



SUBJECT: Zoning By-law amendment at 5219 Upper Middle Road and 2004-2005 Georgina Court

TO: Committee of the Whole

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-46-18

Wards Affected: 5

File Numbers: 520-05/17

Date to Committee: July 9, 2018

Date to Council: July 16, 2018

Recommendation:

Approve the application submitted by Bloomfield Developments Inc. to amend the Zoning By-law on property located at 5219 Upper Middle Road, 2004 – 2005 Georgina Court and Blocks 262 & 263 Plan 20M-824 to permit a medium density development consisting of 2 detached dwellings, 2 semi-detached dwellings and 14 condominium townhouse units; and

Deem that section 17(21) of the Planning Act has been met; and

Enact amending Zoning By-law 2020.395, rezoning the lands at 5219 Upper Middle Road, 2004 Georgina Court, 2005 Georgina Court, and Blocks 262 & 263 Plan 20M-824 from “D” and “RM3-138” to RO2-487 and RO2-488 as contained in Appendix B to Report PB-46-18; and

Deem that By-law 2020.395 conforms to the Official Plan for the City of Burlington.

Purpose:

The purpose of this report is to recommend approval of the Zoning By-law amendment application for 5219 Upper Middle Road, 2004 & 2005 Georgina Court and Blocks 262 & 263 – Plan 20M 824 to allow 2 detached dwellings, 2 semi-detached dwellings (4 units) and 2 townhouse buildings (14 Units).

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

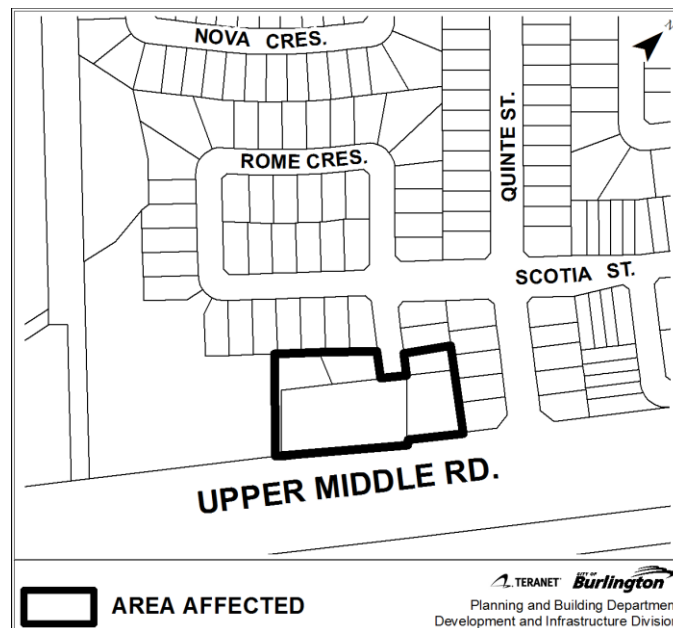
- Healthy Lifestyles
 - Every resident of Burlington lives within a 15-20 minute walk from parks or green spaces.

REPORT FACT SHEET			
RECOMMENDATIONS:		<i>Approval</i>	Ward No.: 5
Application Details	APPLICANT: OWNER: FILE NUMBER: TYPE OF APPLICATION: PROPOSED USE:	<i>Bloomfield Developments Inc.</i> <i>Upper Middle Road Enclave Inc.</i> <i>520-05/17</i> <i>Zoning By-law Amendment</i> <i>2 detached residential units, 4 semi-detached residential units and 14 townhouse units</i>	
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	<i>North side of Upper Middle Road, west of Quinte Street</i> <i>5219 Upper Middle Road, 2004, 2005 Georgina Court, Blocks 262 & 263, Plan 20M-824</i> <i>0.5 hectares (1.23 acres)</i> <i>Single detached residential dwelling at 5219 Upper Middle Road and abutting vacant remnant parcels</i>	
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	<i>Residential – Medium Density</i> <i>No change</i> <i>5219 Upper Middle Road – D ‘Development’</i> <i>2004, 2005 Georgina Court and Blocks 262 & 263, Plan 20M-824 ‘RM3-138’ – (Medium Density Residential - 138)</i> <i>Modified ‘RO2’ (Orchard Community Residential) with site specific exception</i>	
Processing Details	NEIGHBOURHOOD MEETINGS: PUBLIC COMMENTS:	<i>May 23, 2017</i> <i>December 12, 2017</i> <i>Staff have received 22 emails, 1 neighbourhood meeting comment sheet</i> <i>Note: Some constituents sent multiple letters</i>	

Background and Discussion:

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 (Blocks 262 & 263 – Plan 20M 824). The subject 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 single detached residential dwellings; to the east are single detached residential dwellings; to the south of Upper Middle Road is a secondary school and vacant employment lands (Bronte Meadows); and to the west is a stormwater management pond and a townhouse development.

Description of Application

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, 2004 & 2005 Georgina Court and Blocks 262 & 263 – Plan 20M 824. The applicant originally requested 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 the subject lands. The

townhouse block included 3 separate buildings ranging from four to six units. Based on public consultation, the plan was revised to include 20 residential dwelling units consisting of 2 single detached residential dwelling units, 4 semi-detached residential dwelling units and 14 townhouses (in 2 separate buildings) as illustrated in Appendix 1 – Detail Sketch. The revised plan also includes a public walkway between Georgina Court and Upper Middle Road.

The single detached dwellings and two of the semi-detached dwellings front directly onto an extension of Georgina Court. The 2 semi-detached dwellings adjacent to the townhouses will have frontage and pedestrian access directly to Upper Middle Road. The townhouse units are proposed to be condominium units that would front onto an internal condominium common element road that would be accessed from the Georgina Court extension. The townhouse condominium is proposed to include 4 visitor parking spaces including 1 accessible space. The townhouse blocks will have vehicle access from the proposed condominium common element road; however, the southern blocks would have frontage and pedestrian access directly to Upper Middle Road.

