Planning Justification Report

3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line

Calloway REIT (Burlington Appleby) Inc.

City of Burlington

Official Plan and Zoning By-law Amendments

May 2025

GSP group

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City of Burlington

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Prepared for:
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1. Introduction

1.1 Project Team

The following are members of the project team:

Expertise	Company
Client	Calloway REIT (Burlington Appleby) Inc., referred to as SmartCentres
Planning	GSP Group Inc.
Civil Engineering	Odan/Detech Group Inc.
Transportation	BA Group
Market Research & Land Economics	Tate Research

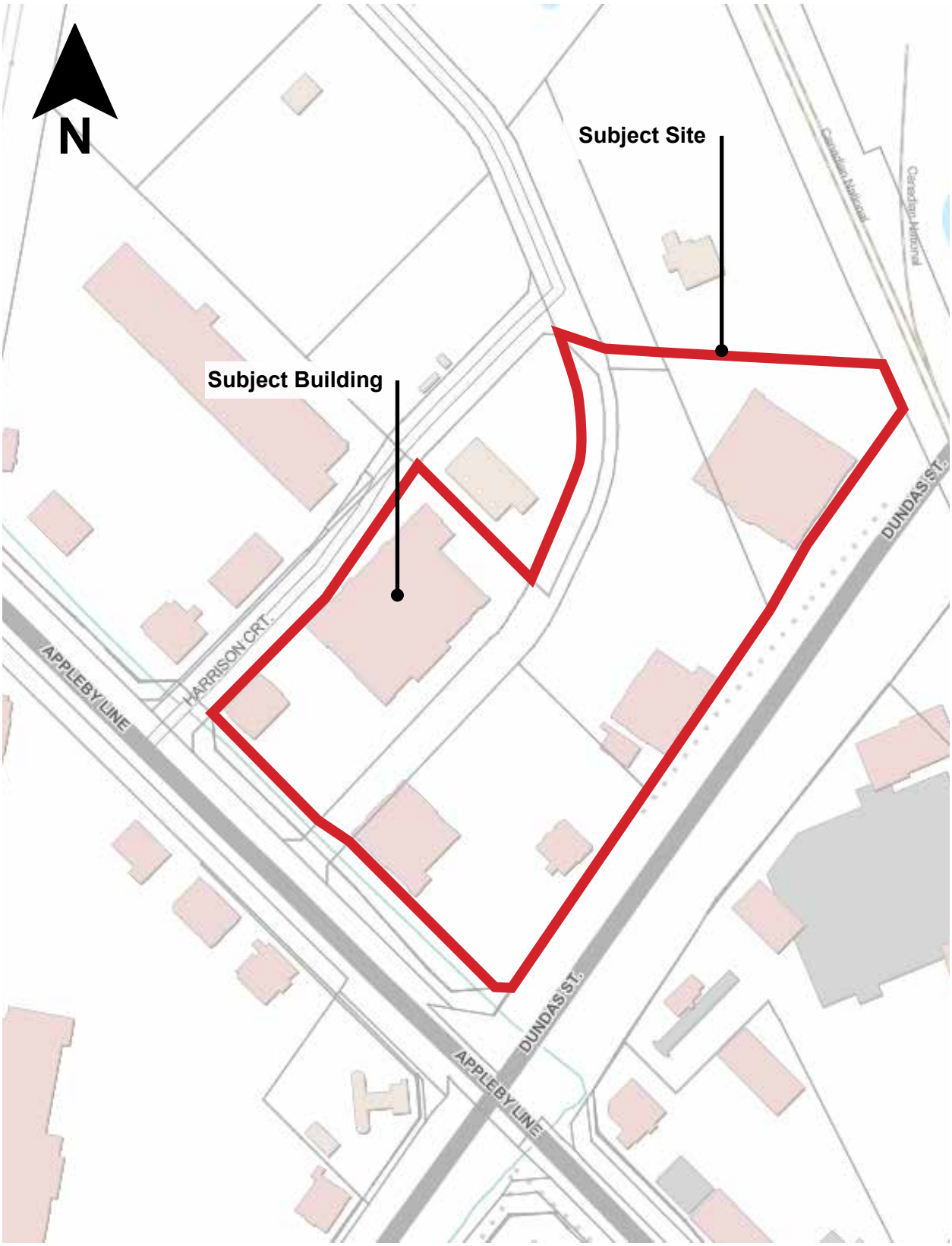
1.2 Subject Site and Building Descriptions

The Subject Site is municipally known as 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line in the City of Burlington (Figure 1).

The Subject Site is approximately ± 14.79 acres (5.9 hectares) within an existing commercial and retail hub in the City of Burlington, south of Highway 407. It is within the northeast quadrant of the Dundas Street and Appleby Line intersection. Appleby Line abuts the Subject Site on the west side, Dundas Street to the south, and Harrison Court to the north. East of the Subject Site is a mobile repair shop and railway.

The Subject Site consists of seven (7) buildings. Examples of the type of stores and services that are offered within these buildings include a gym, hair salon, dental office, pharmacy with post office, and bank. The Subject Site also consists of a stormwater management pond measuring approximately 0.80 acres (0.32 hectares) and 680 surface parking spaces. The Subject Site can be accessed from three public roads. Dundas Street provides westbound access, Appleby Line provides northbound access and Harrison Court provides full access.

The Subject Building, “Building B”, will be rendered vacant in the near future and it is anticipated that, if approved, the Subject Building will be adaptively re-used to accommodate the requested grocery store/supermarket use.



Site Location

Source: Burington Interactive Mapping (2025)

1.3 Site Visit – May 8th, 2025

On May 8th, a site visit was conducted. The below descriptions are of the surrounding commercial, residential, and transportation uses. These are followed by images in Section 1.5 of the Subject Site and Building, moving in a clockwise direction around the Subject Site starting from the north.

North – the Subject Site abuts Harrison Court to the north. Beyond, surrounding uses consist of retail, commercial, and employment. This includes personal services such as salons and dental and optometrist offices. It also includes a bank (CIBC), Chatime (Asian beverage café), Marshalls and No Frills. Examples of the employment uses include A Wesley Paving, Select Stone Supply Limited, and Landmark Structures (general contractor) companies.

East – surrounding uses consist of a railway and employment. Gino Mobile Repair, a hydraulic repair service, is located on the south side of Harrison Court abutting the Subject Site. Dufferin Concrete is located east of the Subject Site.

South – the Subject Site abuts Dundas St to the south. Beyond, surrounding uses consist of commercial and retail uses. Examples include a fast food restaurants (e.g. Wendy's, Freshii, Osmow's Shawarma, and WingsUp!), a grocery store/supermarket (Fortinos), and RBC Royal Bank. It also includes a hair salon (Barbers' Mark), chiropractor's office (The Healing Path Chiropractic and Wellness Centre), and Bell telecommunications store. The surrounding uses to the south also include residential uses within the Orchard and Millcroft neighbourhoods, in addition to institutional (John William Boich Public School).

West – the Subject Site abuts Appleby Line to the west. Beyond, surrounding uses consist of commercial and retail uses (e.g. Moores Clothing for Men, Walmart Supercentre, Scotiabank, Burrito Boyz, and Boston Pizza), as well as residential (Alton Village) and the hydro corridor.

1.4 Surrounding Uses and Transportation Context

As previously mentioned, the Subject Site consists of commercial and retail uses. The existing retail hub it is within also contains three grocery stores, restaurants (Boston Pizza, Paramount Middle Eastern Kitchen, Cora Breakfast & Lunch, etc), banks (e.g. Soctiabank, RBC Royal Bank, etc.), gas stations, and retail stores (e.g. Reitmans, Moores Clothing, Sleep Country, etc.) Starting at Figure 2, the following images from Google streetview and GSP Group show the surrounding uses. Figure 3 shows a map of the Surrounding Uses. It also shows the residential uses in the surrounding area, which are specifically the Orchard, Millcroft, and Alton Village neighbourhoods. These neighbourhoods consist of apartments,

townhomes, semi-detached, and detached homes. They also consist of schools, parks, and recreation and community centres. The Subject Site is also near Employment Areas (east side).

Figure 2 - Key Map of the Subject Site and subsequent images



Image 1 – Commercial and retail uses north of the Subject Site including salons, a dental and optometrist office, bank, Chatime (Asian beverage cafe), and Marshalls.



Image 2 – Employment (industrial) uses northeast of the Subject Site

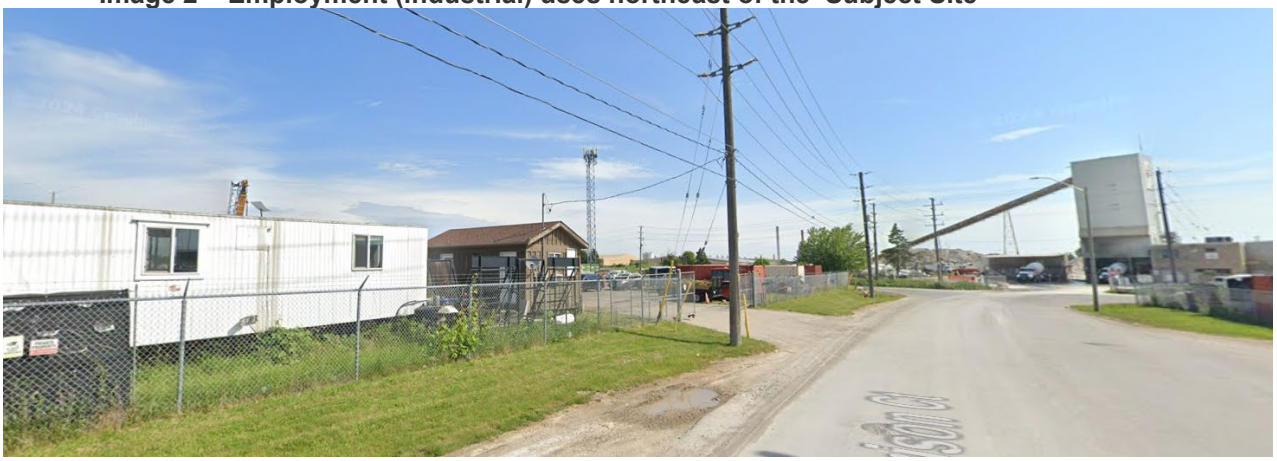


Image 3 – Employment uses (Dufferin Concrete) northeast of the Subject Site.



Image 4 – Residential and railway uses, southeast of the Subject Site.

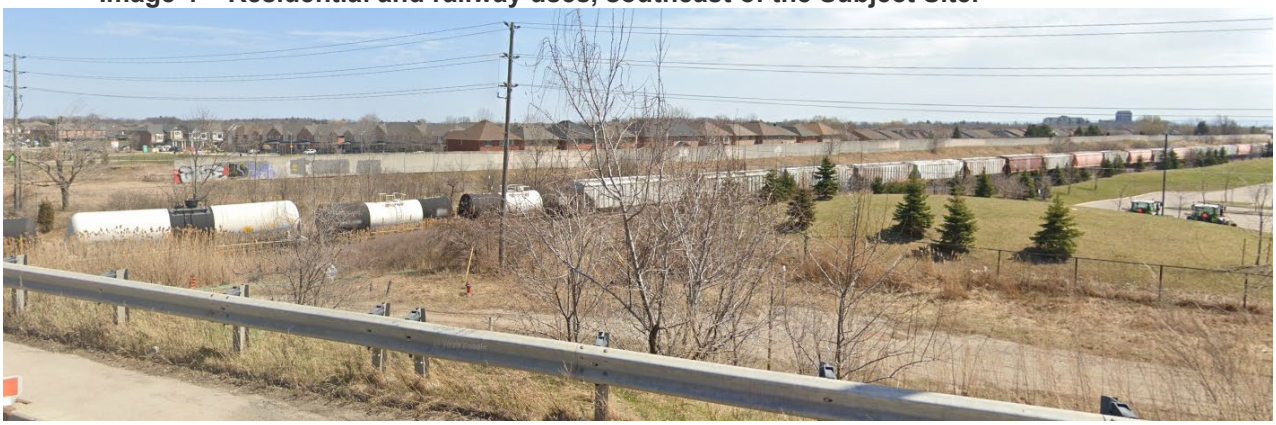


Image 5 – Commercial and retail uses south of the Subject Site, including Fortinos, Goodlife gym, Paramount Middle Eastern Kitchen and Avani Asian Indian Bistro restaurants, and Wendy's fast food restaurant. There is also the RBC Bank at the southeast corner of Dundas Street and Appleby Line.



Image 6 - Kelsey's restaurant and gas station that are located west of the Subject Site.



