



Planning and Building Department

TO: Community Development Committee

**SUBJECT: Statutory Public Hearing and Recommendation regarding a
Zoning By-law Amendment Application for 2424 Queensway Drive**

Report Number: PB-75-12

File Number(s): 520-14/12

Report Date: September 26, 2012

Ward(s) Affected: 1 2 3 4 5 6 All

Date to Committee: October 22, 2012

Date to Council: November 5, 2012

Recommendation: **APPROVE** the application by MHBC Planning (Dave Aston), 200-540 Bingemans Centre Drive, Kitchener, ON N2B 3X9 to amend the provisions of the CN2-387 zone;

INSTRUCT staff to prepare the by-law to amend Zoning By-law 2020, as amended, rezoning the lands at 2424 Queensway Drive by amending the provisions of the CN2-387 zone to permit a maximum floor area of 1000 m² for a retail use, substantially in accordance with the draft zoning by-law contained in Appendix II of Report PB-58-12, upon completion by the applicant of the following:

1. Payment of variable rezoning fees in accordance with By-law 127-2006, as amended;

DEEM that the amending zoning by-law will conform to the Official Plan for the City of Burlington.

File: 520-14/12

Purpose:

- Address goal or action in strategic plan
 - Establish new or revised policy or service standard
 - Respond to legislation
 - Respond to staff direction
 - Address other area of responsibility
-

**Reference to
Strategic Plan:**

- Vibrant Neighbourhoods
- Prosperity
- Excellence in Government
- N/A

The proposed development provides a safe, accessible commercial destination to meet the needs of pet owners in the community.

REPORT FACT SHEET

RECOMMENDATION:		Approval	Ward No.:	2
Application Details	APPLICANT:	MHBC Planning (Dave Aston)		
	OWNER:	Ren's Pet Depot		
	FILE NUMBERS:	520-14/12		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	PROPOSED USE:	Retail use (Pet supply and product sales)		
Property Details	PROPERTY LOCATION:	West of Queensway Drive, south of the Queen Elizabeth Way and north of Glenwood School Drive		
	MUNICIPAL ADDRESSES:	2424 Queensway Drive		
	PROPERTY AREA:	0.4 hectare		
	EXISTING USE:	Vacant land		
Documents	OFFICIAL PLAN Existing:	Neighbourhood Commercial		
	OFFICIAL PLAN Proposed:	Neighbourhood Commercial		
	ZONING Existing:	CN2-387 (Neighbourhood Commercial)		
	ZONING Proposed:	Exception to CN2-387 zone to permit a floor area of 1000 m ² for a single retail use		
Processing Details	NEIGHBOURHOOD MEETING:	September 17 th , 2012 (Holiday Inn)		
	PUBLIC COMMENTS:	One comment received on a comment form at the neighbourhood meeting.		

Background:

1.1 Site Description

2424 Queensway Drive is a 0.4 hectare vacant site located west of Guelph Line and north of Glenwood School Drive as shown on the attached Zoning Sketch No. 1 and the aerial photo below. The property has approximately 100 m of frontage on Queensway Drive.



1.2 Surrounding Land Uses

The property is surrounded to the north and east by Queensway Drive, to the south by low-density residential development; and to the west by the Best Western Hotel.

1.3 Description of Application

The purpose of the rezoning application is to facilitate the proposed development at 2424 Queensway Drive (shown on Sketch No. 2). The proposed development consists of a 1-storey, 929 m² retail building with 40 parking spaces. Access to the site will be via a driveway off Queensway Drive or via the shared driveway located on the adjacent property at 2412 Queensway Drive.

The rezoning application seeks to amend the CN2-387 zone to permit a retail use having a maximum floor area of 1000 m². If approved, the proposed development will be subject to a future site plan application where further technical and design details such as access will be considered.

2.0 Discussion

2.1 Policy Framework The application is subject to the following policy framework: the Provincial Policy Statement (PPS), the Places to Grow: Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, the City of Burlington Official Plan and Zoning By-law 2020.

Planning staff has reviewed the application in the context of this planning framework. The planning merits of the application within this policy framework below are provided below.

2.2 Provincial Policy Statement The PPS came into effect on March 1, 2005 and provides broad policy direction on matters of provincial interest related to land use and development. All municipal land use planning decisions must be consistent with the PPS. The PPS directions are related to matters of Provincial interest, including applicable sections as follows:

Policy 1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns.

Section 1.1.1 gives direction for creating healthy, liveable and safe communities by:

- Accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open spaces to meet long-term needs (1.1.1 b).

Section 1.3.1 gives direction to promote economic development and competitiveness by:

- Providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs (1.3.1 a).