Following the receipt of the Zoning By-law Amendment application, the applicant submitted a plan of subdivision application to extend Georgina Court and create the development parcels, as well as a site plan application.

Technical Reports

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

- [Planning Justification Report](#), prepared by Weston Consulting, dated March 2017
 - The 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.
- [Site Plan](#) prepared by Weston Consulting, dated April 12, 2018
 - This plan shows the extent of the proposed development including the proposed lots, blocks, public pedestrian walkway and visitor parking.
- [Urban Design Brief](#), prepared by Weston Consulting, dated March 2017
 - This document provides the applicants' assessment of how the proposed development meets the Design Guideline policies in the Burlington Official Plan (Part II-6.5) and the Council adopted Orchard Community Urban Design Guidelines for Transit Corridors (Burlington Official Plan, Part IX-Appendices, Appendix B, Item B8).
- [Noise Impact Study](#), prepared by Rubidium Environmental, dated April 3, 2018
 - This report assesses the potential impact of noise on the subject site and proposed mitigation measures to address these impacts.

- [Noise Impact Memo](#), prepared by Rubidium Environmental, dated April 16, 2018
 - This memo updates the Noise Impact Study (April 3, 2018) with information about warning clauses, noise wall and associated easements in favour of the Region of Halton.
- [Traffic and Parking Report](#), prepared by NexTrans Consulting, dated March 2017
 - The report outlines the amount of trips generated by the original 22 residential units proposed and possible impacts the development will have on the surrounding area. The report concludes that the traffic impacts will be minimal. The report also provides recommendations for parking.
- [Functional Servicing & Stormwater Management Report](#), prepared by Odan Detech, dated March 29, 2018
 - The 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 and Drainage Plan.
- [Phase 1 Environmental Site Assessment](#), prepared by Candec Engineering Consultants Inc., dated January 22, 2018
 - The Phase 1 Environmental Site Assessment (ESA) concluded that there is unlikely to be a condition on the subject property that constitutes a significant environmental liability. It was also concluded that a Phase 2 assessment of the property is not necessary at this time.
- [Tree Inventory and Preservation Study](#), prepared by Geometric Studio Inc., dated September 19, 2017
 - The drawing identifies all trees on site as well as their condition and whether they are able to be preserved.

The application along with these materials has 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.

Planning Act

Municipalities, when dealing with their responsibilities under the Planning Act, shall have regard to a wide range of matters of provincial interest. A number of these matters of provincial interest are relevant to this site-specific development application, key matters are highlighted below with further analysis discussed throughout the report.

Matters of Provincial Interest	Staff Analysis
The adequate provision and efficient use of communication, transportation, sewage and water services and waste management system.	Sufficient infrastructure exists to support the proposed development application.
The orderly development of safe and healthy communities.	The proposed development application is within the urban area of the City of Burlington in an existing community (Orchard Community) and seeks to develop remnant parcels, therefore, it represents orderly development.
The adequate provision of a full range of housing, including affordable housing.	The proposed development proposes a variety of housing types (single detached, semi-detached and townhouses) and varying price levels to appeal to a variety of household types.
The protection of the financial and economic well-being of the Province and its municipalities.	The proposed development is located within an area well serviced by infrastructure and public service facilities and will not require significant public sector investment to support the development.
The appropriate location of growth and development.	The proposed development is located within Urban Area in the City's Official Plan, adjacent to an arterial road and seeks to develop remnant parcels of land which represents an appropriate location for growth and development.
The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.	The development is designed with a public pedestrian walkway linking Georgian Court to Upper Middle Road. The walkway can be used by secondary school students walking from the neighbourhood to attend Corpus Christi Secondary School located across Upper Middle Road from the development. The walkway also provides access to transit on Upper Middle Road. The site has access to transit routes that connect to key destinations (e.g. Appleby GO Station and Burlington GO station).

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.

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 a) 2) 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. The subject lands are located within the Urban Area in the City of Burlington Official Plan. The subject lands are part of a larger area designated Medium Density Residential located on the north side of Upper Middle Road between Sheldon Creek and Sutton Drive. Upper Middle Road, at this location, is one of three transit corridors identified in the Orchard Secondary Plan. Section 7.1 of the Secondary Plan indicates that medium density residential (primarily ground oriented attached housing) will be developed along transit corridors. The subject lands are one on the few remaining undeveloped areas of land within the Orchard Community Secondary Plan. Further, the proposed development seeks to intensify a property that includes vacant and underutilized lands along with the consolidation of remnant lands. As such, existing infrastructure and land can be used efficiently and responsibly.

Subsection 1.1.3.2 a) 5) states that land use patterns within settlement areas shall be “transit supportive, where transit is planned, exists or may be developed”. Transit supportive means: “development that makes transit viable and improves the quality of the experience of using transit.”

As noted above, the property is located on one of three transit corridors within the Orchard Community Secondary Plan. Upper Middle Road is identified as a Major Arterial in the City of Burlington Official Plan where transit supportive land uses are encouraged along right-of-ways within urban areas. There are 2 transit stops on Upper Middle Road near the proposed development (one near proposed walkway between Georgina Court and Upper Middle Road and another on the east side of the intersection

of Quinte Road and Upper Middle Road.). The site has access to transit routes that connect to key destinations (e.g. Appleby GO Station and Burlington GO station). The development is designed with a public pedestrian walkway linking Georgian Court to Upper Middle Road. The walkway can be used by secondary school students walking from the neighbourhood to attend Corpus Christi Secondary School located across Upper Middle Road from the development. The walkway also provides access to transit on Upper Middle Road. Staff is of the opinion that these development criteria are met if the proposal is approved as recommended.

Policy 1.1.3.3 states that planning authorities must “*identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*”.

The PPS definition of intensification includes the development of vacant and/or underutilized lots within previously developed areas. The subject lands include a detached residential unit at 5219 Upper Middle Road, vacant lots at 2004 & 2005 Georgina Court and two vacant blocks of land from the original plan of subdivision. The subject lands are one of the few remaining undeveloped parcels of land within the Orchard Community Secondary Plan. The proposed development seeks to intensify a property that includes vacant and underutilized lands. Staff is of the opinion that the subject lands are an appropriate location for the proposed development.