Image 7 – Commercial and retail use in the form of a Walmart west of the Subject Site.

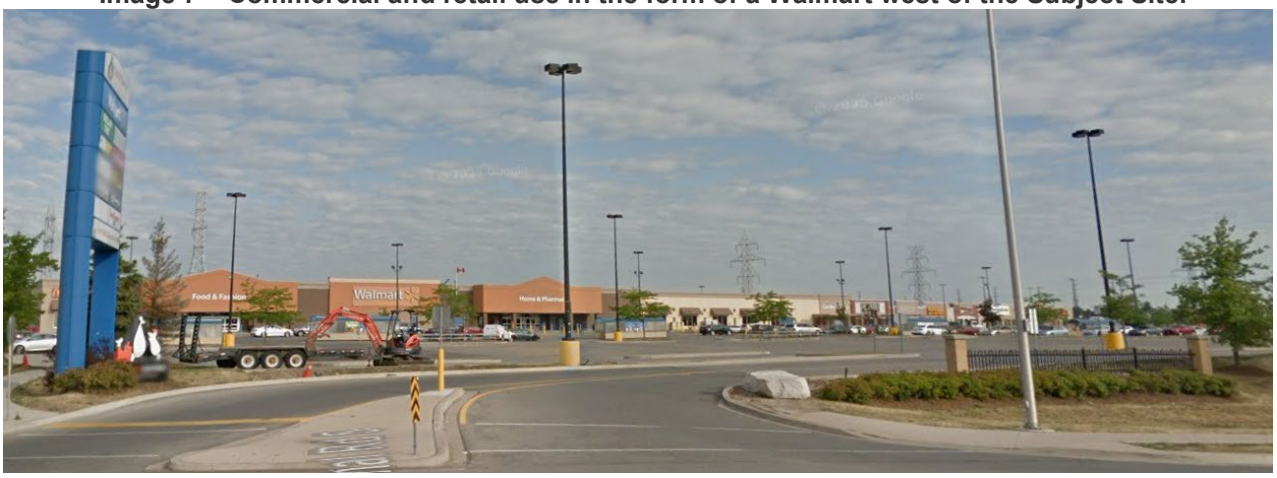
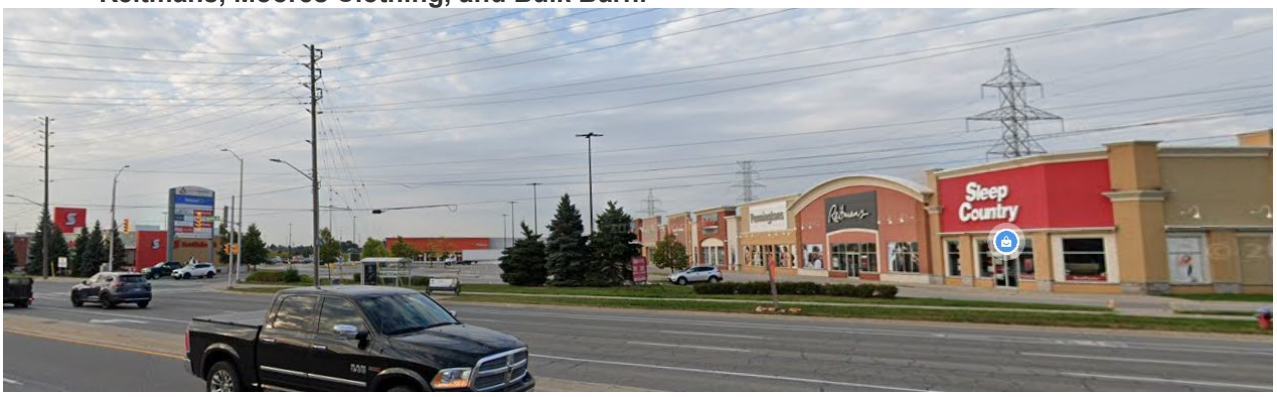
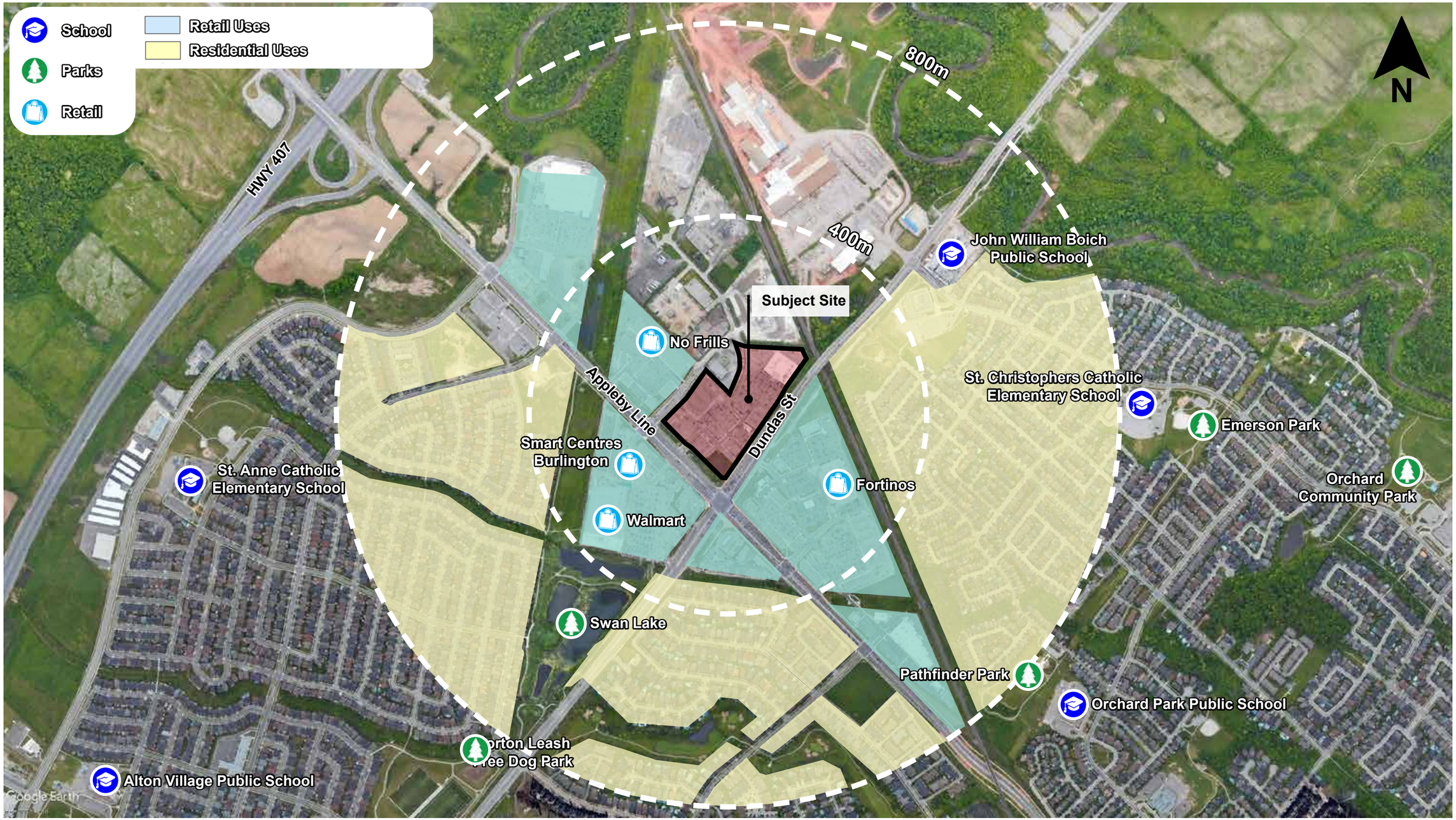


Image 8 - Commercial and retail uses west of the Subject Site, including Sleep Country, Reitmans, Moores Clothing, and Bulk Barn.





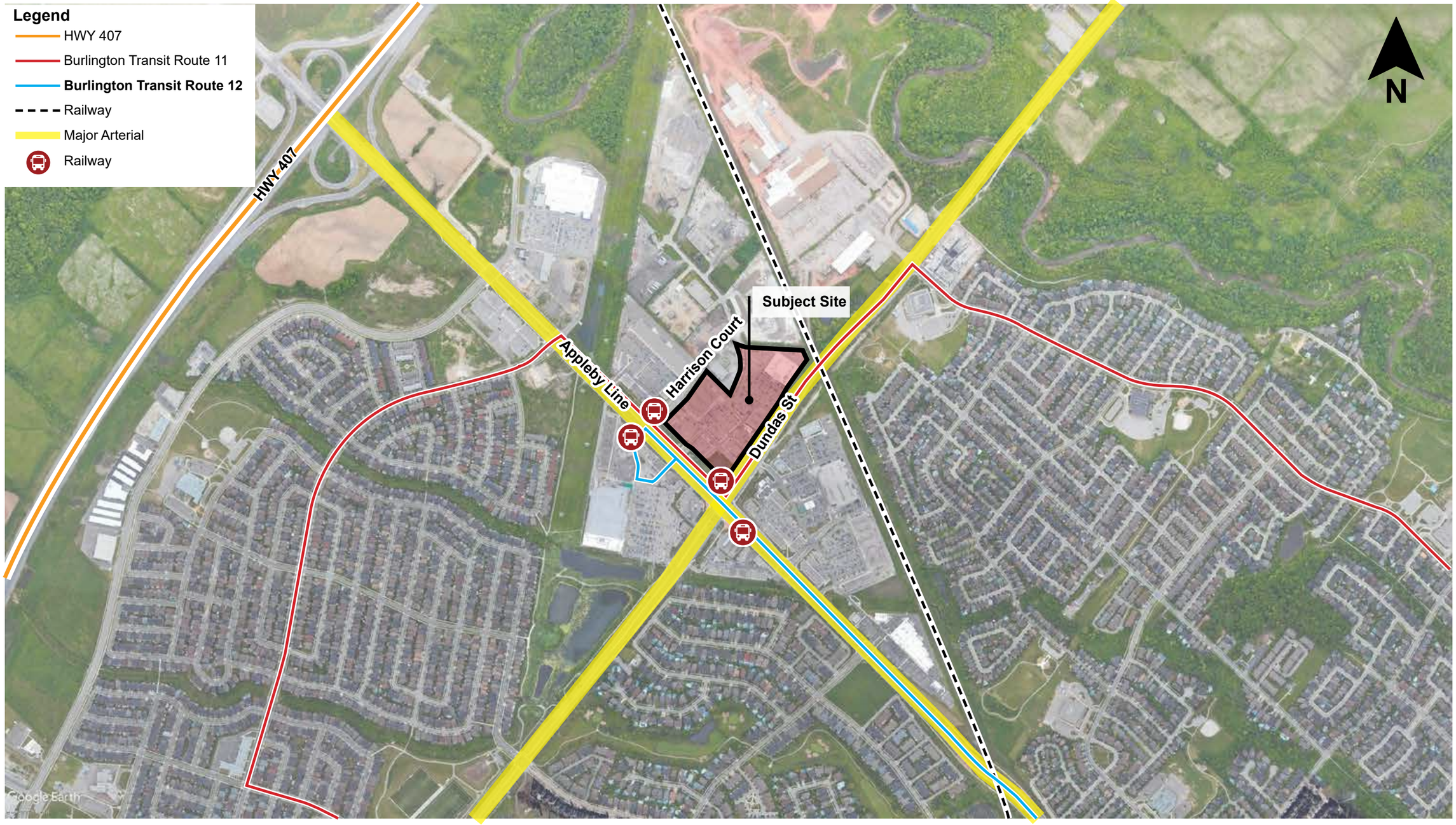
GSP group

Surrounding Uses Context
Source: Google Earth (2024)

Figure 4 illustrates the transportation context surrounding the Subject Site. As mentioned earlier, Dundas Street borders the Subject Site on the south side while Appleby Line borders it on the west side. Both streets are designated as Major Arterial Roads in the City's planning policies in order to facilitate inter and intra-regional traffic as well as higher volumes to support the regional retail market at Dundas Street and Appleby Line.

The existing Sutton-Alton (#11) and Upper Middle (#12) Burlington Transit routes support the Subject Site. Bus stops at the southwest corner of the Subject Site at Dundas Street and Appleby Line, as well as northwest corner at Harrison Court and Appleby Line, support these routes. The routes cover several neighbourhoods on the northeastern quadrant of the City of Burlington. For example, Route #11 travels as north as Thomas Alton Boulevard and as south as Harvester Road, and the Subject Site is the northernmost point on Route #12 and travels as west as Brant Street.

