

Appendix F – Detailed Planning Analysis

1.0 The Provincial Policy Statement (PPS)

The subject applications were submitted in September 2024, when the Provincial Policy Statement 2020 was in effect. During the review of the subject applications, the province enacted the Provincial Planning Statement (2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

Planning Authorities shall protect area employment areas by prohibiting sensitive lands uses not ancillary to uses permitted within the employment area and prohibiting residential and office uses not associated with the primary employment use. (Policy 2.8.2.3)

The proposal meets the general intent of preserving and protecting employment areas as no new residential uses are being introduced. The self-storage facility use as a primary use will not negatively affect the existing or future growth of the area.

3.0 Halton Region Official Plan (ROP)

The Regional Official Plan (ROP) provides “broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services” (ROP section 44). The Planning Act requires that Burlington’s Official Plan and Zoning By-law be amended to conform with the ROP.

The policies of the ROP provide for a structure and hierarchy in which to direct population and employment growth. Staff note that the Subject Lands are located within the boundary of a ‘Major Transit Station Area on a Priority Transit Corridor’ and along a ‘Regional Intensification Corridor’ which form part of the defined Strategic Growth Areas.

The Subject Lands are located within the Employment Area overlay as outlined on Map 1 of the ROP, as amended. The Region’s policy for Employment Areas is to promote intensification and increased densities in both new and existing Employment Areas by facilitating compact, transit-supportive built form and minimizing surface parking. Residential and non-employment uses including major retail uses in Employment Areas are prohibited unless through a municipal comprehensive review subject to criteria as set out in Section 83.2 of the ROP.

Section 83.2 (1) permits a range of ancillary uses that are associated with an employment use or that are supportive of the overall employment area. The existing restaurant will continue to benefit the surrounding employment area. The proposed self-storage use provides additional employment opportunities within an area intending on seeing employment growth while being a use that will also service the surrounding employment uses providing storage options and office

rental space. The proposal seeks underground parking limiting surface parking and will be serviced by transit.

It is staff's opinion that the proposal meets the intent of the Regional Official Plan as the proposed uses are ancillary to the employment area. Although warehousing is a permitted employment use, the city interprets a self-storage facility as a service commercial use which is permitted ancillary to a permitted employment use. Service Commercial use as a stand-alone use is not inclusive of any sensitive land uses such as residential uses or major retail uses, which are prohibited. The proposal therefore meets the intent and purpose of the employment area.

4.0 City of Burlington Official Plan (1997, as amended)

The Burlington Official Plan, 1997, was approved by Halton Region, with modifications, on March 5, 1997. Due to a number of appeals, certain parts of the plan were referred to the Ontario Land Tribunal (formerly the Ontario Municipal Board) for a decision. The following Official Plan documents were approved by the Ontario Land Tribunal in 2008. Content and maps were updated in 2019.

Employment Lands (Official Plan 1997, as amended)

Policy 3.2.1 outlines the objectives of the employment lands that promote compatibility of uses, limit retail and service commercial uses and to locate uses for ease of access to rail lines, truck route and power supply. The inclusion of service commercial uses on site will maintain the general intent of the Employment land where that the preservation and protection of long-term viability will be maintained as there is no concerns with compatibility with surrounding land uses.

Policy 3.2.2. b) provides a maximum percentage of 15% for floor area that can be dedicated to retail space associated with the permitted use. The proposal requests that no limit be included on the property in order to facilitate the future severance of the restaurant from the storage facility. The retail portion within the 5-storey building will only occupy approximately two percent of the total floor area which would meet the intent of limiting retail space. With regard to the existing restaurant use which has been in operation for several years with the intent of employment use being constructed in the future has functioned as a standalone use since then with no negative impacts to the growth and sustainability of surrounding uses. Staff have no concerns that the integrity of the employment area will be maintained.