Subsection 1.1.3.4 of the Provincial Policy Statement requires planning authorities to promote appropriate development standards “*which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety*”.

The City of Burlington Official Plan contains a set of evaluation criteria for intensification that must be carefully considered. These criteria help to ensure that development does not mitigate risks to public health and safety. The proposed development is analyzed in accordance with the City’s intensification policies further in this report, and staff is of the opinion that the criteria are met if the proposal is approved as recommended.

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 will support compact built form while having regard for public health and safety. The development proposal will also promote walkability by providing a walkway from Georgina Court to Upper Middle Road for students attending Corpus Christi Secondary School and individuals using the transit stops on Upper Middle Road.

The City of Burlington has established development standards for residential intensification through the Intensification Evaluation Criteria in its Official Plan. This application has been assessed against these criteria and meets them as recommended by staff. The development proposal is consistent with the PPS as it facilitates intensification in the built-up area, 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

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 subject lands are located within the delineated built boundary of the City of Burlington. The application proposes to intensify an existing property through the development of vacant, underutilized lots and remnant parcels within a previously developed area. The subject property is located in an area which is comprised of a mix of residential uses, and the proposed development would contribute to a complete community. The proposed development would use existing infrastructure and would be promoting growth and intensification within the urban area.

Part 2.2.2, Delineated Built-up Areas, Policy 4 states that *“all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout the delineated built-up areas, which will identify the appropriate type and scale of development and transition of built form to adjacent areas.”*

The subject lands are identified as “Residential-Medium Density” within the City’s Official Plan. The land use designation allows for a density range of 26 to 50 units per net hectare which allows intensification to occur in a manner that is an appropriate type

and scale of development that transitions to the built form of the surrounding neighbourhood. The net density for the subject lands is 45.4 units per hectare.

While the Burlington Official Plan is supportive of potential growth and intensification, it must also be compatible with the character of the existing neighbourhood. The proposed development meets the evaluation criteria for intensification projects in the City and is therefore consistent with the Places to Grow Act.

Halton Region Official Plan (ROP)

The subject lands are designated “Urban Area” within the Regional Official Plan. Urban areas are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

Objective 78(1) of the Regional Official Plan is to *“provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation and is environmentally more sustainable”*.

As previously mentioned, the City developed evaluation criteria for intensification proposals based on the above-noted requirements, among others. Staff is of the opinion that the applicant has worked with staff and the public to ensure that the proposed built form can be compatible with the variety of land uses surrounding the subject lands.

In order to enforce the compatibility of the proposed development in the context of the surrounding area, the City’s Official Plan contains Evaluation Criteria for intensification. A full analysis of the proposal in relation to the Evaluation Criteria is included in the City of Burlington Official Plan section of this report.

The proposed development is located within the Orchard Community. The secondary plan for the Orchard Community focused on transit corridors, residential communities (including pedestrian connectivity), transit corridors and a connected open space system.

Policy 86(6) of the Regional Official Plan 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 for 2 single detached dwelling units, 4 semi-detached dwelling units and 14 townhouses. which are also permitted forms of development

within the City of Burlington Official Plan. As such, the proposed development meets this criteria.

For the reasons noted above, staff is of the opinion that the proposed development is in keeping with the Halton Region Official Plan; and that the City's evaluation criteria for intensification proposals help to implement these policies.

City of Burlington In Force Official Plan (1994 as amended)

According to Part III, Section 2, 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. This proposal is consistent with the Residential Medium Density designation because it includes ground-oriented housing with a net density of 45.4 units per hectare.

Housing Intensification

The Housing Intensification section of the Official Plan (Part III, 2.5) provides criteria that are to be considered when evaluating development proposals within established neighbourhoods. The objective of these policies is to encourage residential intensification as a means of increasing the amount of available housing stock within existing neighbourhoods provided the additional housing is compatible with the scale,

urban design and community features of the neighbourhood. The City's Official Plan contains thirteen evaluation criteria for intensification proposals. The proposed intensification has been assessed within Housing Intensification criteria as follows:

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

The development application was circulated to Halton Region, the City's Capital Works Department and the local school boards for comment. The Region confirmed that there are no capacity-related servicing constraints associated with the proposed development which can be serviced through existing services adjacent to the site.

The two local school boards have advised that they have no objections to the application and that there will be sufficient capacity to accommodate the students generated from the proposed development. Halton District School Board advised that potential students are within the catchment areas for Orchard Park Public School and Dr. Frank J. Hayden Secondary School. The Halton District School Board advises that the secondary school is projected to be over building and portable capacity and pupils may be accommodated in temporary facilities and/or be directed to schools outside the area. The Halton Catholic School Board noted that potential students can be accommodated at St Elizabeth Seton Catholic Elementary School and Corpus Christi Catholic Secondary School.

Parks and Open Space staff advises that there is adequate parkland available to accommodate the proposed development. Brada Woods Park is a neighbourhood park located within 0.8 km from the site and Orchard Community Parks located approximately 2.4 km from the site. Due to the availability of adequate parkland, the City's Parks and Open Space staff will require cash-in-lieu of parkland dedication, which will be addressed at the subdivision stage.

Parks and Open staff note that a driveway in the west side of the proposed townhouse block. 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. The developer has agreed to install a solid masonry garden wall between the development and the city storm water facility to ensure that snow storage from this development will not encroach onto City property. This requirement will be finalized through the Site Plan process.

There are adequate municipal services, school accommodation and parkland available to accommodate the proposed development. This criterion is met.

- ii) Off-street parking is adequate;

The subject property will be rezoned to RO2 – exception. The RO2 zone stipulates the required residential parking standards for the proposal being 2 parking spaces per unit for the Single detached and Semi-detached dwellings. The Townhouses are required to have 2 occupant spaces per unit and 0.5 visitor parking spaces per unit (7 visitor spaces). The applicant is proposing 4 visitor parking spaces.

