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PB-11-16 file  
#520-02/15  
Delegation  
correspondence

January 7, 2016

City of Burlington  
Clerks Department  
426 Brant Street  
Burlington, Ontario  
L7R 3Z6

*Sent via email to: cityclerks@burlington.ca*

To Members of Council:

**Re: January 12 Development & Infrastructure Committee Meeting  
Proposed Zoning By-Law Amendment for 1350 Waterdown Road (File 520-02/15)**

Please accept this letter as our written delegation, with comments on the proposed Zoning By-Law Amendment for 1350 Waterdown Road.

We have been in contact with the subject property owner for a number of years, and are supportive of their plans to construct a place of worship. We have offered assistance, subject to all applicable municipal approvals, to construct underground services to their property at no cost to them, and in exchange they have entered into an Agreement with us to allow a servicing easement through the rear of their property to the Taylor property, which makes up part of the Eagle Heights development. The proposed servicing route through Craven Avenue and the north end of Nevarc Drive would also create an opportunity for existing homeowners to connect to these urban services. Unfortunately progress in obtaining the necessary approvals has been extremely slow, and this matter remains a “work in progress” as of today’s date.

In reviewing the staff report being presented to Committee today, we note that the property owner will be asked to dedicate the creek block, associated valleylands, and additional buffers in the area where the servicing easement is planned. Our concern is that if these lands are dedicated with no consideration of the Servicing Easement Agreement, or the years of work that have gone into this project, our ability to service our lands through this corridor would be severely impeded. Both the City of Burlington and Region of Halton are already committed to allowing urban services to connect to the OMB approved Eagle Heights development. This is reflected in Minutes of Settlement as well as in the identification of the development on lands eligible for urban services in the Region’s Official Plan. As such we must object to any actions that could prejudice our ability to construct these services.

We appreciate that no land will be dedicated as part of the applicant’s Zoning By-Law Amendment Application, and that this would likely be deferred until the approval of the subsequent Site Plan Approval application, however we may or may not have an opportunity to comment on that application and therefore must bring this to your attention at this time.

We understand that approval of urban services through our planned route has not yet been granted, and is subject to the usual engineering and environmental reviews. We are not asking you to approve anything without going through the usual process. We are simply asking that consideration be given to the Servicing Easement Agreement that we have in place with the existing property owner, the services of which would be transferred to the City of Burlington and/or Region of Halton in due course, and that no action be taken at this time that will prejudice the opportunity for these services to be installed through this route, again subject to all the usual approvals. This could involve a clear recognition that any dedication of land will be subject to the Servicing Easement Agreement.

In order to avoid any delays to the property owner's design and approval process for the proposed place of worship, we simply ask that wording be included in Council's decision and the amended zoning that would allow us to continue to pursue this servicing route without any additional roadblocks, while still approving the applicant's Zoning By-Law Amendment request.

We have spoken with Councillor Craven, who has offered to arrange a meeting with the appropriate planners so that this matter can be discussed further, however that meeting has not yet been scheduled and will likely occur after January 12<sup>th</sup>. As such, we are submitting this letter as a matter of record, with the hopes that this may be resolved to the mutual benefit of all involved.

Yours truly,  
**PENTA PROPERTIES INC.**



Dave Pitblado  
Director, Real Estate Development

Cc: Lisa Stern – City of Burlington  
Angelo Paletta – Penta Properties Inc.  
Scott Snider – Turkstra Mazza Associates