Sidewalks on the north, south, and west sides of the Subject Site can be observed. They are also present within the Subject Site, connecting the existing buildings and retailers to one another across the surface parking lots. The intersection at Dundas Street and Appleby Line as well as Appleby Line and Harrison Court are signalized with dedicated pedestrian crosswalks and infrastructure. In addition, bike lanes can be observed on Appleby Line to facilitate north and southbound cycling traffic.



GSP group

Transportation Context

Source: Burlington Transit and Schedule O-1, Classification of Transportation Facilities - Urban Area, Google Earth (2024)

2. Proposal

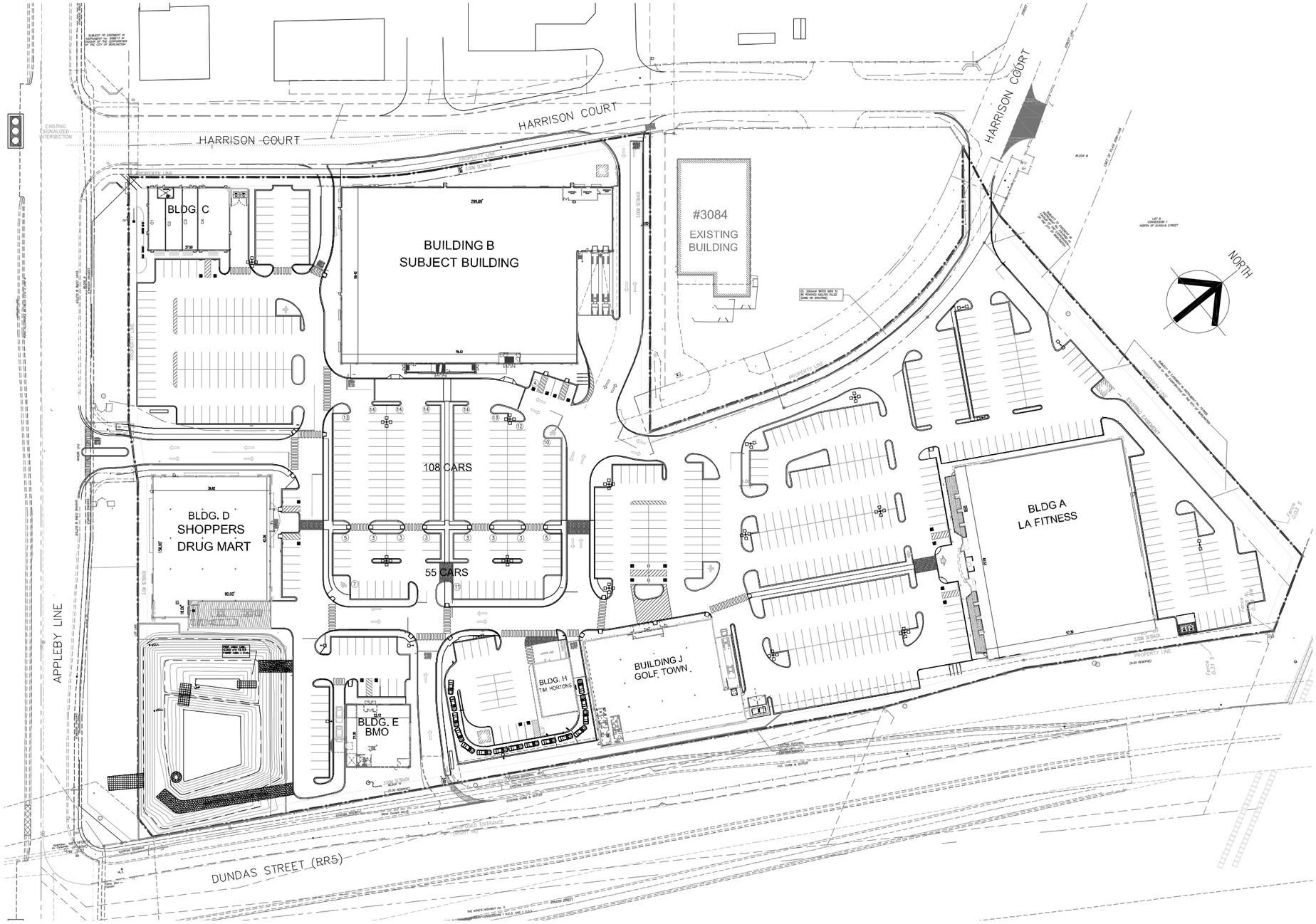
2.1 Request for Additional Permitted Uses

The proposal consists of adding additional permitted uses to the existing Subject Site located at the northeast corner of Dundas Street and Appleby Line in the City of Burlington (3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line) (Figure 5).

No modification is planned to the Site Plan as no new buildings or development are proposed as part of this application. The immediate implementation of the supermarket/grocery store use is intended once the Subject Building is vacant. The department store use is requested to broaden the commercial permissions on the Subject Site to appropriately respond to market and community demands and to facilitate future implementation if and when there is business interest and opportunity.

It is anticipated that the supermarket/grocery store will occupy between 45,000 to 55,000 sq.ft. of the existing Subject Building which is approximately 55,000 sq.ft.

The modifications to the site-specific policies to remove the restriction of the grocery store/supermarket and department store uses on the Subject Site is appropriate to broaden the permitted uses on the Subject Site, provide competition to like uses that may result in lower prices of goods for consumers, to continue the vibrancy of commercial plazas in a post-pandemic economy when brick and mortar retail has struggled, and provide greater variety of food and retail amenities in proximity to existing neighbourhoods. The supermarket/grocery store use is an essential use that is pivotal to the success and vibrancy of retail shopping centers.



Proposal for Additional Permitted Uses
Source: Petroff Partnership Architects (2020)

2.2 Required Planning Act Applications – Official Plan and Zoning By-law Amendments

Official Plan Amendment and Zoning By-law Amendment applications are required to permit the following uses:

- Supermarket/Grocery Store
- Department Store

The site-specific policy 4.3.2 i) in the 1997 City Official Plan, site-specific Policy 8.1.3(3.3) a) 3011 Appleby Line in the 2020 Official Plan, as well as Special Exception Zone CR-312 do not currently permit these uses on this Subject Site. Official Plan Amendment and Zoning By-law Amendment Applications are therefore required to amend these policies and regulation.

Appendix B to Appendix D provide the draft Official Plan Amendments to the 1997 and 2020 City of Burlington Official Plans, as well as the draft Zoning By-law Amendment.

3. Supporting Studies

3.1 Market Impact Assessment – Tate Research

The Scoped Assessment prepared by Tate Research addressed the potential market impacts associated with the re-tenanting of existing retail space within the Subject Site with additional uses.

The assessment concludes:

> *"…that the proposed Official Plan Amendment for the Subject Site to permit a supermarket or department store is appropriate and supportable from a market impact perspective. The Subject Site benefits from excellent access, a strategic location within an established retail node, and proximity to a growing residential population in the northern urban area of Burlington.*
>
> *Given these factors, the proposed supermarket is not expected to result in undue market impact on existing supermarket and grocery retailers within the Study Area. Rather, it will serve to enhance consumer choice, meet growing demand, and complement the broader retail function of the area."*

Based on the review of the above, the OPA/ZBA applications can be supported from a market research perspective.

3.2 Functional Servicing and Stormwater Management Brief – Odan Detech

The Report prepared by Odan Detech focused on the imminent adaptive reuse of the Subject Building for a supermarket/grocery store use. Conclusions from this study indicated:

- *The water demand for the site will remain unchanged; hydrant flow testing confirms that the existing watermain has sufficient capacity to meet both domestic and fire protection needs.*
- *The proposed change in building use results in a reduction in sanitary flow. The existing sanitary system is adequately sized and in good condition, as confirmed by CCTV inspection.*

- *The site grading will remain unchanged, and the current drainage patterns will be maintained.*
- *The on-site storm sewer network and wet pond were inspected and confirmed to be in good working condition.*

Based on the review of the above, the OPA/ZBA applications can be supported from a civil engineering perspective.

3.3 Transportation Impact Study Memo – BA Group

The memo prepared by BA Group evaluated the relative impact of permitting the additional uses at the Subject Site. BA Group utilized partial site trip generation from data collected from the in a previous 2016 report after findings from the current May 2025 collection yielded a lower trip generation, possibly due to the closure of the Toys R Us use in the Subject Building. Specifically, the Saturday 2025 site trip generation was increased to 2016 levels for the purposes of the traffic assessment.

The findings of the memo indicated that:

> *"The addition of the Grocery Store land use results in 200 and 70 fewer two-way vehicle trips during the PM and Saturday peak than what was planned for and approved as part of the 2007 Report."*

Based on the review, the report concluded that *"it was found that the addition of the Grocery Store as a permitted land use at the 3051 Appleby Line site is expected to generate fewer vehicle trips than was planned for and approved in 2007."*

Ther memo also indicated that the current vehicular parking supply is in compliance with the Zoning By-law.

The OPA/ZBA applications can be supported from a transportation perspective.

4. Public Consultation – May 15, 2025

4.1 Notice Communication

Notices were distributed in mid-April by the City of Burlington. At the applicant's request, the circulation limit for notice distribution was extended to a two hundred fifty (250) metre circumference around the Subject Site.

Six hundred fifty-eight (658) notices were mailed to addresses for land owners and tenants. This provided an approximate 4-week notice before the virtual Community Meeting on May 15th, 2025. The Notice is included within Appendix A.

4.2 Outline of the Community Meeting

The agenda of the virtual Community Meeting was as follows:

- Introduction of the Ward Councillor, City Staff, and Project Team;
- City presentation on process;
- Overview of the Subject Site and Building;
- Overview of the proposal, required applications and finding of consultant reports*;
- Question and answers for the Project Team from the community

4.3 Public Consultation Minutes

One (1) participant attended the virtual Community Meeting. No questions were asked. One call was received by GSP from a landowner prior to the meeting. This landowner inquired if an application has been submitted and if this meeting was being held by the municipality. The landowner also expressed interest in obtaining these uses on their lands. GSP encouraged the land owner to attend the Community Meeting and also connect with the City Planner. It is unclear if this landowner was the one participant attending the virtual meeting.

5. Planning Policy Framework and Analysis

5.1 Ontario Planning Act, R.S.O. 1990, c.P.13

Section 2 of the *Planning Act* sets out matters of Provincial Interest when considering and carrying out responsibilities under the Act. Table1 provides an analysis of the development proposal in response to the prescribed Provincial interest:

Table 1 – Matters of Provincial Interest (Section 2, *Planning Act*)

Section 2: Planning Act - Provincial Interest	PJR Response
(a) the protection of ecological systems, including natural areas, features and functions;	The proposal is for additional permitted uses within an existing commercial and retail plaza, therefore does not require expansion into surrounding areas, especially natural areas. It is also not within or adjacent to the City's Natural Heritage System, Major Parks, and Open Space policy designation as per Schedule B – Urban Structure (2020 Official Plan), for example.
(b) the protection of the agricultural resources of the Province;	The City of Burlington's agricultural resources are protected by the proposal being cited within the Urban Boundary and an existing commercial and retail plaza.
(c) the conservation and management of natural resources and the mineral resource base;	The proposal's adaptive reuse of the Subject Building on the Subject Site demonstrates the conservation and wise use of building and mineral resources.
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	Not applicable.
(e) the supply, efficient use and conservation of energy and water;	The proposal is within an existing commercial and retail plaza that has existing infrastructure connections. The Report prepared by Odan Detech identified that there is servicing and stormwater management capacity.

Section 2: Planning Act - Provincial Interest	PJR Response
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	The proposal is within an existing commercial and retail plaza that has existing infrastructure connections and waste management arrangements. The Report prepared by Odan Detech identified that there is servicing and stormwater management capacity.
(g) the minimization of waste;	The proposal's adaptive reuse of the Subject Building on the Subject Site demonstrates waste minimization.
(h) the orderly development of safe and healthy communities;	The proposal's request to include additional permitted uses consisting of a grocery store/supermarket and department store contributes to building safe and healthy communities by providing daily services closer to residents and consumers.
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	Existing site layout, buildings will remain as approved by the municipality.
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	Not applicable.
(j) the adequate provision of a full range of housing, including affordable housing;	Not applicable.
(k) the adequate provision of employment opportunities;	The provision of a grocery store/supermarket and department store on the Subject Site provides for employment opportunities.
(l) the protection of the financial and economic well-being of the Province and its municipalities;	The proposal supports an existing commercial and retail plaza that generates tax revenue for the City of Burlington.
(m) the co-ordination of planning activities of public bodies;	Not applicable.
(n) the resolution of planning conflicts involving public and private interests;	Not applicable.
(o) the protection of public health and safety;	Not applicable.