Transportation Services staff recommended 0.25 visitor parking spaces per residential unit based on the City Wide Parking Standards Review (IBI, 2017). The applicant has provided 4 visitor parking spaces including 1 accessible space. Staff is of the opinion that off-street parking is adequate and that this criterion is met.

iii) Capacity of the municipal transportation system;

Concerns were raised by the public about the amount of traffic generated by the proposal as well as concerns about accessing the townhouses from Georgina Court instead of Upper Middle Road.

The traffic study was based on the original 22 units proposed. The proposal is now reduced to 20 units. Based on 22 units, the proposed development is expected to generate 15 two-way trips (3 inbound and 12 outbound) during the weekday morning peak hour and 17 two-way trips (11 inbound and 6 outbound) during the afternoon peak hour. The 20 unit proposal will generate slightly fewer trips. Transportation Services staff have reviewed this application and the submitted Traffic Impact Study and are satisfied with the analysis, conclusions and recommendations of the study that the surrounding street network has adequate capacity to accommodate additional traffic demands associated with this development.

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 warrant 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. The transportation system criterion is met.

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

The subject lands are also located on existing transit routes (11, 12, 48 and 51). Route 11 operates between Highway 407 Carpool Lot and Appleby GO Station. Route 12 operates between Burlington GO Station and Dundas Street and Sutton Drive. Route 48 is the Millcroft bus route operating between Upper Middle Road, Sutton Drive and Haber Community Centre. Route 51 is a late night bus service. Pedestrian access is provided via a sidewalk located on the west side of Georgina Court and a public walkway connecting Georgina Court to Upper Middle Road. This criterion is met.

- 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 Official Plan defines compatibility as “development or redevelopment that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact of, existing or proposed development in the area or pose an unacceptable risk to environmental and / or human health. Compatibility should be evaluated in accordance with measurable / objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sunshading, and the potential for serious adverse health impacts on humans or animals.” This definition, although deferred to the OMB, helps guide staff in reviewing applications with respect to compatibility.

A portion of subject property has been designated and zoned for medium density development for a number of years. The property at 5219 Upper Middle Road was not part of the original subdivision surrounding it and therefore had a development (D) zone assigned to it. The current developer assembled this property and remnant lands from the surrounding subdivision. The area is characterized by a mix of residential units including townhouse units and single detached dwellings. The proposed land use is similar to existing medium density land uses within the surrounding area and can be considered compatible land use.

Scale, Massing, Height and Siting

Scale is defined in the Official Plan as “the proportion of a building or building element created by the placement and size of the building or element in comparison with adjacent buildings or building elements and to human dimension”.

The Orchard Community Design Guidelines for Transit Corridors (Section 7.1) indicate that medium density residential development in the form of ground-oriented attached housing will be developed along transit corridors. Upper Middle Road is a transit corridor. The Guidelines indicate that townhouse buildings should be a minimum of 22 m in length and a maximum of 50 m in length. Building 2 is 44.1 m in length (8 units) within the massing range anticipated by the guidelines.

The building heights proposed within this development are within the heights established by By-law 2020 (see Table 1). The existing homes on Quinte Street that abut the proposed development range in height from 7.1 m to 9.7 m. The existing homes on Rome Crescent abutting the proposed development range in height from 9.5 m to 10.0 m.

Table 1: Building Height

Proposed Development	By-law 2020 Height	Proposed Height
Single-detached units	1 storey to 9.0 m 2 storey to 11.5 m	8.8 m
Semi-detached units	3 storey to 14 m	3 storey to 12.7 m
Townhouse units	2 storey to 11.5 m 3 storey to 14 m	3 storey to 11.5 m

The proposed single detached dwellings are lower in height than anticipated by By-law 2020 and lower in height than the existing homes on Quinte Street (except for the one that is 7.1 m in height). The proposed semi-detached dwelling doesn't have any rear neighbours as they back onto Upper Middle Road.

The townhouses in Building 1 are three storeys in height up to 11.5 m and not the 14 m permitted by By-law 2020. Building 1 is 36 m in length and contains 6 units.

The proposed development has achieved compatibility in terms of scale, massing and height by providing a transition from the existing detached homes to the north by locating the smaller of the two townhouse buildings adjacent to the detached residential to the north and proposing a building design that is within the 11.5 m associated with a 2 storey structure.

The proposed development has achieved compatibility in terms of scale, massing and height by revising the plan to include detached residential units abutting the detached residential units on Quinte Street and limiting the building height to 8.8 m.

This criterion is met.

Setbacks

The rear yard setback for all housing types in the RO2 Zone is 6 m. It is achieved for the detached dwellings (Lots 1 & 2). Lot 3 (semi-detached) has a 5.4 m setback to the existing lots on Quinte Road. Lot 4 (semi-detached) has a 2.8 m rear yard setback to Upper Middle Road. While the 2.8 m is calculated as a rear yard setback in accordance with By-law 2020, it functions as a front yard facing onto Upper Middle Road with a porch, front door and windows facing the street.

The setbacks for the townhouses are calculated in two different ways. The first looks at the entire townhouse block fronting onto Georgina Court where the rear yard abuts the City's stormwater management property to the west. The second calculation is for the Parcels of Tied Land (POTL's) for the individual townhouse units.

Building 1 (north block of townhouses)

The townhouses abutting the single-detached residential homes on Rome Crescent are physically set back from the rear lot lines of the existing homes by 7.6 m to address the neighbour's privacy concerns. The rear yards are shown in the proposed By-law at 4.6 m because the remaining 3 m is part of a landscape buffer and drainage swale that is included in the common element of the condominium for 5 of the 6 units. This allows for the condominium corporation to maintain the swale and vegetation in a consistent manner. The rear yard of Unit 1 in Building 1 is 7.6 m because the landscape buffer could not be accommodated on the site because there is a pipe at the rear of the property where trees and shrubs could not be planted. The pipe conveys stormwater from the lands to the north to the drainage swale included in the common element/landscape buffer at the rear of the remaining townhouse lots. The setbacks and the height of Building 1 will provide an appropriate transition from the existing detached homes on Rome Crescent and are compatible.