Planning staff is of the opinion that the proposed rezoning is consistent with the PPS because it provides a commercial use at the periphery of a residential neighbourhood to meet weekly needs.

2.3 Places to Grow Growth Plan The Provincial Growth Plan: Places to Grow came into effect on June 16, 2006 and was prepared under the Places To Grow Act, 2005.

The Growth Plan provides a growth management policy direction for the defined growth plan area. The intent of the Plan is to create complete communities that are well-designed, offer a variety of

transportation choices, accommodate people at all stages of life, and provide a range of housing and employment opportunities.

Planning staff is of the opinion that the development proposal conforms to Places to Grow because it contributes to a complete community by serving weekly needs of the neighbourhood.

2.4 Halton Region Official Plan

The subject lands are designated Urban Area in the Regional Official Plan (ROP). This designation states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the ROP.

The ROP provides policies that support compact, mixed use development in the urban area that makes efficient use of resources and promotes various forms of transportation. Regional staff has advised that the proposed application is consistent with the ROP and they do not object to the Zoning By-law Amendment application.

2.5 City of Burlington Official Plan – Land Use Policies

The subject lands are designated as ‘Neighbourhood Commercial’ on Schedule B, Comprehensive Land Use Plan – Urban Planning Area.

This designation permits a limited range of retail and service commercial uses and community facilities that serve the daily and weekly needs of the immediate neighbourhood. The following general policy regarding the Neighbourhood Commercial designation is relevant to the subject application:

- “Small-scale neighbourhood commercial areas are intended to provide a limited range of retail and service commercial uses and community facilities that serve the daily and weekly needs of the immediate neighbourhood. These shopping areas will have a site area of approximately 1.0 ha and maximum building area of approximately 2,500 sq. m” (Part III, Policy 4.6.2 a) i).

The following site-specific policy is also relevant to the subject application:

- “Notwithstanding the policies of Part III, Subsection 4.6.2 a) and b) of this Plan, the small scale Neighbourhood Commercial shopping area located on the lands on the south side of Queensway Drive, west of Guelph Line and east of Cleto Street shall also permit office, entertainment and hospitality uses such
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as hotels and restaurants” (Part III, Policy 4.6.2 e).

The subject property and the proposed development have less than half of the site area and floor area described in the Official Plan. The proposed retail use for a pet supply and food store will meet the weekly and monthly needs of the surrounding community.

Planning staff is of the opinion that the proposed rezoning to permit one large-scale retail use instead of a typical neighbourhood plaza is in keeping with the intent and purpose of the Official Plan and is compatible with the surrounding land uses.

2.6 City of Burlington Zoning By-law 2020

The subject property is zoned “CN2-387” (Neighbourhood Commercial) in Part 4: Commercial Zones, Section 7 of the Zoning By-law. This zoning designation permits a range of retail, service commercial and office uses. The CN2 zone regulations include a maximum floor area of 300 m² per retail use and 1200 m² for all other uses.

The existing site-specific zoning permits the additional uses of offices, entertainment and hospitality.

The rezoning application seeks to permit a maximum floor area of 1000 m² for one retail use.

Planning staff is of the opinion that the proposed retail use is in keeping with the context of the surrounding neighbourhood.

2.7 Planning Analysis

The proposed rezoning application seeks to rezone the property located at 2424 Queensway Drive to permit one retail use having a maximum floor area of 1000 m² whereas the Zoning By-law limits the maximum floor area of a retail use in a CN2 zone to 300 m².

The Official Plan policies envision small-scale neighbourhood commercial areas having a site area of approximately 1 hectare and a maximum building area of approximately 2,500 m².

The site-specific Official Plan policy permits additional uses on the subject property: office, entertainment and hospitality uses such as hotels and restaurants. The site-specific zoning on the property also permits these additional uses to the CN2 zone.

Planning staff interprets the existing restriction on retail floor area in the CN2 zone as a mechanism to promote small-scale neighbourhood plazas having multiple retail uses that can accommodate the daily and weekly needs of the immediate neighbourhood. Planning staff notes that there is no requirement in

the Zoning By-law for a minimum number of retail uses or units in the CN2 zone, so the site could be developed for a single 300 m² retail use or for a single 1200 m² non-retail use under the current Zoning By-law provisions.

The size, shape and location of the subject property present several challenges to establishing a viable neighbourhood plaza. The site is an irregular-shaped 0.4 hectare property located along a busy arterial road. Planning staff is of the opinion that the site-specific Official Plan policy and zoning on the subject property recognize these challenges and therefore permit additional uses to the CN2 zone.