Section 2: Planning Act - Provincial Interest	**PJR Response**
(p) the appropriate location of growth and development;	The proposal is within an appropriate location of growth and development as it intends to locate grocery store/supermarket store and department store uses within the Urban Boundary, Mixed Use Nodes and Intensification Corridors policy designation (Schedule B – Urban Structure, 2020 Official Plan), and an existing commercial and retail plaza.
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	The proposal promotes sustainability by adaptively reusing the existing Subject Building on the Subject Site, and locating additional permitted uses within an existing commercial and retail plaza supported by transit and pedestrian linkages.
(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	The proposal continues to promote the sense of place and regular commerce and amenity hub of the existing commercial and retail plaza.
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	The proposal continues to provide an adequate response to stormwater management by providing a wet pond on the Subject Site.

Based on the above planning analysis, the requested additional permitted uses have regard to the matters of provincial interest as set out by the *Planning Act.*

5.2 Provincial Planning Statement (2024)

On August 20th, 2024, the Ministry of Municipal Affairs and Housing (MMAH) introduced the 2024 Provincial Planning Statement (2024 PPS). This new Provincial Planning Statement came into effect on October 20, 2024 with the concurrent repeal of the 2020 Provincial Policy Statement and 2019 Growth Plan for the Greater Golden Horseshoe as it relates to the City of Burlington. It is issued under the authority of Section 3(1) of the *Planning Act* and Section 3(5) of the Planning Act requires that decisions affecting planning matters be consistent with the PPS.

Accordingly, this Official Plan Amendment and Zoning By-law Amendment application has been reviewed and considered under the new 2024 Provincial Planning Statement. This report provides an evaluation of consistency with the 2024 Provincial Planning Statement.

Table2 – Evaluation of PPS (2024)

Section of PPS	**PJR Response**
Chapter 1 – Vision "Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians."	The proposal for additional permitted uses supports the PPS (2024) vision by diversifying the types of uses permitted and without adding new buildings or development. This will help intensify the existing and underutilized retail as well as maximize municipal investments on the Subject Site. It will ensure food and commercial services as well as amenities are closer, and therefore more convenient, for nearby households and consumers, including servicing the many new residential units developed within the area..
Policy 2.1.6: "Planning authorities should support the achievement of *complete communities* by: a) accommodating an appropriate range and mix of land uses, *housing options*, transportation options with *multimodal* access, employment, *public service facilities* and other institutional uses (including schools and associated	The additional permitted uses provide flexibility for the types of food and commercial retail services that could occur on the Subject Site. Without them, there is the risk the Subject Site will become underutilized, which is an issue the City of Burlington is currently facing. By adaptively re-using the Subject Building to accommodate a supermarket/grocery store in the immediate term and possibility for a

Section of PPS	PJR Response
child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;…"	department store should a business opportunity arise, the building of complete communities around the Subject Site is supported.
Policy 2.3.1.1: "*Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*…"	The OPA/ZBA does not contemplate new buildings or development. It does however request additional permitted uses within an existing settlement area as the Regional Official Plan designates it within the Urban Boundary and Built Area, and 2020 City of Burlington Official Plan designates it as a Secondary Growth Area.
Policy 2.3.1.2: "Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; b) optimize existing and planned infrastructure…"	The request for additional permitted uses is within the Subject Site and Building which are already serviced and well-connected to the transportation network. It also is within an existing and established commercial area that the community already depends on, as well as uses. This demonstrates the efficient use of land and resources, but also optimization of infrastructure.
Policy 2.3.1.3: "Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including…prioritizing planning and investment in the necessary infrastructure…"	The request to permit additional uses on an existing Subject Site and at least the immediate implementation of a grocery store/supermarket within the Subject Building demonstrates a different approach to intensification that does not involve new buildings or development. Including the additional permitted uses will help with the adaptive re-use of the Subject Building.
Policy 2.4.1.2: "To support the achievement of *complete communities*, a range and mix of *housing options*, *intensification* and more mixed-use development, *strategic growth areas* should be planned: […]	The Subject Site is within the Secondary Growth Area as designated by the 2020 City Official Plan. Therefore, the request to permit additional uses within this area is consistent.

Section of PPS	PJR Response
b) as focal areas for education, commercial, recreational, and cultural uses;"	
Policy 2.4.1.3: "Planning authorities should: a) prioritize planning and investment for *infrastructure* and *public service facilities* in *strategic growth areas*; […] c) permit *development* and *intensification* in *strategic growth areas* to support the achievement of *complete communities*…"	By including additional permitted uses on the existing Subject Site and therefore immediate implementation of a grocery store/supermarket within the existing Subject Building, the City of Burlington's previous investment in the existing retail area and this Secondary Growth Area is being capitalized.
Policy 2.8.1.1: "Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b) providing opportunities for a diversified economic base….and take into account the needs of existing and future businesses; c) identifying strategic sites for investment…including market-ready sites, and seeking to address potential barriers to investment; d) encouraging *intensification* of employment uses and compatible, compact, mixed-use development to support the achievement of *complete communities*;…"	Including the additional grocery store/supermarket and department store uses on the Subject Site ensures it remains competitive in the local as well as regional market. The added uses also promote a greater range of employment types and densities on the Subject Site. For these reasons, the planned commercial function of the Subject Site remains.
Policy 2.9.1: "Planning authorities shall plan to reduce greenhouse gas emissions and prepare for *the impacts of a changing climate* through approaches that:	Including the additional permitted uses on the Subject Site and within existing Subject Building promotes adaptive re-use rather than building or developing new structures

Section of PPS	PJR Response
a) support the achievement of compact, *transit-supportive*, and *complete communities*; b) incorporate climate change considerations in planning for and the development of *infrastructure*, including stormwater management systems, and *public service facilities*; […] d) promote *green infrastructure*, *low impact development*, and *active transportation*, e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the *impacts of a changing climate*."	to accommodate uses. Also including these uses on the existing Subject Site takes advantage of existing active and sustainable transportation infrastructure meant to encourage households to access their daily needs in a sustainable way.
Policy 3.1.1: "…Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they: […] a) leverage the capacity of development proponents, where appropriate; and b) are available to meet current and projected needs	The request for additional permitted uses is on a Subject Site with existing infrastructure and capacity that could accommodate it, especially when this request does not include any new buildings or development.
Policy 3.1.2: "Before consideration is given to developing new *infrastructure* and *public service facilities*: a) the use of existing *infrastructure* and *public service facilities* should be optimized; and	It is planned for the existing Subject Building to be adaptively re-used to immediately accommodate at least one of the requested uses (grocery store/supermarket). No new buildings or development are part of this application.

Section of PPS	PJR Response
b) opportunities for adaptive re-use should be considered, wherever feasible."	
Policy 3.6.1: "Planning for *sewage and water services* shall: […] c) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services*…"	The request for additional permitted uses will take place on the existing Subject Site and at least one of the uses will be immediately accommodated within the Subject Building, therefore optimizing the use of the existing water and wastewater connections.
Policy 3.6.2: "*Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety."	The request for additional permitted uses will take place on the existing Subject Site and at least one of the uses will be immediately accommodated within the Subject Building, therefore utilizing existing water and wastewater connections.
Policy 3.6.8: "Planning for stormwater management shall: a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle; b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads; c) minimize erosion and changes in water balance including through the use of *green infrastructure*; d) mitigate risks to human health, safety, property and the environment;	The request for additional permitted uses takes place on the Subject Site that has existing stormwater management practices. The Report prepared by Odan Detech identified that there is servicing and stormwater management capacity.

Section of PPS	PJR Response
e) maximize the extent and function of vegetative and pervious surfaces; f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a *watershed* scale."	
Policy 3.7.1: "*Waste management systems* need to be planned for and provided that are of an appropriate size, type, and location to accommodate present and future requirements, and facilitate integrated waste management."	The Subject Site and Building has an existing waste management plan that will be utilized to accommodate the additional permitted uses.

In conclusion, the proposal for the additional permitted uses (grocery store/supermarket and department store) is consistent with the Provincial Planning Statement (2024).

5.3 Halton Region Official Plan (1995)

On July 1st, 2024 the Province identified the Region of Halton as an "upper-tier municipality without planning responsibilities" through changes in the *Planning Act*. This means the Regional Official Plan is deemed a local Official Plan of the City of Burlington until it is revoked or amended by the City. Therefore, this section isolates the applicable policies of the 1995 Halton Region Official Plan (2022 Office Consolidation) to the request to include grocery store/supermarket and department store permissions to the Subject Site.

The Subject Site is designated within the Urban Area and Built Boundary. Dundas Street, which the Subject Site fronts onto, is designated a Regional Intensification Corridor

Part III – Land Stewardship Policies

Urban Area and the Regional Urban Structure

Policy 72: “The *goal* of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters *complete communities*, enhances mobility across *Halton*, addresses climate change, and improves housing affordability, sustainability and economic prosperity.”

Policy 72.1 (7): “To plan and invest for a balance of jobs and housing in communities across the *Region* to reduce the need for long distance commuting and to increase the modal share for transit and *active transportation*.”

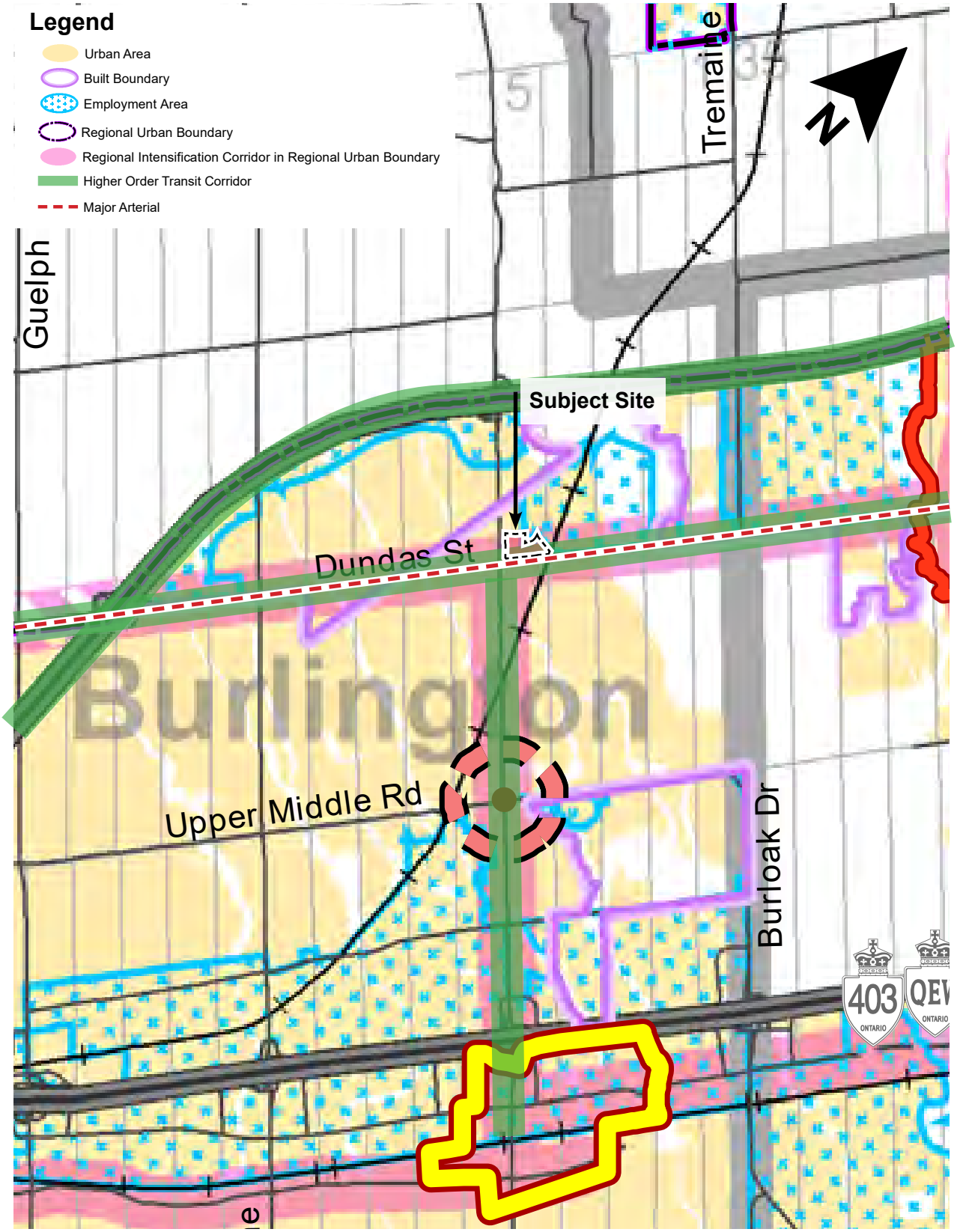
Regional Intensification Corridors

Policy 82.3: “The *objectives* of the *Regional Intensification Corridors*, identified conceptually on Map 1H, are:

> […]
>
> (3) To achieve a mix of residential, office, institutional and commercial *development*, where appropriate”

Part IV – Healthy Communities Policies

Table 3 in this section of the Regional Official Plan outlines the function of major transportation facilities by type. The Subject Site fronts Dundas Street, a Major Arterial Road that is also designated a Higher Order Transit Corridor. Appleby Line abuts the Subject Site to the west and is also designated a Major Arterial Road. The Subject Site is also in proximity to Highway 407 and 403/Queen Elizabeth Way. These transportation facilities intend to support the existing and planned commercial function of the Subject Site. Therefore, including the additional grocery store/supermarket and department store uses also aligns with the current transportation and road design in the surrounding area. It continues to depend on the Provincial Highways to move its goods, major arterial to connect the Subject Site to the regional food and retail market, and higher order transit corridor to facilitate communities’ daily and sustainable access to food and retail services.



