



**SUBJECT:** Statutory Public Meeting and Recommendation Report for Zoning By-law Amendment application for 484 Plains Road East

**TO:** Mayor and Members of Council

**FROM:** Community Planning Department

Report Number: PL-55-24

Wards Affected: 1

Date to Committee: n/a

Date to Council: August 7, 2024

---

**Recommendation:**

Approve the Zoning By-law Amendment application for the property located at 484 Plains Road East, as outlined in community planning department report PL-55-24, to permit the increase of residential apartment units by 42, increase in height for the rooftop mechanical and amenity space, decrease underground parking setback to phase one line, amend the definition of stacked townhome; and

Approve Zoning By-law 2020.482, attached as Appendix D to community planning department report PL-55-24, which amends the zoning of the lands located at 484 Plains Road East; and

Deem that the amending zoning by-law will conform to the Official Plan, 1997 of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

**PURPOSE:**

**Vision to Focus Alignment:**

- Designing and delivering complete communities
- Providing the best services and experiences
- Protecting and improving the natural environment and taking action on climate change
- Driving organizational performance

## **Executive Summary:**

Glen Schnarr & Associates on behalf of the landowner at 484 Plains Road East has submitted a Zoning By-law Amendment application to amend the existing site-specific zoning to permit the following:

- Increase of total residential apartment units by 42;
- Decrease the number of back-to-back stacked townhouse units by 29 (overall net increase in overall units of 13);
- Increase Floor Area Ratio to 1.88:1 from 1.84:1;
- Increase the mechanical penthouse and rooftop amenity space height of 6.6 metres for the multi-residential building and 2.7 metres for stacked townhouse;
- Revise the definition of stacked townhome to accommodate an increase in the number of units within a townhouse block from 23 to 24; and
- Decrease the parking setback to the phase one boundary line.

In 2020, the Ontario Land Tribunal (OLT) approved an Official Plan and Zoning By-law amendment comprised of two nine storey mixed use buildings with a total of 277 residential units of which were 110 back-to-back and stacked townhomes. In September of 2023, phase one of the development was subject to a minor variance which was approved to increase the rooftop penthouse height for both the nine storey building and four storey townhomes of 6 metres and 2.7 metres, whereas 5 metres and 2.5 metres were permitted respectively, decrease in the setback from an abutting residential zone to 11.8 metres whereas 11.9 metres was permitted, and a 0 metre setback to the phase line for underground parking. Staff note that the previous technical deficiencies were addressed by way of a Minor Variance application as the changes were minor in nature. Albeit the deficiencies for phase two are also minor in nature, the increase of the number of units required additional review of studies to determine whether there would be an impact on adjacent landowners as well as infrastructure.

The subject property is designated 'Mixed Use Corridor - General' in the City's Official Plan (1997, as amended) and 'Urban Corridor' in the City's Official Plan (2020). OPA 118 establishes the uses permitted within the subject lands which was approved through the OLT. The proposal is in keeping with the policies of the Official Plan (1997, as amended) and OPA 118.

As recent as July 11, 2024 the City initiated and Council approved By-law 2020.478 removing minimum parking requirements from areas along Plains Road, Fairview Street and Appleby Line corridors. The site is located long Plains Road East and falls within an area where the parking minimums have been removed. As such the proponent has requested that the minimums be removed from phase two. National Homes will work to

confirm the details of parking through the site plan control process allowing flexibility in terms of design within the site. Phase one of the development still requires parking minimums as a site plan has been approved and building permits have been obtained. The draft by-law reflects the different parking minimums for each phase.

One public comment was received by the City at the time of writing this report. The public comment expressed concern with height increase and the impact of the increased number of units on parking. These concerns were addressed through this report.

The City's Planning staff have reviewed the Zoning By-law Amendment application and find that the application is consistent with and conforms to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan, 1997 and Zoning By-law. As such, staff are recommending approval of the application.

