



SUBJECT: Zoning By-law amendment for 3399 Appleby Line
TO: Community Planning, Regulation & Mobility Cttee.
FROM: Community Planning Department

Report Number: PL-14-23

Wards Affected: 6

File Numbers: 520-10/22

Date to Committee: February 28, 2023

Date to Council: March 2, 2023

Recommendation:

Direct staff to continue to proceed with the processing of the submitted Zoning By-law amendment application for 3399 Appleby Line, 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 Zoning By-law Amendment application submitted for the lands municipally known as 3399 Appleby Line to permit a one (1) storey industrial building with accessory office uses with access to Appleby Line via Harrison Crescent and Marconi Court 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

Executive Summary:

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|----------------------------|-------------------------------------|---|--------------|---|
| RECOMMENDATION: | | Continue to process the application | Ward: | 6 |
| Application Details | APPLICANT: | MHBC Planning | | |
| | OWNER: | Summit Industrial Operating LP | | |
| | FILE NUMBERS: | 520-10/22 | | |
| | TYPE OF APPLICATION: | Zoning By-law Amendment | | |
| | PROPOSED USE: | A one (1) storey industrial building with accessory office uses with access to Appleby Line via Harrison Crescent and Marconi Court (as shown on the attached Concept Plan – Appendix A). | | |
| Property Details | PROPERTY LOCATION: | East side of Appleby Line, South of Highway 407, and North (but inclusive) of the current access driveway to the Regional Appleby Pumping Station and Reservoir. | | |
| | MUNICIPAL ADDRESS: | 3399 Appleby Line | | |
| | PROPERTY AREA: | 4.76 hectares | | |
| | EXISTING USE: | Vacant land | | |
| Documents | 1997 OFFICIAL PLAN Existing: | Business Corridor and Greenlands | | |
| | 2020 OFFICIAL PLAN Existing: | Business Corridor; and City's Natural Heritage System | | |
| | ZONING Existing: | Development (D) and Open Space (O3) | | |
| | ZONING Proposed: | Business Corridor (BC1) and Open Space (O3) | | |

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| Processing Details | APPLICATION MADE AND COMPLETE AS OF: | November 4, 2022 |
| | STATUTORY DEADLINE: | February 2, 2023 |
| | PRE-APPLICATION COMMUNITY MEETING: | June 22, 2022 |
| | PUBLIC COMMENTS: | As of the drafting of this report, the City has not received any written comments from members of the public on this application. Notices were sent in December of 2022 to 19 addresses within 120 metres of the subject property. |

Background and Discussion:

On November 4, 2022, the City received complete applications from MHBC Planning requesting a Zoning By-law Amendment to permit development at 3399 Appleby Line consisting of a one (1) storey industrial building with accessory office uses fronting on Appleby Line, with access to Appleby Line via Harrison Crescent and Marconi Court.

The purpose of this report is to obtain direction for staff to continue to work on the application with the intent of bringing forward a recommendation to Council, an outline of applicable policies and regulations, and a summary of technical and public comments received to date.



Description of Subject Properties and Surrounding Land Uses

The property municipally known as 3399 Appleby Line (the “subject lands”) is located southeast of the intersection of Highway 407 Express Toll Route (ETR) and Appleby Line (as shown in Appendix A). The subject lands have an area of approximately 4.76 ha and are currently vacant.

The subject lands are surrounded by a mix of employment and open space uses as well as transportation corridors. To the north is Highway 407 (ETR) and across the highway are agricultural lands; to the south is the property 3309 Harrison Crescent which is currently a vacant parcel; to the east is the property 3321 Appleby Line which contains the Regional Appleby Pumping Station and Reservoir as well as Bronte Creek zoned as Open Space (O3); to the west of the property is Appleby Line and across the street is 3416 Appleby Line, also currently vacant (as shown on the attached Existing Zoning Plan included as Appendix A). Additionally, the subject lands contain an easement along the eastern and southern property lines that currently provides access to Appleby Line for the property as well as the pumping station.

