



**SUBJECT: Proposed plan of subdivision and zoning by-law amendment for 5209 Stonehaven Drive**

**TO: Planning and Development Committee**

**FROM: Department of City Building - Planning Building and Culture**

Report Number: PB-44-18

Wards Affected: 5

File Numbers: 510-01/17 & 520-09/17

Date to Committee: June 5, 2018

Date to Council: June 18, 2018

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**Recommendation:**

Approve the application submitted by Mantella Corporation to amend the Zoning By-law to permit a development consisting of ten single detached and eight townhouse units; and

Approve the application submitted by IBI Group on behalf of Mantella Corporation, to give draft approval for a residential plan of subdivision consisting of ten single detached lots, one townhouse block and the extension of Bird Boulevard at 5209 Stonehaven Drive, as shown in Appendix A of Department of City Building report PB-44-18, and subject to the conditions contained in Appendix C of that report; and

Enact the draft amending Zoning By-law 2020.XXX, contained in Appendix B of department of city building report PB-44-18, to rezone lands at 5209 Stonehaven Drive from "Development (D)" and "Residential – Orchard Community (RO3)" to "Residential – Orchard Community with site specific exception (RO3-482)"; and

Deem that Zoning By-law 2020.XXX conforms to the Official Plan of the City of Burlington; and

Instruct Mantella Corporation to obtain a permit to remove six city trees and to provide compensation for the tree removal by providing replanting in the municipal right-of-way or cash-in-lieu, with a total value of \$4600.

**Purpose:**

### A City that Grows

- Intensification
    - New and transitioning neighbourhoods are being designed to promote easy access to amenities, services, recreation and employment areas with more opportunities for walking, cycling and using public transit.
    - Intensification is planned so that growth is financially sustainable and so new infrastructure needed to support growth is paid using all financial tools available to have development pay for growth infrastructure.
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<b>RECOMMENDATIONS:</b>		<i>Approval</i>	<b>Ward No.:</b>	<b>5</b>
<b>Application Details</b>	<b>APPLICANT:</b>  <b>OWNER:</b>  <b>FILE NUMBERS:</b>  <b>TYPE OF APPLICATION:</b>  <b>PROPOSED USE:</b>	<i>IBI Group Inc. on behalf of  Mantella Corporation (purchaser)  Halton District School Board  510-01/17 &amp; 520-09/17  Subdivision and Rezoning  10 detached dwellings and 8 townhouses</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>  <b>MUNICIPAL ADDRESSES:</b>  <b>PROPERTY AREA:</b>  <b>EXISTING USE:</b>	<i>North side of Stonehaven Dr. and northerly  extension of Bird Blvd.  5209 Stonehaven Drive  0.86 ha (includes 0.02ha of land to be acquired  from City ROW at Bird Blvd. &amp; Stonehaven Dr.)  Vacant land</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>  <b>OFFICIAL PLAN Proposed:</b>  <b>ZONING Existing:</b>  <b>ZONING Proposed:</b>	<i>Residential Low Density – Orchard Community  Residential Low Density – Orchard Community  RO3 and D  RO3 with site specific exception</i>		
<b>Processing Details</b>	<b>NEIGHBOURHOOD MEETING:</b>  <b>PUBLIC COMMENTS:</b>	<i>September 6, 2017  3 e-mails</i>		

### Background and Discussion:

On August 15, 2017, the Department of City Building acknowledged that a complete application had been received for a Plan of Subdivision and Zoning By-law Amendment

for the lands known as 5209 Stonehaven Drive. The subject lands are owned by the Halton District School Board and are designated as surplus lands to John William Boich Public School. IBI Group Inc. has submitted the required documents for Plan of Subdivision and Zoning By-law Amendment applications.

This report provides details of the application, an analysis of the proposal against applicable policies and regulations, technical and public comments and a recommendation that the site be rezoned from "Residential – Orchard Community (RO3)" and "Development (D)" to "Residential – Orchard Community with site specific exception (RO3-482)" and that draft approval be given of a residential subdivision to permit the creation of 10 single detached dwelling lots, one townhouse block and a the extension of Bird Boulevard.

### **Site Description**

The 0.86 hectare site is located on the north side Stonehaven Drive and north of the terminus of Bird Boulevard. The subject lands were previously used for residential purposes, a garden centre, and a trucking/haulage company, but are currently vacant. Surrounding land uses include the following:

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|--------|---|
| North: | Dundas Street, beyond which is zoned for "General Employment (GE1)" uses as well as "Regional Commercial (CR)" uses |
| East:  | William Boich Parkette which is currently being developed, beyond which is John W. Boich Public School              |
| South: | Residential development consisting of single detached and townhouse dwelling units                                  |
| West:  | CN Rail tracks, beyond which is a grocery store and other commercial and retail units                               |

### **Discussion**

#### **Description of Application**

The City of Burlington is in receipt of Plan of Subdivision and Zoning By-law Amendment applications (510-01/17 and 520-09/17) which propose to develop the lands known as 5209 Stonehaven Drive for ten single detached and eight street townhouse dwelling units.

A Memorandum of Understanding exists between the City of Burlington and the Halton District School Board for the redevelopment of the surplus school lands. The additional surplus lands immediately to the east of the subject lands are in the process of being developed by the City of Burlington as John William Boich Parkette. The location of the subject lands as well as a detail sketch of the proposal are provided in Appendix A.

The lands are proposed to be developed substantially in accordance with the Memorandum of Understanding signed between the City of Burlington and the Halton District School Board in March of 2013, which provided for nine single detached dwelling lots and eight street townhouse lots. The detached dwellings will be constructed on a cul-de-sac extension of Bird Boulevard, and the street townhouse dwellings will be constructed on the north side of Stonehaven Drive, opposite a block of existing townhouses. The proposed zoning by-law amendment requests that the lands be zoned as “Residential – Orchard Community with a site specific exception (RO3-482)”. The purpose of the site specific exceptions is to remove a maximum lot width and amend some existing built form standards within Zoning By-law 2020, which will be discussed in this report.

### Technical Reports

The applicant submitted the following technical reports in support of the subject application. It should be noted that all of the technical reports may be accessed on the website [www.burlington.ca/Stonehaven](http://www.burlington.ca/Stonehaven).

- Planning Justification Report (prepared by IBI Group, dated July 2017)
  - This document outlines details of the proposal, including the site context and applicable policy framework. The document concludes that the requirements of the Provincial Policy Statement, the Places to Grow Act, Regional Official Plan and the City of Burlington Official Plan have been met.
- Draft Plan of Subdivision (prepared by IBI Group, dated June 2017)
  - This plan shows the limit of the proposed road extension, lots, blocks and easements.
- Draft Plan of Subdivision with Building Envelopes (prepared by IBI Group, dated June 2017)
  - This plan shows the contents of the Draft Plan of Subdivision as well as the maximum building envelopes permitted as-of-right under the “Residential – Orchard Community (RO3)” Zone. It should be noted that these envelopes are maximums and do not reflect the actual building envelopes proposed by the applicant.
- Functional Servicing Report and Stormwater Management Analysis (prepared by IBI Group, dated June 2017)
  - This report addresses how servicing will be provided using existing and proposed infrastructure. The report concludes that the site will be serviceable in accordance with City and Regional standards. Included in the report are a Servicing Plan, Grading Plan, Drainage Plan and On-Street Parking Plan.

- Tree Inventory and Preservation Study (prepared by IBI Group, dated May, 2017)
  - This drawing identifies all trees on site as well as their condition and whether they are able to be preserved.
- Traffic Brief (prepared by IBI Group, dated May, 2017)
  - This report outlines the amount of trips generated by the proposed development and possible impacts the development will have on the surrounding area. The report concludes that traffic impacts will be minimal.
- Noise Feasibility Study (prepared by Valcoustics Canada Ltd., dated May 2017)
  - This report assesses the potential impact of noise on the subject site and proposed mitigation measures to address these impacts.
- Vibration Study (prepared by Valcoustics Canada Ltd., dated May 2017)
  - This study measures the ground-borne vibration caused by the adjacent CN Railway on the subject lands. The report concludes that the vibration levels are below the vibration guideline limit suggested by the Federation of Canadian Municipalities and the Railway Association of Canada, and that no vibration mitigation measures are required.
- Air Quality Study (prepared by Golder Associates, dated May 2017)
  - The purpose of the Air Quality Study is to determine the effects of surrounding development (two industrial facilities, one major arterial road and a rail line) on the proposed development. The study determines that the air quality will be acceptable.
- Phase I Environmental Site Assessment (prepared by Peto MacCallum Ltd., dated April 2013)
  - The Phase I Environmental Site Assessment (ESA) identified that there is one Area of Potential Environmental Concern (APEC) on the lands. A Phase II ESA was therefore required to conduct further research.
- Phase II Environmental Site Assessment (prepared by Peto MacCallum Ltd., dated May 2013)
  - This report outlines additional testing that has been done on the site and remediation measures that will be undertaken where contamination has been identified.