### Background and Discussion:

<b>RECOMMENDATION:</b>		Approval	<b>Ward:</b>	1
<b>Application Details</b>	<b>APPLICANT:</b>	Glen Schnarr & Associates Inc.		
	<b>OWNER:</b>	National Homes (Plains Road) LP		
	<b>FILE NUMBERS:</b>	520-07/24		
	<b>TYPE OF APPLICATION:</b>	Zoning By-law Amendment		
	<b>PROPOSED USE:</b>	Phase two - 9-storey apartment building and stacked townhomes consisting of 166 apartments and 45 back to back stacked townhomes.		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	Plains Road East across from Maplehurst Public School		
	<b>MUNICIPAL ADDRESS:</b>	484 Plains Road East		
	<b>PROPERTY AREA:</b>	0.93 ha		
	<b>EXISTING USE:</b>	Phase one of the mixed use development is currently under construction. Phase two lands consist of the sales trailer.		
<b>Doc ume</b>	<b>1997 OFFICIAL PLAN:</b>	Mixed Use Corridor - General		

	<b>2020 OFFICIAL PLAN:</b>	Urban Corridor
	<b>ZONING Existing:</b>	Mixed Use Corridor - 504
	<b>ZONING Proposed:</b>	Amended Mixed Use Corridor – 504
<b>Processing Details</b>	<b>APPLICATION SUBMITTED:</b>	May 23, 2024
	<b>APPLICATION DEEMED COMPLETE:</b>	May 27, 2024
	<b>STATUTORY DEADLINE:</b>	August 21, 2024
	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	N/A
	<b>PUBLIC COMMENTS:</b>	The notice was circulated July 5, 2024 to 239 addresses and 1 public comment has been received.

On May 27, 2024, Planning Staff deemed complete the application that had been received May 23, 2024 for a Zoning By-law Amendment at 484 Plains Road East (the “subject lands”). To facilitate the proposal of a nine storey mixed use building and back-to-back stacked townhouse units, the applicant has submitted a Zoning By-law amendment application to reflect a revision to the previously approved zone to permit an increased number of units, increased FAR, increase in height for rooftop mechanical and amenity space, an amendment to the definition of back-to-back stacked townhome and to permit a reduced setback for underground parking to the phased line.

The subject property is located across from Maplehurst Public School and was previously occupied by 2, one storey and 1, two storey commercial buildings with a total gross floor area of 4,644 m<sup>2</sup>. The property has an area of approximately 1.8 ha, a lot width of approximately 154.5 m on Plains Road East, and a lot depth of approximately 135 m. The property is accessed via three driveways, including the signalized intersection on Plains Road East at Maplehurst Public School.



Figure 1 - Air Photo (2021) with subject property outlined

Surrounding Land uses include:

- The southerly three quarters of the site (east, west and south) are bounded by existing one and two storey dwellings located in the R2.1 (low density residential) zone which permits detached dwellings and one accessory dwelling unit (subject to conditions).
- Along the frontage of Plains Road East (flanking the subject property), there is a commercial plaza to the east and an insurance office to the west. Both are in the MXG (Mixed Use Corridor General) Zone which permits certain retail commercial, service commercial, office, automotive, entertainment, recreational, night club and residential uses.
- North and west of the site is zoned MXG (Mixed Use Corridor General) and includes Jazz condominium, Maplehurst Public School, Shoppers Drug Mart and a range of commercial uses that front onto Plains Road.

Aldershot GO is approximately 2.1 km travelling along Plains Road East and Waterdown Road from the subject property to the north.

There are eastbound and westbound bus stops directly located in front of the site for easy access. There are additional stops at the intersection of Plains Road East and Willowbrook Road/Falcon Boulevard. These bus stops are serviced directly by route 1 which connects to Aldershot GO, Burlington GO, Appleby GO, Hamilton GO, and the Downtown Terminal.

### **Description of Application**

Glen Schnarr and Associates has made an application on behalf of the owner to amend the Zoning for the property located at 484 Plains Road East.

The application seeks to allow a Zoning By-law Amendment to revise the existing site-specific exception to facilitate phase two of the development of a nine-storey mixed use building consisting of 166 residential units, back-to-back stacked townhomes consisting of 45 residential units with 998 square metres of retail/commercial space and now 780 square metres of amenity space whereas 600 square metres was proposed previously.