Policy (3.2.2.d) provides criteria for the re-designation of lands designated for employment uses to non-employment uses, or to add a range of uses to an employment designation. The proponent is requesting that self-storage facility as a service commercial use be considered as a primary use and a restaurant be permitted as standalone use. Considerations for such requests shall be evaluated based on meeting the following criteria:

- (i) the proposal shall only be considered in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of Provincial Plans;
- (ii) the proposal shall not detrimentally affect the short and long term employment land needs of the City;

- (iii) the intensity and characteristics of the proposed non-employment uses shall not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;
- (iv) the site's physical and natural characteristics, development constraints and location shall justify the consideration of nonemployment uses at the subject location;
- (v) re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads shall be discouraged;
- (vi) support studies as identified in Part VI, Section 1.3, clause f), General Policies, of the Plan are prepared;
- (vii) in addition to (i) through (vi) above, the re-designation shall also meet at least two of the following conditions:
 - i. the amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;
 - ii. the development of the site is not feasible for employment uses within the planning horizon of the Plan;
 - iii. there are no alternative sites, designated and approved for the proposed use elsewhere in the City;
 - iv. the proposal will have a beneficial impact on the surrounding uses and the broader community;
 - v. the development of the lands for non-employment uses will meet a public need identified by City Council resolution.

It is of the opinion of staff that the proposed inclusion of a service commercial uses, office uses, and related retail space will have no negative impact on the long or short-term employment needs of the city as the proposed self-storage facility, retail space and office space will look to introduce an estimated 280 employment opportunities for the entire proposal and will assist towards the City's MTSA targets . The proposed self-storage facility and restaurant will be located on a major corridor being Appleby Line and Harvester Road while being located within 320 metres of the highway. Transportation staff have reviewed the TIS submitted as part of the have no concerns for the impact on the traffic for the surrounding area. The applicants submitted an urban design brief as part of a complete application which outlines the details of the building materials and streetscape design and pedestrian access. The proposed design will complement the character of the existing employment neighbourhood.

Business Corridor (Official Plan 1997, as amended)

The City of Burlington Official Plan (1997, as amended) designates the subject property as Business Corridor. This designation permits a wide range of office uses and industrial type uses and a range of service commercial uses ancillary to the primary use.

Policy 3.4.1 outlines the objectives of the Business Corridor designation. Policy objectives focus on providing prestige type offices and industrial uses with a focus on connections to major transportation routes. The designation also permits a large range of industrial, office and related uses while keeping high design standards of development. The proposal is a related ancillary use permitted within the designation. The inclusion of the ancillary uses as primary use meets the objectives of the designation since the site is near the highway as well provides to a range of uses within the area.

Policy 3.4.2. b) regulates the maximum floor area ratio of office use to a permitted industrial type of use. The proposal seeks an increase to the maximum floor area ratio of 2.4:1. The increase maintains the intent of controlling office use within the employment area while allow the self-storage facility to be a permitted primary use. There are also a number of office uses not limited to the ratio as they are the only use on the site in close proximity to the subject lands and therefore will not be out of character with the existing built area.

Policy 3.4.2. d) promotes a range of building heights and intensities for proposed developments. The application provides for a five-storey office and storage facility that provides a range of height within the employment area.

The proposed increased ratio is in keeping with the intent of the Official Plan as office uses are a permitted use within the employment area and will encourage a wider range of uses. The proposal will further integrate a five-storey building that will add to varying heights within the area that currently see heights that range from a single storey to ten storey buildings.

5.0 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. For the list of the appeals filed with the Ontario Land Tribunal (OLT), see the [Dec. 23, 2020 update](#) under "Burlington Official Plan, 2020 appeals process".

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan, 2020 came into effect on Dec. 22, 2020 and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the Planning Act) are in effect on lands with site-specific appeals. For a list of policies in effect as of Dec. 22, 2020, see the [May 16, 2023 update](#) under "Burlington Official Plan, 2020 appeals process". This update also includes a list of site-specific appellants.

Until all broad appeals to the Region's approval of the **Burlington Official Plan, 2020** are resolved, parts of the old Official Plan (**Burlington Official Plan 1997**, as amended) will stay in effect. Parts of the **Burlington Official Plan, 2020** that are broadly appealed may be considered on an informative, but not determinative, basis.

The interim working version of the **Burlington Official Plan, 2020** is provided for information only. For legal purposes, reference the original certified documents on file with the City Clerk, including the [April 26, 2018 City of Burlington adopting bylaw](#) and the [Nov. 30, 2020 Halton Region Notice of Decision](#).