## **Policy Framework**

The proposed Zoning By-law amendment is subject to the following policy framework: the Provincial Policy Statement 2014, Places to Grow: Growth Plan for the Greater

Golden Horseshoe (Growth Plan 2017), the Halton Regional Official Plan, the City of Burlington Official Plan, and Zoning By-law 2020, as amended.

### **Provincial Policy Statement (PPS) 2014**

The Provincial Policy Statement provides broad policy direction on land use planning and development matters of provincial interest, which includes policies for appropriate development based on efficient use of land and infrastructure, protection of natural resources, and supports residential and employment development including a mix of land uses.

Subsection 1.1.1 e) of the Provincial Policy Statement states that healthy, livable and safe communities are sustained by *"promoting cost-effective developments and standards to minimize land consumption and servicing costs"*; and subsection 1.1.3.2 1) 3) states that land use patterns within settlement areas shall be *"appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion"*.

Adequate servicing exists for the proposed development, and the proposal is a more compact built form. Further, the proposed development seeks to intensify a property that has the existing potential for redevelopment and intensification. As such, existing infrastructure and land can be used efficiently and responsibly.

Subsection 1.4.3 e) states that *"planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety"*, and, in subsection 1.4.3 d), *"promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed"*.

The proposed development supports population growth and intensification and contributes to the establishment of a range and mix of housing types. The proposed changes to the Zoning and Official Plan will support compact built form while having regard for public health and safety. The development proposal will also promote walkability by providing ground level commercial uses that will improve the pedestrian experience.

Staff find the development proposal is consistent with the PPS as it accommodates an appropriate range of uses to meet long-term needs of the community and proposes to use existing infrastructure.

### **Growth Plan for the Greater Golden Horseshoe 2017**

The Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. Through the Growth Plan, growth is focused in the existing urban areas through intensification. The guiding principles of the Growth Plan include building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in an efficient, well-designed form.

Subsection 2.2.1.2 a) of the Growth Plan states that *“the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities”*.

The application proposes to intensify an existing property. The subject property is located in an area which is comprised of a mix of uses, and the proposed development would contribute to a complete community. The proposed mixed use building would use existing infrastructure and would be promoting growth and intensification within the urban area. Staff find the subject application is consistent with the Growth Plan as it supports a compact and efficient development form as well as a complete community.

Section 2.2.1 d) states that *“development will be directed to settlement areas, except where the policies of this Plan permit otherwise”*; 2.2.1 e) states that *“development will be generally directed away from hazardous lands”*; and 2.2.1 f) states that *“the establishment of new settlement areas is prohibited”*.

The proposed development will take place on a property within a residential neighbourhood that is currently vacant. The subject lands are within a settlement area and are not hazardous. The development will be in keeping with these policies of the Growth Plan and will be supporting intensification within an existing settlement area.

### **Halton Region Official Plan**

The subject lands are designated as “Urban Area” in the Regional Official Plan (ROP). Urban Areas are those locations where urban services (water and waste water) are or will be made available to accommodate existing and future development.

Section 72 of the Regional Official Plan lists the objectives of the Urban Area. Some of these objectives include 72(4), *“to ensure that growth takes place commensurately both within and outside the Built Boundary”*; 72(6), *“to identify an urban structure that supports the development of Intensification Areas”*; and 72(9), *“To facilitate and promote intensification and increased densities”*.

The proposal is located within the built boundary where servicing is available. While the development is considered to be low density within the City due to its density of



approximately 25 units per hectare, the proposal still intensifies the existing vacant parcel of land. The City's Official Plan contains Intensification Criteria which will be evaluated in detail in the next section of this report.

Policy 86(6) requires that *"at least 50 per cent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings"*.

The proposed development is not entirely in the form of townhouses; however there are some townhouse units proposed. The proposal meets this policy by balancing the requirement for certain forms of development with appropriate levels of intensification. The development will be properly integrated with the surrounding neighbourhood.

The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan. The Region and City of Burlington staff are satisfied that the development conforms to the Urban Area policies of the ROP.

### **City of Burlington Official Plan**

The subject lands are designated as "Residential – Low Density" in accordance with Schedule B of the City of Burlington Official Plan. In the "Residential – Low Density" areas within the Orchard Community, single detached, semi-detached, townhouses, street townhouses, duplexes, triplexes, and fourplexes with a maximum density of 25 units per hectare are permitted. The proposed development results in a density calculation of approximately 25 units per hectare. The proposed development conforms to the policies of the City's Official Plan and therefore no application for Official Plan Amendment has been submitted.

The Official Plan contains criteria that must be assessed when considering proposals for housing intensification. This proposal represents intensification of a property adjacent to an existing residential neighbourhood. Criteria found in subsection 2.5.2 (a) of the Official Plan), include the following:

- i) *Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.*

Municipal servicing is available within Stonehaven Drive and Bird Boulevard. The Region of Halton has provided comments on the proposal and notes that the Functional Servicing Report submitted by the applicant is adequate and that appropriate measures will be taken to service the proposed development.

Parkland and school accommodation have also been reviewed. It should be noted that the site abuts John William Boich Parkette to the east, and existing schools can accommodate the increase in residents, with portables, if necessary.

*ii) Off-street parking is adequate.*

The applicant is proposing one parking space in the driveway of each unit and one in the garage. Staff are satisfied that this amount of parking is sufficient for the development. In addition, the owner of the subject lands has agreed to fund a fence to be erected in front of John William Boich Parkette. Fencing at the front of the Parkette allows for on-street parking in addition to the off-street parking proposed.

*iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets.*

Based on the submitted studies, the proposed development would generate 12 two-way trips in the AM peak hour and 15 two-way trips during the PM peak hour. The City's Transportation section has reviewed the proposal and notes that there is no issue with the proposed development from a traffic perspective.

*iv) The proposal is in proximity to existing or future transit facilities.*

Bus routes, including bus stops, currently exist to the north of the subject lands, along Dundas Street, and to the east, along Sutton Drive.

*v) 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.*

The subject lands are surrounded by a mix of land uses; including industrial, institutional, commercial, residential and parkland. Due to the extension of Bird Boulevard, however, the development would become incorporated with the existing residential neighbourhood consisting of low-density and medium-density dwelling units. The proposed single detached building lots would continue an established lotting pattern and maintain similar lot widths. Similarly, the proposed townhouse building lots would be created directly across from existing townhouse units and be similar with respect to lot widths and built form.

Following the rezoning of the subject lands, the zoning would be the same as the surrounding neighbourhood, with the exception of some site-specific development regulations relating to lot widths and built form standards. As such, the proposed buildings will be subject to very similar zoning requirements. This will help to ensure that the buildings are compatible with what exists in the neighbourhood with respect to scale, massing, height, siting, setbacks, coverage etc.

Because the site will be incorporated with the existing neighbourhood, few negative impacts will be imposed on any of the surrounding area. The proposed development will

extend Bird Boulevard, using the same road width, and maintain wide lots in order to blend the proposed development with the existing. Staff are satisfied that the proposal would be compatible with the existing neighbourhood character.

*vi) Effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.*

The City's Landscaping and Forestry staff reviewed the application and note that there are no concerns. The development proposes the removal of approximately 42 private trees that are listed in poor to fair condition. A caliper to caliper replacement ratio of 1:1 is usually recommended; however when the trees are in poor condition, an aggregate caliper ratio is used which takes the tree condition into consideration. It is recognized that this may not be able to be accommodated on-site, and if this is the case, it should be offered to the new parkette or the existing school in an effort to contribute to the neighbourhood character.

*vii) Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.*

Not applicable – the proposal is for ground-oriented units which will not have a significant impact on sun-shadowing.

*viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.*

The proposed development will be integrated into an existing community where such community services already exist.

*ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts.*

The proposed development is located adjacent to a CN rail line. As such, noise walls exist and more will be constructed in order to mitigate the impact of the noise source. A five metre wide access easement is proposed along the edge of the southwest side of the development, abutting an existing single detached dwelling on the west side of Bird Boulevard. This easement, while required for access, will serve as a buffer between existing and proposed dwelling units, as development will not be permitted within the five metres.

The applicant has taken care to ensure that standards such as road widths, lot widths, lotting patterns, built form and setbacks are in keeping with and provide continuity with the existing neighbourhood. This in itself demonstrates the minimizing as well as the prevention of negative impacts.

- x) Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate.*

The proposal is a continuation of an existing development. If approved, the proposal will demonstrate that the potential to develop adjacent properties is being used effectively.

- xi) Natural and cultural heritage features and areas of natural hazard are protected.*

Not applicable – no natural and cultural heritage features on this site.

- xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m).*

Not applicable – These sections relate to measures to address potential increased downstream flooding or erosion resulting from development occurring in South Aldershot. Neither is applicable to this application.

- xiii) Proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between the existing and proposed residential buildings is provided.*

Not applicable – the proposal is for ground-oriented housing.

### **New City of Burlington Official Plan**

The proposed new Official Plan was approved by Council on April 26, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new Official Plan will not come into effect until it has been approved by Halton Region; however the City's proposed new Official Plan reflects Council's vision and as such, should be acknowledged as part of the proposal.

