Planning Justification Report

1200 KING ROAD

City of Burlington

January 26, 2014

Prepared for
PENTA PROPERTIES INC.
Burlington, Ontario

Metropolitan Consulting Inc.

Project File P10003

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1.0 BACKGROUND

1.1 THE SITE

The site is an irregular parcel of 49.17 ha (121.55 ac) in the City of Burlington, bordered by Highway 403 and a hydro utility corridor to the north, by King Road to the east, Canadian National Railway lands to the south, and the Aldershot GO Station on the west. (Attachment A)

The property is described as Part of Lots 3, 4,5 and 6, Concession 1, Part 1 RP 20R - 11103, and Part 1 RP 20R-15410, formerly of the Township of East Flamborough, now in the City of Burlington, Regional Municipality of Halton. A small parcel has been transferred to a public authority adjacent the GO station and the current ownership is reflected on the Plan in Attachment A.

The site is undeveloped, contains no buildings or structures and contains woodlands and a pond on the western portion of the property. The east portion of the site was previously utilized for agricultural purposes.

1.2 SETTLEMENT AGREEMENTS

Paletta International Corporation had appealed OPA 3, OPA 55, OPA 59, OPA 73 and other OPA and zoning matters, and further, has reached an agreement (Minutes of Settlement (MOS)) with the City of Burlington and the Regional Municipality of Halton.

1.2.1 Paletta/City of Burlington/P&L Livestock Limited - MOS Dated June 2, 2009

Among the matters settled was an agreement on the nature of the development and the processes to be engaged for the development of 1200 King Road. (Figure 1 - Figure 3 MOS)

Key features of the agreement as they affect this development include the following:

1. All facilities and roads and crossings are subject to verification and revision following a thorough environmental and natural heritage and watershed/creek assessment of the lands.

2. Certain road standards, including ROW width, bike lanes, lighting and hydro services are established.

3. The land uses east of the central ‘Greenlands’ area (Falcon Creek) shall be as follows:

    - Area east Falcon Creek to King Road shall be designated Employment Lands on Schedule A, Settlement Pattern of the City’s Official Plan with additional policies as may be required to permit all land uses contemplated by the MOS.

- The area north of the service road from Falcon Creek to King Road will be designated 'Business Corridor' on Schedule B, Comprehensive Land Use Plan of the City's Official Plan.

- The lands on the north side of the service road from Falcon Creek to King Road shall be zoned H-BC1 except for any lands that are identified for environmental/heritage purposes that will be zoned H-O2 Open Space. The Holding provisions will be removed upon the verification of the boundaries of the O2 lands

- The lands south of the service road from Falcon Creek to King Road shall be designated 'General Employment' on Schedule B, Comprehensive Land Use Plan of the City's Official Plan, however lands on the south side (no greater than 75m in depth) shall be designated 'Mixed Use Corridor- Employment with certain additional policies including;

    1. No maximum floor area per Retail Use

    2. The holding zone may be removed following the development of a plan of subdivision for the employment area located to the south of the service road.

    3. The Official Plan will provide that if a Recreation Facility is developed, then the band zoned MXE may be used for MXC purposes to accommodate a mix of retail and service commercial uses related to the recreational/entertainment facility. – The by-law would exclude residential uses, supermarket and large building supply store and not subject to the 2-storey minimum height requirement.

- The south side of the service road (maximum 75m depth) would be zoned H-MXE/MXC pursuant to the above-noted Official Plan policy.

- The south side of the service road will also provide for a Recreational Facility including a sports arena/or stadium with seating for up to 9000 and will be zoned H-GE1.

- The lands south of the service road from Indian Creek to King Road will be designated Employment Commercial and zoned H-CE Employment Commercial.

- The attached conceptual plan (Figure 1) illustrates the agreed-upon development concept.

- Although land uses have not been totally settled for the portion west of Falcon Creek – the agreement included a provision for further study and for the lands to be used as a 'mobility hub'. See Attachment B for a description of a Mobility Hub.

- The lands identified as a Mobility Hub will be examined to determine the extent of existing natural heritage and other environmental features to determine the extent of the developable area.

