



**SUBJECT: Official Plan and Zoning By-law Amendments for 141, 147 and 153 Plains Road West**

**TO: Committee of the Whole**

**FROM: Community Planning Department**

Report Number: PL-90-24

Wards Affected: 1

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

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**Recommendation:**

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted by Goldberg Group on behalf of 2412947 Ontario Ltd, Dr. Laith Al-Dabbagh and 2381798 Ontario Ltd. proposing a 12-storey mixed use building; and

Approve Official Plan Amendment No. 154 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-90-24, to modify the "Mixed Use General" Designation at the lands located at 141, 147 and 153 Plains Road West; and

Deem that the Official Plan Amendment No. 154 is consistent with The Planning Act; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 154 as contained in Appendix D to community planning department report PL-90-24 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 2020.492, attached as Appendix E to community planning department report PL-90-24, to rezone the lands at 141, 147 and 153 Plains Road West from "MXG" to "H-MXG-545"; and

Deem that Zoning By-law 2020.492 will conform to the Official Plan of the City of Burlington once Official Plan Amendment No. 154 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 154 is adopted; and

Deem that the lands described as 141, 147 and 153 Plains Road West are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

## **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
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### **Executive Summary:**

Goldberg Group on behalf of the landowners at 141, 147 and 153 Plains Road West has applied for an Official Plan Amendment and Zoning By-law Amendment to permit the development of a 12-storey (inclusive of 1-storey rooftop mechanical penthouse) mixed use building consisting of 150 units and 175 sq. m of ground floor non-residential uses.

The proposed development is anticipated to be purpose-built rental and a minimum 10% of the proposed units (15 units) are to be affordable units with a rental rate of less than \$1,000 per month. 65% of the unit count are proposed to be 2 bedroom or more and thirteen units are proposed to have barrier free accommodations such as barrier free bedrooms and washrooms.

Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment for 141, 147 and 153 Plains Road West based on the following:

- The proposed amendments are consistent with the Provincial Policy Statement (2020) and Provincial Policy Statement (2024);
- 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 is aligned with the policies and standards of the Area Specific Plan for the Aldershot GO MTSA and the approved in principle Community Planning Permit By-law; and,
- The proposed development maintains the general intent of Zoning By-law 2020.

A Holding Provision is recommended to ensure that a revised Noise Impact Study is submitted to address outstanding comments from the Region and the Region’s retained peer reviewer.

The applicant is also proposing that the subject lands be deemed as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines. Staff support this proposal.

<b>RECOMMENDATION:</b>		Approval of applications	<b>Ward:</b>	1
<b>Application Details</b>	<b>APPLICANT:</b>	Goldberg Group		
	<b>OWNERS:</b>	2412947 Ontario Ltd, Dr. Laith Al-Dabbagh and 2381798 Ontario Ltd.		
	<b>FILE NUMBERS:</b>	505-05/24 & 520-10/24		
	<b>TYPE OF APPLICATION:</b>	Official Plan Amendment & Zoning By-law Amendment		
	<b>APPLICANT’S PROPOSAL:</b>	12-storey mixed use building		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	North side of Plains Road West, southwest of Howard Road		
	<b>MUNICIPAL ADDRESS:</b>	141, 147 and 153 Plains Road West		
	<b>PROPERTY AREA:</b>	0.241 ha		
	<b>EXISTING USE:</b>	Two single detached dwellings (147 and 153 Plains Road West) and a Dentist Office (141 Plains Road West)		
<b>Documents</b>	<b>1997 OFFICIAL PLAN Existing:</b>	Mixed-Use Corridor General		
	<b>1997 OFFICIAL PLAN Proposed:</b>	Mixed-Use Corridor General with site-specific policies		
	<b>2020 OFFICIAL PLAN Existing:</b>	Urban Corridor		

	<b>ZONING Existing:</b>	MXG (Mixed-Use Corridor General Zone)
	<b>ZONING Proposed by Applicant:</b>	H-MXG-545 (Mixed-Use Corridor General Zone) with site-specific exceptions and a Holding Provision
<b>Processing Details</b>	<b>APPLICATION SUBMITTED:</b>	September 13, 2024
	<b>APPLICATION DEEMED COMPLETE:</b>	September 17, 2024
	<b>STATUTORY DEADLINE:</b>	January 11, 2025
	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	March 6, 2023
	<b>STATUTORY PUBLIC MEETING:</b>	December 3, 2024
	<b>PUBLIC COMMENTS:</b>	At the time of writing this report, 9 written public comments were received out of 1065 notices.