The subject lands are designated "Residential – Low Density" in accordance with the new Official Plan. A site-specific policy exists for the Orchard Community within section 8.3.3(2)a) of the Official Plan, which reads as follows:

*"Orchard Community: Notwithstanding the policies of Subsections 8.3.3(1)a) to d) of this Plan, within the area bounded by Upper Middle Road to the south, Bronte Creek Valley to the east, Dundas Street and the CN rail line to the north and Appleby Line to the west, known as the Orchard Community, the maximum density of development on lands designated "Residential – Low Density" shall be*

*thirty (30) units per net hectare. The permitted housing forms in the low and medium density areas shall include predominantly single-detached and semi-detached units, townhouses and street townhouses; duplexes, three-plexes and four-plexes are also permitted”.*

The proposed development has a density of approximately 25 units per hectare, which is in keeping with the maximum density of 30 units per hectare set out in the New Official Plan. Further, the proposed development consists predominantly of single detached dwellings but includes some street townhouses. This is in keeping with the permitted uses of the Official Plan.

The proposed development complies with the policies of the New Official Plan.

#### **City of Burlington Zoning By-law**

The lands at 5209 Stonehaven Drive are currently zoned “Residential – Orchard Community (RO3)” and “Development (D)”. The applicant has proposed to rezone the subject lands to the RO3 zone with site specific zoning exceptions noted with in the table below:

<b>Regulation</b>	<b>Residential – Orchard Community (RO3) Requirement</b>	<b>Proposed</b>	<b>Staff Comment</b>
<b>Lot Width</b>			
<b>Detached Dwelling</b>	<p>Less than 30 m in depth: 10.8 m minimum 14 m maximum</p> <p>Greater than 30 m in depth: 7.5 m minimum 11 m maximum</p>	no maximum	<p>The proposal includes lots that are greater than the minimum required lot width. The proposed lots are in keeping with the existing lot fabric along Bird Boulevard. Maintaining these large lot widths would increase compatibility and allow more flexibility for larger setbacks, thereby increasing the distances between dwelling units and helping to mitigate negative impacts on existing development.</p> <p>The proposed lot widths for townhouses will be consistent with existing townhouses directly on the opposite side of Stonehaven Drive. Similar to the proposed low-density building lots, it is the opinion of staff that the proposed townhouse lots will be compatible with surrounding development. Staff are satisfied with</p>

<b>Townhouse (less than 30 m in depth)</b>	6.7 m minimum	6.5 m minimum	<p>maintaining the minimum proposed lot widths in order to enforce compatible lot sizes, but are satisfied with the removal of a maximum lot width.</p> <p>Staff are in favour of larger lot sizes in the subject area, especially when larger lots already exist in the neighbourhood. Most low and medium density zoning categories throughout the City require minimum lot widths, but do not require a maximum. The proposed minimum lot widths will allow for some flexibility with respect to the size and setbacks of buildings, but will also ensure a consistent lot fabric and adequate spacing between dwellings units in order to protect the existing streetscape. Staff are supportive of maintaining the requirement for a minimum lot width; but do not agree that a maximum lot width is necessary.</p>
<b>Setback to CN Rail Corridor</b>	30 metres	28 metres (Lots 3 and 4)	<p>For Lots 3 and 4, should the applicant maintain a 30 metre setback to the rail corridor, they would not have sufficient space for compliant driveway lengths. The applicant has consulted with CN, who has agreed to reduce the required setback for Lots 3 and 4 from 30 metres to 28 metres.</p> <p>In exchange for this setback reduction, CN will require that the berm height in these locations be increased to 2.7 metres.</p>
<b>Built Form Standards</b>	See Below*	Will Not Apply	<p>The built form standards found in the Zoning By-law relate to lot widths and garage projections. The applicant is proposing to remove these provisions; as the proposed lots have large frontages with which staff are</p>

			satisfied and which are already compatible with the existing area. Further, the RO3 Zone contains provisions relating to garage projections. A larger setback is required for the garage than for the front wall of the dwelling, and staff are satisfied that this will protect the proposed buildings from garage projections.
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**\*Part 2, Section 19.4, Built Form Standards:**

*Within each section of a plan of subdivision (i.e. a grouping of three or more contiguous lots fronting the same street, bounded by other streets, a subdivision boundary, a zone boundary, or other section) the following will apply:*

- (i) *At least one third of the dwelling units shall have attached garages which shall not project more than 1.5 m beyond the second storey.*
- (ii) *One third of the dwelling units may have attached garages which project a maximum of 6.5 m beyond the second storey.*
- (iii) *One third of the dwelling units may have attached garages which project a maximum of 3.5 m beyond the second storey.*
- (iv) *Not more than 8 contiguous lots shall be 9 m or less in width.*
- (v) *Notwithstanding Part I, Subsection 2.24, a lot width of 11.0 metres or greater may have a maximum driveway width of 5.5 m, subject to the following regulations:*
  - (i) *A garage (attached or unattached) shall not be located closer to a street line than the closest distance between the dwelling unit and the street line.*

**Technical Review**

On August 14, 2017 staff circulated a request for comments for the development application to internal and external agencies. The following is a summary of the agency comments that have been received to date:

### **Landscaping and Forestry**

The applicant has addressed all comments relating to landscaping. Staff note that Council approval is required for the removal of six city trees and that the removals shall not take place until this approval is granted. As such, Landscaping staff are requesting that as part of this report, staff add a recommendation that permission be granted to remove these trees and that compensation be provided in the form of replanting or cash in lieu of replanting.

### **Parks and Open Space**

The City's Parks and Open Space section has reviewed the proposal and notes that sufficient parkland exists in the area, and the proposed development is adjacent to John William Boich Parkette and as such, cash-in-lieu of parkland dedication will be applied to the development.

The applicant has been working with staff to facilitate additional on-street parking in proximity to the proposed development. A regulation exists within Parking By-law 39-2016, which prohibits on-street parking from being located in front of a park. The intent of this regulation is to ensure that vehicle and pedestrian sight lines are not obstructed in the high traffic pedestrian area around the park. Parks and Open Space staff confirmed that should a fence be installed, on-street parking would be permitted in front of the park. As such, the applicant has advised that the owner of the subject lands will finance the installation of a fence front of the park, with design standards determined by the City. It should be noted that the City would construct and maintain the fence, and approximately five on-street parking spaces would be generated as a result.

### **Halton Region**

The Region of Halton has indicated that services exist adjacent to the site within Stonehaven Drive, Bird Boulevard and Dundas Street. The Region notes that availability of servicing capacity will be reviewed once an application is made for a services permit or development agreement. The Region has also noted that curbside waste collection will be provided for both the single detached and townhouse units once the plan is 90% occupied. The Region had no objections to the proposed development; however they did provide further comments which will be addressed within the Subdivision Conditions.

### **CN Rail**

Due to the proximity of the subject lands to the CN railway, CN was circulated on the proposal for comments. A buffer of 15 metres is required from the CN lands, and a noise wall having a height of 3 metres is required along this buffer. The noise wall exists to an extent and will be continued along the buffer line as a result of the proposed development. The applicant is working with CN to register an environmental easement on title.



### **Other Comments**

The following agencies have provided no objection to the development proposal, but may have conditions of draft approval for the Subdivision application, included in Appendix C: Halton District School Board, Halton Catholic District School Board, Canada Post, Union Gas, Capital Works, Fire and Emergency Services, Burlington Hydro, Transportation, Zoning, Tax and the Burlington Economic Development Corporation.

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### **Financial Matters:**

In accordance with the Development Application Fee Schedule, all fees determined have been received.

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### **Public Engagement Matters:**

#### **Public Circulation/Notification**

The applicant posted a public notice sign on the property in August of 2017. All of the technical studies and supporting materials for this development were posted on the City's website at [www.burlington.ca/Stonehaven](http://www.burlington.ca/Stonehaven). The application was subject to the standard circulation requirements for Subdivision and Zoning By-law Amendment applications. A public notice of a Neighbourhood Meeting with a request for comments was circulated to surrounding property owners/tenants in August of 2017.

