
SUBJECT: Statutory Public Meeting and Recommendation Report for Official Plan Amendment and Zoning By-law Amendment for 35 Plains Road East

TO: Committee of the Whole

FROM: Development and Growth Management
Community Planning

Report Number: DGM-40-25

Wards Affected: 1

Date to Committee: July 8, 2025

Date to Council: July 8, 2025

Recommendation

Approve the applications, as modified by staff, for an Official Plan Amendment and a Zoning By-law Amendment submitted by KFA Architects + Planners Inc., on behalf of property owner 2816544 Ontario Inc. for the development of a 13-storey mixed use building consisting of ground floor retail and service commercial uses with 161 residential units above; and

Approve Official Plan Amendment No. 162 to the City of Burlington Official Plan 1997, as outlined in Appendix D of development and growth management report DGM-40-25, to amend the designation at the lands located at 35 Plains Road East as “Mixed Use Corridor – Commercial Corridor” with site-specific policies; and

Deem that the Official Plan Amendment No. 162 is consistent with The Planning Act; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 162 as outlined in Appendix D to development and growth management report DGM-40-25 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 2020.507, attached as Appendix E to development and growth management report DGM-40-25, to rezone the “MXC-470” zone to “H-MXC-565” as amended for the lands at 35 Plains Road East; and

Deem that Zoning By-law 2020.507 will conform to the Halton Region Official Plan, the 1997 Official Plan of the City of Burlington and the 2020 Official Plan once Official Plan Amendment No. 162 are adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 162 is adopted.

Executive Summary

Purpose of report:

- The purpose of this report is to provide Council with information on the Official Plan Amendment and Zoning By-law Amendment application that is necessary for proceeding with the Statutory Public Meeting and present a recommendation on the application. The requested amendments reflect a revised proposal from the previously approved 9-storey mixed-use building with approximately 278m² of retail service and commercial uses on the ground floor and 72 residential units above. The currently proposed development consists of a development of 13-storey mixed use building with approximately 457m² of retail and service commercial uses on the ground floor and 161 residential units above which represents an increase of 89 residential units and approximately 178m² additional ground floor retail and service commercial space.
- Staff are recommending approval of the Official Plan and Zoning By-law Amendment applications at 35 Plains Road East (the “subject lands”) for a 13-storey mixed use building consisting of ground floor retail with 161 residential units above with modifications to the proposed Amenity Area rates per unit.

Key findings:

- The applicants have applied for an Official Plan Amendment and Zoning By-law Amendment to facilitate the proposed development. The proposed amendments to the Official Plan designation include increased height from 9 to 13 storeys as well as increased Floor Area Ratio (FAR) from the existing maximum 4.4:1 to 6.9:1. Additionally, an amendment to the Zoning By-law 2020 is required for the same as well as for increased number of units, measured height, commercial floor area, amenity area as well as reduced parking, and setbacks
- Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment based on the following:
 - The proposed amendments are consistent with the Provincial Planning Statement (2024);
 - The proposed amendments conform with the Regional Official Plan (2009, as amended) and maintain the general intent of the Burlington Official Plan (1997) and Burlington Official Plan (2020);
 - The proposed development maintains the general intent of Zoning By-law 2020;
 - Staff is of the opinion that the proposed development represents good planning.

