



SUBJECT: Official Plan and Zoning By-law Amendments for 291 North Service Road

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-89-24

Wards Affected: 1

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted by DeLoyde Development Solutions on behalf of King Paving proposing asphalt manufacturing with outdoor open storage of aggregates; and

Approve Official Plan Amendment No. 155 to the City of Burlington Official Plan 1997, as provided in Appendix D of community planning department report PL-89-24, to modify the "Business Corridor" Designation at the lands located at 291 North Service Road; and

Deem that the Official Plan Amendment No. 155 is consistent with The Planning Act; and

Approve Official Plan Amendment No. 5 to the City of Burlington Official Plan 2020, as provided in Appendix E of community planning department report PL-89-24, to modify the "Business Corridor" Designation at the lands located at 291 North Service Road; and

Deem that the Official Plan Amendment No. 5 is consistent with The Planning Act; and, Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 155 and Official Plan Amendment No. 5 as contained in Appendices D and E to community planning department report PL-89-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal; and

Approve Zoning By-law 2020.493, attached as Appendix F to planning report PL-89-24, to rezone the lands at 291 North Service Road from “H-BC2” to “H-BC2-547” and H-BC2 to O3-549; and

Deem that Zoning By-law 2020.493 will conform to the 1997 Official Plan of the City of Burlington once Official Plan Amendment No. 155 is adopted; and

Deem that Zoning By-law 2020.493 will conform to the 2020 Official Plan of the City of Burlington once Official Plan Amendment No. 5 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 155 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 5 is adopted.

PURPOSE:

The purpose of this report is to provide Council with information on the proposed applications that is necessary for proceeding with the Statutory Public Meeting and bringing forward a recommendation on these applications. Staff are recommending approval of the official plan and zoning by-law applications for asphalt manufacturing with outdoor open storage of aggregates and associated uses. A Holding Provision is being recommended to ensure the necessary technical work is completed to address site development details.

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:

DeLoyde Development Inc. on behalf of the landowners at 291 North Service Road has applied for an Official Plan Amendment and Zoning By-law Amendment to permit asphalt manufacturing with outdoor open storage of aggregates, a 232 m² operation building, unenclosed silos, and a heated rotary drum.

Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment for 291 North Service Road based on the following:

- The proposed amendments are consistent with the Provincial Policy Statement (2020) and Provincial Policy Statement (2024);
- The proposed amendments are consistent with the Greenbelt Plan (2017, as amended)
- The proposed amendments are consistent with the Parkway Belt West Plan (1978);
- The proposed amendments conform with the Regional Official Plan (2009, as amended);
- The proposed amendments conform to the general intent of the Burlington Official Plan (1997) and have regard for Burlington Official Plan (2020);
- The proposed development maintains the general intent of Zoning By-law 2020.

A Holding Provision is recommended to ensure the following:

- That a revised Environmental Impact Assessment and Functional Servicing Report are submitted and considered satisfactory;
- That the applicant dedicates the required road widening to the City; and,
- That correspondence from the Ministry of Environment, Conservation and Parks is provided confirming:
 - That the proposed use is permitted within 500 metres of the former landfill site; and,
 - That the proposed tree removal will not impact potential species at risk habitat.

Staff support this proposal.

RECOMMENDATION:		Approval	Ward:	1
Application Details	APPLICANT:	DeLoyde Development Solutions		
	OWNERS:	Halton Region		
	LESSEE:	King Paving		
	FILE NUMBERS:	505-04/24 & 520-09/24		
	TYPE OF APPLICATION:	Official Plan Amendment & Zoning By-law Amendment		

	APPLICANT'S PROPOSAL:	Asphalt plant with outdoor storage
Property Details	PROPERTY LOCATION:	North side of North Service Road and Highway 403
	MUNICIPAL ADDRESS:	291 North Service Road
	PROPERTY AREA:	45.6 ha (total former landfill area)
	AREA SUBJECT TO APPLICATIONS:	2.4 ha
	EXISTING USE:	Former Halton Region Landfill site, currently used for access and monitoring of the former landfill.
Documents	1997 OFFICIAL PLAN Existing:	Business Corridor with site-specific policies
	1997 OFFICIAL PLAN Proposed:	Business Corridor with site-specific policies
	2020 OFFICIAL PLAN Existing:	Business Corridor with site-specific policies and Natural Heritage Systems
	ZONING Existing:	H-BC2 (Business Corridor Zone), with a Holding Provision
	ZONING Proposed:	H-BC2-547 and O3-549 (Business Corridor Zone with site-specific exception and a Holding Provision and Open Space Zone site-specific exception)
Processing Details	APPLICATION SUBMITTED:	August 6, 2024
	APPLICATION DEEMED INCOMPLETE:	August 13, 2024
	APPLICATION DEEMED COMPLETE:	September 4, 2024
	STATUTORY DEADLINE:	January 2, 2025
	PRE-APPLICATION COMMUNITY MEETING:	January 20, 2022