A neighbourhood meeting for this development application was held on September 6, 2017 at the Appleby Ice Centre. Approximately three members of the public were in attendance, as well as the Ward Councillor, City staff, the applicant, the owner of the lands, and various consultants who have contributed to the application submission. Planning Staff provided a brief presentation of the planning process and introduced the application. The following table depicts concerns raised by the public as well as a response from staff:

<b>Public Comment</b>	<b>Staff Response</b>
Concerns with potential traffic generated during school drop-off and pick-up times and in general.	The applicant submitted a Traffic Brief as part of their applications. The Brief notes that approximately 12 trips will be generated during AM Peak Hour, and 15 trips during PM Peak Hour. Of the 12 AM trips, nine would be exiting the development, or one vehicle every seven minutes. Of the 15 PM trips, 10 would be entering

Public Comment	Staff Response
	<p>the development, or one vehicle every six minutes.</p> <p>The Brief states that this would have a negligible impact on safety and traffic, and Transportation staff agree with the findings of the Report.</p>
<p>Proposed construction will generate noise, and development once constructed will also create noise.</p>	<p>A Construction Management Plan will be reviewed in detail by staff prior to the construction of the development to ensure that potentially negative impacts, such as noise, are mitigated.</p> <p>An Environmental Noise Feasibility Study was done for the proposed development. Staff are satisfied that the proposed developments itself will not generate a significant amount of noise. There are concerns with noise generated by other sources, such as the adjacent railway and Dundas Street, and measures will be taken, such as the construction of noise walls, to ensure that such impacts are minimized.</p>
<p>Wildlife will be disrupted as a result of proposed development.</p>	<p>The site is a remnant parcel surrounded by existing residential and school development and a 6 lane Regional Road. This development will not impact wildlife beyond the current built context.</p>
<p>Worry that children will have to be bussed to other schools or that portables will have to be used.</p>	<p>The Halton District School Board and Halton Catholic District School Board have commented on the application. The Halton District School Board noted that students generated from the proposed development would need to be accommodated in portables, while the Halton Catholic District School board noted that there is capacity to accommodate students generated from the proposed development.</p> <p>While the use of portables is not preferred, staff acknowledges that it is an inevitable effect of intensification and in some cases is necessary to accommodate new students.</p>

## Conclusion:

The applicant has made minor changes to the proposed development which have improved its design and compatibility with the existing neighbourhood. Staff's analysis of the application for a Plan of Subdivision and Zoning By-law Amendment considered the applicable policy framework and the comments submitted by technical agencies and

the public. It is recommended that Council direct staff to complete a Zoning By-law based on the regulations attached in Appendix B to facilitate the development of this property for 10 single detached dwelling units and 8 townhouse units and that draft approval be given for a residential plan of subdivision to facilitate the creation of 10 single detached building lots, one townhouse block and the extension of Bird Boulevard.

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Respectfully submitted,

Melissa Morgan

Planner II – Development Review

905-335-7600 extension 7788

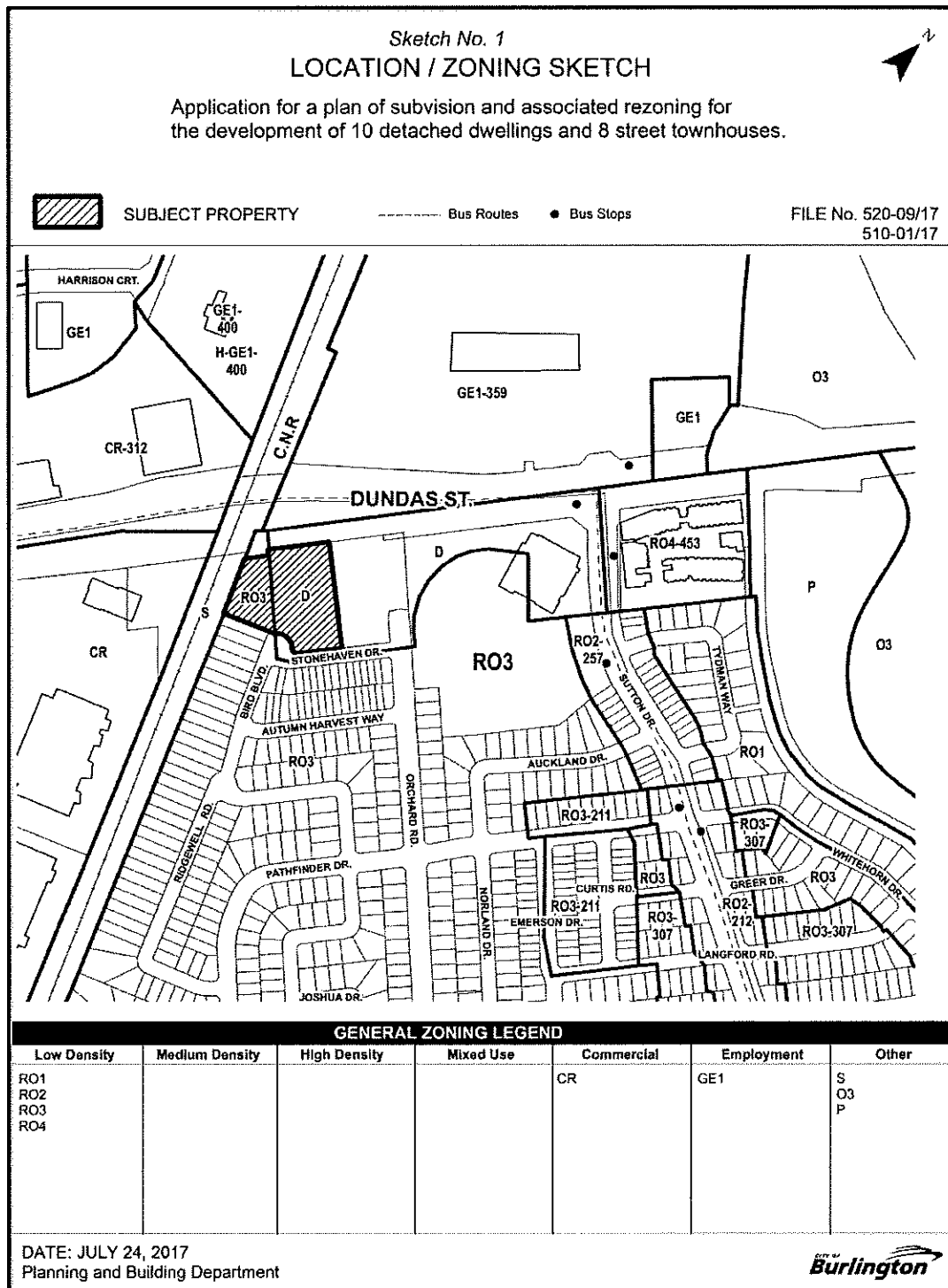
**Appendices:**

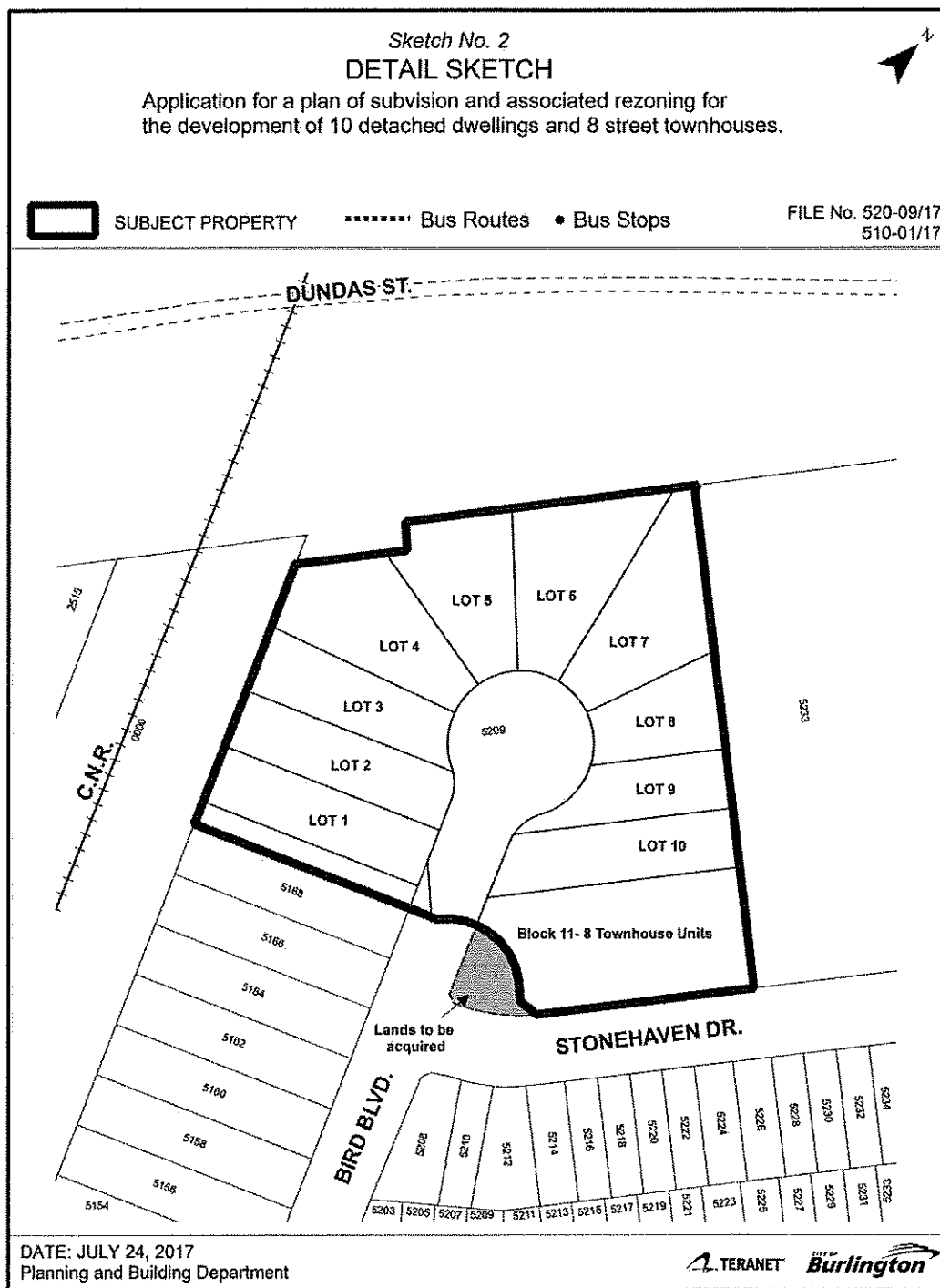
- A. Sketches
- B. Proposed Zoning By-law Regulations
- C. Draft Plan of Subdivision – Proposed Conditions
- D. Public Comments

**Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

## APPENDIX "A"





## **APPENDIX B**

### **BY-LAW NUMBER 2020.XX, SCHEDULE 'A' AND EXPLANATORY NOTE**

#### **THE CORPORATION OF THE CITY OF BURLINGTON**

#### **BY-LAW NUMBER 2020.XX**

A By-law to amend By-law 2020, as amended; 5209 Stonehaven Drive  
File No.: 520-09/17

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-44-18 on June 18, 2018 , to amend the City's existing Zoning By-law 2020, as amended, to permit a subdivision consisting of single detached and townhouse dwelling units;

#### **THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:**

1. Zoning Map Number 29-W of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from "D" to "RO3-482".
3. The lands designated as "B" on Schedule "A" attached hereto are hereby rezoned from "RO3" to "RO3-482".
4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 482 as follows:

Exception 482	Zone RO3	Map 29-W	Amendment 2020.???	Enacted
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Regulations for Detached Dwellings Shown on Diagram 482A

- |   |                     |
|---|---------------------|
| (a) Lot Width:                            | no maximum          |
| (b) Yard abutting a railway right-of-way: | 28 m (Lots 3 and 4) |

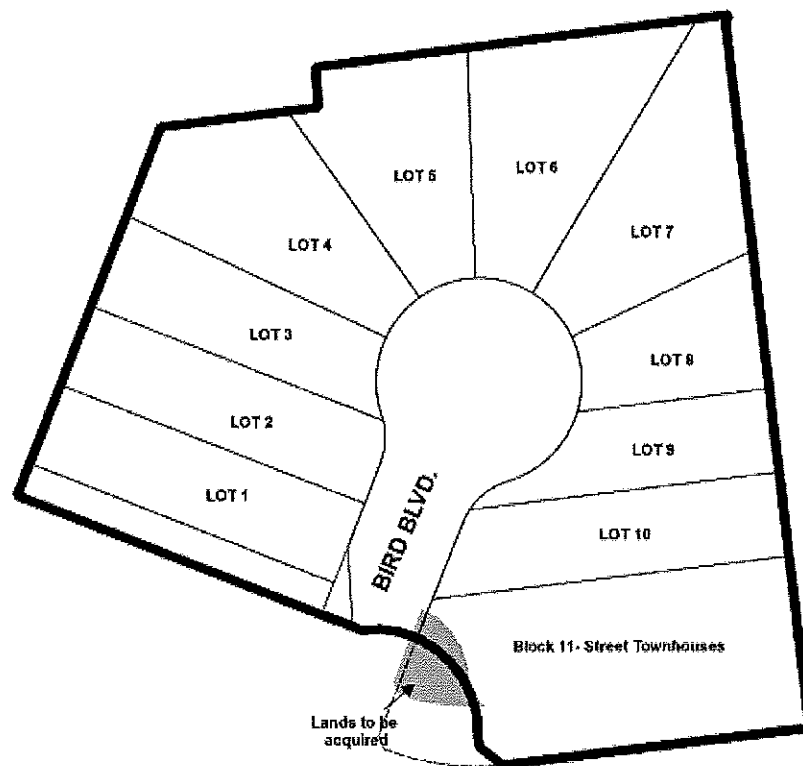
Regulations for Street Townhouses

- |                     |       |
|---------------------|-------|
| (a) Lot Width:      | 6.5 m |
| (b) East Side Yard: | 0.8 m |

Additional Regulations

- (a) Notwithstanding Part 2, Section 19.4, Built Form Standards do not apply.

**Diagram 482A**



Except as amended herein, all other provisions of this By-law, as amended, shall apply

- 5 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

- 5 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeal Tribunal this By-law shall be deemed to have come into force on the day it was passed.

**ENACTED AND PASSED** this .....day of ..... 201 .

\_\_\_\_\_MAYOR

\_\_\_\_\_CITY CLERK



## EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XX

By-law 2020.XX rezones lands on 5209 Stonehaven Drive on July 18, 2018, to permit a residential subdivision consisting of single detached and townhouse dwelling units.

For further information regarding By-law 2020.XX, please contact Melissa Morgan of the Burlington City Building Department at (905) 335-7600, extension 7788.

Zoning By-law Format.doc  
Jan 2017

## **APPENDIX C**

### **CONDITIONS OF DRAFT PLAN APPROVAL**

CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN  
FOR REGISTRATION OF A PLAN OF SUBDIVISION BY:

MANTELLA CORPORATION

FILE: 510-01/17 (24T-17001/B)

The Conditions which shall be fulfilled prior to final approval of this Plan of Subdivision are as follows:

1. This approval applies to the draft plan of subdivision certified by Roy C. Mayo, O.L.S., received July 13, 2017, consisting of 10 lots and 1 block.
2. The Owner shall sign the City's Standard Subdivision Agreement and any other necessary agreement(s) in effect on the date of signing thereof, within three years of the date of Council approval; and acknowledge the implications of the standard conditions contained in the City's Standard Subdivision Agreement, failing which, Council's approval shall lapse.
3. The Owner shall complete the following to the satisfaction of the Executive Director of Capital Works of the City of Burlington:
  - a) Dedicate to the City free of charge the following:
    - i. A 14 metre road allowance for Street "A";
    - ii. A 30 metre road allowance for the Street "A" cul-de-sac;
    - iii. A 3 metre by 3 metre daylight triangle where Street "A" intersects with Stonehaven Drive;
    - iv. Any easements over the subject property required for access, drainage, services and/or utilities; and,
    - v. Any easements over adjacent properties as required to accommodate access, services and/or overland flow swales.
  - b) Prepare and deposit all reference plans required for the foregoing dedications and a reference plan showing the boundaries of the property to UTM, NAD 83, Zone 17 and provide the City a digital copy of the

reference plan in .dwg format with all points and line work on separate layers.

- c) Submit a copy of the updated parcel register when survey plans are submitted for the preparation of the Subdivision Agreement.
- d) Agree to amend any existing rights-of-way or mutual easement agreements for access and repair and maintenance of both sides of the sound wall and berm, as necessary.
- e) Agree that Lots 1-4, all inclusive, shall contain the necessary rights-of-way or mutual easements for access and repair and maintenance of both sides of the sound wall and berm, where applicable, situated within the rear of these lots for each of the property owners.
- f) Agree to pay all costs associated with the acquisition of the required City owned lands (approximately 0.2 ha) that shall be part of Block 1 (to the satisfaction of the Manager of Realty Services).
- g) Agree to pay for the cost of lifting 0.3 metre reserves, as may be required.
- h) Agree to provide cash-in-lieu of parkland dedication in accordance with the City's Parkland Dedication Policy and By-law.
- i) Agree to provide confirmation of payment to the Orchard Community East Master Servicing Cost Sharing Agreement (OCEMSCSA) Group relating to the financial obligations as a result of subdivision development or provide confirmation of settlement with the Group.
- j) Acknowledge that the suitability of the land for the proposed use is the responsibility of the landowner, and that prior to registration of the plan, the Owner shall undertake an environmental assessment performed by a Qualified Person to ensure that the land is suitable for the proposed use. If in the opinion of the Qualified Person, the environmental site assessment indicates the land may not be suitable for the proposed use, the Qualified Person must so advise the Ministry of the Environment and Climate Change and the City of Burlington. The Owner undertakes to do further investigative studies and to do all works required to make the lands suitable for the proposed use. The Owner shall also agree to make available for inspection to all prospective purchasers copies of the completed Environmental Site Assessment and Record of Site Condition, if applicable.