Small-scale neighbourhood commercial sites are generally pedestrian-accessible plazas with multiple retail uses that support the surrounding neighbourhood. These plazas are typically surrounded by residential development on several sides.

The subject property is unlike typical neighbourhood commercial sites because of its location along a major arterial road, Queensway Drive, south of the Queen Elizabeth Way and close to the busy intersection of Harvester Road and Guelph Line. Queensway Drive contains a variety of hotel and service commercial uses and serves as a transportation corridor for vehicular traffic.

The proposed retail building will be located near a prominent intersection at the periphery of the residential neighbourhood to the south and west. The proposed retail use will accommodate the weekly needs of some residents in the immediate neighbourhood and will also serve the needs of the larger community by providing products for pet owners. The site is easily accessed by the Queen Elizabeth Way and is compatible with the surrounding land uses along Queensway Drive. Staff supports the requested amendment to the CN2-387 zone for the proposed development.

3.0 Financial Matters:

The application was processed under the standard development application fees.

4.0 Environmental Matters:

An environmental site screening checklist was submitted with the application. Regional and municipal staff have advised no further investigation is required.

5.0 Communication Matters:

5.1 Technical Review

The Zoning By-law Amendment application and supporting documents were circulated to internal departments and external agencies for comment.

Bell Canada, Union Gas, CN, Burlington Hydro, the Halton District School Board, the Region of Halton, Burlington Economic Development Corporation and the Ministry of Transportation (MTO) indicated no objections to the application.

The City of Burlington's Transportation Department reviewed a Traffic Study and has indicated no objections to the application.

The City's Landscape Architect has indicated that additional details regarding landscaping and tree protection will be addressed through the Site Plan application.

The City of Burlington's Site Engineering Department has indicated that additional information regarding noise, lighting, and servicing will be required as part of the Site Plan application.

5.2 Public Consultation

The application was subject to the standard requirements to post a notice sign on the property and circulation by the City of a notice letter to property owners within 120 m of the subject lands. A neighbourhood meeting was held on September 17, 2012 and was attended by 5 members of the public.

Staff received 1 comment from the public at the neighbourhood meeting held on September 17, 2012.

The public comment described concerns about 1) noise because the backs of homes being located close to the receiving area; 2) the proposed fencing may not be an adequate safety measure; and 3) taking care with landscaping at the northeast corner of their property because of the beautiful, old maple tree.

Issues of noise, fencing, loading and landscaping will be reviewed at the Site Plan stage to ensure these matters are addressed.

6.0 Conclusion:

Staff has reviewed the rezoning application in accordance with applicable Provincial, Regional and Municipal planning policies. Planning staff is of the opinion that the proposed development is appropriate and represents good planning. Staff recommends that the proposed Zoning By-law Amendment be approved.

Respectfully submitted,

Rosa Bustamante, B.E.S.
 Planner – Development Review
 905-335-7600 Ext. 7811

Reviewed by: Bianca MV Bielski, Manager of Development Services – ext. 7638
 Rosalind Minaji, Coordinator of Development Review – ext. 7812

Appendices:

