



**SUBJECT: Recommendation Report for Zoning By-law Amendment
for 3402 & 3416 Appleby Line**

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-06-24

Wards Affected: 6

Date to Committee: January 8, 2024

Date to Council: January 16, 2024

Recommendation:

Approve the Zoning By-law Amendment application for the property located at 3402 & 3416 Appleby Line to permit a one (1) storey building for warehousing and logistics uses with accessory office uses; and

Approve Zoning By-law 2020.457, attached as Appendix D of report PL-06-24, which amends the zoning of the lands at 3402 & 3416 Appleby Line from 'D' zone to 'BC1-528'; and

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

PURPOSE:

The purpose of this report is to provide background information to Committee and the public related to the Zoning By-law Amendment application submitted for the lands municipally known as 3402 & 3416 Appleby Line to permit one (1) storey building for warehousing and logistics uses with accessory office uses and recommend approval of the Zoning By-law Amendment.

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:

RECOMMENDATION:		Approve	Ward:	6
Application Details	APPLICANT:	WEBB Planning Consultants		
	OWNER:	Appleby 407 Limited Partnership		
	FILE NUMBERS:	520-02/23		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	PROPOSED USE:	A one (1) storey building for warehousing and logistics uses with accessory office uses (as shown on Appendix B – Concept Plan).		
Property Details	PROPERTY LOCATION:	Southwest of the intersection of Highway 407 Express Toll Route (ETR) and Appleby Line.		
	MUNICIPAL ADDRESS:	3402 & 3416 Appleby Line		
	PROPERTY AREA:	6.73 hectares		
	EXISTING USE:	Vacant land		
Documents	1997 OFFICIAL PLAN Existing:	Business Corridor		
	2020 OFFICIAL PLAN Existing:	Business Corridor		
	ZONING Existing:	Development (D)		
	ZONING Proposed:	Business Corridor with site specific exceptions (BC1-528)		
Processing Details	APPLICATION MADE AND COMPLETE AS OF:	April 25, 2023		
	STATUTORY DEADLINE:	July 24, 2023		

	PRE-APPLICATION COMMUNITY MEETING:	February 9, 2022
	PUBLIC COMMENTS:	As of the drafting of this report, the City has received eight (8) written comments from members of the public on this application. Notices were sent in May of 2023 to 179 addresses within 120 metres of the subject property.

Background and Discussion:

On April 25, 2023, the City received complete applications from WEBB Planning Consultants requesting a Zoning By-law Amendment on behalf of Appleby 407 Limited Partnership to permit a development at 3402 & 3416 Appleby Line consisting of one (1) storey industrial building for warehousing and logistics uses with accessory office uses and access to Palladium Way.

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

Description of Subject Properties and Surrounding Land Uses

The property municipality known as 3402 & 3416 Appleby Line (the "subject lands") is located directly southwest of the intersection of Highway 407 Express Toll Route (ETR) and Appleby Line (as shown on Appendix A – Existing Zoning Plan). The subject lands have an area of approximately 6.73 ha and are currently vacant.



The subject lands are surrounded by a mix of employment, residential 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-east are employment lands zoned as BC1-448 which are currently vacant; to the west are employment lands zoned as BC1-492, open space uses zoned as O2 that are vacant; to the south is Palladium Way and across are low density residential uses zoned as RAL1; to the north-east is Appleby Line and across is the property 3399 Appleby Line which is currently vacant (as shown on Appendix A – Existing Zoning Plan). Similarly, the neighbouring property 3399 Appleby Line was recently approved, as of October of 2023, for a Zoning By-law Amendment application for a one (1) storey industrial building with ancillary office space known as file number 520-10/22.

The subject lands are approximately 220 metres north from 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

On April 28, 2023, Planning staff deemed complete the application that had been received as of April 25, 2023, for a Zoning By-law Amendment at the subject lands. The purpose of the application is to amend the Zoning By-law to allow for the development of a one (1) storey industrial building for warehousing and logistics uses with accessory office uses and access to Palladium Way (as shown on Appendix B – Concept Plan).

The building proposed contains a total gross floor area of approximately 30,224 square metres (m²) of which approximately 1,085 m² would be dedicated to the accessory office space. The development contemplates a total of 312 vehicle parking spaces provided mainly along the west and south property lines, facing Palladium Way, neighbouring properties and Highway 407. Out of the total number of vehicle parking spaces 10 would be designated for accessible parking and 14 bicycle parking spaces are proposed. Two access points are contemplated along Palladium Way. 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.

Supporting Documents

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

- [Cover Letter](#) prepared by WEBB Planning Consultants dated April 12, 2023.
- [Application Form](#) signed January 23, 2023.
- [Planning Justification Report](#) prepared by WEBB Planning Consultants dated April 2023.

- [Site Survey](#) prepared by Nanfara & Ng Surveyors Inc. dated January 22, 2018.
- [Archeological Impact Assessment](#) prepared by Lincoln Environmental Consulting Corp dated June 2021.
- [Archeological Report Letter](#) prepared by Lincoln Environmental Consulting Corp dated January 31, 2022.
- [Renderings](#) prepared by Ware Malcomb dated February 3, 2023.
- [Architectural Plans \(including Conceptual Site Plan\)](#) prepared by Ware Malcomb dated February 3, 2023.
- [Civil Engineering Drawings](#) prepared by Ware Malcomb dated February 3, 2023.
- [Compatibility / Mitigation Study](#) prepared by Aeroustics Engineering Ltd. dated January 10, 2022.
- [Landscape Plan](#) prepared by MHBC Planning dated March 23, 2023.
- [Functional Servicing and Stormwater Management Report](#) prepared by Ware Malcomb dated February 3, 2023.
- [Environmental Impact Assessment \(including Arborist Assessment, Tree Inventory and Preservation Plan\)](#) prepared by Dougan & Associates dated March 2023.
- [Noise Study](#) prepared by Aeroustics Engineering Ltd. dated April 11, 2022.
- [Traffic Impact Study & Transportation Demand Management Study](#) prepared by JD Northcote Engineering Inc. dated February 27, 2023.
- [Geotechnical Investigation](#) prepared by J.T. Donald Consultants Ltd. dated December 14, 2021.
- [Geotechnical Addendum](#) prepared by J.T. Donald Consultants Ltd. dated February 24, 2023.
- [Phase One Environmental Site Assessment](#) prepared by GHD Ltd. dated July 9, 2021.
- [Phase Two Environmental Site Assessment](#) prepared by GHD Ltd. dated July 9, 2021.
- [Photometric Plan](#) prepared by Ware Malcomb dated February 3, 2023.
- [Urban Design Brief](#) prepared by Ware Malcomb dated May 13, 2020.
- [Environmental Site Screening Questionnaire](#) signed January 23, 2023.
- [PIN Report for 3402 Appleby Line](#) dated April 12, 2023.
- [PIN Report for 3416 Appleby Line](#) dated April 12, 2023.
- [Revised Conceptual Site Plan](#) prepared by Ware Malcomb dated June 8, 2023.
- [Revised Conceptual Site Plan Comment Response](#) prepared by Ware Malcomb dated June 9, 2023
- [Comment Response for City of Burlington and Ministry of Transportation \(MTO\)](#) prepared by Ware Malcomb dated June 8, 2023.
- [Revised Servicing and Grading Plan](#) prepared by Ware Malcomb dated February 3, 2023.