- k) In the event that during ongoing subdivision and house construction the land is determined not to be suitable for the proposed use, agree (at no cost to the City) to undertake further investigative studies and perform all necessary works required to make the land suitable for the proposed use.
- l) Agree to submit a Geotechnical Study, for approval, and to implement the recommendations of the approved Geotechnical Study for subdivision servicing, road construction as well as house construction (including details for house construction on fill lots).
- m) Agree to submit an Environmental Noise and Vibration Study, for approval, and to implement the recommendations of the approved Environmental Noise and Vibration Study.
- n) Agree to make provisions in all Offers, Leases and Reservations Agreements inserting the necessary environmental noise and vibrations warning clauses of the approved Environmental Noise and Vibration Study.
- o) Agree to provide certification by an Acoustical Engineer that the builder's plans are in conformance with the approved recommendations of the Environmental Noise and Vibration Study prior to the issuance of building permits. The Owner shall also agree that all affected lots will be deemed unbuildable until such certification is received and accepted by the City.
- p) Agree to verify the actual indoor and outdoor environmental sound levels on-site and provide certification by an Acoustical Engineer that the approved recommendations of the Environmental Noise and Vibration Study have been implemented and satisfy the criteria of the City and the MOECC prior to the release of the related securities.
- q) Agree to submit a Traffic Impact Study, for approval, and to implement the recommendations of the approved Traffic Impact Study.
- r) Agree to submit an Area Servicing Study, for approval, and to implement the necessary stormwater management recommendations of the approved Area Servicing Study. The Owner shall also agree to make any revisions to the draft plan necessary to implement the approved recommendations.
- s) Agree to submit a Postal Service Report, for approval, and to implement all necessary recommended facilities. All proposed facilities are to be shown on the approved engineering drawings.

- t) Agree to submit an On-Street Parking Plan, for approval, and indicate proposed driveway locations and on-street parking spaces in order to ensure that sufficient area is provided for on-street parking.
- u) Agree to submit a Tree Inventory and Preservation Study, for approval, and to implement the recommendations of the approved Tree Inventory and Preservation Study. The Owner shall also agree to submit a Tree Preservation Plan, for approval, in conjunction with the approved engineering and landscaping drawings. The Tree Inventory and Preservation Plan will make satisfactory provisions for the preservation of any existing trees, where feasible, in accordance with the City of Burlington Tree Protection and Preservation Specification SS-12A. Any public tree removal identified will require Council approval as per the Public Tree By-law 68-2013, as amended. Compensatory planting will be required along the existing right-of-way to the satisfaction of the City Arborist.
- v) Agree to obtain a Public Tree Permit to remove trees from the City's right-of-way. The name of the contractor providing the removal service, a copy of their WSIB and their certificate of liability (\$2,000,000 minimum) must also be provided prior to issuance of the Public Tree Permit.
- w) Agree that no stockpiling or use of John William Boich Parkette for construction staging will be permitted within the written approval of the Executive Director of Capital Works.
- x) Agree to provide erosion and siltation control measures for John William Boich Parkette, if required.
- y) Agree to provide a Parkland Site Disturbance security to ensure any necessary rehabilitation of John William Boich Parkette is undertaken to the satisfaction of the Executive Director of Capital Works.
- z) Agree that should the development be phased, a Phasing Plan must be submitted prior to the registration of the first phase of subdivision. The Phasing Plan will incorporate an Agreement (to the satisfaction of the Executive Director of Capital Works) that must indicate the timing and sequence of development (including tree removal) for each phase and include securities to guarantee the implementation of the plan.
- aa) Agree to ensure construction access, traffic and parking during all stages of construction is to the satisfaction of the Executive Director of Capital

Works and agree to pay for any required signage, barricards or other measures, as needed.

- bb) Design, locate and erect signs prior to the sale of any lots and prior to commencement of subdivision construction which provide notification of: the proposed land uses, road pattern, lotting, phasing of the proposed subdivision, the properties abutting the development, location of postal facilities, transit route locations and lots subject to warning clauses. The signs shall be resistant to weathering and vandalism. All lots and block shall be deemed unsuitable for building until the above has been satisfied.
- cc) Agree to submit an Erosion and Siltation Control Plan, for approval, and implementation during all phases of construction, including servicing and building construction.
- dd) Agree to obtain the necessary demolition permit(s) and post the necessary securities to ensure the proper removal of all existing on site buildings and structures.
- ee) Agree to pay for any alterations to existing utilities, pavement and services that may be necessary to accommodate the connection of Street "A" with adjacent lands and should the proposed intersection need to be adjusted/relocated agree to make the necessary revisions to the Draft Plan.
- ff) Agree to submit engineering drawings, for approval.
- gg) Agree to complete all construction works, including but not limited to grading, servicing, roads, sidewalks and driveway locations, in accordance with the approved engineering drawings.
- hh) Agree to provide street tree planting and landscaping to the satisfaction of the City Arborist.
- ii) Agree to install all servicing and utilities (including hydro) throughout the development underground.
- jj) Agree to submit an overall Utility Coordination Plan, for approval, addressing the location (shared or otherwise), timing and phasing of all required utilities (on-grade, below-grade or above-grade), including gas, electrical, telecommunications, water, wastewater and stormwater services. Such overall utility distribution plan shall be to the satisfaction of all utility providers and shall be approved by the City prior to construction of any of the required utilities.

- kk) Prior to servicing of the plan, the Owner agrees to inform the City which telecommunications and electrical utilities will be installing what services in the subdivision. Once identified, these telecommunications and electrical utilities shall confirm in writing with the City that their requirements have been satisfied.
- ll) The Developer shall agree to the following:
- i. Permit the following telecommunication providers to locate their plant in a common utility trench within any future public highway of the Plan provided they have entered into, or are in the process of entering into, a Municipal Access Agreement with the City ("Telecommunications Providers"):
    - All "Canadian carrier" telecommunications service providers (as defined in subsection 2(1) of the Telecommunications Act);
    - A "distribution undertaking" (as defined in subsection 2(1) of the Broadcasting Act).
  - ii. Within 10 business days of receiving a list of Telecommunications Providers from the City, the Developer shall notify all Telecommunications Providers of the Plan and request to be notified within 10 business days as to whether they intend to locate their plant within any future public highway of the Plan.
  - iii. Make satisfactory arrangements (financial and otherwise) with the City, Telecommunications Providers and other utilities for the installation of each facility in a common utility trench within future public highways prior to commencing any work within any future public highway of the approved draft plan of subdivision.
  - iv. The ability of any Telecommunications Provider to install its plant in a timely and efficient manner shall not be limited.
  - v. Where works have commenced on Plans that have not been granted final approval as of September 24, 2001, the City and the Developer shall work with any Telecommunications Providers excluded from the development to allow for expeditious installation of the Telecommunications Providers' plant in a reasonable manner and location, as approved by the City.
  - vi. Install, at the Developer's own expense, 100 mm diameter ducts at all road crossings for the use of Telecommunications Providers. The exact

location and detailed specifications for these ducts shall be shown on the approved drawings.

- vii. Acknowledge and agree that the City may refuse to accept or assume any or all streets within the Plan until the provisions of this section have been complied with.
- mm) Agree that foundation drainage shall discharge directly into the storm sewer either by gravity or sump pump installation. Connections by gravity will not be permitted unless hydraulic grade line analysis confirms that surcharging of the storm sewer during a 50-year design storm will not result in any basement or foundation damage. For lots 7 to 10 (inclusive) and Block 1, discharge at grade will not be permitted unless discharge is directed to the rear of each lot/block.
- nn) Prior to commencement of any excavation, install solid board barriers around all trees to be preserved, to be maintained during all phases of servicing and development and ensure that trees designated for preservation are not removed or damaged.
- oo) Agree that any trees identified for preservation which are removed or damaged as a result of construction activity shall be replaced with an equivalent value of tree planting, as determined by the City Arborist.
- pp) Agree to install temporary street name and stop signs on streets throughout the development after placement of base asphalt and prior to building permits being issued and maintain the signs until such time as the permanent signs have been installed by the City.
- qq) Agree to construct the necessary fencing as shown on the approved engineering drawings, namely between all residential boundaries abutting either open space/creek blocks, walkway blocks, school blocks or commercial blocks and business blocks abutting either open space/creek blocks or transit corridor block.
- rr) Agree to comply with the City Policy in effect at the time of subdivision registration with respect to "Site Conditions in Subdivisions":
  - i. Agree to provide a cash deposit to be used by the City for contracted or in-house expenses for dealing with non-compliance with City requirements for control of mud, dust and debris on roads and further agree that inspection staff time for invoicing on work undertaken will be charged at double the normal rate;



- ii. Agree to hire a contractor on retainer to deal with after hour problems related to unsafe conditions in active subdivisions and provide the City with the contractor's 24 hour/7 days a week emergency contact phone number;
  - iii. Agree to install "Illegal Dumping Prohibited" signs at all blocks intended for future development;
  - iv. Agree to regrade and seed within 7 days, and cut weeds and remove debris within 48 hours, of a request by the City on any undeveloped lots or blocks as may be requested;
  - v. Agree to provide a cash deposit to be used by the City for contracted or in-house expenses for dealing with City requirements for control of grading issues, weed control and debris removal, and further agree that inspection staff time for invoicing on work undertaken will be charged at double the normal rate;
  - vi. Agree to grade, place topsoil and seed any lot or block within 7 days of initial grading or topsoil stripping which is not intended for development within 45 days. This requirement may vary depending on the season of the activity. The City will exercise discretion in applying the seeding requirement. In addition, temporary perimeter post and wire fencing is to be installed for any school or park block;
  - vii. Agree to provide an overall phasing schedule identifying proposed house construction (start dates/occupation dates), tentative grading, sodding and tree planting schedules in accordance with the City's grading and sodding policy and schedule;
  - viii. Agree that sidewalk installation, lot and boulevard grading/sodding will be completed within 9 months of occupation and agree that at the time of sidewalk installation, the boulevard is to be rough graded to the level of the sidewalk should the boulevard sodding be delayed. Additionally, the Owner agrees to complete all the boulevard tree planting and associated landscaping within 18 months of adjacent home occupation.
- ss) Agree to provide all new home purchasers in the subdivision with an information brochure containing information on the ecological value and function of natural areas within the community to be preserved and appropriate stewardship behaviour such as domestic pet control, no debris/dumping. No vegetation removal, etc.