	STATUTORY PUBLIC MEETING:	December 3, 2024
	PUBLIC COMMENTS:	At the time of writing this report, 2 written public comments were received out of 84 notices.

Background and Discussion:

On September 4, 2024, the City acknowledged that complete applications had been received for an Official Plan Amendment and Zoning By-law Amendment for 291 North Service Road. The purpose of these applications is to amend the Official Plan and Zoning By-law to permit the development of asphalt manufacturing with outdoor open storage.

1.1 Description of Subject Property and Surrounding Land Uses

The subject lands are located on the north side of North Service Road and Highway 403 between King Road and Waterdown Road. 291 North Service Road has a total area of 45.6 hectares and the area subject to the applications is 1.4 hectares. The lands are currently vacant and contain access roads to the former landfill site.

Surrounding uses are as follows:

- North: To the north of the subject lands are the former Halton Region Landfill site and rural lands.
- East: To the east of the subject lands is vacant lands and further east is a retail use (Mercedes automotive dealership).
- South: To the immediate south of the subject lands is North Service Road and Highway No. 403. Further south are vacant lands, the Aldershot GO Station and CN rail line.
- West: To the immediate west of the subject property is a food distribution warehouse (Ippolito) and office use (Cumis).

The subject lands are located within proximity of four Burlington Transit bus stops with access to Route 87 (North Service – Aldershot). The property is 450 m from the 201 North Service Road bus stop and 550 m from the North Service at Yorkton. Route 87 has stops along, Kerns Road, Tyandaga Park Drive and the Burlington and Aldershot GO stations.

The site has access to Highway No. 403 from the Waterdown Road onramp and the Aldershot GO Station is approximately 700 metres southwest of the subject property.

1.2 Description of Applications

DeLoyde Development Solutions has made an application on behalf of King Paving to amend the Official Plan and Zoning By-law for the property located at 291 North Service Road. These applications propose an Official Plan Amendment to Burlington 1997 and 2020 Official Plan and Zoning By-law Amendment to develop the subject lands for asphalt manufacturing that includes outdoor open storage of aggregates.

1.3 Lease Agreement with Halton Region

In 2021, Region of Halton Council approved a lease agreement with King Paving to lease approximately 2.4 hectares of the former landfill site, south of the hydro corridor to permit the development of an asphalt plant. The lease agreement term is for approximately 40 years and requires the applicant to return the subject lands to Halton Region in their current environmental condition.

Supporting Documents

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

1. [Planning Justification Report](#), prepared by DeLoyde Development Solutions, dated July 31, 2024
2. [Drawing Set](#), prepared by, dated May 22, 2024
3. [Noise Feasibility/ Vibration Study](#), prepared by HGC Engineering, dated April 27, 2022
4. [Landscape Plan](#), prepared by Adesso Design Inc, dated October 13, 2023
5. [Tree Preservation Plan](#), prepared by GeoProcess Research Associates, dated April 7, 2022
6. [Survey](#), prepared by MMP, dated 2022
7. [Survey with development concept](#), prepared by MMP, dated 2022
8. [Viewshed Study](#), prepared by Adesso Design Inc, dated October 13, 2023
9. [Construction and Mobility Plan](#), prepared by King Paving and Construction Limited, no date
10. [Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report](#), prepared by WSP, dated March 31, 2022
11. [Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report](#), prepared by WSP, dated March 30, 2023