RECOMMENDATION:		Approval with modifications	Ward:	1
Application Details	APPLICANT:	KFA Architects and Planners Inc		
	OWNERS:	2816544 Ontario Inc		
Property Details	FILE NUMBERS:	505-05/25 and 520-06/25		
	TYPE OF APPLICATION:	Official Plan & Zoning By-law Amendment		
	APPLICANT'S PROPOSAL:	13-storey mixed use building consisting of ground floor retail and service commercial uses with 161 residential units above.		
	PROPERTY LOCATION:	Northwest corner of Plains Road East and Cooke Boulevard.		
Documents	MUNICIPAL ADDRESS:	35 Plains Road East		
	PROPERTY AREA:	0.20 ha		
	EXISTING USE:	Vacant land		
Processing Details	1997 OFFICIAL PLAN Existing:	'Mixed Use Corridor - Commercial Corridor' with site specific policies		
	1997 OFFICIAL PLAN Proposed:	'Mixed Use Corridor - Commercial Corridor' with site specific policies as amended		
	2020 OFFICIAL PLAN Existing:	'Urban Corridor'		
	2020 OFFICIAL PLAN Proposed:	'Urban Corridor'		
	ZONING Existing:	'Mixed Use Corridor Commercial' with site specific exceptions (MXC-470)		
	ZONING Proposed:	'Mixed Use Corridor Commercial' (H-MXC-565) with site specific exceptions and with a holding provision as amended		
Processing Details	APPLICATION SUBMITTED:	March 14, 2024		
	APPLICATION DEEMED COMPLETE:	March 14, 2024		
	STATUTORY DEADLINE:	July 12, 2025		
	PRE-APPLICATION COMMUNITY MEETING:	June 10, 2024		
	STATUTORY PUBLIC MEETING:	July 8, 2025		
	PUBLIC COMMENTS:	At the time of writing this report, 3 written public comments were received out of 157 notices.		

Recommendation Report

Background

On March 14, 2025, the City acknowledged that complete applications had been received for an Official Plan Amendment and Zoning By-law Amendment for 35 Plains Road East. The purpose of these applications is to amend the in effect Official Plan and Zoning By-law to facilitate a revised proposal primarily seeking to increase:

- Height - increase of 3 storeys from the previously approved 9-storeys to 13-storeys (inclusive of mechanical penthouse and amenity area on the 13th storey)
- Residential units - increase of 89 units from the previously approved 72 units to 161 residential units
- Retail/Service Commercial space – proposed increase of 178m² from 278m² to approximately 457m²

An Official Plan Amendment and Zoning By-law Amendment application (File Nos.: 505-03/16 and 520-04/16) was submitted to the City of Burlington in 2016. This application amended the subject lands 'Mixed Use Corridor – Commercial' designation with site-specific policies as well as rezoned the subject lands from "MXC-175" to "MXC-470" to permit the development of 9-storey mixed-use building with approximately 278m² of retail and service commercial uses on the ground floor and 72 residential units above. These were later appealed to the Local Planning Appeal Tribunal (now known as the Ontario Lands Tribunal) and approved by the same on July 12, 2018. A Site Plan application for this same development concept was later submitted in November of 2021 (File No.: 535-015/21) and received Site Plan approval on May 8, 2023 but was later withdrawn as per the applicant's request.

Description of Subject Property and Surrounding Land Uses

The subject lands are located at the northwest corner of Plains Road East and Cooke Boulevard. The subject lands have a total area of 0.20 hectares and are currently vacant. Surrounding uses are as follows:

- North: to the north is the property 1026 Cooke Boulevard which contains a 1-storey commercial building and recent development approvals for a 24-storey mixed use building containing retail and commercial uses at grade and residential uses above.
- East: to the east is Cooke Boulevard and across are the properties 53-71 Plains Road East and 1025 Cooke Boulevard which contain a 1-storey entertainment establishment as well as vacant lands and have received development approvals for two mixed use buildings of 18- and 9-storeys with retail and service commercial uses at grade and residential uses above.

- South: to the south is Plains Road East and across are various properties with residential and commercial uses ranging between 1- and 2-storeys as well as the property 28 Plains Road East which contains a 6-storey mixed use building with retail and service commercial uses at grade and residential uses above.
- West: to the west is 15 Plains Road East which includes a 1-storey service commercial building utilized as a Royal Bank of Canada (RBC) branch.

The subject lands are located approximately 85 metres from the nearest Burlington Transit bus stops located on the intersection of Plains Road East and Waterdown Road. The intersection includes bus stops for Route 1 (Plains) which runs along Plains Road into the City of Hamilton, and provides access to the Burlington GO and Appleby GO stations as well as bus stops for Route 4 (Central) which runs along Waterdown Road to the Aldershot GO Station, downtown and the Appleby GO Station. The proposed development is also located approximately 800m from the Aldershot GO station and higher-order transit.