No changes are proposed to the established front, side and rear yard setbacks.

### **Supporting Documents**

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

1. [Grading and Servicing Plan](#) (prepared by S. Llewellyn & Associates Limited stamped May17, 2024);

2. [Landscape Master Plan](#) (prepared by Landart Design dated May 16, 2024);
3. [Transportation Study Update](#)(prepared by BA Group dated May 17, 2024);
4. [Architectural Set](#)(prepared by Kirkor dated May 17, 2024);
5. [Planning Justification Brief](#) (prepared by Glen Schnarr and Associates dated May 16, 2024);
6. [Storm Servicing Memo](#)(prepared by S. Llewellyn & Associates Limited dated May 15, 2024);
7. [Survey](#)(prepared by J.D. Barnes Limited dated November 2021);
8. [Waste Management Report](#)(prepared by Canam Waste Products dated May, 2024);
9. [Water Usage and Sanitary Discharge Report](#)(prepared by S. Llewellyn & Associates Limited. dated May 2, 2024);
10. [Zoning By-law Review](#) (prepared by Glen Schnarr and Associates).

Supporting documents have been published on the City's website for the subject application: [burlington.ca/484plainseast](http://burlington.ca/484plainseast).

## **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 Official Plan, 2020 (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis has been provided throughout the following sections of this report to demonstrate that the proposal is in keeping with the applicable framework.

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

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS. The PPS promotes the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The PPS directs that growth and development be focused in settlement areas which include urban areas that are built-up areas where development is concentrated, and

which have a mix of land uses and lands which have been designated in an official plan for development over the long-term planning horizon. The subject lands are considered to be located within a settlement area.

In accordance with policy 1.1.3.1 and 1.1.3.2 settlement areas shall be the focus of growth and development and shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where applicable, which identifies that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The PPS requires municipalities to provide a range and mix of housing options through intensification and redevelopment of existing building stock or areas in policy 1.4, where appropriate. In accordance with policy 1.4.3 an appropriate range and mix of housing options and densities shall be provided to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Policy 1.6.6 directs municipalities to plan for sewage and water services that shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and ensure that these systems are provided in a manner that can be sustained by the water resources, prepares for the impacts of climate change, is feasible and financially viable over their lifecycle, and protects human health and safety and the natural environment. As stated in policy 1.6.6.2, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Further, within settlement areas with existing municipal sewage services and municipal water services, and intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

Policy 1.6.7.4 states that a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Planning staff have considered the policies of the PPS with regard to the development application and are of the opinion that the proposal is consistent with the PPS.



The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan. The Guiding Principles in Subsection 1.2.1 include:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

Subsection 2.2.1.2 a) of the Growth Plan states that “the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities”. The subject property is located within the settlement area. Further, the policies of the Growth Plan support the achievement of complete communities that provide a diverse range and mix of housing options, including additional residential units and affordable housing to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes as per 2.2.1.4 c) of the Growth Plan.

Part 2.2.2., Delineated Built-up Areas, Policy 4 states that “all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout the delineated built-up areas, which will identify the appropriate type and scale of development and transition of built form to adjacent areas”.

Part 2.2.4, Transit Corridors and Station Areas, states that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities. The property is located on a Multi-Purpose Arterial (Plains Road East) as shown in Schedule J: Classification of Transportation Facilities of the Official Plan (1997, as amended).

Part 2.2.6, Housing, states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this Plan by identifying a diverse range and mix of housing options and densities. Further, municipalities will support the achievement of complete communities by considering the range and mix of

housing options and densities of the existing housing stock. The revised proposal is still providing a mix of dwelling unit types to the community.

Part 3.2.3.4, Moving People, states that municipalities will ensure that active transportation networks are comprehensive and integrated into transportation planning to provide:

- a) Safe, comfortable travel for pedestrians, bicyclists, and other uses of active transportation; and
- b) Continuous linkages between strategic growth areas, adjacent neighbourhoods, major trip generators, and transit stations, including dedicated lane space for bicyclists on the major street network, or other safe and convenient alternatives.

