

Appendix C – Detailed Planning Analysis

1.0 Provincial Planning Statement, 2024 (PPS)

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

In accordance with Section 2.1.6., Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated childcare facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

The PPS directs that growth and development be focused in 'Settlement Areas' which 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. The subject lands are therefore considered to be located within a Settlement Area.

In accordance with policy 2.3.1.2 settlement areas shall be the focus of growth and development and shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- f) are transit-supportive, as appropriate; and
- g) are freight-supportive.

The PPS requires municipalities to provide a range and mix of housing options, provide focal areas for education, commercial, recreational and cultural uses through intensification and redevelopment of existing building stock or areas in policy 2.4.1, where

appropriate. The proposal seeks to remove grocery/department store from the list of prohibited uses to increase appropriate options to utilize a recently vacated commercial unit and provide more range of commercial uses within a commercially built area.

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

The proposal will achieve consistency with the PPS and ensure compliance with the City's vision for the area. Therefore, it is staff's opinion that the development proposal is consistent with the policies of the PPS.

Halton Region Official Plan (ROP)

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

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated 'Urban Area'. 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 79.2 highlights the urban growth structure and the subject lands are identified as being within a secondary Regional Node. The intent is to direct development of complete communities and intensification to areas identified for growth. Further section 82.1 requires municipalities to promote mixed uses intensification in context with surrounding uses. Staff are of the opinion that the additional uses allow for appropriate use of land within the surrounding commercial context.

Planning Staff are of the opinion that that the development applications conform with the Regional Official Plan policies.

City of Burlington Official Plan (1997, as amended)

The City's Official Plan (1997, as amended) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development and resource management matters to guide the future planning and development of the City towards the desired community vision.

The subject lands are designated as "Regional Commercial" on Schedule C, Settlement Pattern, of the City's Official Plan (1997, as amended). The "Regional Commercial"

designation provides 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 as identified under Section 5.2.1.

Regional Commercial permits a range of commercial uses including grocery store and supermarkets. Notwithstanding the policies of Part III, Subsection 4.3.2 a), on the lands designated “Regional Commercial” in the north-east quadrant of Dundas Street and Appleby Line, the following policies shall apply:

- (i) supermarkets/grocery stores and department stores shall not be permitted;
- (ii) land uses sensitive to noise, vibration, dust, odours or other effects caused by transportation or industrial facilities, such as residential and certain institutional uses as outlined in Part II, Subsection 4.3 d), are not permitted;
- (iii) subject to the above, uses permitted in the Mixed-Use Corridor Employment designation shall also be permitted

Section 4.2.2 (g) requires that any proposal for additional retail uses that includes a warehouse club, supermarket/grocery store or large department store, or the sale of food in excess of 1,800 sq. m. in area, shall require the submission of a comprehensive market impact study which assesses the market impact of the proposal on existing and designated commercial areas throughout the City. The proponent submitted as part of the complete submission a scoped Market Study Impact Assessment, prepared by Tate Economic Research, dated May 2025. The report focuses on the existing commercial supermarkets and grocery stores within the study area as well as population growth. The report concludes that there will be no significant impact on the adjacent commercial uses but rather provides for consumer choice that meet the growing demands.

The site is currently occupied by other retail uses and is an established retail node located on two arterial roadways, serviced by public transit. No additional buildings or redevelopment of the site is proposed and will utilize the existing infrastructure. There will be no impact on the existing infrastructure as no upgrades are required with the inclusion of a grocery store or department store.

Staff are satisfied that the applications conform with the general intent of the 1997 Official Plan.

City of Burlington Official Plan (2020, as amended)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving Official Plan (2020, as amended). The Official Plan (2020, as amended) has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new OP is subject to appeals. Appeals are currently before the Ontario Land Tribunal (OLT).

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 December 22, 2020, for the new Burlington Official Plan. At this time, no determination has been made as to the appeal status of the relevant sections of Official Plan (2020, as amended).

The site is within a Mixed-Use Nodes and Intensification Corridors (Schedule 'B'), Secondary Growth Area (Schedule B1), and is designated as Mixed-Use Commercial Centre (Schedule C).

The Mixed Use Commercial Centre designation is intended to provide for the unique and occasional goods and service needs of residents from across the city and adjacent municipalities. It is expected that these areas may also serve the day-to-day and weekly goods and service needs of future on-site residents. Permitted uses include all types of retail and service commercial uses, automotive commercial uses, office uses, amongst others.

The proposal includes the removal of grocery stores and department stores as prohibited uses. Commercial uses are currently contained on site and the proponents are seeking to fill a vacancy of the previous 'Toys R' Us' building. No additional buildings, infrastructure or site alterations are proposed. The additional uses will help achieve an area that aims to serve all of the City of Burlington and adjacent municipalities.

It is in staff's opinion that the proposal conforms with the general intent of the Official Plan (2020, as amended).

City of Burlington Zoning By-law 2020

The subject property is currently zoned "Regional Commercial (CR)- 312". This CR zone permits a wide range of retail and service commercial uses, while the special exception 312 provides uses which are prohibited on the site. Those prohibited uses include: Public and Private Hospitals, Public Health Care, Social Services Places of Worship, Monasteries, Convents, and Cemeteries Day Care Centre Motor Vehicle Sales, Leasing, Rental, and Service Boat, Motorcycle, Snowmobile Sales and Service Recreational Vehicle, Utility Trailer Sales and Service Vehicle Paint or Body Shop, Recreational Establishment except Indoor Physical Fitness Centres, Entertainment Establishment, Community Institution, Outdoor Patio Accessory to any Permitted Use, Outdoor Farmer's Market, Supermarket/Grocery Store, Department Store, Hotel, Dwelling Units on Second and Third Floors, amongst others.

The applications propose to modify the existing site specific zone (CR-312) to remove grocery/supermarket from the list of prohibited uses. All other regulations will remain unchanged.

As mentioned previously the applicants have submitted a Scoped Market Study which outlines that there is no negative impact on commercial uses within the area and rather provides additional options for all residences. Staff are of the opinion that the additional uses will be consistent with the intent of the Regional Commercial zone since the area is an existing commercial node and no modifications to the site plan are required.