Description of Applications

KFA Architects and Planners Inc has made an application on behalf of the owner 2816544 Ontario Inc to amend the Official Plan and Zoning By-law for the properties located at 35 Plains Road East. These applications propose an Amendment to the Official Plan 1997, as amended and Zoning By-law 2020 to facilitate the development of a 13-storey mixed use building consisting of ground floor retail and service commercial uses with 161 residential units above.

Analysis

Aldershot GO Major Transit Station Area

The Provincial Planning Statement (the “PPS”) directs that growth and development be focused in ‘Settlement Areas’. Settlement Areas include built-up urban areas where development is concentrated, and which have a mix of land uses and lands which have been designated in an Official Plan for development over the long term. Settlement Areas also include Strategic Growth Areas such as Major Transit Station Areas (MTSA), where growth should be mainly focused. In accordance with Section 2.4.2. of the PPS, in order support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development Strategic Growth Areas should be planned to:

- a. to accommodate significant population and employment growth;
- b. as focal areas for education, commercial, recreational, and cultural uses;
- c. to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
- d. to support affordable, accessible, and equitable housing.

In accordance with Section 2.4.2 2. of the PPS, within MTSA on higher order transit corridors, planning authorities shall plan for a minimum density target of 160 residents and jobs combined

per hectare for those that are served by light rail or bus rapid transit. The City's Integrated Mobility Plan (IMP) envisions the Plains Road as a future Bus Rapid Transit Corridor with dedicated lanes.

The Halton Region Official Plan (ROP) considers the subject lands to be within as a Strategic Growth Area as they are found within a Major Transit Station Area (MTSA) and are located along Plains Road East which is designated as Regional Intensification Corridor also known as the 'Plains-Fairview Corridor'. Section 81 and 82.3, describes that some the objectives of the MTSA's and the Regional Intensification Corridors are to provide a range and mix of transit-supportive uses, such as higher-density mixed uses such as residential, retail, office and public uses, as well as public service facilities and parks and open spaces that support the area in a pedestrian-oriented urban environment.

The subject lands are designated as 'Mixed Use Corridor - Commercial Corridor' under Official Plan (1997, as amended) (OP 1997). In accordance with Part III, Section 5.3.2 iii), lands designated Mixed Use Corridor, subject to the Commercial Corridor Policies and located within a MTSA, shall permit only transit supportive uses, have a minimum floor space index of 0.5 and a minimum building height of two storeys. Similarly, the subject lands are designated as 'Urban Corridor' and are within the 'Aldershot Major Transit Station Area (MTSA) Special Planning Area' under Official Plan (2020). In accordance with Section 2.3.1 h) of the OP 2020, MTSA's are intended to serve as city-wide destinations and focal points for the provision of higher intensity and mixed-use land uses, transit supportive development that will accommodate majority of the growth of the City's future population and employment.

At the June 18, 2024, Council meeting, Council adopted OPA 2 and approved in principle the Community Planning Permit System By-law for the City's MTSA's. The Major Transit Station Area (MTSA) Community Planning Permit System (CPPS) is identified in the City's Action Plan for the Housing Accelerator Fund to create more housing supply at an accelerated pace and to enhance certainty in the approvals process. 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. Although OPA 2 still needs to be approved by the Province, the boundaries of the MTSA's, as delineated and approved through the Region's work on ROPA 48, are in effect. The subject lands are found within the 'Aldershot Main Street' Precinct in accordance with the Council adopted amendment which envisions a mid-rise built form (up to 11-storeys).

The proposed development includes residential intensification on vacant lands including 161 new residential units that would serve as additional housing options in the city, and which will be municipally serviced by nearby existing public transit routes. The subject lands are located approximately 85 metres from the nearest Burlington Transit bus stops located on the intersection of Plains Road East and Waterdown Road. The intersection includes bus stops for Route 1 (Plains) which runs along Plains Road East into the City of Hamilton and provides access to the Burlington GO and Appleby GO stations as well as bus stops for Route 4 (Central)

which runs along Waterdown Road to the Aldershot GO Station and the Appleby GO Station. The proposed development is also located approximately 800m from the Aldershot GO station and higher-order transit. As a result, staff is of the opinion that the proposed development is an efficient use of the land, resources, infrastructure and public service facilities which are planned and available. The proposed development is intended to provide mixed-use intensification that supports a pedestrian-oriented urban environment and existing as well as planned transit while ensuring the neighbourhood character is preserved. The proposed development has been reviewed against the applicable in effect Official Plan policies including the development intensification criteria and associated design guidelines as later discussed under Appendix F – Detailed Planning Analysis.