12. [Environmental Impact Assessment](#), prepared by GeoProcess Research Associates, dated July 2024
13. [Functional Servicing & Stormwater Management Report](#), prepared by S. Llewellyn & Associates Limited, dated September 2021, revised May 2024
14. [Transportation Impact Assessment](#), prepared by Paradigm Transportation Solutions Limited, dated May 2021
15. [Environmental Site Screening Questionnaire](#), prepared by King Paving and Construction Limited, dated January 11, 2023
16. [Comment response to Development Engineering](#), prepared by S. Llewellyn & Associates Limited, dated May 22, 2024
17. [Comment response to Halton Region](#), prepared by S. Llewellyn & Associates Limited, dated May 22, 2024
18. [Environmental Opinion Groundwater Methane](#), prepared by Landtek Limited, dated September 22, 2022
19. [Geotechnical Investigation](#), prepared by Landtek Limited, dated October 28, 2022
20. [HONI Tower Access](#), no date
21. [Assessment of Proposed ECA Amendments](#), prepared by WSP, dated March 28, 2024
22. [Waste Management Report](#), prepared by King Paving and Construction Limited, no date
23. [Sustainable Building and Development Guidelines](#), prepared by King Paving and Construction Limited, dated August 30, 2024
24. [Public Consultation Report](#), prepared by King Paving and Construction Limited, no date.

Application materials are posted on the project website, www.burlington.ca/291northservice.

2.0 Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment applications are subject to review in accordance with the Provincial Policy Statement (2020); the Provincial Planning Statement (2024); Parkway Belt West Plan (1978); Greenbelt Plan (2017); Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized below and in greater detail within Appendix G.

Planning staff are of the opinion that the proposed applications are consistent with the Provincial Policy Statement (2020) or Provincial Planning Statement (2024); conform with the Parkway Belt West Plan (1978), Greenbelt Plan (2017), Region of Halton Official Plan (2009, as amended), City of Burlington Official Plans (1997 as amended & 2020 as amended).

3.0 Park Way Belt West Plan

The subject lands are bisected by a hydro corridor which runs east-west, just north of the proposed development area. The hydro corridor lands are within the Provincial Parkway Belt West Plan (PBWP) and designated as 'Public Use Area'. The Public Use Area designation is generally intended for public purposes, including linear facilities.

These lands are also subject to a Minister's Zoning Order (Regulation 482/73), on Map No. 223 of the MZO. The permitted uses under Regulation 482/73 include existing uses of land, buildings, and structures, as well as agricultural uses.

The applicant is proposing landscaping, a swale, roadworks resurfacing and driveways within the Parkway Belt West Plan area. The Ministry of Municipal Affairs and Housing (MMAH) has advised that since the proposed works within the hydro corridor are not directly related to the function of the asphalt plant and is required to provide access to the former landfill site and hydro one easement, an Amendment to the Parkway Belt West Plan is not required.

Staff are satisfied that the proposed development conforms to the Parkway Belt West Plan.

4.0 Greenbelt Plan (2017, as amended)

The area located northwest of the hydro corridor is designated as "Protected Countryside" and within the "Natural Heritage" system of the Greenbelt Plan (2017). The proposed development and site alternation is located outside the boundary of the Greenbelt Plan (2017) and will not have an adverse impact to the lands within the plan area. Should any development or site alternation occur in this area, they would be subject to the applicable "Protected Countryside" and "Natural Heritage" system policies.

5.0 Regional Natural Heritage System

The property is designated Regional Natural Heritage System, Key Features and Enhancement Areas Linkages and buffers in accordance with Maps 1, 1G and 1H of the Regional Official Plan, as amended. The portion of the property that contains Falcon Creek and its floodplain are regulated by Conservation Halton. Section 118 3.1 c) of the Regional Official Plan required an Environmental Impact Assessment for the proposed development as they are located within 120 metres of the Regional Natural Heritage System.

An Environmental Impact Assessment (EIA), prepared GeoProcess, dated July 2024 and a response letter, dated November 1, 2024 was submitted in support of the applications. The EIA evaluated the potential impact of the proposed asphalt manufacturing use on key natural heritage features including unevaluated wetlands, candidate significant woodlands, species at risk habitat and surface drainage features which flow to Falcon Creek and provided mitigation measures to protect and enhance the function and a connectivity of these features.

Conservation Halton (CH) reviewed the submitted EIA are satisfied that the proposed development is outside of hazard lands and does not require changes to the proposed design. Conservation Halton staff recommends the full regulated area be designated and zoned for protection. They also advise that a CH permit will be required prior to any work beginning on site for the works proposed within the regulated area (i.e. near the proposed entrance; the proposed hydro access road).