## Background and Discussion:

On September 17, 2024, the City acknowledged that a complete application had been received for an Official Plan Amendment and Zoning By-law Amendment for 141, 147 and 153 Plains Road West. The purpose of these applications is to amend the Official Plan and Zoning By-law to permit the development of a 12 storey mixed use building with 150 residential units and 175 sq. m of ground floor non-residential uses. This report provides Council with information on the proposed applications that is necessary for proceeding with the Statutory Public Meeting and for considering the recommendations associated with these applications.

### 1.1 Description of Subject Property and Surrounding Land Uses

The subject properties are located north side of Plains Road West between Howard Road and Unsworth Avenue. The properties have an area of 0.241 hectares with an approximate frontage of 57 metres along Plains Road West. Existing land uses on the properties consist of two single detached dwellings (153 and 147 Plains Road West) and a dentist office (141 Plains Road West).

Surrounding uses are as follows:

- North: To the north of the subject lands are two warehouses (Argo Wholesale and Ippolito Group).
- East: To the east of the subject lands is a two-storey retail building with multiple businesses including a restaurant (Ye Olde Squire), a paint store (Benjamin Moore Paints) and offices on the second floor.
- South: To the immediate south of the subject lands is Plains Road West, further south are 12-storey apartment buildings between Daryl Drive and Howard Road.
- West: To the immediate west of the subject property is a two-storey office building for the Burlington and Area Midwives and further west is a one storey office building and a two storey medical office (Gardens Medical Office).

There are four bus stops within 350 metres of the subject lands with access to bus route 1 (Plains/Fairview), which runs along Plains Road West and continues into downtown Hamilton along York Boulevard, King Street West and Cannon Street West. The bus route also provides connections to the Burlington GO Station, Appleby GO Station and Hamilton GO Station.

The Aldershot GO Station is approximately 1.7 km northeast of the subject properties which provides connections to the Lakeshore West and Lakeshore East train and several bus options for the GTHA, Niagara, Brantford and Waterloo.

## **1.2 Description of Applications**

Goldberg Group has made an application on behalf of 2412947 Ontario Ltd, Dr. Laith Al-Dabbagh and 2381798 Ontario Ltd. to amend the Official Plan and Zoning By-law for the properties located at 141, 147 and 153 Plains Road West.

These applications propose an Official Plan Amendment and Zoning By-law Amendment to develop the subject lands into a 12-storey mixed use building. The proposed development includes 150 residential units and 175 sq. m of non-residential area at-grade. There is also 2,243 square metres of indoor and outdoor amenity space proposed including a rooftop amenity area, 7<sup>th</sup> floor terraces and balconies.

A total of 112 parking spaces (103 for residents, 5 for visitors and 4 for non-residential uses) are proposed for the development provided through 2 levels of underground parking (100 parking spaces) and 12 surface parking spaces. Vehicular access to the site is proposed to be provided via Plains Road West.

## **1.3 Supporting Documents**

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

1. [Application Form](#), prepared by Goldberg Group, dated September 11, 2024;
2. [Arborist Report and Tree Preservation Plan](#), prepared by HKLA, dated January 30, 2024;
3. [Architectural Package](#), prepared by AAA Architects, dated September 10, 2024;
4. [Architectural Response Matrix](#), prepared by AAA Architects, dated September 12, 2024;
5. [BUD Meeting Minutes](#), prepared by City of Burlington, dated April 20, 2023;
6. [Civil Drawings](#), prepared by Luban Ltd, dated September 11, 2024;
7. [Civil Engineering Response Letter](#), prepared by Luban Ltd., dated September 13, 2024;
8. [Community Information Meeting Response Matrix](#), prepared by Evans Planning, dated April 2023;
9. [Compatibility Response Letter](#), prepared by GHD Limited, dated September 12, 2024;
10. [Conceptual Landscape Plan](#), prepared by HKLA, dated September 12, 2024;
11. [Consolidated Comment Response](#), prepared by Goldberg Group, dated September 13, 2024;
12. [Cover Letter](#), prepared by Goldberg Group, dated September 13, 2024;
13. [Draft Official Plan Amendment](#), prepared by Goldberg Group, dated September 2024;
14. [Draft Zoning By-law Amendment](#), prepared by Goldberg Group, dated September 2024;
15. [Functional Servicing and Stormwater Management Report Addendum](#), prepared by Luban, dated September 13, 2024;
16. [Hydrogeological Assessment](#), prepared by Azimuth Environmental Consulting Inc., dated April 3, 2024;
17. [Landscape Response Letter](#), prepared by HKLA, no date;
18. [Land Use Compatibility and Air Quality Impact Study](#), prepared by GHD, dated September 12, 2024;

