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SUBJECT: Statutory Public Meeting for Official Plan and Zoning By-law Amendments for  
3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-55-25

Wards Affected: 6

Date to Committee: September 9, 2025

Date to Council: September 16, 2025

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## **Recommendation**

Approve the applications for Official Plan and Zoning By-law Amendments, submitted by Calloway REIT (Burlington Appleby) Inc. proposing grocery stores and department stores as permitted uses on 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line; and

Approve Official Plan Amendment No. 163 to the City of Burlington Official Plan 1997, as provided in Appendix D to development and growth management report DGM-55-25, to amend the current Regional Commercial designation for the lands located at 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line; and

Deem that Official Plan Amendment No. 163 is consistent with The Planning Act; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 163 as contained in Appendix D to development and growth management report DGM-55-25 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 2020.510, attached as Appendix E to development and growth management report DGM-55-25, to amend the special exception Regional Commercial zone (CR-312); and

Deem that Zoning By-law 2020.510 will conform to the 1997 Official Plan of the City of Burlington and the 2020 Official Plan once Official Plan Amendment No. 163 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 163 is adopted.

### Executive Summary

Purpose of report:

- The purpose of this report is to provide Council with information on the proposed applications in order to proceed with the Statutory Public Meeting and present a recommendation on these applications. Staff are recommending approval of the official plan and zoning by-law amendment applications required to provide for a grocery store and department store as permitted uses at 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line.

Key findings:

- The applicants have applied for an Official Plan Amendment and Zoning By-law Amendment to add grocery stores and department stores as permitted uses. 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), as well as 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 are of the opinion that the proposed development represents good planning.

<b>RECOMMENDATION:</b>		Approval	<b>Ward:</b>	6
<b>Prope Application Details</b>	<b>APPLICANT:</b> <b>OWNERS:</b>  <b>FILE NUMBERS:</b> <b>TYPE OF APPLICATION:</b> <b>APPLICANT'S PROPOSAL:</b>	Harrison Ioannou Calloway REIT (Burlington Appleby) Inc  505-06/25 and 520-08/25 Official Plan & Zoning By-law Amendment To permit Grocery Stores and Department Stores		
	<b>PROPERTY LOCATION:</b>	North-east corner of Appleby Line and Dundas Street.		

	<b>MUNICIPAL ADDRESS:</b>	3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line
	<b>PROPERTY AREA:</b>	5.98 ha (total)
	<b>EXISTING USE:</b>	Commercial
<b>Documents</b>	<b>1997 OFFICIAL PLAN Existing:</b>	Regional Commercial
	<b>1997 OFFICIAL PLAN Proposed:</b>	Regional Commercial
	<b>2020 OFFICIAL PLAN Existing:</b>	Mixed Use Commercial Centre
	<b>2020 OFFICIAL PLAN Proposed:</b>	Mixed Use Commercial Centre
	<b>ZONING Existing:</b>	Regional Commercial (CR-312)
	<b>ZONING Proposed:</b>	Regional Commercial (CR-312)
<b>Processing Details</b>	<b>APPLICATION SUBMITTED:</b>	May 26, 2025
	<b>APPLICATION DEEMED COMPLETE:</b>	May 29, 2025
	<b>STATUTORY DEADLINE:</b>	September 21, 2025
	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	May 15, 2025
	<b>STATUTORY PUBLIC MEETING:</b>	September 9, 2025
	<b>PUBLIC COMMENTS:</b>	At the time of writing this report, no written public comments were received out of 33 notices.

## Recommendation Report

### Background

On May 29, 2025, the City acknowledged that a complete application had been received for an Official Plan and Zoning By-law Amendment for 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line. The purpose of the application is to amend the Official Plan and Zoning By-law to permit grocery stores and department stores whereas they are currently prohibited uses.

### Description of Subject Property and Surrounding Land Uses

The subject lands are municipally known as 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line, located at the north-east corner of Appleby Line and Dundas Street. The subject lands are

irregular in shape and have an area of 5.98 hectares. The subject lands have a frontage of approximately 390 metres along Dundas Street and 230 metres along Appleby Line.

The property contains seven commercial buildings.

Surrounding uses are as follows:

- North: To the immediate north of the subject lands is a regional commercial use including big box stores and banks.
- East: To east of the subject lands is CN rail and further east is single detached dwellings.
- South: To the immediate south of the subject lands are regional commercial lands that include a number of retail stores.
- West: To the west of the subject lands regional commercial uses containing mainly retail stores.

