

e. **Official Plan Amendment and rezoning applications for 441 Maple Avenue (PL-12-23)**

Approve the applications for Official Plan Amendment and Zoning By-law Amendment for the property located at 441 Maple Avenue for the development of an 11-storey, 140-unit residential building; and

Approve Official Plan Amendment No. 129 to the City of Burlington Official Plan, as contained in Appendix D of community planning department report PL-12-23, to add a site specific policy to the Downtown Residential – Medium and/or High Density Precinct designation for the lands located at 441 Maple Avenue; 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. 129, as contained in Appendix D of community planning department report PL-12-23; and

Approve Zoning By-law 2020.452 attached as Appendix E to community planning department report PL-12-23, to add a site specific exception to the Downtown Residential High-Density (DRH) Zone for the lands located at 441 Maple Avenue; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 129 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 129 is adopted.

# Section 17(21) of The Planning Act

## Comments

(21) The council shall provide to any person or public body that the council considers may have an interest in the plan **adequate information and material**, including a copy of the plan and, before adopting the plan, shall give them an opportunity to submit comments on it up to the time specified by the council. 1996, c. 4, s. 9; 2006, c. 23, s. 9 (3).

# Adequate information and Material ???

Four browser window screenshots showing the City of Burlington website. Each window displays the 'Public Meetings' and 'Supporting Documents' sections. The search results for all queries are 'No results found.' The browser address bars show the URL: https://www.burlington.ca/en/news/current-development-projects/better-life-retirement-residence-441-maple-avenue.aspx.

**Window 1 (Leftmost):** Search by Keywords: Official Plan Amendment. No results found.

**Window 2:** Search by Keywords: Zoning Bylaw Amendment. No results found.

**Window 3:** Search by Keywords: Official Plan Amendment and Rezoning applications for 441 Maple Avenue. No results found. Displaying 1 - 0 of 0.

**Window 4 (Rightmost):** Search by Keywords: Burlington By-law 08-2023. No results found. Displaying 1 - 0 of 0.

**Public Meetings Section:** + Statutory Public Meeting

**Supporting Documents Section:** Search by Keywords

# Where is the analysis to support this position?

## Height and Transition

The subject proposal requests a building height of 11 storeys and 36 metres plus a mechanical penthouse, whereas the Zoning By-law permits a maximum height of 22 metres. As such, it is important to consider the potential impacts of the additional proposed height. In this case, the subject property is located adjacent to mid-rise and high-rise development as well as a parking lot. To the northwest of the subject lands, on the corner of Maple Avenue and Bellview Street, there is an existing single detached dwelling. It should be noted that the building is proposed to step down to 9 storeys along Maple Avenue. Given that the low-density residential property is approximately 30 metres from the subject lands at its closest point, staff are satisfied that an appropriate height transition is provided and combined with the scale and massing points noted above, the building is appropriate for the lands.

# Where is the analysis to support this position?

Zoning Regulation	Required	Proposed	Staff Comment
	(uph) minimum 185 uph maximum		<p>to 140, thereby reducing the proposed density to 500 units per hectare. The City of Burlington Zoning By-law 2020 and Official Plan both permit a maximum density of 185 units per hectare within a high-density zone category or designation.</p> <p>It has been noted throughout this report that the lands are surrounded by a variety of uses and built forms including high-density residential uses to the north and south, and nearby low, medium and other high-density residential development. The development proposes a density increase in the form of an 11-storey residential building. It is the opinion of staff that the applicant has demonstrated that the site can appropriately support the proposed use, and that the proposal is compatible with the surrounding area. Staff are of the opinion that the proposed density is appropriate.</p>

# Section 22(7) of The Planning Act

## **Appeal to O.M.B.**

(7) When a person or public body requests an amendment to the official plan of a municipality or planning board, any of the following may appeal to the Municipal Board in respect of all or any part of the requested amendment, by filing a notice of appeal with the clerk of the municipality or the secretary-treasurer of the planning board, if one of the conditions set out in subsection (7.0.2) is met:

1. The person or public body that requested the amendment.
2. The Minister.
3. The appropriate approval authority. 2006, c. 23, s. 11 (5).

# Section 17(35 & 36) of The Planning Act

(35) If the approval authority makes a decision under subsection (34) it shall ensure that written notice of its decision containing the prescribed information is given to,

- (a) the council or planning board that adopted the plan;
- (b) each person or public body that made a written request to be notified of the decision;
- (c) each municipality or planning board to which the plan would apply if approved; and
- (d) any other person or public body prescribed. 1996, c. 4, s. 9.

## **Appeal to O.M.B.**

(36) Any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Municipal Board by filing a notice of appeal with the approval authority:

1. A person or public body who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
2. The Minister.
3. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (6).

The Corporation of the City of Burlington By-law

Burlington By-law 08-2023

A by-law to adopt Official Plan Amendment No. 129 to facilitate the development of an apartment building consisting of 140 residential units.

File: 505-02/19 (PL-12-23)

Whereas the Council of the Corporation of the City of Burlington in accordance with the provisions of Section 17 and 21 of the Planning Act, 1990, as amended, approved the recommendation in community planning department report PL-12-23 at its meeting held on March 21, 2023.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Amendment No. 129 to the Official Plan (1994) of the Burlington Planning Area consisting of the attached amendment and supporting documentation is hereby adopted.
2. That this by-law shall come into full force and take effect of the final day of passing thereof.



# Conclusion

- I understand and agree with the need to redevelop the 441 Maples
- I just want to understand the analysis to support this modification of the bylaw
- I am willing to wait 7 days before making my Appeal at the Ontario Land Tribunal to get the analysis to support that project.