Building 2 (south block of townhouses)

The townhouses are designed with front porches, doors and windows fronting on Upper Middle Road, consistent with the Orchard Community Design Guidelines for Transit Corridors. While they appear as the "front" of the townhouse, according to By-law 2020 they are in the rear yard and thus the reduction to 3 m to achieve urban design elements associated with the Upper Middle Road transit corridor. The street wall to the west of the subject lands includes the City's stormwater management facility. The street wall to the east of the subject lands includes the walkway between Georgina Court and Upper Middle Road and the Semi-detached dwellings in the development that also have their front door and porch fronting on Upper Middle Road. The setbacks and the height of Building 2 provide an appropriate transition between the stormwater management facility to the west and the walkway and semi-detached unit east of the walkway.

Coverage

By-law 2020 permits 50% lot coverage in the RO2 Zone for single-detached and semi-detached and maximum lot coverage of 60% for stacked townhouses. The lot coverage for the detached and semi-detached units in the proposed development is 35.2%. The lot coverage for the stacked townhouses in the proposed development is 53.4%. The lots to the north and east of the site are located within the RM3-138 zone which allows for a maximum 50% lot coverage for detached residential units. The lot coverage in the proposed development is comparable to the surrounding development. This criterion is met.

Parking

Staff supports the reduction in the number of visitor parking spaces based on the City Wide Parking Standards Review (IBI, 2017) which identifies the need for 0.25 visitor spaces/unit based on Burlington specific data. Based on the study, 3.5 visitor parking spaces would be required for this site. Some of the public commented that homeowners don't use their garage for cars but for storing household items and sports gear. The developer has responded by agreeing to include the room behind the garage as a flexible space that could be developed as a family room or a storage area depending on the purchasers' interest. This is compatible with the neighbourhood because it is providing occupant and visitor parking for the development and not causing residents and their guests to park in the surrounding neighbourhood.

Amenity Area

The Official Plan defines Amenity Area as "An interior area within a residential building or an outdoor area exterior to the residential building which is designed and intend primarily for the leisure and recreation of the occupants of the dwelling". The townhouses in Building 1 exceed the RO2 zone requirement of a 20m² privacy area per unit (rear yard and balcony). The townhouses in Building 2 have an amenity area of 14.9m² comprised of the front porch, walkway and landscaping fronting on Upper Middle Road.

The RO2 zone requires a 3 m landscape buffer between the townhouses and any other residential use. There is a 3 m landscape buffer at the rear of 5 of the 6 units which includes landscape plant material and a drainage swale. It is included in the common element of the condominium so that it can be maintained in a consistent manner without the risk of individual homeowners filling in the swale or building accessory structures on top of it. There is no landscape buffer at the rear of Unit 1 because the drainage swale in that location is piped and trees cannot be planted on top of the pipe. The lot associated with unit 1 is a larger than the other townhouse lots and opportunities for landscape planting away from the drainage pipe can be addressed through the site plan process. The combination of the vegetative buffer and the setbacks from the townhouses provide a 7.7 m from the rear lots of the homes to the north. This 7.7 m distance is larger than the 6 m rear yard setback of the detached residential units to the north.

The amenity area for Building 2 is smaller than Building 1, but suits the location abutting Upper Middle Road where it provides a human scale interface with the pedestrian public realm. It also suits the homeowner who wants to have minimal yard maintenance requirements.

This criterion is met.

- 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;

There are 5 private trees located within the future road widening of Upper Middle Road, but are identified on the Tree Preservation Plan and in the Arborist Report as municipal trees. These trees are considered private trees until such time as a road widening has been dedicated to the Region. Two trees located within the future road widening are proposed to be removed. City staff has no objection to the removal of these trees prior to the road widening being dedicated as they will likely be heavily impacted by the construction.

The remainder of trees on site to be removed total 12, with a combined diameter of 367cm. These trees are overwhelmingly non-native species, range from good to very poor condition. There is good opportunity to immediately recoup some of that canopy loss on site through the re-planting of trees on site post-construction. There are 25 x 70mm caliper trees proposed to be planted on municipal right of way. There is also additional planting on site. This is almost three times the adjusted caliper of all removed trees on site. The Landscape concept and tree planting plan is reviewed only in the context of number and size of tree replacements proposed. Further species and location and other landscaping materials will be reviewed as part of the larger site plan application technical review.

Based on the figures provided, we can expect that this development will help to grow the urban forest, helping to achieve our Strategic Plan goal of a Greener City.

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

Not applicable – the proposed dwellings will not produce significant sun shadowing.

- vii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;

The development proposal includes a sidewalk that connects Georgina Court to Upper Middle Road and will improve connectivity for individuals accessing transit or walking to Corpus Christi Secondary School. The Millcroft shopping centre is located within 1 km of the site.

- viii) Capability exists to provide adequate buffering and other measures to minimize any identified impacts;

Provisions for a landscape buffer have been addressed through the zoning by-law amendment and are included in the common element of the condominium plan.

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

Not applicable – the lots to the north, east and west of the site are fully developed. There are lands designated for employment uses across Upper Middle Road to the south of the site that will the subject a separate planning application.

- x) Natural and cultural heritage features and areas of natural hazard are protected;

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

- xi) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 g) and m);

These policies have been reviewed and considered not applicable to this application as there are no floodplains or watercourses impacting the subject property nor is the proposed development located in the South Aldershot Planning Area.

- xii) 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 existing and proposed residential buildings is provided.

Not applicable-proposal is for ground oriented development.

The proposed development meets the City's Intensification evaluation criteria because it has adequate municipal services, provides adequate off-street parking, the municipal transportation system can accommodate the development, compatibility is achieved with existing neighbourhood and the effects on existing vegetation is minimized.