The subject lands are located within the delineated built boundary of the City of Burlington. The application proposes to intensify an existing property through the development of the second phase of two nine storey mixed use buildings and 81 townhome units. The subject property is in an area which is comprised of a mix of residential, and the proposed development would contribute to a complete community by providing additional residential units varying in size. The proposed revised development would use existing infrastructure and would continue to promote growth and intensification within the urban area.

The property also has direct access to City of Burlington Route 1 Plains/Fairview which provides access to Appleby GO, Burlington GO, and Hamilton GO.

It is the opinion of staff that the proposed development conforms to the Growth Plan.

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

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

The subject lands are designated as 'Urban Area' as shown on Map 1H in the ROP and are considered to be within the Built Boundary. The policies of Urban Area designation support a form of growth that is compact and supportive of transit, makes efficient use of space and services, and supports the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. Furthermore, the ROP sets out the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.

Within the 'Urban Area' designation Strategic Growth Areas are identified and the subject property is within the 'Regional Intensification Corridor in Regional Urban Boundary'. The Strategic Growth Areas are not land use designations and their delineation or identification does not confer any new land use designations nor alter any existing land use designations. Development within Strategic Growth Areas is subject to the applicable policies of this Plan and is to occur in accordance with Local Official Plans and Zoning By-laws (Section 79.2(9) of the ROP). The objectives of the Regional Intensification Corridors are:

- To recognize Strategic Growth Areas in the Region which are an integral component of the Regional Urban Structure and serve an existing or planned higher order transit function, connecting other elements of the Regional Urban Structure, and accommodating higher-density mixed use development and/or a mix of employment uses appropriate to the existing local context.
- To achieve increased residential and employment densities in order to ensure the viability of existing and planned transit infrastructure and service.
- To achieve a mix of residential, office, institutional and commercial development, where appropriate.
- To accommodate local services, including recreational, cultural and entertainment uses, where appropriate.
- To reflect and reinforce Local Urban Structures (Section 82.3 of the ROP).

Halton Region has provided comments on June 10, 2024 for the subject application commenting on Regional Waste and Servicing. Further, Halton Region staff have indicated that the existing watermain system can accommodate the proposed increase in the number of units and that the requirement for a revised waste management plan can be addressed through the site plan control stage. Overall, staff are satisfied that the proposal conforms to the Regional Official Plan.

#### **City of Burlington Official Plan, 1997, as amended**

The City's Official Plan (1997, as amended) 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 "Mixed Use Corridor-General" on Schedule B, Comprehensive Land Use Plan-Urban Planning Area. The designation provides for a wide range of retail, service commercial and personal services; financial institutions and services; office uses; entertainment, recreation and other community facilities; small scale motor vehicle dealerships and high density residential uses. Townhouses may only be permitted as a component of an overall development of mixed residential or

residential/commercial building forms, where the townhouse portion of the mixed use development does not abut Plains Road and where the development of the townhouse component does not compromise the long term objectives for the Mixed Use Corridor designation.

The OLT approved OPA 118 which amended the Official Plan to include two mixed-use buildings with at grade office and commercial uses with a maximum height of 9 storeys; back-to-back stacked townhomes and a maximum density of 211 per hectare. The proposal includes an increase of total residential apartment units by 42, a decrease in the number of back-to-back stacked townhouse units by 29 with an overall unit increase of 13. Section B of OPA 118 references Section 3.0 e) which states “Minor variations from numerical requirements in the Plan may be permitted without a Plan amendment, provided the general intent of the Plan is maintained”. It is staffs opinion that the increase in density to 222 units per hectare is minor in nature as the intent of the plan is maintained. Servicing and infrastructure will have no impact with the increase in units and no additional storeys are proposed to accommodate the increase of units and therefore no further impacts on adjacent land owners will occur. Based on the aforementioned, no Official Plan Amendment was required.

Staff are of the opinion that the proposed Zoning By-law Amendment as set in the Draft Zoning By-law Amendment under Appendix D conforms to the intent of the City’s Official Plan (1997, as amended).

### **City of Burlington Official Plan (2020)**

On Nov. 30, 2020, the City’s new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020.

