CITY OF Burlington

APPLICATION FOR
AN OFFICIAL PLAN AMENDMENT and/or ZONING BY-LAW AMENDMENT
under Subsection 22(1) and/or 34 of the Planning Act
(A PRIVATELY INITIATED APPLICATION)

NOTE TO APPLICANTS:

This application form is to be used to request amendments to the land use designations (City Official Plan and/or zoning) for a specific property. It is also to be used for any proposal to amend existing approved Official Plan policy. In this form, the term "subject land" means the land that is the subject of the proposed amendment.

N.B. If this application is being made concurrently with a Draft Plan of Subdivision or Condominium, PLEASE ALSO COMPLETE AND SUBMIT THE SUBDIVISION/ CONDOMINIUM APPLICATION FORM which can be obtained from the City of Burlington.

SUBMISSION OF THE APPLICATION:

The Applicant must consult with City and Regional Planning staff at a Preconsultation Meeting prior to submitting an application for Official Plan Amendment or Zoning By-law Amendment.

If no Preconsultation Meeting has occurred, please contact the Community Planning Department at (905) 335-7642 to set up a formal Preconsultation meeting before completing this application form.

COMPLETENESS OF THE APPLICATION:

If the prescribed information and fee outlined in the Preconsultation Form and meeting notes are not provided, the City will return the application or refuse to further consider the application until the prescribed information and the fee are provided.

All applicable questions on this application form should be answered or identified as Not Applicable with an explanation as to why. In the absence of the required information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result the proposal may be denied.

CITY OF Burlington

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

Office Use Only	
Date Received	File No(s)

Application For:

x	*City Official Plan*
x	*Zoning By-law*

1.0 APPLICANT INFORMATION

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

NAME	***ADDRESS***	***PHONE/FAX***
*Registered Owner(s)** 335 Plains Holdings Inc. and 355 Plains Holdings Inc. "(Coletara Development)" c/o: Paul Kemper	966 Pantera Drive, Suite 22 Mississauga, ON L4W 2S1	*Bus.* 905-624-4100 ext. 4108 *Fax* *E-Mail/www:* pkemper@coletara.com *Home*
Applicant(s) Coletara Development c/o: Micheal Krasic (PC)	966 Pantera Drive, Suite 22 Mississauga, ON L4W 2S1	*Bus.* 905-624-4100 ext. 4114 *Fax* *E-Mail/www:* mkrasic@coletara.com *Home*
Agent (eg. Planning Consultant) MHBC Planning c/o: Dana Anderson	442 Brant St, Burlington, ON L7R 2G4	*Bus.* 905-639-8686 *Fax* *E-Mail/www:* danderson@mhbcplan.com *Home*
Solicitor WeirFoulds LLP c/o: Denise Baker	1525 Cornwall Rd #10, Oakville, ON L6J 0B2	*Bus.* 905-829-8600 *Fax* *E-Mail/www:* dbaker@weirfoulds.com
Other (Specify)		*Bus.* *Fax* *E-Mail/www:*

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

2.0 LOCATION OF PROPERTY

Municipal Address		
1010 Downsview Drive & 355 Plains Road East		
Lot(s)/Block(s)	*Concession*	*Registered Plan No.*
SEE ATTACHED LEGAL DESCRIPTION		
Reference Plan No.	*Part(s)*	*Parcel No.*
Assessment Roll #:		
Lot A: 240201011714900 Lot B: 240201011710800		

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

Frontage	*Depth*	*Area*
Lot A 96.6 m, Lot B 68.8 m	Lot A 102.3 m, Lot B 102.3 m	Lot A 7,294.74 m², Lot B 7500.47m²

3.0 EXISTING AND PREVIOUS USES OF THE SUBJECT LANDS

3.1 What is the existing use of the subject lands? Two commercial strip plazas with restaurants, office, retail, and recreational uses

3.2 What is the length of time the existing uses of the subject land have continued? 1987

3.3 What were the previous uses of the subject land, if known? N/A

3.4 List any existing Buildings or Structures on the Property

Buildings or Structures	**Yard Setbacks**				***No. of Storeys***	***Building Height***	****Ground Floor Area***
	Front	***Rear***	***Side***	***Side***			
Lot A 1010 Downsview Drive Commercial Strip	24.66 m	15.13 m	17.52 m	12.87 m	1	5 meters	1975.82 sq.m
Lot B 355 Plains Rd E Commercial Strip	21.13 m	7.04 m	7.06 m	14.72 m	1	5 meters	1452.18 sq.m

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

YES _____ NO x

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

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

4.1 *What is the Proposed use of the Subject Lands?* Lot A proposes the development of an 8-storey mixed-use building with townhouse units along the rear for a total of 197 units. Lot B proposes the development of a 9- and 11-storey mixed-use building with townhouse blocks along the rear for a total of 387 units. Combined, the buildings provide 628.6 sq.m. of commercial/retail area on the ground floor.