19. [Letter of Reliance for City of Burlington and Halton Region](#), prepared by Luban Ltd, dated August 22, 2024;
20. [MOECP RSC Acknowledgement Letter](#), dated July 21, 2023;
21. [Noise Impact Study](#), prepared by Aerocoustics, dated September 11, 2024;
22. [Noise Response Letter](#), prepared by Aerocoustics, dated September 11, 2024;
23. [Pedestrian Level Wind Study](#), prepared by Gradient Wind, dated January 16, 2024;
24. Pedestrian Level Wind Study Addendum, prepared by Gradient Wind Engineering Inc., dated September 18, 2024;
25. [Phase One Environmental Site Assessment](#), prepared by Azure Group Inc. revised, April 4, 2023;
26. [Phase Two Environmental Site Assessment](#), prepared by Azure Group Inc., revised April 4, 2023;
27. [Planning Justification Report](#), prepared by Goldberg Group, dated September 2024;
28. [Record of Site Condition](#), dated July 21, 2023;
29. [Shadow Study](#), prepared by AAA Architects, dated September 12, 2024;
30. [Shear Wave Velocity Testing for Seismic Classification](#), prepared by Frontwave Geophysics Inc., dated September 12, 2024;
31. [Shoring Design Package](#), prepared by RH Engineering Inc, stamped September 12, 2024;
32. [Site Lighting Design Package](#), prepared by Northstar Engineering and Technologies Ltd, stamped September 12, 2024;
33. [Soil Investigation](#), prepared by Azure Group Inc, dated January 20, 2023;
34. [Survey](#), prepared by J.D. Barnes, dated July 25, 2022;
35. [Traffic Response Letter](#), prepared by Paradigm, dated September 11, 2024;
36. [Transportation Impact Study](#), prepared by Paradigm, dated September 5, 2024;

37. [Traffic Response Letter](#), prepared by Paradigm, dated September 11, 2024;
38. [Urban Design Brief](#), prepared by John G Williams Limited, dated September 13, 2024;
39. [Waste Management Plan](#), prepared by RJB, dated September 12, 2024; and,
40. [Waste Management Response](#) Letter, prepared by RJB, dated September 12, 2024.

Application materials are posted on the project website, [www.burlington.ca/141plains](http://www.burlington.ca/141plains).

## **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); 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 F.

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

## **3.0 Land Use Compatibility and Noise Mitigation**

The PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate, any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.

Where avoidance is not possible, the development of sensitive land uses may be permitted subject to demonstration that the proposed use is needed, that there are no reasonable alternative locations, that adverse effects to the proposed sensitive land use are minimized and mitigated, and that potential impacts to industrial, manufacturing, or other uses are minimized and mitigated.

The applicant was required to submit a Land Use Compatibility Study and Noise Impact Study with the subject applications. These were reviewed by an external peer reviewer, who concluded that additional analysis is required to confirm that there are no adverse noise impacts to the proposed development. Staff are recommending that a Holding Provision be placed on the subject property to require that outstanding noise feasibility



matters be addressed to the City's satisfaction prior to development proceeding. This approach will ensure compatibility to protect proposed the health of future residents and the viability of existing facilities, as required by the PPS. A more comprehensive review of the Land Use Compatibility Study is found in Appendix "F" of this report.

#### **4.0 Housing**

In alignment with the Provincial Planning Statement (2024) and Provincial Policy Statement (2020), the Regional Official Plan (2009, as amended), Policy 84 states 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.

Subsection 3.1.1(2)(g) of the Official Plan (2020) and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the city, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the region of Halton's housing mix and affordable unit targets as well as two and three bedroom unit minimum targets.