Until all broad appeals of the Burlington Official Plan, 2020 are resolved through the Ontario Land Tribunal (OLT) process, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will be applicable. The current Zoning By-law will remain in effect until a new comprehensive Zoning By-law is enacted and comes into effect. Policies of the Burlington Official Plan, 2020 that are not in effect are relevant as an indication of City Council’s vision, but are not determinative.

The City is preparing an annotated “Burlington Official Plan, 2020 (Office Consolidation)” that reflects which policies are in effect and which are not, in accordance with all Decisions and Orders issued by the OLT under case no. OLT-22-002219 to date. When it is available, you will be able view this document by visiting the City’s webpage for the Official Plan at [Burlington.ca/newop](http://Burlington.ca/newop).

As the OLT process continues, the Burlington Official Plan, 2020 is subject to change. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these

documents by visiting the OLT's webpage for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington" at [jus-olt-prod.powerappsportals.com/en/e-status/](https://jus-olt-prod.powerappsportals.com/en/e-status/).

The subject property is located within the 'Mixed Use Nodes and Intensification Corridors' on Schedule B – Urban Structure of the City's Official Plan (2020). These lands represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas (Chapter 2, Subsection 2.3.1 j of the Official Plan (2020)). These areas vary widely and will be guided by the underlying land use designations of this Plan. Some areas will be planned to evolve with higher residential intensities and a full mix of uses, while others may permit a more limited range of employment-oriented uses, both designed to achieve their planned function. These areas will support the frequent transit corridors and provide focal points of activity and a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design, enhancing the opportunities for the location of public service facilities and institutional uses (Chapter 2, Subsection 2.3.1 l of the Official Plan (2020)).

The lands are identified as being within a 'Secondary Growth Area' in accordance with Schedule B-1 – Growth Framework of the Official Plan (2020). 'Secondary Growth Areas' are recognized as distinct areas within the City's Urban Area where accommodating growth in accordance with the permissions and densities of the current land use designations (Official Plan (2020), Chapter 2, Subsection 2.4.2(2) a) ii)). These areas are expected to transition over the planning horizon and beyond and will not result in a significant relocation of planned growth outside the Primary Growth Areas to ensure that the objectives and policies of Chapter 6 Infrastructure, Transportation and Utilities can be met (Official Plan (2020), Chapter 2, Subsection 2.4.2(2) a) iii)). These areas shall be limited to a maximum of mid-rise building form and support frequent transit corridors and accommodate development that is compact, mixed use and pedestrian-oriented in nature (Official Plan (2020), Chapter 2, Subsection 2.4.2(2) a) iv) and v)). The proposed amendment to the existing zone will increase the number of units of a previously approved mid-rise mixed-use building. Staff consider this modification to be minor and therefore is consistent with the policies as no additional storeys are proposed and maintains the policies of growth area.

The City will promote an appropriate and adequate range of housing choices by type, tenure and affordability level, to accommodate the needs of all city residents and workers, regardless of age, income level, physical sensory and mental health and ability, culture, level of support services, household structure and family composition as per Chapter 3, Subsection 3.1 of the Official Plan (2020). The proposed increase in units for phase 2 of the previously approved development will maintain the various range of housing types while utilizing the existing transit.

Chapter 6, Subsection 6.2 of the Official Plan (2020) states that Burlington's transportation system is made up of many elements and choices for moving around the

city, including walking, cycling, taking transit or rail, and using vehicles. The subject property is located along a Frequent Transit Corridor and MTSA Primary Connector (Plains Road East) identified on Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors in the Official Plan (2020). Schedule O-1 – Classification of Transportation Facilities – Urban Area also identifies Plains Road East as a Multi-Purpose Arterial (Plains Road East). Plains Road East is identified in Schedule P – Long Term Cycling Master Plan as having bike lanes within the City Bike Network. There are westbound and eastbound bus stops along Plains Road East. These bus stops are serviced directly by route 1 which connects to Aldershot GO, Burlington GO, Appleby GO, Hamilton GO, and the Downtown Terminal. The proposed modifications will continue to benefit from the existing transit system.

