



SUBJECT: Statutory public meeting and information report regarding the Zoning By-law Amendment Application for 5219 Upper Middle Road & 2004-2005 Georgina Court

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-63-17

Wards Affected: 5

File Numbers: 520-05/17

Date to Committee: October 2, 2017

Date to Council: October 10, 2017

Recommendation:

Receive and file planning and building department report PB-63-17 regarding proposed zoning by-law amendment application for 5219 Upper Middle Road & 2004-2005 Georgina Court.

Purpose:

The purpose of this report is to provide background information for the statutory public meeting required under the Planning Act for Zoning By-law amendment applications.

The report provides an overview of the proposed application, an outline of the applicable policies and regulations and a summary of technical and public comments received to date.

The report relates to the following objectives of the City of Burlington Strategic Plan:

A City that Grows

- Targeted Intensification
 - Higher densities in key intensification areas (including mobility hubs, downtown, uptown and along major roads and commercial plazas) that will build neighbourhoods that are environmentally friendly, infrastructure-efficient, walkable, bikeable and transit-oriented.
 - Architecture and buildings are designed and constructed to have minimal impact on the environment reflecting urban design excellence

that create buildings and public spaces where people can live, work or gather.

- Focused and Directed Population Growth
 - Future development will be higher density, walkable and accessible, transit-oriented with appealing streetscapes. The City will become a leader in walkability and bikeability scores in the province and will be fully aligned with provincial strategy and goals.

A City that Moves

- Increased Transportation Flows and Connectivity
 - Walkability and cycling has guided the development of new and transitioning neighbourhoods and the downtown so people rely less on automobiles.

A Healthy and Greener City

- Healthy Lifestyles
 - Every resident of Burlington lives within a 15-20 minute walk from parks or green spaces.

REPORT FACT SHEET

RECOMMENDATIONS:		<i>None. Statutory Public Meeting</i>	Ward No.:	5
Application Details	APPLICANT:	<i>Bloomfield Developments Inc</i>		
	OWNER:	<i>Upper Middle Road Enclave Inc.</i>		
	FILE NUMBER:	<i>520-05/17</i>		
	TYPE OF APPLICATION:	<i>Zoning By-law Amendment</i>		
	PROPOSED USE:	<i>8 semi-detached residential units and 14 townhouse units</i>		
Property Details	PROPERTY LOCATION:	<i>North side of Upper Middle Road, west of Quinte Street</i>		
	MUNICIPAL ADDRESSES:	<i>5219 Upper Middle Road & 2004-2005 Georgina Court</i>		
	PROPERTY AREA:	<i>0.5 hectares (1.23 acres)</i>		

	EXISTING USE:	<i>Single detached residential dwelling at 5219 Upper Middle Road and abutting vacant remnant parcels</i>
Documents	OFFICIAL PLAN Existing:	<i>Residential – Medium Density</i>
	OFFICIAL PLAN Proposed:	<i>No change</i>
	ZONING Existing:	<i>5219 Upper Middle Road – ‘D (Development)’ 2004-2005 Georgina Court – ‘RM3-138 – (Medium Density Residential - 138)’</i>
	ZONING Proposed:	<i>Modified ‘RO2 (Orchard Community Residential’ with site specific exception</i>
Processing Details	NEIGHBOURHOOD MEETING:	<i>May 23, 2017</i>
	PUBLIC COMMENTS:	<i>Staff have received 19 emails, 1 neighbourhood meeting comment sheet, and two emails forwarded from the Councillor’s office. Note: Some constituents sent multiple letters</i>

Background:

The purpose of this report is to provide an overview of the proposed application, an outline of the applicable policies and regulations, and a summary of the technical and public comments received to date. This report is intended as background information for the statutory public meeting. As such, no recommendation on the application is being made at this time.