2.0 Development Built Form and Intensification Criteria

In accordance with Section 2.4.1 3. of the PPS, planning authorities should identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas as well as permit development and intensification within these to support the achievement of complete communities and a compact built form. Similarly, Section 81 of the ROP describes that some the objectives of the MTSAs, are to provide a range and mix of transit-supportive uses, to support the area in a pedestrian-oriented urban environment while considering contextually appropriate intensification opportunities to ensure the protection of neighbourhood character.

In accordance with Part III, Section 2.5.2 a) (v) and (ix) of the OP 1997, compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided. Capability exists to provide adequate buffering and other measures to minimize any identified impacts. Similarly, Part III, Section 2.5.2 a) (x) describes that where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised.

Section 12.1.2 (2.2) c) (ii) (iv) and (viii) of the OP 2020, describes that the development shall achieve built form compatibility, achieve high quality urban design and is consistent with the policies contained in Chapter 7 – Design Excellence of the OP 2020 and provide buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided. Similarly, Section 12.1.2 (2.2) c) (ix) describes that, the development shall demonstrate that future development on the adjacent properties will not be compromised by the proposal and be designed to facilitate future pedestrian, cycling and/or private street connections.

Staff is of the opinion that the proposed building maintains compatibility with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage as discussed in the analysis provided under Appendix F – Detailed Planning Analysis including the review of the Zoning By-law and applicable Urban Design Guidelines. The proposed development includes an amenity area rate of approximately 10m² per dwelling unit which results

in a total of approximately 1657 m². Staff consider the proposed rate to be well below the appropriate amount of amenity to account for the additional 89 residential units being proposed in comparison to the previous development concept. The previous development for a 9-storey mixed use building with retail at grade and 72 residential units included a total of approximately 1240m² which reflects a rate of approximately 17m² per dwelling unit. Staff are therefore recommending a modification to increase in the minimum required amenity area to 15 m² per dwelling unit which would result in a total required amenity area of 2415m².

3.0 Housing

In accordance with Section 2.2, 1. of the Provincial Planning Statement (PPS, 2024), planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- b. permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
- d. requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

Section 75 of the ROP projects that for the City of Burlington, a population target of 240,050 people as well as a density target of 20,500 Housing Units by 2041. Furthermore, in accordance with Section 86, (6) of the ROP, the per cent of new housing units produced annually in Halton in the form of townhouses or multi-storey buildings is to be at least 65 per cent to 2031 and at least 75 per cent each year thereafter.

In accordance with Section 84, 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 and some of the objectives include: to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods and encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles

Section 3.1.1(2)(g) of the City of Burlington 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. 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 2) of the Housing Strategy is to Support a Broad Variety of Housing Types and Forms to increase housing options that meet the needs of all current and future residents at all stages of life. This theme describes there is an important need to diversify the existing housing stock to include additional semi-detached, townhouse, mid-rise, high rise, and alternative housing forms as the City's current housing stock is primarily composed of single-detached dwellings. Furthermore, Action 4 of the Housing Strategy established minimum targets around housing that builds upon the policies of the City of Burlington Official Plan (2020) and uses the findings of the Housing Strategy Project. These targets are appended to the Housing Strategy and establish that out of all new dwellings in the City, 1- and 2-bedroom dwellings should make up 55 per cent out of the 80 per cent of new Apartment Dwellings. The proposed development includes a breakdown of 56 per cent of 1-bedroom units, 34 per cent of 2-bedroom and 10 per cent of 3-bedroom units.