The [Burlington Housing Strategy](#) and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by City Council on June 21, 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of current and future residents at all stages of life and at all income levels. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan.

One of the housing objectives (Theme 1) of the Housing Strategy is to support a healthy rental housing stock through the protection of existing rental stock and by supporting the creation of new rental units. The Housing Impact Statement is provided in Section 7.7 of the Planning Justification Report prepared by Goldberg Group, dated September 2024. The proposed development is anticipated to be purpose-built rental and a minimum 10% of the proposed units are to be affordable units with a rental rate of less than \$1,000 per month.

Another critical housing objective of the Housing Strategy's stated objectives (Theme 2) of the Housing Strategy is to support a broad variety of housing types and forms to increase housing options to meet the needs of all current and future residents at all stages of life. The proposed development provides 20 bachelor units (13.3%), 32 1-bedroom units (21.3%), 88 2-bedroom units (58.7%), and 10 3-bedroom units (6.7%). Thirteen of the units are also proposed to have barrier free accommodations such as barrier free bedrooms and washrooms.

Theme 3 of the Housing Strategy is to build awareness and capacity by connecting residents and housing providers to programs and resources. The applicant has worked in coordination with the Region of Halton and City staff to explore affordable housing options for the development. The Region and City staff have provided resources for the applicant including access to the Housing Accelerator Fund (HAF) Action Plan, outlining the applicable incentives for affordable housing units and a list of available financing and funding programs. The applicant is pursuing CMHC funding for the proposed development.

Action 4 of the Housing Strategy established minimum targets around housing that builds upon the policies of the Official Plan (2020) and uses the findings of the Housing Strategy Project. These targets are appended to the Housing Strategy, and set targets for rental units, affordable units and 3-bedroom units. As noted above, the proposed development will provide purpose built rental units, more than 65% of the proposed units will be 2-bedroom or more, a minimum of 10% of the units will be affordable and staff are working in coordination with the applicant. Staff are of the opinion that the proposed development is in alignment with the Housing Strategy.

## **5.0 Land Use Designation and Residential Intensification**

### **5.1 City of Burlington Official Plan (1997)**

The subject lands are designated as “Mixed Use Activity Areas” on Schedule A, Settlement Pattern, of the City’s Official Plan (1997, as amended). “Mixed Use Activity Areas” provide locations where employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and be pedestrian oriented and highly accessible by public transit.

The subject lands are designated “Mixed Use Corridor – General” as per Schedule “B” (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan (1997, amended). The “Mixed Use Corridor – General” designation permits 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. This designation permits mixed-use development with a maximum building height of 6-storeys and a maximum Floor Area Ratio of 1.5:1.

### **5.2 Housing Intensification Criteria**

The City of Burlington Official Plan encourages new residential development and residential intensification within the Urban Planning Area in accordance with provincial growth management objectives while balancing with other planning considerations such as infrastructure capacity, compatibility and integration with the natural environment,

active and public transportation use and housing opportunities in proximity to employment areas.

The Housing Intensification policies of the Official Plan encourage residential intensification as a means of increasing the amount of available housing stock (including, rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods), provided that development is compatible with the scale, urban design and community features of the neighbourhood.

Staff have reviewed the proposed development and determined that it is compatible with the abutting land uses and will be compatible with the surrounding context. A further analysis of the proposed development's compatibility with the surrounding context is found in Appendix F of this report.

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

On Nov. 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being Dec. 22, 2020, for the new Burlington Official Plan.

The lands are identified as being within a *Primary Growth Area* in accordance with Schedule B-1 – Growth Framework of the new Official Plan. *Primary Growth Areas* will accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and consequently will experience the greatest degree of change. These areas will be regarded as the most appropriate and predominant locations for new tall buildings in accordance with the underlying land use designations or the land use policies of an Area-Specific Plan

The lands are designated "Urban Corridor" in accordance with Schedule C – Land Use – Urban Area of the new Official Plan. The Urban Corridor designation requires transit-supportive and pedestrian-oriented design and is intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the corridor. Permitted uses include residential uses and mixed use developments in buildings between 2 to 6 storeys in height. The maximum permitted Floor Area Ratio (FAR) is 2.0:1 but higher FAR may be permitted through a Zoning By-law Amendment without requiring an Official Plan amendment.