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 are 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.

The Residential Neighbourhood Policies (Section 7.1) indicate that Medium Density Residential areas will be developed primarily as ground oriented attached housing along transit corridors like Upper Middle Road.

The Secondary Plan also included Design Guidelines for Transit Corridors which were adopted by Council and included in Appendix IX of the Burlington Official Plan (Section 11.0 Orchard Community: Secondary Planning Study Report: Final Report, February 1995). Section 11.4 of the Guidelines provides direction on built form which is relevant to this application including:

- Buildings shall have front walls parallel to the street with front doors and windows on the street,
- Porches (covered or uncovered), stairs, canopies and other entrance features shall be permitted to encroach beyond the build-to line.

The townhouses in Building 2 (fronting on Upper Middle Road) and the semi-detached units (fronting on Upper Middle Road) meet the design guidelines for Transit Corridors in the Orchard Secondary Plan.

City of Burlington Adopted Official Plan – Grow Bold (2018)

On April 26, 2018, Council adopted the City's new Official Plan. The 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. Section 7.3.2 a) i) provides criteria for assessing compatibility in existing neighbourhood for site and building design that are similar to those in the inforce Official Plan.

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. The density range in the adopted Official Plan is greater than the existing Official Plan (26 to 50

units per net hectare). The four storey non-ground oriented housing is also a new permission that is not currently in the in force Official Plan.

The Design Excellence policies for Existing Communities (7.3.2 a) (i)) include compatibility criteria Upper Middle Road is identified as a Transit Supportive Corridor. Transit Policy 6.2.3(2) c) indicates it “services lower density areas and employment uses and are intended to provide a basic level of service, such as peak service, connecting to the *frequent transit corridors*”. The proposed development helps to achieve this by providing a walkway from Georgina Court to Upper Middle Road to allow pedestrians from the neighbourhood to access the transit stops on Upper Middle Road. The townhouses and semi-detached unit that front onto Upper Middle Road provide pedestrian comfort and human scale at the street level for pedestrian accessing transit on Upper Middle Road.

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)’, as shown in Appendix 1.

The ‘D’ zone only permits a single detached dwelling. The ‘RM3-138’ 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 sets a maximum limit of 15% 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 two site specific exceptions. Exception 487 addresses the proposed single-detached and semi-detached dwellings. Exception 488 addresses the two townhouse buildings. The regulations for the ‘RO2’ zone are listed below. For comparison, Tables 2, 3, 4 and 5 below list the zone requirements for townhouses, Parcels of Tied Land (POTLs), semi-detached dwellings and detached dwellings in relation to the proposed development.

Table 2 – Zoning Regulations for Townhouses

Zone Regulation	RO2 (Orchard Community Residential)	Proposed	Staff Comment
Permitted Uses	townhouses permitted	14 townhouses	No changes required.

Lot Width	40 m	24.2 m ²	Staff supports this reduction The measurement only includes the distance from the rear lot line on Rome Crescent to where the Condominium road begins. It does not include the width of the road nor the part of the lot that fronts onto the public walkway.
Lot Area	1,200 m ²	2,867 m ²	No changes required.
Front & Street Side Yard	3 m Abutting a street with a width of 26 m or greater – 6 m Garage – 5.5 m	2.8 m abutting Georgina Court 3m abutting Upper Middle Road	Staff supports the reduction on Georgina Court because it is a minor change that does not impact how the road or entrance functions. Staff supports the reduction on Upper Middle Road because the front entrances to the townhomes are on Upper Middle Road.
Rear Yard	6m	9.8 m	No changes required.
Building Height	Max 2 storey up to 11.5 m	3 storeys to 11.5 m	Staff support the change from 2 storeys to 3 storeys as the overall building height allowed by the zoning will remain at 11.5 m.
Lot Coverage	Max 60%	53.4%	No changes required.
Density	Min 26 units/hectare Max 50 units/hectare	48.7 units/hectare	No changes required.
Parking Space Dimensions	Min width – 2.5 m Min area – 16.5 m ²	3.0 m wide Min area – 20 m ²	No changes required.
Parking Spaces	2 spaces / unit	2 spaces / unit	No changes required.
Visitor Parking Spaces	0.5 visitor spaces / unit (7 spaces required)	4 spaces including 1 accessible space	Staff supports the reduction in the number of visitor parking spaces based on the City Wide Parking

			<p>Review Standard (2017) which identifies the need for 0.25 visitor spaces/unit based on Burlington specific data. The study indicates that 3.5 parking spaces would be required for this site.</p> <p>Some of the public commented that homeowners don't use their garage for cars but storing household items and sports gear. The developer has responded by agreeing to include the room behind the garage as a flexible space that could be developed as a family room or a storage area depending on the purchaser's interest.</p>
Accessible Parking Space Dimension	Accessible aisle – 2 m width	2.0 m	No changes required.
Landscape Buffer	min 3 m between townhouses and any other residential use	3.0 m on 5 of 6 units in Building 1.	<p>There is a 3 m landscape buffer at the rear of Building 1 that is included in the common element of the condominium. It contains the vegetation buffer and a drainage swale that drains to the stormwater management facility to the west of the property. The drainage swale is open at the rear of 5 of the 6 units. At the rear of Unit 1, the drainage feature is contained within a pipe underground and trees and shrubs cannot be planted on top of the pipe. The lot associated with Unit 1 is larger than the rest and</p>

			there are opportunities for other landscaping that can be addressed through the site plan.
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Table 3 – Zoning Regulations for Parcels of Tied Land (POTL's)