GSP group

Regional Urban Structure

Source: Regional Official Plan (1995)

5.4 City of Burlington Official Plan (1997 & 2020)

The following are policies in the 1997 and 2020 City of Burlington Official Plans which apply to the Subject Site.

1997 City of Burlington Official Plan

The Subject Site is designated as Regional Commercial, shown on Figure 7. The following policies therefore apply:

Policy 4.2.2 a): "The orderly *development* and distribution of commercial areas *shall* be *encouraged* with the designation of Commercial Areas with the following functions:

(i) *Regional Commercial areas shall* provide for a range of retail and *service commercial* uses and *community facilities*. These commercial areas are considered major activity centres in terms of their size and use and are intended to serve all of the City as well as population in adjacent municipalities;

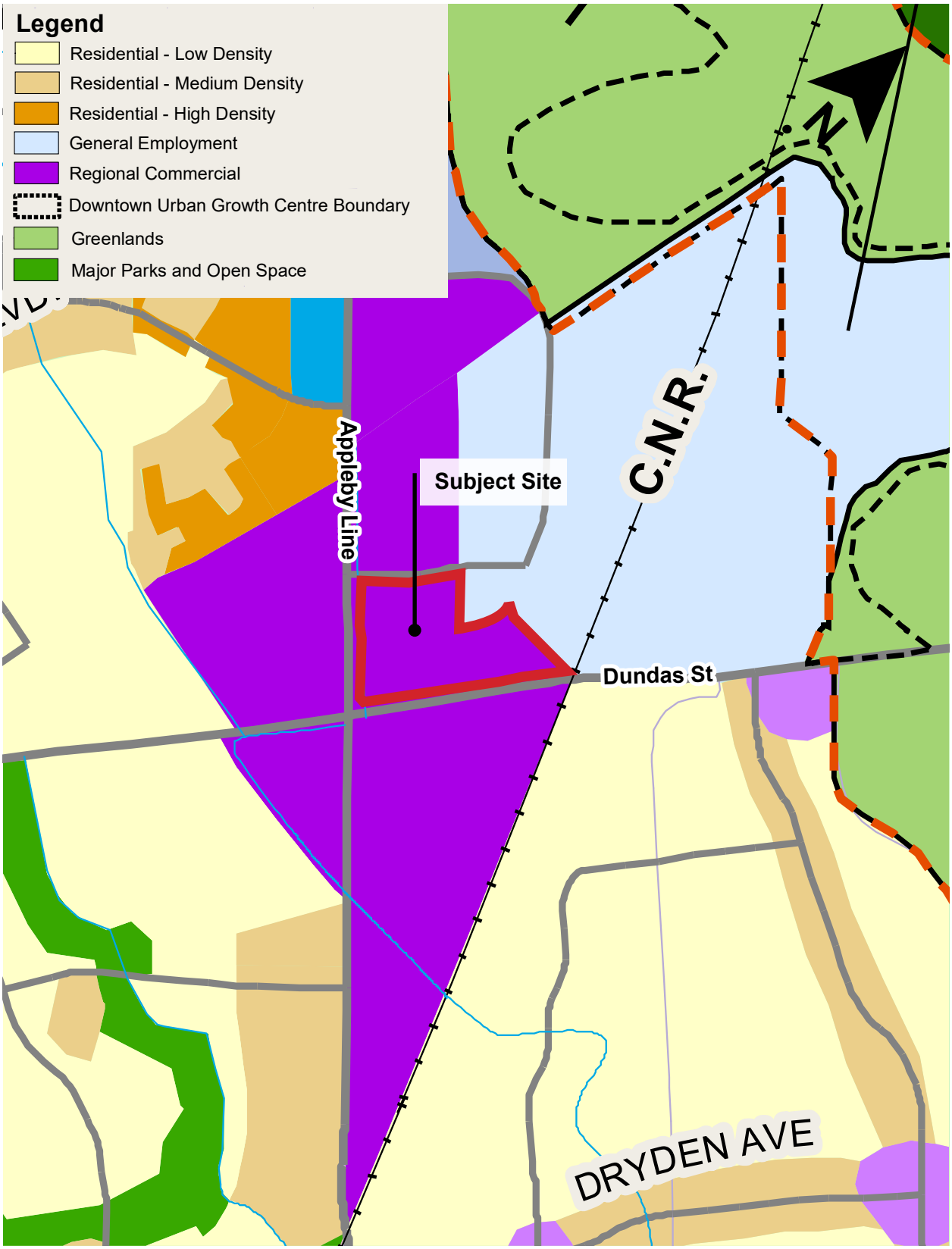
[…]"

Policy 4.2.2 c) "*Regional Commercial areas*…*shall* be mainly developed for retail and *service commercial* uses, however, office and residential uses *may* also be permitted. Employment Commercial areas *shall* be developed for large-scale retail uses which cannot be easily accommodated in the other commercial areas and which also serve the business community."

Policy 4.2.2 g): "Any proposal for additional retail uses for a supermarket/grocery store or large department store, or sale of food over 1,800 sq.m., must submit a market impact study that assesses the market impact of the proposal on existing and designated commercial areas throughout the City"

Policy 4.3.2 i): "Notwithstanding the policies of Part III, Subsection 4.3.2 a), on the lands designated "Regional Commercial" in the north-east quadrant of Dundas Street and Appleby Line, the following policies shall apply:

i) *supermarkets/grocery stores* and *department stores shall* not be permitted;…"



City of Burlington Urban Panning Area

Source: City of Burlington Official Plan (1997)

2020 City of Burlington Official Plan

The Subject Site is designated a Secondary Growth Area, Mixed Use Nodes and Intensification Corridors, and Mixed-Use Commercial Centre (Figures 8,9 and 10).

It should be noted that some parts of the 2020 City of Burlington Official Plan are in effect based on a January 4, 2023 Ontario Land Tribunal decision (OLT-22-002219) while others are not. The land use policies applicable to the site although still under appeal, are provided below to offer policy guidance in this Official Plan Amendment and Zoning By-law Amendment Applications, and will be further analyzed in Section 5.7.

Site-specific **Policy 8.1.3(3.3) a)** for **3011 Appleby Line** is applicable to the 2020 City OP to be in effect (i.e. not yellow highlighted as per the City's Explanatory Notes).

[Under Appeal] Policy 2.4.2.(2) a): " Secondary Growth Areas:

ii) are identified on Schedule B-1: Growth Framework, of this Plan, and are located within Mixed Use Nodes and *Intensification* Corridors…

iii) *shall* be recognized as a distinct area within the city's Urban Area accommodating growth in accordance with the permissions and densities of the current land use designations of this Plan…"

[Under Appeal] Policy 2.4.2.(2) b) "Secondary Growth Areas are also subject to the policies of Subsection 7.3.2(1) of this Plan

[Under Appeal] Policy 8.1.3 Preamble: "…These nodes are the largest of the Mixed-Use Nodes and are typically located at intersections of Major Arterials, Multi-Purpose Arterials and/or Urban Avenues…The policies recognize the importance of these areas of the City in order to continue to serve a much broader regional market but acknowledge the opportunity to support the creation for walkable communities that connect with the surrounding area…"

"…The policies within each designation and other applicable policies of this Plan provide direction for redevelopment. The policies provide a basis to guide the transformation of Mixed-Use Nodes and *Intensification Corridors* into focal points for the community where a mix of uses supports the achievement of *complete communities*. The policies acknowledge variability and flexibility to allow for redevelopment to complement the surrounding areas through appropriate transition and to support local businesses and residents."

[Under Appeal] Policy 8.1.3(1) c): "To provide amenities and services closer to where people live, with the objective of creating *complete communities*."

[Under Appeal] Policy 8.1.3(2) k): "Notwithstanding the general objectives and policies of Mixed Use Nodes and *Intensification Corridors* and the specific objectives and policies of the specific land use designations, *development* in the form of minor expansions and renovations to existing buildings…that are consistent with the existing *scale* and built form *may* be permitted, provided the proponent demonstrate how the *development* contributes to achieving a vibrant, active and walkable built environment and does not compromise the long-term *development* of the site."

[Under Appeal] Policy 8.1.3(2) n): "In accordance with the Urban Structure, *intensification* of existing Mixed Use Nodes and *Intensification Corridors* will be *encouraged* rather than the designation of new areas."

[Under Appeal] Policy 8.1.3(3) – Mixed Use Commercial Centre Designation:

"**c)** To protect the planned commercial function within Mixed Use Commercial Centres."

"**d)** To *encourage* job creation and residential uses where appropriate, as well as *public service facilities* and public outdoor amenities for employees, residents and visitors."

"**e)** To encourage the *development* of surface parking lots and the *intensification* of under-utilized lands and buildings."

[Under Appeal] Policy 8.1.3(3.2) f) "Any proposed *development* of sites designated Mixed Use Commercial Centre *shall* retain the planned commercial function of the site, in accordance with the objectives of Subsections 8.1.3(3.1) a) and c), of this Plan, to the satisfaction of the *City*."

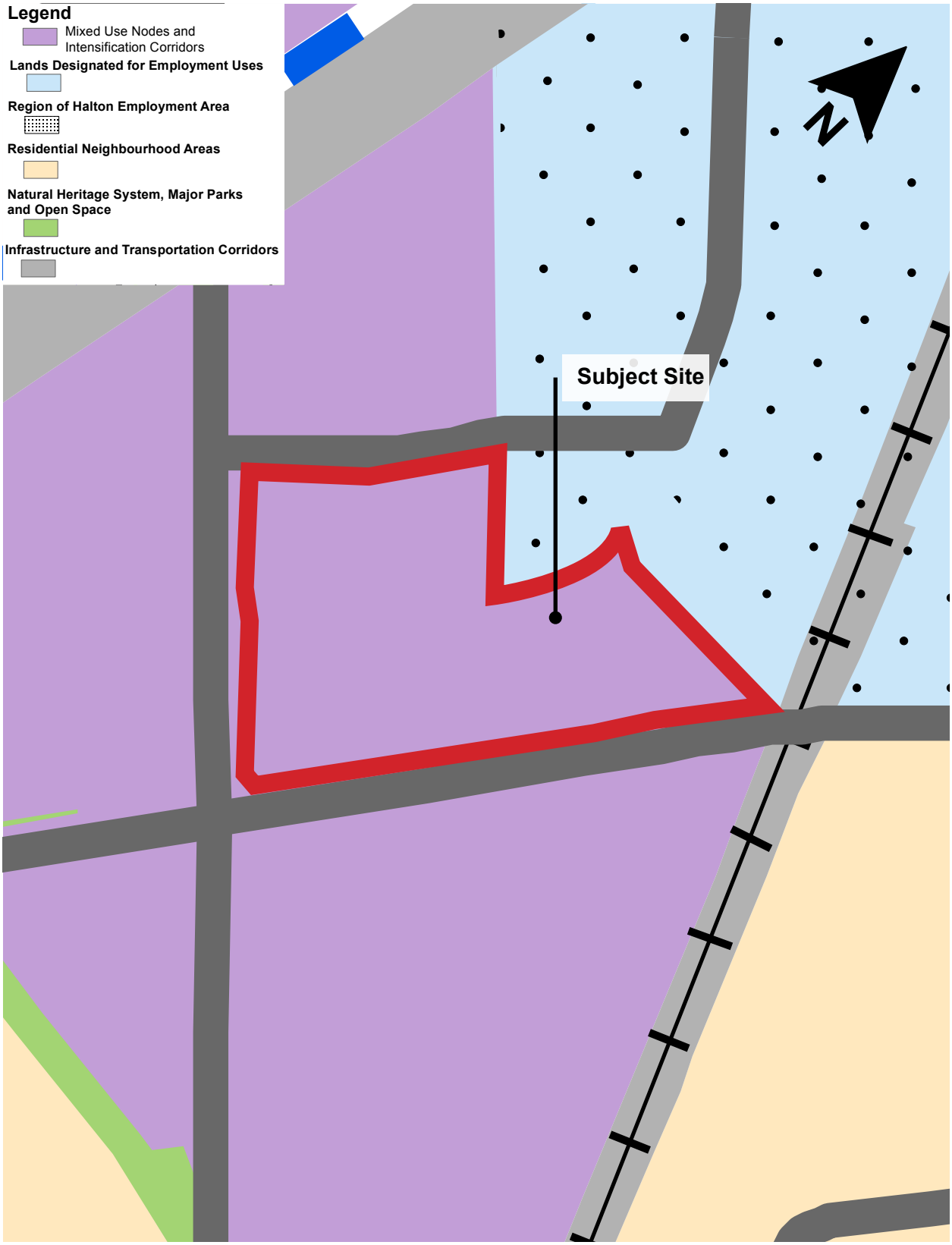
Policy 8.1.3(3.3) a) "3011 Appleby Line: Notwithstanding the uses permitted under Subsection 8.1.3(3.2) b) of this Plan, on the lands designated "Mixed Use Commercial Centre" in the north-east quadrant of Dundas Street and Appleby Line, and identified as 3011 Appleby Line, the following policies *shall* apply:

