Report PD-022-14
Recommendation Report, Town of Oakville
Comprehensive Zoning By-law 2014-014 (inZone Project)
File No. 42.25

Copies of Additional Written Correspondence
(Received on or after February 10, 2014 and up to or on February 25, 2014)

Note: The attached package of correspondence includes communications provided to Town staff, some of which may not constitute submissions to Council as set out in the Planning Act. Individuals who wish to make formal submissions for the purposes of establishing appeal rights are advised to make submissions to Council through the Clerk’s Department or by oral submissions to Council prior to the passage of the by-law.
## Correspondence Received on the Draft 2014 Zoning By-law

<table>
<thead>
<tr>
<th>#</th>
<th>From</th>
<th>Organization</th>
<th>On Behalf Of</th>
<th>Call/Email/Letter</th>
<th>Date</th>
<th>Comment Topic</th>
<th>ID#</th>
</tr>
</thead>
<tbody>
<tr>
<td>240</td>
<td>Jean Roy</td>
<td>Canadian Fuels Assoc.</td>
<td>Letter</td>
<td>February 10, 2014</td>
<td>Drive-through facilities</td>
<td>163</td>
<td></td>
</tr>
<tr>
<td>241</td>
<td>Jordan Erasmus</td>
<td>Infrastructure Ontario</td>
<td>Email</td>
<td>February 12, 2014</td>
<td>Pipeline setbacks</td>
<td>164</td>
<td></td>
</tr>
<tr>
<td>242</td>
<td>David Capper</td>
<td>Wellespring Pharmaceutical</td>
<td>Email</td>
<td>February 12, 2014</td>
<td>Site-specific inquiry</td>
<td>165</td>
<td></td>
</tr>
<tr>
<td>243</td>
<td>Shawn Crawford</td>
<td>Halton Region</td>
<td>Email</td>
<td>February 12, 2014</td>
<td>Site-specific inquiry</td>
<td>44</td>
<td></td>
</tr>
<tr>
<td>244</td>
<td>Jean Roy</td>
<td>Canadian Fuels Assoc.</td>
<td>Email</td>
<td>February 14, 2014</td>
<td>Drive-through facilities</td>
<td>163</td>
<td></td>
</tr>
<tr>
<td>245</td>
<td>Michelle Cardullo</td>
<td>MM Sam Ltd. (Five properties)</td>
<td>Email</td>
<td>February 14, 2014</td>
<td>Site-specific inquiry</td>
<td>127</td>
<td></td>
</tr>
<tr>
<td>246</td>
<td>Ruhia Johkio</td>
<td>Valley Creek Inc.</td>
<td>Letter</td>
<td>February 14, 2014</td>
<td>Employment zone framework</td>
<td>158</td>
<td></td>
</tr>
<tr>
<td>247</td>
<td>Brent Cornelissen</td>
<td>OS&amp;B Holdings Inc.</td>
<td>Call, Email</td>
<td>February 18, 2014</td>
<td>Employment zone framework</td>
<td>166</td>
<td></td>
</tr>
<tr>
<td>249</td>
<td>David McKay, Ryan</td>
<td>MHBC Planning</td>
<td>Letter</td>
<td>February 18, 2014</td>
<td>Outside display and sales</td>
<td>132</td>
<td></td>
</tr>
<tr>
<td>250</td>
<td>Kimberley Hovesen</td>
<td>JF Fabrics</td>
<td>Email, Site Visit</td>
<td>February 18, 2014</td>
<td>Site-specific inquiry</td>
<td>142</td>
<td></td>
</tr>
<tr>
<td>251</td>
<td>Brian Page</td>
<td>Molok North America Ltd</td>
<td>Call</td>
<td>February 19, 2014</td>
<td>Garbage containers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>252</td>
<td>David McKay, Ryan</td>
<td>MHBC Planning</td>
<td>Letter</td>
<td>February 19, 2014</td>
<td>Outside display and sales</td>
<td>172</td>
<td></td>
</tr>
<tr>
<td>253</td>
<td>Ruhia Johkio/Victor</td>
<td>Coptic Church (1177 Invicta)</td>
<td>Letter</td>
<td>February 19, 2014</td>
<td>Site-specific inquiry</td>
<td>122</td>
<td></td>
</tr>
<tr>
<td>254</td>
<td>David Faye</td>
<td>Silwell Developments Ltd.</td>
<td>Email</td>
<td>February 20, 2014</td>
<td>Site-specific inquiry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>255</td>
<td>David Capper</td>
<td>JRB Design Build</td>
<td>Call</td>
<td>February 20, 2014</td>
<td>Site-specific inquiry</td>
<td>167</td>
<td></td>
</tr>
<tr>
<td>256</td>
<td>Peter Roles</td>
<td>Silwell Developments Ltd.</td>
<td>Email</td>
<td>February 20, 2014</td>
<td>-0 Suffix Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>257</td>
<td>Henry Jelinek</td>
<td>Henry Jelinek Enterprises Ltd.</td>
<td>Email</td>
<td>February 20, 2014</td>
<td>Employment zone framework</td>
<td>168</td>
<td></td>
</tr>
<tr>
<td>258</td>
<td>Christopher Williams</td>
<td>Aird &amp; Berlis</td>
<td>Letter</td>
<td>February 20, 2014</td>
<td>Site-specific inquiry</td>
<td>97</td>
<td></td>
</tr>
<tr>
<td>259</td>
<td>J. Pitman Patterson</td>
<td>Arkema Canada Ltd</td>
<td>Letter</td>
<td>February 20, 2014</td>
<td>Site-specific inquiry</td>
<td>58</td>
<td></td>
</tr>
<tr>
<td>260</td>
<td>Terry Manning</td>
<td>RioCan REIT</td>
<td>Email</td>
<td>February 20, 2014</td>
<td>Site-specific inquiry</td>
<td>137</td>
<td></td>
</tr>
<tr>
<td>261</td>
<td>Joel Farber</td>
<td>J&amp;S Guglietti, Jogut Investments Inc.</td>
<td>Email</td>
<td>February 21, 2014</td>
<td>Commercial use permissions</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>262</td>
<td>David Blois</td>
<td>Stonehaven Realty Management Inc.</td>
<td>Email</td>
<td>February 21, 2014</td>
<td>Employment zone framework</td>
<td>112</td>
<td></td>
</tr>
<tr>
<td>263</td>
<td>Kurt Franklin</td>
<td>Weston Consulting</td>
<td>Letter</td>
<td>February 21, 2014</td>
<td>Site-specific inquiry</td>
<td>169</td>
<td></td>
</tr>
<tr>
<td>264</td>
<td>N&amp;V Salmastrian</td>
<td>Budds’ Group of Companies</td>
<td>Email</td>
<td>February 21, 2014</td>
<td>-0 Suffix Zone</td>
<td>170</td>
<td></td>
</tr>
<tr>
<td>265</td>
<td>Greg Dorbeck</td>
<td>Valley Creek Inc.</td>
<td>Email</td>
<td>February 21, 2014</td>
<td>Employment zone framework</td>
<td>158</td>
<td></td>
</tr>
<tr>
<td>267</td>
<td>Ruhia Johkio</td>
<td>Budds’ Group of Companies</td>
<td>Letter</td>
<td>February 21, 2014</td>
<td>Parking, landscaping</td>
<td>73</td>
<td></td>
</tr>
<tr>
<td>268</td>
<td>Ron Fiorelli</td>
<td>O’Connor MacLeod Hanna LLP</td>
<td>Letter</td>
<td>February 22, 2014</td>
<td>Site-specific inquiry</td>
<td>174</td>
<td></td>
</tr>
</tbody>
</table>
### Correspondence Received on the Draft 2014 Zoning By-law

<table>
<thead>
<tr>
<th>#</th>
<th>From</th>
<th>Organization</th>
<th>On Behalf Of</th>
<th>Call/Email/Letter</th>
<th>Date</th>
<th>Comment Topic</th>
<th>ID#</th>
</tr>
</thead>
<tbody>
<tr>
<td>269</td>
<td>Sasha Milenov</td>
<td>Milenov</td>
<td>Cimerman Developments Inc.</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Site-specific inquiry</td>
<td>59</td>
</tr>
<tr>
<td>270</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>Carttera Private Equities Inc.</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Two site-specific inquiries</td>
<td>175</td>
</tr>
<tr>
<td>271</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>GreenLife West Harbour</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Site-specific inquiry</td>
<td>176</td>
</tr>
<tr>
<td>272</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>SPM (2070 or 2245 Wyecroft?)</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Employment zone framework</td>
<td>177</td>
</tr>
<tr>
<td>273</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>SPM (406-420 NSRe)</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Employment zone framework</td>
<td>178</td>
</tr>
<tr>
<td>274</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>SPM (601-609 Ford)</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Employment zone framework</td>
<td>179</td>
</tr>
<tr>
<td>275</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>SPM (WCB / Beryl)</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Employment zone framework</td>
<td>180</td>
</tr>
<tr>
<td>276</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>SPM (1079 NSRe)</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Employment zone framework</td>
<td>181</td>
</tr>
<tr>
<td>277</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>SPM (2245 Wyecroft)</td>
<td>Email</td>
<td>February 23, 2014</td>
<td>Employment zone framework</td>
<td>182</td>
</tr>
<tr>
<td>278</td>
<td>John Vlacich</td>
<td>ACI Brands Inc.</td>
<td>Email</td>
<td>February 24, 2014</td>
<td>Site-specific inquiry</td>
<td>171</td>
<td></td>
</tr>
<tr>
<td>279</td>
<td>Michael Lipkus</td>
<td>IBI Group</td>
<td>CTREL</td>
<td>Letter</td>
<td>February 24, 2014</td>
<td>Three site-specific inquiries</td>
<td>77</td>
</tr>
<tr>
<td>280</td>
<td>Ruhia Johkio</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>Henry Jelinek Enterprises Ltd.</td>
<td>Letter</td>
<td>February 24, 2014</td>
<td>Employment zone framework</td>
<td>168</td>
</tr>
<tr>
<td>281</td>
<td>Ruhia Johkio</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>Paul Gardiner</td>
<td>Letter</td>
<td>February 24, 2014</td>
<td>-0 Suffix and site-specific applicability</td>
<td>72</td>
</tr>
<tr>
<td>282</td>
<td>Harold Watson</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>Way / Linbrook School</td>
<td>Letter</td>
<td>February 24, 2014</td>
<td>Site-specific inquiry</td>
<td>153</td>
</tr>
<tr>
<td>283</td>
<td>Russell Cheeseman</td>
<td>Ice Twin Rinks Inc.</td>
<td>Letter</td>
<td>February 24, 2014</td>
<td>Site-specific inquiry</td>
<td>124</td>
<td></td>
</tr>
<tr>
<td>284</td>
<td>Ruhia Johkio</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>Oakville Club</td>
<td>Letter</td>
<td>February 24, 2014</td>
<td>Site-specific inquiry</td>
<td>183</td>
</tr>
<tr>
<td>285</td>
<td>David Vrhovnik</td>
<td>Agram Garden Centre</td>
<td>Letter</td>
<td>February 24, 2014</td>
<td>Site-specific inquiry</td>
<td>184</td>
<td></td>
</tr>
<tr>
<td>287</td>
<td>Paul Cates</td>
<td></td>
<td>Email</td>
<td>February 24, 2014</td>
<td>Bronte Village zoning</td>
<td>133</td>
<td></td>
</tr>
<tr>
<td>289</td>
<td>Sophia</td>
<td></td>
<td>Call</td>
<td>February 24, 2014</td>
<td>Employment zone framework</td>
<td>185</td>
<td></td>
</tr>
<tr>
<td>290</td>
<td>Laurie Lawson</td>
<td></td>
<td>Email</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>147</td>
<td></td>
</tr>
<tr>
<td>291</td>
<td>Edward Terry</td>
<td>Zelinka Priamo Ltd</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Mixed use zone framework</td>
<td>118</td>
<td></td>
</tr>
<tr>
<td>292</td>
<td>Ruhia Johkio</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>Five clients</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Employment zone framework</td>
<td>186</td>
</tr>
<tr>
<td>293</td>
<td>Ruhia Johkio</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>Marilyn Jelinek (2250 Speers)</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Employment zone framework</td>
<td>187</td>
</tr>
<tr>
<td>294</td>
<td>Ruhia Johkio</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>OS&amp;B Holdings Inc.</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Employment zone framework</td>
<td>166</td>
</tr>
<tr>
<td>295</td>
<td>Michael Lipkus</td>
<td>IBI Group</td>
<td>TDL Group Corp.</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Employment zone framework</td>
<td>37</td>
</tr>
<tr>
<td>296</td>
<td>Elizabeth Chalmers</td>
<td>Joshua Creek Residents Association</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Employment zone framework</td>
<td>152</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>From</td>
<td>Organization</td>
<td>On Behalf Of</td>
<td>Cal/Email/Letter</td>
<td>Date</td>
<td>Comment Topic</td>
<td>ID#</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------</td>
<td>-------------------------------------</td>
<td>--------------</td>
<td>------------------</td>
<td>--------------------</td>
<td>----------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>300</td>
<td>Ruth Victor</td>
<td>Ruth Victor and Associates</td>
<td>Mr. S. Sorial</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>-0 Suffix Zone</td>
<td>190</td>
</tr>
<tr>
<td>310</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>Hood Developments Inc</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Employment zone framework</td>
<td>191</td>
</tr>
<tr>
<td>311</td>
<td>Victor Labrecque</td>
<td>Labrecque Patterson &amp; Associates Inc.</td>
<td>Five clients</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Drive-through facilities</td>
<td>32</td>
</tr>
<tr>
<td>312</td>
<td>Brad Rafauli</td>
<td>Ferris Rafauli-Grandeur</td>
<td>Luxury Homes Inc</td>
<td>Email</td>
<td>February 25, 2014</td>
<td>-0 Suffix Zone</td>
<td>156</td>
</tr>
<tr>
<td>313</td>
<td>David Capper</td>
<td>Weston Consulting</td>
<td>Augy Carnovale</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>29</td>
</tr>
<tr>
<td>314</td>
<td>Jason Rodriguez</td>
<td>InterArch inc.</td>
<td>Three clients</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>-0 Suffix Zone</td>
<td>192</td>
</tr>
<tr>
<td>315</td>
<td>Billy Tung</td>
<td>KLM Planning Partners Inc</td>
<td>Dunpar Developments</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>193</td>
</tr>
<tr>
<td>316</td>
<td>Christopher Williams</td>
<td>Aird &amp; Berlis</td>
<td>Ballantray Homes</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Mixed use zone framework</td>
<td>194</td>
</tr>
<tr>
<td>317</td>
<td>Laurie McPherson</td>
<td>Bousfields</td>
<td>Neilas</td>
<td>Email</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>162</td>
</tr>
<tr>
<td>318</td>
<td>Adrian Litavski</td>
<td>Johnson Litavski Planning Consultants</td>
<td>FCHT Holdings Ontario Ltd</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Commercial zone framework</td>
<td>84, 85, 86</td>
</tr>
<tr>
<td>319</td>
<td>Paul Chronis</td>
<td>Weir Foulds</td>
<td>Storage Spot Holdings (Appleby Line) Corp.</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>113</td>
</tr>
<tr>
<td>320</td>
<td>Paul Chronis</td>
<td>Weir Foulds</td>
<td>Westerkirk Capital Inc.</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>40</td>
</tr>
<tr>
<td>321</td>
<td>Paul Chronis</td>
<td>Weir Foulds</td>
<td>Upper Middle Road GP Inc. (Carterra)</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>114</td>
</tr>
<tr>
<td>322</td>
<td>Paul Chronis</td>
<td>Weir Foulds</td>
<td>Shorewood Properties Inc.</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>115</td>
</tr>
<tr>
<td>323</td>
<td>Ruhia Johkio</td>
<td>O'Connor MacLeod Hanna LLP</td>
<td>Paul Gardiner</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>72</td>
</tr>
<tr>
<td>324</td>
<td>Sandy Nair</td>
<td></td>
<td></td>
<td>Email</td>
<td>February 25, 2014</td>
<td>-0 Suffix Zone</td>
<td>134</td>
</tr>
<tr>
<td>325</td>
<td>Rick Mateljian</td>
<td>Strickland Mateljian Designers and Architects</td>
<td>1383081 Ontario Ltd</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>195</td>
</tr>
<tr>
<td>327</td>
<td>Calvin Lantz</td>
<td>Stikeman Elliot LLP</td>
<td>Sarah Lantz</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Transition clauses</td>
<td>116</td>
</tr>
<tr>
<td>328</td>
<td>Calvin Lantz</td>
<td>Stikeman Elliot LLP</td>
<td>Prince Bay Luxury Homes</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>69</td>
</tr>
<tr>
<td>329</td>
<td>Vince Imerti</td>
<td>Stikeman Elliot LLP</td>
<td>V. Imerti/S. Rollo</td>
<td>Letter</td>
<td>February 25, 2014</td>
<td>Site-specific inquiry</td>
<td>01</td>
</tr>
</tbody>
</table>
Joe Nethery

From: Joe Nethery
Sent: Wednesday, February 05, 2014 4:24 PM
To: 'Michelle Baburic'
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: South Service Rd. Zoning

Categories: v2.0 Inputs

Good afternoon Michelle –

Staff will recommend, in the final draft (v3.0), placing the two South Service Road lots in the Parkway Belt West Complementary Use PB2 Zone.

Thank you for your contribution to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Complete our Community Development customer service survey.

Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

From: Michelle Baburic
Sent: Tuesday, February 04, 2014 2:44 PM
To: Joe Nethery
Subject: 3200 South Service Rd. Zoning

Hello Joe,

My name is Michelle Baburic I was interested in opening a kennel at South Service Rd. It is currently zoned PBA however, it is changing to PB1 on Feb 25, 2014. I was talking to Joe Kozelj in zoning and he informed me that this property would be legal but not conforming as of Feb 25, 2014 and any possible future upgrades would be a problem for permits. With this in mind and knowing this is the eleventh hour to ask this question; is it possible to ask for site specific zoning, meaning is there a possibility to keep South Service Rd zoned PBA for the use of a kennel? If it is too late for this consideration is it possible to have it rezoned back to PBA after Feb 25, 2014? Reading the land use designations and policies in livable Oakville I see there are no future plans for this site. I believe this would be a great way to use the land and a wonderful asset to Oakville and all their pet owners. It would be so thankful I if I could discuss this with you in person.

Your time is very valuable and I sincerely appreciate you giving this your consideration.
Good afternoon Mr. Cornelissen – that is the intent, a future owner/tenant(s) could do either (or both) of manufacturing or warehousing after Feb 25, based on the current wording in the Office Employment E1 Zone.

By cc, I’ll ask Anthony to put a copy of this email on file to confirm the interpretation.

Thanks –

Brent Cornelissen
President,
OS&B® Holdings Ltd
Oakville Stamping & Bending Limited (also known as OS&B®)
Good evening Mr. Cornelissen –

It was great speaking with you on the phone this evening. To confirm, the updated final draft (v3.1) proposes to permit manufacturing and warehousing as permitted uses in the Office Employment E1 Zone. The uses would be permitted on lots where the use legally existed on the effective date of the 2014 Zoning By-law (targeted for passage by Council on February 25, 2014), which would allow for the use to expand without requiring an additional planning approval by the Town. If the use did not legally exist on the lot on February 25, 2014, it would not be permitted.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your contribution to the inZone project. I’m glad Anthony was able to help earlier today to answer your questions (and I owe him for the assist) –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Complete our Community Development customer service survey.
Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm
February 25, 2014

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tataneck:

Re: Draft Zoning By-law and Official Plan Amendment
OS&B Holdings Ltd. – Speers Rd.
Our File No. 98446

We act on behalf of OS&B Holdings Ltd. with respect to the above listed property in the Town of Oakville. We have reviewed the draft version of the Oakville Zoning By-law 2014-014 ("Draft By-law") on behalf of our clients and would like to register our objection to the draft By-law as proposed.

My clients have only recently come to know about the proposed zoning changes on their property. The proposed zoning, results in a significant change in the currently existing and permitted light industrial uses on my client’s property becoming legal non-conforming. This creates issues for my client’s future use and value of the property. My client is still in the process of reviewing the full impact of the Draft By-law changes.

Additionally, my client feels that the Town did not provide adequate written notification to the property owners that are directly affected by the proposed changes.

In light of the timing of this By-law going to council for approval on February 25, 2014, my client would like to register their objections to the proposed zoning for their property and
anticipate addressing the specific issues through the appeal process.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:Iw

CC: Joe Nethery, Manager Zoning By-law Project
   Client
Good evening Dave --

Based on my read of the report and the current zoning, it appears clear that the maximum height of 5 storeys on the property is available once the Section 37 agreement is executed. That increase is above the current 3/4 storey split. My reply below continues to apply and will be the staff recommendation to Council.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

-----Original Message-----
From: Joe Nethery
Sent: Thursday, February 20, 2014 2:13 PM
To: 'David Capper
Cc: Dana Anderson; Diane Childs; Denis Daoust; Heinz Hecht
Subject: JRB / SP 839, Lakeshore/Chisholm

Good afternoon Dave --

Got your voice message, email's best at this point because I'm in meetings until the 26th, it seems.

The storey maximum in proposed SP 17 was based on the language in SP 839 (scanned). Zoning compliance "in excess of (the 3/4 storeys) shall be dependent upon execution and satisfaction of the provisions in this By-law and in the Section 37 agreement." Second-to-last paragraph on the second page. It's awkward language, but suffice to say the permission as it exists is for 5 storeys/18.0 metres based upon the execution of the bonussing agreement.

I am advised that no Section 37 agreement has been executed. My recommendation has to be that the shorter storey maximums must stay in the 2014 ZBL. (I do note that the 5 storeys is included as-of-right. Only the agreement needs to be executed to obtain the additional height, unlike other properties where an additional Hold continues to apply OR a further ZBLA will be required.)
Good evening Mr. Jelinek,
I apologize for not responding until now but as you may know we are experiencing a severe storm here and I am only now getting home from an after work appointment in Hamilton and catching up on my emails from earlier in the day.

Under the new inZone by-law, warehousing will continue to be permitted on your property located at Speers Road. If your property is sold and redeveloped at some future date, warehousing would continue to be a permitted use.

The link to the inZone project website is [http://www.oakville.ca/townhall/zoning-by-law-review-inzone.html](http://www.oakville.ca/townhall/zoning-by-law-review-inzone.html)

Again I apologize for the delay in responding. Please feel free to contact me tomorrow should you have any questions.

Thank you,
Dana Anderson
On 2014-02-20, at 1:42 PM, Ralph Robinson <rrobinson@oakville.ca> wrote:

> Dana please respond to Henry today if at all possible
> > Ralph
> >
> > Ralph Robinson
> > Ward 1 Town Councillor
> > Office of the Mayor and Council
> > Home Office - 390 Yale Crescent, Oakville, ON L6L 3L5 Res -
> > 905-827-7659 Cell - 416-219-4793 rrobinson@oakville.ca
> >
> >
> > Please consider the environment before printing this email.
> > http://www.oakville.ca/privacy.html
> >
> > ----Original Message-----
> > From: Henry Jelinek
> > Sent: Wednesday, February 19, 2014 2:56 PM
> > To: rburton@oakville.com; Ralph Robinson
> > Subject: Buildings along Speers Rd
> >
> > Dear Ralph and Rob,
> >
> > I am currently out of country but have just received some potentially upsetting news. As you know, our company Jelinek Cork is located in a building at [redacted] Speers Rd. I am the owner of that building which I purchased about 30 years ago. It has now come to my attention by one of the other owners of a neighbouring property that the Town is attempting to disallow the use of the buildings along the south side of Speers Rd to be used for warehousing once those properties are sold.
> > I never received any notice of such a consideration from the Town and cannot believe that the Town would even consider such a move. This would obviously make those properties valueless when trying to sell them.
> > Could you please clarify for me what, if anything, is going on?
> >
> > Thanks and kind personal regards.
> >
> > Henry (Jelinek)
Hi Joe,

Further to our review of the new bylaw and specifically the architects have reviewed the bylaw with regard to Special Provision 310 and have identified a number of sections which are not consistent with our previous bylaw approval. There were many evolutions of the site plan to accommodate a road widening and resulting grade change along Shepherd as well as staff and Council’s desire to maintain the option for some commercial in the form of mixed use on the western portion of the site. You will note that only 300 m2 of commercial is required which would not take up all of the frontage. The site has been very carefully planned and as a result of road widenings and grading is very tight. It is noted that the current site plan meets the Livable Oakville plan and the reason site plan approval has not been received is the zoning has an H which requires an RSC which has been the hold up. Below are the clauses requiring clarification or where we request a modification:

- Policy 5.11 – site plan does not and can not meet the 3.0 or 4.5 metre width of landscaping requirements
- Table 8.3 – site plan does not meet the minimum interior side yard setback (0 metres) or the rear yard setback (7.1 meters).
- Footnote #5 to Table 8.3 – at a height above 13.5 metres, site plan does not meet minimum rear yard setback of 10.0 metres, where it abuts a residential zone.
- 15.310.2(a) provides that Footnote 3 of Table 9.2 shall not apply to a townhouse dwelling. Is this meant to read as the Footnote to Table 8.2? In any case, we require relief from this Footnote for all live/work components at grade as it is not known at this point which part will include the residential and the bylaw does not require commercial along the entire frontage
- 15.310.3 – we would require further relief from the number of parking spaces (10) or the size of barrier-free spaces (now required by Policy 5.4.1) and policy 5.3.1 requires bicycle parking which we do not have

Clauses omitted:

- Policy 47.2(b)(xvi) provided that building height is to be measured exclusive of mechanical penthouse, etc. There is not specification for this exclusion in 15.310.2.
- Policy 47.2(b)(xxi) provided a definition of grade as the finished floor elevation at grade. This is not defined as such in the new by-law.
- Policy 47.2(b)(xxii) provide that balconies and/or open-air terraces are permitted in any yard and the maximum projection of 1984-63 did not apply. Table 4.3 of the new by-law only provides permission for a maximum total projection of 1.5 metres into a front or rear yard.
Complete our Community Development customer service survey.
Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

OK Dana, Thank you. I know you’re being inundated with emails and requests, so your response and attentiveness are appreciated.

Have a good weekend.

David
David Blois, CCIM, SIOR, CPM
President, Broker of Record

Stonehaven Realty Management Inc., Brokerage

On Feb 21, 2014, at 11:26 AM, Dana Anderson <DAnderson@oakville.ca> wrote:

David

I can assure you that I will put this email correspondence into the file today which will confirm that manufacturing and warehousing uses are in existence on your properties today and are therefore permitted under inzone. Through the employment review we can explore both the potential change to the op designation and rezoning

Dana
Sent from my iPhone

On Feb 21, 2014, at 10:20 AM, "David Blois" wrote:

Thank you very much for the clarification Dana. Appreciated.

Although I am reasonably satisfied with your response and clarification - I can't help but wonder if disputes will occur in the future with regard to occupancy permits. I understand your email will be placed in the file for future consideration, but I still have concerns… As explained in our meeting of November 4th - leasing IS our business and any disruption or potential roadblocks to conducting such business is concerning. We have a $25mio investment in these sites.

Are you absolutely certain that a light manufacturing business (plastic, metal, wood or assembly, etc.) will be permitted in any unit on both properties without concern for a dispute (potential refusal) for occupancy by the Town.

What will establish existing uses as of Feb 25th?

Will we have to prove existence of leases or will classification of uses via MPAC play a role? If so, improper classification (CT vs. IT) of some tenancies may hurt us down the road.

I appeal to you for a site specific special provision for manufacturing and warehousing uses for North Service Road West. We discussed this in our November meeting and it didn’t concern you at that time. You even suggested a change of zoning to E-2 business employment may be appropriate, which obviously is preferred.

Thanks in advance for your consideration Dana.

Much appreciated!

David
On Feb 20, 2014, at 10:43 PM, Dana Anderson <DAnderson@oakville.ca> wrote:

Hi David,

Thanks for your email. I just want to reassure as to the intent of the proposed provision under E1:

- will allow warehousing to be continued as a permitted use for all units on the lots [so if you currently have a unit that is vacant you could lease it for that purpose after Feb. 25th since it exists elsewhere on your lot (in another unit)]
- the same would apply to manufacturing
- if Astound vacates you could lease their space for another manufacturing use – it is not limited to exactly what Astound does – it would remain flexible
- it would only be limited by other provisions of the by-law that apply to manufacturing (parking) and basic site plan requirements

I hope this assists in clarifying the proposed zoning. I have asked Joe to place this correspondence in the property data file for your properties so that if there is ever a question on the intent of the provision it is clear.

Please let me know if you require any further clarification.
Thanks David

Dana

Joe, Dana,

Could I kindly have a response to the email sent last week.

We had previously discussed special provisions or rezoning to E-2, but it appears such considerations have transformed into limited allowable uses again.
Can we discuss?

Thanks in advance.

David

Begin forwarded message:

From: David Blois
Subject: North Service Road West
Date: February 12, 2014 at 11:24:07 AM EST
To: Joe Nethery <joenethery@oakville.ca>
Cc: Dana Anderson <DAnderson@oakville.ca>

Joe,

Thanks for your emails. I note that “manufacturing and warehousing” are now permitted uses within the E1 zoning with the following proviso.