Zone Regulation	Parcels of Tied Land (POTLs)	Proposed	Staff Comment
Front Yard abutting a common element road	3.0 m	Bldg 1 – 2.7 m Bldg 2 – 2.2 m	Staff is satisfied that the proposed front yard setbacks will not have a negative impact on surrounding development. The measurement of 2.7 m and 2.2 m is taken from the smallest setback point.
Driveway length	6.7 m	6.7 m	No changes required.
Side Yard adjacent to an exterior wall of a building	1.2 m	0.6 m	Staff is satisfied that the proposed side yard setbacks will not have a negative impact on surrounding development. The measurement of 0.6 m is taken from the smallest setback point. The 0.6 m setback on Building 1 is next to the visitor parking. The 0.6 m setback on Building 2 is next to the visitor parking on the west and next to the public walkway to the east.
Yard abutting a Public Street	3.0 m	2.8 m to Georgina Court	Staff is satisfied that the proposed side yard setback will not have a negative impact on the surrounding development.
Rear Yard	6.0 m	Bldg 1 – 4.6 m Bldg 2 – 3.2 m	Bldg 1 – Because staff is requiring a 3 metre landscape buffer, which will be of common element

			<p>tenure, the Parcel of Tied Land (POTL) boundaries will become smaller. This will result in a setback of 4.6 m to the POTL line. Staff note that while the setback to the POTL line will be reduced, the setback to the external property boundary will remain at 7.6 m.</p> <p>Bldg 2 – Staff are satisfied that the proposed rear yard setback is appropriate given that the porch, front door and windows will be on Upper Middle Road. While defined as a Rear Yard in the Zoning, it functions as a front yard in the development.</p>
Rear Yard setbacks to balconies & decks	4.5 m	Bldg 1 – 3 m	<p>Bldg 1 – Because staff is requiring a 3 metre landscape buffer, which will be of common element tenure, the Parcel of Tied Land (POTL) boundaries will become smaller. This will result in a setback of 4.6 m to the POTL line. Staff note that while the setback to the POTL line will be reduced, the setback to the external property boundary will remain at 7.6 m.</p>
Porch Setback	2.0 m	1.3 m from Georgina Court	<p>Staff is satisfied that the proposed setback will not have a negative impact on the surrounding development.</p>
Setbacks to rear decks	2.0 m	1.0 m from Upper Middle Rd	<p>Staff is satisfied that the proposed rear yard setback is appropriate given that the porch, front door and</p>

			windows will be on Upper Middle Road. While defined as a Rear Yard in the Zoning, it functions as a front yard in the development.
Setback to landscape steps	2.0 m	0.0 m from Upper Middle Rd	Staff is satisfied that the proposed rear yard setback is appropriate given that the porch, front door and windows will be on Upper Middle Road. While defined as a Rear Yard in the Zoning, it functions as a front yard in the development.

Table 4 – Zoning Regulations for Semi-Detached Dwellings

Zone Regulation	RO2 (Orchard Community Residential)	Proposed	Staff comments
Permitted Uses	Semis permitted	4 semis	No changes required.
Lot Width	6.5 m/unit	6.1 m/unit	Staff is satisfied with the reduction in lot width. It is a result of the lot being located on a cul-de-sac, The lot is wider in the rear yard as a result of the lot configuration.
Lot Area	200 m ²	128 m ²	Staff is satisfied with the reduced lot area. It reflects a good use of a parcel of land in an infill situation.
Front Yard	3 m	5.4 m for dwellings abutting Georgina Court	No changes required.

Rear Yard	6 m	Lot 3 – 5.4 m Lot 4 – 2.5 m	Lot 3 – this is a minor reduction to a rear in an infill situation. Lot 4 – this reduction is to reflect that while this is a rear lot calculation in accordance with By-law 2020, it functions as the front yard with front porch, doors and windows facing Upper Middle Road.
Side Yard	1.2 m	Lot 4 - 0.6 m	Staff is satisfied with the reduced side yard. The side yard on Lot 4 is reduced where it abuts the public walkway.
Building Height	3 storey to 14 m	3 storeys to 12.7 m	No changes required.
Parking Space Dimensions	Min width – 2.5 m Min area – 16.5 m ²	Width – 3.0 m Min Area – 20 m ²	No changes required.
Parking Spaces	2 spaces / unit	2 spaces / unit	No changes required.
Maximum width of driveway and walkway	4.5 m	5.0 m	Staff is satisfied that this is a minor change that will provide connectivity between the driveway and the porch.

Table 5 – Zoning Regulations for Detached Dwellings

Zone Regulation	RO2 (Orchard Community Residential)	Proposed	Staff comments
Permitted Uses	Detached permitted. 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.	10 % of units are detached	No changes required.

Building Height	2 storey to 11.5 m	2 storey – 8.8 m	No changes required.
Lot Width	7.5 m	Lot 1 - 15.02 m Lot 2 – 16.1 m	No changes required.
Lot Area	250 m ²	Lot 1- 289.5 m ² Lot 2 – 438.4 m ²	No changes required.
Front Yard	3 m	Lot 1 -3.0 m Lot 2 – 5.1 m	No changes required.
Lot Line, Front (definition)	9.1 m	Lot 1 – 12.4 m Lot 2 – 8 m	Staff supports the reduction. It's a technical issue resulting from the lot being located on a cul-de-sac and doesn't affect the use of the property.
Rear Yard	6 m	Lot 1 – 6.1 m Lot 2 – 6.1 m	No changes required.
Side Yard	1.2 m abutting a dwelling 0.6 m abutting an attached or detached garage	Lot 1 – 1.2 m Lot 2 – 1.2 m	No changes required.
Parking	2 spaces per unit	2 spaces per unit	No changes required.

Technical Review

The rezoning application and supporting documents were circulated to internal departments and external agencies for review. Internal departments who commented on this application include Capital Works, Transportation Planning, Landscaping and Forestry and Tax. External agencies who have commented on this file include Halton Region, Halton District School Board and Halton Catholic District School Board.

Site Engineering

Site Engineering staff have provided extensive comments on the development proposal for the subject lands, including comments on the submitted technical reports and studies. Technical site engineering issues have been resolved.

Landscaping and Forestry

Staff have reviewed the plans submitted with the rezoning application, conducted a site visit and provided comments to the applicant with respect to the landscape plan that would be required at the subsequent site plan stage.