Site Description

The subject application applies to five properties, known municipally as 5219 Upper Middle Road; 2004-2005 Georgina Court; and 2 remnant parcels of the adjacent subdivision, which the applicants have assembled. These lands are hold outs from the previous subdivision development that surrounds these properties. These lands are located on the north side of Upper Middle Road, east of Appleby Line. 5219 Upper Middle Road currently contains a single detached residential dwelling accessed from Upper Middle Road, while the other properties are vacant of any buildings or structures

and are accessed from Georgina Court. The subject lands comprise a total area of approximately 0.5 hectares (1.23 acres).

To the north of the subject properties are low density (single detached) residential dwellings; to the east are low density (single detached) residential dwellings; to the south is a high school and vacant employment lands (Bronte Meadows); and to the west is a stormwater management pond and a townhouse development. Surrounding land uses are shown in the Location / Zoning Sketch attached as Appendix 1 to this report.

Description of Applications

On May 4, 2017, the Planning and Building Department acknowledged that a complete application had been received for a Zoning By-law amendment for 5219 Upper Middle Road and 2004-2005 Georgina Court. The applicant is requesting an amendment to the City's Zoning By-law 2020 for the subject properties in order to permit 22 residential dwelling units consisting of 8 semi-detached residential dwelling units and 14 townhouse units on 5219 Upper Middle Road, 2004 – 2005 Georgina Court and the remnant blocks from the adjacent subdivision, as illustrated in Appendix 2 – Detail Sketch. The townhouse block includes 3 separate buildings ranging from four to six units.

The semi-detached dwellings are proposed to be freehold units fronting directly onto an extension of Georgina Court. The townhouse units are proposed to be condominium units that would front onto an internal condominium road that would be accessed from the Georgina Court extension. The townhouse condominium is proposed to include 5 visitor parking spaces. The townhouse blocks will have access from the proposed internal lane; however, the southern blocks would have frontage and pedestrian access directly to Upper Middle Road. If approved, the applicants would need to submit a subsequent plan of subdivision application to extend Georgina Court and create the development parcels, as well as a subsequent site plan application.

Technical Reports

The following technical reports were submitted in support of the applications:

- Cover Letter, prepared by Weston Consulting, dated March 24, 2017;
- Zoning By-law Amendment Application, prepared by Weston Consulting, dated March 24, 2017;
- Conceptual Site Plan Layout, prepared by Weston Consulting, dated March 14, 2017;
- Planning Justification Report, prepared by Weston Consulting, dated March 2017;
- Urban Design Brief, prepared by Weston Consulting, dated March 2017;

- Building Height Certification, prepared by J.D. Barnes, dated March 7, 2017;
- Noise Impact Assessment, prepared by Rubidium Environmental, dated March 16, 2017;
- Traffic Brief & Parking Study, prepared by NexTrans Consulting, dated March 2017;
- Functional Servicing & Stormwater Management Report, prepared by Odan Detech, dated March 15, 2017;
- Environmental Site Screening Questionnaire;
- Land Use Compatibility Assessment, prepared by Rubidium Environmental, dated March 16, 2017;
- Phase 1 Environmental Site Assessment, prepared by Candec Engineering Consultants Inc., dated January 30, 2017;
- Tree Inventory and Preservation Study, prepared by Geometric Studio Inc., dated March 17, 2017

The application along with these materials have been circulated to various departments and agencies for technical review. The technical reports can be accessed and reviewed on the City's website at www.burlington.ca/5219UpperMiddle.

Discussion:

POLICY FRAMEWORK

The proposed Zoning By-law amendment application is subject to the following policy framework: the Provincial Policy Statement (PPS), 2014; Places to Grow, Growth Plan for the Greater Golden Horseshoe, 2017; Halton Region Official Plan; City of Burlington Official Plan, Orchard Community Secondary Plan and the City of Burlington Zoning By-law 2020.

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. It sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The PPS focuses growth and development within settlement areas while encouraging the wise management and efficient land use and development patterns.

Decisions affecting planning matters made on or after April 30, 2014 “shall be consistent with” the PPS.

Growth Plan for the Greater Golden Horseshoe (Growth Plan) 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. The Growth Plan provides a framework for implementing the Province’s vision for building stronger, prosperous communities by better managing growth. The Growth Plan intends to build towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. The Plan focuses on building complete communities that are well-designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs and easy access to stores and services to meet daily needs.