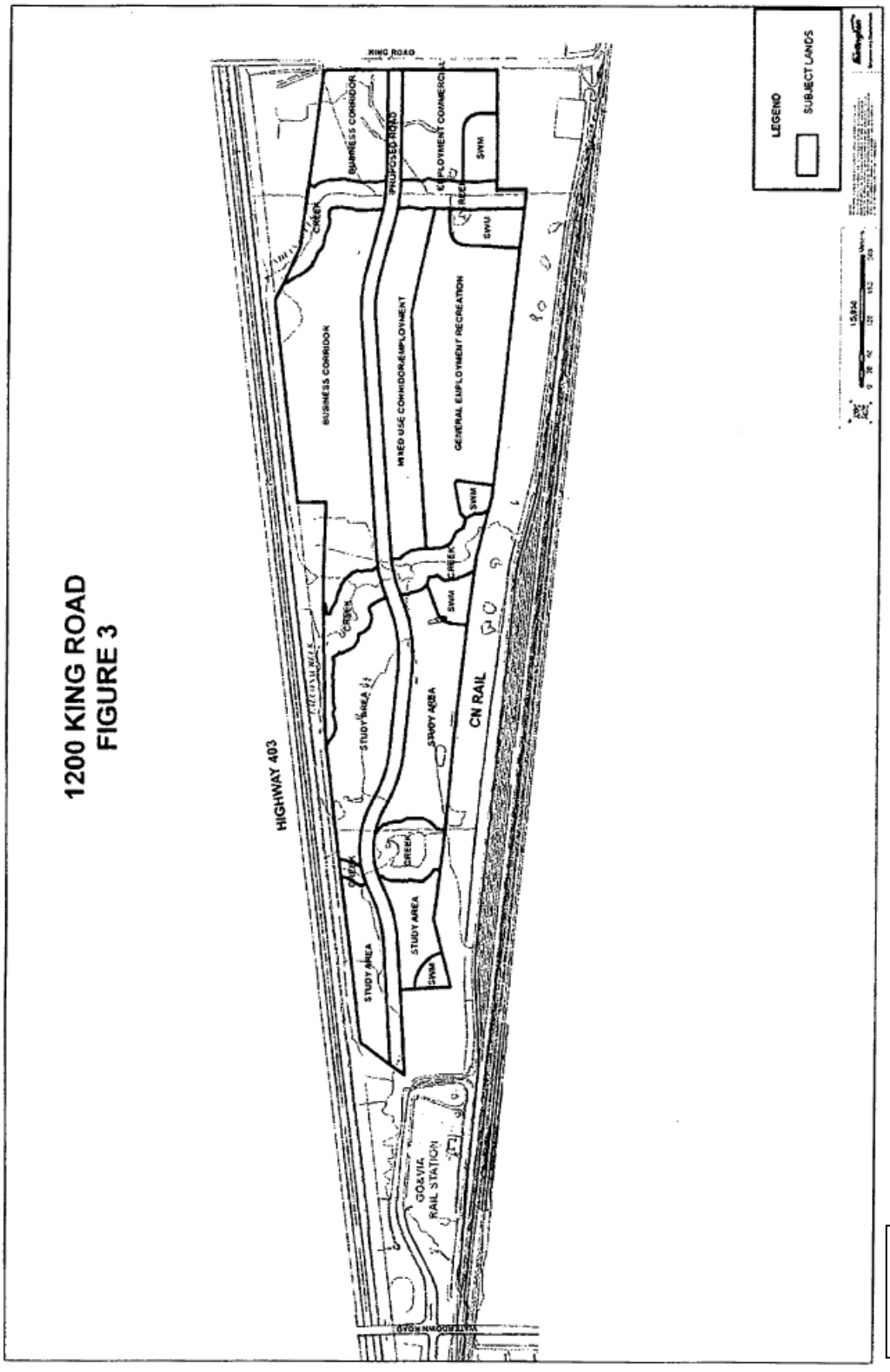


Figure 1

2.0 PLANNING REGIME

2.1 PROVINCIAL POLICY STATEMENT

The lands are currently within an Urban Boundary and designated for employment uses. To the immediate west, the City of Burlington has proposed a Mobility Hub centred on the existing Aldershot GO Station. The PPS provides that "*Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities"*. (PPS Part IV, par.4). The subject lands will be developed with employment uses west of Falcon Creek as contemplated by current Regional and Burlington Official Plan Policies.

The lands west of Falcon Creek are subject to further study and would be developed in accordance with subsequent environmental studies and a major Mobility Hub study which may contemplate greater intensification including commercial and residential around the GO Station.

The subdivision plan provides for a mixture of lot sizes to accommodate a range of employment and business uses and implements policies contained in Part V 1.3. (p.8).

The valley of Falcon Creek and the area to the west are undeveloped and may have been farmed many years ago but now contain regeneration growth. As part of the Mobility Hub studies which are contemplated for this area, a greater analysis of natural and environmental systems will be undertaken. This proposal thus recognizes that natural features and areas "shall be protected for the long term" as noted in the PPS (Part V 2.1).

A review of PPS policies leads us to conclude that the proposal conforms to the PPS including the preservation of significant watersheds and trees (1 butternut).

2.2 PLACES TO GROW – GROWTH PLAN

The guiding principles of the Growth Plan include;

- Build compact, vibrant and complete communities.
- Plan and manage growth to support a strong and competitive economy.
- Protect conserve and wisely use the valuable natural resources of the land, air and water for current and future generations.
- Optimize the use of existing and new infrastructure to support growth in compact and efficient form.
- Provide for different approaches to managing growth that recognizes the diversity of communities in the GGH.
- Promotes collaboration among all sectors- government, private and non-profit and residents to achieve this vision.

The subject lands are subject to a MOS with the City of Burlington regarding the development of these lands and subsequently approved Official Plan and zoning by-law amendments.

The lands are within an Urban Growth Centre and where the Growth Plan encourages growth and intensification. The site is also adjacent a major transit station which will ultimately function as a 'mobility hub'.

The proposed subdivision is in conformity with the Growth Plan including the guiding principles noted above. The proposal provides a private initiative which will implement the City's development objectives as well as the development direction pursued by the Province.

2.3 PARKWAY BELT WEST PLAN (PBWP)

The subject lands are not located within the Parkway Belt West Plan (Figure 2) however adjacent lands are subject to the Plan. The PBWP general strategy is further reflected in the Regional and Burlington Official Plan. No amendment to this plan would be required.