Staff also reviewed the submitted EIA and are generally supportive of the EIA conclusions, however there are still outstanding matters that need to be addressed before the EIA can be finalized, including:

- Confirmation on whether the wetlands on the property form part of the Regional Natural Heritage System and should be included as a protected feature;
- Final Environmental Impact Assessment mapping which will inform the final zone boundaries and illustrate the key features, setbacks and hazard lands; and,
- Screening of all trees proposed for removal for snag be provide as part of the EIA.

In the absence of a finalized EIA, staff are recommending that the areas located outside the site-specific H-BC2-547 Zone be zoned Open Space O3-549 Zone to protect the natural heritage features. Staff are also recommending that a Holding Provision be placed on the property to ensure that a revised EIA is submitted, and the applicant provides correspondence from MOECP that there are no adverse impacts to potential species at risk. Staff are satisfied that the proposed Open Space zoning and Holding Provision will protect the natural features on site and address the outstanding issues. The applicant will need to fulfill the conditions of the Hold, prior to the development of the site.

6.0 Proposed Official Plan Amendments (Burlington Official Plan 1997 and 2020)

Through the review of the applications, staff identified that an amendment to the Burlington Official Plan 2020 was also required. Portions of the Burlington Official Plan, 2020 are still under appeal at the OLT including the parent Business Corridor policies, however, the site-specific policy applicable to the subject lands is in force and effect.

The development applications propose a site-specific policy to the 1997 Official Plan that would permit the asphalt manufacturing use and varying maximum building heights. Therefore, in order to achieve conformity with the in-force parent Business Corridor policies of the 1997 Burlington Official Plan and the site-specific policy of the 2020 Burlington Official Plan, staff are recommending an amendment to both plans.

This will ensure that once the parent Business Corridor policies of the 1997 Official Plan are replaced by the under appeal policies of the 2020 Official Plan, there are no conformity issues. For consistency, the draft Official Plan Amendments (Appendices D and E of this Report) contain the same amendments to permit the asphalt manufacturing use and varying maximum building heights.

7.0 Ministry of Environment Conservation and Parks Approval

The subject lands are located on the former Region of Halton Landfill. The in-force City of Burlington Official Plan (1997, as amended) may permit development on and within 500 metres of areas identified as former Waste Disposal Sites subject to written approval obtained from the Ministry of Environment that the development satisfied the provisions of the Environmental Protection Act and that studies have been carried out to the satisfaction of the City and the Ministry of Environment to show that development is compatibility and can safely take place.

The applicant submitted the following documents in support of the proposed development: Geotechnical Investigation, prepared by Landtek Limited, dated October 28, 2022, Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report, prepared by WSP, dated March 31, 2022, Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report, prepared by WSP, dated March 30, 2023 and Environmental Opinion Groundwater Methane, prepared by Landtek Limited, dated September 22, 2022.

These materials were submitted to the Ministry of Environment, Conservation and Parks (MOECP) in April 2024 and are still under review. As the City requires written approval from the MOECP that the development satisfies the criteria of the Environmental Protection Act and that the studies are acceptable, staff are recommending that a Holding Provision be placed on the property until approval is received from the MOECP.

8.0 Visual Impact Assessment

The applicant was required to submit a Visual Impact Assessment as the proposed development is located within the Niagara Escarpment viewshed. The purpose of the study was to ensure views to the escarpment are maintained to the maximum extent. The Visual Impact Assessment was reviewed by the Niagara Escarpment Commission, and they advised that the proposed development will have minimal impact on the lands within

the Niagara Escarpment Plan Area. The NEC is satisfied with the Visual Impact Assessment and has no further concerns with the development proposal.

9.0 Hickory Lane Relocation, Road Widening and New Left Turn Lane

As part of the lease agreement with Halton Region, the Region is requiring the closure of the current Hickory Lane access and for it to be relocated to the proposed location in order to service the proposed development and current operations of the closed landfill. The applicant is working with the Region's Public Works Department to finalize the design and construction of the proposed access through the lease agreement.

North Service Road has deemed right-of-way width is 30 metres and the existing right-of-way adjacent to the subject site is approximately 25 metres. Therefore, in order to meet the deemed width a road widening of approximately 5.65 metres is required along the frontage of North Service Road adjacent to the subject site. The Burlington Official Plan (1997) requires that road widenings be dedicated to the City as part of a Zoning By-law Amendment applications. Staff recommending a Holding Provision be placed on the property to ensure that the lands are dedicated to the City.