"(2) Permitted only on a lot where the use legally existed on the effective date of this By-Law"

I need further clarification on the term “legally existed”. On both sites North Service Road West) we have warehousing so I presume this use will continue to be permitted in all units on the “lot” until the buildings no longer exist. Please confirm.

However, with regard to manufacturing, I have some concerns. We have the Astound Group who has a small manufacturing component within their business (assembly and some wood and metal works to produce marketing displays). This use obviously “exists”. In the event Astound vacates the “lot”, are we limited to manufacturing of “metal and wood” type uses or can we accept other manufacturing type uses (plastics, welding, etc.). This is an important part of the future viability of our business to have a property open to industrial business who manufacture and warehouse without limitation. As discussed and demonstrated, the buildings are designed for both.

Obviously it would be better if both properties were zoned Business Employment (E2) as Dana suggested on site back in our November 4th meeting.

Thanks

David
Good afternoon David –

Per your email and our site tour (thank you again for facilitating that) on December 4, 2013, I can now confirm that Staff will be recommending to Council, in the final draft (v3.0) of the 2014 Zoning By-law, the following additional use permissions (among others) in the proposed Office Employment E1 Zone:

- Manufacturing (renamed from “industrial use”), but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
  - The interpretation of this language would allow for expansions of current uses and the establishment of new uses on those lots.
- Warehousing, but only on lots where the use legally existed on the effective date of the 2014 Zoning By-law (being February 25, 2014).
  - The same interpretation as above would apply.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. We will be sending out an email to the project mailing list when the final draft (v3.0) is online and available for review. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.
Thank you for taking the time out of your hectic schedule to meet with me on site at our properties located at:

- North Service Road West - Salville Holdings Limited (owner)
- North Service Road West - North Oakville Holdings Limited (owner)

I am pleased to hear that you will accommodate the owners and tenants of each of the above properties by granting either a special provision or rezoning to E2 (Business-Employment) to carry on with Industrial Uses and Wholesaling & Distribution as permissible uses at each of these locations.

Ideally, the above two properties would be best served with E-2 - Business Employment. Tenancies such as GMD (wholesaling/distributors of pharma products) and Astound Group (light industrial manufacturers of trade show displays) could continue on in occupancy with the possibility of expansion or sale of their businesses without the burden of a legal non-conforming use.

E-2 Zoning would also permit North Service Road West to continue servicing the small business community as it has for the past 24 years. We don’t believe either property will “gain” from a re-zoning to E-2, rather it will simply permit us to carry on offering small business industrial units without needless restriction. As witnessed during our tour, there is a high level of pride of ownership in both properties with significant funds expended each year to maintain class A facilities. This is critical to capture and retain the best tenancies. As I mentioned during our meeting, we are critical of the type of tenancies permitted to occupy our industrial units and simply want to carry on offering quality premises to quality businesses. E-2 zoning will be a critical component of our business.

As discussed, can you kindly confirm that you are in agreement to permit the rezoning of our properties to an E-2 zoning designation?

Once again, thanks for your time. I look forward to your response.

Best regards,

David
Attn: Joe Nethery, Manager – Zoning By-law Project

February 10, 2013

Dear Sir,

RE: Response to Draft Zoning By-law (InZone)
   Iroquois Shore Road
   Town of Oakville

Weston Consulting has been retained by the owners of Iroquois Shore Road, in the Town of Oakville, to provide information and assistance with regards to planning matters affecting these lands. We have reviewed the Draft Zoning By-law and the provisions that are proposed for the subject lands as part of the InZone Project, and have prepared this letter to express our concerns with changes to the permitted uses as included in the Third Draft (v3.0), dated February 7, 2014. The subject lands are shown in the figure below:
The subject lands are currently zoned “Employment (E1)” in Zoning By-law No. 1984-63 and are proposed to be zoned “Business Employment (E2-3)” in the Third Draft (v3.0) of the Zoning By-law that will go to Town Council for approval on February 25, 2014. Our concerns are with proposed limitations of permitted land uses including “Financial Institution” and “Restaurant”. Each of these uses is currently permitted, and would be limited to 20% of the total floor area if the Draft Zoning By-law is approved in its current form.

The owners of these lands are currently reviewing future development options for the site and have identified both a restaurant and financial institution as possible development scenarios, particularly for the north portion of the subject lands near to the Iroquois Shore Road frontage. The property owner is interested in intensifying the undeveloped portions of the site.

The cap on restaurant and financial institution floor area at 20% of total floor area is included in footnote #6 to Table 10.2 of the proposed zoning by-law. It is our opinion that this provision unduly penalizes small properties, as it is not possible develop enough floor area to include a reasonably sized restaurant or financial institution that does not exceed 20% of the total floor area. Total floor area is constrained by the minimum yard setbacks and parking requirements that must be accommodated on site. While restaurants and financial institutions are listed as permitted uses in the E1 and E2 zones, they are effectively prohibited on small sites as a result of footnote #6.

The subject lands currently include a large vacant area to the north that could accommodate infill development and intensification, and it would be in accordance with objectives of the Livable Oakville Plan to establish a restaurant or financial institution in this location. Section 14.1.3 states that “The Town will encourage the development of employment areas with transit-supportive, compact built form and minimized surface parking areas.” The potential development of a restaurant and/or financial institution as a stand-alone land use is appropriate on the subject lands and would contribute to a compact built form that would support transit use.

Based on our review of the subject lands and the most recent Draft Zoning By-law, we feel that an appropriate response to the concerns listed above would be to amend footnote #6 to Table 10.2 to state that the 20% cap shall only apply to parcels with an area greater than 0.5 ha (1.24 ac). If upon The Town’s review of this request an amendment to footnote #6 is not desired, an alternate approach may include a site specific zoning provision for the subject lands that states:

Footnote #6 to Table 10.2 shall not apply to parcels identified on Figure XX that have frontage on Iroquois Shore Road.

In addition to the above, we note that there may be additional concerns with the proposed Zoning By-law which is being forwarded to Council for approval. Due to the complexity of the proposed Zoning By-law, we may identify further concerns following our review of the document. Unfortunately, sufficient time has not been provided to conduct a thorough review of the by-law prior to it being considered by Council and as such we may be providing further comments at a later date.
We trust that these comments will be taken into consideration prior to adopting the new Zoning By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,
Weston Consulting
Per:

[Signature]

David Capper, BES, MCIP, RPP
Associate
February 13, 2014

Via email and regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Best:

RE: Public Consultation on Second Draft of Zoning By-law and Official Plan Amendment File 42.24.005

Our File No. 97789

We act on behalf of MM Sam Ltd. owners of the following five properties in the Town of Oakville:

- Lakeshore Rd. W.;
- Lakeshore Rd. W.;
- Lakeshore Rd. W.;
- Kerr St.; and
- Lakeshore Rd E.

Thank you for the opportunity to review the third draft of the Town of Oakville’s Draft Zoning By-law, accompanying Official Plan Amendment and email from Joe Nethery dated February 12, 2014. We have reviewed the documents on behalf of our client, and offer the following comments:

Access to Kerr St.

[Redacted]

[Redacted]
The property currently contains an access onto Kerr Street. Under the Draft OPA, s. 23.4.1(c)(ii) will be amended as follows:

<table>
<thead>
<tr>
<th>Issue No.</th>
<th>Section</th>
<th>Change</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>60.</td>
<td>23.4.1(c)(ii)</td>
<td><strong>KERR VILLAGE, Functional Policies, Transportation, Parking</strong></td>
<td>Revise the policy as follows: Access to parking and servicing areas shall not occur on Kerr Street but on local streets, service lanes and to the side or rear of buildings.</td>
</tr>
</tbody>
</table>

The interpretation of this change is not clear, and does not resolve the issue that the Town has identified with this section. Both ‘shall’ and ‘should’ indicate an obligatory requirement. A more appropriate amendment would be: "For properties fronting on Kerr Street access to parking and servicing areas on local streets, service lanes and to the side or rear of buildings will be encouraged."

We anticipate that our clients concerns can be resolved with revisions to the wording of the above provision, as discussed above.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP

[Signature]

Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethey, Manager, Zoning By-law Project
Client
February 14, 2014

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Best:

RE: Town of Oakville Draft Comprehensive Zoning By-law—Speers Rd.
Our File No. 98373

We act on behalf of Valley Creek Inc. on multiple properties in the Town of Oakville, as listed above. Thank you for the opportunity to review the third draft of the Town of Oakville’s Comprehensive Zoning By-law, and the accompanying Official Plan Amendment. We have reviewed these documents on behalf of our client, Valley Creek Inc., and offer the following comments.

Our client has made a significant contribution to the economic development of the Town. Our client’s three properties are located south of Speers Rd., between Bronte Rd. and Third Line in the Town of Oakville. These properties were developed by our client in the early 1970’s to house light manufacturing and warehousing facilities. The design and development of these sites was intended to attract the tenancy of these specific types of businesses.

Under the Current Zoning By-law 1984-63, the properties are all zoned T1 – Transitional Employment, which permits the above uses. The Draft By-law proposes to zone all three properties as E1 – Office Employment. In implementing this new zoning designation, the Town has revised the zoning categories and uses permitted on these properties. While there are several permitted uses that are being added and retained, the loss of several key existing uses will severely impact my client’s business.
Several of the uses that are currently permitted, will no longer be permitted unless they are 'legally existing' on the date the Draft By-law comes into force. Under Table 10.2, in the E1 zone, Manufacturing, Repair Shop, Warehousing, and Food Production uses will only be permitted if the use legally existed on the effective date of the Draft By-law. This is a significant concern for our client. Our client's properties have been developed and well maintained for the past 40 years as tenanted manufacturing and warehousing facilities. Significant expenditures were undertaken to develop the facilities and capabilities within these buildings to house such uses.

With the proposed changes, our client not only risks losing existing uses, but also the long-term financial viability of their business and the value of the properties in question. If enacted, the proposed new provisions would cause any buildings not currently in use to become unusable, and buildings that might change uses as tenants change would risk losing previously permitted uses. Should the existing Manufacturing, Repair Shop, Warehousing and Food Production uses not be permitted going forward in this E1 zone, once the existing legal use ends, our client’s building’s will very likely remain vacant. This will be directly attributable to the specious proposal that the new allowable uses will agree with the buildings of the size, layout and constructed purpose that are owned by our client. The current zoning changes as proposed will impose a permanent and fundamental disconnect between the permitted use market and the constructed form factor of the buildings that will result in irreparable financial loss to our client.

Additionally, s. 4.12 of the Draft By-law recognizes legal non-conforming uses. But that provision also states that renovations or enlargement of any legal non-conforming use will only be permitted if they do not increase the ‘legal non-conformity’. As it is currently drafted, the interpretation and application of this provision is unclear and must be in harmony with the core use zoning issues we have presented earlier.

A more appropriate designation for the above properties would be to allow the Manufacturing, Repair Shop, Warehousing and Food Production uses as ‘site specific’ uses permitted under the proposed E 1 By-law. This would recognize the historical uses of the buildings and allow our client’s business to remain economically viable by retaining the uses that the buildings were designed for.

We appreciate Town Staff and Council’s attention to this matter.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:jw

CC: Mr. Joe Nethery, Manager, Zoning By-law Project
Client
Look out for the memo: recommending deleting the subsection (c) entirely now. Would deal with locations for drive-throughs in Growth Areas as part of the ZBLA needed to establish the uses there.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Complete our Community Development customer service survey.

Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

Joe,

Thanks for your note and your quick response to the concerns we had expressed in our February 10th 2014 letter.

I will submit this information to our member companies and I suspect they will be in agreement with the revised clause 5.5.1 within the draft v3.1

Regards,

Jean Roy
February 10, 2014

Mr. Joe Nethery
Manager, Zoning By-law Project
Town of Oakville Planning Services
1225 Trafalgar Road
Oakville, ON L6H 0H3
joenethery@oakville.ca

Subject: Draft Zoning Bylaw Review (InZone) section 5.5.1.c

Dear Mr. Nethery,

I am writing this letter on behalf of the Canadian Fuels Association (Canadian fuels). Canadian Fuels represents member companies in refining, distribution and marketing of petroleum products. In Ontario, the member companies are Husky Energy Inc., Imperial Oil Ltd. (Esso), Shell Canada Products an Suncor Energy Products Partnership (Petro-Canada). The majority of motor vehicle service stations within the Town of Oakville are owned by Canadian Fuels member companies.

While our member companies are competitors in the market place, the members work together under the Canadian Fuels umbrella on various topics such as environmental, zoning, traffic access, parking requirements, tanker truck circulation and health and safety issues, which may be common to the industry. Canadian Fuels works with its members in supporting that its member service stations have facility design standards in place which ensure that their retail petroleum services are safe and viable while meeting the customer and community needs.

We commend the Town of Oakville (Oakville) on this current draft Zoning Bylaw 2014-014; however we have serious concerns with section 5.5.1.c which indicates: “A stacking lane is not permitted between any main wall oriented toward the front lot line or flankage lot line.”

At a service station, for safety reasons, the pump islands and the drive-through vehicle stacking lane cannot both be located on the same side of the principal building or the gas bar kiosk. The drive-through vehicle stacking lane has to be segregated from the area of the pump island and has to be located on a different side of the building and therefore may occasionally be best located between the building containing the drive-through facility and a street. A good example of this situation, which is very
functional at the present is at the service station located at the South-East corner of the intersection of Dundas and Neyagawa in Oakville as shown in the pictures contained on Schedule “A”.

A similar issue also came up with proposed new Official Plans and/or new Zoning Bylaws in other municipalities in recent years. After input from Canadian Fuels, the issue was properly resolved as those municipalities have recognized the uniqueness of drive-through facilities at service stations and reflected this appropriately in their new OP’s and bylaws as per the following examples:

City of Markham 2013 New Official Plan section 8.13.3.2 specifically takes into consideration drive-through facilities at a motor vehicle service station.
http://www.markham.ca/wps/wcm/connect/markhampublic/e3f0db1c-bdd2-449d-a587-8921c57953bc/New-Official-Plan_Chapter-8.pdf?MOD=AJPERES&CACHEID=e3f0db1c-bdd2-449d-a587-8921c57953bc

The 2013 City of Toronto New Zoning Bylaw 569-2013 section 150.80.20.1(6) identifies a special provision for drive-through facilities stacking aisle at a vehicle fuel station.
http://www.toronto.ca/zoning/bylaw/ZBL_NewProvision_Chapter150_80.htm

Section 5.5.1.c of the proposed Oakville New Zoning Bylaw is therefore too restrictive in the case of drive-through facilities by not recognizing their uniqueness when associated with service stations. The requirement contained in this section should be best handled through Urban Design Guidelines or at the Site Plan Stage.

The site plan design of each service station should be undertaken based on the circumstances of each site. Based on our past experience, some adjacent uses to a service station, such as residential uses, may upon being consulted, prefer that the drive-through stacking lane be located between the building and the front or flankage lot line. In addition, the service station developer and urban design municipal staff should have the flexibility to consider alternative designs for a site other than simply prescribing a stacking lane not be permitted between any main wall oriented toward the front lot line or flankage lot line. In any case, the main objective is to ensure an attractive streetscape, with generous landscaping, and adequate pedestrian connectivity into the site from the public sidewalk.

We therefore request deletion of section 5.5.1.c or alternatively suggest simply adding at the end of the section: “except in the case of a drive-through stacking lane at a motor vehicle service station”.

We would be pleased to have the opportunity to discuss this item further with you or other members of the Oakville Planning Staff.

Sincerely,

Jean Roy
CC.  E. Bristow, Canadian Fuels Association
      S. Ethier, Suncor Energy Products
      P. Park, Suncor Energy Products
      C. Brutto, Husky Energy
      D. Dussault, Imperial Oil
      P. Giroux, Imperial Oil
      H. Bennet, Shell Canada Products
Schedule “A”

Dundas & Neyagawa, Oakville
February 18, 2014

Joe Nethery  
Manager, Zoning By-law Project  
Planning Services  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Dear Mr. Nethery:

RE: REVIEW OF DRAFT 2014 ZONING BY-LAW (V3 AND V3.1)  
CROSS AVENUE, BRISTOL CIRCLE, AND SOUTH SERVICE ROAD  
HOME DEPOT OF CANADA  
OUR FILE 9316AT

We are writing on behalf of Home Depot to outline our concerns with the Town’s most recent draft of its new Zoning By-law (Version 3), with respect to the above-noted addresses. The following is a summary of issues with the proposed zoning, by property.

GENERAL CONCERNS

- While the conditions of the permanent garden centres are recognized as legal non-conforming, no recognition has been extended to seasonal garden centres which are erected for a limited time and then removed. Seasonal garden centres will have to comply with the provisions of the by-law regarding outdoor sales and display. This may be an issue for the Trafalgar Village or Bristol Circle stores, which do not have any parking capacity to spare. Minor Variances were granted to allow a seasonal reduction in parking. A seasonal garden centre would impact parking at those two stores to an extent that a new Minor Variance would be required.

- The provisions for outdoor display and sales require the longest dimension of the outdoor display and sales area to be abutting a main wall of the associated building. The seasonal garden centres do not abut the main wall of their respective main buildings. There is no provision in the legal non-conforming provisions which would recognize this condition.

- The legal non-conforming provisions of Section 4.12 do not apply to landscape coverage. Therefore a Minor Variance would be required to recognize the existing landscape coverage at each of the Home Depot stores, should Home Depot wish to expand or alter these stores.
SOUTH SERVICE ROAD CONCERNS

This store is proposed to be zoned Core Commercial (C3) Zone, subject to exception 259. Retail stores and outside sales and display are permitted uses in the C3 Zone. Therefore the existing store will continue as a legal conforming use.

The provisions for outdoor display and sales require the longest dimension of the outdoor display and sales area to be abutting a main wall of the associated building. The store’s seasonal garden centre does not abut the main wall of the main building when it is erected each season. There is no provision in the legal non-conforming provisions which would recognize this condition, as the structure is erected and dismantled on a seasonal basis. The by-law should recognize existing seasonal garden centres.

CONCLUSIONS AND RECOMMENDATIONS

Based on the above analysis, we believe that the proposed Zoning By-law could be improved to recognize the above-noted conditions. We request the following provisions in the new Zoning By-law be included or revised:

- Section 4.12.1b) be revised to include relief from the landscape coverage provisions in all sections of the by-law;
- Section 4.17c) be revised so that it does not apply to seasonal garden centres of 929 sq. m or less, provided those garden centres operate only between April 1st and August 1st of each year; and
- Section 4.17d) be revised so that it does not apply to seasonal garden centres, similar to the treatment afforded to motor vehicle dealerships.

We request that the draft Zoning By-law incorporate the above requested modifications prior to adoption by Council on February 25th. If you would like to discuss these matters, please feel free to call.

Thank you,

Yours truly,

MHBC

Ryan Moore, MPI, MCIP, RPP, LEED® AP

cc. John Tascione, Jacob Williams, Steve Zakem
Good afternoon Kim and John –

It was great meeting with you both on site on February 19, 2014.

To answer the two questions below, in my December 11, 2013 reply I made an error by listing “wholesaling and distribution” as the proposed permitted use. I meant to list “warehousing” as the use proposed to be permitted in the updated final draft (v3.1). Based on our site visit, on both lots I would interpret the uses being undertaken to be “warehousing.” Note that Section 4.2 of the 2014 Zoning By-law additionally permits “accessory uses” on any lot to cover off items naturally and normally incidental to the main parent use.

The interpretation of the updated final draft (v3.1) permissions is that warehousing would continue to be permitted on the lot once the 2014 ZBL is passed by Council. As a legal use, it can be expanded or restarted.

With respect to next steps for the Planning Services department, staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. I anticipate the three properties on Sheridan Gardens Drive will be reviewed in detail as part of this process. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is the time for those discussions. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

If you have any additional questions, please do not hesitate to contact me.
Joe,

I have read the staff report and I have 2 hopefully final questions.

1) To refresh your memory, our business is a wholesale distributor of Fabrics and home goods - we have some minor manufacturing, and a warehousing and showroom component. As it stands right now wholesaling is not a permitted use in E1 going forward nor is it permitted if it existed previously on the lot?

2) uses that will permitted on lots where the use legally existed on the lot prior to the passing of the by-law ---- will this apply in the future if the building is sold to another company - will they be grandfathered the uses of i.e. warehousing, showroom etc?

Kim

Kimberley Hovesen-Krasa

www.jffabrics.com

---

From: Joe Nethery [mailto:JoeNethery@oakville.ca]
Sent: February-07-14 11:53 AM
To: KimberleyHovesen; 'John Vlacich
Cc: Dana Anderson; Diane Childs; Denis Daoust
Subject: RE: Updated Office Employment Zoning Recommendation

Good morning Kim and John –

In the staff report that isn’t yet released, there is an explanation that staff are proposing to segment out the “industrial use” permission into separate use terms: manufacturing, repair shop, and warehousing. All three of those uses are proposed to be permitted on lots where the use legally existed on the effective date of the 2014 Zoning By-law (targeted for February 25, 2014).

The use you are both undertaking, if I recall correctly, was either manufacturing or warehousing. So the existing uses are legal and permitted on the lot.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services
Thank you.

John Vlacich  
Director of Operations & Human Resources  
ACI Brands Inc.

---

Our interpretation would typically be made independent of other classification systems (all these crazy bureaucracies, right?). The zoning interpretation of “warehouse” would not apply to restrict any distribution component of the operation.
Hi Joe,

Thank you for the follow up. It was a pleasure meeting you and Matt Rubic. It is clear that both you and Matt see both ACI’s business and Joanne Fabrics’ business as warehousing for the purposes of Zoning.

However, I wanted to point out, that when we define our business on any type of municipal, provincial, or federal survey or questionnaire, as well as for insurance purposes, we indicate that we are a multi divisional company that “distributes” various product lines to all the major retailers in Canada. Having said that, and in order to have peace of mind, please confirm your understanding of this to meet what you refer to as warehousing.

Your feedback and confirmation would be greatly appreciated.

Best regards,

John Vlacich
Director of Operations & Human Resources

From: Joe Nethery [mailto:JoeNethery@oakville.ca]
Sent: Friday, February 21, 2014 5:22 PM
To: 'KimberleyHovesen'; John Vlacich
Cc: Dana Anderson; Diane Childs; Denis Daoust; Joe Nethery
Subject: RE: Updated Office Employment Zoning Recommendation

Good afternoon Kim and John –
February 19, 2014

Joe Nethery
Manager, Zoning By-law Project
Planning Services
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Dear Mr. Nethery:

RE: REVIEW OF DRAFT 2014 ZONING BY-LAW (V3.1)
SOBEYS CAPITAL
OUR FILE 07159BO

We are writing on behalf of Sobeys Capital ("Sobeys") to outline our concerns with the Town’s most recent draft of its new Zoning By-law (Version 3.1), with respect to several Sobeys stores. The following is a summary of issues with the proposed zoning, by property.

THIRD LINE

The site is currently zoned Community Shopping Centre (C2(a) x681) Zone. The C2 Zone permits a variety of commercial uses including grocery of food stores. The C2(a) provision is explained in exception 681, and requires a minimum lot area of 3.4 ha. No other part of exception 681 has any effect on the site. The site is subject to Minor Variance A/044/2013, approved on April 8, 2013, which permits outdoor storage for the purpose of a seasonal garden centre, with appropriate parking reductions.

The site is proposed to be zoned Community Commercial (C2) Zone. The C2 Zone permits retail stores. It is our interpretation that a FreshCo store would be considered a retail store in the new Zoning By-law, and would therefore be permitted.

Outside display and sales is permitted in the new C2 Zone. It is our interpretation that a seasonal garden centre is considered outside display and sales. Outside display and sales uses are subject to the following regulations:

- Outside display and sales shall be accessory to another permitted use;
- The maximum height of any merchandise display is 3.0 metres;
- Outside display and sales shall not be located within any required yard, required parking space, loading space, required landscaping, or sight triangle; and
Outside display and sales shall be located with its longest dimension abutting the main wall of the building.

The current seasonal garden centre takes up 18 spaces and requires an additional 42 parking spaces. The overall shopping centre requires 426 parking spaces, while 515 parking spaces are provided before counting the garden centre. Under the proposed Zoning By-law parking rate, the seasonal garden centre does not occupy required parking. The seasonal garden centre is located within the required rear yard, but is not located in a loading space, landscaping, or sight triangle. Further, the seasonal garden centre is not located abutting the main building.

The seasonal garden centre does not comply with the regulations for outside display and sales, and in addition does not comply with the minimum required building rear yard setback. As the seasonal garden centre is erected and taken down on a seasonal basis, it must comply with the zoning each time it is erected, and the provisions for legal non-conformity do not apply once the seasonal garden centre structure is taken down. The current Minor Variance does not provide relief from the rear yard setback requirement. Therefore the seasonal garden centre will not be permitted to continue and will require a new Minor Variance to recognize its location not abutting a main wall of the building and within the required rear yard.

MAPLE GROVE DRIVE

The site is currently zoned Community Shopping Centre (C2) Zone. The C2 Zone permits grocery and food stores.

The site is proposed to be zoned Community Commercial (C2) Zone. The C2 Zone permits retail stores and outside display and sales. Therefore the existing use of the site continues to be permitted.

It is likely that the existing site does not currently provide 10% landscape coverage per Table 9.3, and the site will not conform with the new Zoning By-law in this respect. It is our interpretation that there is no relief provided in the legal non-conforming provisions of the new By-law for landscape coverage. Therefore any expansion or alteration will require a Minor Variance in order to recognize the landscape coverage in this case.

UPPER MIDDLE ROAD WEST

The site is currently zoned Community Shopping Centre (C2 x 460) Zone. As noted, the C2 Zone permits grocery and food stores, but does not permit outdoor storage (i.e. garden centres). Exception 460 sets out site-specific regulations for the shopping centre, such as maximum lot area, maximum gross leasable floor area, setbacks, and parking.

The site is proposed to be zoned Community Commercial (C2) Zone. The C2 Zone permits retail stores and outside display and sales. Therefore the existing use of the site continues to be permitted. The site-specific regulations set out in the current zoning have been removed.

Like Maple Grove Drive, it is likely that the existing site does not currently provide 10% landscape coverage per Table 9.3, and the site will not conform with the new Zoning By-law in this respect.
The site is currently zoned Mixed Use (H45-MU4 196) Zone. This is a site-specific zone built to permit the future redevelopment of the Bronte Village Mall. The zone permits the continued use of the land for a food store, and an expansion of that store up to a maximum gross floor area of 3,700 sq. m, prior to the planned redevelopment. Following the redevelopment, this zoning continues to permit a food store, up to a maximum gross floor area of 4,000 sq. m and at a minimum gross floor area of 1,500 sq. m.

The site is proposed to be zoned Mixed Use (H22-MU4 SP14) Zone. Retail stores are permitted, provided that they do not exceed 1,400 square metres for the portion of the premises located on the first storey. Outdoor display and sales is also permitted, subject to the same 1,400 square metre limitation. Notwithstanding the conditions for retail stores, site-specific exception 14 permits a maximum gross floor area of a food store to be 3,700 sq. m prior to the redevelopment of the site. As redevelopment occurs, the minimum gross floor area for a food store must be 1,500 sq. m while the maximum gross floor area must be 4,000 sq. m. This is consistent with the current in-effect zoning.

The site-specific zoning provisions require a minimum parking rate of one space per 25 square metres of net floor area. This is the same rate required in the current in-effect site-specific zoning, except that the current zoning uses ‘leasable’ floor area in the ratio. Leasable floor area excludes mall corridor areas, whereas net floor area does not. At the proposed Zoning By-law parking rate using net floor area, the entire mall would require 359 parking spaces. According to the Site Plan provided, 355 parking spaces are provided. The site therefore would not comply with the new site-specific requirement for parking, but nonetheless remains legal non-conforming.

CONCLUSIONS AND RECOMMENDATIONS

Based on the above analysis, we believe that the proposed Zoning By-law could be improved to recognize the above-noted conditions. We request the following provisions in the new Zoning By-law be included or revised:

- Section 4.12.1b) be revised to include relief from the landscape coverage provisions in all sections of the by-law;
- Section 4.17c) be revised so that it does not apply to seasonal garden centres of 929 sq. m or less, provided those garden centres operate only between April 1st and August 1st of each year; and
- Section 4.17d) be revised so that it does not apply to seasonal garden centres, similar to the treatment afforded to motor vehicle dealerships.
- Section 15.14.3 g) be revised so that net floor area is replaced with a newly defined term ‘leasable floor area’ that excludes mall hallway areas per the current Zoning By-law.

We request that the draft Zoning By-law incorporate the above requested modifications prior to adoption by Council on February 25th. If you would like to discuss these matters, please feel free to call.

Thank you,
Yours truly,
MHBC

Ryan Moore, MPI, MCIP, RPP, LEED® AP

cc. Christine Yee
October 29, 2013

Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville ON L6H 0H3

Attn: Joe Nathery, Manager, Zoning By-Law Project

Re: Appeal to Draft 2014 Zoning By-law

Dear Mr. Nathery:

It has come to my attention that the Town of Oakville has put forth a new zoning by-law that will impact our property located at [name redacted] Sheridan Garden Drive. The purpose of this communication is to object to the proposed E1 designation that has been put forth in your Draft 2014 Zoning By-Law. It must be noted that there is a strong likelihood that all business owners on Sheridan Garden Drive will wholeheartedly object to the proposed E1 designation for our area.