Halton Region Official Plan

The subject property is designated Urban Area, according to Halton Region’s Official Plan. The Urban Area is where urban services (municipal water and/or wastewater systems or components thereof) are provided to accommodate concentrations of existing and future development.

The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws. In addition, all development shall be subject to the policies of the Regional Official Plan.

City of Burlington Official Plan

According to the City of Burlington Official Plan, the subject lands are designated as Residential – Medium Density.

According to the Residential Areas policies, residential areas are intended to provide housing and other land uses that are part of a residential environment, and may take forms ranging from detached homes to high-rise apartment structures. One of the objectives of the Residential designation is to encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility, integration with existing residential neighbourhoods, and protection of the natural environment. Another objective of this designation is to provide housing opportunities that encourage usage of public transit, pedestrian and bicycle transportation networks and decrease dependence on the car. The designation also encourages the integration of a wide range of housing types and tenure, while requiring new residential development to be compatible with surrounding properties.

According to the Residential – Medium Density designation, either ground or non-ground-oriented housing units with a density ranging between 26 and 50 units per new hectare shall be permitted. Within the Orchard Community, there are site specific policies which permit the following housing forms within the Residential – Medium Density designations: townhouses; street townhouses and stacked townhouses; semi-detached, duplexes, three-plexes and four-plexes. This designation also permits detached dwelling units up to a maximum of 15 percent of the total housing mix on each property.

Draft New Official Plan

On April 6, 2017, staff presented a draft of the City's new Official Plan to Committee of the Whole, which communicates Council's vision and establishes strategic priorities for the City's growth management, land use and infrastructure.

The draft new Official Plan designates the subject lands as Residential Neighbourhood Areas, and more specifically Residential – Medium Density. The Residential Neighbourhood Areas are intended to provide for housing and other residential supportive land uses that are part of an urban residential environment. New residential housing within the Residential Neighbourhood Areas shall be accommodated primarily through infill or intensification, of existing areas, where compatible.

On lands designated Residential – Medium Density, ground and non-ground oriented dwellings including single-detached and semi-detached dwellings, townhouses, street townhouses, stacked townhouses, back-to-back townhouses and low-rise residential buildings may be permitted. Lands within this designation shall be permitted at a density of 26 to 75 units per net hectare, with a maximum height of three storeys for ground-oriented dwellings and four storeys for non-ground oriented dwellings.

Draft new Official Plan policies were brought to the public and Council for consultation over the spring and summer of 2017. The draft new Official Plan is scheduled to be presented to the Planning and Development Committee and Council in the fall of 2017 for adoption.

Orchard Community Secondary Plan

The Orchard Community Secondary Plan final report, dated February 1995, identified three key elements of the community structure as the transit corridors, residential neighbourhoods and a connected open space system. At the time, the Orchard Community was expected to develop at generally higher densities than those found throughout the existing suburban areas of Burlington.

The subject lands are located in the southern portion of the Orchard Community and were identified as Residential – Medium Density. In Medium Density Residential areas, either ground or non-ground oriented housing units with a density between 26 and 50

units per hectare shall be permitted. This designation permits housing forms such as street, block and stacked townhouses, semi-detached, duplexes, three-plexes and four-plexes. The designation also permits detached dwelling units up to a maximum of 15 percent of the total housing mix on each property.

City of Burlington Zoning By-law 2020

5219 Upper Middle Road is currently zoned 'Development (D)', while the remaining properties subject to this application are zoned 'Medium Density Residential (RM3-138)' with a site specific provision (138), as shown in Appendix 1.

The 'D' zone only permits a single detached dwelling. The 'RM3' zone permits a variety of dwelling types from a detached dwelling to an apartment building, as well as a retirement home or community institutional use. The site specific provision applying to the vacant parcels (138) sets out zoning regulations for detached dwellings, semi-detached dwellings and street townhouse dwellings, and limits a maximum of 15% of the total of all dwelling units located within all lots and blocks zoned 'RM3-138' to be detached units.

