

From: [Rudy, Jo-Anne](#)
To: [LIST - Council and Council Staff](#); [Benson, Curt](#); [Robichaud, Steve](#); [Tellier, Jamie](#); [Plas, Kyle](#); [Wallace, William](#); [Da Silva, Mariana](#)
Cc: [Gosse, Roxanne](#)
Subject: FW: 100 Plains Rd Statutory Meeting.
Date: Monday, September 8, 2025 1:19:16 PM

Good Day,

Please find additional comments below received by Legislative Services on Monday, September 8th regarding Item 13.1 – OPA and ZBA for 100 Plains Road East (DGM-65-25).

Kind regards,

Jo-Anne Rudy

Committee Clerk | Legislative Services | City of Burlington
426 Brant Street, Burlington, ON, L7R 3Z6
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Our working hours may be different. You are not obligated to reply outside of your typical working hours.

From: Tom Betty.muir >
Sent: Sunday, September 07, 2025 6:20 PM
To: Mailbox, Clerks <Clerks@burlington.ca>
Subject: 100 Plains Rd Statutory Meeting.

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To: Burlington City Council.

Subject: Statutory Planning Meeting - Ward 1. 100 Plains Rd East

From: Tom Muir, Resident, Ward 1, [REDACTED].
September 9, 2025

Dear Councilors,

Please accept my formal comments on this application.

Major Transit Station Areas, Area Specific Plans & Final Report – Aldershot Main Street

Comments from Tom Muir on 100 Plains Rd E Statutory Planning Application meeting of September 9 2025

Planning Geographic Context and Policies

6.4.2 Aldershot Main Street

This mid-rise Precinct will advance the historic neighbourhood driven-Plains Road Village Vision

and establish a unique community destination with a focus on a continuous retail frontage and

main-street pedestrian experience along the frequent transit corridors of Waterdown Road and

Plains Road (East and West). A three-storey streetwall is envisioned along Waterdown Road

and Plains Road.

6.4.2.1 Policies

a) The following uses are permitted within the Aldershot Main Street Precinct:

i. residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground-oriented dwellings office uses;

ii. retail and service commercial uses (required at grade, on bottom two floors only);

iii. hotel uses;

iv. entertainment uses (on bottom two floors only); and,

v. recreation uses (on bottom two floors only).

b) The minimum building height is six (6) storeys and the maximum building height shall

not exceed eleven (11) storeys, except for locations specified in the Zoning By-law

where taller buildings may be permitted.

c) Development abutting Plains Road East, Plains Road West, Waterdown Road or Cook

Boulevard shall contain a minimum of two permitted uses and should contain three permitted uses, where feasible.

d) Development shall address the policies of Subsection [3.3.3.2](#) Retail Streets of this ASP.

e) A continuous streetwall height of 3 storeys shall be provided throughout the precinct.

Above the third story, buildings shall be stepped back at minimum 3 metres.

f) New development will be scaled appropriately to provide transitions to the existing Residential – Low Density designation, adjacent precincts, and parks. Where development is proposed adjacent to a Residential Low-Density designation, considerations include:

- i. Maximum 6 storey building height adjacent to the existing Residential – Low Density designation;
- ii. Minimum 7.5 m setback from the neighbouring property line; and,
- iii. The built form to fit within a 45-degree angular plane projected from the neighbourhood property line.

My principle concern is the confusion I and others experienced with how the in force planning and amendments were configured, and what OP is being used. The adopted OP (2020) is under appeal and not in force and effect. This leaves OP (1997) in force, and a question about whether OP 1997 is officially subject to OP Amendment(2) MTSA, and if this application is subject to that MTSA plan.

The majority of land along Plains Road is zoned as Mixed Use Corridor (MXG) – and has up to 6 storey permissions. The land on the south side of Plains Road East, from Cooke Blvd to Filmandale Rd., which was the subject of the October 30 2024 meeting, has a different zoning – Residential Medium Density (RM1-346).

The medium density property designation in the Official Plan permits ground or non-

ground oriented housing units with a density ranging from 26 to 50 units per net hectare. Detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments ***shall*** be permitted in Residential-Medium Density areas, provided that these forms meet the density as specified in Part III, Subsection 2.2.2 d), for these areas.

The lands are also subject to a site-specific policy under Part III, section 2.2.3 h) of the Official Plan as follows:

*Notwithstanding the policies of Part III, Subsection 2.2.2 d of this Plan, the lands designated “Residential Medium Density” on the south side of Plains Road, between Cooke Boulevard and Filmandale Road, ***shall*** be subject to site-specific zoning regulations designed to protect the existing character of this portion of Plains Road and provide compatibility with the abutting neighborhood to the south. Any exterior alteration or addition to the property ***shall*** maintain the residential appearance and character of the property.*

The property zoning RM1-346 permits detached, semi-detached, duplex and triplex building forms. Office uses are also permitted in a detached dwelling. Exception number 346 contains site specific regulations that implement the Official Plan policy above.