[…]

i) *supermarkets/grocery stores* and *department stores shall* not be permitted;

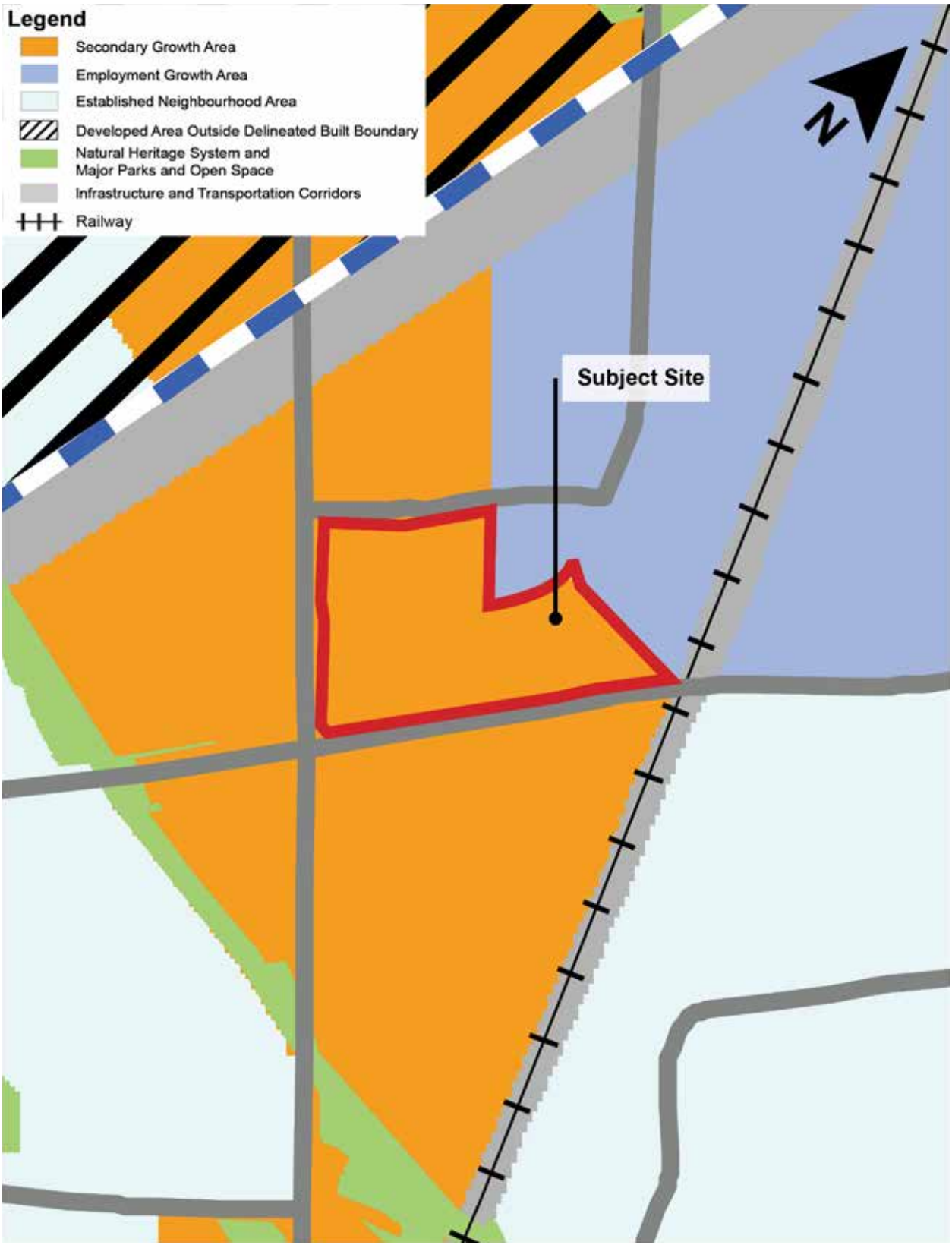
ii) *sensitive land uses shall* not be permitted;

iii) subject to the above, uses permitted in the Urban Corridor-Employment Lands designation *shall* also be permitted."



The Subject Site Within the City of Burlington's Urban Structure

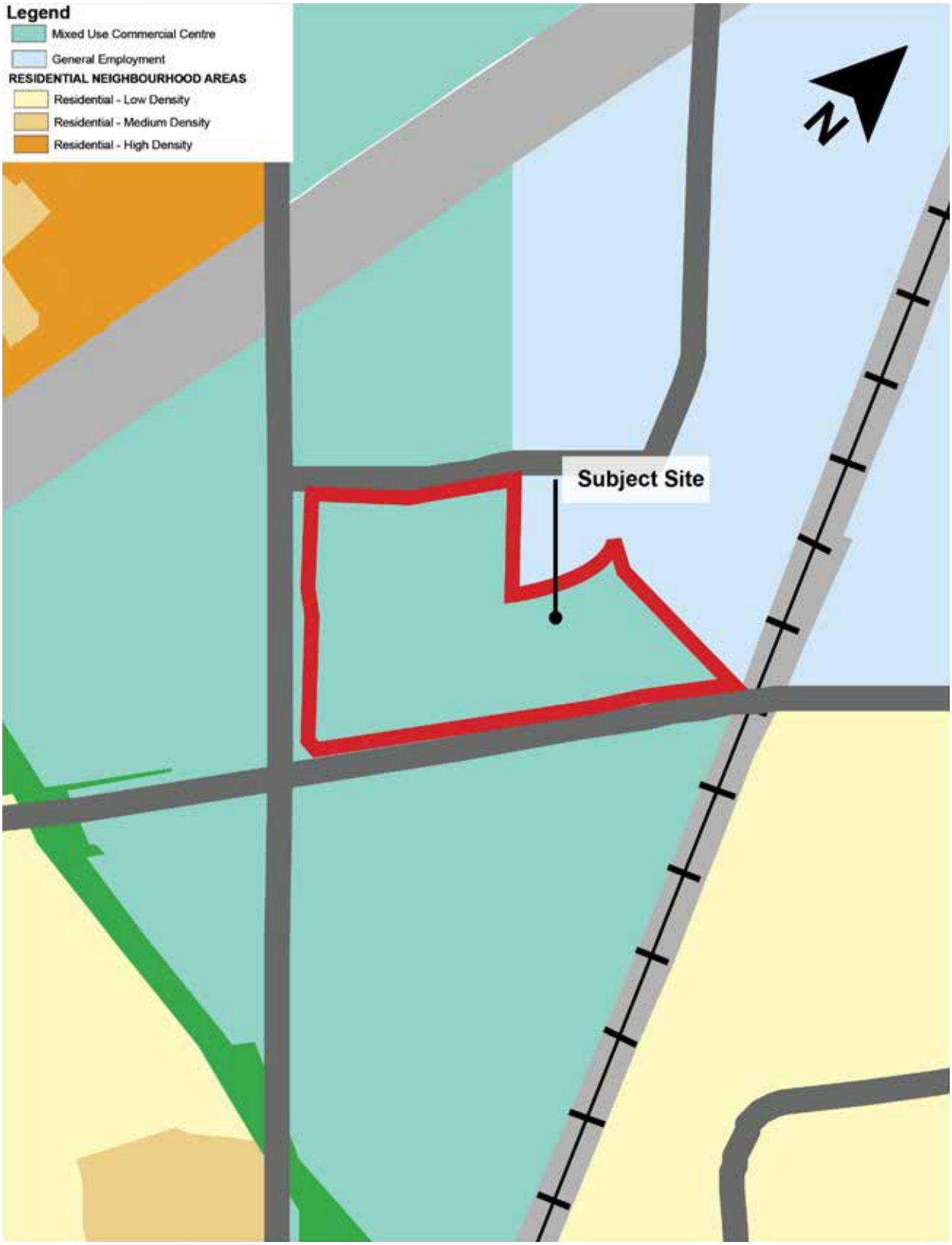
Source: City of Burlington Official Plan (2020), Scheudle B - Urban Structure



GSP group

Growth Framework of the City of Burlington

Source: City of Burlington Official Plan (2020), Schedule B1 - Growth Framework

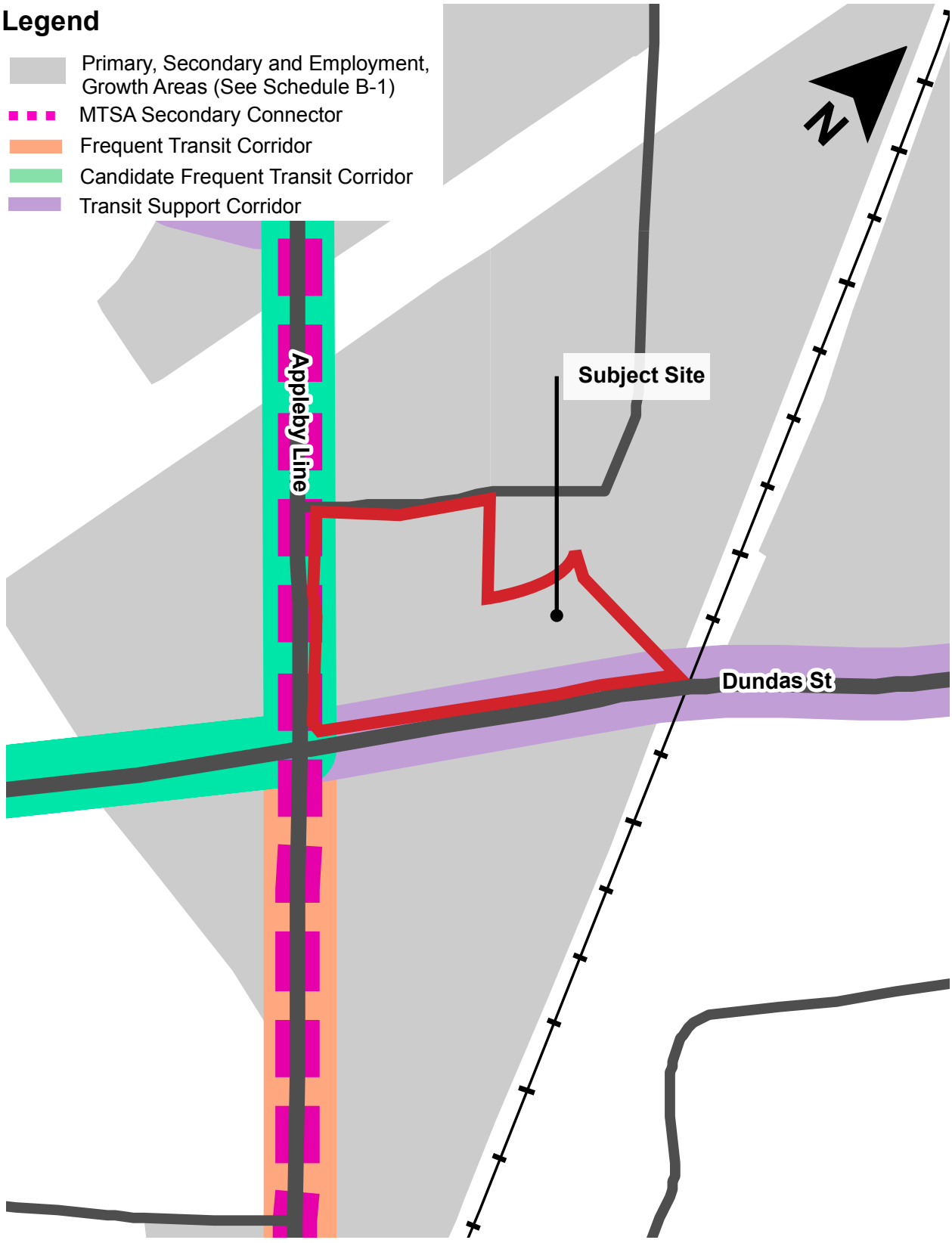


Urban Area

Source:City of Burlington Official Plan(2020), Schedule C - Urban Area

Figure 11 shows the transportation network that surrounds the Subject Site consists of the following transportation designations:

- Major Arterial designation for Appleby Line and Dundas Street;
- Candidate Frequent Transit Corridor for Appleby Line but only north of Dundas Street, therefore abutting the west side of the Subject Site), and Dundas Street but west of Appleby Line;
- MTSA Secondary Connector for Appleby Line; and,
- Higher Order Transit (Appleby Line, south of Dundas Street) and Provincial Highway (Highway 407).