Staff have reviewed the Official Plan Amendment and Zoning By-law Amendment application materials and are of the opinion that the proposed development conforms to the general intent of the City's new Official Plan, 2020.

## **6.1 Design**

Chapter 7 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. As discussed in greater detail in Appendix F of this report, staff have reviewed the subject applications in accordance with the applicable design guidelines and policies. The proposed development conforms with the design policies of the Official Plan

## **7.0 The Aldershot GO Major Transit Station Area (MTSA)**

The City started the Mobility Hubs Study in 2017-2018 and focused on area-specific planning work for the three GO station areas. Precinct plans were drafted for each study area around the Aldershot, Burlington, and Appleby GO Stations. The precinct plans were presented to Council for comment, but not approved, and the Mobility Hubs Study was placed on hold until 2021.

In July, 2021, the Region adopted Regional Official Plan Amendment (ROPA) 48, which established the boundaries, assigned the density targets and policies for MTSA's and adjusted the boundary of the City's Urban Growth Centre from being focused on the Downtown to the area around the Burlington GO MTSA.

In January, 2022, Council considered Report PL-02-22 Major Transit Station Area (MTSA) Area Specific Plans Recommended Preferred Precinct Plans, which presented the recommended preferred precinct plans for each MTSA. Through PL-02-22, Council endorsed in principle the Recommended Preferred Precinct Plans allowing staff to proceed to completing Area Specific Plans for the three MTSA's and complete the remaining technical work.

In July 2022, Council considered Report PL-10-22 Major Transit Station Areas – Area Specific Plans Planning Study Update. This report presented the MTSA Area Specific Plan Planning Study Final Report (Final Report), which included modifications to the Recommended Preferred Precinct Plans based on the best information available and informed by the completed and draft technical studies at the time. Through PL-10-22, Council directed staff to use the Final Report to inform the preparation of draft Official Plan policies to the Burlington Official Plan (2020).

Following the July 2022 meeting, in June 2023, Council considered Report PL-40-23 MTSA Update and CPPS Exploration and directed staff to prepare a draft Community

Planning Permit By-law for consultation in the Fall 2023 at the same time as the release of draft Official Plan policies for the MTSA.

Draft Official Plan policies and accompanying Community Planning Permit By-law were presented to Council in October 2023 through PL-59-23, signifying the conclusion of the MTSA Area Specific Planning Project.

There are five distinct precincts within Aldershot Corners MTSA. The subject property is within the “Mid-Rise Residential” Precinct which will include a variety of low-rise and mid-rise building format at the eastern and western boundary of the Aldershot GO MTSA. This precinct is planned to support access to housing as well as retail, commercial and employment opportunities in close proximity to the Aldershot GO Transit Station and allow for transitions to existing neighbourhoods beyond the MTSA boundary.

This precinct envisions building heights ranging from 6 to 11 storeys. The permitted uses include apartments, rowhouses, office uses, retail and service commercial uses (on bottom two floors only) and recreation uses (on bottom two floors only).

The applications have been reviewed in the context of the Area Specific Plan for the Aldershot GO MTSA and staff are of the opinion that the proposal conforms to the vision, objectives and policies of the plan.

## **8.0 Burlington Official Plan (2020) Amendment No. 2 and the Community Planning Permit System By-law (CPP By-law)**

### **8.1 OPA 2 and CPP By-law Status**

On June 11, 2024, City of Burlington staff brought forward a recommendation report to adopt Official Plan Amendment No. 2 and approve the Community Planning Permit By-law for the Major Transit Station Areas. As of the writing of this report, OPA 2 is still under review by the Province and is not in force and effect. At the June 18, 2024, meeting, Council approved the Major Transit Station Area Community Planning Permit By-law in principle and directed staff to make the necessary refinements, including any changes to reflect any modifications as a result of Ministerial approval. Staff have been working to refine the CPP By-law and will bring forward a future report outlining these refinements.

### **8.2 OPA 2 and CPP By-law**

OPA 2 proposes to replace policies and schedules from the Burlington Official Plan, 2020 to implement the findings of the MTSA Area Specific Planning Project for the Downtown Burlington UGC/Burlington GO MTSA, Aldershot GO MTSA, and the Appleby GO MTSA and establish these areas as Protected Major Transit Stations in accordance with the *Planning Act*.