The proposed development includes amendments to the previously approved 9-storey mixed-use building with 278m² of retail service commercial uses on the ground floor and 72 residential units above, representing an increase of 89 residential units and approximately 178m² additional ground floor retail and service commercial space. Staff is of the opinion the proposed development meets the housing policies outlined under the Provincial, Regional and Local Plans.

Zoning By-law

The subject property is currently zoned 'MXC-470' ('Mixed-Use Corridor Commercial' with site-specific regulations) under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning Plan). The MXC permits a range of retail and service commercial uses, office, community institutions, hospitality, automotive as well as entertainment and recreation uses. This zone also permits medium and high-density residential uses.

The application requests a Zoning By-law Amendment to rezone the subject lands from 'MXC-470' ('Mixed-Use Corridor Commercial' with site-specific regulations) to 'H-MXC-565' ('Mixed-Use Corridor Commercial' with site-specific regulations and with a holding provision) as amended with new regulations in order to facilitate the development of a 13-storey mixed use building consisting of ground floor retail and service commercial uses with 161 residential units

above. City Planning staff have included a holding provision on the zoning application in order to address staff concerns related to the injury and removal of neighbouring trees, trunk sewer servicing capacity and the submitted Functional Servicing Report.

As per the analysis provided of the Zoning By-law 2020 under Appendix F – Detailed Policy Analysis, staff is of the opinion that the proposed amendments, as modified by staff, are consistent with Provincial directions, conform to the Regional Plan and maintain the general intent of the Local Official Plans and are appropriate for the subject lands

Technical Review

The applications were circulated to internal staff and external agencies on March 10, 2025, for review. The following are summaries of the comments received:

City of Burlington – Finance – staff requests as a condition of development that, “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.”

City of Burlington – Development Engineering – staff have no objection to the Official Plan and Zoning By-law Amendment applications. Additionally, a list of documents and plans to be submitted at the Site Plan application stage has been provided to the applicant.

City of Burlington – Urban Forestry and Landscaping – Urban Forestry and Landscaping staff indicated that the submitted documents do not demonstrate that the owners of the neighboring properties have granted permission for the proposed tree removals. Consent from the owners of the adjacent properties is required prior to the removal of these trees which has been included by way of a holding provision under the amending by-law. Staff encouraged tree number 2 to be retained, within a proposed continuous soil trench or large sod bed with enough soil and space. Additional tree planting within the continuous soil trench/sod bed next to tree number 2 is also encouraged. The submitted Arborist Report outlined that the date of the tree inventory data is September 8, 2021, which exceeded the 365-day limit of tree inventory data. The applicant has now provided a revised Tree Protection Plan and Landscape Concept Plan which also includes the preservation of tree number 2.

City of Burlington – Parks and Open Space – staff wishes to collect cash in lieu of parkland, with CILP charged at the rate in effect at the time of building permit issuance.

City of Burlington – Transportation Planning – staff support the Official Plan and Zoning By-law Amendment application with the proposed land-use and density. Staff requested a draft reference plan (R-Plan), prepared by an Ontario Land Surveyor (OLS) showing the required 5 metres x 5 metres daylight triangle which is required to be conveyed to the City and dedicated to the right-of-way. The applicant has provided the requested information; therefore staff have no outstanding comments for the Official Plan and Zoning By-law Amendment. Staff also provided future site plan considerations which have been provided to the applicant and note four (4) commercial parking spaces are in a lay-by on Cooke Boulevard, lay-bys are not

supported within the City's right-of-way and shall be removed from the site plan for subsequent applications.

City of Burlington – Fire – No comments.

City of Burlington – Heritage Planning – No comments or concerns.

City of Burlington – Zoning – Amendments required to the Zoning By-law have been identified and included as part of the amending by-law under Appendix D – Zoning By-law Amendment to reflect the proposed development.