- [Revised TOR for Storm Sewer Design Sheet](#) prepared by Ware Malcomb dated January 26, 2023.
- [Natural Heritage Comment Response](#) prepared by Dougan & Associates dated June 9, 2023.
- [Revised Noise Impact Study](#) prepared by Aeroustics Engineering Ltd. dated June 8, 2023
- [Revised Noise Impact Study Comment Response](#) prepared by Aeroustics Engineering Ltd. dated June 8, 2023
- [Traffic Impact Study – Addendum Letter](#) prepared by JD Engineering dated September 14, 2023.
- [Revised Environmental Impact Assessment \(including Arborist Assessment, Tree Inventory and Preservation Plan\)](#) prepared by Dougan & Associates dated November 2, 2023.

The supporting documents have been uploaded on the City's Development Project webpage for the subject application which can be found at www.burlington.ca/3416appleby.

Policy Framework

The proposed Zoning By-law Amendment is 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 (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 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 built-up urban 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 therefore considered to be located within a 'Settlement Area'.

In accordance with Section 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, 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 of employment nature under the local Official Plans and are currently vacant. The subject lands are envisioned as an 'employment growth area' under Schedule B-1: Growth Framework of the City of Burlington New Official Plan (2020). 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 accessory office uses already permitted under the local Official Plan designations. The proposed development is therefore considered to be an efficient use of land and resources and are appropriate for the infrastructure that is available including existing transit routes. Additionally, the development proposal has considered minimizing negative impacts to air quality and climate change, promote energy efficiency, prepare for the impacts of a changing climate and support active transportation through the implementation of the Sustainable Building Design Guidelines as discussed in the following sections of this report.

In accordance with section 1.2.6.1, major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The applicant provided a Noise Impact Study as part of the materials submitted with this development application. Although additional revisions to the Noise Impact Study have

been requested by Development Engineering staff as part of a subsequent Site Plan application, Development Engineering staff have no concerns with the Noise Impact generated by the proposed uses.

Section 1.3.1 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, as well as take into account the needs of existing and future businesses; and ensuring the necessary infrastructure is provided to support current and projected needs.

Similarly, in accordance with Sections 1.3.2.1, 1.3.2.3 and 1.3.2.6, planning authorities shall plan to protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs; 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; include an appropriate transition to adjacent non-employment area; and protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

As part of this development application, the proposed development includes industrial and accessory office uses, therefore no sensitive uses are proposed. Additionally, sensitive land uses including residential uses are approximately 100 metres away from the proposed development uses including the properties located along Mikalda Crescent. An appropriate transition between the industrial uses proposed and the nearby residential uses has been demonstrated in accordance with local policy as later discussed in this report. The proposed development therefore continues to protect and preserve the employment land use vision of the subject lands as identified on the PPS.

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.

The proposed development aims to introduce new uses on vacant land through the amending Zoning By-law. The subject lands are in close proximity to major transportation routes and existing transit and are envisioned to contain bicycle parking spaces as proposed to promote the use of active transportation in the area. Overall, the proposed development includes design considerations which maximizes energy efficiency and conservation and considers the mitigating effects of vegetation and green infrastructure as also detailed under the Sustainable Building Design Guidelines discussed in later sections of this report.

In accordance with section 2.1.1 and 2.1.2, natural features and areas shall be protected for the long term, the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

A portion of the property along the south property line, more specifically along Palladium Way, is designated as the “City’s Natural Heritage System” under the City of Burlington Official Plan (2020) and as ‘Regional Natural Heritage System’ (RNHS) under the Regional Official Plan. The City’s Environmental Planner and Region of Halton staff have reviewed the submitted materials and have determined that the proposed development will result in no negative impact to the Natural Heritage System.

As per the analysis provided, planning staff have considered the policies of the PPS with regard to this development application and are of the opinion that the proposal is consistent with the PPS.

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

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. In accordance with section 2.2.1 (2), the vast majority of growth will be directed to settlement areas of which growth will be focused in: delineated built-up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and in areas with existing or planned public service facilities.

In accordance with section 2.2.5 1. a), economic development and competitiveness in the Greater Golden Horseshoe will be promoted by making more efficient use of existing employment areas, vacant and underutilized employment lands and increasing employment densities. Additionally, competitiveness will be promoted by better connecting areas with high employment densities to transit, integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. Similarly, section 2.2.5 2. and 5., further describe that when planning for employment, surface parking will be minimized, the development of active transportation networks and transit-supportive built form will be facilitated, lands within settlement areas will be located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.

The proposed development aims to make efficient use of the subject lands as these are currently vacant and envisioned for employment uses under provincial, regional and local policies. The subject lands are currently connected to nearby transit and major highway interchanges including Highway 407 Express Toll Route and Appleby Line. Additionally, the proposed industrial uses include warehousing and logistics uses with accessory office which requires access to major transportation routes. Surface parking has been minimized through the reduction of vehicle parking and the provision of active transportation parking including bicycle parking which contributes to the surrounding active transportation networks.