The applicants are proposing to amend the Zoning By-law by changing the zoning of the subject properties from 'D' and 'RM3-138' to a site specific 'Orchard Community Residential (RO2-XXX)' to permit the proposed semi-detached and townhouse development. The regulations for the 'RO2' zone are listed below. For comparison, Tables 1 & 2 below list the zone requirements for townhouses and semi-detached dwellings in relation to the proposed development.

Table 1 – Zoning Regulations for Townhouses

Zone Regulation	RO2 (Orchard Community Residential)	Proposed	Relief Required
Permitted Uses	Townhouses permitted	14 townhouses	No
Lot Width	40m	Approx 51 metres (To be confirmed)	No
Lot Area	1,200m ²	2,110m ²	No
Front & Street Side Yard	3m Abutting a street with a width of 26m or greater – 6m Garage – 5.5m	1.2m abutting Georgina Court 3m abutting Upper Middle Road	YES
Rear Yard	6m	6m	No
Side Yard	1.2m	6m	No
Building Height	Max 2 storey up to 11.5m	3 storeys	YES

Lot Coverage	Max 60%	To be confirmed	To be determined
Density	Min 26 units/hectare Max 50 units/hectare	48.95 units/hectare	No
Parking Space Dimensions	Min width – 2.5m Min area – 16.5m ²	To be confirmed	To be determined
Parking Spaces	2 spaces / unit	2 spaces / unit	No
Visitor Parking Spaces	0.5 visitor spaces / unit (7 spaces required)	5 spaces	YES
Accessible Parking Space Dimension	Accessible aisle – 2m width	1.5m	YES
Privacy Area	20m ² / unit	To be confirmed	To be determined
Built Form	Distance between townhouse buildings shall be 4.5m where there are windows of habitable rooms or 2m where there are no windows	1.8m	YES
Landscape Buffer	min 3m between townhouses and any other residential use	To be confirmed	To be determined
Setback to Habitable Room	3m	0.6m	YES

Table 2 – Zoning Regulations for Semi-Detached Dwellings

Zone Regulation	RO2 (Orchard Community Residential)	Proposed	Relief Required
Permitted Uses	Semis permitted	8 semis	No
Lot Width	6.5m / unit	To be confirmed	To be determined
Lot Area	200m ²	119m ²	YES
Front & Street Side Yard	3m Abutting a street with a width of 26m or greater – 6m	3m for dwellings abutting Georgina Court 5.5m for garages abutting Georgina	No

	Garage – 5.5m	Court	
Rear Yard	6m	3m abutting Upper Middle Road	YES
Side Yard	1.2m	0.6m	YES
Building Height	Max 2 storey up to 11.5m	2 storeys	No
Parking Space Dimensions	Min width – 2.5m Min area – 16.5m ²	To be confirmed	To be determined
Parking Spaces	2 spaces / unit	2 spaces / unit	No

Technical Review

On May 5, 2017, staff circulated a request for comments to internal and external agencies, including Halton Region. Agency comments will be addressed in the subsequent recommendation report.

Burlington Economic Development Corporation (BEDC):

BEDC has no comments.

Halton District School Board (HDSB):

HDSB has no objection to the proposed application, as submitted.

Halton Catholic District School Board (HCDSB):

In response to the application which seeks to permit the development of 8 semi-detached and 14 residential townhouse units, the HCDSB has no objection.

Parks and Open Space:

Adequate parkland is available to accommodate this development as Brada Woods Park and Orchard Woodlot are located within the 0.8km distance for a neighborhood park and the 2.4km distance for a community park. As such we recommend cash-in-lieu of parkland dedication be applied for this development.

We note a driveway in the east side of the proposed development. This driveway is immediately adjacent to the existing service road/walkway access around the storm water pond facility. The city will not permit snow to be deposited on the storm pond lands and or trail. We would recommend a buffer between the development and the city storm water facility be incorporated to ensure there is space for snow disposition. We will also require a chain link fence be placed on the city side of the property line. Please note gate opening through the fence will not be allowed.

Site Engineering:

Prior to providing a recommendation, Site Engineering requires further information to be submitted for review.