The lands adjacent the northern boundary of the site and running along Highway 403 are designated Inter-Urban Transit and are within the Parkway Belt West Plan. In addition, the lands to the south and adjacent the CNR line is also designated Inter-Urban Transit within the Parkway Belt West Plan.

The lands adjacent the site within the Parkway Belt West Plan at the north-east corner are designated Electric Power Facility and include the transmission corridor.

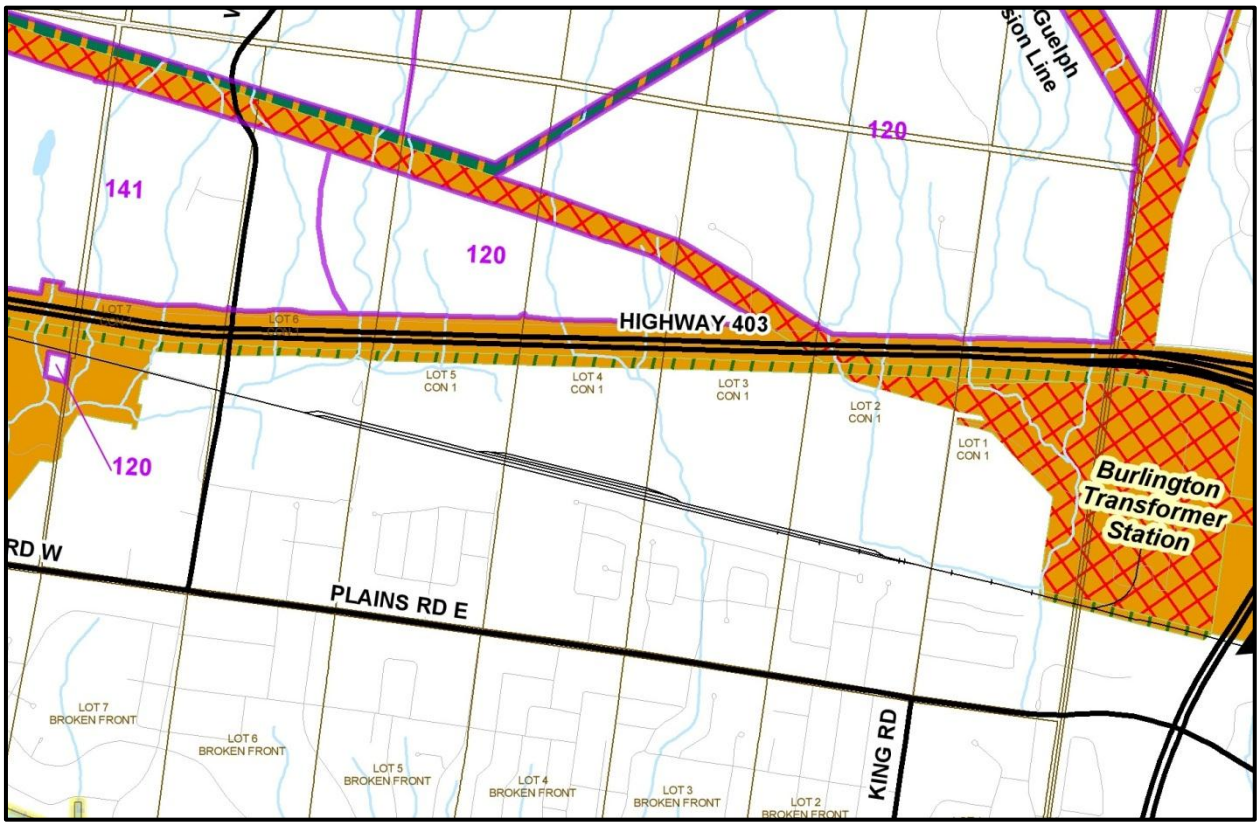


Figure 2

2.4 REGION OF HALTON OFFICIAL PLAN

The Official Plan (Map 1 Regional Structure) identifies this area as an Urban Area and also indicates a portion of the Indian Creek valley and flood plain as Greenlands A. (Figure 3)

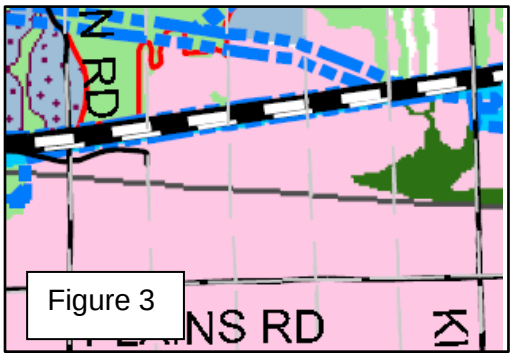


Figure 3

Once details of the Natural Heritage System are established by environmental and stormwater management studies, any required adjustments to the Regional Official Plan may be made.