In accordance with section 2.2.5 7., 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 and providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility. As part of the development proposal, industrial and accessory office uses are being proposed with no sensitive uses such as residential. An appropriate transition between the industrial uses proposed and the nearby residential uses has been demonstrated in accordance with local policy as discussed later in this report.

The Growth Plan defines 'Designated Greenfield Areas' as lands within settlement areas (not including rural settlements) but outside of delineated built-up areas that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. In accordance with Schedule A – Land Use Pattern of the current Official Plan (1997) as amended, the subject lands are within the Urban Planning Area Boundary. Differently, in accordance with Schedule B-1: Growth Framework of the New Official Plan (2020), the subject lands are envisioned to be designated as 'Employment Growth Area' and 'Developed Area Outside Delineated Built Boundary'. As a result, the subject lands are interpreted to be within a Designated Greenfield Area and Employment Area.

In accordance with Section 2.2.7 1., new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:

- a) supports the achievement of complete communities;
- b) supports active transportation; and
- c) encourages the integration and sustained viability of transit services

Additionally, in accordance with Section 2.2.7 2. and 3., the minimum density target applicable to the designated greenfield area of each upper tier municipality, that being Halton Region, will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare. The minimum density target will be measured over the entire designated greenfield area of each upper-tier municipality, excluding the following:

- a) natural heritage features and areas, natural heritage systems and floodplains, provided development is prohibited in these areas;
- b) rights-of-way for:
 - i. electricity transmission lines;
 - ii. energy transmission pipelines;
 - iii. freeways, as defined by and mapped as part of the Ontario Road Network; and
 - iv. railways;
- c) employment areas; and cemeteries

Intensification of underdeveloped lands is generally encouraged by the Growth Plan. Although employment areas are not included in minimum density targets for designated greenfield areas, this development is proposed to create a significant number of jobs on-site. The applicants have indicated that the proposed industrial and accessory office uses would anticipate the creation of approximately 200 to 250 jobs.

In accordance with section 4.2.2 2., municipalities will incorporate the Natural Heritage System for the Growth Plan as an overlay in Official Plans, and will apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and

the long-term ecological or hydrologic functions of the features and areas as set out in the policies in this subsection and the policies in subsections 4.2.3 and 4.2.4.

In accordance with section 4.2.2 3., within the Natural Heritage System for the Growth Plan, new development or site alteration will demonstrate that:

- i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;
- ii. connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
- iii. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
- iv. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area; and
- v. at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8

A portion of the property along the southern property line, more specifically along Palladium Way, is designated as the 'City's Natural Heritage System' under the City of Burlington Official Plan (2020) and as 'Regional Natural Heritage System' (RNHS) under the Regional Official Plan. The City's Environmental Planner and Region of Halton staff have reviewed the submitted materials and have described the proposed development will result in no negative impact to the Natural Heritage System.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the Growth Plan.

Halton Region Official Plan (2009)

The Halton Region Official Plan (the "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. 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. Then, on December 6, 2023, the Minister of Municipal Affairs and Housing rescinded 43 of the 45 modifications previously made to ROPA 49 by the Minister of Municipal Affairs and Housing through [Bill 150, Planning Statute Amendment Act, 2023](#). Mayor Meed Ward provided [comments](#) to the Minister of Municipal Affairs and Housing requesting that all of the 45 modifications made to ROPA 49 by the Minister on November 4, 2022, be substantially retained, Staff are awaiting details as to how those comments might be address by the Minister.

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.

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated ‘Urban Area’ and form part of the ‘Employment Area – overlay’. In accordance with Section 72, some of the goals of Urban Areas are to:

- To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.
- To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.
- To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure
- To ensure that growth takes place commensurately both within and outside the Built Boundary.
- To plan and invest for a balance of jobs and housing in communities across the Region to reduce the need for long distance commuting and to increase the modal share for transit and active transportation.

- To provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs. To direct where employment uses should be located and to protect areas designated for such uses.

Furthermore, in accordance with Section 75, the Urban Area is planned to accommodate the distribution of population and employment for the Region and the Municipalities as shown in Table 1 and the Regional phasing as shown in Table 2a. According to Table 2a Employment within the City of Burlington is 4,000 jobs between 2022 to 2026.

In accordance with Section 77.1 of the ROP, the objectives of the Employment Areas are: to ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton's and the City's economic competitiveness; and to provide 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.

The subject lands contain lands designated as part of the Regional Natural Heritage System (RNHS) as identified on Map 1G of the ROP. The policies of the ROP support the identification and long-term protection of natural features and areas. The Natural Heritage System of the ROP implements and is consistent with the policy direction of the PPS. The objectives of the Natural Heritage System are numerous and are found under section 114.1. Some of those objectives include: the protection and enhancement of the diversity of flora and fauna, the protection and enhancement of Key Features, preserving and enhancing the quality and quantity of ground and surface water, directing development to locations outside of hazard lands, and preserving native species and communities that are rare, threatened or endangered based on regional, provincial or national scales of assessment. The ROP also requires a system-based approach to implementing the RNHS by not permitting the alteration of any component of the RNHS unless it is demonstrated that there will be no negative impacts to the natural features and areas or their ecological functions.

In accordance with Section 118(1) of the ROP, Local Official Plans and Zoning By-laws are required to recognize the Regional Natural Heritage System and include policies and mapping to implement ROP. In considering this report and the submitted 'Draft Zoning By-law Amendment', Regional Staff are now satisfied that the submitted supplemental Environmental Impact Assessment information demonstrated that the proposed development would result in no negative impact to the Regional Natural Heritage System (RNHS) as is required by Section 118 of the ROP. Regional staff described these submissions have been made to demonstrate that:

1. The wooded area on-site is not a significant woodland as defined by Section 277 of the ROP; and

2. The appropriate analysis of the wildlife habitat and potential habitat of endangered and threatened species has been sufficiently undertaken, and demonstrated that the proposed development will result in no negative impact those features of their functions;
3. Confirmation that there are no significant wetlands or other wetlands other than those considered significant on the subject property as defined by Section 276.5 of the ROP.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the ROP.

