MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

October 8, 2025

Melissa Morgan
City of Burlington
426 Brant Street P.O. Box 5013
Burlington, Ontario
L7R 3Z6

RE: Vacant Land Condominium Application
4030 Upper Middle Road, Burlington
Our File: 2049A

On behalf of our client, Walkers Green Residences Ltd., we are pleased to provide this Application for Vacant Land Condominium for the properties municipally addressed as 4030, 4040 and 4060 Upper Middle Road (the "Subject Lands").

BACKGROUND

Subject Lands

The Subject Lands are approximately 3.088 hectares in size with a frontage of approximately 192 metres on Upper Middle Road and 30 metres on Tobyn Drive. The Subject Lands are currently occupied by a 4-storey apartment building which was subject to previous planning approvals. The remainder of the Subject Lands are currently vacant.

Surrounding Land Uses

Directly to the north of the Subject Lands is Upper Middle Road and further north is a townhouse development and a commercial complex.

East of the Subject Lands is a natural heritage corridor associated with the Shoreacres Creek Valley.

South of the Subject Lands is residential development consisting of townhouses, stacked townhouses and the Heritage Place retirement home.

West of the Subject Lands is a commercial development consisting of a Bank of Montreal, Tin Cup Sports Grill, A&W, Rust Bistro Bar and other commercial uses in a commercial complex.

APPLICATION HISTORY

The Subject Lands have been part of long-term master planning exercise that have foregone several applications and reiterations to address changing market needs and an evolving planning landscape over the

past almost 15 years. The Subject Lands have been planned to be developed into 4 development blocks (**Figure 1**) with various applications processed to implement the proposal.