The subject lands are approximately 500 metres north of the nearest Burlington Transit bus stop which runs on Route 11 (Sutton Alton) and Route 51 (Burlington Northeast) along Harvester Road. Route 11 connects to the Appleby GO station and the GO Highway 407 Carpool station while Route 51 runs during late night hours and connects to the Burlington GO station.

Description of Applications

Planning staff deemed the application for a Zoning By-law Amendment on the subject lands complete as of November 4, 2022. The purpose of the application is to amend the Zoning By-law to allow for the development of a one (1) storey industrial building with accessory office uses and access to Appleby Line (as shown on the attached Concept Plan – Appendix B). The building proposed contains a total gross floor area of approximately 17,639 m² of which approximately 369 m² would be dedicated to the accessory office space. Additionally, 199 parking spaces are being provided along the west and north property line, facing Appleby Line and Highway 407. To develop the site with the proposed warehouse use, the applicant is requesting to amend the Zoning By-law for the subject lands in conformity with the Official Plan.

Application materials are posted on the City’s Development Project webpage at burlington.ca/3399appleby.

Supporting Documents

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

- [Cover Letter](#) prepared by MHBC Planning dated November 4, 2022.
- [Completed Application Form](#) signed October 19, 2022.
- [Planning Justification Report](#) prepared by MHBC Planning dated November 2022.
- [Site Survey](#) prepared by J. D. Barnes Ltd. dated June 17, 2022.
- [Draft Reference Plan](#) prepared by J. D. Barnes Ltd dated September 8, 2022.
- [Reference Plan](#) dated November 23, 1993.
- [Archeological Report](#) prepared by Lincoln Environmental Consulting Corp dated June 2021.
- [Archeological Reliance Letter](#) prepared by Lincoln Environmental Consulting Corp dated January 2021.
- [Ministry of Heritage, Sport, Tourism and Culture Industries – Letter](#) prepared by Lincoln Environmental Consulting Corp dated January 31, 2022.
- [Conceptual Site Plan Layout](#) prepared by Summit Industrial Income Reit dated October 28, 2022.
- [Revised Conceptual Site Plan Layout](#) prepared by Summit Industrial Income Reit dated February 6, 2023.
- [Architectural Plans](#) prepared by Summit Industrial Income Reit dated October 28, 2022.
- [Arborist Report and Tree Protection Plan](#) prepared by Amy Choi Consulting dated October 27, 2022.
- [Tree Preservation Plan](#) prepared by Amy Choi Consulting dated October 27, 2022.
- [Landscape Plan](#) prepared by MHBC Planning dated September 23, 2022.
- [Hydrogeological Assessment](#) prepared by Pinchin Ltd. dated November 2, 2022.
- [Functional Servicing and Stormwater Management Report](#) prepared by Summit Industrial Income Reit dated October 2022.
- [Storm Drainage Plan](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Servicing Plan](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Grading Plan](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Slope Stability Assessment](#) prepared by Pinchin Ltd. dated November 1, 2022
- [Environmental Site Assessment](#) prepared by Dillon Consulting dated October 2022.
- [Noise Study](#) prepared by HGC Engineering dated August 16, 2022.
- [Transportation Impact Study](#) prepared by Paradigm Transportation Solutions Ltd. dated October 2022.
- [Geotechnical Report – Proposed Municipal Road](#) prepared by Pinchin Ltd. dated October 18, 2022.