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. In accordance with Part III, Section 3.4.1 a) b) and c), lands designated as Business Corridor 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. Part III, Section 3.4.2 a) further describes that lands designated as Business Corridor 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 hotel, conference and convention uses as well as a residence for a watchman or caretaker may be permitted. Additionally, 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. The proposed uses are therefore permitted under the OP.

In accordance with Part III, Section 3.4.2 c), the zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location, based on site specific factors that may include, but not be limited to, traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as soil contamination.

In accordance with Part III, Section 3.4.2 d), a range of building heights and development intensities shall be permitted within areas designated as Business Corridor. Furthermore, in accordance with Part III, 3.4.2 f), the design and development of Business Corridor areas shall ensure a high degree of compatibility between new prestige industrial, and

office uses and adjacent non-industrial uses. The following site design and development factors shall be considered for new and/or expanding Business Corridor uses:

- (i) off-street parking shall be located away from adjacent uses;
- (ii) loading areas shall be located to avoid conflict between pedestrian and vehicular traffic away from adjacent uses and adjoining roads;
- (iii) outdoor storage areas shall be fenced and/or screened;
- (iv) the number and location of vehicular access points shall be limited to minimize disruption to traffic flows;
- (v) lighting shall be directed to minimize impacts on adjacent uses;
- (vi) the proposal provides convenient access to public transit services;
- (vii) the proposal includes features to promote public safety;
- (viii) off-street parking areas, loading areas and site service areas shall be screened and landscaped; and
- (ix) urban design considerations contained in Part II, Section 6.0

The proposed development includes amending the Zoning By-law to; permit a reduced number of vehicle parking spaces; permit the Parking Area to not be separated by a landscape area; and permit a southern exterior building wall facing the RAL3 and RAL4 zones to have an increased length.

The urban design considerations under Part II, Section 6.0, specific to this development proposal aim to ensure that the design of the built environment preserves, enhances and connects natural features and landscapes; to ensure that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods; that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character; and to ensure that the principles of Sustainable Development are considered in the design of the built environment.

Part II, Section 6.5 a) and b) describes that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area and the compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing.

The proposed building consists of a one (1) storey building of approximately 14m in height and maintains all required building setbacks in accordance with the proposed 'Business Corridor' (BC1) zone, therefore the building design maintains compatibility with its surrounding area including nearby employment and low-density residential uses. Additionally, the use of landscaping features along all property lines has been incorporated to provide an appropriate transition to adjacent uses.

In accordance with Part II, Section 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. Similarly, Part II, Section 6.5 j) describes that 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.

The development's off-street parking is proposed along the front façade of the building near the front property line and adjacent to Palladium Way while the loading areas are proposed at the rear of the building away from pedestrian and vehicular traffic as well as adjacent uses and adjoining roads. Landscape areas have been incorporated along all property lines to provide for screening of both parking and loading areas. The design of additional servicing elements such as transformers may be addressed at a subsequent Site Plan application process once a location for these servicing elements has been confirmed. At this time, there are no outdoor storage areas proposed.

In accordance with Part II, Section 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 proposal provides for accessible parking spaces in accordance with the Zoning By-law requirements and provides for convenient access to public transit services through pedestrian walkways from the building's main entrance to public sidewalks. The subject lands are approximately 220 metres north from the nearest Burlington Transit bus stop which runs on Route 11 (Sutton Alton) and Route 51 (Burlington Northeast) along Harvester Road. There are two access points located along Palladium Way for pedestrians and vehicles to access the site. Transportation staff supports Left-in – Right-in, Right-out (LI-RIRO) access; however, access must be designed in such a way to discourage vehicles from making left out. A raised median or pork chop island may need to be constructed at the access point to prevent left turns, which can be accomplished through the subsequent Site Plan Application. Pedestrian walkways, entrances, parking and truck court areas are also proposed to be illuminated with high-efficiency LED fixtures and all site lighting has been cut-off to direct downward and inward. Additional Lighting Plans may also be reviewed as part of a subsequent Site Plan Application.

In accordance with Part II, Section 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. Similarly, in accordance with Part II, Section 6.5 i), side and end elevations of buildings facing major, multi-purpose and minor arterial and collector roads should be designed with an upgraded level of architectural treatment for the purpose of avoiding the use of blank walls facing

these roads. Building setbacks from the street are to be minimized along pedestrian and transit-oriented streets.

In accordance with Schedule J – Classification of Transportation Facilities, Highway 407 Express Toll Route is designated as a ‘Provincial Highway’, Appleby Line is designated as a ‘Major Arterial’ and Palladium Way is designated as a ‘Collector Road’. Additionally, the interchange of Highway 407 Express Toll Route and Appleby Line is designated as a ‘Provincial Highway Interchange’. The proposed building façade and main entrance is considered along Palladium Way. Additional architectural building design details will be addressed at a subsequent Site Plan application.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the OP.

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 OP. Additionally, a portion of the property along the south property line, along Palladium Way, is designated as the ‘City’s Natural Heritage System’.

In accordance with Section 8.2.4 (1), lands within the ‘Business Corridor’ 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 Section 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. The accessory retail and service commercial uses permitted under this designation are subject to the provisions of section 8.2.2 c) and d) of the Plan. Additionally, large-scale motor vehicle dealerships, hotel, conference and convention uses may be permitted.

In accordance with Section 8.4.1 (1) a) and b), the City’s Natural Heritage designation is intended to maintain, restore and enhance the long-term ecological health, integrity and biodiversity of the Natural Heritage System in the Urban Area and its ecological and hydrologic functions as well as to maintain, restore and enhance Key Natural Features.

In accordance with Section 8.4.1 (2) c), 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 Subsection 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.

In accordance with Subsection 4.2.2 m) (i), the City shall apply a systems-based approach to development and site alteration within and adjacent to the City's Natural Heritage System, including the establishment of permitted uses, by prohibiting development and site alteration within:

- a. significant wetlands and significant coastal wetlands;
- b. fish habitat except in accordance with Provincial and Federal legislation or regulations;
- c. the habitat of endangered species and threatened species except in accordance with Provincial and Federal legislation or regulations; and
- d. hazardous lands, hazardous sites and other areas regulated by Conservation Halton unless the development application is in accordance with Subsection 4.4.2(3) of this Plan and permission has been received by Conservation Halton.

