



PENTA
PROPERTIES

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January 26, 2021

Planning Consultation
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, Ontario
M7A 2J3

*** Sent via email to: planningconsultation@ontario.ca ***

Dear Sir / Madame:

Re: Enhanced authority to address matters as part of a Zoning Order (ERO#019-2811)

We are pleased to submit for your review and consideration our comments on the proposed implementation of provisions in the Planning Act that provide the Minister enhanced authority to address certain matters as part of a Zoning Order, in advance of the January 30th submission deadline.

In the municipality of Burlington and Region of Halton where Penta Properties Inc. has significant land holdings, two areas of opportunity where Minister's Zoning Orders would offer great benefit are the Major Transit Station Areas (MTSA) and Provincially Significant Employment Zones (PSEZ).

Over the past decade, possibly longer, Burlington has been working on a Mobility Hub Study that would help guide future development in the areas surrounding the Aldershot GO Station, Burlington GO Station, and Appleby GO Station areas. The term "Mobility Hub" has since been replaced with "MTSA" in order to remain consistent with the Growth Plan. The municipality's thinking was that these should be the prime intensification areas for Burlington where a mix of residential, commercial and employment uses would be situated. The municipality's initial vision provided for complete communities within each of these hubs where people could live, work and play, all within reasonable walking distance to public transit. We fully support that vision, which we believe also fully aligns with the Province's vision. We furthermore have Minutes of Settlement with City of Burlington where they committed to preparing the Mobility Hub Study in 2010 with our direct involvement. Unfortunately they have reneged on that commitment.

In recent years the emphasis for future intensification within these MTSA's has become somewhat clouded. While on one hand the municipality continues to claim that these MTSA's remain the future intensification nodes in Burlington, they also appear to be unwilling to address the fact the majority of land surrounding the Aldershot and Appleby MTSA's is zoned as employment, which the municipality interprets very strictly, tending to effectively equate this zoning designation with an industrial classification. It is important to note that the area surrounding the Burlington GO station (where the municipality is attempting to relocate its

Urban Growth Centre to discourage growth in the downtown core) is already nearly built out, leaving the Aldershot and Appleby GO station areas as the only options for significant development and intensification within the municipality. In spite of this situation, the municipality has shown no willingness whatsoever to consider employment conversions within the Aldershot and Appleby GO areas, creating a major obstacle to future growth in Burlington. Even with the recent introduction of Amendment 1 to the Growth Plan, making it explicit that conversion to include non-employment uses within an MTSA can take place, the municipality remains unwilling to consider such conversions. If this prohibition against any land uses other than employment continues within these MTSA's, then the intended vision of mixed-use development and complete communities can never be achieved.

Consideration of a Minister's Zoning Order to further clarify and solidify the Province's intentions for MTSA's as complete, mixed use communities, even where the current zoning is employment, would eliminate the current roadblock that is keeping these areas from reaching their potential. We believe it is important the Province is as clear as possible in its policy directions and statements. As we have seen on many occasions and continue to see, when there is any ambiguity or the possibility of more than one interpretation of Provincial policy, municipalities that are reluctant to approve development proposals will exploit these in their own narrow political interests. In many of these instances, it appears the exercise of the Minister's authority to issue Zoning Orders may be the only way to ensure Provincial policy is properly implemented and achieved.

As one example, we own over 185 acres of mostly vacant land (at 1200 King Road) immediately abutting the Aldershot GO station and within the Appleby GO MTSA (at 4450 to 4500 Paletta Court & 4415 Fairview Street to 750 Appleby Line). In the case of 1200 King Road, this site is the only property of significant size that has actual development potential within 500m of the Aldershot GO station, yet for some reason this property has been specifically excluded from the MTSA boundary, which we feel is a major oversight that has yet to be rectified. This property is literally a clean slate of potential. Burlington has stated publicly a number of times that the Appleby GO MTSA in the area of Paletta Court will remain for employment only, with no consideration of any other uses. Provincial assistance is therefore requested to ensure the development potential that these properties possess is not wasted.