- tt) Agree to make available to all purchasers a copy of the City of Burlington "Information Sheet for New Home Buyers".
- uu) Agree to display copies of the signed engineering drawings (specifically the "Utility Coordination Plan") in the sales office when they become available, for the information of purchasers.
- vv) Agree to display a copy of the approved draft plan and draft plan conditions in the sales office for the information of purchasers.
- ww) Agree to provide copies of the draft plan conditions for the review of purchasers, if requested.
- xx) Agree to include the following clauses in a registered portion of the subdivision agreement, and that the Owner ensure that warning clauses to this effect are included on all Offers, Leases and Reservations Agreements for all residential units:
  - i. "Purchasers/tenants are advised that there may be above-ground utility facilities such as fire hydrants, hydro transformers and cable pedestals located in front of their property within the City's road allowance or on easements".
  - ii. "Purchasers/tenants are advised that a drainage swale may exist across the rear of the property and that the drainage swale as indicated on the approved engineering drawings is not to be altered or blocked in any way, nor are any structures, (sheds, etc) fencing excepted to be erected within the drainage swale without the prior approval of the City of Burlington".
  - iii. "Purchasers/tenants are advised that due to limited on-street parking, the City of Burlington will not issue driveway curb cut widening permits".
  - iv. "Purchasers/tenants are advised that a 1.5 metre concrete sidewalk may be constructed adjacent to the property line and that this will limit the parking space in front of the unit to one vehicle in the driveway between the garage and sidewalk".
  - v. "Purchasers/tenants are advised that the City of Burlington Zoning By-law standards for the Orchard Community require a minimum of two parking spaces to be provided per dwelling unit, one of which may be provided in the garage. Furthermore, the City of Burlington Parking By-law limits on-street parking to five hours".

- yy) Agree to provide storm sewer video inspection as per the current City standard.
  - zz) Agree to provide written certification by the Civil Engineer prior to final assumption of the subdivision that the municipal infrastructure, including the underground services (i.e. storm sewers, etc) and aboveground services (i.e. roads, sidewalks, boulevards etc) has been constructed in conformance to the City standards and in accordance with the approved engineering drawings.
4. Complete the following to the satisfaction of the Director of Roads, Parks and Forestry:
- a) Agree to compensate for the removal of public trees by replanting in the City's right of way as required (to the satisfaction of the City Arborist).
  - b) Agree to pay for any site visits and the implementation of the preservation methods to be completed by an appropriately credentialed arborist as recommended in the approved Tree Inventory and Preservation Plan.
  - c) All proposed tree and landscape planting on site and in the right of way must conform to species lists provided in Conservation Halton's Landscaping and Tree Preservation Guidelines.
5. The Owner shall complete the following to the satisfaction of the Director of Planning and Building of the City of Burlington:
- a) Provide with the final plan a list of lot and block widths and areas, prepared by an Ontario Land Surveyor, to ensure all lots and blocks conform to Zoning By-law 2020, as amended.
  - b) Agree to display a copy of the approved draft plan of subdivision and draft plan condition in the sales office for the information of purchasers;
  - c) Agree to provide copies of the draft plan approval conditions for the review of the purchasers, if requested;
  - d) Agree to display copies of the signed engineering drawings in the sales office when they become available, for the information of purchasers;
  - e) Agree to make available to all purchasers a copy of the City of Burlington "Information Sheet for New Home Buyers."
6. The Owner shall complete the following to the satisfaction of the Director of Finance of the City of Burlington:

- a) Pay property taxes including all future installments levied.
7. The Owner shall complete the following to the satisfaction of Burlington Hydro Incorporated:
- a) Agree to satisfy all of the conditions and requirements, financial or otherwise, of Burlington Hydro Incorporated and provide the Executive Director of Capital Works with a clearance letter from Burlington Hydro Incorporated when its requirements have been met.
8. The Owner shall complete the following to the satisfaction of Union Gas Limited:
- a) Provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this development, in a form satisfactory to Union Gas Limited.
9. The Owner shall complete the following to the satisfaction of the Region of Halton:
- a) That the Owner agrees, by entering into subdivision agreements, to satisfy all the requirements, financial or otherwise of the local municipality and the Region including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads, boulevard grading and restoration, installation of watermains, wastewater mains, drainage works, stormwater facilities and utilities. This agreement is to be registered on title to the lands.
  - b) Prior to Draft or any approval or By-law, or any servicing or grading of the site and to the satisfaction of Halton Region, the Owner is required to submit to halton Region a Ministry of the Environment (MOE) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for its proposed land use. The Owner is also required to submit all supporting environmental documentation such as Phase 1 and 2 Environmental Site Assessment and remediation reports etc. to Halton Region for review. The author of the environmental reports and RSC submitted to the Region must extend third party reliance to Halton Region. The Owner is required to comply with Ontario Regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with Respect to Contaminated Sites, to the satisfaction of the Region of Halton.
  - c) If imported fill is to be used within the proposed subdivision limits and external works that service this subdivision, the Owner is responsible for its environmental quality and must provide to the satisfaction of Halton Region, a

document to certify that all fill material meets applicable MOE standards as per Ontario Regulation 153/04.

- d) That a detailed engineering submission shall be prepared and submitted to the Region's Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.
- e) All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full-time inspection staff on site during construction activities to obtain the required "as constructed" field information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards.
- f) Upon draft approval Regional services within the Plan of Subdivision may be installed, provided that the engineering drawings have been approved by the Region and City of Burlington, the Regional subdivision agreement has been executed, appropriate financial security has been posted, all relevant fees have been paid to the satisfaction of the Region, and all requisite government approvals have been obtained and notices given to all public utilities.
  - i) If Regional services are installed prior to subdivision registration, the Owner agrees to either; (i) provide the Region "as constructed" drawings of those services, certified by a professional engineer before registration takes place; or (ii) post security equal to or greater than 50% of the cost of all Regional works.
- g) That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by Halton's Development Project manager that sufficient water capacity exists to accommodate this development.
- h) The Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by Halton's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development.
- i) That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by Halton's Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place.

- j) The Owner acknowledges that there may not be sufficient water or wastewater plant capacity; storage or pumping facilities and associated infrastructure to accommodate this development and that additional capacity may not become available within the term of this draft approval. The Owner acknowledges that granting of draft plan approval does not imply a guarantee by the Region to service this development within the term of draft approval. The Region's Development Project Manager will advise the Owner in writing at the time of the first submission for engineering design approval of the availability of capacity of Regional services and the capacity available for the owner's development. The registration of all or part of this plan shall not take place until the Region's Development Project Manager has confirmed that capacity exists to accommodate this development.
- k) The Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton's Development Project Manager.
- l) The Owner shall extend the Region's watermain and wastewater main network, within the proposed new municipal road right-of-way, to the end of the cul-de-sac, as required by the Region's Development Project Manager.
- m) The Owner shall provide the Region with a 1.0 metre watermain easement across the frontage of the properties, for the purposes of the water service connection lateral curb stop property line valves and utilities separation, as per the site specific City of Burlington's Standard Drawing Manual specific standard roadway cross-section drawings for the Orchard Community.
- n) The Owner shall agree that pre and post development storm water flows to the site and from the site to the existing drainage system on Dundas Street (Regional Road #5) are maintained both during and after construction, such that there are no adverse impacts to the existing system on Dundas Street (Regional Road #5), to the satisfaction of Halton Region's Development Project Manager.
- o) The Owner shall ensure that the grading works on the site will match up with the existing elevation at the property line with Dundas Street (Regional Road #5) and also ensure that the grading operation will not encroach on the existing right-of-way unless approved by the Region.
- p) The Owner shall provide the subdivision with a looped water system to help ensure a safe, secure and reliable water supply. This can be accomplished with two or more feeds from the Region's water supply. Should the

connection points not be readily available adjacent to the site then the Owner will be required to extend watermain to the site for this purpose, if required as determined through the detailed engineering submission.