Halton Region – The servicing issues related to the existing downstream sanitary sewer capacity issues are a significant concern to the Region. Due to this, regional staff recommended that the development application should not proceed until the proposed trunk sewer replacement on Cooke Boulevard and Plains Road East has been constructed and operational. Halton Region staff requested that the submitted Functional Servicing Report (FSR) be revised to include flow analysis that is based on current design standards in the Region's Linear Design Manual (LDM). Therefore, City Planning staff have included a holding provision on the zoning application as suggested by regional staff to accommodate the Region's concerns in relation to the trunk sewer replacement and the required revised FSR as outlined under the amending By-law under Appendix D – Zoning By-law Amendment. Additionally, a Waste Management Plan is required to address waste collection for the proposed development, this can be provided at a later Site Plan application.

Halton Police – No concerns with the applications as it does not interfere with the line-of-sight radio system.

Halton Catholic District School Board – no objections to the application. In terms of school accommodation, if the residential development were to proceed today, elementary students generated from the development would be accommodated at Holy Rosary (B) CES located at 261 Plains Road East. Secondary school students would be directed to Assumption CSS located at 3230 Woodward Avenue. Staff require conditions to be placed in subsequent agreements (e.g. Subdivision, Condominium, and Site Plan) and are to be fulfilled prior to final approval.

Halton District School Board – no objections to the application. Staff provided an overview of the potential impact of this development application on student accommodation needs as well as conditions to be placed in subsequent agreements (e.g. Subdivision, Condominium, and Site Plan) and are to be fulfilled prior to final approval.

Conservation Halton (CH) – No comments. Conservation Halton does not regulate the subject lands, and given the small size would defer stormwater management review to the City.

Burlington Hydro – Staff have indicated that the proposed development is located within the hydro distribution system that has very limited capacity to support this development and

requested a detailed loading estimate for the development to determine capacity availability in the area as well as transformer sizing. Additionally, there is an obstruction free zone of 3 metres surrounding the proposed transformer and overall equipment. Planting shrubs, trees or flowers, or buildings of fences or walls in the obstruction free zone around transformer or switchgears is not allowed; also, the obstruction free zone cannot be used for snow storage. The applicant has provided a detailed loading estimate to Burlington Hydro staff and additional details on the placement of the transformer, comments related to these items are to be addressed at the detailed Site Plan design stage.

Aldershot Business Improvement Area (ABIA) – The 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. Groceries must be considered as well as full-service restaurants (including venting), daycare, services, and other uses to serve the day-to-day needs of businesses and increased amount of residents in re-development. As the property is now vacant, the ABIA would welcome some retail/commercial space to support the proposed building. The ABIA would like to see more retail space allocated to ensure there are plenty of amenities for new residents and any existing square footage is maintained or increased in new developments within the MTSA. Along with that, it would benefit any potential commercial tenants to have more dedicated commercial-only parking spots for ease of customer use. City Planning staff is of the opinion that the proposed development provides for appropriate amount of retail and service commercial space at grade and. The proposed amendments include an increase to the minimum required Commercial Floor Area from 220m² to 450m².

Canada Post – No comments.

Enbridge Gas – No comments.

Imperial Infrastructure – No comments.

Rogers Communications – No comments or concerns.

Trans-Northern Pipeline – No infrastructure in the area.

Sun-Canadian Pipeline – No comments.

Recommendation Details

- The proposed amendments are consistent with the Provincial Planning Statement (2024);
- The proposed amendments conform with the Regional Official Plan (2009, as amended);
- The proposed amendments maintain the general intent of the Burlington Official Plan (1997) and have appropriate regard for Burlington Official Plan (2020);

- The proposed development maintains the general intent of Zoning By-law 2020
-

Key Dates & Milestones

- Pre-application Community Meeting: June 10, 2024
 - Application submitted: March 14, 2025
 - Application deemed complete: March 14, 2025
 - Statutory public meeting: July 8, 2025
 - Statutory deadline: July 8, 2025
-

Implications

Financial

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

Climate

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; encourage the adoption of electric mobility and equipment through personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

As part of the Official Plan 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. A detailed review of the Sustainable Building guidelines has been included under Appendix F – Detailed Policy Analysis. Staff is of the opinion the proposed development proposal complies with the required Sustainable Building and Development Guidelines and therefore the development considers the City of Burlington Climate Action Plan to support the City's climate considerations

Engagement Matters

Notice signs were posted on the subject lands on March 28, 2025. A public notice of the Zoning By-law Amendment application was mailed to 157 addresses, which includes all property owners within 120 metres of the subject lands.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/35plainsroad. 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.