- [Geomorphic Memo](#) prepared by GeoProcess Research Associates dated November 2, 2022.
- [Phase One Environmental Site Assessment](#) prepared by Pinchin Ltd. dated May 24, 2022.
- [Phase One Environmental Site Assessment – City of Burlington Reliance Letter](#) prepared by Pinchin Ltd. dated July 18, 2022.
- [Phase One Environmental Site Assessment – City of Burlington Reliance Letter](#) prepared by Pinchin Ltd. dated July 18, 2022.
- [Photometric Plan](#) prepared by Summit Industrial Income Reit dated September 23, 2022.
- [Sustainable Building and Development Guidelines Checklist](#) prepared by MHBC Planning dated November 10, 2022.
- [Urban Design Brief](#) prepared by MHBC Planning dated September 2022.
- [Environmental Site Screening Questionnaire](#) signed November 2, 2022.
- [Construction Management and ESC Plan – Phase 1](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Construction Management and ESC Plan – Phase 2](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Construction Management and ESC Plan – Phase 3](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [List of Encumbrances on Title](#) prepared by MHBC Planning dated November 10, 2022.
- [Pre-consultation Comment Response Matrix](#) prepared by MHBC Planning dated November 3, 2022.
- [Sewer Access Easement Survey](#) dated September 25, 2022.
- [Site Plan Agreement](#) dated April 1, 1993.
- **PIN Report** dated October 26, 2022.

Application materials are posted on the City's Development Project webpage at burlington.ca/3399appleby.

Policy Framework

The proposed 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 has been provided to demonstrate the proposal is in keeping with the applicable framework.

Provincial Policy Statement (2020)

The Provincial Policy Statement (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 the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The PPS directs that growth and development be focused in settlement areas which include urban areas that are built-up areas where development is concentrated and which have a mix of land uses and lands which have been designated in an official plan for development over the long term planning horizon. The subject lands are located within a settlement area.

In accordance with policy 1.1.3.1 and 1.1.3.2 settlement areas shall be the focus of growth and development and 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 the need for 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;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Similarly, section 1.3.1 of the PPS describes that planning authorities shall promote economic development and competitiveness by: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; 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; and ensuring the necessary infrastructure is provided to support current and projected needs. The subject lands are of employment nature under the local Official Plans and are currently vacant. The proposed Zoning By-law amendment aims to rezone the subject lands from a 'Development' (D) zone to a 'Business Corridor' (BC1) zone in

order to allow for the proposed industrial and office uses permitted under the Official Plan designations.

In accordance with section 1.1.3.6, new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The subject lands are envisioned as an 'employment growth area' under Schedule B-1: Growth Framework of the City of Burlington New Official Plan (OP, 2020).

In accordance with section 1.3.2.1, 1.3.2.3 and 1.3.2.6, 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; 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 in order to maintain land use compatibility; planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

In accordance with section 1.8, planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

Additionally, the subject lands contain Natural Heritage Features along the eastern property line. The subject lands will therefore be furthered reviewed against the policies outlined under section 2.1 Natural Heritage of the PPS and technical comments received.

A detailed review of the proposed development and its considerations on the impacts of a changing climate along with the City of Burlington Sustainable Building Design Guidelines has been provided in the following sections of this report.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“the Growth Plan”) provides a policy framework for managing growth in an area of Ontario that includes the City of Burlington. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region’s resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and where investments are made. The Growth Plan provides specific growth management policy direction and focuses development in the existing urban areas through intensification.

Halton Region Official Plan

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton’s physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas.

In accordance with Map 1H “Regional Urban Structure” of the ROP, as amended by ROPA 48, the subject lands are located within the Urban Area. The goal of Urban Areas is to “manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improved housing affordability, sustainability, and economic prosperity” (ROP 72).

The subject lands are also within an Employment Area, as identified on Map 1H. The Employment Areas (Section 83) policies of the ROP identify that the goal of the Employment Areas is to provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-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. In accordance with the 'Intensification and Density Targets' found on Table 2 of the ROP, the region projects a target of 33 jobs per hectare in the City of Burlington employment area.