10. The Owner shall complete the following to the satisfaction of the Halton District School Board:
  - a) The Owner agrees to place the following notification in all offers of purchase and sale for all lots/units and in the City's subdivision agreement, to be registered on title:
    - i) Prospective purchasers are advised that schools on sites designated for the Halton District School Board in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.
    - ii) Prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on through streets convenient to the Halton District School Board. Additional pick up points will not be located within the subdivision until major construction activity has been completed.
  - b) In cases where offers of purchase and sale have already been executed, the Owner is to send a letter to all purchasers which include the above statements.
  - c) The developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton District School Board. The phasing plan will indicate the sequence of development, the land area, and the number of lots and blocks and units for each phase.
  - d) The Owner shall supply, erect and maintain signs at all major entrances into the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will make these signs to the specifications of the Halton District School Board and erect them prior to the issuance of building permits.
  - e) The Owner shall submit a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington, to the Halton District School Board.
  - f) The Owner shall provide to Halton District School Board a geo-referenced AutoCAD file of the Draft M-plan once all Lot and Block numbering has been finalized. Should any changes occur after the initial submission to Lot and

Block configuration or numbering on the draft M-plan, the Owner shall provide a new AutoCAD file and a memo outlining the changes.

11. The owner shall complete the following to the satisfaction of the Halton Catholic District School Board:
  - a) The Owner agrees to place the following notification in all offers or purchase and sale for all lots/units and in the City's subdivision agreement to be registered on title:
    - i. Prospective purchasers are advised Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bused to existing facilities outside the area.
    - ii. Prospective purchasers are advised that the Halton Catholic District School Board will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you are notified that school buses will not enter cul-de-sacs.
  - b) In cases where offers of purchase and sale have already been executed, the Owner is to send a letter to all purchasers which includes the above statements.
    - i. The Owner agrees, to the satisfaction of the Halton Catholic District School Board, to erect and maintain signs at all major entrances into the new development, advising prospective purchasers that if a permanent school is not available, alternative accommodation and/or busing will be provided. The Owner will make these signs to the specifications of the Halton Catholic District School Board and erect them prior to the issuance of building permits.
    - ii. That the Developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton Catholic District School Board. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.
    - iii. That a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington be submitted to the Halton Catholic District School Board.



- iv. The Owner shall provide Halton Catholic District School Board a geo-referenced AutoCAD file of the Draft M-plan once all Lot and Block numbering has been finalized. Should any changes occur after the initial submission to Lot and Block configuration or numbering on the draft M-plan, the Owner shall provide a new AutoCAD file and a memo outlining the changes.
- 12. The Owner shall complete the following to the satisfaction of Canada Post:
  - a) The Developer agrees to consult with Canada Post to determine suitable permanent locations for the Community Mail Box(es) and to show the location(s) on the appropriate servicing plans.
  - b) The Developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to the public which indicates the location of all Community Mail Boxes within the development, as approved by Canada Post and the City of Burlington.
  - c) The Developer agrees to include in all offers of purchase and sale a statement which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot numbers) for each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
  - d) The Owner/Developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do the sign off.
- 13. The Owner shall complete the following to the satisfaction of CN Rail:
  - a) The Owner shall enter into a Development Agreement with CN and register CN's environmental easement on title.
- 14. The Owner shall complete the following to the satisfaction of Bell Canada:
  - a) The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for the relocation of such facilities or easements.

- b) Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.
15. All of the above conditions shall be satisfied within three years of the granting of draft approval, being , 2019.

#### NOTES:

1. The owner is advised that additional fees are required by the City of Burlington and the Region of Halton for each Extension to Draft Approval and for Major Revisions to the draft plan of conditions.
2. The owner, its successors and assigns, is hereby notified that City development charges may be payable in accordance with By-law No. 49-2009, as may be amended, upon issuance of a building permit at the rate in effect on the date issued.
3. The Owner will be required to pay all applicable Regional development charges prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required, in which case, the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement. Please visit our website at [www.halton.ca/developmentcharges](http://www.halton.ca/developmentcharges) to obtain the most current development charge information, which is subject to change.
4. Educational Development Charges are payable in accordance with the applicable Education Development Charge by-law and are required at the issuance of a building permit. Any building permits which are additional to the maximum unit yield which is specified by the Subdivision Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.
5. At any time prior to final approval of the plan for registration, the City or Region may amend, delete or add to the conditions and this may include the need for amended or new studies in accordance with Section 51(18) of the Planning Act, 1990.

## APPENDIX D

**From:** Alex & Julie Rodgers [mailto:]

**Sent:** Wednesday, August 23, 2017 11:45 AM

**To:** Vraets, Lauren

**Subject:** Proposed development at 5209 Stonehaven Drive in Burlington (Files: 510-01/17 & 520-09/17)

Ms Vraets,

I write regarding the proposed development at 5209 Stonehaven Drive in Burlington (Files: 510-01/17 & 520-09/17).

I am strongly of the belief that both construction here and the resulting development will adversely affect the young community and the local environment.

To start with, the construction itself will be detrimental to the area. This proposed construction is just West of the elementary school John William Boich (JWB). Many JWB students enter through the rear of school, especially since the new construction by ADI at the front of the school on Sutton drive (new condos still being built). Since this construction started more students have been dropped off at the rear of the school due to increased traffic, it is unlikely this will change when the condos on Sutton are fully operational due to the increased amount of residents in the immediate area and personal vehicles replacing the construction ones. Not only will traffic significantly increase during school drop off/pick up times, it will generally escalate due to higher population. According to the plans there will be no exit directly onto Dundas St, therefore all traffic will have to exit Southbound on Bird Bv or Eastbound on Stonehaven Dr. These are small residential streets, just adding a few more residences will significantly increase traffic flow, and therefore increased potential for motor vehicle collisions, especially with the high number of young families in the area.

The proposed construction will significantly raise the noise in the area with general construction noise and the construction vehicles having reversing beepers on them. After construction there will still be increased noise levels. This area is already noisy with the CN line running along the back of Bird Bv, and Dundas St to the North. Noise will naturally increase with 18 extra residences.

With these 10 lots and 8 townhouses, at an average of 2 vehicles per house, an extra 36 vehicles with accompanied pollution, will have a negative impact on residents.

When the area for the parkette was built it disrupted the wildlife and led to a significant increase in rats in the area. Developing on this area will further disrupt wildlife. The orchard does not have many green spaces. This area would be better left alone as wildlife area. We teach our

kids about the environment yet continue to build on tiny patches of land. From the existing tree identification table the plans, in upwards of 50 trees only 5 will *not* be impacted by construction.

In order for the plan to be effective the builder would have to acquire a 0.02ha patch of land from the City of Burlington. This completely narrows the roadway for through traffic both foot and vehicular, further adding to the issues I have described above. This particular area is a very common area for the younger children to play. This build will adversely affect their quality of life and raise potential for collisions.

Currently the school JWB is at capacity and as such has introduced portables. It is highly likely that anyone moving into the new development would have to be bussed to schools out of the area therefore dividing potential friendships between elementary aged children. Already the new ADI development on Sutton opposite the school has been notified by the school boards that this would be the case. If any children in the new development do get to attend JWB then the need for portables would increase which takes away from the play area for children. In addition to this portables are not an ideal environment for children to learn in, there is also increased risk to the children during times of lockdown/hold and secure/shelter in place.

Due to the reasons I have outlined above, I strongly oppose the proposed residential development on Stonehaven Drive.

Respectfully submitted

Mrs J Rodgers

Autumn Harvest Way, Burlington

CC MPP McMahon, Councillor Sharman

**From:** Renee Sparkes [mailto:]  
**Sent:** Monday, September 18, 2017 12:14 PM  
**To:** Vraets, Lauren  
**Subject:** 5209 Stonehaven Dr

Hi Laura,

I spoke to you late last week about the New Development Proposal on Stonehaven/Bird Blvd in the Orchard being JWB School. We live at the end on Bird Blvd and below are a couple of questions I have:

1. We have a sound wall behind us and the side of our house - I want to ensure that in addition to the rear wall, the side wall will still remain.
2. How will extending the road affect our property line when they cut through?
3. Currently, the field next to us is full of large weeds which is making our backyard and side of our house unmanageable - would this be able to be cleaned up at this time as well?
4. We also want to ensure that entry to our house is never blocked during the construction phase.

You also mentioned that there will be another meeting, can you please let me know when in hopes that we can attend the next one.

Just in case, the File #s for this is  
510-01/17-Subdivision  
520-09/17 Rezoning

**From:** Bojan Cupcev [mailto:]  
**Sent:** Monday, October 16, 2017 11:16 AM  
**To:** Vraets, Lauren  
**Subject:** Re: FW: Stonehaven development

Good morning Lauren.

Thank you for the fast reply. I would like to be included in the mailing list for regarding this project

Name: Bojan Cupcev

2361 Pathfinder Dr. Burlington

Ontario L7L6N8

I have one question, as I'm new to this when it comes to purchasing a brand new development, I was wondering, at what time, or at what stage, given the timeline, will there be a chance to view the actual models and pricing and able to purchase (put a downpayment) one of these homes if we are interested ?

We literally live one street down from this area.

Thank You