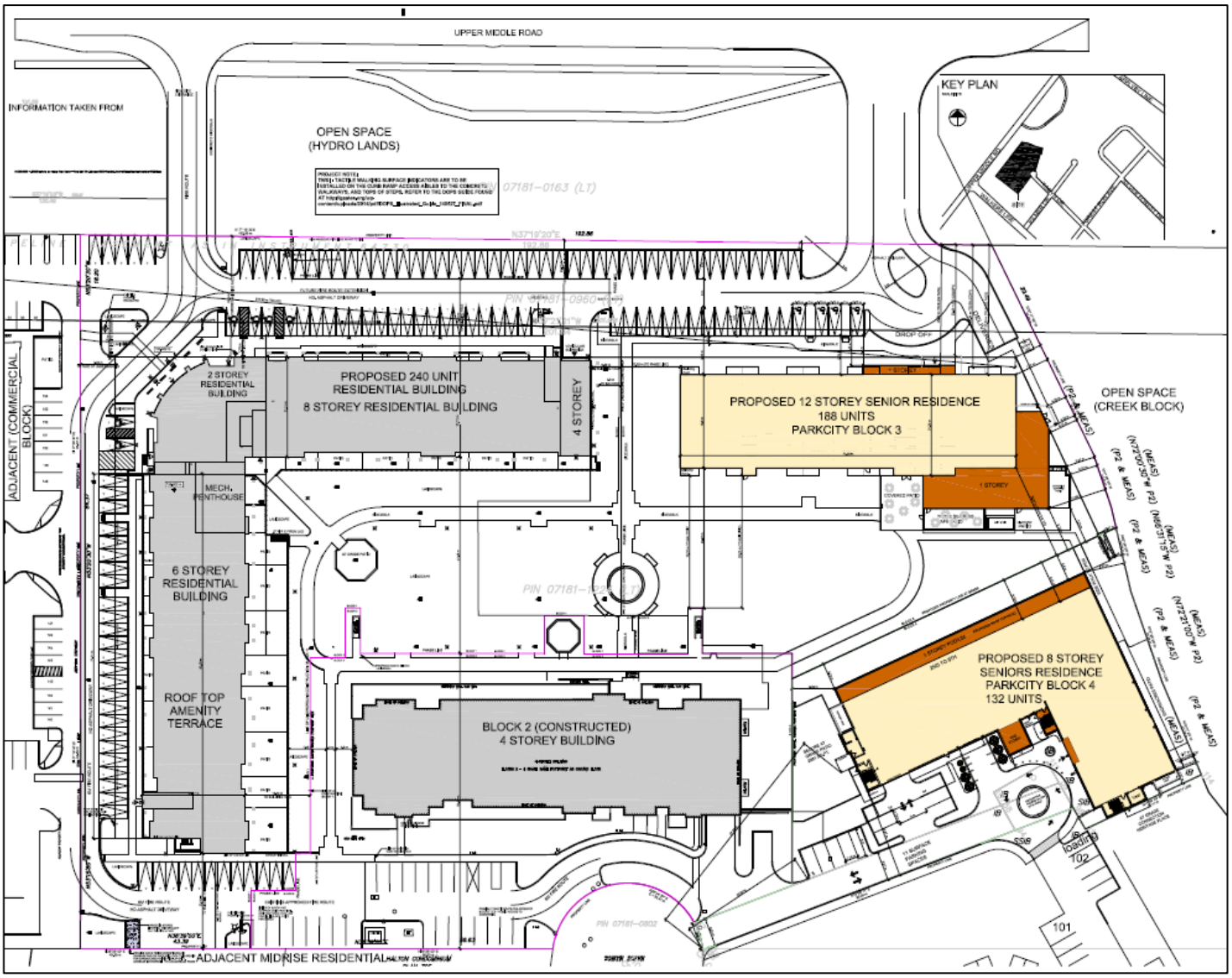


Figure 1: Overall Master Plan

Previous applications for Site Plan Approval (535-9/12) and Minor Variances (530-2-A1/2013 and A223/2002) were approved by the City to facilitate the proposed development of Block 1 and 2, inclusive of one 4 storey apartment building along the western limits of the site (Block 1) and one 4 storey apartment building along the southern limits of the site (Block 2). The 4 storey building along the southern limits of the site received building permits and has since been constructed.

The previous Site Plan Approval allowed for both Block 1 and 2 to be constructed at 4 storeys with 165 and 91 units and 290 and 156 parking spaces respectively.

A previously approved Zoning By-law Amendment (2020.228) created a site-specific exception to the Residential High Density Zone (RH), 378, for the Subject Lands which established setbacks from the exterior lot lines of the Subject Lands for all buildings.

A Standard Condominium (525-11/19) application for Block 2 was also finalized which was registered in September 2022.

A Site Plan Amendment application was also previously submitted (MM-007/18) to permit a 5th storey on Block 1 whereas 4 storeys was the height previously approved. The request for a Standard Condominium opposed to a Phased Condominium triggered the need for a Minor Variance to the standard zone regulations for the Subject Lands as the zoning regulations must be reviewed to the Condominium boundaries rather than the exterior property boundaries resulting in the need for variances to the applicable setback provisions. Additionally, the request for an increased height for Block 1 to permit additional units resulted in the need for variances to allow for reduced parking rates for both Block 1 and 2 which were addressed through Minor Variance applications (Block 1 – Application No. 540-02-A-087/2020 and Block 2 – Application No. 540-02-A-094/2018). The variances for Block 2 were approved by the Committee of Adjustment except for one variance for visitor parking which was addressed by implementing increased visitor parking on site. The variances for Block 1 were partially approved by the Committee of Adjustment, with some variances not approved, and therefore the decision was appealed to the Ontario Land Tribunal (OLT). The OLT issued a notice of decision in June 2022 granting the variances as requested subject to conditions. A resubmission for the active Site Plan Amendment Application (MM-007/18) has been made proposing an increase in height to permit an 8-storey purpose built rental building. The general footprint of the building has remained the same. The Site Plan resubmission was made on September 5, 2024, a second submission was made on April 22, 2025 and a third submission is currently being coordinated to address additional comments received.

The Vacant Land Condominium application will allow for the future development of the lands in accordance with the planned ownership framework for all 4 blocks, inclusive of the proposed Block 1 Site Plan application (Unit 1) as well as a future development of Blocks 3 (Unit 2) and 4 (Unit 3) via a Zoning By-law Amendment application which is currently being coordinated.

THE PROPOSAL

The application proposes a condominium including 3 vacant land units and common elements to facilitate the future master plan for the site including the current active site plan application for Block 2 and pending Zoning By-law Amendment Application for Blocks 3 and 4. The proposed units do not contain buildings connected to other units and are not located above one another. A summary of the proposed vacant land units and their intended uses is provided below in Table 1.

Table 1: Vacant Land Units and Proposed Uses

Vacant Land Unit	Proposed Uses
Unit 1	Residential: 8 storey rental apartment building 21, 397 sq. m. of GFA 240 units (124 1-bedroom and 116 2-bedroom) 8,906 sq. m. of Amenity Space 320 parking spaces (70 at-grade. 250 below-grade) 10 accessible parking spaces
Unit 2	Residential: Subject to a pending Zoning By-law Amendment application for a future seniors residence
Unit 3	Residential: Subject to a pending Zoning By-law Amendment application for a future seniors residence

Access to the site will continue to be provided from Upper Middle Road currently facilitated through two access easements under Instrument No. HR973836. The eastern access has been built and serves as access to the existing sales center. The western access is currently gravel and will act as the construction access for the development of Block 1.