4.2 *List any Proposed Buildings and Structures*

Buildings or Structures	**Yard Setbacks**				***No. of Storeys***	***Building Height***	****Ground Floor Area***
	Front	***Rear***	***Side East***	***Side West***			
Lot A Apartment Building	3.0 m	36.0 m	3.0 m	7.8 m	8	25.6 m	2,877.7 m²
Lot A Townhouse	87.0 m	6.0 m	3.0 m	3.0 m	3	12.2 m	N/A
Lot B Apartment Building	3.0 m	36.0 m	3.9 m	3.1 m	9 & 11	28.7m & 34.8 m	4,882.6 m²
Lot B Townhouse	87.0 m	6.0 m	3.0 m	3.0 m	3	12.2 m	N/A

4.3 Indicate Land Uses on Abutting Properties

North Single detached dwellings

South Commercial businesses and two 6-storey apartment building

East Religious facility, residential and low-rise commercial beyond

West 3 storey townhouses and a recreational space

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

YES _____ *NO* x

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

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

*YES*_____ *NO*__x__

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

_____

_____

_____

5. *TYPE OF PROPOSED AMENDMENT*

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

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

a) *Describe the purpose of the proposed amendment*

To facilitate the intensification of the Subject Lands with a mixed-use developement.

b) *Identify the policy to be changed, replaced or deleted*

Amendment to height and Floor Space Index policies are required.

c) *What is the current official plan land use designation on the subject land?*

Mixed-Use Corridor General

d) *What land uses are permitted by the current official plan designation on the subject land?*

Retail, service commercial, personal service uses, financial institutions and services, office

high density residential and townhouses, day cares, recreation facilities

e) *What land uses would be permitted by the proposed official plan amendment on the subject land?*

No change to the current permitted uses is proposed.

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

a) *What is the current official plan designation of the subject land?*

b) *What land uses are permitted by the current designation on the subject land?*

c) *What is the proposed designation on the subject land?*

d) *What land uses will be permitted by the proposed designation on the subject land?*

5.3 Justification

Provide justification for this application to amend the Official Plan and/or Zoning By-law. (Attach a separate report if necessary). *Attach the text of any requested Official Plan amendment and the amended Official Plan schedule as required.*
In the case of an Official Plan Amendment, the applicant is required to provide complete planning evidence outlining the justification for the amendment. This should address, but not be limited to, why the proposed change is desirable and how it relates to the overall goals and objectives of the Burlington Official Plan, Region of Halton Official Plan, Comprehensive Provincial Policy Statement and any applicable Provincial Plans. Further studies may be required by the applicant depending on the nature of the application.

A Planning Justification Report has been provided with the submission of this application.

6.0 ZONING DESIGNATION

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

6.1 What is the existing Zoning designation on the subject lands? MXG (Mixed-Use Corridor - General)

6.2 What is the proposed Zoning designation on the subject lands? MXG-Site Specific

6.3 What land uses will be permitted in the proposed designation? Retail, restaurant, recreation facility, apartment dwelling,stacked townhouses, back-to-back townhouse and townhouses, night club, retirement home, office.

6.4 What is the reason for the proposed rezoning? To facilitate an appropriate intensification of the Subject Lands with a mixed-use residential apartment building and townhouses.

6.5 What is the minimum and maximum density requirement in the existing zoning?

Minimum density in a residential building is 30 unit/ha. Max Floor Area per retail or service commercial use 1800m2.

6.6 What is the minimum and maximum height requirement in the existing zoning?

2 storey minimum; 6 storey maximum

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

N/A

6.8 Include with your application a concept plan showing, in metric units:

a) The boundaries and dimensions of the subject land;

b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;

c) The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of creeks, wetlands, wooded areas, wells and septic tanks) that are located on the subject land or on land that is adjacent to it, and in the applicant's opinion may affect the application;

d) The current uses of land that is adjacent to the subject land;

e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way; and

f) The location of any easements affecting the subject land.