Finance Department:

Property taxes must be paid in full, including all installments levied.

Transportation Planning:

Transportation Planning has reviewed the Transportation Brief for 5219 Upper Middle Road & 2004-2005 Georgina Crt and is satisfied with the Conclusions / Recommendations outlined in the report.

In response to feedback received at the neighbourhood meeting (May 23rd 2017) regarding the potential for a traffic signal at the intersection of Quinte Street and Upper Middle Road, Transportation Services staff conducted a traffic signal review for this location. Based on the traffic data available for this intersection (taking into account the estimated number of trips proposed to be generated by this development in the AM and PM peak hours), it was determined that a traffic signal is not warranted.

City Forestry / Landscaping:

Urban Forestry has no objection to the rezoning of this site. Additional tree planting should be provided where possible, and tree and landscape planting on site should be carefully considered within the context of the site.

Halton Region:

Regional staff has no objection to the above noted application, subject to the provision of a holding provision, until such time that as servicing and environmental matters have been addressed to the Region's satisfaction.

Financial Matters:

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

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments were circulated in May 2017 to surrounding property owners / tenants. Notice signs were also posted on the property, which depicted the proposed

development. All technical studies and supporting materials were posted on the City's website at www.burlington.ca/5219UpperMiddle .

Neighbourhood Meeting

A neighbourhood meeting was held on May 23, 2017 at Corpus Christi Secondary School and was attended by approximately 45 members of the public, and the Ward Councillor.

Comments included the following:

- Traffic & safety;
 - Increase in traffic volumes in the neighbourhood is a concern;
 - Concerns about deficient number of visitor parking spaces and lack of available on-street parking to accommodate residents and visitors;
 - Concerns that all traffic is proposed through internal streets, not from Upper Middle Road;
 - Concerns regarding proposed condo road accessed from cul-de-sac (i.e. Georgina Court);
 - Appropriate emergency vehicle access must be provided;
 - Concerns regarding snow removal in this area;
- Requested zoning amendment;
 - Is the degree of change being requested appropriate?
 - Can changes to the development be made at site plan stage?
 - Concerns regarding proposed 3 storey height of townhouses. May shadow the homes in behind;
 - Concerns regarding the number of units / proposed density;
 - Deficient side yard setbacks are a concern;
- Grading and Drainage;
 - Comments regarding the proposed grading and drainage of the site;
- Site Plan Items;
 - Garbage storage;
 - Snow storage.

Public Comments

Since the subject applications were submitted in March 2017, staff have received correspondence from members of the public regarding the proposed development. To date, staff have received 19 emails and 1 neighbourhood meeting comment sheet. The public comments received to date are included in Appendix 3. The general themes of these comments are:

- General opposition to the proposed development;

- Concern with proposed townhouse building height;
 - Height would create shadow and privacy impacts;
 - Traffic & Safety;
 - Access should be from Upper Middle Road, not Georgina Court.
 - Increased traffic volumes along Georgina Court, Rome Crescent and Quinte Street could impact safety;
 - Child safety within existing neighbourhood is a concern;
 - Condominium lane insufficient width to accommodate snow storage and emergency vehicle access;
 - Insufficient visitor parking space as on-street parking is already an issue in the neighbourhood;
 - Zoning requirements
 - Proposed deviations in setbacks, lot coverage and height are not appropriate;
 - Proposed number of units / density would result in overdevelopment that does not consider the built form character of the existing neighbourhood;
 - Area currently consists of single detached units – proposed development would deviate from the existing character of the area;
 - Insufficient parkland in the immediate vicinity;
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Conclusion:

This report provides a description of the development application, an update on the technical review of this application and advises that several public comments have been received. A subsequent report will provide an analysis of the proposal in terms of applicable planning policies and will provide a recommendation on the proposed application.