Furthermore, Subsection 4.2.2 m) (ii) describes not permitting development or site alteration within or adjacent to the City's Natural Heritage System unless it has been demonstrated through the Environmental Impact Assessment or equivalent study that there will be no negative impacts on the City's Natural Heritage System or on natural heritage features and areas or their ecological and hydrologic functions or linkages.

The City's Environmental Planner and Halton Region Staff are satisfied with the submitted supplemental Environmental Impact Assessment information as well as the revised Environmental Impact Assessment as these demonstrated that the proposed

development would result in no negative impact to the Regional Natural Heritage System (RNHS). Regional staff described these submissions have been made to demonstrate that:

1. The wooded area on-site is not a significant woodland as defined by Section 277 of the ROP; and
2. The appropriate analysis of the wildlife habitat and potential habitat of endangered and threatened species has been sufficiently undertaken, and demonstrated that the proposed development will result in no negative impact those features of their functions;
3. Confirmation that there are no significant wetlands or other wetlands other than those considered significant on the subject property as defined by Section 276.5 of the ROP.

Regional Staff note that through the Site Plan Review stage, the proponent will be required to prepare and submit an Environmental Implementation Report (EIR) that demonstrates how the recommendations of the consolidated Environmental Impact Assessment have and will be implemented. Given the above, Regional Staff are satisfied the wooded area on the subject lands does not need to be zoned for its long-term protection.

The proposed development is therefore permitted under the new OP designations.

In accordance with Section 8.2.4 (2) b), a range of building heights and development intensities shall be permitted within areas designated as Business Corridor.

In accordance with Schedule B-1: Growth Framework of the new OP, the subject lands are designated as 'Employment Growth Area' and 'Developed Area Outside Delineated Built Boundary'. Section 2.4.2.(4), describes that Employment Growth Areas, as shall consist of employment-oriented designations not captured within the Primary Growth or Secondary Growth Areas, and will be an area of focus for the intensification of employment. All forms of employment intensification may be permitted, in accordance with the permissions established in the underlying land use designation.

In accordance with Section 7.3.2(3) a), in Employment Growth Areas, as shown on Schedule B-1: Growth Framework, of this Plan, the design of development shall address the policies of Subsection 7.3.2 a) of this Plan, where applicable, and additional considerations such as, but not limited to, the following:

- (i) allowing for a variety of lot sizes and building sizes to accommodate a wide range of employment uses, subject to the policies of this Plan;
- (ii) maximizing the placement of buildings along the frontage of lots facing public streets;
- (iii) locating off-street parking away from adjacent sensitive land uses;

- (iv) limiting the number and location of vehicular access points to minimize disruption to traffic flows and the impact on pedestrian travel along sidewalks or cyclists' travel along bikeways;
- (v) locating loading areas to avoid conflict between pedestrian and vehicular traffic away from adjacent residential areas and adjoining streets;
- (vi) incorporating fencing and/or screening of outdoor storage areas;
- (vii) providing safe and convenient access to buildings for pedestrians, cyclists and transit users;
- (viii) screening and landscaping off-street parking areas, loading areas and site service areas; and
- (ix) in Business Corridor lands:
 - a. providing enhanced architectural quality and design elements for buildings and frontage landscaping, given the prestige nature of the land, to take advantage of the highway exposure; and
 - b. using architectural elements to integrate exposed industrial systems and equipment, where appropriate.

The proposed development includes amending the Zoning By-law to; permit a reduced number of vehicle parking spaces; permit the Parking Area to not be separated by a landscape area and contain an increased number of parking spaces; and permit a southern exterior building wall facing the RAL3 and RAL4 zones to have an increased length.

In accordance with Section 7.3.2 a) (i) and (ii) development shall ensure site and building design are compatible with the surrounding area and consider how it contributes to maintaining and enhancing the physical character of the surrounding area. Furthermore, development shall provide appropriate built form transition in scale between buildings, the public realm and abutting development, through a variety of design methods including location and building orientation, and the use of setbacks of building mass.

The proposed building consists of a one (1) storey building of approximately 14m in height and maintains all required building setbacks in accordance with the proposed Business Corridor (BC1) zone, therefore the building design remains to be compatible with its surrounding area including nearby employment and low-density residential uses. Additionally, the use of landscaping features along all property lines has been incorporated to provide for screening. The proposed building fronts along Palladium Way with vehicular and pedestrian access points.

In accordance with Section 7.3.2 a) (iii), development shall provide appropriate screening, landscape buffering and other design measure to minimize any identified impacts, more specifically of off-street parking areas, loading areas and site service areas. The development's off-street parking is proposed along the front façade of the building near the front property line and adjacent to Palladium Way, while the loading areas are proposed at the rear of the building away from pedestrian and vehicular traffic as well as

adjacent uses and adjoining roads. Landscape areas have been incorporated along all property lines to provide for screening of both parking and loading areas. The design of additional servicing elements such as transformers may be addressed at a subsequent Site Plan application process once a location for these servicing elements has been confirmed. At this time, there are no outdoor storage areas proposed.

In accordance with Section 7.3.2 a) (v) and (vi), development shall provide for safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, between buildings, parking areas and other facilities, to public streets, and to and from transit facilities. Furthermore, development shall provide for façade articulation that achieves a scale of development, attractive to pedestrians and avoiding the use of blank facades facing a public street. Similarly, Section 7.3.2 a) (x) and (xi), outlines that development shall promote pedestrian scale, public safety and the perception of safety and access for all users, through the incorporation of Crime Prevention through Environmental Design (CPTED) principles as well as implement design measures in accordance with The Accessibility for Ontarians with Disabilities Act and other applicable Provincial legislation; considering the needs of persons of all ages and abilities, including new buildings, parking lots through the application of the principles of Universal Design.

The proposal provides accessible parking spaces in accordance with the Zoning By-law requirements and provides for convenient access to public transit services through pedestrian walkways from the building's main entrance to public sidewalks. The subject lands are approximately 220 metres north from the nearest Burlington Transit bus stop which runs on Route 11 (Sutton Alton) and Route 51 (Burlington Northeast) along Harvester Road. There are two access points located along Palladium Way for pedestrians and vehicles. Transportation staff supports LI-RIRO access; however, access must be designed in such a way to discourage vehicles from making left out. A raised median or pork chop island may need to be constructed at the access point to prevent left turns, which can be accomplished through the subsequent Site Plan Application.