The Community Planning Permit By-law combines the Zoning By-law regulations/amendments, Site Plan and Minor Variance process into one single

application and approval process. The CPP By-law allows for the implementation of specific standards for development and the ability to vary standards and establish rules for the delegation of certain approvals to staff.

The Community Planning Permit By-law has three classes:

- Class 1 – Standards Met;
- Class 2 – Staff Variation; and,
- Class 3 – Council Variation.

A Class 1 Community Planning Permits capture developments which meet the development standard minimum requirements and all objectives of this By-law and the Burlington Official Plan.

Class 2 and Class 3 Community Planning Permits capture developments that exceed the limits for a Class 1 Community Planning Permit, but which comply with the requirements and objectives of the CPPs By-law and the Burlington Official Plan.

As noted above, the CPP By-law is only approved in principle and is not in force and effect. Therefore, staff's evaluation of the CPP By-law is informative to the review of this proposal, but it is not determinative. The proposed development is located in the "Mid-Rise Residential" Precinct of the Aldershot GO MTSA. Staff have evaluated the proposed development in conjunction with the applicable development standards of the approved in principle CPP By-law and determined that three variations would be required through a Class 2 staff variation including: the maximum yard abutting an activated street standard, linear height of the rooftop amenity area and the parking area landscape buffer.

Staff are of the opinion that these variations are in keeping with the intent of the approved in principle CPP By-law and the proposed development aligns with the vision for the Mid-Rise Residential Precinct. A more detailed analysis of the proposed development and CPP By-law can be found in The Detailed Planning Analysis (Appendix "F") to this report.

## **9.0 Zoning By-law**

The subject property is currently zoned 'Mixed Use General Zone' (MXG) in accordance with Zoning By-law 2020. The existing MXG zone permits retail commercial, service commercial, office, community, hospitality, entertainment and recreation, and residential use.

The application proposes to change the zoning to a site specific 'Mixed Use General Zone' (MXG-545). The proposed development does not comply with some regulations, including FAR, building height, amenity area, projections, and landscape areas. The site-specific modifications to implement the proposal are discussed in further detail in Appendix "F" 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 application was submitted to the City September 13, 2024, and deemed complete September 17, 2024. The application is 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 11, 2025. If a municipal decision is not rendered by January 11, 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 School Board Development Charges and Park Dedication fees.

All application fees have been received in accordance with the Development Application Fee Schedule.

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### **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 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. The applicant has met guidelines relating to impervious surfaces, transportation, water conservation and quality, energy and emissions, 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).

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## **Engagement Matters:**

The application was circulated to internal staff and external agencies on September 18, 2024 for review. The following are the comments received that have been summarized below:

**Accessibility Coordinator** – no objections to the proposal, but recommends that all resident barrier-free parking spaces be placed in the below-grade parking structure near the elevators.

**Aldershot BIA** – Supports development that includes retail and commercial space on strategic streets, such as Plains Road (located with the Aldershot MTSA), to support a wide range of amenities in the ABIA. Grocery stores, full-service restaurants (including venting), daycare, services, and other uses should be considered to serve the day to day needs of businesses and increased number of residents in re-development. The ABIA recommends more retail space allocated to ensure there are plenty of amenities for new residents and the existing square footage is maintained or increased in new developments within the MTSA. They also advise that it would benefit any potential commercial tenants to have more dedicated commercial-only parking spots for ease of customer use.

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

**Canadian National Railway** – The subject lands are within 100 metres of CN railway operation including the Aldershot Yard. CN will require warning clauses to be included in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease for each dwelling unit within 1000 metres of the railway right-of-way. They will also require the Owner to enter into an Agreement with CN and grant CN and environmental easement for operational noise and vibration emissions.

**Conservation Halton** – The subject lands are outside of Conservation Halton's regulated area.

**Development Engineering** – Have no objections to the Official Plan Amendment and Zoning By-law Amendment applications and advise that the remainder of their comments 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 objection; standard conditions will apply at the Site Plan Stage.



