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:

[ ] *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)**	2213 North Sheridan Way, Mississauga ON L5K 1A3	*Bus.* 647-271-0787
Astra Capital Properties Inc. c/o Ken Szekely		*Fax*
		E-Mail/www: Ken.Szekely@mburlington.ca
City of Burlington c/o Kristen Ljubicic	426 Brant Street Burlington ON L7R 3Z6	*Home*
Applicant(s)	442 Brant St., Suite 204 Burlington, ON L7R 2G4	*Bus.* 905-639-8686 x 230
MHBC Planning c/o Oz Kemal		*Fax* 905-761-5589
		E-Mail/www: okemal@mhbcplan.com
		Home
Agent (eg. Planning Consultant)	Same as above	*Bus.*
Same as above		*Fax*
		E-Mail/www:
		Home
Solicitor		*Bus.*
		Fax
		E-Mail/www:
Other (Specify)		*Bus.* 905-802-4706
Engineer - Matt Senior, WoodPLC		*Fax*
		E-Mail/www: matt.senior@woodplc.com

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

2.0 LOCATION OF PROPERTY

Municipal Address 1450 King Road, Burlington ON		
Lot(s)/Block(s) Block 2	*Concession*	*Registered Plan No.* Pl 20m745
Reference Plan No. 20r13497	*Part(s)*	*Parcel No.*
Assessment Roll #:		

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

Frontage	*Depth*	*Area*
~72 metres	~171 metres	21,797m2

3.0 EXISTING AND PREVIOUS USES OF THE SUBJECT LANDS

3.1 What is the existing use of the subject lands? Northern portion of the site is currently vacant. South-east corner of the site contains the City-owned storm water management (SWM) pond.

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

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***			
Vacant							

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? _____

Rezoning application to facilitate the land exchange agreement and relocate the stormwater management pond to the northern portion of the Subject Lands.

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***			
SWM Pond	9 m	7.5 m	4.5 m	4.5 m	N/A	N/A	~0.76 ha

4.3 Indicate Land Uses on Abutting Properties

North Manufacturing & Industrial uses & Natural Heritage Features

South Highway 403 & Industrial and Commercial Uses

East Institutional Use & single-detached residential uses

West Manufacturing, retail, and institutional uses

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 ☐ *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*

_____

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

_____

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

_____

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

_____

_____

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

_____

_____

_____

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 Brief 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? BC2 - Business Corridor

6.2 What is the proposed Zoning designation on the subject lands? Northern portion - O2 - Open Space

6.3 What land uses will be permitted in the proposed designation?

The full range of uses permitted in the O2 zone

6.4 What is the reason for the proposed rezoning? Full reasoning provided in Planning Justification Brief.

Facilitate a land exchange agreement between the Owner and the City of Burlington to relocate a stormwater management pond to the northern portion of the Subject Lands.

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

Site coverage - 60% of net lot area

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

Office buildings: two storeys, 10 m, shall not exceed 130 m geodetic datum within southerly 136 m of Area and 134 m geodetic datum for balance of Area; Other buildings: one storey, 10 m, shall not exceed 130 m geodetic datum within southerly 136 m of Area and 134 m geodetic datum for balance of Area.

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 X *NO*_____

*b) that is within 120 metres of the subject land? YES*_____ *NO* X

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) Site Plan Approval - MM-01-22

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

Block 2, Pl 20m745, Burlington. S/t Ease H834026 Over Pt 6, 20r13497. S/t Ease H834027 Over Pts 1 & 14, 20r13497.

The purpose of the application(s) and the effect of the application(s) on the proposed official plan amendment, Facilitate the relocation of a dry pond stormwater management facility - no OPA proposed.

The status of the application(s) Under 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.

No City Official Plan Amendment proposed.

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)

See Planning Justification Brief for full justification.

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)

See Planning Justification Brief for full justification.

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)

Minor Arterial Road

Name of Road King Road

10.4 Storm Drainage

Indicate the proposed Storm Drainage System (eg. sewers, ditches, 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, Oz Kemal *(name of applicant)* of the City of Cambridge *(name of City, Town, Township, etc.)*

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

statements contained in the application to permit the re-location of a storm water management pond

(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:

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

Region of Peel this 4th day of May, 2023

Signature of Applicant

Oz Kemal

Please Print Name of Applicant

Commissioner of Oaths

Doris Ann Ainsworth, a Commissioner, etc., Province of ~~Ontario, for MH~~HBC Planning Limited. Expires August 2, 2025.

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) Astra Capital Properties Inc. c/o Ken Szekely **being the** *(name(s) of owner, individuals or company)*

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

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

Signature

3 Day | 5 Month | 2023 Year

OWNER'S PERMISSION TO ENTER SITE

Astra Capital Properties Inc.

I, c/o Ken Szekely *(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

03 *Day* 05 *Month* 2023 *Year*

COMPLETE APPLICATION REQUIREMENTS

I, MHBC Planning c/o Oz Kemal (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

03 Day 05 Month 2023 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.

Oz Kemal (*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, Oz Kemal (*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

04 Day 05 Month 2023 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