Pedestrian walkways, entrances, parking and truck court areas are proposed to be illuminated with high-efficiency LED fixtures and all site lighting has been cut-off to direct downward and inward. Additional Lighting Plans may also be reviewed as part of a subsequent Site Plan Application.

Additional architectural building design details will be addressed at a subsequent Site Plan application. Therefore, as per the analysis provided, planning staff is of the opinion that the proposed Zoning By-law amendment conforms to the new OP.

Zoning By-law 2020

The subject lands are currently zoned 'Development' (D) which is an interim zone that permits a Detached Dwelling as well as a limited range of other uses mainly of residential

and institutional nature, as set out in Part 12, section 1 “D Zone”, and Part 1, subsection 2.21 “Uses Permitted in All Zones”.

A Zoning By-law Amendment is required to allow the proposed development which contemplates a development of a one (1) storey industrial building for warehousing and logistics uses with accessory office uses and access to Palladium Way (as shown on Appendix B – Concept Plan). The proposed building has a gross floor area of approximately 30,224 m² including 29,239 m² for the warehouse use and 1,085 m² for the office use. The proposed application includes rezoning the property from a ‘Development’ (D) zone to a ‘Business Corridor’ (BC1) zone, which permits a broad range of industrial, office, hospitality, automotive, retail as well as a limited range of service commercial and recreation uses. The subject application also includes amending the Zoning By-law to permit a reduced number of vehicle parking spaces; permit the Parking Area to not be separated by a landscape area and contain an increased number of parking spaces; and permit a southern exterior building wall facing the RAL3 and RAL4 zones to have an increased length.

In accordance with Part 1 Table 1.2.6 of the Zoning By-law, the BC1 zone requires a parking rate of 1.5 spaces per 100m² of Gross Floor Area (GFA) for warehouse uses and 3 spaces per 100m² of GFA for office uses. Therefore, the proposed warehouse use with a total GFA of approximately 29,239m² would require 438 vehicle parking spaces and the proposed office space with a total GFA of approximately 1,085m² would require 33 vehicle parking spaces, resulting in a total of 471 vehicle spaces required for the proposed development. The proposed concept plan includes 312 vehicle parking spaces, and therefore an amendment to reduce the parking rate is required and has been reflected in the proposed by-law (attached as Appendix D – Amending Zoning Bylaw). Transportation staff have indicated no concerns with the proposed parking reduction. Furthermore, in accordance with Part 1, Table 1.2.7 of the Zoning By-law, the BC1 zone requires that 3 percent of the proposed vehicle parking spaces, that being 7 spaces, are designated as accessible parking space. The proposed development provides for a total of 10 accessible parking spaces.

In accordance with Part 1 Table 1.2.8 of the Zoning By-law, a total of 6 bicycle parking spaces are required as the bicycle parking rates specify that 2 spaces plus 0.25 spaces per 1,000 m² of total GFA are required for industrial uses and 2 spaces plus 1 space per 1,000 m² of total GFA are required for office uses. The proposed concept plan provides for 14 bicycle parking spaces.

In accordance with Part I, Section 2.25.3 of the Zoning By-law, at least one off-street loading space shall be provided in conjunction with every principal building. The proposed development provides for 44 loading docks.

In accordance with Part 3, Section 4.7 b), exterior walls facing a residential zone shall have a maximum length of 36 m. The intent of this regulation is to prevent large industrial building walls from interfering with the building design compatibility with residential uses

in close proximity. The proposed development includes a southern exterior building wall facing the existing RAL3 and RAL4 zones with a length of 217m instead of the permitted 36m. The proposed building wall is located approximately 100m away from the nearest residential building along Mikalda Road. Additionally, the proposed building is separated from the residential uses by the proposed parking, landscape features, two roads including Palladium Way and Mikalda Road as well as pedestrian sidewalks. Therefore staff is of the opinion that sufficient separation between the proposed building and the residential uses has been provided, therefore the amendment to this regulation continues to maintain the general intent of the By-law.

In accordance with Part 3, Section 4.9 c) of the Zoning By-law, parking areas shall contain a maximum of 150 parking spaces and shall be separated from adjoining parking areas by a 3 m landscape area. The intent of this regulation is to prevent sprawled parking areas to promote walkable spaces and pedestrian comfort. The proposed development provides for a parking area with approximately 235 parking spaces and the removal of the landscape area. Staff is of the opinion that given the required provision of vehicle parking spaces and building orientation, the amendment to this regulation continues to maintain the general intent of the By-law.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment is appropriate for the subject lands and meets the general intent and purpose of the By-law regulations.

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 a 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 50 metres. 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.

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

City of Burlington Finance – no concerns at this time, property taxes to be paid in full including all installments levied.

City of Burlington Fire – no concerns and standard development comments have been provided. A more formal and detailed review will be conducted at the Site Plan Review stage.

City of Burlington Development Engineering – The applicant submitted a Noise Study as part of the subject application and a revised Noise Study which development engineering staff have deemed sufficient for the Zoning By-law Amendment application. Development Engineering staff have no further comments or concerns at this time. Detailed design and review will take place during the subsequent Site Plan Review stage.

City of Burlington Accessibility – Site Plan Note #29 on A1.0 indicates sloped barrier free parking space leveled with slightly lowered sidewalk. This configuration is not supported. This may be addressed at a subsequent Site Plan Review stage.

City of Burlington Transportation Planning – Transportation Planning support the Zoning By-Law Amendment with the proposed parking reduction. However, all mentioned comments in the letter provided to the applicant, including the LI- RIRO access to be designed in such a way to discourage vehicles from making left out through possible raised median or pork chop island constructed at the access point and truck turning at both driveways, would be addressed in the Site Plan Review stage.

City of Burlington Transit Planning – no comments or concerns.