The lands are designated ‘Urban Corridor’ in accordance with Schedule C – Land Use – Urban Area of the Official Plan (2020). An objective of the Urban Corridor designation is to provide locations in the city along Major Arterial or Multi-Purpose Arterial Streets that serve as areas of concentration for mixed use development in a compact built form, with residential, retail, service commercial, office, entertainment, public service facilities and institutional uses, and open spaces (Chapter 8, Subsection 8.1.3(7.1) a) of the Official Plan (2020)). The permitted uses include retail and service commercial uses; automotive commercial uses, including large-scale motor vehicle dealerships existing on the date this Plan comes into effect; residential uses with the exception of single-detached and semi-detached dwellings; office uses; entertainment uses; and recreation uses (Chapter 8, Subsection 8.1.3(7.2) c) of the Official Plan (2020)). Through OPA118 additional mixed use residential units are permitted within the Urban Corridor designation.

At this time, the Urban Corridor policies in the Official Plan (2020) are not in force and effect. Notwithstanding, the proposal conforms to the intent of the Official Plan (2020).

### **City of Burlington Zoning By-law 2020**

The subject property is currently zoned “Mixed Use - General (MXG-504)” in accordance with Zoning By-law 2020. The site-specific exception 504 permits mixed use buildings with a maximum of nine storeys as well as townhouse units.

Staff advise that through By-law 2020.478 the City has initiated the removal of parking minimums for Fairview Street, Plains Road and Appleby Line Corridors. The By-law came into force and effect on July 11, 2024. The applicant has requested that the previous parking minimums be removed from phase two allowing the applicants some flexibility as it relates to the newly implemented parking standards. However, phase one parking standards will remain as the site plan has been approved and building permits have been issued.

The application proposes to modify the existing site-specific exception MXG-504. The following table outlines the requested changes of the 'Mixed Use – General' (MXG-504) Zone.

<b>Zoning Regulation</b>	<b>MXG-504</b>	<b>Proposed</b>
<b>Maximum Number of Apartment Units</b>	277	319
<b>Staff Comment:</b> The applicant is proposing a redistribution of units which results in the increase of total residential apartment units by 42, a decrease in the number of back-to-back stacked townhouse units by 29 with an overall unit increase of 13. As approved by the OLT, the proposed nine storey mixed use building will remain unchanged in the number of storeys and the building footprint. The additional units will be reconfigured within the existing floors. The increase in units will be consistent with the Official Plan policies encouraging and promoting a mix of housing types that utilize existing infrastructure and transit. Transportation staff have reviewed a revised Traffic Impact Brief submitted as part of the application and have no concerns with the increased number of units on the existing road network and parking. Engineering had expressed no concern for the increase and a technical review will be completed at the site plan stage. Therefore, staff have no concern with the increase in the maximum number of apartment units.		
<b>Zoning Regulation</b>	<b>MXG-504</b>	<b>Proposed</b>
<b>FAR</b>	1.84:1	1.88:1
<b>Staff Comment:</b> The applicant is proposing an increase in the Floor Area Ratio (FAR) of 1.88:1 an increase of 0.4. Staff have reviewed the minor increase to the FAR against intensification policies of Section 5.2.3 (d) (i) refers to increasing the FAR subject to appropriate infrastructure and compatibility. Since there in no modifications to the built form of the mid-rise building or increase in the number of storeys, it is staff opinion that the increase of FAR will maintain compatibility with adjacent uses. Engineering services and Transportation Planning did not indicate any concern regarding the increase in density on the existing/proposed infrastructure. Therefore, staff have no concerns with the increase of the FAR.		
<b>Zoning Regulation</b>	<b>MXG-504</b>	<b>Proposed</b>
<b>Maximum Storey Height</b>	5 m – 9 <sup>th</sup> storey	6.7 m for 9 <sup>th</sup> storey
<b>Rooftop amenity and mechanical</b>	2.5 m – stacked townhouse	2.7 m for stacked townhomes