GSP group

Growth and Transit Corridors Framework

Source: City of Burlington Official Plan (2020), Schedule B2 - Growth Framework and Long Term Frequent Transit Corridors

5.5 Analysis of the City of Burlington's Official Plans

This section outlines and then analyzes the three Official Plans that apply to the City (parts of the 1995 Regional Official Plan, 1997 Burlington Official Plan, and 2020 Burlington Official Plan). The City is currently streamlining the land use planning policies across the three Official Plans. As this is ongoing, this Planning Justification Report analyzes the three OPs and provides justification on the requested addition of the grocery store/supermarket and department store uses to the site.

Table 4 provides a planning analysis of the request for additional permitted uses against the planning policy framework across the three applicable Official Plans. However, below are three policies that have been bolded in the table that require specific mention and can therefore provide a history of the land use evolution of the site:

1. **Policy 4.2.2 g)** in the 1997 City Official Plan makes specific reference to the need for a Market Impact Study in order to justify the addition for grocery store/supermarkets or department stores over 1,800 sq.m. (19,375 sq.ft). Despite its inclusion in the 1997 Plan, it is no longer required in the 2020 Plan.

   It is unclear why these uses were precluded from the Subject Site. City staff acknowledge in the December 18th, 2024 pre-consultation meeting notes that a proper planning purpose for limiting the use of a grocery store could not be found following their investigation. This provides some indication of the changing justification needs and regional retail market, but also market relevance of future uses on the site since the 1997 Plan. Recognizing some justification could help support the request for the additional permitted uses, a Scoped Assessment prepared by Tate Research was prepared to address the potential market impacts associated with the re-tenanting of existing retail space within the Subject Site with additional uses.

   The assessment concludes:

   > *…that the proposed Official Plan Amendment for the Subject Site to permit a supermarket or department store is appropriate and supportable from a market impact perspective. The Subject Site benefits from excellent access, a strategic location within an established retail node, and proximity to a growing residential population in the northern urban area of Burlington.*
   >
   > *Given these factors, the proposed supermarket is not expected to result in undue market impact on existing supermarket and grocery retailers within the Study Area. Rather, it will serve to enhance consumer choice,*

meet growing demand, and complement the broader retail function of the area"

2. **Policy 4.3.2 i)** in the 1997 City Official Plan is a site-specific policy that does not permit grocery store/supermarket and department store uses on the Subject Site; and,
3. **Policy 8.1.3 (3.3) a)** in the 2020 City Official Plan. This is a site-specific policy that does not permit grocery store/supermarket and department store uses on the site.

The modifications to the site-specific policies to remove the restriction of the grocery store/supermarket and department store uses on the Subject Site is appropriate to broaden the permitted uses on the Subject Site, provide competition to like uses that may result in lower prices of goods for consumers, to continue the vibrancy of commercial plazas in a post-pandemic economy when brick and mortar retail has lessened, and provide greater variety of food and retail amenities in proximity to existing neighbourhoods. Table 4 – Planning Analysis Conformity to Applicable Official Plan Policies

Policy Area and Theme	1997 City of Burlington Official Plan	2020 City of Burlington Official Plan	1995 Halton Region Official Plan	**PJR Response**
Settlement and growth		Policy 2.4.2.(2) a), b)	Policy 72	The additional permitted uses on the Subject Site are in conformity with these Official Plan policies as the proposal is within the Built Boundary, Urban Area, and Secondary Growth Area which is where settlement and growth are intended to focus. No new buildings or development are included in this application.
Planned commercial function	Policy 4.2.2 a) i) and c) **Policy 4.2.2 g) (market impact study)** **Policy 4.3.2 i)**	Policy 8.1.3(3.2) f) Policy 8.1.3(3) c), d), e) **Policy 8.1.3(3.3) a)**	Policy 82.3(3) Table 3 – Function of Major Transportation Facilities	The request for additional permitted uses is in conformity with the noted Official Plan policies where the intent is to retain and enhance the planned commercial function of the Subject Site. Across the Official Plans, the intention for the Subject Site is to contain commercial activity. The additional uses will enhance the Subject Site and Building with additional commercial uses to adapt to future retail market and food service conditions. It will also take advantage of

Policy Area and Theme	1997 City of Burlington Official Plan	2020 City of Burlington Official Plan	1995 Halton Region Official Plan	**PJR Response**
				existing transportation infrastructure and resources that have already been designed and oriented to support regional market traffic. The existing active and sustainable transportation can be utilized for nearby households to purchase use to get groceries as well as run errands within the Subject Site. In speaking to Policy 4.2.2 g) of the 1997 City Official Plan, as mentioned earlier the market study requirement was included in the 1997 Plan but then removed in the 2020 Plan. This indicates an evolving recognition that a comprehensive market study is no longer required to justify including grocery store/supermarket uses and department store uses over 1,800 sq.m. To strike a balance of providing justification and informing this application to add the additional uses to the existing site, a Market Impact Assessment professionally prepared by Tate Research and concluded support for the proposal, as noted in Section 3.1.
Adaptive reuse		Policy 8.1.3 k)		In conformity with the Official Plan policies, by including the added uses, it will facilitate the adaptive reuse of the Subject Building or any future buildings that may become vacant, as no new buildings are being envisioned as part of this application. This implements sustainable building approaches at the same time as reinforcing the planned commercial function of the Subject Site.

Policy Area and Theme	1997 City of Burlington Official Plan	2020 City of Burlington Official Plan	1995 Halton Region Official Plan	**PJR Response**
Intensifying and redeveloping underutilized retail sites		Policy 8.1.3(2) k), n)		City of Burlington's recent focus has been to reimagine underutilized retail sites. The request to add additional uses is a unique approach to support this and without adding new development or buildings. It intensifies the Subject Site by adding more permitted uses, especially if those uses have a greater number of jobs and employment densities. It also intensifies the Subject Site by bringing more and different interactions and activities from the community (e.g. at least weekly grocery trips). Therefore, this proposal is in conformity with the noted Official Plan policies.
Supporting complete communities	Policy 4.2.2 g) (market impact study)	Policy 8.1.3(1) c)	Policy 72.1	Complete communities are built by locating daily services and amenities in proximity to where people live and work. The request to include additional uses supports building complete communities by providing greater food and retail choices in an existing plaza and Subject Building, which is also in proximity to residential communities. Therefore, this proposal is in conformity with the noted Official Plan policies.

Given the above planning analysis, the proposal for the additional proposed grocery store/supermarket and department store uses is in conformity with the 1995 Regional Official Plan, in addition to 1997 and 2020 City of Burlington Official Plans.

5.6 Sustainable Building and Development Guidelines (December 2021)

The City's Sustainable Building and Development Guidelines aim to improve the environmental performance of new developments in the City of Burlington by promoting sustainable design practices in *Planning Act* applications. It covers a number of areas of development such as site design, building materials, and water, and notes required as well as voluntary guidelines for implementation.

While these Guidelines speak to new development, the review of the Guidelines have been included as they relate to adding permitted uses within an existing commercial plaza as well as Subject Building. Table 4 outlines the required and some voluntary Guidelines that apply to the proposed development and request for the additional permitted uses. The request for grocery store/supermarket and department store uses supports the City's goal to implement sustainable design practices by promoting adaptive re-use, intensifying an existing retail plaza with additional permitted uses, locating food amenities close to communities, and capitalizing on existing water, wastewater, and transportation infrastructure within the site and surrounding area.

Table 5 – Assessing Additional Permitted Uses Against the City of Burlington Sustainable Building and Development Guidelines (2021)

Item	Required or Voluntary	Guidelines	Implementation
Section 1 – Site Design			
1.7	Voluntary	Adaptive Reuse: Development includes adaptive reuse or rehabilitation of any non-designated heritage buildings with cultural heritage value or potential	This OPA/ZBA application does not include any new development or buildings. The requested additional permitted uses will be within the Subject Site and Subject Unit. Therefore, re-using and adapting the existing building stock and materials on the site. This also ensures existing infrastructure connections which have already received City investment and services, will be used.
Section 2 – Transportation			
2.1	Required	Site Connections: Provide pedestrian and	This OPA/ZBA application does not include any new development or buildings. It will adaptively reuse the existing Subject Unit and Subject

Item	Required or Voluntary	Guidelines	Implementation
		cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies.	Site. In reviewing the existing Subject Site, it is noted that it is well connected to existing and planned road, pedestrian, active transportation, and multi-use connections within the surrounding retail and residential areas. This assists with reducing automobile dependence on households when carrying out daily activities and errands.
2.3	Required	Bicycle Storage: Provide bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies.	In accordance with the Zoning By-law, the Subject Site includes a total of 22 existing bicycle spaces. There are 4 double-sided stalls near the Subject Building's entrance,4 double-sided stalls near the entrance of Building A, and 3 double-sided stalls south of Building C.
2.4	Voluntary	Transportation Demand Management: Provision and implementation of a Transportation Demand Management Plan. Required for parking reductions and required in Primary, Secondary and Employment Growth areas as per Official Plan policy.	The Subject Site and Unit are within an existing transportation network and front onto Dundas Street, which is designated a Higher Order Transit Corridor in the 1995 Regional Official Plan, and has the existing Sutton-Alton (#11) and Upper Middle (#12) Burlington Transit routes. Bus stops at the southwest corner of the Subject Site at Dundas Street and Appleby Line, as well as northwest corner at Harrison Court and Appleby Line, support these routes and will help promote sustainable

Item	Required or Voluntary	Guidelines	Implementation
			transportation travel to and from the Subject Site and Unit.
Section 3 – Natural Environment			
3.8	Voluntary	Enhanced Tree Preservation: Maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH.	This OPA/ZBA application does not include any new development or buildings. It will adaptively reuse the existing Subject Unit and therefore the existing trees in the Subject Site will remain and continue to be maintained. This will ensure continued tree and vegetative enhancements within the Subject Site.
Section 4 – Water Conservation and Quality			
4.1	Required	Stormwater Quality: Achievement of a level one/enhanced stormwater treatment for all stormwater runoff	The Report prepared by Odan Detech identified that the on-site storm sewer network and wet pond were inspected and confirmed to be in good working condition.
Section 5 – Energy and Emissions			
Section 5.1	Required	Urban Heat Island: Provide vegetated landscape areas in hard surface areas as per the Zoning By-law.	This OPA/ZBA application does not include any new development or buildings. It will adaptively reuse the existing Subject Unit and Site, and therefore existing vegetated landscape areas that currently provide urban heat island mitigation will remain.
Section 6 – Waste and Building Materials			
6.1	Required	Waste Management Plan: Provide and implement a waste management plan in accordance with Regional requirements.	The existing waste management of the Subject Site and Unit will be used to accommodate the additional permitted uses.

