

**Application for Planning Document Amendment:  
Official Plan and Zoning By-law**

**Office Use Only**

Date Received	Date Complete	File No(s) <b>520-08/17</b>	Fee(s) Paid
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**Application For:**

<input checked="" type="checkbox"/>	City Official Plan
<input checked="" type="checkbox"/>	Zoning By-law

**505-02/17**

**1.0 APPLICANT INFORMATION**

1.1 Complete the information below and indicate one contact as the Prime Contact (PC). All communications will be directed to the Prime Contact ED FOTHERGILL (give name).

NAME	ADDRESS	PHONE/FAX
<i>Registered Owner(s)*</i>  <b>THE MOLINARO GROUP ATTN: MR. VINCE MOLINARO</b>	<b>472 BROCK AVENUE, UNIT 103 BURLINGTON, ON L7S 1N1</b>	<i>Bus.</i> 905-634-1128 <i>Fax</i> <i>E-Mail/www:</i> vincemol@molinaro.ca <i>Home</i>
<i>Applicant(s)</i>  <b>SAME AS ABOVE</b>		<i>Bus.</i> <i>Fax</i> <i>E-Mail/www:</i> <i>Home</i>
<i>Agent (eg. Planning Consultant)</i>  <b>ED FOTHERGILL, PRESIDENT FOTHERGILL PLANNING &amp; DEVELOPMENT INC.</b>	<b>62 DAFFODIL CRESCENT ANCASTER, ON L9K 1E1</b>	<i>Bus.</i> 905-577-1077 <i>Fax</i> 905-546-0545 <i>E-Mail/www:</i> edf@nas.net <i>Home</i>
<i>Solicitor</i>		<i>Bus.</i> <i>Fax</i> <i>E-Mail/www:</i>
<i>Other (Specify)</i>  <b>BARRY GRAZIANI, GRAZIANI-CORAZZA</b>	<b>1320 SHAWSON DRIVE, SUITE 100 MISSISSAUGA, ON L4W 1C3</b>	<i>Bus.</i> 905-795-2601 <i>Fax</i> 905-795-2844 <i>E-Mail/www:</i> <b>bgraziani@gc-architects.com</b>

\* if a numbered company, please give name and phone number(s) of principal owner (or president)

**2.0 LOCATION OF PROPERTY**

Lot(s)/Block(s)	Concession	Registered Plan No. REG. PLAN 65, LOTS 52 & 53
Reference Plan No.	Part(s)	Parcel No.
Former Township	Municipal Address 490, 492 BROCK AVENUE; 1298 ONTARIO STREET	
Assessment Roll #:		

**2.1 Particulars of the Subject Land: (in metric units)**

Frontage 45.72 M	Depth 48.768 M	Area 0.22 HA
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**3.0 EXISTING AND PREVIOUS USES OF THE SUBJECT LANDS**

3.1 What is the existing use of the subject lands? RESIDENTIAL

3.2 What is the length of time the existing uses of the subject land have continued? UNKNOWN

3.3 What were the previous uses of the subject land, if known? UNKNOWN

**3.4 List any existing Buildings or Structures on the Property**

Buildings or Structures	*all Yard Setbacks				No. of Storeys	Building Height	*Ground Floor Area
	Front	Rear	Side WEST	Side EAST			
2 STOREY BRICK DWELLING	5.6 M	34.4 M	6.0 M	32.4 M	2	2 STOREYS	66.6 SQ.M.

\* Zoning applications only

3.5 Is the Subject Land (or Buildings) subject to a Demolition Control By-law or is it either Designated or identified for possible Designation under the Ontario Heritage Act?

YES \_\_\_\_\_ NO X

(If yes, it is possible that a Heritage Permit Application will be required. Please consult with Planning Staff.)