Map 3 Functional Plan of Major Transportation Facilities illustrates the sites strategic location with a commuter hub at the west end (Aldershot GO station) Highway 403 to the north and the Commuter rail line to the south. (Figure 4)

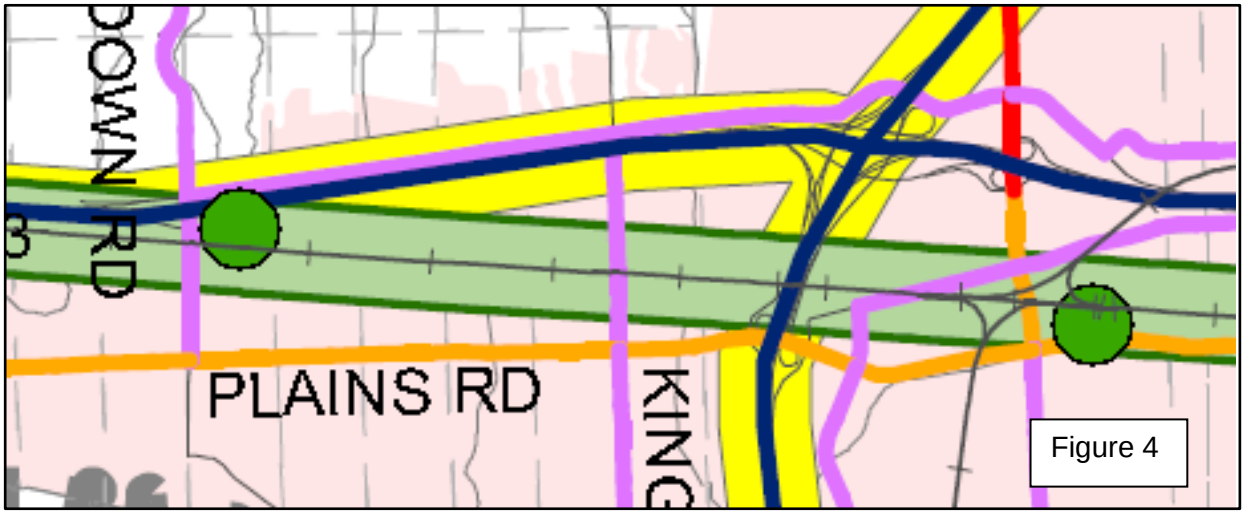


Figure 4

2.5 CITY OF BURLINGTON OFFICIAL PLAN

The Official Plan has been amended to reflect the Minutes of Settlement.

The lands are currently designated '*Employment Lands*' (Schedule A) and are located within the Urban Boundary (Figure 5). It is intended that these areas will be for office and industrial activities. The Official Plan also provides that employment uses which attract large number of employees shall be served by public transit.



Figure 5

Schedule B (Comprehensive Land Use Plan) further refines the 'Employment Lands' to '*Business Corridor*' and '*General Employment*' with a '*Mixed Use Corridor-Employment'* south of the main service road (Figure 6)

A small area adjacent King Road is designated '*Employment Commercial'*



Figure 6

The Official Plan is now consistent with the development concept (Figure 1) of the Minutes of Settlement.

2.6 CITY OF BURLINGTON ZONING BY-LAW

Based upon the MOS, the City has amended the Zoning By-law (Figure 7). Upon settlement of a final alignment of the easy-west service road, the final lotting pattern and the extent of the Open Space areas, the Zoning By-law may require further refinement.

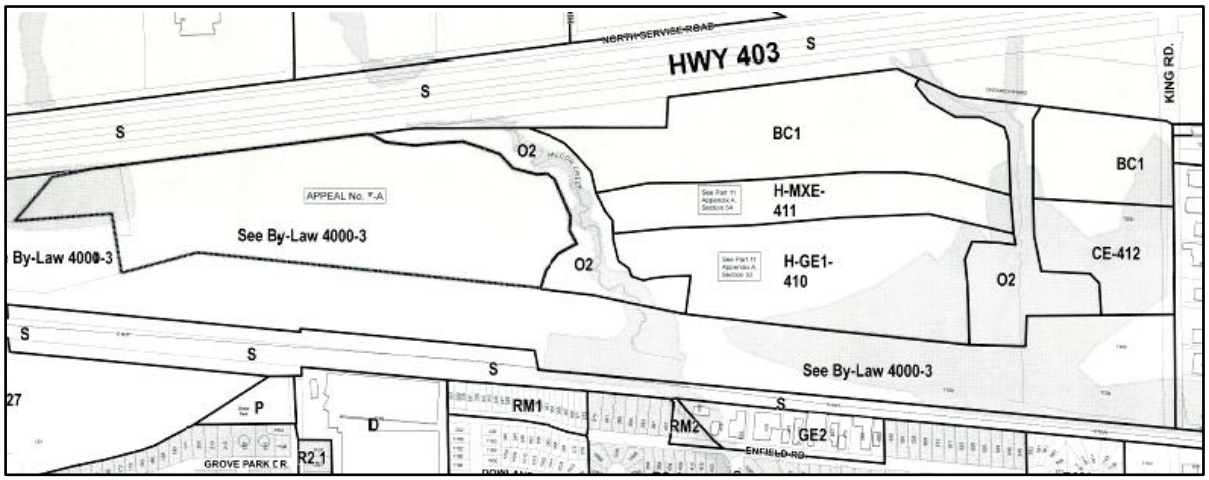


Figure 7

It is noted that the area of Falcon Creek retains its original zoning (pre-Zoning By-law 2020) as a result of an outstanding appeal. Zoning regulations for his area will be updated once the Mobility Hub study is completed and the resultant development strategy determined.