Transportation

Transportation Planning has reviewed the Transportation Brief for the application and are 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 warrant 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.

The single-detached, semi-detached and the townhouses all have 2 parking spaces each on their property. Four visitor parking spaces, including one accessible parking space, are provided. The City Wide Parking Standards Review (2017) recommends 0.25 visitor parking spaces for each townhouse unit. For 14 townhouses the requirement is 3.5 parking spaces. The applicant is providing 4 visitor parking spaces for the townhouses including 1 accessible space. Transportation staff supports the amount of visitor parking provided by the applicant.

Region of Halton

The Region of Halton has provided comments on the development proposal. The Region indicates that all new development in the Urban Area be on the basis of connections to Regional Servicing. Regional The Region of Halton has no objection to the proposal.

Financial Matters:

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

Public Engagement Matters:

The application was subject to the standard circulation requirements and a public notice and request for comments were circulated in May 2017 to all owners and tenants within 120 metres of the subject property. A notice sign was also posted on the subject property.

All of the technical studies, supporting materials, and any revisions to the documents for this development were posted on the City’s website at www.burlington.ca/5219UpperMiddle.

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. Key concerns raised by the public at the meeting included issues of compatibility with the existing neighbourhood; traffic and safety, lack of visitor and on-street parking, concerns that all traffic is proposed through internal streets, not from Upper Middle Road, number of units and building height.

On December 12, 2017, an informal Open House was held to discuss a revised development concept with 20 units instead of 22 units. It was attended by City Staff, the Ward Councillor, the applicant and approximately 7 members of the public. Members of the public were able to discuss their concerns with the applicant. Concerns were similar to the meeting held on May 23, 2017: however there was a focus on a revised site plan which replaced two of the semi-detached units with two single detached units, added a walkway between Georgina Court and Upper Middle Road and revised the two townhouse buildings fronting onto Upper Middle Road into one townhouse building.

Public Comment	Staff Response
Development should be accessed from Upper Middle Road.	Upper Middle Road is a Regional Road and the Region has decided that access will not be provided there.
Increased traffic is a safety concern for neighbourhood children.	Transportation Services staff have reviewed this application and the submitted Traffic Impact Study and are satisfied with the analysis, conclusions and recommendations of the study that the surrounding street network has adequate capacity to accommodate additional traffic demands associated with this development.
3 storey townhouses with 3 m setback provide inadequate privacy for neighbours & blocks sunlight.	The design now includes a 7.6 m setback from the townhouses to the property line of the single detached dwellings. There is a 3 m dense vegetative zone at the rear of 5 of 6 units. The rear of lot 1 does not include the 3m dense vegetative zone because the plant material cannot be planted on top of the stormwater pipe at the rear yard. The lot is bigger than the other lots and there are other opportunities to include landscaping on the lot to provide a visual separation between the townhouse lot and the single detached lot to the north.

Public Comment	Staff Response
<p>Lot size not in keeping with neighbourhood.</p>	<p>The property is designated in the Official Plan as Medium Density Residential that permits 26-50 units per net hectare. The original plan proposed 8 single semi-detached dwelling units. The plan was revised to include two single detached lots abutting the neighbouring single detached residential units to the east. The remaining 4 semi detached units do not abut neighbouring single detached units.</p>
<p>Too many units, should be single detached as originally proposed.</p>	<p>The property is designated in the Official Plan as Medium Density Residential that permits a variety of housing types with a density of 26-50 units per net hectare.</p>
<p>Georgina court currently used as a place for neighbourhood kids to play. No parks/playgrounds within a reasonable walking distance of the neighbourhood.</p>	<p>Capital Works, Parks and Open Space staff indicate that adequate parkland is available to accommodate this development at Brada Woods Park and Orchard Woodlot are within is located within the 0.8km distance for a neighborhood park and 2.4 km distance for a community park. Additionally, the trail in the stormwater management facility immediately to the west of this site provides access to the trail system in the Orchard Woodlot.</p>
<p>Not enough visitor parking.</p>	<p>Four visitor parking spaces, including one accessible parking space, are provided. The City Wide Parking Standards Review (2017) recommends 0.25 visitor parking spaces for each townhouse unit. For 14 townhouses the requirement is 3.5 parking spaces.</p>
<p>Parking – no one uses their garage Not enough street parking in neighbourhood now, this development will make it worse.</p>	<p>The original proposal for the townhouses included a family room on the first floor behind the garage. The developer has agreed to keep the use of the space flexible such that those with large storage needs can use the space to store large items (e.g. bikes, sports equipment) and leaving the garage space available for parking a vehicle.</p>
<p>Include a condition of the rezoning approval to require the developer to enter into a Master Servicing Agreement with the Orchard Community landowners group.</p>	<p>No development can take place on the subject lands until the lots and blocks are created through a plan of subdivision. A condition regarding the Master Servicing Agreement can be included in the conditions of draft approval of the subdivision.</p>

Conclusion:

The applicant has made changes to the proposed development which has improved its compatibility with the existing neighbourhood.

Staff's analysis of the application for a Zoning By-law amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. It is the opinion of staff that the proposal meets the requirements of the Provincial Policy Statement, the Places to Grow Act and the Regional Official Plan in that it proposes compact and efficient development, uses existing infrastructure and has regard for public health and safety. Further, the proposed development meets the City's evaluation criteria for intensification, which were created as a tool to meet the intensification requirements of the upper-tier policy documents.

It is recommended that Council approve Zoning By-law 2020.395 in Appendix B to facilitate the development of this property including 2 single detached dwellings, 2 semi-detached dwellings and 14 townhouses.

Respectfully submitted,

Suzanne McInnes, MCIP, RPP

Senior Planner

905-335-7600 ext. 7555

Appendices:

- A. Sketches
- B. Zoning By-law Amendment
- C. Public Comments

Notifications:

Upper Middle Road Enclave Inc. selva@bloomfieldhomes.ca

Martin Quarcoopome mquarcoopome@westonconsulting.com

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.