**4.0 PROPOSED USE OF THE SUBJECT LANDS** (please attach any additional information on a separate page)

4.1 *What is the Proposed use of the Subject Lands?* 21 STOREY APARTMENT BUILDING WITH 170 UNITS AND 186 SQ.M. OF AT-GRADE COMMERCIAL AND 3-1/2 LEVELS OF UNDERGROUND PARKING - VEHICULAR ACCESS FROM ONTARIO STREET

4.2 *List any Proposed Buildings and Structures*

Buildings or Structures	*all Yard Setbacks				No. of Storeys	Building Height	*Ground Floor Area
	Front	Rear	Side WEST	Side EAST			
APARTMENT BUILDING	5.5 M	3.0 M	12.5 M	3.0 M	21	72 M	

\*Zoning applications only

4.3 Indicate Land Uses on Abutting Properties

North RESIDENTIAL

South RESIDENTIAL

East RESIDENTIAL - PARKING LOT

West RESIDENTIAL

4.4 *Will the requested amendment or rezoning alter all or any part of the urban planning area boundary or the boundary of a rural settlement area?*

YES \_\_\_\_\_ NO X

*If YES, list the current Official Plan policies dealing with the alteration or establishment of an area of settlement.*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4.5 Will the requested amendment or rezoning remove the subject land from an Employment Lands or Mixed Use Corridor –Employment Oriented designation, as outlined in the Official Plan?

YES \_\_\_\_\_ NO   x  

If YES, list the current Official Plan policies dealing with the removal of land from an area of employment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. TYPE OF PROPOSED AMENDMENT**

Check the appropriate boxes and complete the section(s). Depending on the purpose of the proposed plan amendment, more than one box may need to be checked.

5.1  An official plan amendment that proposes to add new policy or to change, delete, or replace an approved Official Plan policy

a) Describe the purpose of the proposed amendment  
TO INCREASE THE PERMITTED DENSITY

b) Identify the policy to be changed, replaced or deleted  
POLICY III - 5.5.5(b)(ii)

c) What is the current official plan land use designation on the subject land?  
DOWNTOWN MIXED USE CENTRE - DOWNTOWN MEDIUM-HIGH DENSITY

d) What land uses are permitted by the current official plan designation on the subject land?  
GROUND OR NON GROUND FLOOR HOUSING UNITS RANGING BETWEEN 26 AND 185 UNITS/HECTARE  
(POLICY III - 5.5.5(b)(ii))

e) What land uses would be permitted by the proposed official plan amendment on the subject land?  
GROUND OR NON GROUND FLOOR HOUSING WITH A MAXIMUM DENSITY OF 765 UNITS/HECTARE

\_\_\_\_\_  
\_\_\_\_\_

5.2  An official plan amendment that proposes to change or replace the approved Official Plan land use designation on the subject land.

- a) What is the current official plan designation of the subject land?  
\_\_\_\_\_
- b) What land uses are permitted by the current designation on the subject land?  
\_\_\_\_\_  
\_\_\_\_\_
- c) What is the proposed designation on the subject land?  
\_\_\_\_\_  
\_\_\_\_\_
- d) What land uses will be permitted by the proposed designation on the subject land?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5.3 Justification

Provide justification for this application to amend the Official Plan and/or Zoning By-law. (Attach a separate report if necessary). *Attach the text of any requested Official Plan amendment and the amended Official Plan schedule as required.*

In the case of an Official Plan Amendment, the applicant is required to provide complete planning evidence outlining the justification for the amendment. This should address, but not be limited to, why the proposed change is desirable and how it relates to the overall goals and objectives of the Burlington Official Plan, Region of Halton Official Plan, Comprehensive Provincial Policy Statement and any applicable Provincial Plans. Further studies may be required by the applicant depending on the nature of the application.

**SEE ATTACHED PLANNING JUSTIFICATION REPORT**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6.0 ZONING DESIGNATION**

**\*This Section MUST be completed when applying for Zoning By-law Amendment**

6.1 What is the existing Zoning designation on the subject lands? H-DRH

6.2 What is the proposed Zoning designation on the subject lands? SITE SPECIFIC DRH

6.3 What land uses will be permitted in the proposed designation? \_\_\_\_\_  
21 STOREY APARTMENT BUILDING WITH 170 UNITS & 186 SQ.M. OF COMMERCIAL SPACE

6.4 What is the reason for the proposed rezoning? \_\_\_\_\_  
TO INCREASE THE MAXIMUM HEIGHT AND INCREASE MAXIMUM DENSITY TO 765 UNITS/HECTARE.  
ALSO TO INCLUDE SITE SPECIFIC REGULATIONS.