The applicant is also proposing to construct a new eastbound left turn lane within the North Service Road to allow entering and exiting trucks to make safe turns onto Hickory Lane without affecting the main flow of traffic on North Service Road. The detailed lane configuration of the eastbound turn lane will be reviewed under the future Site Plan application.

10.0 Hydro One Corridor and Easement

The lands located north of the proposed development area are owned by Halton Region and contain a Hydro One easement with a tower transmission line, gates, fences and driveways. As part of the development applications, the applicant is proposing an access road, grading changes and landscaping to encroach into the Hydro One easement. Hydro One has reviewed and approved the proposed encroachments onto their transmission easement corridor. The applicant has submitted the approval letter from Hydro One and staff are satisfied that there will be no adverse impacts to the hydro corridor.

11.0 Zoning By-law

The subject lands currently contain four separate zones including the 'Business Corridor Zone' (H-BC2) with a Holding Provision, 'Utility Services Zone' (S), 'Community Park Zone' (PC) and 'Open Space Zone' (O3-196) with a site specific exception.

There is an existing general Holding Provision on the property for servicing, transportation facilities, access, land ownership consolidation and studies relating to traffic, soil, natural and heritage features, environmental constraints and design features. While most of the Holding Provisions have been addressed, there are still outstanding issues with the

Functional Servicing Report and approval from MOECP. Therefore, staff will be recommending a site-specific Hold to address the outstanding issues.

The applications are not proposing any amendments to the 'Utility Services Zone' (S), 'Community Park Zone (PC) and 'Open Space Zone' (O3-196) located north of the hydro corridor. The applicant proposes to change the zoning for the lands located south of the hydro corridor to a site specific 'Business Corridor' (H-BC2-547)'. The proposed development does not comply with some regulations, including building height, site coverage, outdoor storage, loading and unloading, setback to the O3 zone and landscape areas.

As the results of the submitted Environmental Impact Assessment are not final, staff are recommending that all areas outside of the site-specific Business Corridor (H-BC2-547) Zone are zoned Open Space (O3-549) with site specific exception to protect the natural features and enhancement areas on site.

The site-specific modifications for the 'Business Corridor' and 'Open Space' Zone are discussed in further detail in Appendix "G" to this report.

Staff are of the opinion that the proposed development maintains the general intent of Zoning By-law 2020 and are supportive of the proposed modifications.

Strategy/process/risk

The applications were submitted to the City August 6, 2024, and deemed complete September 12, 2024. The applications are for an Official Plan Amendment and Zoning By-law Amendment which has a 120-day timeline as per the Planning Act. Therefore, Planning staff are required to provide a recommendation within 120 days for Council to make a decision by January 2, 2025. If a municipal decision is not rendered by January 2, 2025, the applicant would have the ability to submit an appeal for non-decision to the Ontario Land Tribunal.

Financial Matters:

The property is subject to City, Region 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 Official Plan Amendment and Zoning By-law Amendment applications, 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. The applicant has met guidelines relating to impervious surfaces, transportation, water conservation and quality and waste and building materials. Planning staff is of the opinion that the proposed development is meeting the requirements of the Sustainable Building and Development Guidelines (2018).

Engagement Matters:

Technical Review

The applications were circulated to internal staff and external agencies on September 11, 2024, for review. The following are the comments received that have been summarized below:

Canada Post – Detailed comments were provided that are to be implemented during Site Plan.

Canadian National Railway – No comments.

Conservation Halton – Satisfied that the proposed development is outside of hazard lands and does not require changes to the proposed design. Recommend that the full regulated area be designated and zoned for protection. They also advise that a CH permit will be required prior to any work beginning on site for the works proposed within the regulated area (i.e. near the proposed entrance; the proposed hydro access road).

Development Engineering – No objection to the proposed applications as the applicant has generally demonstrated that the stormwater management criteria can be achieved and that there will be no negative noise consequences to nearby sensitive land uses as a result of the proposed development. The remaining matters can be addressed at the Site Plan stage.

Enbridge Gas – No objection, however, Enbridge Gas reserves the right to amend or remove development conditions.

Finance – A condition of Site Plan shall be “taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due”.

Halton Catholic District School Board – No comments as the proposed development does not include residential development.