7.0 STATUS OF OTHER PLANNING APPLICATIONS

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

a) that is the subject land? YES_____ NO___X____

b) that is within 120 metres of the subject land? YES__X___ NO_____

c) If YES to a) or b), list below or attach on a separate page:

The type of application(s) and the file number(s) 284-292 Plains Road East, Official Plan and Zoning By-law Amendment, OPA: 505-07/21 & ZBA: 520-08/21.

The legal description of the land that is the subject of the application(s) Part of Lot 4, Broken Front Concession, Register Plan No. 873

The purpose of the application(s) and the effect of the application(s) on the proposed official plan amendment,
Application is for a 6-storey building with 117 units.

The status of the application(s) In Review

7.2 Has the subject land ever been the subject of a Minister's Zoning Order? If so, please note the Ontario Regulation number of that order: _____

8.0 REGIONAL OFFICIAL PLAN

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

Urban Area

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

The proposed development conforms with the Regional Official Plan as it aligns with the policies related to Intensification Areas.

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

9.0 PROVINCIAL PLANS AND POLICIES

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

Greenbelt Plan _____ *Niagara Escarpment Plan* _____

Growth Plan for the Greater Golden Horseshoe X *Parkway Belt West Plan* _____

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

The Growth Plan focuses on ensuring that growth and development is directed to appropriate areas with an emphasis on development in areas well-served by transit and existing and planned infrastructure. The proposed development is located adjacent to the Aldershot GO Station MTSA and is situated along a transit corridor. As such, the proposed amendments conform with the applicable policies of the Growth Plan.

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

The proposed development conforms to the PPS by allowing for development, at an appropriate density, in an area served by existing infrastructure and that supports the goals of the PPS.

10.0 SERVICING

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

10.2 Indicate the proposed servicing type for the subject land.

a. Water Supply

☒ *Piped Water* ☐ *Private Well* ☐ *Other, Specify* _____

b. Sewage Disposal

☒ *Sanitary Sewer* ☐ *Septic Tank* ☐ *Other, Specify* _____

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

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

10.3 Road Access and/or Frontage

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

Municipal Road

Name of Road Downsview Drive & Plains Road East

10.4 Storm Drainage

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

Sewers

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

YES _X_ NO _____

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

YES _X_ NO _____

CITY OF BURLINGTON

DECLARATION

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

I, Michael Krasic *(name of applicant)* of the City of Mississauga *(name of City, Town, Township, etc.)*

in the Region/County/District of Peel do solemnly declare that all of the

statements contained in the application for Official Plan Amendment and Zoning By-Law Amendment for the

properties known as 1010 Downsview Drive & 355 Plains Road East *(description)*

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

Declared before me at: remotely

City of Hamilton *(municipality)* in the Region/County/District of

Province of Ontario this 26th day of

May, 2022

Sonia Pacheco,
a Commissioner, etc., Province of Ontario, for
Scarfone Hawkins LLP, Barristers and Solicitors.
Expires April 11, 2025.

Commissioner of Oaths

Signature of Applicant

Michael Krasic
Please Print Name of Applicant

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

PLEASE PRINT

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

I, (we) 335 Plains Holdings Inc. & 355 Plains Holdings Inc. c/o Paul Kemper, ***being the*** *(name(s) of owner, individuals or company)*

registered owner(s) of the subject lands, hereby authorize MHBC Planning c/o Dana Anderson *(name of agent)*

to prepare and submit an Official Plan Amendment and/or rezoning (if applicable) for approval.

Signature

27 *Day* May *Month* 2022 *Year*

OWNER'S PERMISSION TO ENTER SITE

I, Paul Kemper *(print owner's name), being the registered property owner of the above noted property, hereby irrevocably authorize and consent to the City of Burlington staff to enter upon the above noted property at any reasonable time for the purpose of evaluating the merits of this application.*

I have the authority to bind the Corporation, if applicable.

Owner's Signature

27 *Day* | May *Month* | 2022 *Year*

COMPLETE APPLICATION REQUIREMENTS

I, Michael Krasic (name of applicant), declare that all of the following information specified has been submitted with this application.