Our building, as well as all the other buildings on Sheridan Garden Drive were built with the understanding that it was zoned T1-Transition Employment. This means that T-1 allows for a variety of employment and light industrial uses which includes warehousing, bulk storage, distribution, showroom facilities and office space. This is the reason that all property owners on Sheridan Garden Drive located and built in the area as it met our business requirements. Our location provides employment to 130 full time employees and the other properties provide jobs to a similar amount of employees. Therefore, it makes perfect sense that a designation of E2 would be much more accurate in capturing the land use per the by-law description of allowable uses.

Quite frankly, I find it difficult to understand why the proposed land use for our area would be E1. An E1 designation does not properly reflect the true land use of our property that has been in place for the past eleven years. Moreover, it would adversely affect our property value, our investment and our future land use. It is for this reason that we implore the town to re-evaluate the proposed E1 designation for our area and look to make the designation on Sheridan Garden Drive an E2 designation.

I welcome you to call me should you wish to further discuss this issue.

Sincerely,

Jeff Goraielb
President
February 19, 2014

Via Email and Regular mail

Vicki Tytaneck
Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tytaneck:

Re Draft of Zoning By-law and Official Plan Amendment

In the Invicta Drive

Our File No. 94395

We act on behalf of the Coptic Orthodox Patriarchate of Alexandria the Church of the Virgin Mary and St. Athanasius, the owner of the above property in the Town of Oakville. Thank you for the opportunity to review the draft of the Town of Oakville Zoning By-law, and the accompanying Official Plan Amendment. We have reviewed these documents on behalf of our client, and offer the following comments.

Zoning By-law Issues

On or about September 4, 2011, my client began the process to file for a Zoning By-law Amendment to By-law 1984-63 to allow private school use within the existing place of worship on the subject property. On August 6, 2013, the Town approved Zoning By-law 2013-050, to permit the above amendment. At that time the lands were also subject to a Site Plan Application, file #S.P.1509.027/01.

No appeals were filed to the Zoning By-law Amendment, and my client is currently in the process of obtaining site plan approval for the development. My client has been working
diligently with Town Staff to obtain site plan approval from the Town before proceeding with construction. Final site plan drawings were submitted to Staff on February 12, 2014. Staff has indicated that it will take at least another three weeks, approximately to March 5, 2014, to obtain any site plan approval on this application. As of the date of this letter, site plan approval has not been granted.

My client has also been working with Staff to identify and resolve issues with the new Draft Zoning By-law, the most recent of which are addressed in attached correspondence from Ruth Victor dated February 19, 2014.

Notwithstanding the above, under the transitional provisions of the Draft Zoning By-law, s. 1.8 states that without site plan approval, my client will not be able to receive building permits unless they also comply with the new Draft Zoning By-law when that by-law comes into force.

If the Draft By-law provisions are passed on February 25, 2014, as recommended by Town Staff, my client’s development will be further delayed and will likely suffer increased costs to proceed with the development. My client has already been through the appropriate development processes with the Town over the past two years and is now at the final stages of approval. My client’s efforts to obtain the appropriate approvals and follow the Town’s due process should be recognized, rather than penalized.

We request that these transitional provisions be amended to allow such development applications to proceed without further delay, and cost to the applicant, my client. Alternatively, we request that the approval of the Draft By-law be deferred until such a time as Site Plan Approval can be granted on my client’s application or the above issues with respect to the Draft Zoning By-law can be addressed.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethery, Manager, Zoning By-law Project
Client
Mr. Joe Nethery  
Manager, Zoning By-law Review  
Planning Services, Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3  

Dear Mr. Nethery,

Re: Town of Oakville Zoning By-law 2014-014  
Coptic Church, Private School and Day Nursery

We act on behalf of The Coptic Orthodox Church of St. Peter and St. Paul for the property municipally known as Invicta Drive in the Town of Oakville. We have reviewed the draft Versions of the Oakville Zoning By-law (the “New By-law”) including Version 3.1 released on February 14, 2014 as they pertain to our client’s property and interests.

We provided Town staff previously with our letter dated November 1, 2013 outlining our client’s issues with the draft Zoning By-law. We thank staff for their continued efforts to address and resolve our issues.

Through review of Version 3.1 of draft Zoning By-law, we have identified the following new issues within this latest version:

- Accessible Parking: 4 spaces have been provided on the site as per the original application to amend the Zoning By-law which was filed in October 2012. The number of spaces was determined on the basis of all uses permitted in the employment zone being applied to the subject property. Under V3.1 of the draft Zoning By-law the number of required spaces increases to 6. Please amend the Special Provision (328) to cap the number of accessible spaces at 4.

- Bicycle Parking: the current by-law does not require bicycle parking. Please amend the Special Provision to delete the requirement to provide bicycle parking on this site.

We acknowledge the limited opportunity to meet with staff to discuss and resolve these concerns prior to the passing of the by-law on February 25 and anticipate these concerns will be able to be addressed through the appeal process.

Please contact me directly if you have any questions regarding this submission.

Yours truly,

[Signature]

Ruth Victor MCIP, RPP
Good evening Mr. Nethery,

I will not be able to meet tomorrow. I was unaware of the Town's time-frame on the inZone project, and your 6 to 7 week response time to my December 24th inquiry has pushed this matter to the last minute. Hopefully we can save everyone the time of holding a meeting, and you can provide the reasoning for the Towns changing position on the zoning of our property. I have outlined my opinions below.

1) The Livable Oakville Plan of 2011 designated our property as Medium Density Residential. The inZone process is to "...implement the policies of...the Livable Oakville Plan...", yet the zoning proposed for our property is significantly different from the Livable Oakville Plan. What has happened since 2011 to justify this change?

2) Why does page 12.318 refers to the parent zone for Lakeshore Road East as RM4? The site specific rezoning of this property (classed as "Residential Medium Density II" in 2008-142) allowed a building much larger than even the RM4 Medium Density Zoning (51% lot coverage and smaller set-backs) as well as 4-storey height which is more than allowed in the other medium Density Zones (RM1-RM3). Other than the fact that the dwellings are defined as 'semi-detached dwellings' instead of 'apartments', why did the Town choose to use the RL9 as a basis for the (existing) site specific exemptions? It seems that any ‘reasonable person’ would conclude that the building on Lakeshore Road East is 'Medium Density' given it's size and height. I believe this same building could have been divided as two condominium apartments under the site specific zoning, which would match the new RM4 zoning. Would this have changed the Town's zoning proposal for these two properties? Would the Town approve similar 4-storey buildings with 51% lot coverage in all the other RL9 zones in Oakville?

3) While I welcome your statement that being listed on Section F should not affect the zoning, I do not accept that the current use of the land should determine the zoning. This house was been located at this site since 1917, if we can rely on Section F of the heritage registry. Despite this, the Town zoned the land as R9 High Density Residential at some point prior to 1985. The Town reviewed the zoning for Livable Oakville Plan, and decided a Medium Density Zone made the most sense for the land. The 'detached dwelling' has been on the property through all of this, so I cannot understand how its presence now requires the property to be rezoned to RL4. The current house has always been legal, and would remain legal (non-conforming) after any rezoning. Why has the Town decided the existing use must be reflected in the zoning for this property, where on Shepherd Road it decided the zoning must be changed to prevent the existing use from continuing (other than as legal non-conforming). It seems in both cases the Town's zoning should reflect the Livable Oakville Plan and 'best land use', not changing the zoning to reflect the current use.

4) The current house is, in my opinion, unlikely to be added to the protected heritage list. Any context to the house was demolished with it's 'twin' house at Lakeshore Road East, it is sandwiched between a 6-story apartment and the new 4-storey 'semi-detached dwelling', the bricks have been compromised with painting and sandblasting, and the style of house is well represented elsewhere in Oakville (Spruce Street seems to have many similar houses). While I believe Gil Moore owned the house before us, Triumph's significance will not weigh heavily in the heritage assessment. Without heritage protection, the house will most likely be demolished once we vacate it. If this is the case, the real question if what is the best zoning for the vacant land. Clearly, it would be hard to justify anything smaller than the building at Lakeshore Road East, and the RL4 zoning is clearly inappropriate. If the building is heritage protected, the zoning would be of little consequence as the heritage policies would control the development of the land (as I understand it).

5) I have attached a photo taken from the parking lot of some tall apartment buildings across the street from our home. Does it seem reasonable that any construction on the lot should be RL4 low density residential. In all likelihood, if the
The existing house was demolished; the proposed RL4 zoning would require a smaller home to be constructed as a replacement (I have not reviewed the RL4 zoning regulation, so this may not be true. However, in my defense, these regulations are boring...and I am not a planner). A 'reasonable person' would think a building similar in size to the two neighbouring buildings would be appropriate for our property. What is the planning justification for limiting our property to RL4 low density residential zoning?

Ultimately, any future development of our property will require a site-specific zoning, similar to Lakeshore Road East, and the current inZone rezoning should reflect this reality. Our preference would be for a 'housekeeping' change to RH (matching the apartment to our east). A change to RM4, which is the closest zoning to allowing a building of the same proportions as the one at Lakeshore Road East, would be acceptable. In the emails exchange below, your only explanation for the RL4 zoning is to 'recognize the detached dwelling on the lot', which is not a valid explanation in our opinion. Without a reasonable explanation, your proposal for RL4 Low Density Residential is unacceptable.

We would appreciate it if you could address the above concerns. Although they mainly concern the justification for the RL4 zoning proposal, it would be helpful if you could answer all the questions posed.

Additionally, please advise what additional steps we must follow to retain our right to appeal this potential rezoning of our property.

Terry Mannell

-----Original Message-----
From: Joe Nethery [mailto:JoeNethery@oakville.ca]
Sent: February 19, 2014 6:37 PM
To: 'info@groupfourfurniture.com'
Cc: Keith Bird; Dave Gittings; Dana Anderson; Diane Childs; Denis Daoust; Lesley Gill Woods; Joe Nethery
Subject: RE: Lakeshore Rd E rezoning

Good evening Mr. Mannell. By point in your emails –

1. The Livable Oakville Plan currently designated the properties Medium Density Residential. In the inZone Conformity OPA proposed for Council adoption on the 25th, the properties are proposed to be redesignated to Low Density Residential recognizing the existing permitted uses on site.

2. The updated final draft (v3.1) proposes to zone Lakeshore Road East as Residential Low RL9 SP 292, a zone that permits semi-detached dwellings. From v3.0 to v3.1, staff are recommending deleting one residential zone, which with renumbering takes the 10 down to 9. The RM4 was applied using the Livable Oakville Plan designation in effect but on review and auditing staff discovered the discrepancy between the permitted uses and Livable Oakville Plan permissions with revisions made between v2.0 and v3.0.

3. From the Monday email, I should have written that sentence using zoning language. The staff recommendation is to recognize the detached dwelling on the lot. The heritage listing does not impact on the recommended zoning – zoning speaks to use of land, and the use of land on this lot is “detached dwelling.”

Staff’s recommendation to Council on the 25th remains to pass the 2014 Zoning By-law. I’m hoping you might be available on Friday, February 21 at 10 am because that is a good time for lining up a number of key staff for the discussion.

Please advise. Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
We do not agree with your zoning our property R4. I was reviewing the information on the Town web site, but am confused about some of the information I have read; hopefully you can provide some clarification.

1) What zoning does the Liveable Oakville plan propose for our property? Schedule G [September 7, 2012 from http://www.oakville.ca/townhall/livable-oakville-plan.html] seems to indicate Medium Density residential, but your are proposing RL4 which is a Low Density Residential zoning. When did the Town's intentions for this property change, and what is the reasoning behind this change?

2) What is the current proposed zoning for Lakeshore Road East? Version 2 (September 18, 2013) of the draft bylaw listed a parent zone of RM4 (Medium Density Residential) on page 15.318, yet the maps show the property as RL10-292 (Low Density Residential). Version 3 (February 7, 2014) still shows RM4 on page 15-318, but the map now reads RL9-292. Version 3.1 (February 24, 2014) is the same as Version 3. Should the zoning shown on the map be RM4-292, if RM4 is the parent zoning? The RM4 seems close to the current R8(-822) zoning and most appropriate to the existing 4-storey building on the site.

Once I have clarification of these two issues, I would like to further discuss the zoning of our property with the Town.

Terry Mannell
Part of the inZone project is implementing the new Livable Oakville Plan and recognizing the legal existing uses of lots occurring today. As part of doing this, one of staff’s recommendations is to recognize a number of legal existing uses as they are in both the Livable Oakville Plan and Zoning By-law. This sees a number of properties being redesignated in the area north and east of Downtown Oakville. Some properties are being redesignated to recognize legal existing apartments, while this property is proposed to be redesignated and rezoned to recognize the listed heritage home.

4. Notice was published in the Oakville Beaver on October 9, 2013 (meeting Planning Act requirements) and again on October 16, 2013. A mailout was not sent directly to the address. I have since added you to the project mailing list and I’m hoping the courtesy notice of the February 25 meeting was mailed to you.

5. The updated final draft (v3.0) is being presented to Council at a special meeting on Tuesday, February 25. Staff’s recommendation is for Council to pass the By-law. Council meetings start at 7 p.m. in Oakville.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Complete our Community Development customer service survey.
Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

From: Group Four Furniture
Sent: Tuesday, December 24, 2013 12:10 PM
To: Joe Nethery
Cc: Keith Bird; Dave Gittings; Dana Anderson; Diane Childs
Subject: RE: Lakeshore Rd E rezoning

Thanks for the information, but I need some clarification on some of the points raised.

1) What is meant by the 'southeast corner of Lakeshore and Allan Street' zone? Other than Lakeshore Road East, what other properties are included in this zone?

2) Current R9 zoning - You note that the R9 zoning on our property has not changed since at least 1985, and there have been no rezoning applications. The existing building has also been on the property since at least 1985 as a 'legal non-conforming use', so there has not been any changes that would require rezoning. It seems most appropriate to just rename the zoning to RH, which is similar to the current zoning and the zoning of the 6-storey apartment building to the east. If any building proposal is forthcoming (without property consolidation to meet the R6 zoning minimum lot sizes), it should be handled as the site-specific rezoning of Lakeshore Road East was.

3) Low density Residential - while RL10 is a low-density residential zoning, it would be quite a stretch to describe RL10-SP292 as low-density. It allows a four storey building, with 51% lot coverage. Your proposal for our property, which is slightly larger than Lakeshore Road East, would not allow a semi-
detached dwelling, would not allow a 4-storey building (height restriction) and would be limited to 35% lot coverage. If we proposed to build an identical building to Lakeshore Road East, we would be unable to do so without extremely generous concessions from the Town including a higher-density rezoning. Has the planning direction of the Town changed so drastically in the few years since the rezoning of Lakeshore Road East that it would not be permitted today? Given the 6-storey apartment to the East and the 4-storey 'semi-detached' building to the West or our property which have rendered the existing building obsolete, what is the justification for reducing our zoning from R9 to RL4?

4) Did the Town send us a notice about changing our zoning from the high-density R9 to the RL4 single detached home zoning? We do not recall seeing any notice.

5) When is the Town planning on finalizing the rezoning of our property.

Thanks for the information, and we look forward to discussing this with you in the new year. Hope you have a Merry Christmas and a Happy New Year.

Terry & Judy Mannell
Lakeshore Road East

-----Original Message-----
From: Joe Nethery
Sent: December 19, 2013 11:53 AM
To: Keith Bird; Dave Gittings; Dana Anderson; Diane Childs
Cc: Lakeshore Rd E rezoning
Subject: RE: Lakeshore Rd E rezoning

Good morning Mr. Mannell –

As part of the ongoing inZone project, one of many of staff’s recommendations is recognizing a number of uses as they legally exist today in the 2014 Zoning By-law. In the area generally around downtown Oakville, a number of zones (and Official Plan/Livable Oakville Plan designations) are proposed to be changed. The southeast corner of Lakeshore and Allen is one of these locations.

Staff have reviewed past consolidations of Zoning By-law 1984-63 and note that the current R9 Zone applying to your property has been in place since at least 1985 – there was no recent rezoning applicable to your lot. The detached dwelling is currently a legal non-conforming use. The lot to the west – draft zoning RL10 SP 292 – is a semi-detached dwelling, not a stacked townhouse.

This means that, at present, the uses being undertaken on these two lots are only permitted in the Low Density Residential designation of the Livable Oakville Plan. Staff will be proposing that the zoning and Livable Oakville Plan policies recognize the uses legally existing on these lots as permitted.

The project team is happy to discuss this further by phone if you wish, although our schedules are better next week (23rd and AM of the 24th). Town Hall is closed until after January 1, and I’m back in the office on Monday, January 6.
Thanks for your note Terry.

I have cc'd this note to Joe Nethery, Manager of Oakville's Zoning By law Project so that hay may provide a response to your concern over the draft RL4 designation.

Dave

Dave Gittings
Ward 3 Town Councillor
Office of the Mayor and Council
Town of Oakville | 905-844-5513 | www.oakville.ca

Please consider the environment before printing this email.
http://www.oakville.ca/privacy.html

Joe Nethery MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

-----Original Message-----
From: Group Four Furniture
Sent: December-17-13 5:34 PM
Subject: Lakeshore Rd E rezoning

Councillors Dave Gittings and Keith Bird

I was reviewing the Town of Oakville's web site, and was surprised to see that the current high-density residential zoning (R9, it seems) on our property is being reduced to RL4. Given that the property is sandwiched between a 4-storey stacked townhouse (new zoning RL10-292) and a 6-storey apartment building (new zoning RH), this new zoning does not seem to be appropriate.

Please have Town staff review this proposed zoning change, and let me know the reasoning behind the decision. It was only a few years ago that the Town allowed the rezoning for Lakeshore Road East, so I do not understand why the Town is proposing to limit our property to a detached home.

Terry Mannell

<< OLE Object: Picture (Device Independent Bitmap) >>
Good evening all –

Per Mr. Watt’s email, the setback in Section 4.19.4 is proposed to be deleted and replaced with an explanatory clause: No additional setback is required from the Trans-Northern Pipeline right-of-way.

Per Ms. Newman’s email, Section 4.19.1 as worded only requires a setback for a “building or structure associated with a dwelling.” That should be deleted plus the following added at the end of the clause to give full and proper effect to the Enbridge request: “where the [Enbridge] right-of-way is located outside of an electricity transmission corridor”.

These changes will appear in the final memorandum to Council at Tuesday’s meeting. No other changes are currently proposed.

In all instances, pipeline providers are circulated on development applications (ZBLA and Site Plan) in proximity to your rights-of-way per normal circulation practices. This affords you the chance to comment on those processes.

Good morning Joe,

In light of the comments from Enbridge and Trans-Northern below, are you proposing to change any of the pipeline setback provisions?

Thanks
Jordan
Mr. Nethery

Enbridge Pipelines Inc. operates under the same NEB regulations as Trans Northern Pipelines Inc. Enbridge does not have any regulatory requirements for setbacks from the pipeline right-of-way. Where Enbridge Pipelines are outside the hydro corridor Enbridge wishes to have a 3m setback from the pipeline right-of-way within the Town of Oakville. As noted by Trans Northern, Enbridge would also hope to participate in any planning and zoning amendment process in order to protect our pipeline facilities.

If you require any additional information regarding Enbridge Pipelines Inc. please let me know.

Regards,

Ann Newman  CET SRWA
Supervisor, Right-of-Way Services, Eastern Region
Enbridge Pipelines Inc.

Good morning, Mr. Nethery

As discussed, and as noted in my letter to you dated January 21, Trans-Northern for the most part occupies OILC/HONI utility corridors within the Town of Oakville. As explained, there is no regulatory requirement for setbacks from the pipeline right-of-way.

It was not the intention of my comments to impact the ability of OILC/HONI to licence the corridor lands for other compatible infrastructure or secondary uses. There is a history of cooperation in that regard. For the range of land uses permitted on these corridors, Trans-Northern is content that they continue to be managed in accordance with the terms of its occupancy agreements, the National Energy Board Act and the Pipeline Crossing Regulations.
For possible future uses of the utility corridors which required re-zoning, subdivision or site planning — e.g. conversion to permit residential subdivisions — Trans-Northern would hope to participate at that time in the planning and zoning amendment process to help protect its facilities. That was the intended meaning of the last paragraph of my letter.

As there is understandably OILC/HONI concern about the wording of the General Provisions of the Zoning By-law, I would now request on Trans-Northern’s behalf that Subsection 4.19.4 be deleted in its entirety. Please let me know if you require anything further in that regard.

Thank you for your prompt attention to this request.

WHW

---

**From:** Joe Nethery  
**Sent:** Tuesday, February 11, 2014 11:50 AM  
**To:**  
**Cc:**  
**Subject:** RE: IO submission - draft zoning by-law

Good morning Bob, Walter, Wendy, and Ann –

I am advised by Infrastructure Ontario a letter will be coming in regarding hydroelectric infrastructure (i.e. transmission towers) and structures associated with their tenanted uses (i.e. community gardens; I don’t think we have many soccer fields or parking lots) located in close proximity to your pipeline corridors.

As the general provision is currently structured, all buildings and structures are subject to the special setbacks. As you are aware, we have discussed these setbacks over the past year.

The first purpose of my email is to put Jordan Erasmus, IO’s planner, in contact with you to discuss. She may reach out to you in the coming week. The second purpose of my email is to confirm if the setbacks contained in the final draft (v3.0) remain current and satisfactory toward implementing your various regulations (chiefly, that all buildings and structures are subject to the special setbacks). In the absence of a reply, staff’s recommendation will be to maintain the proposed Section 4.19 (attached).

I look forward to your replies. Thanks –

---

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

---

*Complete our Community Development customer service survey.*

[Please consider the environment before printing this email.](http://www.oakville.ca/privacy_statement.htm)

---

**From:** Joe Nethery  
**Sent:** Friday, February 07, 2014 5:21 PM  
**To:**  
**Cc:**  
**Subject:**
Subject: RE: IO submission - draft zoning by-law

Good afternoon Jordan –

You’ve outlined two issues:

1. Setbacks from pipeline corridors. These are their recommended we are including in the 2014 ZBL – unless you have some documentation from them regarding exceptions or exclusions from their regulation, I’m not sure how the Province could be exempted from them on at least the commercial leasing side (depending on what you are proposing). I’ve cc’d my four pipeline contacts to see if they can expedite this process or comment as well.

2. Zoning applied to corridors. Depending on where you have issue, I’m sure there are items we can discuss.

I think step 1 is a meeting with me and another staff member (likely Diane Childs, our Manager of Long Range Planning). I would suggest we speak next week and I would pitch the following times:
- Wed Feb 12, 2-3
- Tues Feb 18, 9-10
- Thu Feb 20, 1-2 or 2-3

Depending on how the meeting goes, we can discuss further options at that time.

Does this work for you?

From: Erasmus, Jordan (IO)
Sent: Friday, February 07, 2014 3:03 PM
To: Joe Nethery
Subject: IO submission - draft zoning by-law

Good afternoon Joe,

I am a planner at Infrastructure Ontario. It was very recently brought to our attention that the proposed new zoning by-law includes minimum pipeline setback requirements in Section 4.18. As the provincially-owned hydro corridor lands that run through the Town include various pipeline easements, these minimum setbacks have the potential to impact our ability to license the lands for other infrastructure and recreational secondary uses. We also have concerns with the proposed change in zoning on certain corridor lands in the south part of Oakville.

I realize the public consultation period for the zoning by-law has closed, however we do feel the need to make a submission on this matter before the by-law goes before Planning & Development Council on the 25th. We have drafted a comment letter and hope to submit it in the next day or so. I’m wondering if I should send it directly to the attention of Council, or send it to you for your consideration prior to the meeting? I’d be happy to discuss at your convenience.

Many thanks,
Jordan

Jordan Erasmus, MCIP, RPP
Planner

Infrastructure Ontario
Realty Planning and Development
February 12, 2014

Chair and Members
Planning and Development Council
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

sent via email

RE: Infrastructure Ontario Comments
Proposed Pipeline Setback Requirements
Draft Town of Oakville Zoning By-law 2014-014

Infrastructure Ontario (“IO”) is the strategic manager of the provincial government’s real property and has a mandate of maintaining and optimizing value of the portfolio. We are writing to provide you with the following comments for consideration as it relates to the proposed pipeline setback requirements in the draft Town of Oakville Zoning By-law 2014-014. We request that certain provisions of the draft by-law be substantially changed.

The Province of Ontario transferred fee simple interest in Hydro One Networks Inc. (“Hydro One”) landholdings to Her Majesty the Queen in right of Ontario pursuant to Section 114.2(1) of the Electricity Act, 1998 S.O. 1998, c.15, Sched. A., as amended (the “Act”). Pursuant to Section 114.5(1) of the Act, Hydro One has the primary right to use these transferred lands to operate an electrical transmission system or electrical distribution system. Infrastructure Ontario has the authority to grant rights on behalf of Her Majesty the Queen in right of Ontario, and IO shall be bound by all the Transferor’s covenants, representations and warranties.

IO and Hydro One have also licensed these lands to third parties for secondary uses in cases where Hydro One has determined that the proposed secondary land use would be compatible with the primary use of these lands for electrical transmission or distribution purposes. Providing for secondary uses contributes to the more efficient use of lands for public infrastructure and community purposes and generates income for the Province of Ontario.
IO and Hydro One have licensed lands located within two east-west electrical transmission corridors within the Town of Oakville to third parties for a variety of uses. Some of the lands within the northerly provincially owned hydro corridor in the vicinity of Upper Middle Road have been licensed to Enbridge Pipelines for their pipelines. Trans-Northern Pipelines Inc. has licensed a 3 metre wide right of way for their pipeline within the southerly east-west provincially owned hydro corridor that generally follows the alignment of the existing railway line through the south part of the Town of Oakville as shown on Appendix C map of the proposed Zoning By-law 2014-014 (this map is included as Appendix A to this letter). Metrolinx also licenses some hydro corridor lands for surface parking purposes close to the Trafalgar GO Station.

As detailed below, IO and Hydro One have concerns related to the minimum pipeline setback requirements proposed to be incorporated into Section 4.19 of the February 7, 2014 version (v. 3.0) of Zoning By-law 2014-014 (see Appendix B).

**Section 4.19 Pipeline Setback Requirements**
The Town of Oakville existing Zoning By-law does not contain any minimum pipeline setback requirements whereas staff are proposing to incorporate minimum pipeline setback requirements into Section 4.19 of Zoning By-law 2014-014 (see Appendix B). The new requirements serve to prohibit the erection of certain buildings and/or structures within a prescribed setback, depending on the pipeline company. It is unclear how the minimum setbacks were established for each type of pipeline. We understand that the pipeline companies were approached and consulted specifically on these proposed provisions early in the zoning by-law review process and we are concerned that IO and Hydro One were not treated similarly. As a result, we have not been able to proactively discuss the proposed provisions with planning staff and fully assess their potential impacts on hydro corridor lands.

For existing or potential future oil and gas pipelines on provincially owned hydro corridor lands, the proposed minimum pipeline setback requirements might preclude the use of some corridor lands for a broad range of uses. These uses include electricity transmission and distribution-related facilities (e.g. transmission towers, transformer stations, switching stations) as well as public infrastructure provided by Metrolinx, Region of Halton or the Town of Oakville. Hydro One is currently licensing some corridor land for allotment gardens and public parks which have structures for athletic or recreational activity. Other corridor lands also accommodate a broad range of public infrastructure uses, as a secondary land use, including: storm sewers, sanitary sewers, water mains, communication lines, and transit and transportation facilities. Decreasing the ability to locate such public uses or infrastructure within hydro corridors would decrease the ability of these public service providers to deliver their public facilities or infrastructure cost effectively and could impact Hydro One’s ability to operate its transmission system.

Section 1.6.1 of the Provincial Policy Statement requires that this type of infrastructure be provided in a cost effective manner. Therefore the minimum pipeline setback requirements that the Town of Oakville is proposing to include in the Town’s new
Zoning By-law is seemingly contrary to the intent of the Provincial Policy Statement. The net effect of the proposed pipeline setback regulations in Zoning By-law 2014-014 could be to restrict public uses from locating on some provincially owned hydro corridor lands for the benefit of private oil/gas companies.

Trans-Northern Pipelines Inc. in their January 21, 2013 letter to the Town of Oakville, acknowledged that “Trans-Northern’s standard right of way is 18.29 metres wide but within the HONI (Hydro One Networks Inc.) corridor is typically only 3 metres wide” (see Appendix C attached). IO and Hydro One’s shared concern is that with the incorporation of pipeline setback regulations into the new Town wide Zoning By-law, the private gas/oil companies can continue to license less provincially owned hydro corridor land than they would usually require for their pipeline. IO and Hydro One are of the view that the privately owned oil/gas companies should license all of the land that they require to protect their underground pipelines rather than rely on pipeline setback regulations in the Zoning By-law to protect their interest. For example, Trans-Northern Pipelines should license an 18.29 metres wide corridor rather than the 3 metre wide corridor that they currently license, if that is in fact the technical requirement of the pipeline.

For the above-noted reasons, IO and Hydro One both request that the provincially owned hydro corridor lands be exempt from the proposed pipeline setback requirements which are proposed to be included in Section 4.19 of the Zoning By-law 2014-014.

We hope that the Town of Oakville will revise the new Zoning By-law 2014-014 in response to these comments. Please do not hesitate to contact me if you have any questions regarding the content of this letter at [redacted] or [redacted].