Transit Routes 11 and 12, Dundas at Fairview is located adjacent to the development site and provides reliable transit service. Furthermore, Route 11 also provides access to / from the Appleby GO station.

## **Description of Applications**

Calloway REIT (Burlington Appleby) Inc has submitted applications to amend the Official Plan and Zoning By-law for the property located at 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line. The applications propose an Official Plan and Zoning By-law Amendment for the subject lands to permit grocery stores and department stores where they are currently prohibited.

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## **Analysis**

### **Policy Framework**

The proposed Official Plan and Zoning By-law Amendment applications are subject to review in accordance with 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.

Planning Staff are of the opinion that the proposed development applications are consistent with the Provincial Planning Statement (2024), conforms with the Region of Halton Official Plan (2009, as amended), and the City of Burlington Official Plans (1997 as amended & 2020 as amended) as summarized below and in greater detail within Appendix C.

### **Commercial Uses**

The Halton Region Official Plan (ROP) identifies the site to be within the 'Urban Area' and is identified as a Regional Intensification Corridor. In accordance with Section 72, the Urban Area policies of the ROP identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity. Section 82.3 provides objectives of the intensification corridor to connect other forms of uses from high density residential to employment. Staff are satisfied that the additional uses contribute to the overall function of the existing commercial area and are consistent with the vision set out in the ROP for this area.

The City of Burlington Official Plan 1997 encourages regional commercial uses 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 to serve all of the City's population.

The City's Official Plan provides a balanced approach by targeting specific locations and areas for commercial uses. Applications to amend the Official Plan to more closely meet the general intent of the intensification policies of the Official Plan may be considered appropriate, subject to the nature of the site-specific development application.

The policies of the Official Plan provide for a broad range of permitted service commercial and retail type uses. Considerations to amending the regional commercial use include site area and location on two multipurpose roads, appropriateness of uses intended, infrastructure, on-site parking availability and serviced by public transit.

An Official Plan Amendment is required since site specific policies list grocery / supermarkets and department stores as prohibited uses. The intent of the amendment is to remove these prohibitions and permit these uses within the Regional Commercial Designation.

Staff are of the opinion that the inclusion of a grocery store and department store comply with Part III, 4.2.2 (d) of the Official Plan (1997, as amended). The Regional Commercial designation does permit grocery stores and department stores as of right and removing them as prohibited uses is considered appropriate and allow consumer choice.

In accordance with Official Plan (2020, as amended) section 2.2.1 identifies that Urban Areas are to be the focus of growth and development. The site is located within the Urban Area of the Regional Official Plan and is designated as a Mixed-use Commercial Centre. Section 8.1.3(3) outlines that a range of retail and service commercial uses amongst other uses such as office, residential and public service facilities are permitted. The proposal provides additional retail uses permitted within the Commercial designation which help broaden variety and consumer options.

Staff are satisfied that amending the existing Regional Commercial designation to include grocery and department store conforms to the Official Plan policies and is considered appropriate use of the existing development.

## **Zoning By-law**

The subject properties are currently zoned 'Regional Commercial (CR) with special exception 312. The special exception 312, prohibits a number of uses which includes grocery and department stores. The special exception was implemented through the Ontario Municipal Board (OMB) in June 2005 as demonstrated within the draft zoning by-law in appendix 'E'. Through the review of OMB decisions of case PL010857, there were concerns of the introduction of sensitive lands uses in close proximity to adjacent industrial uses at that time as well as a concern of additional food related retail within the area at a time of a competitive market. The proponent submitted as part of the complete submission a scoped Market Study Impact Assessment, prepared by Tate Economic Research, dated May 2025. It was noted within the report that permitting a grocery store and department store contributes to consumer choice and assists with accommodating the city's population growth, therefore demonstrating the appropriateness of the uses.

The application proposes to amend the existing site specific 'Regional Commercial' Zone (CR-312)'. The proposed grocery store and department store uses are currently prohibited within the special exception 312. The additional uses as permitted uses are discussed in further detail in Appendix "C" to this report.

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

## **Technical Review**

The application was circulated to internal departments and external agencies on June 4, 2025 for review. The following are the comments received that have been summarized below:

**Canada Post** – No comments.

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

**Development Engineering** – No objection.

**Enbridge Gas** – No objection.

**Halton Catholic District School Board** – No objection.

**Halton District School Board** – No objection.

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

**Halton Region** – No objections.

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

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

**Rogers Communications** – No comments.

**Trans-Northern Pipeline** – No infrastructure in the area.

**Transportation Planning** – No objections.

**Urban Forestry and Landscaping** –No objections.

**Zoning** – Deficiencies in the Zoning By-law have been identified based on the current proposal. Zoning comments are subject to change if a revised proposal is received by Planning Staff.