The subject lands are located in close proximity to the Regional Natural Heritage System (RNHS), adjacent to features identified as Key Features, as illustrated on Map 1G of the ROP and potential unmapped features, including:

- Candidate Significant Woodlands
- Potential habitat of endangered or threatened species;
- Potential significant wildlife habitat;
- Significant Valleylands
- Potential Fish habitat.
- Life Science ANSI
- Greenbelt Natural Heritage System (Map 1G)
- Enhancement and buffer areas that form the RNHS.
- Watercourses, floodplain areas regulated by Conservation Halton.

The policies of ROPA 48 are in effect and not subject to appeal.

ROPA 49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022 and was approved by the Minister of Municipal Affairs and Housing with 45 modifications on November 4, 2022. ROPA 49 outlines a land use policy framework to guide growth and development within the Region to 2051, including policies and schedules that address housing and growth management and long-term planning for employment and infrastructure.

City of Burlington Official Plan (1997, as amended)

The City's Official Plan (1997, as amended) (the OP) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development, and resource management matters to guide the future planning and development of the City towards the desired community vision.

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 may permit 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 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, section 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. The proposed uses are therefore permitted under the current Official Plan.

A portion of the property along the eastern property line is also designated as 'Greenlands'. The following uses may be permitted in this designation:

- (i) existing agricultural operations including accessory buildings, structures and facilities;
- (ii) existing uses;
- (iii) single-detached dwellings on existing lots created under The Planning Act;
- (iv) non-intensive recreational uses such as nature viewing;
- (v) forest, wildlife and fisheries management;
- (vi) archaeological activities;
- (vii) essential transportation and utility facilities;
- (viii) accessory buildings, structures and facilities and site modifications to accommodate them, provided the effects on the natural environment are minimal;
- (ix) incidental uses and site modifications to accommodate them, provided the effects on the natural environment are minimal; and
- (x) home occupations and cottage industries.

The proposed uses are only located on the section of the property designated as 'Business Corridor'. The section of the property designated as 'Greenlands' would include the existing road easement located at the eastern property line.

City of Burlington New Official Plan (2020)

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) ("the new OP"). The new OP is subject to appeals which are currently before the Ontario Land Tribunal (OLT). For up-to-date information on the status of the new OP and relevant appeals, visit www.burlington.ca/officialplan.

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.

This 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. The accessory retail and service commercial uses permitted under this designation are subject to the provisions of section 8.2.2 c) and d). Additionally, large-scale motor vehicle dealerships, hotel, conference and convention uses may be permitted.

A portion of the property is also included within the designation “City’s Natural Heritage System”. The following uses may be permitted in the City’s Natural Heritage System designation, subject to the other policies of this Plan and to the applicable policies of the Greenbelt Plan, except where the use involves development or site alteration prohibited under section 4.2.2 m) (i) of this Plan:

- i. existing uses;
- ii. single-detached dwellings on existing lots created under The Planning Act;
- iii. non-intensive recreation uses such as nature viewing and pedestrian trails;
- iv. forest, wildlife and fisheries management;
- v. archaeological activities;
- vi. essential linear infrastructure facilities;
- vii. accessory buildings, structures and facilities and site modifications to accommodate them;
- viii. home occupations and cottage industries with a floor area not exceeding one hundred (100) sq. m. or twenty-five (25) percent of the residential living area, whichever is lesser; and
- ix. essential watershed management and flood and erosion control projects either carried out or supervised by a public authority or approved in this Plan. Stormwater management ponds are not permitted in Key Natural Features or in buffers to those features.

The proposed uses are only located on the section of the property designated as ‘Business Corridor’. The section of the property designated as ‘City’s Natural Heritage System’ would include the existing road easement located at the eastern property line.

The proposed development would therefore not trigger a New Official Plan Amendment.