6.5 What is the minimum and maximum density requirement in the existing zoning?  
MIN. 50 UPHA MAX. 185 UPHA

6.6 What is the minimum and maximum height requirement in the existing zoning?  
MAX. 22 M

6.7 Is the subject land within an area where zoning with conditions applies? Is so, explain how the application conforms to the Official Plan policies relating to zoning with conditions.

6.8 Attach to your application a sketch showing, in metric units:

- a) The boundaries and dimensions of the subject land;
- b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- c) The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of creeks, wetlands, wooded areas, wells and septic tanks) that are located on the subject land or on land that is adjacent to it, and in the applicant's opinion may affect the application;
- d) The current uses of land that is adjacent to the subject land;
- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way; and
- f) The location of any easements affecting the subject land.

**7.0 STATUS OF OTHER PLANNING APPLICATIONS**

7.1 Are there any existing, or have there been previous application made under the Planning Act or the Planning and Development Act, such as for approval of an official plan amendment, zoning by-law, plan of subdivision, a minor variance, a Minister's zoning order amendment or a site plan or for a consent that involves the land:

- a) that is the subject land? YES NO x
- b) that is within 120 metres of the subject land? YES x NO \_\_\_\_\_
- c) If YES to a) or b), list below or attach on a separate page:

The type of application(s) and the file number(s) \_\_\_\_\_

**REZONING AND OFFICIAL PLAN AMENDMENT**

The legal description of the land that is the subject of the application(s) \_\_\_\_\_

472 BROCK AVENUE

The purpose of the application(s) and the effect of the application(s) on the proposed official plan amendment,

PREVIOUS APPLICATION TO PERMIT EXISTING 14 STOREY BUILDING ESTABLISHES SETBACK REQUIREMENTS TO BE TAKEN INTO ACCOUNT WITH CURRENT APPLICATION. PREVIOUS APPLICATION ESTABLISHED RIGHT-OF-WAY OVER PROPERTY AT 472 BROCK AVENUE IN FAVOUR OF PROPERTY SUBJECT TO THIS APPLICATION.

The status of the application(s) APPROVED (SEE OPA POLICY 5.5.5(e) PART III)

7.2 Has the subject land ever been the subject of a Minister's Zoning Order? If so, please note the Ontario Regulation number of that order: NO

**8.0 REGIONAL OFFICIAL PLAN**

8.1 *What is the current designation of the subject land in the Regional Official Plan?*

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URBAN AREA

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8.2 Explain how the proposed City Official Plan amendment conforms to the above plan, if applicable.

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CONSISTENT WITH REGIONAL PLAN

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8.3 Has a Regional Official Plan Amendment been applied for? YES \_\_\_\_\_ NO  X

**9.0 PROVINCIAL PLANS AND POLICIES**

9.1 *Is the subject land within an area designated under any of the following Provincial Plan(s)?*

Greenbelt Plan  NO  Niagara Escarpment Plan  NO

Growth Plan for the Greater Golden Horseshoe  YES  Parkway Belt West Plan  NO

9.2 *Explain how the requested amendment or rezoning conforms to or does not conflict with the applicable Provincial Plan(s) (Incorporate as part of Planning Justification Report if possible)*

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SEE PLANNING JUSTIFICATION REPORT

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9.3 *Explain how the requested amendment or rezoning is consistent with the Comprehensive Provincial Policy Statement. (Incorporate as part of Planning Justification Report if possible)*

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SEE PLANNING JUSTIFICATION REPORT

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**10.0 SERVICING**

10.1 Does the proposed amendment(s) conform to the approved servicing and phasing policies or servicing schedule in the Local and Regional official plans? YES  NO