<b>Staff Comment:</b>		
<p>The applicant is proposing to increase the height of the amenity and rooftop mechanical space for the nine-storey mixed use building as well as increase the height for the rooftop amenity space for the stacked townhomes. The applicant is proposing an increase from 5 metres to 6.7 metres for the rooftop amenity and mechanical penthouse. The elevator overrun was not accounted for in the initial design at the site plan stage of phase one and relief was required to address the issues via a minor variance. The design of the phase two mixed use building will be similar in nature and requires the same relief. An increase of 0.2 metres is being requested for the rooftop amenity space for the stacked townhouse units which provides consistency throughout both phases. Staff are of the opinion that the intent of the OLT decision is maintained as the request does not alter the built form and does not provide for any further impact on adjacent neighbours. The height for the elevator overrun is a small portion of the rooftop and does not contain the entire area and will not impede on adjacent neighbours. Staff, have no concerns with the proposed increase in heights.</p>		
<b>Zoning Regulation</b>	<b>MXG-504</b>	<b>Proposed</b>
<b>Definition</b>	Notwithstanding Part 16, Definitions, Stacked Townhouse, a stacked townhouse building is permitted to contain 23 residential units, and access to second or upper-level units may be from interior or exterior stairways	Stacked Townhouse, a stacked townhouse building is permitted to contain 24 residential units, and access to second or upper-level units may be from interior or exterior stairways
<b>Staff Comment:</b>		
<p>The application is proposing to redistribute various units within phase two of the comprehensive development. This includes the redistribution of a block of back to back townhouse units that includes an increase the number of units within the mixed-use building as well as the number of townhomes within a block. Currently the definition of stacked townhome units permits 23 units within a block whereas the applicant is seeking to permit 24 units. The increase of units is minor in nature and will not encroach onto the existing permitted setbacks as established through the OLT decision. The removal of the stacked townhouse units will result in an increase in overall amenity space.</p>		
<b>Zoning Regulation</b>	<b>MXG-504</b>	<b>Proposed</b>
<b>Underground parking setback</b>	3 m	0 m to phase one development line
<b>Staff Comment:</b>		
<p>The applicant is proposing to reduce the underground parking setback to the phase one development boundary line of 0 metres. The purpose and intent of the reduction is minor in nature as the is to permit parking abutting phase one underground parking. No other parking setback reductions are requested and therefore will maintain adequate vegetation within the site. Landscape and Forestry have no concerns with regard to the landscaping and confirm that there is no change proposed to the landscape buffer relative to the underground parking limits. Staff are of the opinion that the reduction in underground parking setback to phase one is</p>		



consistent with the Official Plan and will create flow and function as one underground parking area.

## **Technical Review**

The application was circulated to internal staff and external agencies May 27, 2024 for review. The following are the comments received that have been summarized below:

**Development Engineering** – no concerns for the Zoning By-law Amendment as a fulsome technical review will be completed at the Site Plan Stage.

**Transportation** – Transportation planning staff have no concerns to the traffic volumes and parking. Other comments can be addressed at the Site Plan stage.

**Ministry of Transportation** – The site is outside of the MTO permit control area.

**Zoning** – No concerns.

**Sustainable Development Committee** – No comments have been received at this time; however, it is recommended that all objectives of the Sustainable Building and Development Guidelines are considered. The SDC will provide more in-depth comments at the Site Plan stage.

**Police Department** – No concerns provided it doesn't interfere with the line-of-sight radio system.

**Halton Region** – An updated waste management plan is required. Regional Staff note that the reconsideration of regional collection for this development may result. Staff note that while the updated waste management plan is required, this does not or should not hinder the consideration of the proposed ZBA. However, this updated plan, and the ability for the Region to provide waste collection for this development, will be reevaluated prior to waste collection commencing.

**Halton Catholic District School Board** – No concerns, however, the applicant is required to include warning clauses provided on the purchase of sale.

**Canada Post** – No concerns at this time. Delivery to the townhouse complex will be centralized through a community mailbox.

**Conservation Halton** –Until floodplain mapping, or policies are update no permit is required and therefore no further comments.

**Sun-Canadian Pipeline** – No infrastructure in the vicinity of this location.

**Imperial Oil** – No infrastructure in the vicinity of this location.

Staff note that the site is subject to site plan approval and a technical review will be completed through that process.