The informal meeting of October 24 2024 is to discuss a development proposal at 100 Plains Rd whether to re-designate this land to also have the Mixed Use Corridor zoning (MXG). It was stated that staff has not received a complete application nor made any decision, and the information and formal application will be gathered from this meeting.

The application proposes to amend the OP 1997, to MXG, allowing 6 floor maximum, as at the 92 Plains Rd E part of the overall proposal at OMB appeal in 2018.. However, confusingly, the consultant could not answer a question as to why the the MTSA presence was not mentioned in the premeeting information, but at the meeting it was in the paper boards presentation. It had to be answered by a Burlington City staff planner. I sense it as provided reluctantly and no details.

As such, the proposal as presented went directly to an 11 floor ask, completely ignoring the “Shall” provision of RMI-346 described above. It was shown as directly to the maximum allowed by the in force OP (1997) Official Plan Amendment (2).

There was no explanation of how this was justified or any mention verbally and attendees were just left sitting there wondering where it came from, and without any mention of even the MTSA amendment on the basis of compatibility or the specific OP policies governing the subject lands. The MTSA itself would surely not be allowed with a compatibility planning justification, but here it was not even mentioned at any step of wanting the maximum allowed even in the long established large low density neighbourhood of Aldershot.

Today, I would like to see both City and applicant explanation of why this happened.

My concerns are also related to what I see as a very too large of a scale in what is the single-family scale of Aldershot, on South Plains Rd. This large 11 stories covering a full Block of Plains Re does not the least bit of a fit. I suggest that good planning build in this location would be a maximum 6 story that is the in force, legal OP 1997. Other development policies that fit with legal, in force, good planning scale are the following.

New development will be scaled appropriately to provide transitions to the existing Residential – Low Density designation, adjacent precincts, and parks. Where development is proposed adjacent to a Residential Low-Density designation, considerations include:

- i. Maximum 6 storey building height adjacent to the existing Residential – Low Density designation;
- ii. Minimum 7.5 m setback from the neighbouring property line; and,
- iii. The built form to fit within a 45-degree angular plane projected from the neighbourhood property line.

Further of question, the consultant presentation used a 45 degree plane test from the front onto Plains Rd, and not, as stated, here, from the neighbourhood property line. Also the property set.back for these kind of tests in these situation is large (it may be more than 20 meters).

This action I find particularly disturbing as it was the identical erroneous bad planning action committed in the 92 Plains Rd E proposal, planning, and OMB appeal process, back in before 2018.

The Adopted OP (2020) is under appeal, and has no legal status and should not be used in to give any credibility to previous policy thinking. It should never be allowed to violate the legality as this violates the PPS.

A particularly egregious failure of policy compliance pertains to the policies that specify the site specific exception designation of the Official Plan 1997 and 2020 Zoning policies that are stated with two **shall** provisions governing their applicability to the south side of Plains Rd from Cooke Blvd to Filmandale Ave, and that contains this site.

These site specific exception policies are “shall” to comply, which is mandatory. The City in force OP states that “shall” is defined as; “It is mandatory or required to comply with an OP policy”. The dictionary defines “shall” as; have to, must, you shall do this whether you want to or not.

The directive "shall" is used in both the PPS and OP with respect to these policies. I ask staff and Consultants and Council to explain why they are ignoring the fact that Shall means Mandatory. The Planning Act states that all decisions of a municipal council must be consistent with the PPS and those applications for intensification and compatibility are to be based on appropriate development standards.

The application in general is grossly not compliant with numerous policies regarding the OP and intensification, and this is reflected in an overly large number of reduced zoning standards which are contradictory to the intent of the PPS.

Nowhere is there mention of the intentions of the mandatory policies:

- Subject to site-specific zoning regulations
- Protect the existing character of this portion of Plains Road
- Provide *compatibility* with the abutting neighbourhood to the south.
- Maintain the residential appearance and character of the property.

The 5 photos presented here below would if I could show, in a comparison of proposal renderings, the existing appearance and character of the existing neighborhood, the essential lack of compliance with these OP and Zoning mandatory policy aims.

I do not see the existing character protected, compatibility provided, and the residential appearance and character maintained in the comparison of existing residential with any perspective of the renderings. The sample 45 degree angle was shown only for the fronting on Plains Rd. There was no angle to the neighbouring property line, that would have a much greater set-back.