The second area requiring consideration is the Provincially Significant Employment Zones (PSEZ) policy. At this time, developers and municipalities have different viewpoints on the uses permitted in PSEZ areas. In Burlington and Halton for example, these areas have been interpreted by the municipalities as being meant for eternal preservation for major industrial/employment opportunities only, where any attempts by landowners to request conversions to allow a wider range of uses are rejected outright, even when it can be demonstrated that by allowing a mix of uses, an even greater number of jobs are possible.

A prime example of this municipal perspective is the 300 acres of PSEZ land we own south of Upper Middle Road, west of Burloak Drive, and north of Mainway in Burlington that we refer to as Bronte Creek Meadows. This property is neighboured to the north and west by existing residential neighbourhoods and a high school. Directly to the east is the Bronte Creek

Provincial Park. We are surrounded by sensitive land uses on three sides with only some light employment uses to the south on Mainway. This property is one of the last greenfield properties in all of Burlington, one where we have presented options for quite literally billions of dollars of investment and tax revenue, all of which Burlington and Halton continue to reject because we propose to create a complete community on this site - a mix of residential, commercial and long term care, along with the employment component.

The existing zoning that allows for heavy industrial uses only is all that Burlington and Halton will consider, and the PSEZ designation has only further cemented their position. They claim this is what the Province wants, using the PSEZ as their evidence and justification, deflecting any responsibility. We have actively marketed this property for those uses since 1962, that's nearly 60 years, to no avail. To the extent there has been any commercial interest, once the prospective buyer takes into consideration the D6 guidelines and surrounding sensitive land uses, the view is that the application would be rejected and strongly opposed by the surrounding residential neighbourhood and environmental groups. Without Provincial intervention, these 300 acres will remain vacant urban farmland with no prospect of development for decades to come, costing Burlington, Halton and Ontario hundreds of millions of dollars in lost tax revenue in the process.

Consideration of a Minister's Zoning Order to make clear that a mix of uses including residential, commercial and employment makes sense on such properties, would unlock the development potential, and turn those billions of dollars of theoretical investment into reality. Without the use of enhanced authority, areas such as these in anti-development municipalities will effectively remain frozen due to their failure to envision these lands for anything other than heavy employment uses.

As the largest private landowner in Halton Region we also have many other properties ripe for development that could be spurred in the right direction by the effective use of Minister's Zoning Orders. The properties mentioned in this letter are simply examples of land we have with great potential to produce real results in a reasonably short timeframe if Provincial intervention could set aside the roadblocks put in place by the municipality of Burlington and the Region of Halton.

Another prime example is an OMB approved development (Eagle Heights) in North Aldershot where the municipality and Region are planning through the implementation of their new Official Plans to remove the existing approvals granted by Provincial authority. We have filed an appeal of Burlington's new Official Plan to challenge their efforts, however our understanding is that the Regional Official Plan will not be subject to appeal. Without Provincial intervention, millions of dollars of planning and legal fees already incurred will be lost, and another significant greenfield development will be thwarted unnecessarily by our local government.

In a planning horizon where most urban land has already been built out and intensification is the only remaining form of development, a change in thinking from the traditional single land use only categories to a more mixed-use scenario is a must. Through the effective use of

Minister's Zoning Orders, there is an opportunity to overcome the current barriers and development delays, and promote an evolution in thinking amongst municipalities that repeatedly demonstrate resistance to the new planning realities. As such, we very much support the proposal to give the Minister enhanced authority to address certain matters as part of a Zoning Order.

Should you have any questions regarding any of our comments, or wish to discuss specific development potential that our properties possess, please contact us at (905) 632-6036. We are ready, willing and able to produce real results quickly and with no requests for government funding.

Yours truly,

PENTA PROPERTIES INC.



Angelo Paletta

President