- ☐ Pre-consultation Form completed in conjunction with appropriate Planning staff
- ☐ 8 copies of the completed application form (including 1 with original signatures)
- ☐ All required information/reports and number of copies specified on the Pre-Consultation Form including USB drives containing accessible PDF versions of all information/reports
- ☐ All digital files shall be named using the file naming protocol as specified on the Pre-Consultation Form.

Applicant's Signature

27 Day | May Month | 2022 Year

This information will be used to consult with various interested agencies. Where the scale or nature of the land use changes appear to require a large number of agencies to be consulted, additional copies of the application may be required.

APPLICANT'S CONSENT

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

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

Signature

27 May 2022

Day Month Year

AUTHORIZATION FROM THE OWNER OF THE SUBSURFACE RIGHTS

if different from the Owner above

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

_____ (signature)

_____ (date)

_____ (address)

_____

_____

_____ Telephone Number

_____ Facsimile Number

THIS APPLICATION PACKAGE MUST BE SUBMITTED TO:

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

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

SCARFONE HAWKINS LLP

One James St. S., 14th Flr.
P.O. Box 926, Depot 1
Hamilton, ON L8N 3P9

TEL (905) 523-1333
FAX (905) 523-5878

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Reply to James W. Mahler (P.C.) ext. 240
jmahler@shlaw.ca

PIN REPORT FOR 1010 DOWNSVIEW DRIVE & 355 PLAINS RAOD EAST

1010 DOWNSVIEW DRIVE, BURLINGTON

LEGAL DESCRIPTION: PT PCL A-1 , SEC M179 ; BLK A , PL M179 ; S/T H96864 ; BURLINGTON, Being all of PIN 07113-0063(LT)

REGISTERED OWNER: 335 PLAINS HOLDINGS INC.

REGISTERED AGREEMENTS:

1. 338117 NOTICE OF DEVELOPMENT AGREEMENT WITH THE CORPORATION OF THE TOWN OF BURLINGTON
2. H96864 TRANSFER OF EASEMENT IN FAVOUR OF THE CORPORATION OF THE CITY OF BURLINGTON FOR STORM SEWER, ELECTRICITY AND OTHER PUBLIC UTILITIES
3. H96906 NOTICE OF SUBDIVISION AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON AND THE PUBLIC UTILITIES COMMISSION OF THE CITY OF BURLINGTON
4. H121620 NOTICE OF COMMERCIAL DEVELOPMENT AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON
5. H121621 NOTICE OF SITE PLAN AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON
6. H256013 NOTICE OF SITE PLAN AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON

355 PLAINS ROAD EAST, BURLINGTON

LEGAL DESCRIPTION:

Firstly:

PT PCL A-1 , SEC M179 ; BLK B , PL M179 , EXCEPT PTS 1, 2, 20R3951 ; S/T H96864 BURLINGTON, Being all of PIN 07112-0079(LT)

Secondly:

PT LT 4 , CON 1 EF, PT 1 20R20136; CITY OF BURLINGTON, Being all of PIN 07112-0155(LT)

REGISTERED OWNER: 355 PLAINS HOLDINGS INC.

REGISTERED AGREEMENTS:

PIN 07112-0079(LT)

1. 338117 NOTICE OF DEVELOPMENT AGREEMENT WITH THE CORPORATION OF THE TOWN OF BURLINGTON
2. H96864 TRANSFER OF EASEMENT IN FAVOUR OF THE CORPORATION OF THE CITY OF BURLINGTON FOR STORM SEWER, ELECTRICITY AND OTHER PUBLIC UTILITIES
3. H96906 NOTICE OF SUBDIVISION AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON AND THE PUBLIC UTILITIES COMMISSION OF THE CITY OF BURLINGTON
4. H121620 NOTICE OF COMMERCIAL DEVELOPMENT AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON
5. H121621 NOTICE OF SITE PLAN AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON
6. H256013 NOTICE OF SITE PLAN AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON

PIN 07112-0155(LT)

1. 490303 NOTICE OF COMMERCIAL DEVELOPMENT AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON
2. 490304 NOTICE OF SITE PLAN AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON
3. 628367 NOTICE OF SITE PLAN AGREEMENT WITH THE CORPORATION OF THE CITY OF BURLINGTON