Zoning By-law 2020

The subject lands are currently zoned ‘Development’ (D) and the easterly portion of the subject lands, containing the existing driveway to the adjacent Regional facility, is zoned ‘Open Space’ (O3). The D zone is an interim zone that permits a Detached Dwelling as well as a limited range of other uses, as set out in Part 12, section 1 “D Zone”, and Part 1, section 2.21 “Uses Permitted in All Zones”. The O3 zone permits the uses described under Part 10, section 6 of the Zoning By-law, these include the following uses:

- Municipal and Provincial Parks

- Public and private open space
- Cultural Heritage Resources
- Archaeological Restoration
- Walking trails and nature viewing
- Forest, wildlife, and fisheries management
- Transportation and Utilities
- Agriculture, except within a woodlot
- Storm water management and erosion control, excluding permanent detention and retention ponds

A Zoning By-law Amendment is required to allow the proposed development which contemplates a 1 (one) storey industrial building with accessory office uses and access to Appleby Line (as shown on the attached Concept Plan). The proposed building is contemplated to be 18,008 m² including 17,639m² for the industrial uses and 369m² for the accessory office uses. The proposed zoning for the subject lands is 'Business Corridor' (BC1), which permits a broad range of industrial, office, hospitality, automotive, retail as well as a limited range of service commercial and recreation uses.

A total of 185 vehicular parking spaces are required in accordance with Zoning By-law 2020 as the parking rates specify 1 space per 100 m² of gross floor area for industrial uses and 3.5 spaces per 100 m² of gross floor area for office uses. The proposed development provides for a total of 199 vehicular parking spaces and 35 loading spaces. Furthermore, the Zoning By-law 2020 requires that 3 percent of the required vehicle parking spaces, that being 7 spaces, to be designated as accessible parking space and the proposed development provides for a total of 6 spaces. Additionally, a total of 10 bicycle parking spaces are required in accordance with Zoning By-law 2020 as the parking rates specify 2 spaces plus 0.25 spaces per 1,000 m² of ground floor area are required for industrial uses and 2 spaces plus 1 space per 1,000 m² of ground floor area are required for office uses.

Alton Central East Community Urban Design Study and Guidelines (2004)

The proposed development is subject to Alton Central East Community Urban Design Study and Guidelines. The Study designates the subject lands as 'Business Corridor' and further describes that urban design considerations for this area should be aimed at minimizing any negative visual impact on adjacent land uses, creating attractive streetscapes and promoting their positive presence within the community. Together with the implementation of site plan control these set of guidelines are meant to recognize and allow for potentially varied uses and their inherent differences while establishing a consistent approach to design that will result in attractive built form and landscaping.

Business Corridor lands adjacent along Highway 407 are intended to follow the following guidelines:

1. Buildings should be located to be visible from Highway 407, wherever possible.
2. The scale, massing and design of buildings along the Highway 407 frontage should be based on simple bold massing appropriate to the perception of the community from the high speed roadway.
3. Buildings along Highway 407 should be designed with attractive facades. Architectural elements, details and signage should be scaled to be viewed from the high speed roadway. Accordingly, the landscape buffer should be scaled in proportion to the buildings, and include a simple palette of bold plant material arranged in large groupings.
4. Along the Highway 407 edge, building setbacks shall be combined with a landscape buffer to screen loading, parking and storage areas.

Furthermore, Appleby Line, which is a corridor located adjacent to the subject lands, is described as a Major Arterial. This corridor is to have design criteria involving a high degree of access control; transit supportive land uses will be encouraged along the right-of-way and the right-of-way requirements are up to 50m. This road is envisioned as a mixed-use zone within the community, characterized by employment, commercial, retail uses and functioning as a community amenity area and focal point.

Technical Comments

A request for comments has been circulated to external agencies and relevant City departments. At the time of writing this report, comments are still forthcoming from Internal Departments (i.e. Transportation Planning, Urban Forestry and Landscaping, Parks and Open Space) and External Agencies (i.e. Halton Region, Conservation Halton, and Canada Post) and utilities (i.e. Burlington Hydro, Union Gas, Bell Canada, Imperial Oil Pipelines).