Yours truly,

[Signature]

Jordan Erasmus, MCIP, RPP
Planner

cc: Les Hart, Hydro One Networks Inc.
    Joseph Nethery, Manager Zoning By-law Project, Town of Oakville
    John Lohmus, IBI Group
    Peter Reed, Infrastructure Ontario
    Patrick Grace, Infrastructure Ontario
File No. 015952/000004

February 20, 2014

Delivered by Email (townclerk@oakville.ca)

Mayor Burton and Oakville Town Council (sitting as Planning and Development Council)
c/o Clerk’s Department
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention Cathie Best, Town Clerk

Dear Mayor Burton and Councillors:

Re: Town of Oakville Proposed Official Plan Amendment No. 4 and Proposed
Zoning By-law 2014-014, in Zone Project
Town Files: 42.24.005 and 42.25.01
Third Line, Oakville

We are land use planning counsel for Arkema Canada Inc. ("Arkema"), the owners of property
located at Third Line, in the southwest quadrant of Third Line and Wyecroft Road ("subject
property").

We understand that this matter will be before Planning and Development Council on February 25,
2014 at 7:00pm. We have reviewed the staff reports dated February 11, 2014, the latest draft
Official Plan Amendment, proposed OPA 4 ("OPA") and draft Zoning By-law 2014-14, v. 3
released February 7, 2014 and v.3.1 released February 14, 2014 ("new ZBL"). This
correspondence provides comments on the latest draft documents.

Previous Engagement

Our client has participated throughout the Town’s process of drafting and releasing versions of
the OPA and new ZBL. On behalf of our client, we provided initial written comments to the
Town on version 1.0 of the new ZBL on May 30, 2013, and we met with Town staff on August 1,
2013. Staff provided a written response dated October 22, 2013. For draft v. 2 of the new ZBL
and the first draft OPA, we provided written comments to the Town on October 31, 2013, held a
telephone meeting with City staff on January 21, 2014, and received a written response from staff
on February 10, 2014. Copies of previous letters are attached for ease of reference. We wish to
thank Town staff for their constructive engagement with our client throughout this process.
A number of our client’s key concerns have been addressed in the OPA and new ZBL; we identify our client’s support in this regard below. There remain several areas of concern that have not been fully addressed, and we draw Council’s attention to these issues below:

Proposed OPA No.4 (By-law 2014-013), dated February 7, 2014

The proposed OPA is an amendment to Livable Oakville, Town of Oakville Official Plan 2009. Various amendments are being proposed by the Town to ensure conformity between the new ZBL and the Livable Oakville Plan.

The subject property remains designated Employment (Industrial) in the latest OPA, which has not changed from its designation found in the Livable Oakville Plan. The OPA adds permission for major office and office uses on lands in the Industrial designation located within 500m of the Bronte GO station:

“b) Major offices and offices may also be permitted on the lands designated Industrial within 500m of the Bronte GO Station.”

The wording has changed from the previous draft OPA version which stated: “b) Major offices and offices may be permitted on the lands designated Industrial between Bronte Road and Third Line.” Our client supports this latest modification, as the subject property is located within 500m of the Bronte GO station.

For the reasons set out in our previous correspondence, our client believes it is good planning, and consistent with Livable Oakville, to permit office uses in proximity to the GO station, a higher order transit station. However, as noted in our October 31, 2013 letter, our client also believes that additional ancillary uses should be included as permitted uses in the Employment (Industrial) designation. These uses should be permitted in conjunction with the primary Office use. The OPA does not currently permit a range of uses that would be commonly found in office buildings as ancillary uses. There are typical ground floor uses in office buildings that provide convenient services to employees in these buildings and also service the public, such as convenience retail, service commercial, financial institutions, medical offices and restaurant uses.

We request that such service commercial uses be added to section 14.5.1 of the OPA, in the same section that permits major office and office uses. These service commercial uses could be described as permitted in conjunction with, and ancillary to, the major office and office uses. These requested uses support the function of the primary Employment (Industrial) uses and are generally permitted in the other Employment designations.

For the reasons set out below under discussion of the new ZBL, we also request that athletic/sports facilities be identified as a permitted use in section 14.5.1 of the OPA.
It is good land use planning to permit uses that support, and are compatible with, the primary economic function of the Employment area. This would include the ancillary uses suggested above, particular to lands that are permitted to have major office and office uses. These ancillary uses would conform with the Livable Oakville Plan policies, the Growth Plan for the Greater Golden Horseshoe, 2006 and the Provincial Policy Statement 2005, as described in our earlier correspondence.

Town of Oakville Proposed Zoning By-law 2014-014 (version 3.1), February 14, 2014

The subject property in the new ZBL, v.3.1, is zoned as E3 Special Provision 4 – Employment Zone (Map 19(5)). Special Provision 4 (SP4) permits Business Office, and v.3.1 specifically clarifies that there are no conditions applying to this use. Version 3.1 now permits Commercial Self-storage in the E3 zone, a change from version 2. Our client supports the Business Office use permission, and the inclusion of the Commercial Self-storage use. However, v.3.1 has removed dry cleaning and commercial school uses in the E3 zone, which further limits what is permitted on the subject property. The new ZBL also does not permit a sports facility on the subject property, a use permitted under the existing Zoning By-law 1984-63.

Our client supports Business Office as a permitted use on the subject property with no conditions; however, as stated in our comments on the proposed OPA above, there are numerous associated/ancillary uses that are appropriate, and found in many office buildings, that have not been included in the permitted use list for the E3-SP4 zone. Such uses not permitted in the E3-SP4 zone, even as ancillary to major office and office uses, include: medical office; retail store; financial institution; restaurant; service commercial establishment; and now dry cleaning and commercial schools. We expressed this concern in our previous letters. Medical office, financial institutions, restaurants and service establishments-employment were permitted in By-law 1984-63 for the subject property, and in our client’s view, these uses should remain permitted for the subject property.

We respectfully request that the Town include medical office; retail store; financial institution; restaurant; service commercial establishment; dry cleaning; commercial school; and athletic/sports facility uses as permitted uses in the E3 zone for lands subject to SP4 permitting business offices uses. The proposed uses (except for the athletic/sports facility) could be permitted in conjunction with (ancillary to) the major office or office use. We request that the corresponding uses be added to the OPA so that no conflicts or conformity issues arise between the two documents.

With respect to the Transition clause in the new ZBL (section 1.8.2b), it states that the provisions of the new ZBL do not apply to a lot where a conditional or final site plan approval has been granted by the Town, on or after May 10, 2011 and on or before the effective date of the By-law and a building permit has not yet been issued. Our client requests that the trigger not be conditional or final approval, but rather the submission of a complete Site Plan Approval
application prior to the effective date of the new ZBL. It would be unfortunate and unfair to a party that has submitted an application, has it deemed complete by the Town, to have to reformulate the application for compliance with the new ZBL. The costs will be financially detrimental to the party if it has to revise all the reports and drawings for a resubmission.

Conclusion

In summary, we request that:

1. Uses ancillary to business offices, such as medical office; retail store; financial institution; restaurant; service commercial establishment; dry cleaning and commercial schools, be permitted in the Employment (Industrial) designation and the E3 Special Provision 4 zone, as applicable to the subject property.

2. Commercial self-storage be recognized as a permitted use in the Employment (Industrial) designation, as the use is permitted in the new ZBL for the subject property.

3. Athletic/sports facility be permitted in the Employment (Industrial) designation and the E3 Special Provision 4 zone, as applicable to the subject property.

4. The trigger in the Transition clause be changed to make the existing Zoning By-law 1984-63 remain applicable, and the new ZBL not applicable, if a complete site plan application is submitted before the effective date of the new ZBL.

Please continue to notify us of any further Council or Committee meetings regarding the OPA and the new ZBL, and of any enactment of the proposed new ZBL and adoption of the OPA.

Should you have any questions regarding this correspondence, do not hesitate to contact the undersigned or May Luong, land use planner. We would be pleased to discuss our client’s remaining concerns with Town staff.

Yours very truly,
Borden Ladner Gervais, LLP

[Signature]

Pitman Patterson
JPP:ml:sa

cc (via email): Joe Nethery, Manager, Zoning By-law Project, Town of Oakville
Lesley Gill Woods, Long Range Planner, Town of Oakville
Robert Roth, Technical/Regulatory Affairs Manager, Arkema Canada Inc.
File No. 015952/000004

May 30, 2013

Delivered by Email (joenethery@oakville.ca)

Joe Nethery
Manager, Zoning By-law Project
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Nethery:

Re: Town of Oakville Zoning By-law Review

We are land use planning counsel for Arkema Canada Inc. (“Arkema”), the owners of property located at Third Line, in the south east quadrant of Third Line and Wyecroft Road. We write to advise the Town of our client’s concerns with respect to the draft Zoning By-law released for consultation.

Currently, the subject property is zoned E2, which permits a wide range of employment uses including athletic facilities and business and professional offices. The property is designated Industrial in the Town’s Official Plan.

The draft Zoning By-law proposes to zone the subject property E3-V (Map 20(5)). The range of proposed permitted uses has been substantially narrowed in the E3 zone. Of most concern to our client, athletic facilities are no longer permitted (now called “sports facilities”), and business offices are permitted only subject to Regulation 10, which permits a business office only in conjunction with another permitted use, not to exceed 25 percent of the floor area.

Our client submits that it is not good land use planning to exclude sports facilities and business offices as permitted uses on the subject property. The subject property fronts onto one of Oakville’s primary north-south arterial roads, is just south of the QEW, and is almost immediately adjacent to the Bronte GO Station. Accordingly, the subject property has superb access. Such access, particularly from higher order transit, makes the subject property an ideal location for a business office.
The Oakville Official Plan identifies the Bronte GO Station as a higher order transit station, and at Policy 14.1.7, identifies “the surrounding areas” as major transit station areas to which employment intensification, including major office and appropriate major institutional uses, is to be directed. Major transit station areas are generally defined as the area within an approximate 500 metre radius of transit stations. Clearly, the subject property falls within a major transit station area. In fact, it is hard to imagine a property more ideally situated for business office uses given its ready access to higher order highway and transit services.

It is Arkema’s position that the exclusion of business office uses from the E3 zone within a major transit station area does not conform with the Town’s Official Plan. Policy 14.3 also directs that new major office buildings shall be developed primarily within Midtown Oakville, major transit station areas, and along higher order transit corridors. While Policy 14.3 describes the Office Employment designation, the policy is equally applicable to any major transit station area. It is not appropriate to exclude from the E3 zone within a major transit station area those uses which could take a far more intense development form than the traditional manufacturing uses permitted as of right. Policy 8.12.2 provides that development plans shall be transit supportive, and shall reflect “densities supportive of transit, which are commensurate with the type and frequency of transit service planned for the area and/or corridor, particularly near transit stops and stations”. Both business offices and sports facilities can, and often do, take a development form of relatively high density and could certainly support a higher density of employees then might be found in some of the traditional industrial uses permitted as of right.

Finally, we note that the list of uses permitted under the Industrial designation is not exhaustive or exclusive, since Policy 14.5.1 describes the type of uses which “may” be permitted in the Industrial designation. Accordingly, in our view, there would not a problem with Official Plan conformity if the E3 zoning category was revised to permit business offices and sports facilities as of right when located within a major transit station area.

For the foregoing reasons, our client requests that the draft Zoning By-law be amended so as to permit business offices and sports facilities in the E3 category so long as those uses are located within a major transit station area. This would be a relatively simple change to implement, with the condition being added to the Additional Regulations for Permitted Uses in Table 11.2.

We would be pleased to discuss the foregoing concerns with Town staff at any time.

We also request to be notified of any future statutory public meetings, Committee meetings, Council meetings, and staff reports published for said meetings, in connection with the new Zoning By-law for the Town of Oakville.
Yours very truly,
Borden Ladner Gervais, LLP

[Signature]

Pitman Patterson
JPP:sa

cc (via email): Robert Roth, Technical/Regulatory Affairs Manager, Arkema Canada Inc.
Town Clerk

TOR01: 5199107: v1
File No. 015952/000004

October 31, 2013

Delivered by Email (townclerk@oakville.ca)

Planning and Development Council
Clerk’s Department
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention Cathie Best, Town Clerk

Dear Ms. Best:

Re: Town of Oakville Draft Official Plan Amendment and Draft 2014 Zoning By-law, inZone Project
Town Files: 42.24.005 and 42.25 Third Line, Oakville

We are land use planning counsel for Arkema Canada Inc. (“Arkema”), the owners of property located at Third Line, in the southwest quadrant of Third Line and Wyecroft Road (“subject property”).

We understand that the statutory public meeting for the matters noted above is scheduled for November 4, 2013 at 7:00pm. Unfortunately, we will not be in attendance, but are submitting this letter on behalf of our client to express their concerns with respect to the draft Official Plan Amendment (“OPA”) and draft 2014 Zoning By-law, v. 2 released September 18, 2013 (“new ZBL”). We thank you in advance for considering our client’s comments.

We provided initial written comments to the Town on version 1.0 of the new draft Zoning By-law on May 30, 2013 and met with Town staff on August 1, 2013. Staff provided a written response dated October 22, 2013. Copies of those letters are attached for ease of reference. We wish to thank the Town for its constructive response thus far.

Our client’s comments and concerns are outlined below:
Draft Oakville OPA, dated October 9, 2013

The draft OPA is an amendment to Livable Oakville, Town of Oakville Official Plan 2009. Various amendments are being proposed by the Town to ensure conformity between the new ZBL and the Livable Oakville Plan.

The subject property is designated Industrial (Employment) in the OPA, which has not changed from its designation found in the Livable Oakville Plan. The OPA adds permission for major offices and office uses in the Industrial designation between Bronte Road and Third Line. Our client supports that modification, but believes additional ancillary uses should be added.

Livable Oakville recognizes the Bronte GO station as a higher order transit station and the surrounding area (including the subject property) as a major transit station area to which employment intensification, including major office and appropriate major institutional uses, is to be directed. Major transit station areas are generally defined as areas within an approximate 500 metre radius of transit stations. Because the subject property falls within a major transit station area, the inclusion of major office and office uses as permitted uses on the subject property is desirable and appropriate. However, the OPA in respect of this particular designation does not also permit a range of uses that would be commonly found in office buildings as ancillary uses. There are typical ground floor uses in office buildings that contribute to the synergy and public activity/interaction of these buildings and provide convenience for the workers in these buildings, such as convenience retail, service commercial, financial institutions, medical offices and restaurant uses. These uses are generally permitted in other Employment designations (such as Office Employment, Business Employment and Business Commercial).

It is good land use planning to permit uses that support and are compatible with the prime economic function in an Employment area. This would include the ancillary uses suggested above, particular to the sub-area within which office uses would be permitted (Bronte to Third Line). These uses would conform with the Livable Oakville Plan as there is a policy directive that Employment land use designations are to provide for compatible uses in appropriate locations with a variety of form, scale and intensity of development.

Furthermore, both the Growth Plan for the Greater Golden Horseshoe, 2006 ("Growth Plan") and the Provincial Policy Statement 2005 ("PPS") promote the inclusion of ancillary/associated uses in Employment Areas.

The definitions of Employment Area found in the Growth Plan, PPS and Livable Oakville Plan are the same:

"means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities." (emphasis added)
In addition, section 2.2.6 (2) of the Growth Plan and section 1.3.1 of the PPS state that planning authorities shall promote economic development and competitiveness in Employment Areas by:

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

2. Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. (emphasis added).

In light of the above, we respectfully request that the Town include ancillary and other uses in the OPA, as proposed for Bronte Road to Third Line including the subject property, so as to permit, and avoid conformity issues with, the uses we request be included in the new ZBL (see below).

Town of Oakville Draft Zoning By-law v2.0, September 18, 2013

The new ZBL, version 2.0, zones the subject property E3 Special Provision 4 – Employment Zone (Map 19(5)). Although the range of proposed permitted uses has improved since the previous version of the new ZBL, we believe the range of uses still unduly limits what is permitted on the subject property, particularly compared to the current in-force zoning permissions.

Special Provision 4 (SP4) permits Business Office with no conditions. Business Office is also permitted in the parent Employment E3 zone with the following conditions: only in conjunction with another permitted use, and shall not exceed 25% of the floor area on the lot. Since SP4 is a special provision for the subject property, we believe SP4 prevails, meaning a stand-alone business office use is permitted on the subject property without the two noted conditions applying. This assessment has been confirmed in staff’s letter of October 22, 2013.

Our client agrees that Business Office should be a permitted use on the subject property with no conditions, however, as stated in our comments on the draft OPA above, there are numerous associated uses that are appropriate and found in many office buildings which have not been included in the permitted use list for the E3 zone. Such uses not permitted in the E3 zone, even as ancillary to major office and office uses, include: medical office; retail store; financial institution; restaurant; and service commercial establishment. Sports facilities and commercial self-storage uses, although not accessory to an office use, would also be appropriate uses for this location.

We respectfully request that the Town include medical office; retail store; financial institution; restaurant; service commercial establishment; sports facility; and commercial self-storage uses as permitted uses in the E3 zone for lands subject to SP4 permitting offices uses. We request that the corresponding uses be added to the OPA so that no conflicts or conformity issues arise between the two documents.
Please continue to notify us of any further Council or committee meetings regarding the OPA and the new ZBL, and of any enactment of the proposed new ZBL and adoption of the Official Plan Amendment.

Should you have any questions regarding this correspondence, do not hesitate to contact the undersigned or May Luong, land use planner. We would be pleased to discuss the foregoing with Town staff.

Yours very truly,
Borden Ladner Gervais, LLP

[Signature]

Pitman Patterson
JPP:ml

cc (via email): Joe Nethery, Manager, Zoning By-law Project, Town of Oakville
Robert Roth, Technical/Regulatory Affairs Manager, Arkema Canada Inc.
February 20, 2014

BY EMAIL

townclerk@oakville.ca;

Mayor and Members of Council
Town of Oakville
1225 Trafalgar Road
Oakville Ontario L6H 0H3

Attention: Vicki Tytaneck, Acting Town Clerk

Dear Mayor and Members of Council:

Re: Planning and Development Council Meeting
February 25, 2014
Proposed Official Plan Amendment No.4
inZone Conformity and Housekeeping Official Plan Amendment
File No. 42.24.005
Proposed Concurrent Repeal and Adoption of new Comprehensive Zoning
By-law (inZone Project) Draft By-law 2014-0014 (version 3.1)
File 42.25.01

Aird & Berlis LLP acts for Silwell Developments Limited, Pouncet Main Street Inc., and Pouncet Main Street II Inc., (“our client”) who own various parcels of land within the Uptown Core.

We now have had an opportunity to review proposed Official Plan Amendment No. 4 and proposed Zoning By-law 2014-014 which are to be tabled for Council enactment at its meeting February 25, 2014. Prior to Council’s decision to pass the Official Plan Amendment and the implementing concurrent repeal and adoption of a new Comprehensive Zoning By-law 2014-014, we hereby make the following submissions as required by Section 17(24) and Section 34(19) of the Planning Act.

Our letter sets out (A) Technical Errors which should be corrected prior to passing the bills, and (B) sets out various Requests of Council that the bills be modified prior to the passing and enactment of the documents.
(A) Technical Errors

We request that council make the following technical corrections to By-law 2014-014 prior to passing and enacting the Zoning By-law.

1. Special Provision MU4(8) Section 15.38.2 (j) currently reads:

| Minimum height for lands within the hatched grey line (within 37 metres of Oak Park Boulevard) on Figure 15.38.1 | 29.0 m |

Whereas the Special Provision Section 15.38.2 (j) should be corrected to read:

| Maximum height for lands within the hatched grey line (within 37 metres of Oak Park Boulevard) on Figure 15.38.1 | 29.0 m |

We also request that the Chief Building Official confirm that the description “... within the grey hatched line ...” has been effectively portrayed on the mapping of Figure 15.38.1. Whereas there is a broken line boundary delineating the first 37 metres adjacent Oak Park Boulevard in this location, there is a question as to whether the area is itself portrayed within hatched grey lines. We believe that the hatching should be comparable to that shown on its sister Figure 15.37.1. We will of course rely on the Building Official interpretation on these matters.

2. Special Provision MU2(41) Section 15.41.1.(c) currently reads:

| Maximum net floor area | 15,950.0 sq. m, and footnote 7 of Table 8.3 shall not apply |

Whereas the Special Provision MU2(41) Section 15.41.1.(c) should be corrected to read:

| Maximum net floor area | 15,950.0 sq. m, and footnote 7 of Table 8.2 shall not apply |

3. Special Provision MU4(37)

Section 15.37.3 has in error been numbered Section 16.37.3
(B) Requests of Council

4. Footnote (6) of Table 8.2 – restrictions on “Business Office” and “Medical Office”

Footnote (6) of Table 8.2 currently requires that:

“On a lot having a lot frontage greater than 20.0 metres uses subject to this footnote are limited to a cumulative maximum width of 50% of the building in the first 9.0 metres of the depth of the building measured in from the main wall oriented to toward the front lot line.”

Footnote (6) Table 8.2 applies to “Business Office” and to “Medical Office”

(a) We are requesting that footnote (6) not apply to Special Provision MU2(41) for Oak Park Boulevard. The building at Oak Park Blvd is occupied. The Building at Oak Park Blvd is completely constructed. The two office buildings contain both Business Office and/or Medical Office Uses. The current development was approved under site specific By-law 2007-065 which did not have this new office restriction as proposed under By-law 2014-014. It is not appropriate to impose this restriction at this stage of the development.

(b) We are requesting that in the event a standalone office is constructed within the area described as MU4(37) bounded by Oak Walk Drive, Millwood Drive, Dundas Street East and Oak Park Boulevard as shown on Figure 15.37.1 that footnote (6) not apply. Livable Oakville was modified as part of the settlement discussions with our client to allow for a standalone office building. Our reading of the zoning by-law is that a stand-alone office could be permitted at this location, but constrained by footnote (6) to provide other non-office uses at grade on the first floor. It is our request that the zoning by-law allow a standalone office at this location. We do not think this new restriction appropriate given the history of the site and the value of a consolidated office use on Dundas Street East.

Our submission is that this new regulation should not be imposed on these properties given their history of prior approvals and negotiations. If Council is insistent that footnote (6) of Table 8.2 be considered for these properties, (and for other properties in the Growth Areas), it is our respectful request that Council make a determination that further Notice pursuant to Section 34(17) of the Planning Act indeed is a requirement and further Notice should be provided before such a clause is introduced for enactment. Staff have noted in their report materials that this

---

1 See section 21.5.5(b), newly renumbered Section 21.6 (b) for these lands which references standalone office uses at this location
regulation was introduced subsequent to the Council Statutory Public meeting held on November 4, 2013. There has not been an opportunity afforded our client to adequately consider and make representations to Council on the implications of adding this restriction after the previous approvals.

5. Maximum Parking Rates

Staff have advised Council that they have determined that maximum parking rates will not be introduced by zoning regulation at this time.

Appendix D states:

“All maximum parking requirements (outside of Special Provisions) are recommended to be deleted from the final draft (v 3.1). A more thorough market and supply analysis is instead recommended to ensure that the limitation is appropriate.”

The property described under Special Provision MU4(38) Hays Boulevard and Oak Walk Drive, was previously approved under By-law 2010-032 OMB and mutually supported by the Town and our client by Minutes of Settlement signed February 9, 2010. By-law 2010-032 contains maximum parking ratios for both residential and for non-residential uses which were included under the encouragement and at the request of staff in anticipation of the new Zoning By-law. If at the present time, there will be a further Town initiative to review the appropriate maximum parking regulations, we believe it appropriate to include parcels currently under the Special Provisions as well to be part of this enquiry and not to impose the maximum parking rates by regulation at this time. If at a later date it is determined that maximum rates should be imposed as a result of this town-wide review, the zoning could be revisited at that time.

We also submit that removing the regulation on maximum parking regulations is consistent with the current wording of Section 5.4.1 which allows required parking to be provided on another lot within 300 metres of the lot if both lots are in a Mixed Use Zone. This probably will be the case for the block bounded by Hays Boulevard, Oak Walk Drive, Post Road and Oak Park Boulevard as various condominium descriptions and shared facility agreements come forward in the future.

We would like to thank staff and Council for the attention and assistance that has been provided our client through the inZone Project.

We also reserve the right to review the final version of the Proposed Official Plan Amendment No. 4 and the Proposed By-law 2014-014 as passed by Council and make further submissions and or appeals if required based on the final bills.
February 20, 2014
Page 5

We note that staff have advised that prior to the Council meeting February 25th that additional changes may be accommodated as well.

Please provide us with Notice of the Passing of Official Plan Amendment No.4 and the Notice of the Passing of Zoning By-law 2014-014.

Yours truly,

AIRD & BERLIS LLP

Christopher J Williams

c. Joe Nethery, Manager, Zoning By-law Project – joenethery@oakville.ca;
c. Lesley Gill Woods, Long Range Planner – lgillwoods@oakville.ca
c. Scott Zavaros
c. Chris Stoyanovich, MSH

CJW/RD/rd
17002604.3
Joe Nethery

From: Farber, Joel D. 
Sent: Friday, February 21, 2014 11:15 AM 
To: Joe Nethery 
Cc: 'Stuart Craig'; Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice 
Subject: RE: inZone - RRL Burloak Submission 

Joe - thank you very much for your detailed consideration and response to our submissions. Your communication and effort has been excellent and very much appreciated. I believe that all the concerns raised by RioCan related to the Burloak site have been adequately addressed. Just one technical note that I think is worthwhile to consider - that is I believe that the motel land does not need to be covered under the RioCan Burloak Special Provision. I think to make life smoother in the event of any future applications, the motel land can be separated into its own special policy if it even needs one.

Thanks again Joe for you assistance.

Joel D. Farber 
Partner 
Fogler, Rubinoff LLP 
Lawyers

Proud to be named one of Ontario’s Top 10 Regional Firms by Canadian Lawyer magazine 2013-2014

Joe Nethery [mailto:JoeNethery@oakville.ca] 
Sent: Wednesday, February 12, 2014 11:55 AM 
To: Farber, Joel D. 
Cc: 'Stuart Craig'; Dana Anderson; Diane Childs; Denis Daoust; Joanna Wice; Joe Nethery 
Subject: RE: inZone - RRL Burloak Submission 

Good morning Joel –

Staff has the following reply to your letters of November 8, 2013 and January 23, 2014. By property:

- Trafalgar: Winners Plaza
  - The updated SP reflecting the increased height was omitted in oversight from the final draft (v3.0). An updated Special Provision shall be contained in the updated final draft (v3.1) being released this week/ in the final memorandum to Council (v3.1) on February 25.

Oakville Place
- Additional skylight projections proposed in Section 4.6.5 would apply to provide some flexibility for future installations. A review of the building envelope remaining could be considered through a development application on site.

**Burloak Lands Commercial**

- To solve the hardware store size, the updated SP 259 exempts one retail store from the maximum floor area per retail store regulation. That retail store would be the Home Depot
- The floor area maximum exclusive of cinemas and theatres has been corrected.
- The “one lot” recommendation allows additional flexibility with respect to yards and parking requirements. Staff are recommending it remain in the By-law.
- Outdoor display and sales are proposed to count as net floor area when occupied by a building.
- The “multiple premises” parking rate in Table 5.2.1 reduces the parking rate above 2,500 square metres net floor area to 1/22.0 sq.m net floor area. The current requirement in Zoning By-law 1984-63, as amended, is 1/18.0 sq.m for all leasable floor area. The new regulation should provide more flexibility.

**Burloak Lands Employment**

- The mapping south of Wyecroft Road has been corrected in the final draft (v3.0).
- It is recommended that the employment lands floor area maximum shown currently applying in the QEW/Burloak area be deleted. The primary issue related to the maximum – traffic flow and access to the QEW – has been resolved with the opening of the second interchange ramp.

Please also be advised that the staff are anticipating on undertaking a Commercial and Employment Lands Review over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This, too, is a public process and staff intend on creating a project mailing list using inZone project contacts.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Complete our Community Development customer service survey.

Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

---

**From:** Farber, Joel D.  
**Sent:** Thursday, January 23, 2014 6:31 PM  
**To:** Joe Nethery  
**Cc:** 'Stuart Craig'  
**Subject:** inZone - RRL Burloak Submission

Hi Joe - please find our letter attached.
Dear Madam,

RE: Invicta Drive
Town of Oakville Comprehensive Zoning By-law 2014-014
Special Planning and Development Committee Meeting
February 25, 2014

Weston Consulting is the planner for 1799116 Ontario Limited, the owners of the property located at Invicta Drive. The property is located within the QEW East Employment Area with Open Space and Residential uses to the north. The property has been developed as a practice facility for the Toronto Rock, a professional lacrosse team. Site plan approval has been obtained for the site including an outdoor lacrosse field.

In the limited time available, we have undertaken a preliminary review of the draft Zoning By-law 2014-014. Employment Zone Regulation (9) applies to the current land use and states that ‘the maximum net floor area on any lot within 100m of a Residential Zone shall be 1,000m²’. At this time, we would like to express our concern over this proposed restriction.

The property has been functioning in its current capacity for several years with no concerns expressed by the northerly residential area. The proposed restrictions will constrain the landowner’s ability to expand the existing facility in the future and efficiently develop the property. Also, any future sports facilities in the Town will be subject to site plan approval. This will provide ample opportunity for Staff and Council to evaluate planning concerns such as noise, traffic, lighting, etc. The limitation on net floor area proposed by this regulation is redundant given the need for site plan approval. As such, we request that regulation (9) be removed from the Sports Facility use permission in the E2 Zone.
Yours truly,
Weston Consulting

Kurt Franklin BMath, MAES, MCIP, RPP
Vice President
To: The Town Clerk Of Oakville

We are the current owners of [redacted] Seneca Drive in Oakville. We are in the midst of planning to build our future family home.