As the OLT process continues, the **Burlington Official Plan, 2020** may change and need to be updated. 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 [Ontario Land Tribunal's webpage](#) for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington".

The subject site is located within the Appleby GO MTSA. This MTSA is divided by the rail corridor into two sub-areas: Appleby GO North and Appleby GO South. Appleby GO MTSA North is envisioned to continue to consist of largely existing employment uses and will grow to

accommodate more intensive office and employment uses, while continuing to support existing major facilities.

Within the Appleby GO MTSA, the subject site is located within the Urban Employment precinct. 8.1.2 (4.2) a) of OPA 2 states that this precinct is envisioned to:

- Continue to be an employment area which will grow to accommodate more intensive office and additional employment uses in a mid-rise built form that provides access and high visibility along major transportation routes.
- Allow for the continuation of existing uses subject to the policies of 8.1.2(6) of this Plan.

The proposal meets the intent of the new Official Plan as currently a service commercial use is a permitted as an ancillary use, similar to the policies of the current Official Plan. With regard to the existing restaurant, the implementing Zoning by-law was introduced in 1999. The restaurant has been functioning without a permitted employment use for over 20 years. Furthermore, the introduction of office space which is a permitted employment use and self-storage facility will increase employment opportunities by introducing approximately 280 jobs, while not introducing a sensitive land use that will have negative impacts on future potential growth.

Therefore, the introduction of service commercial uses as a stand-alone use will continue to support the development and redevelopment of the employment area without providing any constraints.

3.7.2 Sustainable Building and Development Guidelines

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 the Transportation guidelines in Section 2, the proposed site design should provide pedestrian and cycling connections, and bicycle parking. Also, a Transportation Demand Management Plan is required for the reduction in parking. The applicant has provided Appleby Line pedestrian connections. The proposal includes 24 bicycle parking spaces. Transportation Planning Staff have reviewed the number of bicycle parking spaces and are requiring 14 bicycle parking spaces as per the Burlington City-Wide Parking Standards. The spaces are located near the main entrances and in the underground parking garage which meets the criteria.

In accordance with the Water Conservation and Quality guidelines in Section 4, the applicant should achieve enhanced stormwater treatment for all stormwater runoff. Development Engineering have reviewed the Functional Servicing & Stormwater Management Report prepared by Crozier Consulting Engineers dated August 2024 and have stated that the report has demonstrated that on-site stormwater controls can meet the City of Burlington's stormwater management criteria. Halton Region while not opposed to the FSR, requires some revisions to

the document in order to confirm capacity and therefore, a holding is being recommended in order to address those required revisions.

In accordance with the Energy and Emissions guidelines in Section 5, applicants are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. The Zoning By-law does require landscape buffers and are provided along the north, east and west lot lines which include various tree plantings. Landscape staff have no concerns or objections with the intent of the landscaping and further details will be reviewed at the site plan stage.

In accordance with the Waste and Building Materials guidelines in Section 6, a Waste Management Plan in accordance with Regional requirements is required. The applicant is proposing private waste collection; however, the waste management plan will be reviewed through the future site plan control process.

In accordance with the Innovation guidelines in Section 8, innovative design or performance features should be considered. The applicant has identified that they are not pursuing innovative design or performance.

Staff is of the opinion that the proposed development does comply with the required sustainable and design guidelines.

Zoning By-law

The following table outlines the requirements of the ‘Business Corridor One’ (BC1) with a site exception 62 and as well as what is being proposed.

