protection offered in the zoning bylaw amendment.

Transportation Planning – No further comments or concerns.

Burlington Transit – No further comments or concerns.

Fire Department – The orientation of the proposed fire access route serving the three (3) storey office building appears acceptable without revision. The 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. A

portion of the fire access route appears to be located directly above the underground parking garage slab (Northwest corner of building). Please be advised that the underground parking garage slab will be required to be designed and constructed to support the weight of firefighting equipment and operations. For detailed information on structural loading requirements, please contact the Building Department at building@burlington.ca.

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

- location of the fire department connections (if applicable)
- locations of the nearest municipal fire hydrants and private fire hydrants
- locations of proposed fire alarm annunciator panel(s).

Overall, fire staff have no major concerns, a more formal and detailed review will be conducted by our Department at the Site Plan review stage.

Urban Forestry and Landscape – staff support the Official Plan amendment and Zoning By-law amendment application, further detailed comments can be discussed at the Site Plan Review stage.

Halton Region – staff has identified that the majority of information has been submitted to the Region which addressed their comments and they do not anticipate issues with approval.

Halton Police – no further or concerns as it does not interfere with the line-of-sight radio system.

Conservation Halton – staff do not object to the proposed applications. The limits of the regulatory floodplain and associated allowance must be shown on all plans as part of the forthcoming Site Plan application and all development must be located outside the regulated area (with the exception of parking and landscaping). A Conservation Halton permit is also required following Site Plan approval.

Ministry of Transportation – no further comments or concerns.

Metrolinx – the subject land is located greater than 300 m from Metrolinx's Oakville subdivision which carries Lakeshore West GO train services and as such, it is outside of the zone of influence for review.

Trans-Northern Pipelines Inc. – staff confirmed Trans-Northern Pipelines Inc does not have infrastructure in the subject land.

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.

As part of the Official Plan amendment and Zoning By-law amendment applications, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines which provide an overview of the required and encouraged sustainable design measures for new development across the City.

The applicant submitted an Urban Design brief which includes consideration to the guidelines.

In accordance with guideline 2.1 the proposed development provides pedestrian and cycling connections from on-site buildings to off-site public sidewalks, transit stops and adjacent buildings and sites in accordance with Official Plan policies. The subject land is approximately 200 metres north from the nearest Burlington Transit bus stop which runs on Route 50 (Burlington South) and Route 80 (Harvester/North Service) along Harvester Road. These routes connect to the Burlington GO and Appleby GO stations as well as the Downtown Bus Terminal. These transit connections in turn encourage active transportation and transit use to reduce auto dependency.

In accordance with guideline 2.3, 2.5 and 2.6 the bicycle parking spaces proposed are consistent with the Zoning Bylaw and Official Plan Policies. On-site bicycle storage is provided in accordance with the Zoning By-law and Official Plan policies. These are provided at grade and within the parking garage. These further promote reduced auto dependency, therefore helping to mitigate greenhouse gas emissions and traffic congestion as well as improved health.

The Zoning By-law requires two (2) bicycle parking spaces and one (1) parking space per 1,000 square metres resulting in a total of eight (8) required bicycle parking spaces for the proposed development. The proposed development proposes thirty-four (34) bicycle parking spaces. The bicycle parking spaces are located near the main entrance at approximately 20m from the main entrance of the building and within the underground parking structure.

In accordance with guideline 3.8, the applicant submitted a tree preservation plan which has been reviewed and deemed satisfactory by Urban Forestry and Landscape staff. Additionally, the proposed development considers tree planting to reduce pollution, improve air quality and enhance the sustainability of the community. Native and drought-tolerant species are preferred for the proposed development. Local tree species will also be selected to thrive on-site.

In accordance with guideline 4.1, the applicant submitted a Functional Servicing Report including water, wastewater and stormwater management reviews in order to demonstrate the development achieves a level stormwater treatment for all stormwater runoff to reduce the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario.

In accordance with guideline 5.1, the proposed development provides vegetated landscape areas in hard surface areas as per the Zoning By-law regulations in order to reduce the urban heat island effects and improve human comfort. The proposed development incorporates ample landscaping in the form of a common open space area and planting strips, and high albedo walking surfaces as well as a proposed green roof to help reduce the heat island effect, manage stormwater and allow for building users to take advantage of natural light and outdoor environments. A high reflective roof will also be used to reduce heat island effect.

In accordance with guideline 6.1, the applicant has provided a Waste Management Plan which satisfies Regional requirements. The proposed waste report describes three (3) different stream waste collection including recycling, organics, and waste which would help reduce the amount of landfill waste.

Staff is of the opinion the development proposal complies with the required sustainable and design guidelines and considers some voluntary guidelines sustainable design guidelines. Additional sustainability measures will be established in more detail at the Site Plan approval stage to ensure the sustainability objectives of the City of Burlington are met.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on March 7, 2022, prior to the submission of the applications. There were no public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Ward 4 Councillor Stolte, and City Planning staff also attended the meeting.

A notice sign has been posted on the subject land. A public notice of the Zoning By-law amendment application has been mailed to 95 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/3110southservice. 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

Since the public circulation was issued in July 26, 2022, Planning Staff have received one (1) public written comment regarding the requested Official Plan amendment and Zoning By-law amendment. The public comment received has been included as Appendix C to this report.

The letter specifies concerns with the proximity of the proposed Dog Run area located at the rear of the proposed building and adjacent to the neighbouring restaurant found on the property municipally known as 3106 South Service Road. Additionally, it describes concerns with the potential noise (i.e. barking) and odours from urine and/or feces that may occur by the Dog Run Area. Staff is of the opinion that the proposed Dog Run area would be located abutting the rear of the neighbouring building which currently contains a loading area and garbage disposals. Staff is also of the opinion the Dog Run area is not considered a use which would have substantial odour or noise impact onto the surrounding properties in comparison to other permitted industrial employment uses. Staff is of the opinion that the concerns raised in the public comments can be appropriately addressed and mitigated.

Conclusion:

Staff's analysis of the application for the proposed Official Plan amendment and Zoning By-law amendment have considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the applications are consistent with the Provincial Policy Statement and conform to the Provincial Growth Plan, the Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that the proposed Official Plan amendment and Zoning By-law amendment to facilitate the development of the three (3) storey office building including training facilities and a veterinary clinic, be approved.

Respectfully submitted,

Mariana Da Silva

Planner I – Development Review

905-335-7600 ext. 7536

Appendices:

- A. Existing Zoning
- B. Concept Plan
- C. Public Comments
- D. Official Plan Amendment
- E. Zoning By-law Amendment

Notifications:

Len Radomski (Ruth Victor & Associates)

len@rvassociates.ca

P3 Real Estate Limited

bcampbell@p3vetpartners.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.