We are writing in regards to the proposed PARKING, LOADING AND STACKING LANE PROVISIONS implemented by the new In-Zone By-Law. Under section 5.8.7, c), the new by-law only permits garages to project a maximum of 1.5 meters.

This is a concern for us since we purchased our lot based on the facts that we would be allowed to build a home in keeping with the current by-law which allows for greater garage projections. We have invested a lot of our time and money designing a house that is conforming to the current by-law. A few days ago, we were made aware of the recent changes In-Zone has made regarding the new Garage provisions. The new By-Law will impair all our plans which are well under way. We feel we are caught between the cross-fire of the current By-Law and the proposed In-Zone By-Law.

Almost 50% of the houses in our neighbourhood have garages that are detached and/or project a greater distance than 1.5 meters. Considering that most of the lots in this area are very deep and narrow, the best way to maximize the space of these particular lot sizes is to allow dwellings with greater garage projections or garages that are detached. We feel that the city should considering allowing future homes to be designed and built according to the original By-Law since it is within the style and character of the said neighbourhood.

Thank you for taking our concerns into consideration, and we hope you will agree that the character of all of our Oakville neighbourhoods are unique and therefore they should have zoning rules based on their individual style. Enacting the new In-Zone By-Law, section 5.8.7, and making it the standard provision for all Oakville is too generic and it will take away the character from many of our most cherished Oakville communities.

Sincerely,

Natalie & Vahak Salmastlian
Concerned Oakville Citizens.
Hi Greg
Further to our quick telephone discussion a few minutes ago– we will proceed with getting you the special provision language. I am glad we were able to address this matter. Have a great weekend. Dana

Dana Anderson, MCIP, RPP
Director
Planning Services
Town of Oakville | 905-815-6020 | f: 905-338-4414 | www.oakville.ca

---

Hello Dana,
Thank you for your answers. We have discussed your proposal and confirm that we are satisfied with the proposed approach outlined by Joe Nethery’s email to us on February 20th to permit the manufacturing and warehousing uses on the subject properties. I have repeated the content below.

The draft Special Provision proposed to apply to Speers Road with a single “special site provision”:

Lands subject to this Special Provision shall be considered to be one lot for the purposes of determining compliance with footnote (2) in Table 10.2.

By treating the three lots as “one lot” for that use permission, the result is that the applicable uses can be legally existing on Feb 25 on any one lot in order to be permitted on any of the three lots on a go-forward basis.

For our clarity, it is our understanding that both Joe’s proposal as well as a Site Specific Amendment in the last line of your prior email will achieve the same result. Is this correct? Please advise us of the actual wording of the Special Site Provision that will be placed before Council on February 25th.

We understand your intent to conduct a future employment review study. As we stated in our meeting we will take the Special Provision today versus waiting for the outcomes of the future study.
Thank you for this clarification and solution. We will wait for your confirmation.

---

From: Dana Anderson
Sent: February-21-14 11:52 AM
To: 'Greg Dorbeck'; Joe Nethery; Ralph Robinson
Cc: 'Guy Dorbeck'
Subject: RE: Our meeting today

Greg,
While I appreciate your email I would still advise that the wording we have suggested allows manufacturing and warehousing as permitted legal uses on the lots. This has been confirmed by both Joe and I, our legal staff and the Manager of Zoning.

A site specific amendment, as discussed at our meeting was to provide for “manufacturing and warehousing uses to be permitted on the properties [Speers Road] within the existing buildings”. We can proceed with this site specific amendment if it is your preference.

While I agree the other uses you are seeking (food production and repair facility) were discussed at our meeting we did not agree to include them. They are not currently uses on your properties and we would not be recommending they be included. They could be further considered through the employment review study.

If you could please advise if you wish to proceed with the site specific amendment instead of our proposed wording with the exception to footnote 2, before the end of the day, we can make the change.

Thanks,
Dana

---

Dana Anderson, MCIP, RPP
Director
Planning Services
Town of Oakville | 905-815-6020 | f: 905-338-4414 | www.oakville.ca

Complete our Community Development customer service survey.
Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

---

From: Greg Dorbeck
Sent: Friday, February 21, 2014 10:29 AM
To: Dana Anderson; Joe Nethery; Ralph Robinson
Cc: 'Guy Dorbeck'
Subject: RE: Our meeting today

Hello Dana,
On top of Councillor Robinson’s assessment of the wording submitted by Mr. Nethery being unclear, we too have come to the same assessment. We are submitting the following to you for clarification.

The wording submitted to us by Mr. Nethery does not answer either our discussion points on Wednesday nor the Site Specific designations we landed on. Please recall that our option #3 – Site Specific Zoning excluded any connection whatsoever to Footnote (2). The core issue for VCI has been and remains the limitation’s and restriction’s surrounding the legal non-conforming intents of footnote (2). This is precisely what we disagreed with in the Plan and is further the most damaging to our business by eliminating the four uses that our buildings are specifically designed for. The Site Specific Zoning intent and footnote #2 are diametrically opposed in this case and cannot be linked in any way under the Site Specific Designation for [redacted] Speers Road. Quite simply at our meeting the Site Specific Designation was the only way we could exempt the properties from footnote (2).

That said, we also note that Food Production and Repair Shop are not mentioned in Mr. Nethery’s note. These uses were discussed often in our meeting and are consistent with our letter dated February 14th, 2014. These must be included in the Site Specific Zone for VCI as well as Light manufacturing and Warehousing.

The approach to combine the sites is very confusing to us. On Wednesday we requested and landed on a simple Site Specific Zoning Designation that would permit any of the four uses at each of the three addresses under discussion where our buildings exist and are designed for such uses. This designation would include expansion of the buildings for any of the four uses, after February 25th or proceedings thereafter.

We kindly ask that you please identify each address separately for the Site Specific Designation, in our view it achieves exactly the same result simply, transparently and fairly. We look forward to resolving this today with you.

I am available at [redacted] cell today.

---

From: Dana Anderson  
Sent: February-20-14 9:51 PM  
To: Joe Nethery; 'Greg Dorbeck'; Ralph Robinson  
Cc: 'Guy Dorbeck'  
Subject: RE: Our meeting today

Greg,

I just want to reiterate that while the approach noted below is different than the wording we discussed at the meeting, which was a special site provisions “to permit light manufacturing and warehousing uses in the existing buildings” – the proposed wording in fact does exactly the same thing but does not restrict you to the existing buildings. I felt this was a more flexible approach. It allows you after Feb. 25th to lease out or redevelop any of your properties for manufacturing and warehousing. I have instructed Joe to add this email clarification to the property files. Please let me know if you or Guy have any questions.

Thanks,  
Dana

Dana Anderson, MCIP, RPP  
Director  
Planning Services  
Town of Oakville | 905-815-6020 | f: 905-338-4414 | www.oakville.ca
Good afternoon all –

The draft Special Provision proposed to apply to Speers Road with a single “special site provision”:

Lands subject to this Special Provision shall be considered to be one lot for the purposes of determining compliance with footnote (2) in Table 10.2.

By treating the three lots as “one lot” for that use permission, the result is that the applicable uses can be legally existing on Feb 25 on any one lot in order to be permitted on any of the three lots on a go-forward basis.

Please advise. Thanks –

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Dana, Joe and Ralph,
Thank you to all of you for taking the time to meet with Guy and I today on short notice. We recognize it is an extremely busy time for everyone in the Planning Services area.
We believe we have a mutual understanding resulting from our meeting today concerning the site specific zoning requirements for the Valley Creek properties on Speers Road. We will expect your letter on Friday the 21st and will respond accordingly that day. We appreciate your prompt actions toward concluding this matter very much. Please forward the letter on Friday by email to both Guy and I at the addresses herein. Should you need to contact us in the interim please use either Guy’s cell at or mine at Again, thank you.
DELIVERED BY HAND AND E-MAIL

February 21, 2014

Mayor and Members of the Town of Oakville Council
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council:

Re: New Oakville Comprehensive Zoning By-law - inZone

We are solicitors for Johnny and Sonia Guglietti and Jogug Investments Inc., the owners of lands known municipally as [redacted] Esplanade, in the Town of Oakville.

Our client has had the opportunity to review the latest revised version of the draft Zoning By-law which we understand will be before you for consideration at your meeting of February 25, 2014. This is the version which we understand to be the final draft, Version 3.1 of the inZone By-law, which was released on the Town website on February 14, 2014.

Our client has concerns about many of the recent changes to this newest version of the draft zoning by-law, especially as they relate to the definition section, and many of the performance standards of the low density residential zones. We believe that some or all of these changes have been made as a result of an application for minor variance that was recently submitted by my clients to the Committee of Adjustment. We believe that many of these changes are not justified by proper land use planning principles, and have been added to address concerns that have been raised by certain ratepayers.

The changes in definitions to “uncovered platforms” and performance standards in the Residential Low and the “-0” suffix zones in Section 6.4 of the by-law are confusing and overly limiting. We would ask that you defer the passing of the Zoning By-law in its present form and send the matter back to your Planning Staff for further consultation with the public. We would be pleased...
to meet with your staff to discuss our reservations with respect to the current draft of the By-law.

Yours very truly,

[Signature]

Russell D. Cheeseman

cc. Mr. Joe Nethery, Manager, Zoning By-law Project
    Mr. J. Guglietti
February 21, 2014

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tataneck:

Re Draft of Zoning By-law and Official Plan Amendment
Budds Group of Companies: [Underscored] South Service Road West, [Underscored] South Service Road West, [Underscored] North Service Road West, [Underscored] South Service Road West, Parcel South of [Underscored] South Service Road West
Our File No. 95352

We act on behalf of Budds Group of Companies on multiple properties in the Town of Oakville, as listed above. We have reviewed the draft version of the Oakville Zoning By-law ("Draft By-law"), including Version 3.1 released on February 14, 2013, and offer the following comments.

Our previous letter of October 30, 2013, outlined several issues with both the OPA and draft zoning by-law. We thank staff for their efforts to resolve many of the issues. However, the following issues remain outstanding:

- S. 5.6 prohibition on loading bays in the front yard or any minimum yard
- S. 5.1.1 requires the provisions for parking spaces, barrier-free parking spaces, bicycle parking spaces, or staking spaces to comply with the Draft By-law when a new building is erected or any additional net floor area is added to an existing building even if the building remains legal- non-conforming.
• The Draft By-law does not address how minor variances granted under the Current By-law 1984-63 will be addressed. The Draft By-law should address this uncertainty by recognizing that Minor variances applied for and approved pursuant to section 45 of the Planning Act should continue to apply and remain in force as if they are variances under the Draft By-law.

• Section 4.8 requires a 14.0 metre setback from a highway corridor as required by the Ministry of Transportation. However, Table 4.11.2, also requires a minimum 14.0 metre area of landscaping along any yard abutting a highway corridor. While it may be the intention of Staff that these two setbacks overlap, the plain reading of these two provisions does not permit this to occur. Therefore, under the Draft By-law a total of a 28 metre setback from the highway corridor will be required.

• The definition of landscaping includes ‘without access to motor vehicles’. However, we believe it is the intention of Table 10.2, footnote 15, in the Employment Zones provisions to allow motor vehicle use inventory in an outdoor display, sales area abutting a highway corridor on the landscaped areas as well. The wording in this provision needs clarification on this point.

In light of the above Draft By-law going to council on February 25, 2014, we anticipate the above concerns will be able to be addressed through the appeal process.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethery, Manager, Zoning By-law Project
    Client
NO – per previous correspondence, restaurants are prohibited by Special Provision 163 proposed to apply to the site.

Greetings Mr. Nethery:

Reviewing your proposals do I correctly understand that the (C-1) commercial zoning on the small property at the southwest corners of Ford Drive/Cornwall Road (currently identified in the community as the Northcote development) is re-zoned in your planning proposals to include “restaurants”.

A “Yes or No” will suffice.

And if “yes”, can you please explain in 25 words or less why you have ignored the community history on this particular lot.

Cheers, Ron Fiorelli
Joe Nethery

From:  
Sent: Sunday, February 23, 2014 11:10 PM  
To: Joe Nethery  
Cc: TownClerk  
Subject: Proposed Zoning By-law 2014 - 014  
Categories: v3.0 Inputs

Dear Mr. Nethery,

RE: Cimerman Developments Inc. Lands  
   Part of Lot 2, Concession 3 SDS  
   Town of Oakville

On behalf of Mr. Cimerman, the owner of Cimerman Development Lands, we would like to advise that we are satisfied with the E2 Zoning in the proposed Zoning By-law 2014 -014 for both, North and South parts of the subject property (Cornwall Road - Beryl Road).

Yours truly

Sasha Milenov
Planning Services Department
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

February 23, 2013

Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Draft Zoning By-law (InZone)
North Service Road East
Town of Oakville

Weston Consulting is the planning consultant for Cartteta Private Equities Inc. the owners of North Service Road East in the Town of Oakville. Site Plan Approval was obtained for these lands in 2011 and construction has been completed of three office buildings on the property. This letter outlines our concerns with the proposed Zoning By-law that will be presented to Council on February 25, 2014. In preparing this letter we have reviewed the Final Draft (v3.1) of the Zoning By-law that was released on February 14, 2014. The current zoning of the subject lands in Zoning By-law No. 1984-63 is “Employment (E1-360)”. The proposed zoning in the Draft By-law (v3.1) is “Business Employment (E2)”. Impacts of the proposed change in zoning by-laws include the loss of a “Place of Worship” and “Day Care” as permitted uses. Of greater concern to our client is the additional regulations that are also proposed for permitted uses including a “Restaurant”, “Private School”, “Drive-Through Facility” and “Financial Institution”. These uses would be limited to 20% of the total net floor area on any lot in the E2 zone. The additional regulations and the removal of permitted uses decrease the development options for the subject lands and reduces the potential for these uses to occupy the existing building that are currently available for lease. It is our opinion that the uses and permitted floor areas of uses that were permitted upon the approval of the site plan should continue to be permitted on the subject lands.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development
regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.

We trust that these comments will be taken into consideration prior to adopting the new Zoning By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,
Weston Consulting
Per:

David Capper, BES, MCIP, RPP
Associate

Copy: Paul McGuigan, Carttera Private Equities Inc.
DEPARTMENT OF PLANNING SERVICES
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

February 23, 2013
File 5713

Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Draft Zoning By-law (InZone)

North Service Road East
Town of Oakville

Weston Consulting is the planning consultant for Carttera Private Equities Inc. the owners of North Service Road East in the Town of Oakville. Conditional Site Plan Approval was obtained for these lands in 2012. In preparing this letter we have reviewed the Final Draft (v3.1) of the Zoning By-law that was released on February 14, 2014. The current zoning of the subject lands in Zoning By-law No. 1984-63 is “Employment (E1-360)”. The proposed zoning in the Draft By-law (v3.1) is “Business Employment (E2)”. Impacts of the proposed change in zoning by-laws include the loss of a “Place of Worship” and “Day Care” as permitted uses. Of greater concern to our client is the additional regulations that are also proposed for permitted uses including a “Restaurant”, “Private School”, “Drive-Through Facility” and “Financial Institution”. These uses would be limited to 20% of the total net floor area on any lot in the E2 zone. The additional regulations and the removal of permitted uses decrease the development options for the subject lands and reduces the potential for these uses to occupy the existing building that are currently available for lease. It is our opinion that the uses and permitted floor areas of uses that were permitted upon the approval of the site plan should continue to be permitted on the subject lands.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.
As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review of the draft zoning by-law. This would allow us to submit comments to the Town prior to its adoption by council.

We trust that these comments will be taken into consideration prior to adopting the new Zoning By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,

Weston Consulting
Per:

[Signature]

David Capper, BES, MCIP, RPP
Associate

Copy: Paul McGuigan, Carttera Private Equities Inc.
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Proposed Zoning By-law (InZone)

Lakeshore Road West & 4 Chisholm Street
Town of Oakville

Weston Consulting is the planning consultant for the owners of Lakeshore Road West & Chisholm Street in the Town of Oakville. We understand that the proposed InZone By-law is to be presented to Town Council on February 25, 2014 and is likely to be adopted at that meeting. We have conducted a preliminary review of the In-Zone By-law as it relates to the subject property.

The subject lands are currently zoned “Commercial (C3R-839)” in Zoning By-law No. 1984-63 and are proposed to be zoned “Central Business District (CBD-17)”. The zoning requirements in the new special provision are proposed to carry over from the current zoning. We have concerns with provision No. 15.17.1.c in the InZone By-law, which limits building height along Lakeshore Road to 3 storeys in the absence of a Section 37 bonusing agreement.

This limit is a result of the current special provision under By-law 1983-64, which was based, in part, on the parent C3R zone (Section 42.2.3.a.ii). The InZone By-law proposes to change the parent zone of the subject lands to CBD, which would permit buildings with 4 storeys along Lakeshore Road West. In the absence of the special provision, the subject property would be afforded the same zoning provisions. As the current maximum of 3 storeys is in reference to the C3R parent zoning under By-law 1984-63, it is our opinion that the proposed maximum in the CBD zone of 4 storeys should also be applied to the subject lands. Provisions for a Section 37 bonusing agreement would continue to be applicable for any increase in building height beyond 4 storeys. It is our opinion that it does not represent good planning to limit the subject lands to a reduced maximum building height of 3 storeys, while a 4 storey building would be permitted as-of-right on adjacent properties which are also located within the CBD.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by
Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.

We trust that these comments will be taken into consideration prior to the adoption of the proposed inZone By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,

Weston Consulting
Per:

[Signature]

David Capper, BES, MCIP, RPP
Associate

Copy: D. De Sylva – GreenLife West Harbour
      G. Le Donne – GreenLife West Harbour
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Proposed Zoning By-law (InZone)  
2070 Wyecroft Road  
Town of Oakville

Weston Consulting is the planning consultant for the property managers of the property located at 2245 Wyecroft Road in the Town of Oakville. We understand that the proposed InZone By-law is to be presented to Town Council on February 25, 2014 and is likely to be adopted at that meeting. We have conducted a preliminary review of the In Zone By-law as it relates to the subject property.

The subject lands are currently zoned “Employment (E2)” in Zoning By-law No. 1984-63 and are proposed to be zoned “Business Employment (E2-3)”. There are a number of changes proposed to the zoning provisions relevant to this zone when compared to the existing zoning provisions. This is due in part to the current E2 zone corresponding more closely with the InZone E3 zone. The zoning changes will result in a loss of a number of existing permitted uses including “outside processing”, “transportation terminal”, “vehicle storage compound”, “waste processing station”, “waste transfer station”, “daycare”, “place of amusement – employment”, and “place of worship”. The proposed By-law also implements a new provision that limits certain uses to 20% of the total floor area on a property. Affected land uses include a “Restaurant”, “Drive-Through Facility” and “Financial Institution”. These changes are concerning as they limit future development options on the subject lands and unduly restrict these uses on employment properties with smaller parcel sizes.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.
As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review of the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.

We trust that these comments will be taken into consideration prior to the adoption of the proposed inZone By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,

Weston Consulting
Per:

[Signature]

David Capper, BES, MCIP, RPP
Associate

Copy: Robert Bellisimo – Strategic Property Management
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Proposed Zoning By-law (InZone)

North Service Road East
Town of Oakville

Weston Consulting is the planning consultant for the property managers of the property located at North Service Road East in the Town of Oakville. We understand that the proposed inZone By-law is to be presented to Town Council on February 25, 2014 and is likely to be adopted at that meeting. We have conducted a preliminary review of the inZone By-law as it relates to the subject property.

The subject lands are currently zone “Commercial (C3A-28)” in Zoning By-law No. 1984-63 and are proposed to be zoned “Office Employment (E1)”. There are a number of changes proposed to the zoning provisions relevant to this zone when compared to the existing zoning provisions. It is our opinion that an E1 zone is not comparable to the existing C3A-28 zoning and that there is a significant loss of uses as a result of the new by-law. Specific permitted uses to be removed by the new zoning include “animal/veterinary clinic”, “automobile related uses”, “billiard parlour”, “library”, “pet grooming establishment”, “place of entertainment – commercial”, “private or fraternal club”, and “service station”. In addition to the loss of these permitted uses, other permitted uses will be restricted by footnote #5 that limits floor area to 20% of the net floor area of the building. These uses include a “financial institution”, “service commercial establishment”, “day care”, “restaurant”, and “drive through facility”. These changes are concerning as they limit future development options on the subject lands and unduly restrict these uses on employment properties with smaller parcel sizes.

The proposed inZone By-law is a comprehensive document with a vast array of provisions potentially affecting the subject property. As we continue to review the proposed By-law, we may identify additional concerns with respect to the subject property.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council,
sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.

We trust that these comments will be taken into consideration prior to the adoption of the proposed inZone By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,
Weston Consulting
Per:

David Capper, BES, MCIP, RPP
Associate

Copy: Robert Bellisimo – Strategic Property Management
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Proposed Zoning By-law (InZone)

Weston Consulting is the planning consultant for the property managers of the property located at Ford Drive in the Town of Oakville. We understand that the proposed inZone By-law is to be presented to Town Council on February 25, 2014 and is likely to be adopted at that meeting. We have conducted a preliminary review of the in Zone By-law as it relates to the subject property.

The subject lands are currently zone “Commercial (C3A)“ in Zoning By-law No. 1984-63 and are proposed to be zoned “Business Commercial (E4)”. There are a number of changes proposed to the zoning provisions relevant to this zone when compared to the existing zoning provisions. We note that a “retail sales warehouse” is currently a permitted use with no floor area restrictions, and the new by-law would classify this use as a “retail store” and cap floor area to 2,500 m$^2$ for all retail uses on the subject lands.

The proposed inZone By-law is a comprehensive document with a vast array of provisions potentially affecting the subject property. As we continue to review the proposed By-law, we may identify additional concerns with respect to the subject property.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.
We trust that these comments will be taken into consideration prior to the adoption of the proposed inZone By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,
Weston Consulting
Per:

[Signature]

David Capper, BES, MCIP, RPP
Associate

Copy: Robert Bellisimo – Strategic Property Management
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Proposed Zoning By-law (InZone)

Winston Churchill Blvd & Beryl Rd
Town of Oakville

Weston Consulting is the planning consultant for the property managers of the property located at Winston Churchill Blvd & Beryl Rd in the Town of Oakville. We understand that the proposed inZone By-law is to be presented to Town Council on February 25, 2014 and is likely to be adopted at that meeting. We have conducted a preliminary review of the in Zone By-law as it relates to the subject property.

The subject lands are currently zone “Employment (E1)” in Zoning By-law No. 1984-63 and are proposed to be zoned “Business Employment (E2-3)”. There are a number of changes proposed to the zoning provisions relevant to this zone when compared to the existing zoning provisions. These changes will result in a loss of a number of existing permitted uses including as “Place of Worship” and “Day Care”. The proposed By-law also implements a new provision that limits certain uses to 20% of the total floor area on a property. Affected land uses include a “Restaurant”, “Private School”, “Drive-Through Facility” and “Financial Institution”. These changes are concerning as they limit future development options on the subject lands and unduly restrict these uses on employment properties with smaller parcel sizes.

The proposed inZone By-law is a comprehensive document with a vast array of provisions potentially affecting the subject property. As we continue to review the proposed By-law, we may identify additional concerns with respect to the subject property.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.
As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.

We trust that these comments will be taken into consideration prior to the adoption of the proposed inZone By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,
Weston Consulting
Per:

David Capper, BES, MCIP, RPP
Associate

Copy: Robert Bellisimo – Strategic Property Management
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Proposed Zoning By-law (InZone)
North Service Road East
Town of Oakville

Weston Consulting is the planning consultant for the property managers of the property located at North Service Road East in the Town of Oakville. We understand that the proposed inZone By-law is to be presented to Town Council on February 25, 2014 and is likely to be adopted at that meeting. We have conducted a preliminary review of the in Zone By-law as it relates to the subject property.

The subject lands are currently zoned “Employment (E1)” in Zoning By-law No. 1984-63 and are proposed to be zoned “Business Employment (E2-3)”. There are a number of changes proposed to the zoning provisions relevant to this zone when compared to the existing zoning provisions. These changes will result in a loss of a number of existing permitted uses including as “Place of Worship” and “Day Care”. The proposed By-law also implements a new provision that limits certain uses to 20% of the total floor area on a property. Affected land uses include a “Restaurant”, “Private School”, “Drive-Through Facility” and “Financial Institution”. These changes are concerning as they limit future development options on the subject lands and unduly restrict these uses on employment properties with smaller parcel sizes.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.
We trust that these comments will be taken into consideration prior to the adoption of the proposed inZone By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,
Weston Consulting
Per:

David Capper, BES, MCIP, RPP
Associate

Copy: Robert Bellisimo – Strategic Property Management
February 21, 2013

Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Proposed Zoning By-law (InZone)

Wyecroft Road
Town of Oakville

Weston Consulting is the planning consultant for the property managers of the property located at Wyecroft Road in the Town of Oakville. We understand that the proposed InZone By-law is to be presented to Town Council on February 25, 2014 and is likely to be adopted at that meeting. We have conducted a preliminary review of the In Zone By-law as it relates to the subject property.

The subject lands are currently zoned “Employment (E1)” in Zoning By-law No. 1984-63 and are proposed to be zoned “Business Employment (E2-3)”. There are a number of changes proposed to the zoning provisions relevant to this zone when compared to the existing zoning provisions. These changes will result in a loss of a number of existing permitted uses including as “Place of Worship” and “Day Care”. The proposed By-law also implements a new provision that limits certain uses to 20% of the total floor area on a property. Affected land uses include a “Restaurant”, “Private School”, “Drive-Through Facility” and “Financial Institution”. These changes are concerning as they limit future development options on the subject lands and unduly restrict these uses on employment properties with smaller parcel sizes.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.
We trust that these comments will be taken into consideration prior to the adoption of the proposed inZone By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,

Weston Consulting
Per:

[Signature]

David Capper, BES, MCIP, RPP
Associate

Copy: Robert Bellisimo – Strategic Property Management
February 24, 2014

Town of Oakville
Mayor Rob Burton and Members of Council
c/o Town Clerk
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor Burton and Members of Council:

TOWN OF OAKVILLE COMPREHENSIVE ZONING BY-LAW 2014-014 (INZONE PROJECT)
CANADIAN TIRE REAL ESTATE LIMITED COMMENTS

We are pleased to provide additional comments on the Town’s Comprehensive Zoning By-law (ZBL) 2014-014, on behalf of our client, Canadian Tire Real Estate Limited (CTREL). We have been working with Town staff throughout the inZone project, and greatly appreciate the time and effort devoted of to addressing our client’s comments. As you may be aware, we have provided comment letters to the Town on September 10, 2013 and October 29, 2013, which are attached, and met with Town staff regarding our client’s comments on January 20, 2014.

We have reviewed the latest Draft ZBL (version 3.1) against CTREL’s key property assets in the Town, including:

- Kerr Street, which includes a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, Mark’s Work Wearhouse and gas bar;
- Dundas Street, which includes a Canadian Tire retail store and associated garden centre and automotive centre, propane facility, gas bar and car wash;
- Hyde Park Gate, which includes a Canadian Tire retail store and associated garden centre and automotive centre, and Mark’s Work Wearhouse; and
- Speers Road, which includes a Partssource store.

Although the majority of our comments have been addressed, our client continues to have concerns that may impact their ability to undertake necessary future modifications to their properties. These concerns are noted below:

Maximum Front and Flankage Yard Setbacks

Our letter dated September 10, 2013 and October 29, 2013, outlines concerns related to the proposed Maximum Front Yard and Flankage Yard Setbacks, which apply to the above-noted properties. At our meeting with Town staff on January 20, 2014, we had understood that the proposed maximum yard setbacks would be removed from Commercial Zones, alongside the removal of the maximum yard setbacks for Employment Zones.

However, based on our review of Part 9 of the latest Draft ZBL, the maximum front and flankage yard setback provisions continue to apply to three of our client’s lands at Kerr Street, Dundas Street, and Hyde Park Gate. As noted in our previous correspondence, these proposed setback requirements pose significant concern to CTREL, particularly for any future
additions/expansions to their existing buildings, which undoubtedly will exceed the proposed maximum yard setbacks as the current buildings are located well outside of the proposed setback provision. Further detail is outlined in the attached correspondence letters.

As such, we reiterate our earlier request to include a site-specific standard to all three properties that exempt these sites from the proposed maximum front and flankage yard setbacks.

**Kerr Street – Permitted Uses**

The proposed Bylaw would not permit Motor Vehicle Washing Facility uses on the subject lands, whereas this use was permitted in pervious iterations of the Draft ZBL, and is currently permitted on the site pursuant to ZBL 1984-63 and the Town’s Official Plan. As such, we request that a Motor Vehicle Washing Facility be included as a permitted use for the subject lands.

**Dundas Street – Permitted Uses**

Our letter to Council, dated October 29, 2013, highlighted concerns related to the proposed Service Station (C4) Zone for the Canadian Tire gas station, resulting in a split-zoned property. We appreciate that the C4 Zone has since been removed, and the Motor Vehicle Service Station use is permitted through Special Provision 197. As you may be aware, a retail propane transfer facility is currently located on the property. Special Provision 197 permits Retail Propane Transfer Facility uses only on lands in the C4 Zone. As the C4 Zone has been removed on the property, this use would not be permitted on the subject lands, and as such, we request that a Retail Propane Transfer Facility be included as a permitted use through Special Provision 197.

