CITY OF Burlington

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

Office Use Only

Date Received	File No(s)

Application For: ☒ *City Official Plan* ☒ *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)** Jeffrey DiBenedetto	21 Harrington Place Ancaster, Ontario L9G 4Z2	*Bus.* 905-512-5700 *Fax* *E-Mail/www:* jdibenedetto@glasrock.com *Home*
Applicant(s) David Vrhovnik c/o Miura Development Group	931 Southcote Road, Ancaster, ON L9G 3L1	*Bus.* 905-638-2590 *Fax* *E-Mail/www:* david@miuragroup.ca *Home*
Agent (eg. Planning Consultant) Gerry Tchisler c/o MHBC	301-12 James Street North Hamilton, Ontario L8R 2J9	*Bus.* 289-700-8827 *Fax* *E-Mail/www:* gtchisler@mhbcplan.com *Home*
Solicitor Richard Wellenreiter c/o Wellenreiter LLP Lawyers	280 Plains Road West Burlington, Ontario L7T 1G4	*Bus.* 905-529-4520 *Fax* *E-Mail/www:* rwellenreiter@wellenreiterllp.ca
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		
84, 92 & 104 Plains Road East and 990 Glenwood Drive		
Lot(s)/Block(s)	*Concession*	*Registered Plan No.*
33-38		725PF
Reference Plan No.	*Part(s)*	*Parcel No.*
Assessment Roll #:		
24-02-010-113- / 06100 / 06200 / 06300 / 06400 -0000		

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

Frontage	*Depth*	*Area*
98.76m	48.71m	4,807.65

3.0 EXISTING AND PREVIOUS USES OF THE SUBJECT LANDS

3.1 What is the existing use of the subject lands? Residential

3.2 What is the length of time the existing uses of the subject land have continued? 80+ years

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***			
84 Plains Road	12.8	23.4	6.2	3.3	2	7.4m	141.6
104 Plains Road	12.8	5.0	8.1	11.5	1.5	6.2m	108
990 Glenwood Drive	7.8	14.8	2.2	2.3	2	6.4m	154

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? Residential

4.2 List any Proposed Buildings and Structures

Buildings or Structures	Yard Setbacks				*No. of Storeys*	*Building Height*	**Ground Floor Area*
	Front	*Rear*	*Side*	*Side*			
Midrise Mixed Use	1.7	23.0	2.2	1.7	11	39.4	2132

4.3 Indicate Land Uses on Abutting Properties

North Retail Plaza and 2-storey Hotel

South Low-rise Residential

East Low-rise Residential

West Low-rise Residential

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.

N/A

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.

N/A

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*

For these properties, change the use from Residential - Medium Density to Mixed Use Corridor - General

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

Policy 5.3.2a)ii), d)i), d)ii), and s)) of the Official Plan

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

Residential - Medium Density

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

Residential - Medium Density

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

Mixed-use building consisting of residential and at-grade commercial uses, with a maximum floor area ration of 5.0:1 and a maximimum building height of 11 storeys

5.2 [X] *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?*

Residential - Medium Density

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

Residential - Medium Density

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

Mixed Use Corridor - General

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

Mixed-use building containing commercial and residential uses at-grade, and residential uses in the above-ground levels.

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.

Please see the Planning Justification Report by MHBC dated May 2025.

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?* RM1-346 & MXG-498

6.2 *What is the proposed Zoning designation on the subject lands?* MXG-XXX

6.3 *What land uses will be permitted in the proposed designation?* Mixed Use General

6.4 *What is the reason for the proposed rezoning?* To allow for ground floor commercial and residential and residential above grade

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

RM1-346 does not define a density MXG-498 allowed for 49 units

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

RM1 allows 2 1/2 stories - RM1-346 does not define a height MXG-498 allows 7 storeys

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.*

Please see the Planning Justification Report by MHBC dated May 2025.

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 X *NO*_____

*b) that is within 120 metres of the subject land? YES*_____ *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) MXG-498 Zoning Exception

The legal description of the land that is the subject of the application(s)

92 Plains Road East

The purpose of the application(s) and the effect of the application(s) on the proposed official plan amendment,

Previous application for only 92 Plains Road East. The new OPA/ZBA would replace this zoning exception

The status of the application(s) Adopted by the City of Burlington

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: N/A

8.0 REGIONAL OFFICIAL PLAN

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

Urban Area - Build Boundary - Aldershot GO Major Transit Station Area

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

Please see the Planning Justification Report by MHBC dated May 2025.

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_____ 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)

Please see the Planning Justification Report by MHBC dated May 2025.

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)

Please see the Planning Justification Report by MHBC dated May 2025.

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)

Open Municipal roads

Name of Road Plains Road East, Birchwood Avenue, Glenwood Avenue

10.4 Storm Drainage

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

Sewers, ditches and swales

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, David Vrhovnik *(name of applicant)* of the BURLINGTON *(name of City, Town, Township, etc.)*

in the Region/County/District of HALTON *do solemnly declare that all of the statements contained in the application* for 84, 92 & 104 Plains Road East and 990 Glenwood Avenue Offical Plan Amendments and Zoning Bylaw Amendments *(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:

~~Burlington~~ Oakville *in the Region/County/District of* *(municipality)*

Halton *this* ~~16~~ 23rd *day of*

May, *2025*

Signature of Applicant

David Vrhovnik

Please Print Name of Applicant

[illegible] Law Office Professional Corporation
[illegible] Kerr Street, Unit 2
Oakville, Ontario L6K 3B2

Commissioner of Oaths

MARIA BENDERSKAYA LSO # P06103

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) Jeffrey DiBenedetto ***(name(s) of owner, individuals or company)***

being the registered owner(s) of the subject lands, hereby authorize David Vrhovnik c/o Miura Development Group ***(name of agent)***

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

Signature

16 *Day* | May *Month* | 2025 *Year*

OWNER'S PERMISSION TO ENTER SITE

I, Jeffrey DiBenedetto *(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

16 *Day* | May *Month* | 2025 *Year*

COMPLETE APPLICATION REQUIREMENTS

I, David Vrhovnik (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

16 Day | May Month | 2025 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.

David Vrhovnik (*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, David Vrhovnik (*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

16 (Day) May (Month) 2025 (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