As of the writing of this report, 3 written public comments have been received by staff with respect to the subject application in objection to the proposal. The public comments received to date have been included under Appendix C – Public Comments. The letters received represent positions of opposition with regard to the following themes:

Concerns on population increase and its impact on infrastructure and increased traffic as well as proposed parking rate, illegally parked cars and proposed parking along Cooke Boulevard

Staff comment: The proposed development consists of 161 new residential dwelling units that would serve as additional housing options in the city, and which will be municipally serviced by nearby existing public transit routes. The subject lands are located in close proximity to Burlington Transit bus stops located on the intersection of Plains Road East and Waterdown Road which runs along Plains Road East into the City of Hamilton, the Burlington GO and Appleby GO stations as well as bus stops for Route 4 (Central) which runs along Waterdown Road to the Aldershot GO Station and the Appleby GO Station. The proposed development is also located approximately 800m from the Aldershot GO station and higher-order transit.

Transportation Planning staff indicated support of the application and the proposed land-use and density as the transportation network can accommodate the increase without significant negative impact. Transportation Planning staff also noted four (4) commercial parking spaces are in a lay-by on Cooke Boulevard, lay-bys are not supported within the City's right-of-way and shall be removed from the site plan for subsequent applications.

As a result, Planning staff is of the opinion that the proposed development is an efficient use of the land, resources, infrastructure and public service facilities which are planned and available.

Concerns on size of units and affordability

Staff comment:

According to the City's Housing Strategy targets for all new dwellings in the City, 1- and 2-bedroom dwellings should make up 55 per cent out of the 80 per cent of new Apartment Dwellings. The proposed development includes a breakdown of 56 per cent of 1-bedroom units, 34 per cent of 2-bedroom and 10 per cent of 3-bedroom units. Staff is of the opinion that the proposed development includes an appropriate mix of dwelling unit sizes.

Concerns on impact of the natural environment and wildlife as well as air quality

Staff comment:

The subject lands are designated as "Mixed Use Corridor – Commercial Corridor" under the in-effect Official Plan (1997, as amended). The subject lands are not in close proximity to lands designated as the 'City's Natural Heritage' as per Official Plan 2020 nor are not expected to cause a negative impact onto the natural environment based on the submitted materials and associated reviews. The proposed development has taken into consideration the Sustainable

Building and Development Guidelines as outlined under Appendix F – Detailed Policy Analysis, which aims to protect for environmental impacts of new development proposals.

References

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

- [Cover Letter](#) prepared by KFA Architects and Planners Inc. dated January 20, 2025.
- [Complete Application Form](#) signed February 10, 2025.
- [Planning Justification Report](#) prepared by KFA Architects and Planners Inc. dated January 2022.
- [Site Survey](#) prepared by Rady-Pentek & Edward Surveying Ltd. dated August 18, 2015.
- [Conceptual Site Plan and Architectural Plans](#) prepared by KFA Architects and Planners Inc. dated January 20, 2025.
- [Shadow Study](#) prepared by KFA Architects and Planners Inc. dated January 20, 2025.
- [Wind Study](#) prepared by Gradientwind Engineers and Scientists dated July 4, 2024.
- [Functional Servicing Report](#) prepared by Schaeffers Consulting Engineers dated February 2025.
- [Noise Feasibility Study](#) prepared by HGC Engineering dated July 25, 2022.
- [Noise Feasibility Study Addendum](#) prepared by HGC Engineering dated August 14, 2024.
- [Transportation Impact Study](#) prepared by NextEng Consulting Group Inc. dated August 22, 2024.
- [Phase One Environmental Site Assessment](#) prepared by Toronto Inspection Ltd. dated July 14, 2022.
- [Phase One Environmental Site Assessment Update](#) prepared by Toronto Inspection Ltd. dated June 24, 2022.
- [Sustainable Building and Development Guidelines Checklist](#) prepared by KFA Architects and Planners Inc. dated January 28, 2025
- [Environmental Site Screening Questionnaire](#) signed February 10, 2025.
- [Draft Official Plan Amendment](#) prepared by KFA Architects and Planners Inc.
- [Draft Zoning By-Law Amendment](#) prepared by prepared by KFA Architects and Planners Inc.
- [Pre-application Community Meeting Minutes](#) prepared by KFA Architects and Planners Inc. dated June 10, 2024.