**Landscape** – No concerns as they are respecting the current tree preservation limits/fencing on site.

---

### **Financial Matters:**

The property is subject to City, Region and School Board Development Charges and Park Dedication fees.

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 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.

The proponents were not required to submit how the guidelines have been/ will be addressed as part of this application since the details of landscaping will be reviewed as part of the site plan control process. However, initial review shows that tree preservation and fencing is being maintained. Through phase one of the development landscaping was provided at the periphery of the site and at entrances where deemed appropriate.

In accordance with the Transportation guidelines in Section 2, the proposed site design should provide pedestrian and cycling connections, and bicycle parking (Guideline 2.1, 2.3, 2.5, and 2.6). Existing pedestrian connectivity is demonstrated throughout the site through the site plan design and allows access to the centralized publicly accessed open space. This proposal will further enlarge the open space with the removal of a stacked townhouse block.

In accordance with the Water Conservation and Quality guidelines in Section 4, stormwater and pervious surfaces are considered. Development Engineering had not identified any concerns during the Zoning By-law Amendment stage, and any concerns can be addressed at the Site Plan stage.

In accordance with the Waste and Building Materials guidelines in Section 6, a Waste Management Plan is required as part of the site plan control process.

Staff are of the opinion that the development proposal meets the intent of the sustainable and design guidelines. Additional sustainability measures will be established in more detail at the Pre-Building Approval Application stage to ensure the sustainability objectives of the City of Burlington are met.

---

## **Engagement Matters:**

Notice signs were posted on the subject land. A public notice of the Zoning By-law Amendment application has been mailed to 239 members of the public, which includes all property owners and tenants within 120 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at [burlington.ca/484plainseast](http://burlington.ca/484plainseast). This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

## **Public Comments**

As of the writing of this report, one (1) public written comment has been received by staff with respect to the subject applications. The public comment received to date are included in Appendix C. Below is a summary of the comments received to date as well as a staff response:

Comment:	Staff Response:
<p>Height</p> <ul style="list-style-type: none"> <li>• Issue with height increase</li> </ul>	<p>The proposal is to modify the height of the rooftop mechanical penthouse and amenity space for the nine-storey mixed use building as well as the height of the rooftop amenity space for the stacked townhomes. The applicant is not proposing to increase the number of storeys within the site, but rather accommodate built design and to compensate for the elevator overrun on the mixed-use building. Additionally, the intent of the amendment is to address technical design which allows for consistency throughout the site. The phase two design is intended to reflect that of phase one.</p> <p>Section B of OPA 118 references Section 3.0 e) of the Official Plan which allows minor variations from the numerical requirements of the plan provided that the intent of the plan is maintained. Staff are of the opinion that these minor modifications to the height do not impede or have a negative consequence on the adjacent landowners.</p>
<p>Parking</p> <ul style="list-style-type: none"> <li>• Parking spaces should be accommodated for the increased number of units</li> </ul>	<p>Transportation Planning Staff have provided comments that state no concerns for the proposed parking and traffic demand. As stated previously in the report, the site is located within the Parking Exemption Area By-law 2020.478 for areas along Fairview and Plains Road where parking minimums have been removed.</p> <p>The applicant has provided parking for phase one of the site where parking minimums still apply, whereas phase two will require no parking minimums. Although the applicant has indicated some parking will be provided, removing the</p>

	minimums will allow for some flexibility of parking design at the site plan stage.
--	--

---

**Conclusion:**

Planning staff have reviewed the Zoning By-law Amendment application submitted for the lands located at 484 Plains Road East and find that the application is consistent with and conforms to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan and Zoning By-law. Staff are recommending approval of the application.

---

Respectfully submitted,

Alicia West, MCIP, RPP

Planner

905-335-7600 ext. 7504

**Appendices:**

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

**Notifications:**

Glen Schnarr & Associates Inc.

c/o Mike Condello

700 Kingsbride Garden Circle

Mississauga ON L5R 3K6

Via e-mail to [markc@gsai.ca](mailto:markc@gsai.ca)

**Report Approval:**

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