**Halton District School Board** – No objection; standard conditions will apply at the Site Plan Stage.

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

**Halton Region** – Halton Region have no objections to the proposed Official Plan and Zoning By-law Amendment provided that a Holding Provision is implemented to address their comments regarding the Noise Impact Study. With the use of the Holding Provision, staff are of the opinion that the concerns from Halton Region have been addressed.

**Heritage Planner** – No comments.

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

**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** – Transportation planning staff have no objections to the traffic volumes generated by the proposed building. Staff note that Bill 185 removed the requirement for local Official Plans and Zoning By-laws to require parking in the protected MTSAs.

**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 March 6, 2023, 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 application was mailed to 1065 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 [www.burlington.ca/141plains](http://www.burlington.ca/141plains). 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, 9 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:

<b>Comment:</b>	<b>Staff Response:</b>
<p>Increased Traffic and Insufficient Number of Parking Spaces</p> <ul style="list-style-type: none"> <li>• Redevelopment will result in increased vehicular traffic and traffic congestion on Plains Road West and surrounding roads.</li> <li>• The proposed development will only have 112 parking spaces for 150 dwelling units. There is not enough parking provided for individuals to have two parking spaces per unit.</li> <li>• There is not enough visitor parking provided.</li> </ul>	<p>Transportation staff have reviewed the applications and noted that the local transportation network is anticipated to satisfactorily accommodate the level of traffic generated by the proposed development.</p> <p>Staff note that Bill 185, Cutting Red Tape to Build More Homes Act, 2024 removed the requirement for local Official Plans and Zoning By-laws to require parking in the protected MTSA’s. The subject lands are located in the Aldershot GO MTSA and under the new legislation would not be required to provide a minimum parking amount.</p>
<p>Increased Traffic on Howard Road</p>	<p>The submitted Transportation Impact Study, prepared by Paradigm, dated September 2024 evaluated the current traffic conditions of the following areas:</p> <ul style="list-style-type: none"> <li>• Plains Road West and Daryl Drive;</li> <li>• Plains Road West and Howard Road; and,</li> <li>• Plains Road West and the proposed Site Driveway.</li> </ul> <p>Transportation Planning staff have reviewed the submitted Traffic Impact Study and advised that under existing conditions, the study area intersections, including Plains Road West and Howard Road will operate at acceptable levels of service and within capacity.</p>

	<p>Under future conditions, including the addition of traffic from planned development east of Waterdown Road, the study intersections are forecasted to operate at acceptable levels of service and within capacity.</p>
<p><b>Oversupply of Bicycle Spaces</b></p> <ul style="list-style-type: none"> <li>• The proposed development is providing too many bicycle parking spaces.</li> <li>• Some will utilize the bicycle spaces, but the majority will have a car to access the surrounding area and commute to work.</li> </ul>	<p>The proposed development is providing 128 bicycle parking spaces for residents, visitors, and the non-residential use.</p> <p>The proposed development is providing a parking rate of 0.1 short-term parking spaces per unit and 0.5 long-term bicycle parking spaces per unit for the residential units.</p> <p>For the non-residential use, the proposal is providing 0.1 short-term parking space per 100 m<sup>2</sup> and 0.1 short-term parking space per 100 m<sup>2</sup>.</p> <p>The proposed bicycle parking rates are aligned with the approved in principle Community Planning Permit By-law. The bicycle parking spaces achieve the goals and objectives of the MTSA by providing active transportation options.</p>
<p><b>Impact of Proposed Development on 181 Plains Road West</b></p> <ul style="list-style-type: none"> <li>• Concern that the proposed development will cause vehicles to right turn into 181 Plains Road West to then left turn out of the existing townhouse complex to utilize the traffic signal.</li> <li>• The proposed development should have a traffic signal to alleviate the number of cars coming into our complex.</li> </ul>	<p>The proposed development will consolidate two driveways on Plains Road West into a single driveway, enhancing traffic safety. This change can reduce conflict points for all types of road users and minimize hazards for pedestrians and cyclists.</p> <p>The proposed driveway is located approximately 100 metres west of the signalized intersection of Plains Road and Howard Road, and approximately 120 metres east of the signalized intersection of Plains Road and Daryl Drive. A two-way left turn lane in the centre of Plains Road West will allow vehicles to wait in the centre lane and proceed when safe, avoiding conflicts with eastbound traffic while exiting from the proposed development.</p> <p>The Traffic Impact Study (TIS), submitted as part of this application notes that vehicles entering or exiting the site will have sufficient</p>