- [Burlington Urban Design Panel Minutes](#) prepared by dated May 30, 2025.
- [Urban Design Brief](#) prepared by KFA Architects and Planners Inc. dated January 2025.
- [Drive Through Agreement](#) prepared by KFA Architects and Planners Inc. dated February 10, 2025.
- [Civil Drawings](#) prepared by Schaeffers Consulting Engineers dated February 4, 2025.
- [Arborist Report](#) prepared by Adesso Design Inc. dated April 25, 2025.
- [Tree Protection Plan](#) prepared by Adesso Inc. dated April 25, 2024.
- [Landscape Concept Plans](#) prepared by Adesso Design Inc. dated January 29, 2025
- [Structural Engineering Letter](#) prepared by Sigmund Soudack and Associates Inc. dated March 8, 2023.
- [Pre-consultation Meeting Notes](#) prepared by City of Burlington dated August 9, 2025.
- [Revised Parking Specifications I](#) provided by KFA Architects and Planners Inc. dated April 25, 2025.
- [Revised Parking Specifications II](#) provided by KFA Architects and Planners Inc. dated April 25, 2025.
- [Revised Parking Specifications III](#) provided by KFA Architects and Planners Inc. dated April 25, 2025.
- [Revised Waste Management Plan](#) provided by KFA Architects and Planners Inc. Dated May 23, 2025.
- [Revised Traffic Impact Study Addendum](#) prepared by NextEng Consulting Group Inc. dated May 8, 2025.
- [Revised Underground Parking Architectural Plans](#) prepared by KFA Architects and Planners Inc. dated May 23, 2025.
- [Revised Reliance Letter](#) prepared by HGC Engineering dated May 16, 2025.
- [Revised Functional Servicing Report](#) prepared by Schaeffers Consulting Engineers dated May 2025.
- [Revised Tree Protection Plan and Landscape Concept Plan](#) prepared by Adesso Design Inc. dated May 22, 2025.
- [Revised Electrical Loading Schedule](#) prepared by Venneri Consulting Engineers Ltd. dated May 17, 2025
- [Revised Transformer Plans](#) prepared by Venneri Consulting Engineers Ltd. dated May 23, 2025

The supporting documents have been uploaded on the City's website for the subject application which can be found on the following link www.burlington.ca/35plainsroad.

Conclusion

Staff have evaluated the applications for Official Plan and Zoning By-law Amendment for 35 Plains Road East in accordance with all applicable policies, regulations, and guidelines, and with consideration for comments received from technical reviewers and the public. Staff is of the opinion that the proposed development, as modified by staff, is consistent with the Provincial Planning Statement (2024); conforms with the Region of Halton Official Plan; and maintains the general intent of the policies of the City of Burlington Official Plan (1997, as amended) and City of Burlington Official Plan (2020). Staff are therefore recommending approval, with modification, of the subject applications.

Strategic 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
-

Author:

Mariana Da Silva
Planner, Community Planning Department
905-335-7600 Ext. 7536
mariana.dasilva@burlington.ca

Appendices:

- A. Existing Zoning
- B. Concept Plan
- C. Public Comments
- D. Draft Official Plan Amendment
- E. Draft Zoning By-law Amendment
- F. Detailed Policy Analysis

Draft By-laws for Approval at Council:

- By-law to Special Council meeting on July 8, 2025 (subject to subsequent appeal period prior to coming into force and effect).

Notifications:

2816544 Ontario Inc (c/o Jose Cruz)

KFA Architects and Planners Inc (c/o Luca Chandler)

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.