

First Capital (Appleby) Corporation – 5111 New Street – Ward 5

LPAT Appeal Update: September 21, 2020

At its meeting of August 24, 2020, Burlington City Council approved the recommendation of Confidential Legal Report L-12-20 to accept an offer to settle the issues in dispute between First Capital (Appleby) Corporation and the City with respect to First Capital's appeal currently before the Local Planning Appeal Tribunal ("LPAT"). As part of this approval, Council approved the recommendation that the planning analysis attached as Appendix 'B' to L-12-20 be released publicly and posted on the City's webpage under Planning and Development Applications for Ward 5, while retaining solicitor/client privilege over the balance of this matter in its entirety.

The settlement between the City and First Capital resolves the issues in dispute between the City and First Capital on the basis that First Capital and the City will seek LPAT approval of a revised development concept for the property. The City and First Capital will request the LPAT withhold a final order approving the development until the City and First Capital are satisfied with technical studies that are required to support the revised development concept.

The revised development concept proposes 368 dwelling units in both apartment and townhouse forms located on a portion of the site of the former Appleby Mall that currently contains a parking area adjacent to existing retail/commercial uses. The revised development concept reduces the building heights of the original proposal from 12 and 17 storeys, down to a 9 storey and two 12 storey buildings that are in compliance with the Official Plan. The revised development concept also: increases setbacks from Pinedale Avenue; reorients and redesigns the buildings to achieve compliance with the City's Urban Design Guidelines; introduces townhouse units at the base of the buildings; and provides enhanced landscaping, among other things.

A copy of the planning analysis and revised development concept are located on the development application webpage.

The City and First Capital will attend at the LPAT hearing scheduled to commence on November 2, 2020 to seek approval of the Zoning By-law amendment and revised development concept by the LPAT.