Zoning Regulation	BC1	BC1-62	Proposed
Permitted Uses	Wide range of Industrial, Office Uses and Ancillary uses	Only uses permitted: Restaurant and All Office uses	Self-Storage Facility, ancillary retail, restaurant and all office uses
Staff Comment: The proposed application seeks to permit the additional use of self-storage facility with a small retail component that will sell merchandise related to the self-storage use and only occupies a small portion of the five-story building. All office uses and the restaurant are permitted through the existing site exception. Staff have no concerns with the inclusion of the self-storage facility as an additional use since there will be no negative impacts on adjacent landowners since this is not considered to be a sensitive land use and similar in nature to warehousing which is a permitted employment use.			
Zoning Regulation	BC	BC1-62	Proposed
Yard abutting a street (Appleby and Harvester)	15	15	12

Side Yard	4.5	4.5	Retaining wall and stairs encroach- number to be confirmed
Staff Comment:			
<p>The proposal does not comply with the yard setbacks abutting a street and the side yard. Planning Staff are supportive of the proposed 3 metre setback reduction (12m setback from Appleby Line and Harvester Road) as enhanced landscape features are proposed and incorporates the required road widening. As such, the reduced setbacks are considered to be minor in nature. There is no concern for the functionality of the site from an engineering perspective and details of grading and drainage will be reviewed in detail at the site plan stage. Additionally, planning staff have no concerns with the reduced side yard setback to the proposed retaining wall and stairs. The building itself complies with the required setback of 4.5 metres whereas the retaining wall and stairs encroach into the required setback. There are no concerns with the impact on drainage of the site as further technical review will occur at the site plan control stage.</p> <p>Staff notes that a road widening has been indicated from Halton Region along Appleby Line. The applicant is to confirm the amount of land required through a surveyor. A holding provision has been included to reflect same. Staff advise that this may have implications on the requested setbacks and may require future <i>Planning Act</i> applications.</p>			
Zoning Regulation	BC1	BC1-62	Proposed
Office Use	Maximum total floor area of 15% in conjunction with manufacturing, fabricating, processing, assembling or warehousing use.	Office Use: Minimum of 85 % of total floor area of the site Fast Food Restaurant: maximum floor area of 15% of office building total floor area	0.1 times lot area – 9 percent
	Maximum shall be lesser then 15% if main use or 250m ² .		2.5 times lot area – 250 percent
Staff Comment:			

The applicant is proposing to amend the zoning provisions to permit floor areas that would accommodate the restaurant as a standalone use and allow a portion of the self-storage facility to be used as retail space.

It is noted throughout the report that the associated retail space within the self-storage facility will be minor in nature and generally only to occupy approximately 2.7 % of the 5-storey building as per the Planning Rational provided by MHBC. It is further explained that the floor area provisions do not apply to the portion of lands containing the restaurant use to facilitate a future severance. Staff have no concerns has the intent of the retail portion is to serve the primary use. As the application is to permit the self-storage facility, the retail portion is related to the main use with the sale of packaging, and warehouse related items.

Staff have no concern with the increase of retail space as it will have no negative impact on adjacent lands and does not introduce a large-scale retail use.

Zoning Regulation	BC1	BC1-62	Proposed
Minimum Lot Area	0.4 hectares	2.4 hectares	0.4 hectare

Staff Comment:

The intended lot minimum for a Business Corridor One Zone is 0.4 hectares, the site already exceeds this requirement. Through the existing site exception 62, the minimum lot area has been increased to 2.4 hectares which is the total area of the subject site. The intent of the request for a reduced lot area is to facilitate a severance of the restaurant from the self-storage facility and reestablish the already permitted lot area. The proposed reduction will then address the site deficiency of the lands being severed. The purpose of the provision is to ensure that massing and scale of development reflect surrounding built forms. The proposed building will not exceed 5 storeys, whereas no maximum height is established and will generally maintain the required setbacks from abutting streets and therefore staff have no concerns that massing, or scale would create a negative impact on surrounding land uses. The proposed lot fabrics are in keeping with surrounding lot sizes based on review of City GIS mapping. The size of the lots will not prohibit future redevelopment or development of the lands.

Zoning Regulation	BC	BC1-62	Proposed
Parking	306	306	177

Staff Comment: The applicant is proposing a reduction in parking for a total of 177 parking spaces. Transportation Planning Staff have review the TIS and parking justification report. While staff are not opposed to a parking reduction to 177 spaces, further information is required for review to ensure the reduction is completed based on correct underground parking regulations. It is noted that since the site is located within the MTSA area, the proponents are not required to provide parking as per Bill 185 and Section 34(6) of the *Planning Act*.