I. Draft By-law Number 2020.XXX Schedule 'A' and Explanatory Note

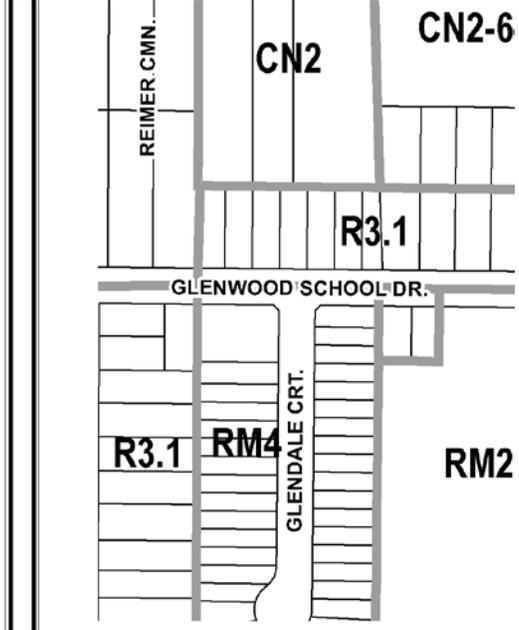
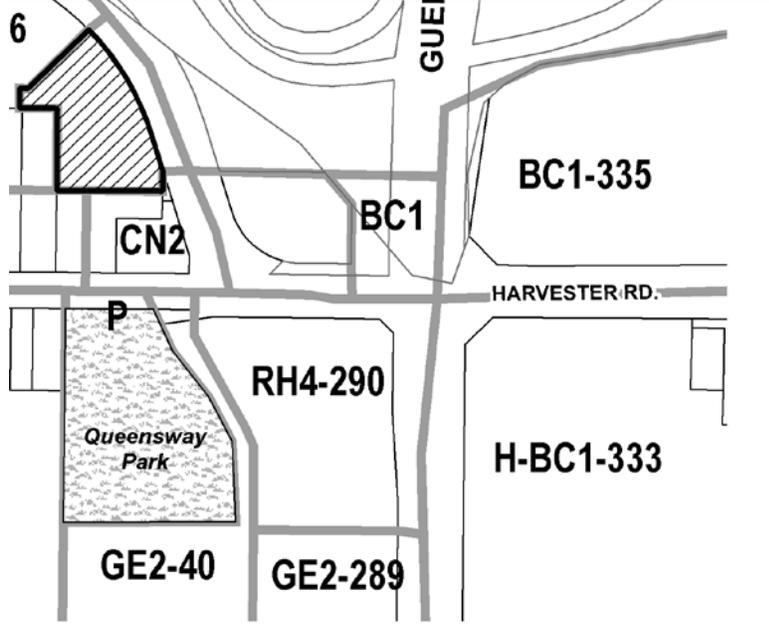
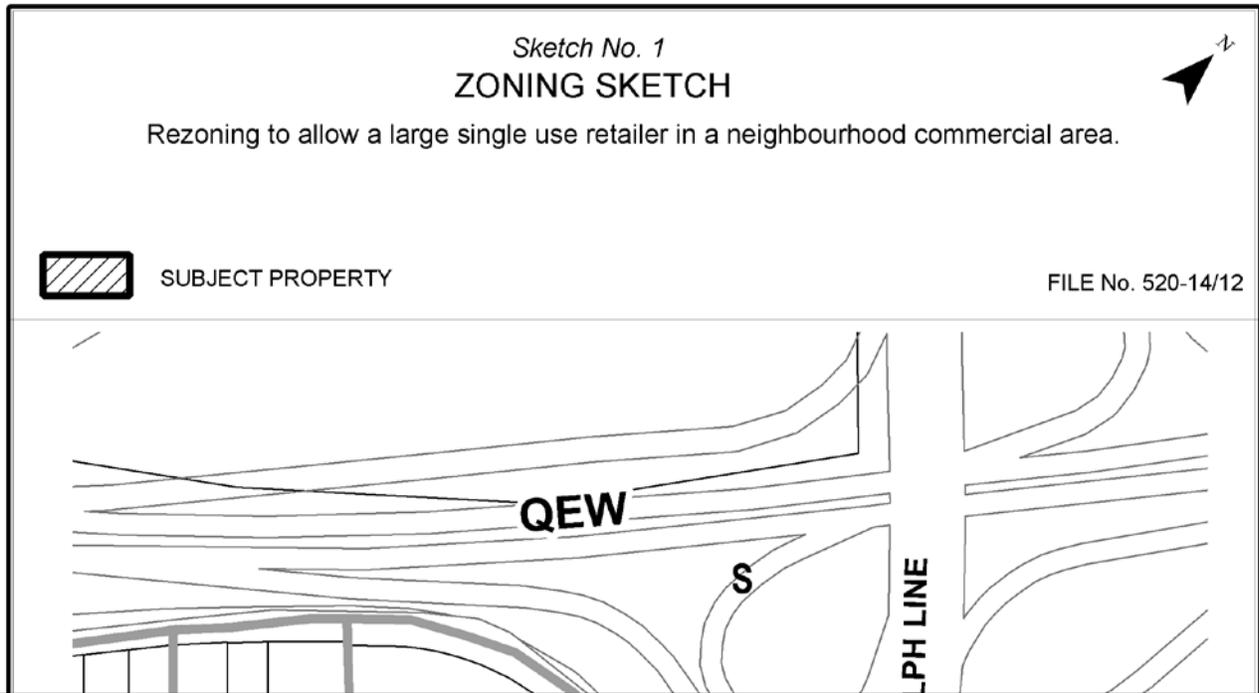
Notifications:
 (after Council decision)

Name	Mailing or E-mail Address

Approvals:

*required _____ _____ _____ _____
 *Department City Treasurer General Manager City Manager

	To be completed by the Clerks Department
Committee Disposition & Comments	
	01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn
Council Disposition & Comments	
	01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn



GENERAL ZONING LEGEND

Category	Mixed Use	Commercial	Employment	Other
Code		CN2	GE2	P

GENERAL ZONING LEGEND

Category	Low Density	Medium Density	High Density
Code	R3.1	RM2	RH4



S			RM4				BC1
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Sketch No. 2
DETAIL SKETCH

Rezoning to allow a large single use retailer in a neighbourhood commercial area.