Respectfully submitted,

Kyle Plas, MCIP, RPP

Senior Planner – Development Review

905-335-7600 ext. 7555

Appendices:

Appendix 1 – Location / Zoning Sketch

Appendix 2 – Detail Sketch

Appendix 3 – Public Comments

Notifications:

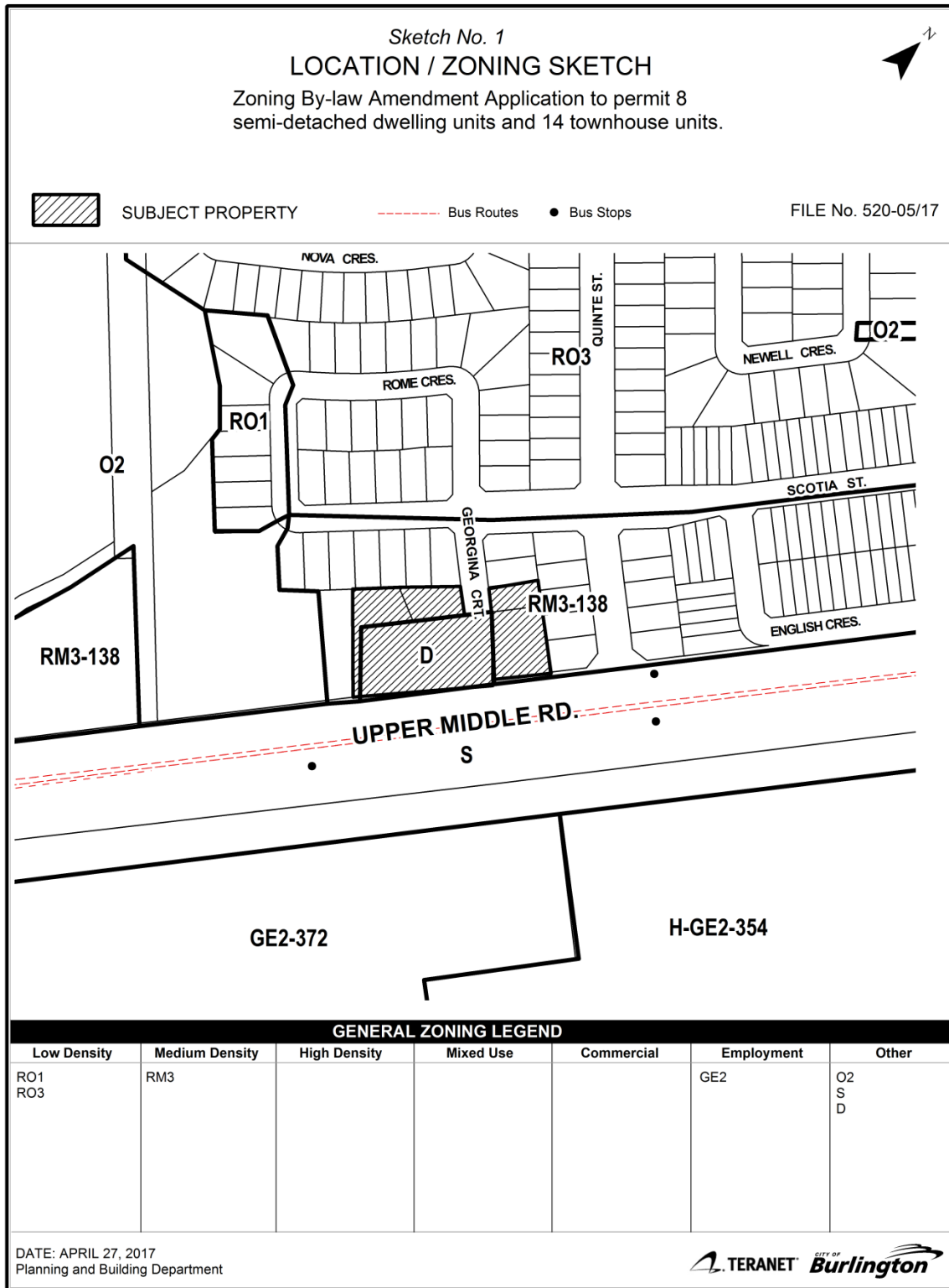
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Report Approval:

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 1 – Location Sketch



APPENDIX 2 – Detail Sketch