3.0 MOBILITY HUB

The lands west of Falcon Creek are identified in the MOS as a “study Area’ which will consider the possibility of the appropriateness of a ‘mobility hub’ including the range of permitted uses as well as the extent of natural heritage features.

The mobility hub issue is now being addressed as part of the Official Plan review. Currently, four mobility Hubs are contemplated with initial reviews being undertaken with the view to incorporation into the Official Plan. Once general policies are established, it is anticipated that further site–specific studies and plans will be undertaken.

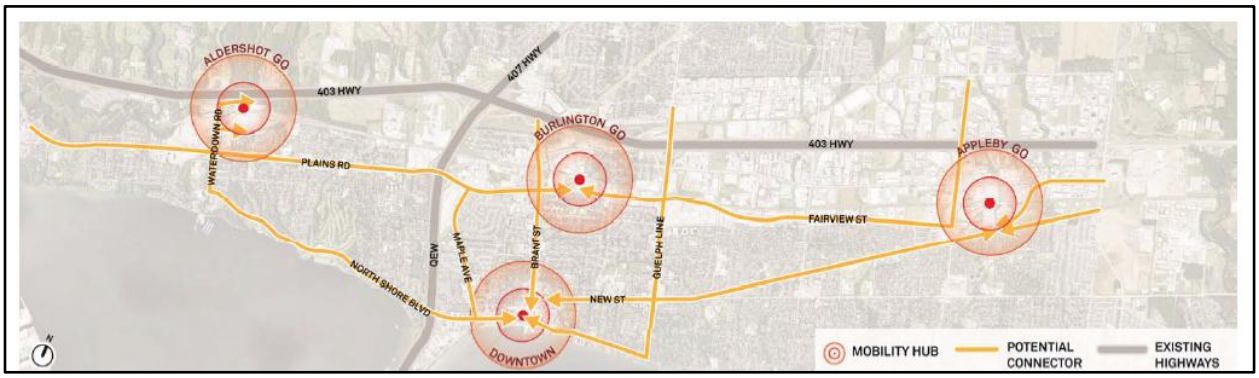


Figure 8

The City’s general description of the Aldershot GO Station identifies this area as one of four Mobility Hubs (Figure 8). It would be a major transit station area containing a mix of land use designations.

The rationale for this identification includes the following:

- Adjacent to Plains Road Mixed-Use Corridor
- Significant vacant land
- Established residential neighbourhood to the south

It is anticipated that once the framework for this mobility hub is established in the Official Plan, more detailed studies will be undertaken and plans will be generated.

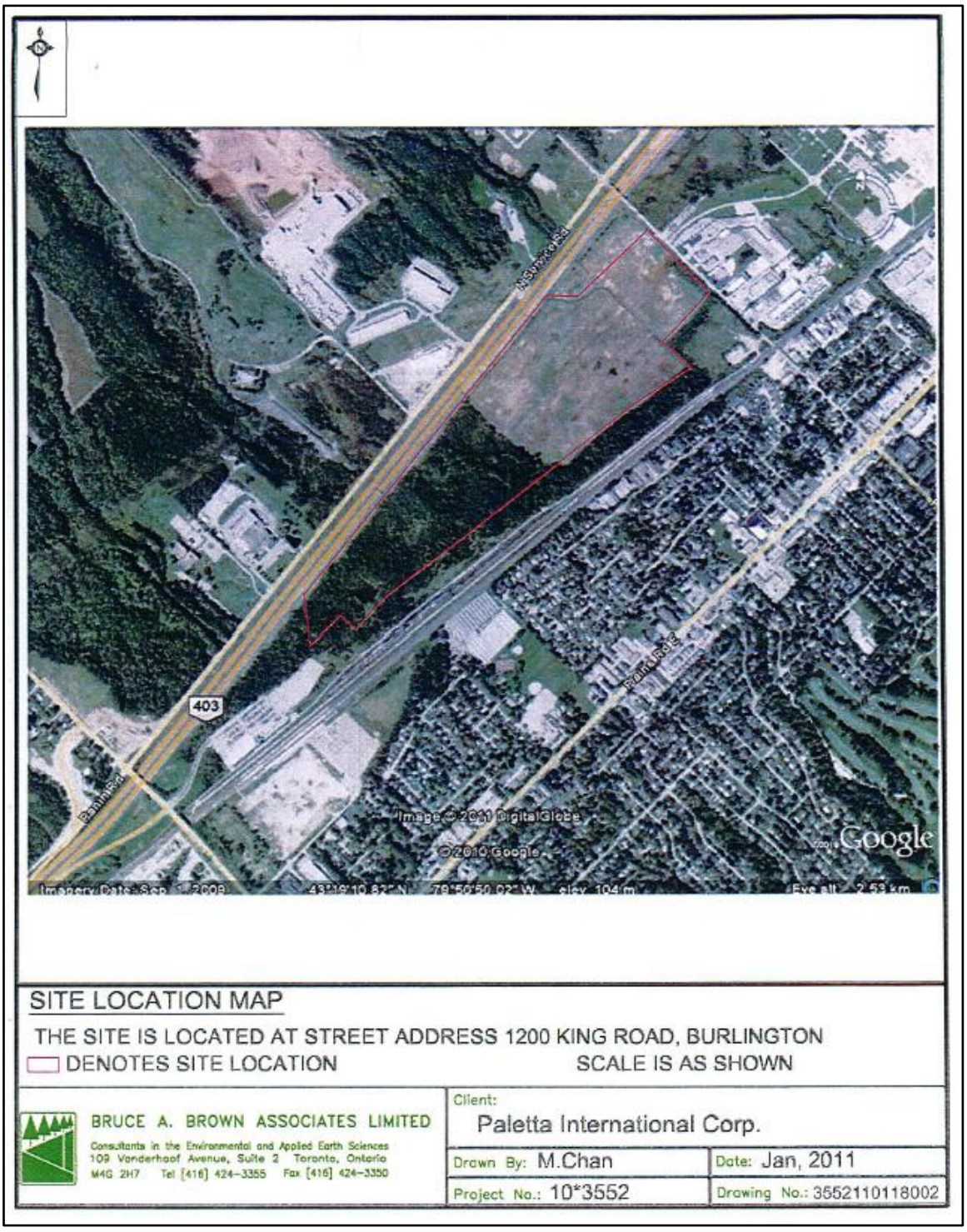
Significant features which have been identified at this stage include the south service road extending through the subject lands linking King Road to the GO station, as well as potential crossings of the rail line east of the GO station.