5.7 City of Burlington Zoning (2020)

The site is zoned as CR-312 and as such, regulation 1 c) applies:

"1. The uses permitted in the CR zone, unless specifically prohibited below, and the following additional uses are permitted up to a maximum floor area of 15,250m^2
[…]

c) Prohibited Uses: …supermarket/grocery store…department store"

An amendment to the site-specific Zoning By-law is required to remove the prohibited grocery store/supermarket and department store uses, and include both uses as permitted.

The approved Site Plan is not proposed to be modified with this application, rather the requested uses will first be incorporated within the existing buildings once they become vacant. For example, grocery store/supermarket uses will be immediately implemented within the Subject Building while department store uses will be implemented if and when a future opportunity arises on the Subject Site and within the existing buildings.

The site-specific zoning requires all parking areas are provided as surface parking and at the following parking ratio: 4.8 spaces / 100m^2 of gross floor area. In this case for the Subject Site, 674 spaces are required based on a total building gross floor area of 14,039* sq.m *Note, typically 15% of the GFA is netted out to remove floor space devoted to storage, air handling equipment, enclosed hallways, washrooms, as permitted by definition. This value has not calculated the reduction, yet still maintains compliant in parking provided. The existing Site Plan provides 679 spaces. As no new buildings are being proposed as part of this application, the number of required parking space remain, as well as the number of parking spaces already provided on the Subject Site.

The modification to the site-specific zoning to remove the restriction of the grocery store/supermarket and department store uses on the Subject Site and include it as permitted uses is appropriate to broaden the permitted uses on the Subject Site. It will help provide competition to like uses that may result in lower prices of goods for consumers, continue the vibrancy of commercial plazas in a post-pandemic economy when brick and mortar retail has lessened, and provide greater variety of food and retail amenities in proximity to existing neighbourhoods. It will also help provide the Subject Site with flexibility and be market ready as the commercial and retail market changes. This will support the City of Burlington's goal to revisit the bigger box retail formats across the municipality and prepare them for future changing conditions.

6. Conclusion

It is our opinion that the request for additional permitted uses of 'grocery store/supermarket' and 'department store', as well as associated Official Plan and Zoning By-law Amendments, represent good land use planning and should be approved for the following reasons:

a) The addition of 'grocery store/supermarket' and 'department store' uses are consistent with the policies of the Provincial Planning Statement (2024);

b) The additional permitted uses conform to the land use policies of the Region of Halton Official Plan (1995), City of Burlington Official Plan (1997), and City of Burlington Official Plan (2020), once amended;

c) The planned commercial function of the existing site will not only be retained, but also strengthened, by including the additional uses. They will support the City of Burlington by adapting an existing and underutilized retail site as well as the Subject Building to current and future food industry and retail market conditions;

d) The additional permitted uses will allow the adaptive re-use of existing Building B, which addresses the Sustainable Building and Development Guidelines (December 2021) and its promotion of sustainable design within the City of Burlington;

e) The additional permitted uses will provide for a diversity of food and personal service options within an established retail and amenity hub that is also in proximity to residential uses, further supporting building complete communities in this area of Burlington;

f) There is a market opportunity for grocery store/supermarket and department store uses in this area and on this site as demonstrated by the Market Impact Assessment professionally prepared by Tate Research; and,

g) The additional permitted uses supports the City of Burlington's goal to intensify underutilized sites. In this instance, the intensification is adding the additional grocery store/supermarket and department store uses which involves no new buildings or development, and where it is more likely to be used and visited on a daily basis by the community.

Respectfully,

Sarah Knoll, BES, MCIP, RPP
Vice President

Elizabeth Farrugia, MCIP, RPP
Senior Planner

Appendix A – Notice for Virtual Community Meeting

GSP group
PLANNING URBAN DESIGN
LANDSCAPE ARCHITECTURE

VIRTUAL COMMUNITY MEETING



SmartCentres (Calloway REIT (Burlington Appleby) Inc.) is proposing to add additional permitted uses to the plaza located at the northeast corner of **Dundas Street** and **Appleby Line** in the **City of Burlington** (3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line). The proposal does not propose any new buildings.

Official Plan Amendment and Zoning By-law Amendment applications are required to permit the following uses:

- Grocery Store / Supermarket
- Department Store

Please join us at an online community meeting to learn about the proposal.

DATE: Thursday, May 15th, 2025 **TIME:** 6:30pm - 8:00pm

FORMAT: Representatives from SmartCentres and the planning consultant, GSP Group will be in attendance to answer any questions and provide additional information.

REGISTER: Please scan the QR code or copy the address into your web browser and register for the event:
https://us06web.zoom.us/j/82549216360

SCAN ME

FOR MORE INFORMATION, PLEASE CONTACT:

GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton, ON L8P 4A9

Sarah Knoll BES, MCIP, RPP
Vice President, Hamilton
289-778-1430 | sknoll@gspgroup.ca

Appendix B – Draft OPA for the 1997 City of Burlington Official Plan

AMENDMENT NO.XXX TO THE 1997 OFFICIAL PLAN
OF THE CITY OF BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part "B" of this text, constitute Amendment No.XXX to the 1997 Official Plan of the City of Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT
2. SITE AND LOCATION
3. BASIS FOR THE AMENDMENT

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None proposed.

Text Change:

The text of the 1997 Official Plan of the City of Burlington, as amended, is hereby amended as follows:

By amending the following site-specific policy i) in Part III, Land Use Policies – Urban Planning Area, Section 4.3 Regional Commercial Designation, subsection 4.3.2 Policies and site-specific policy for the north-east quadrant of Dundas Street & Appleby Line:

i) Notwithstanding the policies of Part III, Subsection 4.3.2 a), on the lands designated "Regional Commercial" in the north-east quadrant of Dundas Street and Appleby Line, the following policies *shall* apply:

   i. *land uses sensitive* to noise, vibration, dust, odours, or other effects caused by transportation or *industrial* facilities, such as residential and certain institutional uses as outlined in Part II, Subsection 4.3 d), are not permitted;

   ii. subject to the above, uses permitted in the Mixed Use Corridor-Employment designation *shall* also be permitted.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the “Interpretation” policies of Part VI, Implementation, Section 3.0, Interpretation, of the 1997 Official Plan of the City of Burlington.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Part VI, of the 1997 Official Plan of the City of Burlington.

Appendix C – Draft OPA for the 2020 City of Burlington Official Plan

AMENDMENT NO.XXX TO THE 2020 OFFICIAL PLAN
OF THE CITY OF BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part "B" of this text, constitute Amendment No.XXX to the 2020 Official Plan of the City of Burlington Planning Area, as amended.

PART A – PREAMBLE

4. PURPOSE OF THE AMENDMENT
5. SITE AND LOCATION
6. BASIS FOR THE AMENDMENT

PART B – THE AMENDMENT

4. DETAILS OF THE AMENDMENT

Map Change: None proposed.

Text Change:

The text of the 2020 Official Plan of the City of Burlington, as amended, is hereby amended as follows:

By amending the following site-specific policy a) in Chapter 8, Land Use – Urban Area, Section 8.1.3(3) Mixed Use Commercial Centre Designation, subsection 8.1.3(3.3) and site-specific policy 8.1.3(3.3) a) 3011 Appleby Line:

a) 3011 Appleby Line: Notwithstanding the uses permitted under Subsection 8.1.3(3.2) b) of this Plan, on the lands designated "Mixed Use Commercial Centre" in the north-east quadrant of Dundas Street and Appleby Line, and identified as 3011 Appleby Line, the following policies *shall* apply:
    i. *sensitive land uses shall* not be permitted;
    ii. subject to the above, uses permitted in the Urban Corridor-Employment Lands designation *shall* also be permitted.

5. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the “Interpretation” policies of Chapter 12, Implementation and Interpretation, Section 12.2 Interpretation of the 2020 Official Plan of the City of Burlington.

6. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Chapter 12, Implementation and Interpretation, Section 12.1 Implementation of the 2020 Official Plan of the City of Burlington.

Appendix D – Draft ZBA for Zoning By-law 2020

BY-LAW NUMBER 2020.XXX SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

A By-law to amend By-law 2020, as amended; 3011, 3019, 3023, 3027, 3035, 3047, 3051 Appleby Line
File No.: XXXXXXXX

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, Exception 312 is amended as follows:
   a) Delete the following uses within Section 1 (b) Prohibited Uses:
      supermarket/grocery store
      department store"

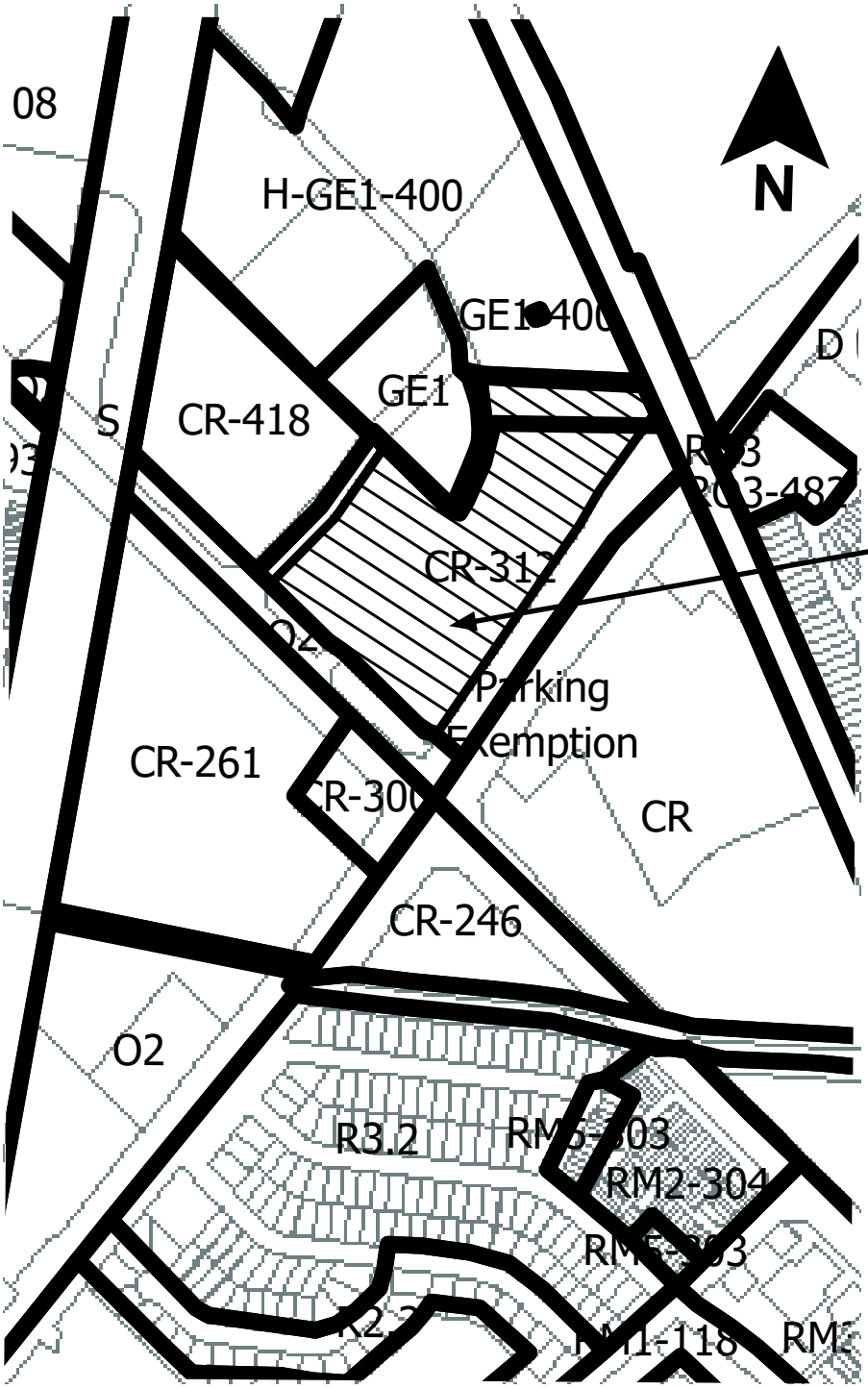
   b) Add the following uses within Section 1 (a) Additional permitted Uses:
      supermarket/grocery store
      department store"

2. When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.
3. If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of …… 2025.

MAYOR CITY CLERK

SCHEDULE A



AREA ' A'

CR-312 Zone to include grocery store/supermarket and department store as permitted uses

SCHEDULE 'A' TO BY-LAW 2020.XXX AMENDING MAP NO.30, BY-LAW 2020 AS AMENDED.
PASSED THE ____DAY OF _____, 2025

MAYOR

CITY CLERK