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

City of Burlington Finance – standard comments provided including “property taxes to be paid in full including all installments levied”

City of Burlington Fire –

- The orientation of the looped fire access route leading from Harrison Cres. and Marconi Court serving the proposed industrial building appears to be 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
- The proposed development is currently assigned an Appleby Line address. Based on the plans available for review, it does not appear the property/building can be accessed via Appleby Line during an emergency. Further discussion will be

required between city staff and emergency services regarding the current building address as we are not supportive at this time.

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

- location of the principle entrance(s) of the building
- location of the fire department connections
- locations of the nearest municipal and private fire hydrants
- location of the proposed fire alarm annunciator panel and/or fire alarm control panel

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

City of Burlington Site Engineering – no comments or concerns with the proposed Zoning By-law amendment.

City of Burlington Site Engineering Services – Accessibility – with 186 parking spaces proposed on this application, six (6) barrier-free (bf) spaces are required. Three (3) spaces shall be “Type A” being 3400 mm in width and signed to indicate Van Accessible Parking. The remaining 3 spaces shall be “Type B” being 2750mm as per the city zoning by-law. The access aisles shall be 2000 mm as per the city by-law. The access aisles are to be clearly identified through appropriate line painting and can be shared by two spaces. Six bf spaces have been identified in the current application. The spaces are appropriately located by the office entrances.

Halton Police – no comments or concerns as the development proposal does not interfere with our line-of-sight radio system.

Rogers Communications Canada Inc. – have reviewed the proposed area and do not have any comments or concerns at this time. Rogers currently has existing communications within this area. Please contact Rogers at gtaw.newarea@rci.rogers.com prior to the commencement of construction.

Sun-Canadian Pipe Line Co. Ltd. – no comments or concerns as they do not have any facilities in the mentioned area.

Trans-Northern Pipelines Inc. – no comments or concerns as they do not have infrastructure in the mentioned area.

Ministry of Transportation (MTO) – no comments or concerns at this time, the following comments provided can be addressed at the Site Plan review stage. A MTO Building and Land Use permit is required prior to construction. Any signs visible from the highway require a MTO sign permit. In regards to the Civil Plans/SWM Report - Provide detail of StormTrap storage tanks MTO doesn't accept open bottom tanks as permanent storage facility. If the consultant insists on using a storage type of system with infiltration, then they must undertake an evaluation of SWM system assuming that underground storage

system is lost and the site still meets the quantity control criteria and confirm that there is no impact on MTO's drainage system. It should be ensured that under this scenario, ponding for all storm events is contained within the subject property. In regards to the Lighting Plan - Photometric plan to be updated to show zero light trespass onto highway lands.

Financial Matters:

All application fees have been received in accordance with the Development Application Fee Schedule.

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, including consideration to the Sustainable Building and Development Guidelines (2018) which provide an overview of the required and encouraged sustainable design measures for new developments across the City.

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on June 22, 2022. This meeting was attended by approximately 4 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 6 Councillor Angelo Bentivegna. At this meeting, the applicant sought feedback from the public on the proposed development.

Since receiving a complete application for the subject lands, City staff have engaged members of the public through the City's standard public notification and consultation practices for a Zoning By-law Amendment application:

- A webpage with information about the subject applications was published on the City's website at burlington.ca/3399appleby;

- Notice signs were erected on the subject property in January 2023;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 19 addressees) in December 2022;
- A Statutory Public Meeting is being held on February 28, 2023 along with this report.
- Notice of the Statutory Public Meeting was published in the City Update section of the Burlington Post on February 2, 2022. Notice of the meeting was also posted on the website and sent by mail to owners and tenants within 120 metres of the subject property.

More information on the planning process in Burlington can be found at www.burlington.ca/planningprocess.

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.

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.

Respectfully submitted,

Mariana Da Silva

Planner II – Development Review

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Appendices:

- A. Existing Zoning
- B. Concept Plan

Notifications:

Summit Industrial Operating LP

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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.