Furthermore, a Motor Vehicle Washing Facility currently occupies the site, but is not permitted within the proposed C2-197 Zone. As noted above, we request that Special Provision 197 include a Motor Vehicle Washing Facility as a permitted use on the subject lands, to recognize the existing use on the site.

**Hyde Park Gate – Permitted Uses**

Both the Town’s Official Plan and the current Zoning Bylaw permit a Motor Vehicle Service Station and Washing Facility at the above noted site. The proposed ZBL would remove this existing permission. Accordingly, further to our letter to Council of October 29, 2013, we reiterate our request that Motor Vehicle Service Station and Motor Vehicle Washing Facility uses be permitted on the subject lands.

We would like to thank you for your consideration of our request, and would be happy to further discuss our concerns with Town staff. If you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,

[Signatures]

cc. Mr. Joe Nathery – Manager, Zoning by-law Project, Town of Oakville
    Ms. Emily Chan – Canadian Tire Real Estate Limited
February 24, 2014

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tataneck:

Re  Draft of Zoning By-law and Official Plan Amendment
Our File No. 98456

We act on behalf of Henry Jelinek Enterprises Ltd., owner of the above property in the Town of Oakville. We have reviewed the draft version of the Official Plan Amendment ("OPA") and Oakville Zoning By-law ("Draft By-law"), including Version 3.1 released on February 14, 2013, and offer the following comments.

My client’s property has historically been used for light industrial uses such as manufacturing and warehousing uses. Currently however, due to a large fire that destroyed much of the facility in 2010, much of the manufacturing activities have declined. Although some light industrial manufacturing and warehousing is currently taking place on the property, my clients are in the process of restoring additional production to match that which existed prior to the fire. While they have been in the process of restoring this manufacturing use, the proposed zoning under s. 10.2 would only permit manufacturing and warehousing uses only on lots where the use "legally existed as of the effective date of the By-law". This concerns my clients greatly, since if the By-law is passed on February 25, 2014, as planned, the ‘legally existing’ manufacturing and warehousing uses will be very different from the planned facility in the near future. Additionally, even if these uses are recognized, any change in use in the future would result in a loss of these
historical uses.

Despite the Town's efforts to notify all residents of the zoning by-law changes through the minimum requirements under the Planning Act, these issues with the draft zoning only just came to my client's attention this past week. In light of the above Draft By-law going to council on February 25, 2014, we anticipate the above concerns will be able to be addressed through the appeal process.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP

[Signature]

Ruhia Jokhio

RJ:lw

CC:  Mr. Joe Nethery, Manager, Zoning By-law Project
    Client
February 24, 2014

Email and Regular Mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tyataneck:

Re: Draft of Zoning By-law & OPA—Paul Gardiner, Lakeshore Road East
Our File No. 96055

I act on behalf of Paul Gardiner, owner of Lakeshore Road East. We have now had the opportunity to review the revised draft of the Town of Oakville Zoning By-law and Official Plan Amendment. Please note the following comments on behalf of my client.

As you know, my client’s lands are approximately 4 Hectares in area with a frontage of 258 meters along Lakeshore Road. The property extends from Lakeshore Road to Lake Ontario. Currently the only structures on the site are accessory buildings as the main structure has been demolished. This is one of the last remaining parcels of residential land left for development south of lakeshore. It is anticipated that the lands will be developed through a plan of subdivision for additional single detached dwelling units, similar to what is already in the surrounding neighborhood.

It continues to be our position that the proposed regulations do not appropriately implement the Livable Oakville Plan policies. Although the floor to lot area ration has been increased to 29%, the required calculation of floor area to the exterior walls rather than interior walls has the effect
of increasing floor area calculations by 10%.

Overall, the proposed regulations will only allow for a 2 storey box with a flat roof line to be built to maximize usable floor area. Floor area calculations will include the whole of attics if any part is over 1.8 m in height, or garages if any part is above 4 m in height. The Lot Coverage maximum of 30% includes accessory buildings. The combination of a reduction in maximum coverage and inclusion of accessory buildings within the lot coverage calculation reduces the amount of available developable space.

We believe that the policies in Livable Oakville do not necessitate a reduction in coverage of this magnitude. The reduction in permitted coverage for a two-storey home on my client’s property continues to be a drastic reduction in the currently existing coverage requirements. This proposed coverage restriction would result in a house of a different character, scale and massing and design than the surrounding neighborhood.

It is our position that the current regulations on the scale and massing should be maintained.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:lw
Joe Nethery

From: Joe Nethery
Sent: Monday, February 24, 2014 11:55 PM
To: 'Laura Mizzi'
Cc: 'Hal Watson'; Doug Carr; Joe Nethery; Dana Anderson; Denis Daoust
Subject: RE: TOWN LT2 to Joe Nethery

All – a verbal description of the necessary/requisite Figure boundary adjustment is included in the final technical memorandum:

<table>
<thead>
<tr>
<th>SP 261</th>
<th>Expand Block 1 in Special Figure 15.261.1 to match the zone’s extent on Map 19(8)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Corrects intent</td>
</tr>
</tbody>
</table>

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

From: Laura Mizzi
Sent: Monday, February 24, 2014 2:24 PM
To: Joe Nethery
Cc: Hal Watson; Doug Carr
Subject: TOWN LT2 to Joe Nethery

Please see attached correspondence.

Laura Mizzi

CONFIDENTIALITY: This e-mail message (including attachments, if any) is confidential and is intended only for the addressee. Any unauthorized use or disclosure is strictly prohibited. Disclosure of this e-mail to anyone other than the intended addressee does not constitute waiver of privilege. If you have received this
February 24, 2014

DElivered by e-mail

Mr. Joe Nethery
Town of Oakville
P.O. Box 310
1225 Trafalgar Road
Oakville, Ontario
L6J 5A6

Dear Mr. Nethery:

RE: Linbrook School Property, Linbrook Road, Oakville

We have had the opportunity to review the proposed comprehensive Zoning By-law with respect to the Linbrook School property. It has become apparent that a portion of the school property has inadvertently been left out of the Block 1 designation in the draft By-law.

The specific part is Part 5 on the Reference Plan 20R-19751. This is the piece of property located behind the two residential lots 27 and 26, which front on to Linbrook Road at the corner of David Avenue. The draft By-law shows Part 5 as designated 01.

I have confirmed with Mr. Carr, that this is simply an oversight and that this part of the property will be added in to the Block 1 designation.

I would be grateful if you could confirm that this will occur prior to passage of the By-law.
If anything further is required, please contact me.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Harold R. Watson
HRW:lm

cc: Mr. David Way/Ms. Amber Way
cc: Mr. Doug Carr, Town Solicitor
DELI\V\}ERED BY HAND AND E-MAIL

Mayor and Members of the Town of Oakville Council
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council:

Re: New Oakville Comprehensive Zoning By-law - inZone

We are solicitors for The Shawson Group Inc. and Ice Twice Rinks Inc., the owner and tenant of lands known municipally as Speers Road, in the Town of Oakville. The site is currently occupied by the Ice to Ice facility.

Our clients have had the opportunity to review the latest revised version of the draft Zoning By-law which we understand will be before you for consideration at your meeting of February 25, 2014. This is the version which we understand to be the final draft, Version 3.1 of the inZone By-law, which was released on the Town website on February 14, 2014.

Our clients are concerned about the way the current facility is being zoned in the new by-law. It appears that it is being defined as a “sports facility” for purposes of the zoning by-law and that it has not been listed as a permitted use in the by-law. Instead, it appears to have been left to be dealt with as a legally non-conforming use. We have difficulties in understanding this approach, especially when a “sports facility” is listed as a permitted use along the south side of Speers Road.

We also have difficulties with the way “Legal Non-Conformity” has been dealt with in Section 4.12 of the proposed by-law. We believe that this section as drafted is an attempt to limit the rights of a property owner provided for in Section 34(9) of the Planning Act, R.S.O. 1990, c. P. 13, as amended. As such, the wording of the section should be revised reflect the wording of that Act, and to be consistent with it.

We would ask that you defer the passing of the Zoning By-law in its present form and send the matter back to your Planning Staff for further consultation with the public. We would be
pleased to meet with your staff to discuss our reservations with respect to the current draft of the By-law.

Yours very truly,

[signature]

Russell D. Cheeseman

cc.  Mr. Joe Nethery, Manager, Zoning By-law Project
     Ms. Phyllis Colosimo (via e-mail)
     Mr. C. Daw (via e-mail)
February 24, 2014

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tatanec:

Re: Draft Zoning By-law and Official Plan Amendment
The Oakville Club Limited – 99 Water Street, Oakville
Our File No. 98477

We act on behalf of The Oakville Club Limited the owners of 99 Water Street in the Town of Oakville. We have reviewed the draft version of the draft Oakville Zoning By-law 2014-014 ("Draft By-law") on behalf of our clients and would like to register our objection to the draft By-law as proposed.

Under the proposed O1 Zoning for my client’s property the permitted uses are limited to Community Centre, Emergency Service Facility, Marina, Conservation Use, Public Park and Stormwater Management Facility. None of these uses specifically addresses the currently existing uses by my client including a private club, sports facilities, banquet hall and restaurant. It is also noted that under the current definition of Community Centre in Part 3 of the Draft By-law, privately owned facilities are not included.

In light of the timing of this By-law going to council on February 25, 2014, my client would like to register their objection to the proposed zoning for their property and anticipates addressing the above issues through the appeal process.
Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:Iw

CC: Joe Nethery, Manager Zoning By-law Project
    Client
We operate Agram Garden Centre at the corner of Ninth Line and Dundas in Oakville (Zoning Map 19(24)). At the Northwest corner of this map our lands are shown as C3 zoning.

We have reviewed the latest draft of the Proposed Comprehensive Zoning By-law and more specifically the C3 Zoning and would like to request that consideration be given to include C4 Service Station zoning at the SE corner of Ninth Line and Dundas.

Once services (Water, Sanitary, Storm) are in place, we would like to proceed with developing our site.

Yours truly,

David Vrhovnik (digitally signed)
Director, Agram Garden Centre

cc: John Zdunic & Paul Ozanic, Owners, Agram Garden Centre
24 February 2014

Sent via E-mail (joenethery@oakville.ca)

Joe Nethery
Manager, Zoning By-law project
Town of Oakville
P.O. Box 310, 1225 Trafalgar Road
Oakville, ON L6J 5A6

Dear Mr. Nethery:

Re: inZone - Final Draft (v3.1) of the 2014 Zoning By-law
Silgold Developments Inc. and Silgold II Developments Inc. (“Silgold”)

Thank you for taking the time to meet with us and our client on 23 January 2014, and for your follow up letter dated 12 February 2014. We have reviewed the final draft v.3.1 of the 2014 Zoning By-law, and are satisfied that the changes address our client’s concerns, with one exception:

We note that v.3.1 of the 2014 Zoning By-law contains a site-specific parking requirement of 1.0 parking space per 21.0 square metres net floor area for all non-residential uses for the interim development on the Silgold property (policy 15.42.1.e). Although this reflects the existing parking ratio on the majority of our client’s site, we request that the parking regulation for office development during the interim development be 1.0 per 30.0 square metres, consistent with the parking requirements elsewhere in the Town of Oakville in the 2014 Zoning By-law.

Yours very truly,

Wood Bull LLP

[Signature]

Dennis H. Wood

c. client
Thanks Joe I am now getting a better handle on growth. Not sure where town parking comes into play but the town only has about 200 parking spaces within the borders of lakeshore, East Street, Bronte and Lake Ontario. Most of the parking is privately owned.

Once again thanks for your help and if needed I will contact Diane for further information.

Paul

On Feb 23, 2014, at 5:21 PM, Joe Nethery <JoeNethery@oakville.ca> wrote:

The zoning implements the policies of the Livable Oakville Plan, which does plan for growth within Bronte Village. Section 24.4.5(b) of the Livable Oakville Plan forecasts 950 new residential dwelling units and 2,000 square metres of new commercial space to meet the planned intensification targets for the area.

A zoning by-law cannot be more permissive than the official plan it implements. The majority of Bronte Village is proposed to be zoned Main Street 1 MU1 (some blocks are Main Street 2 MU2) which sets a minimum of 2 storeys and a maximum of 4 storeys in height, up from the current 2 storey maximum. A number of new service commercial uses are also permitted – many of the commercial properties in Bronte had use permissions restricted by previous zoning by-law amendments. The 2014 Zoning By-law will expand use permissions and building envelopes across the area. From a strict parking perspective, 1/40 represents a nearly 30% reduction in the minimum number of parking spaces currently required for non-residential development in Bronte. Residential spaces are being discounted by 15% for the rates for the rest of Oakville.

As promised, staff will be undertaking “Growth Area Check-ins“ as part of the five-year review of the Livable Oakville Plan. This is the process where additional growth considerations can be given. It is also a public process, allowing all members of the community to participate.

I hope this is more helpful. Diane Childs, the Manager of Long Range Planning, is a better person to speak with about the plan review.
Joe...the info you sent really doesn’t help us. I really need to know how zoning changes will increase the population in Bronte Village. Not knowing the total development process, growth is more than just placing a condo tower on a site. The town looks at transit, infrastructure (water and sewers) etc when making a decision on growth areas. therefore, the town should have some thought on how big Bronte can grow.

Look forward to your reply.

Paul

On Feb 12, 2014, at 8:23 PM, Joe Nethery <JoeNethery@oakville.ca> wrote:

Good evening Paul –

Just to close off our correspondence loop, the parking recommendation for Bronte Village in the final draft (v3.0) is two-pronged:

- For residential uses, a 15% reduction rounded to the nearest .05 is the staff recommendation. This corresponds to our parking consultant’s (Cole Engineering) research and opinion in the Technical Paper on Parking and Loading Standards. This discount is only applied to the traditional “multiple attached” housing forms except for live work dwellings (standards and permissions for which will be included in the updated final draft (v3.1)).

- For non-residential uses, the final draft (v3.0) recommendation is for 1.0 space per 40.0 square metres of net floor area. This rate matches the second-to-lowest blended rate proposed outside of the Growth Areas. It also represents a discount from the rate for office uses, for which Cole has recommended a rate of 1.0 space per 35.0 square metres of net floor area. Applying the 10% discount recommended by Cole, this results in a minimum of 1.0 space per 38.5 square metres of leasable floor area, which is rounded down to 1.0 space per 40.0 square metres of net floor area.

Please also be advised that the staff are anticipating on undertaking “Growth Area Check-ins” scheduled as part of our Long Range Planning section’s work program over the course of 2014 and 2015. Permissions within individual land use designations in the Livable Oakville Plan, as well as the actual designations applied to lands, will be reviewed. The intent of the study is to identify any potential changes required to the Livable Oakville Plan. This is a public process and staff intend on creating a project mailing list using inZone project contacts.

Staff also intend on reviewing the cash-in-lieu of parking policy and procedure in 2014 as well.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Clerk Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

By email townclerk@oakville.ca

And to

Joe Nethery
Manager, Zoning By-law Project
Town of Oakville
Planning Services
1225 Trafalgar Road
Oakville, ON L6H 0H3

By email joenethery@oakville.ca

RE: Zoning Bylaw Review ("inzone"), Lakeshore Rd. W., and Brookfield Rd. -822403 Ontario Inc.

Johnston Litavski Ltd. is planning consultant to 822403 Ontario Inc. ("822403"), which owns lands located at the southeast corner of Lakeshore Rd. W. and Brookfield Rd. in the Town of Oakville, at Lakeshore Rd. W., and Brookfield Rd. 822403 proposes to develop the lands for a mixed use residential/retail development consisting of 37 apartment units, plus retail space at grade along the Lakeshore Road frontage. 822403 applied to the Town to amend the zoning bylaw to permit this development, under application file # Z.1716.15.

Town planning staff recommended approval of the application, for a number of reasons; in particular it conforms to the Town’s Official Plan. Council at its meeting on February 10 and 11, 2014 refused the application. Our client has appealed the decision of Council to the Ontario Municipal Board pursuant to 34 (11) of the Planning Act.
Nothing in the Town’s new zoning bylaw should prohibit the development of the
lands in the manner proposed by our client’s application.

Please notify the undersigned of the decision of Council in this matter.

Yours very truly,

Paul E Johnston, MCIP RPP
Principal
Johnston Litavski

D:\Data From Toshiba Laptop\Documents\ACTIVE JOBS\13P__ Cameron Stephens Courtice North\Letter Report -Courtice North Whitby.Docx
Joe Nethery

From: Laurie Lawson
Sent: Tuesday, February 25, 2014 8:21 AM
To: Joe Nethery
Subject: OPA

Joe,

I’m in consultation with Weston Consulting and want to clarify our position and be on record prior to the Town Council meeting this evening.

Your comment that the line is to follow the limit of the trees does not reflect the boundary shown on the online mapping – see the air photo below that includes the proposed Parkway Belt (PB1) zone cutting through an area that is not treed.

Thanks.

Laurie
February 25, 2014

Corporation of the Town of Oakville
Clerk’s Department
1225 Trafalgar Road
Oakville, ON L6H 0H3

Attention: Ms. Cathie Best, Town Clerk

Dear: Ms. Best

Re: Town of Oakville inZone Review
Third Draft
Comments on Behalf of Loblaw Properties Limited
Our File: LPG/LPL/94-01

We are the planning consultants for Loblaw Properties Limited ("Loblaws") and Choice Properties REIT, which is the owner or lease holder of the following lands within the Town of Oakville:

- Loblaws at [redacted] Oak Park Boulevard;
- Fortinos at [redacted] Lakeshore Rd West;
- Retail Plaza at [redacted] Lakeshore Rd West;
- No Frills at [redacted] Cross Ave.;
- No Frills at [redacted] Abbeywood Drive; and
- New Fortinos at Neyagawa and Dundas opening in 2014.

We have been monitoring the inZone review process and have reviewed the Town’s Zoning By-law on behalf of Loblaws. In general, our client wants to ensure that the development potential and current existing permissions for their sites will not be compromised by the new By-law; not simply recognized as legal non-conforming uses but permitted as of right.

We submitted comments on July 2, 2013 and November 7, 2013 regarding the Draft Zoning By-law. It is our understanding that the third Draft of the Zoning By-law will be presented to Council on February 25, 2014 for adoption.

We have preliminary comments for the February 2014 Draft Zoning By-law as outlined below, and may provide further comments as required. At this time, our comments are as follows:

1. The Mixed Use Section 8.2 of the Draft Zoning By-law has a maximum GFA of 1,400 sq. m on the first floor of retail buildings. We respectfully request that the Town delete this additional regulation for [redacted] Lakeshore Rd W.;

2. Based upon our review, the parking standards for retail stores including food stores have not been amended in the third draft. The parking rate currently proposed for retail stores in the Draft Zoning By-law will result in an unnecessary surplus of
parking for food stores. This is contrary to the principle of efficient use of land and the promoting of alternative transportation modes. We reiterate, parking requirements for food stores and all shopping facilities should not be increased. As an example, Loblaw located at [redacted] Oak Park Boulevard is zoned MU4-42 in the draft By-law, the required parking for this property would increase from 1 space per 28m² of leasable floor area to 1 space per 18m² of leasable floor area. In a one-on-one meeting, Town Staff committed to revisiting these parking rates; and

3. Section 8.6 a) (Driveway and Surface Parking Area Regulations) of the draft By-law states: A surface parking area, not including a driveway, shall not be permitted in any yard between a building and Lakeshore Road East, Lakeshore Road West, Kerr Street, Randall Street, Oak Park Boulevard, Old Bronte Road, and Khalsa Gate. This proposed policy impacts one of our sites: Retail Plaza at [redacted] Lakeshore Rd West. We respectfully request that this existing surface parking area be considered a legal surface parking area.

Should you have any questions, or require further information, please do not hesitate to call,

Yours very truly,

ZELINKA PRIAMO LTD.

Edward Terry
Senior Planner

cc. Mr. Mario Fatica, Loblaw Properties Limited
    Mr. Steve Zakem, Aird and Berlis LLP
February 25, 2014

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tataneeck:

Re: Draft Zoning By-law and Official Plan Amendment

Centrio Holdings Limited Speers Road; Marpal Properties Inc. Speers Road; Bellven Investments Limited Speers Road; Ruby Crest Homes Kerr Street; John Street; and 2160556 Ontario Inc. Kerr Street

Our File No. 98447

We act on behalf of Centrio Holdings Limited, Marpal Properties Inc., Bellven Investments Limited, Ruby Crest Homes and 2160556 Ontario Inc. with respect to the above listed properties in the Town of Oakville. We have reviewed the draft version of the Oakville Zoning By-law 2014-014 ("Draft By-law") on behalf of our clients and would like to register our objection to the draft By-law as proposed.

The proposed zoning, results in many currently existing uses on my clients’ properties being restricted or no longer being permitted. Additionally the proposed parking requirements appear to have increased significantly as they pertain to the current uses on these properties. Additionally, for properties with the proposed E2 zoning, a new limitation on outside storage being restricted to 25% of the lot area is also a cause for concern to my clients.

In light of the timing of this By-law going to council on February 25, 2014, my clients would
like to register their objections to the proposed zoning for their properties and anticipate addressing specific issues through the appeal process.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:lw

CC: Joe Nethery, Manager Zoning By-law Project
Client
February 25, 2014

Via Email and Regular mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tataneck:

Re: Draft of Zoning By-law and Official Plan Amendment
Marilyn Jelinek - Speers Rd.
Our File No. 98442

We act on behalf of Marilyn Jelinek owner of the above property in the Town of Oakville. We have reviewed the draft version of the Official Plan Amendment ("OPA") and Oakville Zoning By-law ("Draft By-law"), including Version 3.1 released on February 14, 2013, and offer the following comments.

My client’s property has historically been used for light industrial uses such as manufacturing and warehousing of sporting goods. Currently the property houses a light manufacturing facility. The property is a tenanted property, so uses change with the respective tenant to the property. The proposed zoning under s. 10.2 would only permit manufacturing and warehousing uses only on lots where the use “legally existed as of the effective date of the By-law”. This concerns my client greatly, since if the By-law is passed on February 25, 2014, as planned, the ‘legally existing’ uses would only protect the current manufacturing use, not the previous warehousing use. Additionally, even if these uses are recognized, any change in use in the future would result in a loss of these uses. For a property with changing tenants this uncertainty causes great concern for my client.
Despite the Town’s efforts to notify all residents of the zoning by-law changes through the minimum requirements under the Planning Act, these issues with the draft zoning only just came to my client’s attention this past week and my client is continuing to review the full impact of the Draft By-law on her property. In light of the above Draft By-law going to council for approval on February 25, 2014, we anticipate the above concerns will be able to be addressed through the appeal process.

Yours very truly,

O’CONNOR MACLEOD HANNA LLP

Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethery, Manager, Zoning By-law Project
Client
February 24, 2014

Town of Oakville
Mayor Rob Burton and Members of Council
c/o Town Clerk
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor Burton and Members of Council:

TOWN OF OAKVILLE COMPREHENSIVE ZONING BY-LAW 2014-014 (INZONE PROJECT)
TDL GROUP CORP. COMMENTS

We are pleased to provide additional comments on the Town's Comprehensive Zoning By-law (ZBL) 2014-014, on behalf of our client, TDL Group Corp. (TDL). We have been working with Town staff throughout the inZone project, and greatly appreciate the time and effort devoted to addressing our client's comments. As you may be aware, we had provided comment letters to the Town on October 9, 2013 and October 29, 2013, which are attached, and met with Town staff regarding our client's comments on January 20, 2014.

We have reviewed the latest Draft ZBL (version 3.1) against TDL's key property assets in the Town, including:

- [Redacted] Wyecroft Road, which includes a TDL office, Training Centre, Warehouse and Tim Horton's Drive-Thru Restaurant;
- [Redacted] Wyecroft Road, which includes the Wendy's Head Office and Wendy's Drive-Thru Restaurant;
- [Redacted] Sinclair Road, which includes TDL's Head Office; and
- [Redacted] Speers Road, which includes a manufacturing facility and vacant parcel of land which includes a Site Plan approved Tim Horton's Drive-Thru Restaurant.

We are pleased to see that the majority of TDL's comments and concerns have been addressed. However, our client continues to have one concern related to use permissions for their property located at [Redacted] Speers Road.

As detailed in our comment letters of October 9, 2013 and October 29, 2013, the proposed ZBL would have the effect of prohibiting a restaurant and drive-thru on the subject site, notwithstanding the fact that current zoning permits the use and our client, through the approval process for the Fruition Fruits facility, had included a restaurant with drive-thru as a future intended use. As noted, it is our client's intention to accommodate a Tim Horton's restaurant and drive-thru on this site.

We further understand that in light of the myriad of existing non-industrial, commercial uses along this section of Speers Road, it is the Town's intent to undertake an area specific study to further define the range of uses that should be permitted along this corridor. Considering the existing zoning permission in place, and the long-standing intent of Tim Horton's to build a
Town of Oakville – February 24, 2014

restaurant and the as-yet undetermined area-specific study, it is our client's view that until such a study is undertaken, existing permissions for the site, and frankly for the entire study area, should be maintained.

We thank Council for your consideration of the foregoing and request that we be notified of any decision Council might make in this matter. Should you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,

[Signatures]

IBI Group

Scott Arbuckle, MCIP, RPP
Associate

Michael Lipkus, MES, MCIP, RPP

cc. Mr. Joe Nethery – Manager, Zoning by-law Project, Town of Oakville
Garry Fraser – TDL Group Corp.
February 25, 2014

Town of Oakville
Planning Services
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Attention:
Dana Anderson, Director Planning Services
Joe Nethery, Manager, Zoning By-law Project

Dear Ms. Anderson and Mr. Nethery:

Thank you for your response to the January, 21, 2014 letter sent by the Joshua Creek Residents Association (JCRA) board to the Town regarding implications of InZone changes in our neighbourhoods. We would like to follow up your response to our letter with some points of clarifications:

1. **Changing zoning along Cornwall Road from E2 to E1** – It is not JCRA’s intention to recommend a zoning change that is unreasonable and causes hardship for current landowners on Cornwall Road. Rather, we wish to ensure there is an appropriate zoning in place to create and enhance compatibility and sustainability for the established adjacent neighbourhoods. Since it would cause undue hardship to existing owners, we are not suggesting a zoning change that would render existing uses illegal. However, it is entirely appropriate, reasonable and within the town’s ability, to change the zoning of any Cornwall Road properties that have not been developed or put in use, and to change the existing zoning for any lands that are being re-purposed.

2. **Minor Gateway designation** - We asked the Town to consider the portion of Ford Drive, between Royal Windsor and Cornwall Rd, including the intersection, but not limited to the intersection of Ford and Cornwall, as a minor gateway into Oakville. The criteria for a Minor Gateway designation and the intended outcome of assigning the designation are outlined in Section 6.3 of Livable Oakville:

   "6.3.1 Gateways shall create a sense of entrance and arrival, contributing to community image and identity."
6.3.3 **Minor gateways should be located at prominent intersections, secondary entrance points to the Town, and entrances to individual communities to enhance the location’s image.**

6.3.4 **Development at gateways should be required to meet a high standard of design, recognizing their role as a gateway, and be appropriately oriented to the public realm.**

Ford Drive is an exit into Oakville from the QEW and, as such, is a primary route for residents of and visitors to Southeast Oakville. As well, Ford Drive is one of several secondary entrance points to the town and is the entrance to individual communities, including both Clearview to the north of Royal Windsor and the neighbourhoods of the JCRA to the south.

Cornwall Road has been designated an arterial road, and is a primary route for Oakville residents, and potentially visitors, to access established neighbourhoods west of Ford Drive and to use for access to the mid-town, and the business and residential development underway in that zone.

The intersection of Ford Drive and Cornwall Road is a prominent one given the uses of those two roads as access routes south, east and west into residential neighbourhoods and west to the mid-town area.

For these reasons, Ford Drive, and the intersection of Ford and Cornwall meet criteria for a Minor Gateway Designation. Given that Livable Oakville specifically states that Minor Gateways should be located at prominent intersections and at secondary entrance points to the Town, it entirely reasonable and appropriate that the section of Ford Drive, as previously noted in this letter, as well as the Ford Drive/Cornwall Rd intersection be designated as Minor Gateway. This should impact any new development in those specified areas, and hold existing businesses to the same high standard with respect to signage, landscaping and image. With Minor Gateway designations these areas will more fully contribute to the sense of arrival and entrance into the town and the surrounding neighbourhoods that currently exists because of their location at the easterly edge of Oakville.

Finally, as indicated in our January 21 letter to you, JCRA continues to have concerns about the development planned for the south west corner of Ford and Cornwall. We are pleased the Town has recommended the corner be zoned as C1, and we support that recommendation.
Again, we appreciate the opportunity to present our input to the Town, and we ask that you give serious consideration to:

1) Designating E1 “office employment” zoning, not E2 zoning, for the land portions along Cornwall Road from Ford Drive to Morrison Road that have not yet been developed and/or are being repurposed.

2) Designate Ford Drive, south from Royal Windsor to Cornwall Road, including the intersection of Ford and Cornwall as a Minor Gateway into Oakville.

3) We support the Town’s recommendation to change the zoning of the southwest corner of Ford and Cornwall to C1.