City of Burlington Environmental Planner Review – Staff are now satisfied with the submitted supplemental Environmental Impact Assessment information as well as the revised Environmental Impact Assessment as they demonstrated that the proposed

development will result in no negative impact to the Regional Natural Heritage System (RNHS). Based on the information provided in the consolidated Environmental Impact Assessment including the additional field surveys, it is unlikely that the wooded area meets the criteria needed to be considered SAR habitat or Significant Wildlife Habitat (SWH) for bats.

Halton Region – Staff are now satisfied that the submitted supplemental Environmental Impact Assessment Environmental Impact Assessment information demonstrated that the proposed development would result in no negative impact to the Regional Natural Heritage System (RNHS) as is required by Section 118 of the ROP. Regional staff described these submissions have been made to demonstrate that:

1. The wooded area on-site is not a significant woodland as defined by Section 277 of the ROP; and
2. The appropriate analysis of the wildlife habitat and potential habitat of endangered and threatened species has been sufficiently undertaken, and demonstrated that the proposed development will result in no negative impact those features of their functions;
3. Confirmation that there are no significant wetlands or other wetlands other than those considered significant on the subject property as defined by Section 276.5 of the ROP.

Regional Staff note that through the Site Plan Review stage, the proponent will be required to prepare and submit an Environmental Implementation Report (EIR) that demonstrates how the recommendations of the consolidated Environmental Impact Assessment have and will be implemented. Given the above, Regional Staff are satisfied the wooded area on the subject lands does not need to be zoned for its long-term protection and that our previous comments have now been addressed. Halton Region Staff support the Zoning By-law Amendment.

Halton Police – have no concerns with this proposal as it does not interfere with their line-of-sight radio system.

Ministry of Transportation – the Functional Servicing and Stormwater Management Report along with the submitted Plans are satisfactory for the subject Zoning By-law Amendment application. A complete package will need to be provided as part of the Site Plan Review Stage.

Canada Post – has no comments at this time regarding this application. Delivery to the industrial building will be through an existing community mailbox along Palladium Way.

Imperial Oil – do not have any infrastructure in the vicinity of this location.

Trans-Northern Pipelines Inc. – confirmed they have no infrastructure in the mentioned area.

Rogers Communications Canada Inc. – do not have any comments or concerns at this time. They currently have existing communications within this area and are to be

contacted at gtaw.newarea@rci.rogers.com prior to the commencement of construction.

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.

As part of the Zoning By-law amendment application, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines (2018) which provide an overview of the required and encouraged sustainable design measures for new development across the City. The applicant submitted a Sustainable Building and Development Guidelines Checklist as part of the Planning Justification Report which includes consideration to the guidelines.

Sustainable Building & Development Guidelines (2018)

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040. Burlington's Strategic Plan encourages energy efficient buildings and other on-site sustainable features and sets a net carbon neutral goal for the community. Sustainable design is an integrated design process that helps to reduce infrastructure demands and costs, environmental impacts, greenhouse gas emissions, long-term building operating costs, and contributes to the City's goal of being a prosperous, livable and healthy community. The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication.

In accordance with guideline 2.1, development proposals are required to provide pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies. This guideline helps

to encourage active transportation and transit use to reduce the dependence on the automobile. The proposed development provides pedestrian connection from onsite buildings to off-site public sidewalks that connect to nearby transit stops.

In accordance with guideline 2.3, development proposals are required to provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan Policies. This guideline encourages convenient bicycle parking which in turn encourages cycling and helps reduce greenhouse gas emissions, reduces traffic congestion and improves health. The proposal provides more than the required number of bicycle parking spaces in accordance with existing Zoning By-law regulations and Official Plan policies. Furthermore, in accordance with guideline 2.5 and 2.6, development proposals are encouraged to locate occupant/employee bicycle parking as well as visitor bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant or employee. These guidelines help to encourage applicants to improve upon the required bicycle parking requirements in the Zoning By-law to further encourage cycling as a viable transportation option. Zoning By-law 2020 requires three (3) bicycle parking spaces for the proposed development and the proposed concept plan demonstrates that eight (8) bicycle parking spaces would be provided near the main entrance of the proposed building entry.

In accordance with guideline 2.4, development proposals are encouraged for the provision and implementation of a Transportation Demand Management Plan and it is required for parking reductions and required for in Primary, Secondary and Employment Growth areas as per Official Plan policy. Transportation Demand Management Plans are plans that encourage sustainable modes of transportation and evaluate building transportation needs comprehensively and may consider measures such as the provision of transit passes, flexible work hours, unbundled parking, on site transit facilities, priority parking for carpooling and autoshare programs, etc. A Traffic Impact Study & Transportation Demand Management Study prepared by JD Northcote Engineering Inc. dated February 27, 2023, was submitted as part of this development application. A reduction in the number of parking spaces has been proposed and transportation staff has described no concerns with this amendment after the review of the submitted materials.

In accordance with guideline 4.1, development proposals are required to achieve a level one/enhanced stormwater treatment for all stormwater runoff. This guideline helps to ensure stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. As part of the application submission, the applicant provided a Storm Water Management Report which provides an overview of the proposed Storm Water Management strategies while demonstrating how the City of Burlington and the Ministry of Transportation (MTO) drainage criteria have been met. Development Engineering and MTO staff have reviewed

the submitted materials and have no concerns with the proposed Storm Water Management.

In accordance with guideline 4.3, development proposals are encouraged to minimize impervious surfaces and stormwater runoff through the use of Low Impact Development (LID) measures. This guideline encourages Low Impact Development strategies in order to mitigate the impacts of increased urban runoff and stormwater pollution by managing it as close to its source as possible. It comprises a set of site design approaches and small scale stormwater management practices that promote the use of natural systems for infiltration and evapotranspiration, and rainwater harvesting. The proposed development has not specified pervious surfaces on the grading design. An infiltration gallery to infiltrate the 5mm depth required by the municipality and conservation authority has been incorporated. Development Engineering staff have also reviewed the submitted materials and has no objections or concerns with the proposed development.

In accordance with guideline 5.1, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. This guideline helps to provide vegetation that can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The proposed development provides for landscape areas which help to the reduce potential urban heat island effects.