The review of the details of the extent of the mobility hub on the subject will be studied in concert with City at a further date subsequent to the policies established in the Official Plan as part of the ongoing Official Plan review.

4.0 PHASE 1 – ENVIRONMENTAL SITE EVALUATION

A Phase 1 study was undertaken by Bruce A. Brown Associates Limited dated January 26, 2011.



The purpose of the investigation was to conduct "*a non-intrusive evaluation to determine the presence of any hazardous, regulated or deleterious material or other potentially hazardous conditions*". It was also to document any site condition that could have an influence on the existing and future use of the subject lands.

The Report concluded the following:

> *"Based on the above findings, there is a very low potential for an adverse environmental impact from any source on the subject lands and there is no evidence which suggests that further investigation in the form of intrusive testing with test pits, boreholes or wells is required to further characterize soil or groundwater quality. No environmental condition was found which would require mitigation to meet current standards or which would result in any diminution of real value of the subject lands."*

5.0 ENVIRONMENTAL IMPACT ASSESSMENT

5.1 SAVANTA INC. EIA

An Environmental Impact Assessment (EIA) is being prepared by Savanta Inc.
It is to be used to support the development planning process including servicing regarding the optimal strategy for development. A further EIA will be completed which builds on this report and the details of the development plan.

This study reviews and considers the natural features and ecological functions associated with the Regional Greenland area (Region of Halton Official Plan) in relation to potential development. A key review includes the determination of the Ecological Land Classification. The result of all the analysis provides a basis for the preparation of a 'Constraints' map (Figure 7 – Savanta) found in Attachment B.

Savanta has identified that the subject lands are distinctively divided into an "*eastern open field/agricultural half*" and a "*western treed/shrub thickets half*". It is noted that the open fields are currently partially cultivated and near King Street large areas have had the topsoil removed. The western area has been historically farmed but now consists of regenerating cultural communities of meadows, woodlands and buckthorn-dominated thickets.

A number of areas have been identified as being important in terms of aquatic, vegetation and wildlife, however these sites are predominantly in the western half and no development (except the service road) is planned for this area at this time. A more detailed review will be part of the Mobility Hub study which will assess development potential and environmental/heritage constraints.

High Constraint Areas

There are no identified areas of High Constraint.

Moderate Constraint Areas

These areas are lands where development may be permitted provided that no negative impacts can be demonstrated. Moderate Constraint areas would include;

- Areas of Natural and Scientific Interest;
- Significant Woodlands
- Significant Valley Lands
- Significant Wildlife Habitat; and
- Fish Habitat (i.e. Grindstone, Falcon and Indian Creeks)

These lands are largely located in the western portion of the subject lands. Several smaller areas are located to the east of the Falcon Creek valley, including the area immediately adjacent the Indian Creek tributary.

Low Constraint - Potential Moderate Areas

One area is identified in this category. It is north of the pond adjacent to Hwy 403. This may be an area of potential Significant Wildlife habitat subject to confirmation. It is not affected by the current proposed subdivision plan.

Low Constraint Areas

Low Constraint areas support limited ecological functions and are less sensitive to impact. These include features that can be more readily replicated in other areas of the landscape subject to mitigation. Low constraint areas would include

- Cultural woodlands and thickets
- Minor drainage features and depressions

Low constraint areas are found generally adjacent the Falcon Creek valley. A significant area is located west of the former agricultural open area.

No Constraint Areas

These are areas of existing features and land uses with very few existing natural functions. These would include:

- Active agricultural lands
- Disturbed lands; and
- Existing urban and transportation uses

The majority of the lands east of the Falcon Creek valley beyond the thickets are no constraint areas. In addition, an area north of the GO station parking area does not have any constraints.

5.2 SUMMARY

The proposed subdivision is located primarily east of Falcon Creek. The lands to the west have a more complex natural environment and contain the majority of any features which may constrain development and require mitigation measures. This area will be reviewed in greater detail as part of the Mobility Hub Study. Only the east-west service road will be established in this area as part of this subdivision, and its location has taken into consideration the natural heritage features which have been identified.