Halton District School Board – No comments as the proposed development does not include residential development.

Halton Police – No concerns provided as the proposed development doesn't interfere with Halton Police line-of-sight radio system.

Halton Region – The Functional Servicing Report is recommended to be revised to include fire flow testing in order that an analysis can be provided that demonstrates that the existing water system in the area can accommodate the development. The Functional Servicing Report should be further revised to include analysis that demonstrates that the proposed flows from the development can be accommodated in the downstream sewer. If the Functional Servicing Report is not revised, then it is recommended that a Holding Provision be applied in relation to a revised Functional Servicing Report.

Heritage Planner – No comments.

Hydro One – Agency was circulated but advised that they do not provide comments at the Official Plan and Zoning By-law Amendment stage. Hydro One will provide comments at the detailed Site Plan stage. The applicant has provided an approval letter from Hydro One to permit the proposed works within their easement.

Imperial Infrastructure – No Imperial Infrastructure in the vicinity of this location.

Ministry of Transportation – No objections to the proposed Official Plan Amendment and Zoning By-law Amendment applications and will require a Building and Land Use Permit for the proposed development and the new Hickory Lane access.

Metrolinx – The subject property falls outside of the designated Metrolinx review zones.

Parks – Cash in lieu of parkland at the rate in effect at the time of building permit issuance is required.

Rogers Communications – No comments.

Trans-Northern Pipeline – No infrastructure in the area.

Transportation Planning – No objections to the proposed applications. Details regarding the proposed left turn lane and Hickory Lane access will be required at the Site Plan stage.

Urban Forestry and Landscaping – Detailed comments were provided that are to be implemented during Site Plan.

Zoning – Deficiencies in the Zoning By-law have been identified and addressed through Appendix E – Draft Zoning By-law.

Public Engagement

The applicant held a virtual Pre-Application Community Consultation Meeting on January 20, 2022, prior to the submission of the applications. The applicant, Mayor Meed Ward Councilor Galbraith, and Planning staff also attended the meeting.

Notice signs were posted on the subject lands. A public notice of the Official Plan Amendment and Zoning By-law Amendment applications was mailed to 84 members of the public, which includes all property owners and tenants within 300 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/291northservice. This webpage provides information about the subject applications 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, two written public comments have been received by staff with respect to the subject applications. The public comments 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>Potential pollutants and impact on the Tyandaga neighbourhood to the west of the facility and surrounding properties.</p> <ul style="list-style-type: none">• Will this facility produce pollutants such as odours, noxious fumes and carcinogens which would in turn affect the Tyandaga neighbourhood west of this facility• Please advise on the proposed controls for dust and odours.	<p>The applicant has advised that all the dust and odour will be contained within the proposed facility and processed on site. The only emission from the site will be steam from the process. The asphalt plant will also be subject to the Ministry of Environment Guidelines and will need to adhere to these guidelines. They will not be permitted to emit noxious/toxic odours or emissions from the site.</p> <p>As part of the applications, a Noise and Vibration Feasibility Study was required. Development Engineering staff have reviewed the study and concluded that the proposed asphalt plant will meet the Ministry of Environment sound level limits and will not have an adverse noise impact on the surrounding land uses.</p>

	<p>A Construction Mobility Management Plan (CMMP) will be required at the Site Plan stage. The CMMP evaluates the construction impact of the proposed development on the public road allowance and neighbouring properties to ensure that the development does not adversely impact public health, safety, amenity traffic of the environment in the surrounding area.</p> <p>Development Engineering will require the CMMP to be completed in accordance with the Construction Mobility Management Plan Guidelines to ensure that the development has no adverse impact on the surrounding properties and public road allowance.</p>
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Conclusion:

Planning staff have reviewed the Official Plan and Zoning By-law Amendment applications submitted for the lands located at 291 North Service Road and find that the applications are consistent with and conform to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan. Staff are recommending approval of the applications, subject to a Holding Provision.

Respectfully submitted,

Elyse Meneray, RPP, MCIP
Planner
Community Planning Department
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Appendices:

- A. Location Map
- B. Concept Plan
- C. Public Comments
- D. Draft Official Plan Amendment – 1997 OP
- E. Draft Official Plan Amendment – 2020 OP
- F. Draft Zoning By-law Amendment

G. Detailed Planning Analysis

Notifications:

Leo DeLoyde
DeLoyde Development Solutions

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.