In accordance with guideline 6.1, development proposals are required to provide and implement a waste management plan in accordance with Regional requirements as recycling and composting treats waste as a resource and reduces the need for landfill expansion. As part of this development application, the applicant was not required to provide a Waste Management Plan. A Waste Management Plan for the property may be required for review as part of a subsequent Site Plan application.

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

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on February 9, 2022. This meeting was attended by approximately 12 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/3416appleby.
- Notice signs were erected on the subject property in May 2023;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 179 addressees) in May 2023;
- A Statutory Public Meeting was held on July 10, 2023;
- Notice of the Statutory Public Meeting was published in the City Update section of the Burlington Post on June 15, 2023. 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 (a total of 179 addressees).

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

Since the public circulation was issued on May 11, 2023, Planning Staff have received six (6) public written comments regarding the requested Zoning By-law Amendment. The public comments that were received are included as Appendix C to this report.

Public Comment	Staff Response
<p>The proposed development is not suitable for the subject lands in terms of land use compatibility with surrounding uses which may result in issues with building aesthetics and loss of property values.</p> <p>Potential noise and air emissions generated by the proposed use especially due to their close proximity to other sensitive land uses including residential uses and school uses as well as the natural environment.</p>	<p>In accordance with Part III, Section 3.4.2 a) of the OP, a broad range of office and industrial uses may be permitted under the subject lands 'Business Corridor' designation provided these are located within an enclosed building and are unlikely to cause significant pollution or excessive noise.</p> <p>Similarly, in accordance with Subsection 8.2.4(2) a) i) of the OP (2020) a broad range of office and industrial uses may be permitted under the subject lands 'Business Corridor' designation provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust.</p> <p>The proposed development / uses are located approximately 100m away from the nearest sensitive land uses including the residential uses along Mikalda Road as well as the nearest school including St. Anne Catholic Elementary School which is approximately 500m away from the subject lands. The proposed building is separated from the residential uses by the</p>

	<p>proposed parking, landscape features, two roads including Palladium Way and Mikalda Road as well as pedestrian sidewalks. Therefore, staff is of the opinion that sufficient separation between the proposed development / uses and the nearby sensitive land uses exists to address land use compatibility concerns.</p> <p>The applicant submitted a Noise Study as part of the subject application and a revised Noise Study which development engineering staff have deemed sufficient for the Zoning By-law Amendment application. The study identifies most of the noise generated by the proposed uses will be directed to the rear of the property abutting highway 407 and across Appleby line where other vacant employment lands can be found. Nearby lands where the sensitive uses can be found such as residential.</p> <p>A more detailed review of the Noise Study will be completed as part of the subsequent Site Plan review stage. Therefore, staff is of the opinion that the proposed development does not trigger significant pollution or excessive noise as well as significant adverse effects such as noise, vibration, odours or dust.</p>
<p>The proposed development is not suitable for the subject lands in terms of available infrastructure (including toll-free transportation corridors)</p>	<p>The closest transportation facilities include Palladium Way, Appleby Line and Highway 407.</p> <p>In accordance with the Official Plan (1997, as amended) Schedule J – Classification of Transportation Facilities, Highway 407 Express Toll Route is designated as a ‘Provincial Highway’, Appleby Line is designated as a ‘Major Arterial’ and Palladium Way is designated as a ‘Collector Road’.</p> <p>In accordance with Table 1 – Function and Classification of Transportation Facilities ‘Provincial Highways’ under the OP are intended to:</p> <ul style="list-style-type: none"> • serve mainly regional (i.e. inter-municipal) travel demands. • Accommodate regional or high order transit services. • Connect major centres in different regions • Accommodate truck traffic. • Carry high volumes of traffic.

	<p>'Major Arterials' under the OP are intended to:</p> <ul style="list-style-type: none">• Serve mainly inter-regional and regional travel demands.• Accommodate truck traffic.• Accommodate rapid transit services and high occupancy vehicle lanes.• Connect urban areas or Nodes in different municipalities.• Carry high volumes of traffic.• Distribute traffic to and from Provincial Freeways and Highways <p>'Collectors' under the OP are intended to:</p> <ul style="list-style-type: none">• Connect neighbourhoods.• Distribute traffic to and from arterials.• Provide convenient local transit routes.• Provide access to adjacent land uses. <p>Similarly, in accordance with the Official Plan (2020) Schedule O-1 – Classification of Transportation Facilities – Urban Area, Highway 407 Express Toll Route is designated as a 'Provincial Freeway', Appleby Line is designated as a 'Major Arterial' and Palladium Way is designated as a 'Industrial Connector'.</p> <p>In accordance with Table 1 – Classification of transportation Facilities 'Provincial Freeways and Highways' under the OP 2020 are provincially managed, limited access freeways that accommodate a high volume of inter-regional travel demands, support goods movement and higher order transit, but are not accessible for pedestrian and bicycle use. Furthermore, 'Major Arterials' are intended to serve inter-regional and regional travel demands; Carry high volumes of traffic over long distances connecting urban areas in different municipalities; Distribute traffic to and from provincial freeways and highways; and Function as major infrastructure corridors accommodating auto and all truck traffic, among other functions.</p> <p>Given the policy direction described above, staff is of the opinion that the proposed use can be accommodated with the existing/planned transportation facilities as it would include the movement of predominantly trucks and automobiles which the surrounding transportation facilities are intended to accommodate. Furthermore, transportation</p>
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	staff have not demonstrated concerns with the location of the subject lands and the surrounding transportation facilities.
Increased traffic and number of traffic access points resulting in unsafety for pedestrians, cyclists, seniors, pets and children from nearby school and residential areas	As part of the Zoning By-law Application, the applicant provided a Traffic Impact Study & Transportation Demand Management Study which includes a review of an estimate of the site-generated auto trips and number of access points. In the opinion of Transportation Planning, the transportation network can accommodate the increase in traffic volumes no concerns with the number of access points from the proposed development based on the analysis within the report/study.

Conclusion:

Staff's analysis of the application for the proposed Zoning By-law amendment has considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan, the Regional and City Official Plans, and the Zoning By-law 2020. It is therefore recommended that the proposed zoning by-law amendment to facilitate a one (1) storey building for warehousing and logistics uses with accessory office uses, be approved.

Respectfully submitted,

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Planner – Development Review

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Appendices:

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

Notifications:

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.