This letter also serves as a written submission from the board of Joshua Creek Residents Association for consideration by the Town Council at their meeting of February, 25, 2014, and will be forwarded to the Town Clerk.

Respectfully submitted,

Elizabeth Chalmers
Secretary, JCRA Board
February 24, 2014

Mayor and Members of Council

C/o Town Clerk, Town of Oakville

1225 Trafalgar Road

Oakville, Ontario

L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014

Halton Interfaith Council

We act on behalf the Halton Interfaith Council. We have reviewed the draft Versions of the Oakville Zoning By-law (the “New By-law”) including Version 3.1 released on February 14, 2014.

On November 4, 2013, we provided to the Town extensive comments regarding the Halton Interfaith Council's concerns with a number of points within the draft Zoning By-law. The Council has been working with the Town of Oakville for a number of years to develop an appropriate and balanced regulatory approach to addressing Places of Worship. Our client appreciates the time that staff has taken to meet with the Interfaith Council to discuss our concerns.

For the following reasons as well as other that may become evident, there are outstanding concerns regarding the proposed zoning for Places of Worship.

The most significant issue is that the proposed zoning for employment areas permits Place of Worship in specific zones but restricts the maximum lot area for a Place of Worship to a standard that is below the minimum lot area for that zone category. The net effect of these two provisions is to prohibit a Place of Worship from being able to be established within that zone category. This occurs within two zone categories as set out below:

- C3 Minimum Lot Area 4.0ha. Table 9.2 Note 4: The maximum lot area for a Place of Worship 2.5 ha
- E4 Minimum Lot Area 6.0ha. Table 10.3 Note 12: The maximum lot area for a Place of Worship 2.5 ha

In our discussions with Mr. Nethery, it was agreed that Places of Worship were an appropriate use within these zone categories. The provisions of the new By-law need to be revised to ensure that this use can be established.

Parking standards for Places of Worship have been increased. The current parking standard is 1 space for each member of staff and 1 space for each 5 persons who can be accommodated in the main places of assembly. The proposed standard is 1.0 per 5 persons capacity for the place of worship area of worship plus 1.0 per 20.0m² net floor area for any additional accessory assembly area. This is especially an issue with the new language proposed for Section 5.1.1.b) which will retroactively apply parking standards to a Place of Worship for any addition or expansion even if it was minor in nature. The current standard should be maintained or Places of Worship exempted from Section 5.1.1.b). We are also concerned regarding Section 5.1.3
and the potential to increase parking requirements on sites containing Places of Worship due to the need to provide parking for each use on the property. One of the reasons why this additional parking is not required for Places of Worship is that our uses rarely occur at the same time. Major religious events tend to be held on weekends or evenings and if there is a daycare use on the property, that use will occur in the daytime. Application of these new standards will result in an oversupply of parking on Place of Worship sites.

The first draft of the zoning by-law permitted places of worship in E1 and E2 zones subject to the size of the facility being a maximum 50% of the building area. The 2nd draft removed places of worship from all employment zones. The proposed new by-law reintroduces the use into the E4 zone but with concerns as set out above. A Place of Worship should be listed as a permitted use in the E1 zone category similar to other sensitive land uses such as private schools.

The Zoning by-law defines Emergency Shelter but only permits it as a Special Provision on a site specific basis. The provision of special needs and emergency housing is an important part of providing for the needs of all residents within our community and should be permitted as of right within the Zoning By-law.

Please note that this item set out above is not exhaustive and additional items may be identified through further review and discussion.

It is the hope of the Halton Interfaith Council that these issues can be resolved in a satisfactory manner with the Town of Oakville.

Yours Truly,

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
Halton Interfaith Council
Mayor and Members of Council

Re: Town of Oakville Zoning By-law Review

Neyagawa Boulevard – Rotherglen School

We act on behalf of Rotherglen School for the property municipally known as Neyagawa Boulevard in the Town of Oakville ("the property"). We have reviewed the Town of Oakville draft Zoning By-law Version 3.1 (the "new By-law") as it pertains to our client's property. Based on this review, our client has some concerns with aspects of the new By-law.

An application for a Site Plan Approval was filed in 2012. Due to processing timelines, it will not be possible to obtain approval prior to the anticipated new By-law adoption date on February 25, 2014. This ongoing process has involved extensive preparation by our client and their team to reach this point and ultimate approval.

Section 1.8 of the new By-law sets out the provisions for Transition Matters. This section does not adequately address the range of transition scenarios and is of concern for our client. Without further expansion of the transition provisions to address this scenario, our client's application will need to be revised to speak to the new zoning provisions resulting in a further delay of approval.

The italicized, side bar comments on page 1.2 of the new By-law states that planning applications in process shall be reviewed under the zoning rules in force and as a result, for some time, any application will need to address both Zoning By-laws. This is an onerous requirement. It is our position that site plan applications prepared under the current zoning regime should be considered and processed under the regulatory framework for which the application was prepared. Therefore the existing By-law should not be repealed for a prescribed amount of time, and all active applications should be accommodated under the provisions of the transition protocols.

Please note that these item set out above are not exhaustive and additional items may be identified through further review and discussion. We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
    Mark Lanigan, Rotherglen School
Mayor and Members of Council
c/o Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014
The SCOTT Group Ltd.

We act on behalf of The SCOTT Group Ltd., builders of low density infill housing within the Town of Oakville. We have reviewed the various draft versions of the Oakville Zoning By-law (the “new By-law”) including Version 3.1 released on February 14, 2014 as they pertain to our client’s interests.

Our client has concerns with the proposed 0-Zone provisions. Our client has redeveloped properties within south Oakville with a building style that is reflective and appropriate for the neighbourhoods in which they are located. The policies of the Liveable Oakville Plan require that new development is compatible in terms of scale and massing to the surrounding neighbourhood.

The new By-law sets out regulations regarding the methodology for calculating floor area including such items as the addition of the entirety of attic space in excess of 1.8 metres at any given point as floor area and the inclusion of garage area in certain circumstances. Although the amount of floor area permitted is proposed to be increased from 26% to 29%, this increase does not accommodate all of new items that must be included in the calculation.

Coverage is proposed to be reduced from 30% to 25% between the current and proposed zone provisions. Accessory buildings will be included within the maximum coverage within the R01 area further magnifying the effects of the reduction in the coverage permitted.

The new zoning provisions would not permit the quality and style of home that has been recently constructed within these areas of Oakville as the new provisions would discourage the use of architectural elements such as articulated roof lines due to the new floor area calculation requirements and promote the inclusion of garages within the built structure to minimize coverage on the site. The proposed standards appear to be contrary to the urban design objectives for the development of these areas.
Please note that this item set out above is not exhaustive and additional items may be identified through further review and discussion. We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

[Signature]

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
    The SCOTT Group Inc.
Mayor and Members of Council  
c/o Town Clerk, Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law Review  
[Redacted] Lakeshore Road – Mr. S Sorial

We act on behalf of Mr. S. Sorial for the property municipally known as [Redacted] Lakeshore Road in the Town of Oakville ("the property"). We have reviewed the Town of Oakville draft Zoning By-law Version 3.1 ("the new By-law") as it pertains to our client's property. Based on this review, our client has some concerns with aspects of the new By-law.

An application for a Site Plan Approval was filed in 2014. Due to processing timelines, it will not be possible to obtain approval prior to the anticipated new By-law adoption date on February 25, 2014. This ongoing process has involved extensive discussions with Conservation Halton and Planning Staff to develop an appropriate site plan for this property.

Section 1.8 of the new By-law sets out the provisions for Transition Matters. This section does not adequately address the range of transition scenarios and is of concern for our client. Without further expansion of the transition provisions to address this scenario, our client's application will need to be revised to speak to the new zoning provisions resulting in a further delay of approval.

The italicized, side bar comments on page 1.2 of the new By-law states that planning applications in process shall be reviewed under the zoning rules in force and as a result, for some time, any application will need to address both Zoning By-laws. This is an onerous requirement. It is our position that site plan applications prepared under the current zoning regime should be considered and processed under the regulatory framework for which the application was prepared. Therefore the existing by-law should not be repealed for a prescribed amount of time, and all active applications should be accommodated under the provisions of the transition protocols.

Our client is also concerned regarding the new R02 zoning provisions. The proposed new by-law sets out regulations regarding the methodology for calculating floor area including the need to include the entirety of attic space in excess of 1.8 metres at any given point, as floor area. The reduction in coverage from 30% to 25% and the requirement to include accessory buildings within the maximum coverage on the largest lots within Oakville is not supported.

The policies of the Liveable Oakville Plan require that new development be compatible in terms of scale and massing to the surrounding neighbourhood. This proposed home is located within an area that has
already transitioned to new larger built forms. Restricting development in this manner would require a new home to be built at a scale that no longer exists within this area.

Please note that these item set out above are not exhaustive and additional items may be identified through further review and discussion.

We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
    Mr. Sorial
February 24, 2014

Mayor and Members of Council
c/o Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014 and Official Plan Amendment No. 4
Emshih Oak Park Inc.

We act on behalf of Emshih Oak Park Inc. for the property located at the southeast corner of Oak Park Boulevard and Taunton Road within the Uptown Core Area, in the Town of Oakville. We have reviewed the draft versions of the Oakville Zoning By-law (the “new By-law”) including version 3.1 released on February 14, 2014 as they pertain to our client’s land and interests.

A letter was provided to Town staff, dated November 1, 2013 from Emshih Developments Inc. which expressed concern over a number of the changes to the new By-law. These issues that remain outstanding are outlined below. Please note that the list set out below is not exhaustive and additional items may be identified through further review and discussions.

In Table 5.2.1, the parking standard for medical uses is set out. It is not clear why the dramatic almost doubling of the parking requirements for a medical use if over 60% of the building. An increase in parking requirements is reasonable but not to this magnitude. The goals and objectives set out in the Livable Oakville Plan for the Uptown Core Growth Area direct the reduction on automobile dependency, through transit supportive built form and a mixed use environment.

Section 8.2 (footnote 3b) restricts the ancillary residential use on the first storey to occupy a maximum of 15% of the length of the main wall oriented toward a public road. We maintain that these standards are overly restrictive. Ancillary residential uses can provide appropriate interaction between the building and the pedestrian environment. In addition, Section 8.2 (footnote 3) does not permit Long Term Care Facilities and Retirement Homes within the first 9 metres of depth of the front of the building for the first storey and does not permit the use below the first storey. These types of uses are often designed to have dining rooms and other uses serving the residents on the first floor to promote the interaction of the residents with the community. The restriction in the footnote should be for residential uses only and not for ancillary residential uses associated with these types of facilities.
Section 8.2 (footnote 6) restricts the amount of business office and medical office permitted along the frontage of a building to maximum of 50% of the front of the building. A wide variety of uses, which support daily living, should be promoted within a mixed use intensification area to promote pedestrian activity. This restriction on the amount of these uses within a building detracts from this occurring.

Section 8.8 The proposed regulation restricts the ability to create articulation in the building façade to animate the public realm and incorporate elements such as, patios, public art, urban squares, and seasonal elements, which assist in adding vibrancy and interest to the street.

Over the last few months, Emshih Oak Park Inc. has been in discussions with the Town regarding a development proposal for their lands. A formal application has not been submitted at this time. During the transition period to the new By-law, applications to amend both By-laws will be required. It is not clear as to which by-law provisions will need to be considered as having precedence in the design of a project when the provisions are in conflict.

Regarding Official Plan Amendment No. 4, it is requested that additional language be added to the amendment. It is requested that Section 21.5.5 c) be amended to read as follows: “On the lands designated Main Street 2 at the southeast corner of Oak Park Boulevard and Tauton Road, a two storey minimum building height may be considered permitted for the portion of the site adjacent to Oak Park Boulevard as part of a comprehensive redevelopment application to allow flexibility in building and site design. Such consideration shall only be given where it can be demonstrated that the planned intensification for the site as set out within the policies of the Plan can be achieved.”

Through our discussions with staff regarding the proposed development of these lands, there have been various interpretations of this policy. Clarification of this language would ensure a consistent interpretation in the evaluation of the development application.

Yours truly,

Ruth Victor MCIP RPP

cc. Mr. Joe Nethery
February 24, 2014

Mayor and Members of Council
c/o Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014
   Garden Drive – Garden Drive Townes Inc. and Maurice – Windemere Towns

We act on behalf of Garden Drive Townes Inc. for the properties municipally known as Garden Drive in the Town of Oakville ("the properties"). We have reviewed the Town of Oakville draft Zoning By-law Version 3.1 ("the new By-law") as it pertains to our client's properties. Based on this review, our client has ongoing as well as new concerns with aspects of the new By-law.

An application for a Zoning By-law Amendment for Garden Drive Townes Inc. was filed with the Town in April 2013 and a public information meeting was held on August 14, 2013. The Zoning By-law Amendment for Windemere Towns was filed in August 2013 with a public information meeting held on January 8, 2014. Due to processing timelines, it will not be possible to obtain approval of either application prior to the anticipated new Zoning By-law adoption date on February 25, 2013. An extensive process has been undertaken to address town concerns as well as resubmissions of the proposed plan for both of these applications. It is anticipated that Council will consider these applications in the next few months.

A letter was provided to Town staff, dated November 1, 2013 on behalf of Garden Drive Townes Inc. and Windemere Towns that set out concerns with various elements of the new By-law. Additional items have been identified within the new By-law. Please note that the list set out below is not exhaustive and additional items may be identified through further review and discussions.

Section 1.8 of the new By-law sets out the Transition provisions. The proposed language does not adequately address this situation. Without further expansion of the transition provisions, our client's application may need to be revised to address the new zoning provisions. It is our position that applications submitted before the date of adoption of the new By-law should be processed under the regulatory regime for which the application was filed and the existing by-law not repealed until such time as the new zoning by-law comes into effect.
Section 5.8.1 c) of the new By-law regarding parking spaces and driveway widths does not functionally work for townhouse developments with a dedicated visitor parking area. This language should be revised to reference only low density built forms.

A number of the yard provisions within the RM1 zone category do not reflect the urban nature of a townhouse development in this location. As part of the Zoning By-law amendment applications for these lands, reductions in various standards have been requested.

Table 6.3.8 introduces of a 10% landscape area requirement. No minimum landscaping is required under the current by-law. This requirement is onerous for intensification projects.

Section 4.6.3 sets a maximum height to the parapet and requires a setback equal to the height of the parapet if over this maximum height. The parapet is required to screen the roof top amenity area. As this type of parapet is an extension of the front wall or roof line of the buildings, any additional setback will be contrary to the urban design objectives for these projects.

We look forward to working with staff to resolve these concerns.

Yours truly,

Ruth Victor, MCIP, RPP

cc. Mr J. Nethery
February 24, 2014

Mayor and Members of Council
c/o Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014
    2167200 Ontario Limited (Elio Arditi), Third line

We act on behalf of 2167200 Ontario Limited for the property municipally known as Third Line in the Town of Oakville. We have reviewed the draft Versions of the Oakville Zoning By-law (the "New By-law") including Version 3.1 released on February 14, 2014 as they pertain to our client’s property and interests.

We provided Town staff with letters dated July 31, 2013 and November 1, 2013, outlining our client’s issues with the new By-law. The issue regarding Section 5.1.1 a) of the new By-law has not been addressed. The requested change to the wording to recognize an existing driveway and aisle width on the south side of the building has not been incorporated as a specific provision. We are concerned that any new regulations will override the approval granted by the Committee of Adjustment in 2010. The transition clauses do not assist in this case as the Committee approval predates 2011. We thank staff for their continued efforts to address and resolve our issues.

We acknowledge the limited opportunity to meet with staff to discuss and resolve these concerns prior to the anticipated adoption on February 25th and expect these concerns will be able to be addressed through the appeal process.

Please note that this item set out above is not exhaustive and additional items may be identified through further review and discussion.

We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

[signature]

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
    Elio Arditi, 2167200 Ontario Limited
Mayor and Members of Council  
c/o Town Clerk, Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014 and Official Plan Amendment No. 4  
Ganwood Inc., [redacted] Wyecroft Road

We act on behalf of Ganwood Inc. for the property municipally known as [redacted] Wyecroft Road in the Town of Oakville. We have reviewed the draft Versions of the Oakville Zoning By-law (the “new By-law”) including Version 3.1 released on February 14, 2014 and the draft Official Plan Amendment OPA 4, as they pertain to our client’s property and interests.

We provided Town staff with comments in a letter dated November 1, 2013, outlining our client’s issues with the new By-law and draft Official Plan Amendment. Our client’s concern relates to a current use on the property, which will be rendered legal non-conforming with the passage of the new By-law. As per our letter of November 1, 2013, we request that the use, Place of Entertainment, be permitted on this site to recognize this existing use on the property in both the Official Plan and Zoning By-law. The wording in Section 14.4.1b of the draft Official Plan Amendment No. 4 should be expanded to recognize existing service commercial uses, similar to the approach used for restaurants, financial institutions and drive through facilities.

A special provision in the Zoning By-law would be required to recognize this existing use on the property as it is currently not permitted under the E2 zone provisions.

We acknowledge the limited opportunity to meet with staff to discuss and resolve these concerns prior to the anticipated adoption on February 25th and expect these concerns will be able to be addressed through the appeal process.

Please note that these item set out above are not exhaustive and additional items may be identified through further review and discussion.

We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

[Signature]

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review  
Paul Gancman, Ganwood Inc.
Mayor and Members of Council
c/o Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014 Cooper Construction Limited, Block 1, Plan 20M-467

We act on behalf of Cooper Construction. We have reviewed the draft Versions of the Oakville Zoning By-law (the “new By-law”) including Version 3.1 released on February 14, 2014 as they pertain to our client’s property and interests.

We provided Town staff previously with letters dated July 30, 2013 and November 1, 2013, outlining our client’s issues with the new By-law. The issue regarding mechanical equipment have been resolved through a revision in Section 4.6.4 that allows for a 6m height for a mechanical penthouse and appurtenances thereto beyond the height of the building as permitted elsewhere in the new By-law. We thank staff for their continued efforts to address and resolve our issues.

For the following reasons as well as other that may become evident, there are outstanding concerns regarding the proposed zoning for these lands. One of the issues raised previously is the maximum front and flankage yard requirements in Table 10.3, Note 1, Table 10.3 and Section 10.5 regarding building location on the lot. We had previously requested that Special Provision 43 contain language to exempt this site from these requirements. There are two flankage yards on this property as determined by Peter KozeIj, Zoning Officer; one abutting Plymouth drive and the other abutting Upper Middle Road. We cannot meet the maximum yard requirement for both these scenarios given the distance between the streets (approximately 300 m). An exemption from these requirements must be included within the Special Provision 43.

Section 5.6d(2) pertains to the location of loading spaces and the restriction that they not be located in the front or flankage yards. It is not possible to locate a loading space on this property in accordance with this requirement. The only location where a loading space would be permitted is along Winston Churchill, which is not appropriate from an urban design perspective. Special Provision 43 must exempt this site from the regulations in Section 5.6d(2).

It was our understanding based on our meeting of November 25, 2013 that staff was agreeable that these matters could be be addressed in the Special Provision for these lands. An email from Mr. Nethery dated December 5, 2013 confirmed that staff would be recommending wording in the final by-law to address these concerns. Unfortunately, this revised language is not included within the final version of the Zoning By-law to be adopted by Council.
We look forward to working with the Town to resolve these matters.

Yours truly,

Ruth Victor MCIP RPP

Copy: Mr. Bill Luffman, Cooper Construction
     Mr. J. Nethery
February 24, 2014

Mayor and Members of Council
c/o Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014
Glenburnie School, Upper Middle Road East

We act on behalf of Glenburnie School for the property municipally known as Upper Middle Road East, in the Town of Oakville. We have reviewed the draft Versions of the Oakville Zoning By-law (the "new By-law") including Version 3.1 released on February 14, 2014 as they pertain to our client's property and interests.

We provided Town staff with a letter dated July 15, 2013 that was followed by comments from O'connor MacLeod on November 1, 2013 outlining our client's issues with the new By-law. We thank staff for their continued efforts to address and resolve our issues. Of specific reference is your email of February 5, 2014 setting out options to address the parking situation on our client's property.

The one remaining issue for our client relates to the proposed standard for parking for private schools and the new language in Section 5.1.1.b) which will retroactively apply the standard to the school for any addition or expansion even if minor in nature. In an email on February 5, 2014, Joe Nethery suggested that additional parking could be accommodated on this property and the site could meet the new parking standard as set out in the by-law.

The distance from the rear of the school to the property line is 12m. Although the amount of landscaping required in this location is addressed in Section 4.12.1.b), the setback from the parking areas as required in Section 5.10 would preclude the ability to use this space for parking in accordance with the proposed parking provisions.

We acknowledge the limited opportunity to meet with staff to discuss and resolve these concerns prior to the passing of the by-law on February 25 and anticipate these concerns will be able to be addressed through the appeal process through the addition of language to the special provision for these lands.

Please note that these items set out above are not exhaustive and additional items may be identified through further review and discussion. We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
Patrick Sweet, Glenburnie School
Mayor and Members of Council  
c/o Town Clerk, Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3  

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014 and Official Plan Amendment No. 4  
Kayday Inc. 

We act on behalf of Kayday Inc. for the property municipally known as Trafalgar Road in the Town of Oakville. We have reviewed the draft Versions of the Oakville Zoning By-law (the "New By-law") including Version 3.1 released on February 14, 2014 as they pertain to our client's property and interests.

We provided Town staff previously with a letter dated October 31, 2013 outlining our client's issues with the new By-law and draft Official Plan Amendment. We thank staff for their continued efforts to address and resolve our issues.

We note both the Official Plan Amendment and Zoning By-law include language to recognize and continue the permissions for the long established legal uses on the property and agree with the principle that these uses be permitted as legal uses within these planning documents. We do have concerns regarding the specifics of how this is accomplished within the Official Plan Amendment and Zoning By-law.

We acknowledge the limited opportunity to meet with staff to discuss and resolve these concerns prior the anticipated adoption on February 25th and expect these concerns will be able to be addressed through the appeal process.

Please note that this item set out above is not exhaustive and additional items may be identified through further review and discussion.

We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

[Signature]

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
    Rick Day, Kayday Inc.
February 24, 2014

Mayor and Members of Council  
c/o Town Clerk, Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014  
MacLachlan College Trafalgar Road

We act on behalf of MacLachlan College for the property municipally known as Trafalgar Road in the Town of Oakville. We have reviewed the various draft versions of the Oakville Zoning By-law (the “new By-law”) including Version 3.1 released on February 14, 2014 as they pertain to our clients property and interests. We provided Town staff with letters dated September 11, 2013 and November 1, 2013 outlining our client’s issues with the new By-law.

As identified previously, Special Provision CU 283 does not reflect the current Special Provision 617, specifically Sections v), vi), vii), viii) which set out a number of site specific parking requirements. This is a major concern when one considers the multiple changes within the new By-law regarding parking and their cumulative impact.

The current parking standard is 1 parking space for each person who can be accommodated in the main place of assembly for an elementary school and 1 space for each member of the staff and 1 space for each 5 persons who can be accommodated in the main place of assembly for a secondary school. The proposed standard is 1.5 spaces per classroom for elementary schools, and 4 spaces per classroom for secondary schools. MacLachlan College is a combined elementary and secondary school. Section 5.1.1.b), as proposed, would retroactively apply the new parking standards to this private school for any addition or expansion to the College even if it is minor in nature. The previously approved zoning requirements regarding parking for the College must be recognized under the new By-law as well an exemption from Section 5.1.1.b) included within the new Special Provision 283.

Please note that these item set out above are not exhaustive and additional items may be identified through further review and discussion. We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review  
Lisa Duranteau, MacLachlan College
Mayor and Members of Council  
c/o Town Clerk, Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law 2014-014  
- Charnwood Drive

We act on behalf of Mr. Nevar, the owner of the property municipally known as - Charnwood Drive in the Town of Oakville. We have reviewed the various draft versions of the Oakville Zoning By-law (the "new By-law") including Version 3.1 released on February 14, 2014 as they pertain to our client's property and interests. We have provided to Town staff letters dated July 31, 2013 and November 1, 2013 outlining our client's issues with the new By-law.

Our client continues to object to the proposed R01 zone provisions. This property is the last remaining lot south of Aintree Terrace and west of Charnwood Drive that has not redeveloped into a larger modern building style. The policies of the Liveable Oakville Plan require that new development be compatible in terms of scale and massing to the surrounding neighbourhood. These new provisions will restrict this lot from developing in a similar manner to the surrounding new homes.

The proposed zoning by-law sets out new regulations regarding the methodology for calculating floor area including such items as the addition of the entirety of attic space in excess of 1.8 metres at any given point as floor area and the inclusion of garage area in certain circumstances. Although the amount of floor area permitted is proposed to be increased from 25% to 29%, this increase does not accommodate all of new items that must be included in the calculation.

Coverage is proposed to be reduced from 30% to 25% between the current and proposed zone provisions. Accessory buildings must be included in the maximum coverage within the R01 area further magnifying the effects of the reduction in the coverage permitted. The R01 area has the largest lots within Oakville. The proposed reduction in coverage will restrict the variety of built form in the area and will ultimately result in new homes being built that do not reflect the quality of design currently found within south east Oakville.

Please note that these item set out above are not exhaustive and additional items may be identified through further review and discussion. We look forward to working with the Town of Oakville to resolve these issues.

Yours truly,

[Signature]

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review  
Mr. Nevar
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Draft Zoning By-law (InZone)

Town of Oakville

Weston Consulting is the planning consultant for Hood Developments Inc. the owners of Oakville Place Drive in the Town of Oakville. In preparing this letter we have reviewed the Final Draft (v3.1) of the Zoning By-law that was released on February 14, 2014. The current zoning of the subject lands in Zoning By-law No. 1984-63 is “C3A – Arterial Commercial”. The proposed zoning in the Draft By-law (v3.1) is “Office Employment (E1)”. Impacts of the proposed change in zoning by-laws include the loss of a “Veterinary Clinic”, “Automobile related uses” and “Library” as permitted uses. Of greater concern to our client is the additional regulations that are also proposed for permitted uses including a “Restaurant”, “Drive-Through Facility” and “Financial Institution”. These uses would be limited to 20% of the total net floor area on any lot in the E1 zone. The additional regulations and the removal of permitted uses decrease the development options for the subject lands. It is our opinion that the uses and permitted floor areas of uses should continue to be permitted on the subject lands.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.
We trust that these comments will be taken into consideration prior to adopting the new Zoning By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,

**Weston Consulting**
Per:

[Signature]

David Capper, BES, MCIP, RPP
Associate

Copy: Paul McGuigan, Carttera Private Equities Inc.
Our File: P-375-09 D

February 25, 2014

Ms. Vicki Tytaneck
Acting Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tytaneck:

Re: Proposed Draft 2014 Zoning By-law (inZone Project) Town of Oakville, File: 42.25.01
Proposed Official Plan Amendment No.4 – inZone Conformity & Housekeeping OPA, File:
42.24.005

We represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., the TDL
Group Corp. (operators and licensors of Tim Hortons Restaurants), and Wendy's Restaurants of
Canada Inc. as well as their industry association, the Ontario Restaurant Hotel and Motel Association
(ORHMA).

On behalf of our clients, we have previously provided written submissions to the Town of Oakville and
we have also had prior meetings with town staff to discuss our review comments on the above noted
matter and the related draft documents released by the town over the last several months. This is to
advise that we have reviewed the latest versions 3.1 of the proposed 2014 Zoning By-law (inZone
Project) as well as the proposed Official Plan Amendment No.4 and wish to note that the current
versions of these two documents properly addresses all existing locations of our clients restaurants and
drive-through facility operations. We look forward to reviewing the final adopted/approved version of
these documents as soon as they are available. We also ask that you provide a copy of this letter to all
members of Town Council.

Finally, please also consider this letter as our formal request to be provided with copies of all future
notices, reports and/or Council considerations and resolutions related to the above noted documents
for the Town of Oakville.

Thank you,

Yours truly,
Labreche Patterson & Associates Inc.

Victor Labreche, MCIP, RPP
Senior Principal
Copy:

Dana Anderson, Director, Planning Services, Town of Oakville
(via e-mail: danderson@oakville.ca)

Joe Nethery, Manager, Zoning By-law Project
(via e-mail: joenethery@oakville.ca)

Leslie Gill Woods, Long Range Planner
(via e-mail: igillwoods@oakville.ca)

Leslie Smejkal, ORHMA
(via e-mail: lsmeikal@orhma.com)

Paul Barron, The TDL Group Corp.
(via e-mail: barron_paul@timhortons.com)

Sean O'Meara, The TDL Group Corp.
(via e-mail: omeara_sean@timhortons.com)

Carol Patterson, The TDL Group Corp.
(via e-mail: patterson_carol@timhortons.com)

Sherry M. MacLauchlan, McDonald's Restaurants of Canada Limited
(via e-mail: sherry.maclauchlan@ca.mcd.com)

Jessica Oliver, McDonald's Restaurants of Canada Limited
(via e-mail: jessica.oliver@ca.mcd.com)

Susan Towle, Wendy's Restaurants of Canada, Inc.
(via e-mail: susan.towle@wendys.com)

Darren Slim, A&W Food Services of Canada Inc.
(via e-mail: dsim@aw.ca)

Lyn Townsend, Weir Foulds
(via e-mail: itownsend@weirfoulds.com)
Joe,  

Hope all is well. Thank you for your email response below. It is greatly appreciated. I confirm that my January 24, 2014 letter (which I have reattached for your convenience) and the concerns outlined within it will be brought forward tonight to the Mayor and Counsel for the meeting pertaining the passing of the InZone ByLaws. Thank you Joe.