10.2 Indicate the proposed servicing type for the subject land.

a. Water Supply

Piped Water     Private Well     Other, Specify \_\_\_\_\_

b. Sewage Disposal

Sanitary Sewer     Septic Tank     Other, Specify \_\_\_\_\_

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed, include with this application:

- a. a servicing options report; and
- b. a hydrological report

10.3 Road Access and/or Frontage

Please Specify Road Type (eg. Open Municipal Road, Regional Road, Provincial Highway, Private Road)

**OPEN MUNICIPAL ROAD**

Name of Road ONTARIO STREET, BROCK AVENUE

10.4 Storm Drainage

Indicate the proposed Storm Drainage System (eg. sewers, ditches, swales)

**SEWERS**

10.5 Is the proposed plan amendment consistent with the recommendations of the watershed plan, if any?

YES \_\_\_\_\_ NO \_\_\_\_\_

10.6 Does the proposed plan amendment conform to the master drainage, sub-watershed or shoreline management plan, if any?

YES \_\_\_\_\_ NO \_\_\_\_\_

Official Plan Amendment/Rezoning File No. \_\_\_\_\_

**CITY OF BURLINGTON**

**DECLARATION**

*This must be completed by the Applicant for the proposed development site.*


I, ED FOTHERGILL, FOTHERGILL PLANNING & DEVELOPMENT INC. of the CITY OF HAMILTON (ANCASTER)  
(name of applicant) (name of City, Town, Township, etc.)  
in the Region/County/District of \_\_\_\_\_ do solemnly declare that all of the statements contained in the application \_\_\_\_\_  
(description)

and all supporting documents are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act".

Declared before me at:

CITY OF HAMILTON in the  
Region/County/District of  
(municipality)  
PROVINCE OF ONTARIO this 20<sup>th</sup> day of  
JUNE, 2017.

  
Signature of Applicant **AGENT**  
**ED FOTHERGILL**  
Please Print Name of Applicant  
**AGENT**

  
Commissioner of Oaths  
NANCY L. SMITH, LAWYER

**OWNER'S AUTHORIZATION (If the Owner is NOT the Applicant)**  
*(If Multiple Owners, An Authorization Letter From Each Owner Is Required)*

PLEASE PRINT

If an agent is employed, the owner(s) must complete the following (or provide similar authorization on the face of the draft plan):

I, (we) VINCE MOLINARO  
being the \_\_\_\_\_  
(name(s) of owner, individuals or company)  
registered owner(s) of the subject lands, hereby authorize ED FOTHERGILL  
\_\_\_\_\_  
(name of agent)  
to prepare and submit an Official Plan Amendment and/or rezoning (if applicable) for approval.

 Signature      10 Day      July Month      2017 Year

**APPLICANT'S CONSENT**

In accordance with the provisions of the Planning Act, it is the policy of the City of Burlington to provide public access to all development applications and supporting documentation.

VINCE MOLINARO (print name of applicant or agent) agrees and acknowledges that this application and any supporting material, including studies and drawings, filed with the application is public information, and forms part of the public record. As public information, VINCE MOLINARO (the applicant or agent) hereby consents to the City photocopying and releasing the application and supporting materials for either its own use in the processing of the application or at the request of any third party.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Day

\_\_\_\_\_  
Month

\_\_\_\_\_  
Year

Official Plan Amendment/Rezoning File No. \_\_\_\_\_

**AUTHORIZATION FROM THE OWNER OF THE SUBSURFACE RIGHTS**

if different from the Owner above

I, \_\_\_\_\_, owner of the subsurface rights for the subject property, am aware of this application and consent to it.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Facsimile Number

**THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:**

The City of Burlington  
Planning Department  
426 Brant Street, Second Level  
P.O. Box 5013  
Burlington, Ontario  
L7R 3Z6

Telephone Number: (905) 335-7642  
Facsimile Number: (905) 335-7880  
Internet Address: [www.burlington.ca](http://www.burlington.ca)