	<p>gaps in traffic for left turns once the adjacent traffic signal turns red. The TIS findings show that the maximum of 17 southbound right-turning vehicles during the PM peak hour (2033 background traffic) from Howard Road will not reduce the available gaps. There will not be any queue in the two-way left turn lane at the centre of Plains Road West during both AM and PM peak hours. Approximately 33 left-turn movements exiting the site heading eastbound during the AM peak hour and 23 during the PM peak hour are anticipated. Additionally, 9 left turn movements entering the site during the AM peak hour and 17 during the PM Peak hour are expected, resulting in negligible impact on left-turning vehicles wishing to enter/exit the site.</p> <p>With the proposed development, there is minimal chance of increased traffic entering the 181 Plains Road West development, based on the low traffic volume generated by the proposed development and we don't see any unsafe turns from the proposed development that would encourage vehicles to enter 181 Plains Road West to make U-turn.</p>
<p>Removal of Trees</p> <ul style="list-style-type: none"> <li>• Concern about tree removal</li> </ul>	<p>The applicant is proposing to remove all 13 trees on site, including 11 private trees and 2 public trees to implement the proposal. Landscape and Forestry staff will require replacement trees to compensate for the tree removal and a tree removal permit for the public tree removal. This will be required at the Site Plan stage.</p> <p>Landscape and Forestry staff have reviewed the revised Arborist Report, Tree Protection Plan and Landscape Plan and are supportive of the proposed recommendations. They note that further details will be required at the Site Plan Stage regarding tree compensation.</p>
<p>Impact of Development on St. Mary's CBM</p> <ul style="list-style-type: none"> <li>• Concerned that the proposed development will cause noise complaints for the existing</li> </ul>	<p>The applicant was required to submit a Land Use Compatibility Study, which evaluated twenty-four industrial facilities (including St. Mary's CBM) within 1000 metres of the subject</p>

<p>facility and impact their operations</p>	<p>lands with respect to air quality, odour, dust, noise, and vibration.</p> <p>The Land Use Compatibility Study concluded that St. Mary's Cement is operating under an ECA which requires a Dust Management Practices Plan, and it was determined that the adverse air quality, dust, and odour impacts are not significant.</p> <p>The proposed development may introduce new elevated receptor for CBM which GHD determined through preliminary modelling would remain below the Ministry Point of Impingement Limits.</p> <p>Mitigation for the potential facilities can be done with design aspects such as inoperable windows, air conditioning, and locating air intakes well above grade.</p> <p>They also submitted a Noise Impact Assessment which evaluated the proposed development's impact on surrounding land uses and the impact of existing stationary noise on the proposed use. The Noise Study concluded that noise warning clauses will be required in all agreements of purchase and sale, or lease and all rental agreements and specific building components will be required at the Site Plan stage.</p> <p>The Study also recommended that the property be classified as Class 4 sound designation due to the existing stationary noise produced by a nearby facility (King Paving).</p> <p>The Land Use Compatibility Study and Noise Impact Study were reviewed by an external peer review consultant, R.J. Burnside and Associates Limited who concluded that the proposed development will not have an adverse impact on the existing and future operations of St. Mary's CBM.</p>
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<p>Lack of surrounding amenities including restaurants, drug stores, grocery store, senior's centre and children's playground.</p>	<p>The proposed development is located on Plains Road West where commercial development exists including retail, office, service commercial, and restaurants. Community gathering spaces such as Hidden Valley Park, LaSalle Park, Wading Pool &amp; Splash Pad, St. Matthew's Anglican Church, and West Plains United Church are located within a reasonable distance from the site.</p> <p>Further, the proposed development is located within the Aldershot GO MTSA which envisions a mixed-use community that provides residential and non-residential uses. It is contemplated that the future development of the Aldershot GO MTSA will provide non-residential amenities that will contribute to a complete community.</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 141, 147 and 153 Plains Road West 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.

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Respectfully submitted,

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

- A. Location Map
- B. Concept Plan
- C. Public Comments

- D. Draft Official Plan Amendment
- E. Draft Zoning By-law Amendment
- F. Detailed Planning Analysis

**Notifications:**

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**Report Approval:**

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