The height, density, scale, massing, siting, setbacks, coverage, parking, and amenity area are mostly all reduced standards and as a whole virtually overwhelm the site visually and physically, and lack any semblance of the existing community features.

Official Plan Policies and the Provincial Policy Statement

Section 4.7 of the PPS states that "the official plan is the most important vehicle for implementation of the PPS." The PPS is very clear that the objectives of the policies should be given contextual consideration, meaning that they need to be examined in the context of the existing Official Plan, and not be interpreted as unrestricted permission to apply the PPS to specific sites and developments.

I believe that the proposal fails to satisfy the policies regarding compatibility and residential intensification policies and, therefore, is not consistent with Official Plan policies and does not represent good planning. Furthermore, it should be noted that if the application is not consistent with the Provincial Policy Statement, Council cannot adopt the application.

The existing Official Plan is the appropriate context to evaluate this application, as At

this point in time, development proposals will be required to meet the Official Plan policies that are currently in force and effect.

The residents that attended the October 30, 2024 Pre-app meeting clearly expressed their strong views on everything challenging whether the intentions expressed at the meeting properly evaluates the intent and the objectives of the relevant Official Plan policies regarding Land Use, Design, Compatibility and the Intensification Strategy Policies.

I believe that the current application is not consistent with the Provincial Policy Statement (PPS). The PPS requires that “all decisions by a council of a municipality... shall be consistent with this PPS”. I question whether Council has the authority to adopt the application as it would be in conflict with the Provincial Policy Statement.

Compatibility and the Intensification Strategy Policies.

The Official Plan defines compatibility “as development or redevelopment that is capable of coexisting in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health.” I challenge whether the proposal meets this definition.

The importance of compatibility is also contained in the following sections of the Official Plan:

- Part I, Section 3 (b), Section 43,
- Part II, Section 2.1 (f), 2.2. (d), Section 3.3 and Section 6.20 and
- Part III, Sections 2.2.1, 2.5 and 2.5.4.

In addition, Part III , Section 5.4.2 states that “proposals for residential intensification shall be evaluated on the basis of the Official Plan and policies of Part III, Section 2.5”, which includes 13 criteria intended to evaluate and protect against impacts of intensification proposals within or adjacent to established neighbourhoods.

Part III, section 2.5.4 specifies “compatibility with surrounding area: New infill development shall be compatible with surrounding development in terms of height, scale, massing, setting, setbacks, coverage and amount of open space”.

This proposal is not compatible with the established neighbourhood.

The proposed development also fails to satisfy a number of the intensification criteria, including:

- adequate on-street parking;
- the capacity of the municipal transportation system to accommodate any increased traffic flows;
- compatibility with the existing neighbourhood character in terms of scale, massing, height, siting setbacks, coverage, parking and amenity area;
- capacity to provide adequate buffering and other measures to minimize any identified

impacts;

- the requirement for intensification proposals to be well integrated with the existing neighbourhood in terms of built form, scale and development profile in order to provide a transition between existing and proposed buildings.

The proposal fails to satisfy the policies regarding compatibility and residential intensification policies and, therefore, is not consistent with Official Plan policies and does not represent good planning.

Section 3 of the Planning Act states that "a decision of the council of a municipality shall be consistent with the Provincial Policy Statement." If the application is not consistent with the PPS, Council cannot adopt the application.

I believe that the application is not consistent with the Provincial Policy Statement (PPS) which requires that all decisions by a council of a municipality... shall be consistent with this PPS".

My position is to continue to question whether Council has the authority to adopt the application as it would be in conflict with the Provincial Policy Statement (PPS).

On a related matter, although I find much to agree with in the report authored by the Preserve Aldershot group I have several issues. I totally disagree with their claim that the only solution to a traffic problem that is totally their perceived problem, is to close with cul-de-sacs two way traffic on Birchwood and Glenwood. This would affect everyone else in Aldershot below Plains, and direct all the traffic between LaSalle and Shadeland to Townsend. I have talked with them and they only thought of themselves and didn't think of anyone else.

In effect, they high-jacked the reporting of the meeting to use in what turned into their own bias and interest. They used this to hold a meeting and a website to have a petition for people to sign, and did not tell them that if they signed it that meant that they fully supported everything terms of problems and solutions that they wrote in the Preserve Aldershot letter that they called Citizen Feedback. What I saw there was their own construction, that I resented because it looked like the feedback and opinions about the "only" traffic solution came from everyone and they all agreed with it.

There are other issues I have, but the much of the other can be talked about.

Thank you,

Tom Muir