6.0 FUNCTIONAL SERVICING REPORT

A Functional Servicing Report was prepared by Metropolitan Consulting Inc. dated December, 2013. The details of the proposed servicing and plans are elaborated in this report. The following summarizes the servicing.

6.1 SANITARY

There is an existing 450mm Ø vitrified clay sanitary sewer on King Road and an existing 450mm Ø concrete sanitary sewer on St Matthews Avenue.

The wastewater flowing to the St. Matthews Avenue sanitary sewer flows by gravity south through the St. Matthews Avenue local main to reach the West Trunk Sewer at Townsend Avenue. The sewage draining to the King Road sanitary sewer flows by gravity south through the King Road local main, east on Plains Road and then drains south via the Francis Road sub trunk sewer which connects to the West Trunk at Cedar Avenue and flows to the Skyway WWTP.

The sanitary sewers on the property east of Falcon Creek are proposed to run along the Proposed South Service Road to the existing sewer on King Road. The sanitary sewers on the property west of Falcon Creek are proposed to drain along the Proposed South Service Road to the existing St. Matthews Ave. sanitary sewer located near the Aldershot Go Station.

6.2 WATER

1200 King Road is in pressure district B1A of the City water distribution system. The area is serviced by the Kingsway Drive Booster Pumping Station which has a firm capacity of 30ML/day.

Storage is provided by the Waterdown Road Reservoir. The Waterdown Rd. Reservoir has a capacity of 7.5 ML. The Sustainable Halton Water and Wastewater Master Plan projected future demand to include future development as set out in the Transportation Master Plan and the Burlington Official Plan. These projections extend to 2031 and include the 1200 King Road property.

By 2031 it is expected that 15ML of storage will be required at the Waterdown Rd. Reservoir. A 7.5 ML expansion is planned in the Region Capital Program between 2017 and 2021 to accommodate the projected demand up to the year 2031 (Sustainable Halton Water and Wastewater Master Plan, 2011).

The schedule for upgrades includes anticipated phasing projections for development and as such development can proceed prior to the expansion provided a service permit is issued by the Region of Halton. Based on the Sustainable Halton Water and Wastewater Master Plan there is considered to be sufficient supply capacity for the proposed development.

A 300mm PVC watermain is proposed to run along the proposed south service road from the existing 350mm ductile Iron watermain on King Road. A 300mm watermain will be

extended north from the 300 mm main on Masonry Court under the CNR tracks to meet the proposed 300mm watermain at the south service road providing a fully looped system.

6.3 STORMWATER MANAGEMENT

Two extended detention wet ponds will serve the property east of Falcon Creek. Ponds will be located on both sides of Indian Creek. Stormwater management west of Falcon Creek will be addressed once the 'mobility hub' study has been completed.

The proposed SWM facilities are extended detention wet ponds designed to provide quantity, erosion and quality control to the post-development runoff generated from the development area. Storm sewers will be constructed on all proposed streets to carry the 5 year storm to the sediment forebay of the pond. Major system overland flows will be conveyed via the proposed streets to the main pond.

6.4 SUMMARY

The Report identifies that the proposed development can be serviced.

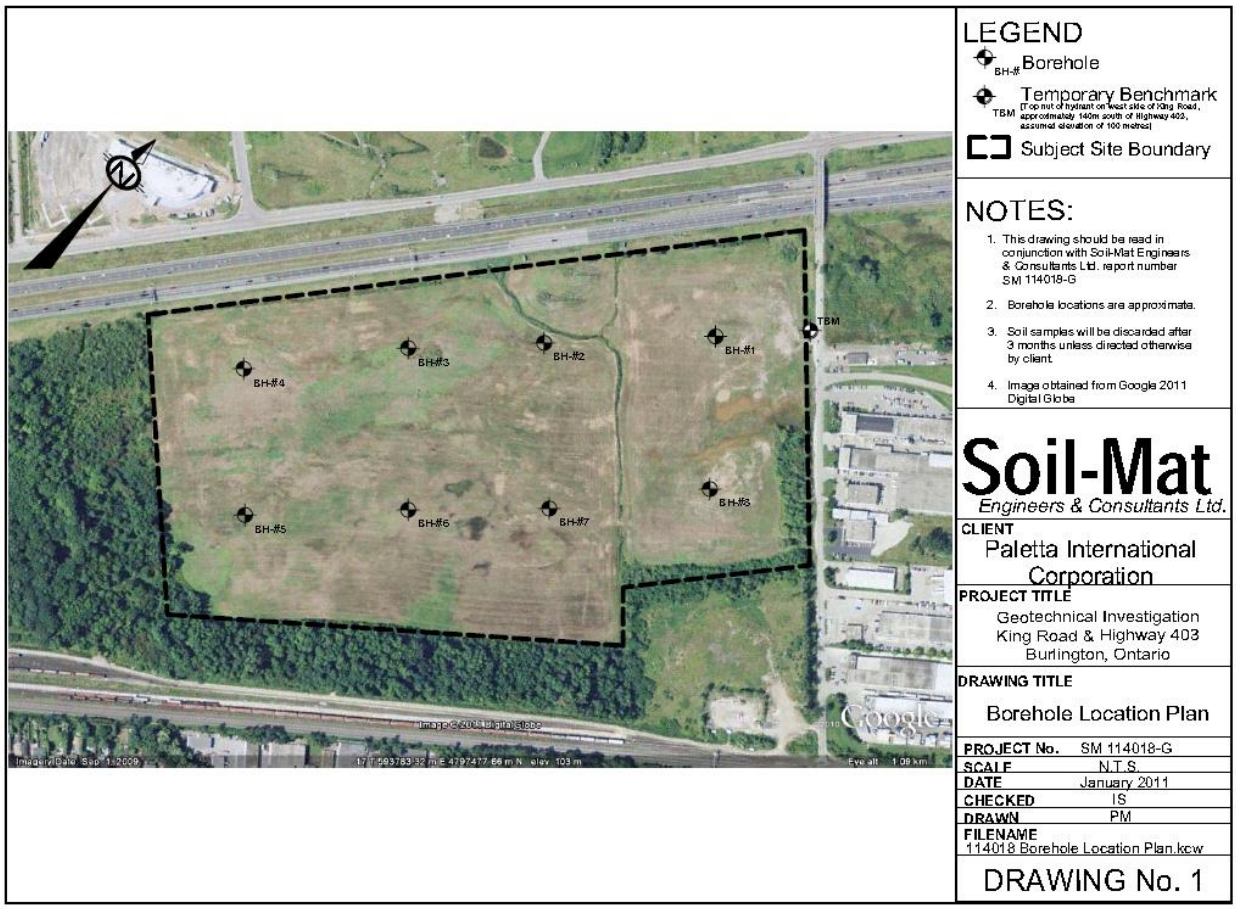
> *This report has demonstrated how the proposed development can be graded, serviced with roads, watermains, sanitary & storm sewers and stormwater management facilities in accordance with the requirements of the City of Burlington, the Region of Halton and other regulatory authorities. (Sec. 10. Par.1)*