SUBJECT PROPERTY

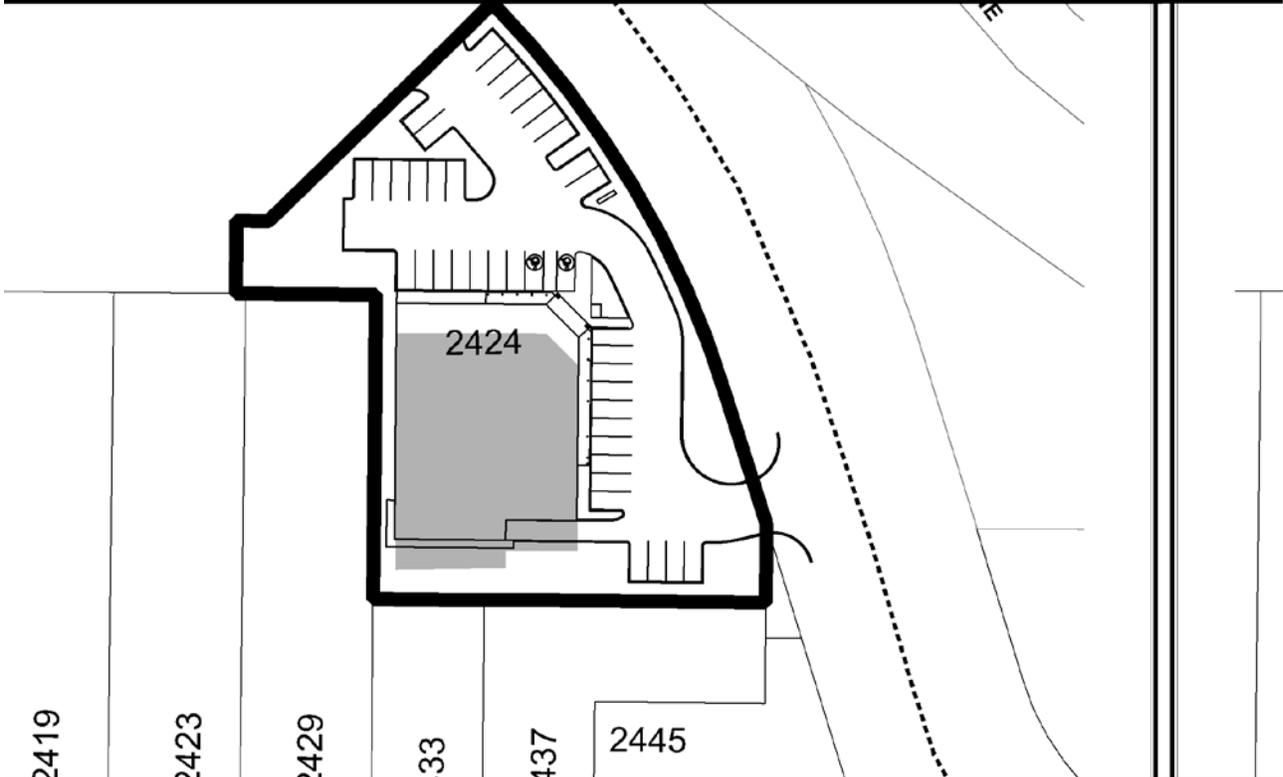


BUS ROUTE

FILE No. 520-14/12

QUEENSWAY DR.

Q.E.W. RAMP TO GUELPH LINE



APPENDIX I

DRAFT BY-LAW NUMBER 2020.325 SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

A By-law to amend Zoning By-law 2020, as amended: to rezone the property located at 2424 Queensway Drive to permit one retail use having a maximum floor area of 1000 m² in the 'CN2-387' (Neighbourhood Commercial) zone
File No.: 520-14/12 (PB-75-12)

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

1. Part 14 of By-law 2020, as amended, Exceptions to Zone Designations, is hereby amended by amending the following regulation to Exception 387:

2. Regulations

Floor Area: 1000 m² maximum/retail use

Except as amended herein, all other provisions of this by-law, as amended, shall apply.

2. a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2012.

_____ MAYOR

_____ CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.325

By-law 2020.325 rezones the property located at 2424 Queensway Drive to permit one retail use with a maximum floor area of 1000 m² in the 'CN2-387' (Neighbourhood Commercial) zone.

For further information regarding By-law 2020.325, please contact Rosa Bustamante of the Burlington Planning & Building Department at (905) 335-7600, extension 7811.