**Option 1: Approval as submitted (recommended)**

Benefits: The approval of the subject application would allow for the inclusion of grocery stores and department stores as permitted uses.

Considerations: Planning Staff have considered the applicant’s proposal and comments provided by staff. Approving the applications would have no impact on the current site and therefore staff are supportive of the applications.

Additional Information: The applicants have the ability to appeal Council’s decision to the Ontario Land Tribunal (OLT).

Community Engagement and Communications: No further communication would be required, unless the decision is appealed. At this time, the Official Plan Amendment and Zoning By-law Amendment has provided opportunities for engagement to the public. Notice of complete application were sent on May 29, 2025, a notice sign was placed on the property and a project website was set up at [www.burlington.ca/3011appleby](http://www.burlington.ca/3011appleby). Notices for the Committee of the Whole meeting were sent August 8, 2025.

**Option 2: Refusal (not recommended)**

Benefits: Council would be able to render a decision before the September 21, 2025, statutory timeline and the applicant could not appeal for non-decision.

Considerations: Planning Staff are of the opinion that the recommended approval reflect compliance with the intent and purpose of the Official Plan and Zoning by-law. As such, Planning Staff are not recommending refusal of the subject applications.

Additional Information: The applicant could appeal that decision to the OLT.

Community Engagement and Communications: Notice of refusal would be sent to the public within 120 metres of the subject lands.

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### **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 conform to the Halton Region Official Plan (2009, as amended) and Burlington Official Plans (1997 as amended & 2020 as amended); and
  - The proposed development maintains the general intent of Zoning By-law 2020.
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### **Key Dates & Milestones**

- Application submitted: May 26, 2025
  - Application deemed complete: May 29, 2025
  - Statutory public meeting: September 9, 2025
  - Statutory deadline: September 21, 2025
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### **Implications**

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

### **Climate Implications**

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; 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 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.

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**

The applicant held a pre-application community meeting on May 15, 2025 however attendance was limited to a single business owner interested in details of the proposal with no concerns being raised.

Notice signs were posted on the subject lands on June 24, 2025. A public notice of the Official Plan and Zoning By-law Amendment applications were mailed to 33 addresses, which includes all property owners within 120 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at <https://burlington.ca/3011appleby>. 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. At the time of the writing of this report, no written comments have been received.

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## **References**

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

1. [Pre-Consultation Form, dated December 18, 2024](#)
2. [Cover Letter](#)
3. [R-Plan Surveys \(20R-18393, 20R-18038, 20R-18499, 20R-18775\)](#)
4. [Site Plan, prepared by Petroff Architects, dated July 2, 2020](#)
5. [Planning Justification Report, prepared by GSP, dated May 2025](#)
6. [Letter of Use, prepared by GSP, dated May 12, 2025](#)
7. [Functional Servicing and Stormwater Management Brief, prepared by Odan-Detech Consulting Engineers, dated May 2025](#)
8. [Traffic Letter, prepared by BA Group, dated May 21, 2025](#)
9. [Scoped Market Impact Assessment, prepared by Tate Economic Research, dated May 2025](#)

10. [Environmental Site Screening Checklist, prepared by SmartCentres, dated May 22, 2025](#)
11. [Record of Site Condition 65317, dated January 15, 2010](#)
12. [Record of Site Condition 69148, dated January 15, 2010 Land-Use D-6](#)

Application materials are posted on the project website, [www.burlington.ca/3011appleby](http://www.burlington.ca/3011appleby)

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### **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
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### **Author:**

Alicia West, MCIP RPP  
Planner, Community Planning Department  
[alicia.west@burlington.ca](mailto:alicia.west@burlington.ca)

### **Appendices:**

- A. Location Plan
- B. Concept Plan
- C. Planning Analysis
- D. Official Plan Draft By-Law
- E. Draft Zoning By-law

### **Draft By-laws for Approval at Council:**

- Official Plan and Zoning By-law Amendment By-laws to Council on September 16, 2025

### **Notifications:**

Harrison Ioannou  
3200 Highway 7, Vaughan. ON L4K 5Z5  
[Hioannou@smartcentres.ca](mailto:Hioannou@smartcentres.ca)

### **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.