7.0 GEOTECHNICAL INVESTIGATION

A Geotechnical investigation was undertaken from 2011 to 2013 and the results of the investigation are outlined in the report by Soil-Mat Engineers & Consultants Ltd. dated November 22, 2013.

This analysis provides that there is not any significant impediment to develop the lands east of Falcon Creek. A number of boreholes were also drilled west of Falcon Creek and their results are also shown. Although the final land uses are not established west of Falcon Creek, the service road will be established as part of this subdivision and its optimum route established. See the full report for an evaluation of all the borehole results.

It is anticipated that further analysis will be undertaken as part of the Mobility Hub study in concert with the evaluation of potential future land uses. A more comprehensive evaluation of environmental constraints for this area is also being undertaken.



8.0 SUBDIVISION DESIGN

The subdivision design reflects the development concept agreed-upon in the Minutes of Settlement. The design however has been refined with the placement of the service road in its optimal location. The zoning has been previously approved and will be adjusted to reflect the more precise lot boundaries and the final location of the service road.

Blocks 1 and 2 are the lands which will be the subject of more detailed studies as part of the Mobility Hub Study. The intensity of development is not known at this time but it would be anticipated that its future development would reflect and support the objectives of the Aldershot Mobility Hub and have regard to any environmental features and constraints.

Blocks 4 and 6 are stormwater blocks with Blocks 7 and 10 providing access by easement for servicing and maintenance. Blocks 5 and 8 provide the blocks for the proposed new channelization of Indian Creek.

Block 6 provides for a site large enough to hold a Recreation Facility (sports arena and/or stadium) with a seating capacity of 9,000 persons.

Roads

As shown in Attachment A, the proposed plan of subdivision includes the construction of an east-west south service road (Road A) across the site connecting King Road to the section of service road constructed by the City as part of the Waterdown Road Hwy 403 improvements. There will be a short cul-de-sac Road B.

The proposed south service road will have a 20m ROW. Road B will have an 18m ROW with a typical cross section as per City standard drawing S-18. As shown on Figures 7-1 & 7-2, the south service road will have a modified cross section to accommodate bike lanes on both sides.

Alternative locations for the crossing at Falcon Creek were considered and reviewed on site with geomorphology and environmental experts. These alternatives were assessed by MCI, Parish and Savanta based on environmental constraints, creek meander configuration, road and crossing configuration, and the topography.

The bridge crossing of Falcon Creek is to be designed and built by the City of Burlington as per the cost sharing agreement.

The south service road will connect to the existing south service road at the Aldershot Go Station/ HWY 403 eastbound on-ramp signalized intersection. The King Road/ south service road intersection will also be signalized.

King Road adjacent to the development has been reconstructed as part of the grade separation. It is proposed to extend the sidewalk on the west side from its present termination to the proposed south service road.

9.0 CONCLUSION

The proposed subdivision reflects an appropriate design consistent with the Minutes of Settlement with the City/Palletta International/P&L Livestock Limited June 2009.

The development of these lands is consistent with the Provincial Policy Statement 2005, the Growth Plan 2006 (Consolidation 2012) and the and the City of Burlington Official Pan. The Regional Official Plan may require adjustment to `the Natural Heritage System.

The zoning by-law may require final adjustments to reflect the more specific and precise location of the east-west road, final lotting pattern and the location of the open space areas.

The lands west of Falcon Creek and the final determination of lots and zoning boundaries will be refined through the planning and evaluation process related to the ‘mobility hub study’.

ATTACHMENT A
Subdivision Plan

ATTACHMENT B
Figure 7 Savanta Inc. – Constraints