Servicing for the site is currently provided as follows in accordance with the Functional Servicing Report prepared by ACIII Group Inc. dated July 15, 2024 submitted with the Site Plan Application (File No. MM-007/18):

1. The existing Halton Region 375mm diameter sanitary sewer available in Walkers Line can be utilized to service the proposed site (Block 1), accepting a calculated design flow of approximately **7.54 L/sec**.
2. The existing Halton Region 200mm diameter watermain within the site will be utilized to service the proposed development (Bock 1).
3. The existing 825mm diameter storm sewer in Tobyn Drive will be utilized to service the site including Blocks 1 and 2 and the commercial development to the west of Block 1, accepting a flow in accordance with an AC value of 3.09.
4. The site can be graded and constructed to match into existing elevations around the limit of the development with use of swales and sloping as required, eliminating runoff to adjacent properties.
5. No stormwater storage is required at this time as the proposed **AC value of 3.09** is less than the **Target AC value of 3.48** provided by the City of Burlington.

APPLICABLE PLANNING AND REGULATORY FRAMEWORK

Burlington Official Plan

The Subject Lands are designated "Residential Areas" in Schedule A – Settlement Pattern and "Residential – High Density" in Schedule B – Comprehensive Land Use Plan – Urban Planning Area the City of Burlington Official Plan (2019 Office Consolidation). The "Residential – High Density" designation permits a wide variety of uses including, street townhouses, stacked townhouses, back to back townhouses, attached housing and apartments (Policy 2.2.2.g.iii). Within Residential Areas, assisted and special needs housing such as retirement homes and long-term care facilities shall be permitted as well (Policy 2.2.2.a).

Policy 2.2.2.e of the Official Plan states that in Residential-High Density areas, either ground or non-ground-oriented housing units with a density ranging between 51 and 185 units per net hectare shall be permitted. A Site-Specific Policy applies to the Subject Lands, Policy 2.2.3.j, which states:

> *"Notwithstanding the density provisions of this Plan, within the "Residential-High Density" designation located at 1800 Tobyn Drive, apartment buildings and at least one retirement home with a combined floor area ratio of 2.2:1 may be permitted. In addition, the two buildings adjacent to the western property line are permitted to have a limited range of ground floor retail, service commercial and office uses provided these uses are complementary to the seniors' residential complex."*

On November 30th, 2020 Halton Region issued a Notice of Decision for the City's Grow Bold Official Plan (the "new Official Plan") with modifications which remains under appeal. On January 4, 2023, the OLT formally confirmed which parts of the new Official Plan came into effect and which parts did not. The policies effecting the Subject Lands are in full force and effect. In the new Official Plan, the Subject Lands maintain the same designation and site-specific policy for the Subject Lands. The Subject Lands are designated as "Established Neighbourhood Area" in Schedule B-1 Growth Framework and "Residential – High Density" in Schedule C – Land Use – Urban Area. The Site-Specific Policy remains the same in the new Official Plan, Policy 8.3.5(2)c).

The proposed Vacant Land Condominium will allow for the implementation of the proposed residential uses on the Subject Lands through the active development applications in conformity with the policies of both the current and new Official Plans.

Burlington Zoning By-Law

The Subject Lands are zoned as Residential High Density (RH4-378) in Zoning By-law 2020. Apartment buildings, stacked townhouses, retirement homes and back to back townhouses are permitted. The site-specific regulations in exception 378 limit the floor area ratio to 2.2:1 and maximum heights of 7 storeys within 60 m of the southerly property boundary and 8 storeys abutting the easterly property boundary and Upper Middle Road. Site-specific regulations for setbacks and landscaping also apply.

The proposed Vacant Land Condominium will allow for the implementation of the proposed residential uses on the Subject Lands through the active development applications in accordance with the Zoning By-law. An application for a Zoning By-law Amendment for Blocks 3 and 4 is currently being facilitated to allow for the redevelopment of the eastern portion of the Subject Lands.

SUBMISSION MATERIALS

In support of this Vacant Land Condominium Application, the following have been provided:

Drawings:	**Doc #:**	**Rev # & Date:**		**Consultant:**
Draft Condominium Plan	-----	---	2025-07-15	J.D. Barnes Limited
Documents:				
Application Form	-----	---	2025-08-20	----------
Vacant Land Condominium Description Letter	-----	---	2025-07-15	J.D. Barnes Limited
Vacant Land Condominium Description	-----	---	2025-08-20	Gowling WLG

If you require further information, please do not hesitate to contact us.

Yours truly,
MHBC

Melinda MacRory, M.Pl., MCIP, RPP
Partner

Jillian Sparrow
Intermediate Planner

Cc: Walkers Green Residences Ltd. c/o Dr. Robert Kosnik
Valery Group c/o Ted Valeri