Truly,
Brad

--
Brad Rafauli
Vice President and Legal Counsel  
Ferris Rafauli-Grandeur Luxury Homes Inc.

---

This e-mail is confidential and may contain privileged information. If you are not an intended recipient, please delete this e-mail and notify us immediately. Any unauthorized use or disclosure is prohibited.
Per your Friday, January 24, 2014 letter, in the final draft (v3.0) staff are recommending a new “residential floor area ratio” calculation. Detailed comment is contained in the staff report being released Friday, but suffice to say the proposed calculation of “residential floor area” and resultant “residential floor area ratio” is modelled on the approach used in Mississauga, where all floor area within the building is measured without any exclusions. To compensate for the additional areas included in the calculation of residential floor area, the recommend ratio for the new “maximum residential floor area ratio” is adjusted upward from the current “floor area/lot ratio” figures listed in Zoning By-law 1984-63, as amended. Individual tiers are also proposed to be reorganized to fit the current minimum lot area figures, meaning each tier spans 92.9 square metres (1000 square feet). Based on modelling of potential building sizes available under Zoning By-law 1984-63, as amended, the increase in increases range between 10.3% and 16.7% over existing permissions – or, between 3 and 5 percentage points in the final draft (v3.0) By-law – to accommodate previously excluded exterior walls, stairs, and elevators. The two-regulation framework better enables as-of-right design flexibility within the zoning by-law.

In terms of the mechanics of the recommendation, lot coverage for shorter dwellings – now proposed to be set at less than or equal to 7.0 metres, based on further review – is proposed to remain the same as in the second draft (v2.0) and Zoning By-law 1984-63, as amended: 30% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and not applicable in the Residential Low RL8-0 Zone. For taller buildings – greater than 7.0 metres in height – the recommendation is based on the 85th percentile (with rounding) of all lot coverage estimates existing today in the applicable zones: 25% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and remaining not applicable in the Residential Low RL8-0 Zone.

Using the 85th percentile level best recognizes the “existing residential character” across the broad area covered by today’s R0 Zones. The regulation as proposed, and therefore the new infill and replacement dwellings and additions to existing dwellings constructed within this framework, will conform to and implement Section 11.1.9 of the Livable Oakville Plan.

In the updated final draft (v3.1), a new subsection (b) is proposed under lot coverage to clarify and carry forward the current staff interpretation that accessory buildings and structures are included within – not additional to – the lot coverage for the main dwelling. It is a total 25%/35% calculation.

Staff’s recommendation remains to carry forward the 9.0 metre maximum overall height.

Thank you for your patience and contributions to the inZone project. I will be sure to add this correspondence to the package being provided to Council at its February 25, 2014 meeting.

Joe Nethery, MCIP, RPP
Manager, Zoning By-law Project
Planning Services

Complete our Community Development customer service survey.
Please consider the environment before printing this email.
http://www.oakville.ca/privacy_statement.htm

From: Brad Rafauli
Sent: Friday, January 24, 2014 1:23 PM
To: Joe Nethery
Subject: InZone By Law Review
Mr. Nethery,

Hope all is well. It was a pleasure speaking with you a couple of weeks ago over the telephone regarding the InZone By Law Review. You were very helpful and informative. Thank you for inviting us to share our comments given our experience in architecturally designing and building in the current R1/R01 zones over the last 14 years. Kindly find our letter attached for your review and considerations.

Please do not hesitate to contact me should you have any questions or require further information.

Truly,
Brad

--

Brad Rafauli
Vice President and Legal Counsel
Ferris Rafauli-Grandeur Luxury Homes Inc.

Website: www.grandeur.ca

---

This e-mail is confidential and may contain privileged information. If you are not an intended recipient, please delete this e-mail and notify us immediately. Any unauthorized use or disclosure is prohibited.
Attn: Joe Nethery, Manager – Zoning By-law Project

Dear Sir,

RE: Response to Draft Zoning By-law (InZone)
   ■ Lakeshore Road West
   Town of Oakville

Weston Consulting is the planning consultant for A. Carnavole, the owner of ■ Lakeshore Road West in the Town of Oakville. In preparing this letter we have reviewed the Final Draft (v3.1) of the Zoning By-law that was released on February 14, 2014. The current zoning of the subject lands in Zoning By-law No. 1984-63 is “Commercial (C3R399)”. The proposed zoning in the Draft By-law (v3.1) is “Central Business District (CBD)”.

We had identified concerns with previous versions of the draft zoning by-law, specifically with a site specific provision that was proposed on the subject lands and with driveway restrictions on Lakeshore Road West. We arranged a meeting with Town planning staff and raised these concerns with them. At this time we are pleased to note that the current draft (v3.1) does not include the special provision or driveway restrictions that were of concern for the subject lands.

We note that the final version of the draft zoning by-law was released to the public on February 7, 2014 (v3.0) and was subsequently revised on February 14, 2014 (v3.1). Given the short timeframe of only 11 days between release of the final version and the anticipated adoption by Town Council, sufficient opportunity has not been provided to conduct a full review the draft by-law and consider all possible impacts on the subject lands. As a result, we may have additional concerns with some of the proposed changes to permitted land uses and development regulations that may adversely impact the development options for the subject lands beyond what has been identified in this letter.

As such, we request that the adoption of the draft zoning by-law by Town Council be delayed to a later date to allow us to complete a review the draft zoning by-law. This would allow us to submit comments to the Town prior to adoption by council.
We trust that these comments will be taken into consideration prior to adopting the new Zoning By-law. If you have questions or would like to discuss this matter further please contact the undersigned at extension 305.

Yours truly,

**Weston Consulting**

Per:

David Capper, BES, MCIP, RPP
Associate
February 25, 2014

Town of Oakville
Planning Services Department
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Attention: Joe Nethery
Manager, Zoning By-law Project

Dear Sir,

Re: Proposed Zoning By-law Amendment
Draft 2014 Zoning By-law (inZone Project)
File: 42.25.01
Town of Oakville Zoning By-law 2014-014, Updated Final Draft (v3.1)

With respect to: Sawyer Road, Oakville
Seaton Drive, Oakville
Seaton Drive, Oakville

We are a design firm operating in the City of Toronto, who are herein objecting to the above captioned proposed Zoning By-law Amendment and Draft 2014 Zoning By-law, in its current form, which is being presented to and/or adopted by Town Council at its Special Planning and Development Council Meeting scheduled for 7pm this evening.

We are of the opinion that the form of the new draft by-law has changed considerably from the existing zoning provisions in place under Zoning By-law 1984-63. Moreover, within the last six (6) months, numerous revisions to the proposed draft by-law have been brought forward and incorporated. These swift changes have not allowed for sufficient time for stakeholders to review and comment on their affect.

As such, with respect to the above captioned properties, and on behalf of their respective registered owner(s), we are herein confirming our objection to the proposed zoning by-law amendments as they relate to the subject lands. We are currently in the design and development phase for proposed infill projects on these properties and due to the continual revisions to the proposed draft by-law and insufficient time period for transition, we are unable to adequately comment on the potential impact that the proposed draft zoning by-law could have on our client’s properties.

We are submitting this letter of objection with the aim of protecting the current zoning rights and ensuring that all non-conforming status and minor variance approvals remain intact. In particular, the new regulations pertaining to “-0” suffix zones regarding coverage, front yard setback, balconies, and other general provisions create new demands and restrictions on building design and appearance. Creating infill projects that will encourage more boxy 2 storey development, with large flat roof areas, in lieu of 1 ½ storey dwelling houses that would more likely complement the existing build form of established neighbourhoods.
We respectfully request that the above captioned subject properties be exempted from all new “-0” suffix zone provisions. Furthermore, until such time as our clients are satisfied as to the affects the proposed draft by-law will have on their lands, we will continue to maintain our objection to the new zoning by-law.

Please ensure that this correspondence is distributed to the members of Town Council. We wish to be notified on the outcome of this evening’s Special Meeting and potential passage of the Draft By-law. We appreciate the opportunity of commenting on the Draft By-laws prepared by the inZone team and attending at the Public Meetings. Please do not hesitate to contact me should you require anything further with regards the information contained herein.

Sincerely,
InterArch inc.

Jason Rodrigues, B.Eng
/jpr

c. Cathie Best, Town Clerk via email: townclerk@oakville.ca
   Town of Oakville
   Clerk's Department

Councillor Robinson via email: rrobinson@oakville.ca
Ward 1
Corporation of the Town of Oakville.
File:  P-2271

February 25, 2014

Clerk’s Department
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville ON L6H 0H3

Attention:  Ms. Cathie Best
Town Clerk

RE:  Town of Oakville inZone Project
With Respect to Applications for Official Plan & Zoning By-law Amendments (Z1413.28)
1609514 Ontario Inc. (Dunpar Developments Inc.)
Trafalgar Road

We represent 1609514 Ontario Inc. (Dunpar Developments Inc.), the owners of lands municipally known as Trafalgar Road, in the Town of Oakville. The subject lands comprise of an area of 1.65 hectares and are located generally south of Glenashton Drive on the west side of Trafalgar Road. There are active planning applications proposing amendments to the Official Plan and Zoning By-law to accommodate a proposed 113 unit townhouse development. The applications have been appealed and will be considered at an Ontario Municipal Board hearing commencing on April 9, 2014.

We have reviewed the draft version of the proposed new Zoning By-law being considered by the Planning and Development Committee on February 25, 2014 and we are writing at this time to express our client’s concern of the implications of the proposed new Zoning By-law as it relates to the pending consideration of its applications by the Ontario Municipal Board.

We would request that any potential Zoning By-law approval by the Ontario Municipal Board be carried forward as a site specific provision in the new Zoning By-law as it applies to the subject lands to ensure consistency.
We kindly request that we be circulated on all future correspondence and notices on the new Zoning By-law.

Should you have any questions for require any further information, please do not hesitate to contact the undersigned.

Yours truly,

KLM PLANNING PARTNERS INC.

Billy Tung, BES, MCIP, RPP
Associate/Senior Planner
cc: Dunpar Developments Inc.
    Mary L. Flynn-Guglietti – McMillan LLP
    Tricia Collingwood – Town of Oakville Planning Services
February 25, 2014

BY EMAIL
townclerk@oakville.ca

Mayor and Members of Council
Town of Oakville
1225 Trafalgar Road
Oakville Ontario L6H 0H3

Attention: Vicki Tytaneck, Acting Town Clerk

Dear Mayor and Members of Council:

Re: Planning and Development Council Meeting
February 25, 2014
Proposed Official Plan Amendment No.4
inZone Conformity and Housekeeping Official Plan Amendment
File No. 42.24.005
Proposed Repeal and Concurrent Adoption of a new Comprehensive
Zoning By-law (inZone Project) Draft By-law 2014-014 (version 3.1)
File 42.25.01

Aird & Berlis LLP acts for Ballantry Homes ("Ballantry") the owner of lands within the
Town of Oakville within the Uptown Core and within Palermo Village.

Official Plan Amendment No.4 and Zoning By-law 2014-014

We now have had an opportunity to review proposed Official Plan Amendment No.4 and
proposed Zoning By-law 2014-014 which are to be tabled for Council enactment at its
meeting February 25, 2014. Prior to Council's decision to pass the Official Plan
Amendment and the implementing concurrent repeal and adoption of a new
Comprehensive Zoning By-law 2014-014, we hereby make the following submissions as
required by Section 17(24) and Section 34(19) of the Planning Act.
Uptown Core

Within the Uptown Core, Ballantry owns property known as 216 Oak Park Boulevard, and a second adjacent property south of Taunton Road (the “Taunton Road Properties”) with a variety of municipal addresses. Annotated copies of Map 19(22) of By-law 1984-63 and of Map 19(22a) of By-law 2014-014 are attached showing the location of the properties.

Modification Requests 216 Oak Park Boulevard

We are requesting that Footnote (6) of Table 8.2 not apply to the lands located at 216 Oak Park Boulevard. This should be accommodated through a modification to Special Provision MU2(40) Section 15.40.1.

In addition, we are requesting that Special Provision (40) Section 15.40.1 be modified with an additional Zone Provision which indicates that “an ancillary residential use on the first storey is permitted to occupy a maximum of 18% of the length of the main wall oriented toward a public road”.

Existing Zoning 216 Oak Park Boulevard

The lands located 216 Oak Park Boulevard are zoned MU(2) by By-law 1984-63 on Map 91(22) as amended by site-specific zoning by-law 2012-002. The existing zoning permits office uses on the ground floor with discrete regulations as to access and glazing but with a permission for all of the ground floor to be office uses and/or retail commercial uses.

At the present time the property has conditional site plan approval which includes plans showing an ancillary residential uses on the first floor which comprise 18% of the length of the main wall.

Proposed Zoning 216 Oak Park Boulevard

The subject lands are proposed to be zoned MU2(40) by By-law 2014-014 as shown on Map 19(22a). Under the new Zoning By-law the subject lands will be regulated by Footnote (6) of Table 8.2 which states:

“On a lot having a frontage greater than 20.0 metres, uses subject to this footnote are limited to a cumulative maximum width of 50% of the building in the first 9.0 metres of the depth of the building measured in from the main wall oriented toward the front lot line.”

Footnote (6) in Table 8.2 applies to “business office” and to “medical office” uses.

---

1 2339 & 2333 Sawgrass Drive; 263, 269 & 272 Georgian Drive; 2326 & 2338 Taunton Road; 275 & 276 Littlewood Drive; 276 & 277 Gatwick Drive; 275 Roxton Road

2 By-law 1984-63 Section 47.3(b) (xix), (xx) and (xxi)
The subject lands have a frontage of 141 metres and therefore are subject to this new regulation.

The subject lands have conditional site plan approval in accordance with their site specific zoning By-law 2012-002. It is not appropriate that footnote (6) be imposed on the subject lands as new restriction on the condominium descriptions for the ground floor uses which at present provide the owner with the opportunity to tenant either office or retail commercial uses.

Our submission is that this new regulation should not be imposed on the subject lands given their history of prior approvals and negotiations. If Council is insistent that footnote (6) of Table 8.2 be considered for this property, (and for other properties in the Growth Areas), it is our respectful request that Council make a determination that further Notice pursuant to Section 34(17) of the Planning Act indeed is a requirement and further Notice should be provided before such a clause is introduced for enactment. Staff have noted in their report materials that this regulation was introduced subsequent to the Council Statutory Public meeting held on November 4, 2013. There has not been an opportunity afforded our client to adequately consider and make representations to Council on the implications of adding this restriction after the previous approvals.

In addition, ancillary residential uses on the ground floor comprise 18% of the length of the main wall oriented to a public road rather than 15% and are included in the approved plans and drawings.

The Proposed Zoning as set out under Section 8.2 and Footnote (3) to Table 8.2 limit an ancillary residential use to occupy a maximum of 15% of the length of the main wall oriented to a public road. While it appears that this discrepancy will be covered off during the transition period for the purposes of building permit issuance, it eventually will render the space non-complying with the in force zoning. This is not necessary or appropriate given the level of detailed approvals for development of the property at this time.

Existing Zoning Taunton Road Properties

The Taunton Road Properties are zoned R8 (Special Provision 861) by By-law 1984-63 as amended by site specific zoning By-law 2012-002. The existing zoning permits all of the uses permitted in the R8 Zone subject to the Special Provision Regulation SP861. At the present time conditional site plan approval has been granted to permit the development of stacked townhouse dwelling units. Building Permit plans are under active review.

Permitted R8 uses include both multiple attached dwelling units and maisonette dwelling units.

Proposed Zoning Taunton Road Properties.

The subject lands are proposed to be zoned RH(39).
Under the RH(39) provisions, Townhouses, but not stacked townhouses are permitted by Section 15.39.1 (a).

Townhouse is defined by By-law 2014-014 as:

_Dwelling, Townhouse means a dwelling unit within a building divided horizontally by a common vertical wall above grade of at least 3.0 metres in length and at least 2.0 metres in height adjoining dwelling units or private garages, into three or more dwelling units each having a private access._

Stacked Townhouse is defined by By-law 2014-014 as:

_Dwelling, Stacked Townhouse means a dwelling unit within a building divided into a minimum of three non-communicating dwelling units, each dwelling unit being separated from the other vertically and horizontally._

These definitions are newly introduced by By-law 2014-014. Under the circumstances, the current site plan for the Taunton Road Properties needs to be protected and not inadvertently deemed legal non-conforming by the passing of By-law 2014-014.

Prior to passing by-law 2014-014, the RH(39) Special Provision Section 15.39.1 (a) needs to be reviewed and modified to permit both Townhouse Dwellings and Stacked Townhouse Dwellings as additional permitted uses to ensure that the current site plan does not become legal non-conforming at a later date.

**Palermo Village Property**

**Palermo Village – Existing Zoning**

Within Palermo Village, Ballantry owns property known as 2390 Khalsa Gate. Annotated copies of Map 91(18) of By-law 1984-63 and of Map 19(19a) of By-law 2014-014 are attached showing the location of the property.

The existing zoning of the property is split with the northerly portion of the site zoned R8(c) Special Provision 753; the southerly portion of the property is zoned C6(a) Special Provision 753.

The northerly portion zoned R8(c) permits apartment buildings with a maximum height of eight storeys and 25 metres exclusive of a Mechanical Penthouse and all C1 commercial uses. The portion zoned C6(a) permits C6 uses with limitations on auto related uses.
Modification Request 2390 Khalsa Gate

The Official Plan Amendment No.4 and By-law 2014-014 should be further modified to permit standalone *stacked townhouses* on the northerly portion of the site and an eight storey *apartment building* on the southerly portion of the property.

*Livable Oakville and Proposed Amendment No.4 and Zoning By-law 2014-014*

Proposed Official Plan Amendment No.4, Items [52] & [53] amend Section 22.3 and Section 22.5.1.

Amendments to Section 22.3 strikes out the reference permitting “single use and mixed use buildings” on the grounds that later policies direct where single use buildings may be permitted. Amendments to Section 22.5.1 indicate that south of Pine Glen Road standalone apartment buildings are permitted. However, the official plan amendment strikes out the reference permitting “stacked townhouses” and replaces it with reference to multiple-attached dwellings. Ballantry’s property is south of Pine Glen Road at 2390 Khalsa Gate.

Ballantry proposes standalone *Stacked Townhouses* on the northerly portion of their site and a standalone eight storey *Apartment Building* on the southerly portion of the property. Whereas an 8 storey apartment building in this general location is permitted by the Official Plan and the Zoning By-law, Stacked Townhouses are not permitted under the amendments to the Official Plan or the Zone Regulations for an MU3 Zone.

**Conclusion**

Schedule “A“ to this letter summarizes in point form the discrete modification to the Official Plan Amendment No. 4 and to Zoning By-law 2014-014 which we request Council consider at this time.

We would like to thank staff and Council for the attention and assistance that has been provided our client through the inZone Project.

We also reserve the right to review the final version of the Proposed Official Plan Amendment No. 4 and the Proposed By-law 2014-014 as passed by Council and make further submissions and or appeals if required based on the final bills.

Please provide us with Notice of the passing of the Official Plan Amendment and of the Zoning By-law Amendment.

*AIRD & BERLIS LLP*

*Barristers and Solicitors*
Yours truly,

AIRD & BERLIS LLP

Christopher J. Williams

c. Sam Rupp, Ballantry Homes
c. Joe Nethery
c. Lesley Gill Woods

CJW/RD/rd
17043596.5
SCHEDULE “A”
SUMMARY OF MODIFICATION REQUESTS
February 25, 2014
Ballantry Homes

Uptown Core

216 Oak Park Boulevard

Zoning By-law 2014-014

1. Amend Section 15.40.1 with the addition of the following new zone provisions:

   (g) Footnote (6) to Table 8.2 does not apply.

   (h) an ancillary residential use in the first storey is permitted to occupy a maximum of 18% of the length of the main wall oriented to a public road.

Taunton Road Properties

2. Amend Section 15.39.1(a) which currently reads:

   The following additional uses are permitted:

   (a) Townhouse dwelling

   so that it is amended to read

   (a) Townhouse Dwelling and Stacked Townhouse Dwelling

1 2339 & 2333 Sawgrass Drive; 263, 269 & 272 Georgian Drive; 2326 & 2338 Taunton Road; 275 & 276 Littlewood Drive; 276 & 277 Gatwick Drive; 275 Roxton Road
Palermo Village

2390 Khalsa Gate

Official Plan Amendment No. 4

3. Amend Item [53] Section 22.5.1 (e) (i) which currently reads:
   
   (e) South of Pine Glen Road, the following uses may also be permitted:

   (i) multiple attached dwellings.

   So that it is amended to read:

   (e) South of Pine Glen Road, the following uses may also be permitted:

   (i) multiple attached dwellings which may include stacked townhouses.

Zoning By-law 2014-014

4. Add a Special Provision MU3 to the effect of the following:

   Section 15.

   The following additional uses are permitted:

   (a) Staked Townhouse Dwelling
Current draft zoning as of February 7, 2014

TOWN OF OAKVILLE
Zoning By-law 2014-014
Community Development Commission
Strategic Business Support

FOR APPROVAL
### Special Provisions

<table>
<thead>
<tr>
<th>40</th>
<th>South of Oak Park Boulevard between Sawgrass Drive and Taunton Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Old 692)</td>
<td>(Part of Lot 13, Concession 1 S.D.S.)</td>
</tr>
<tr>
<td>Map 19(22a)</td>
<td>Parent Zone: MU2</td>
</tr>
</tbody>
</table>
### Part 15

**This draft is being presented to Council for passage on February 25, 2014.**

Edits and minor revisions may be made to this document based on final review. Further additional revisions may be made by Council on the evening of February 25.

---

#### 16.40.1 Zone Provisions

The following regulations apply:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong></td>
<td><strong>Maximum front yard</strong></td>
</tr>
<tr>
<td><strong>b)</strong></td>
<td><strong>Maximum allowable projection for stairs, porches, at-grade terraces beyond the main wall of a building</strong></td>
</tr>
<tr>
<td><strong>c)</strong></td>
<td><strong>Maximum allowable projection for awnings and canopies, and balconies above the first floor</strong></td>
</tr>
<tr>
<td><strong>d)</strong></td>
<td><strong>Maximum coverage of roof area for a rooftop balcony</strong></td>
</tr>
<tr>
<td><strong>e)</strong></td>
<td><strong>Maximum height for a trellis or pergola associated with a rooftop balcony</strong></td>
</tr>
<tr>
<td><strong>f)</strong></td>
<td><strong>Maximum net floor area for a premises occupied by a use subject to Footnote 7</strong></td>
</tr>
</tbody>
</table>

- **2.5 m for a minimum of 80% of the length of the main wall**
- **Up to a maximum of 0.3 meters from a front lot line and flankage lot line**
- **Up to the lot line**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>


The following parking regulations apply:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong></td>
<td><strong>Minimum number of parking spaces for residential uses</strong></td>
</tr>
<tr>
<td><strong>b)</strong></td>
<td><strong>Maximum number of parking spaces for residential uses</strong></td>
</tr>
<tr>
<td><strong>c)</strong></td>
<td><strong>Minimum number of parking spaces for non-residential uses</strong></td>
</tr>
<tr>
<td><strong>d)</strong></td>
<td><strong>Maximum number of parking spaces for non-residential uses</strong></td>
</tr>
<tr>
<td><strong>e)</strong></td>
<td><strong>Only permitted yards for surface parking</strong></td>
</tr>
<tr>
<td><strong>f)</strong></td>
<td><strong>Maximum surface parking area coverage</strong></td>
</tr>
</tbody>
</table>

- **1.25 per dwelling**
- **1.5 per dwelling**
- **1 per 32.6 sq.m net floor area**
- **1 per 28.0 sq.m net floor area**
- **Interior side yard and rear yard**
- **20%**

#### 16.40.4 Special Site Provisions

The following additional provision applies:

- **Height shall be measured from the finished floor elevation of the building.**

---

Town of Oakville | Zoning By-law 2014-014
Updated Final Draft (v3.1) for Council Passage – February 14, 2014
Special Provisions

West Side of Taunton Road
(Part of Lot 13, Concession 1 S.D.S.)

Parent Zone: RH

### 15.39.1 Additional Permitted Uses

The following additional uses are permitted:

- **a)** Townhouse dwelling
- **b)** Retail uses permitted in the Main Street 2 Zone, and only within a dwelling unit oriented toward Taunton Road
- **c)** Service commercial uses in the Main Street 2 Zone, except a taxi dispatch, and only within a dwelling unit oriented toward Taunton Road
- **d)** Office uses permitted in the Main Street 2 Zone, and only within a dwelling unit oriented toward Taunton Road
- **e)** Art gallery, but only within a dwelling unit oriented toward Taunton Road
- **f)** Day care, but only within a dwelling unit oriented toward Taunton Road

### 15.39.2 Zone Provisions

The following regulations apply:

- **a)** Minimum yard abutting any lot in a Residential Uptown Core RUC or Main Street 2 MU2 Zone: 1.2 m
- **b)** Minimum yard, all other yards and below grade: 0.0 m
- **c)** Minimum height: 7.0 m
- **d)** Maximum height: 14.0 m
- **e)** Minimum number of storeys: 2
- **f)** Maximum number of storeys: 4
- **g)** Maximum net floor area for a premises occupied by a use subject to Footnote 7: 500.0 sq.m

### 15.39.3 Parking Provisions

The following parking regulations apply:

- **a)** Minimum number of parking spaces for residential uses: 1.5 per dwelling
- **b)** Maximum number of parking spaces for residential uses: 2 per dwelling
- **c)** Minimum number of parking spaces for non-residential uses: 1 per 32.6 sq.m net floor area
- **d)** Maximum number of parking spaces for non-residential uses: 1 per 28.0 sq.m net floor area
- **e)** Only permitted yards for surface parking: Interior side yard and rear yard
- **f)** Maximum permitted transfer of required parking spaces from a residential use to a non-residential use: 1 per dwelling provided that 1 space per dwelling is maintained

### 15.39.4 Special Site Provisions

The following additional provision applies:

- **a)** Height shall be measured from the finished floor elevation of the building.
FOR APPROVAL

TOWN OF OAKVILLE
Zoning By-law 2014-014
Community Development Commission
Strategic Business Support

Current draft zoning as of February 7, 2014

ZONING BOUNDARY

Meters

19(19a)
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Section</th>
<th>Description of Change</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| 52.     | 22.3    | **Revise the section as follows:**<br>It is the intent of this Plan to establish a lively and active mixed use corridor along Old Bronte Road and Khalsa Gate, which will function as a main street. <br><br>*Development* on the lands designated Urban Centre will include single use and mixed-use buildings, and be of high quality pedestrian-oriented design. <br><br>The areas to the east of Old Bronte Road/Khalsa Gate and the natural area corridor containing a tributary of Fourteen Mile Creek are primarily to be developed with medium and low density residential uses.<br><br>The area to the west of Bronte Road is to contain a mix of high, medium and low density residential housing. | - implements the Old Bronte Road/Khalsa Gate Streetscape Plan  
- later policies direct where single-use buildings may be permitted  
- revises description to reflect existing uses |
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Section</th>
<th>Description of Change</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>53.</td>
<td>22.5.1</td>
<td><strong>PALERMO VILLAGE, Land Use Policies</strong></td>
<td><strong>Rearrange and revise the policy as follows:</strong>&lt;br&gt;&lt;br&gt;<strong>The On-lands designated Urban Centre are subject to the following additional policies:</strong>&lt;br&gt;&lt;br&gt;<strong>e) a) The minimum residential density shall be 100 units per site hectare.</strong>&lt;br&gt;&lt;br&gt;<strong>f) b) Mixed use and residential and office developments shall have a maximum floor space index of 4.0.</strong>&lt;br&gt;&lt;br&gt;<strong>g) c) The minimum building height shall be 2 storeys. The maximum building height shall be <strong>eight</strong> storeys, except on corner sites it shall be 10 storeys.</strong>&lt;br&gt;&lt;br&gt;<strong>d) Public parking facilities may also be permitted.</strong>&lt;br&gt;&lt;br&gt;<strong>e) South of Pine Glen Road, the following uses may also be permitted:</strong>&lt;br&gt;&lt;br&gt;<strong>i) a) Street, block and stacked townhouses, multiple-attached dwellings:</strong>&lt;br&gt;&lt;br&gt;<strong>ii) stand-alone apartments, buildings:</strong>&lt;br&gt;&lt;br&gt;<strong>commercial, educational and recreational facilities, and public parking facilities may also be permitted.</strong>&lt;br&gt;&lt;br&gt;<strong>iii) e) Stand-alone office buildings; and:</strong>&lt;br&gt;&lt;br&gt;<strong>iv) stand-alone retail and service commercial buildings, which may also be permitted.</strong>&lt;br&gt;&lt;br&gt;<strong>d) Stand alone commercial uses shall not exceed a gross floor area of 6,000 square metres. Stand alone retail uses may be permitted a maximum floor space index of 0.75.</strong>&lt;br&gt;&lt;br&gt;b) An automobile service station may also be permitted south of Pine Glen Road.&lt;br&gt;&lt;br&gt;Note: Subsection b) will be converted to an exception in section 22.6.1.</td>
</tr>
<tr>
<td>54.</td>
<td>22.5.4</td>
<td><strong>PALERMO VILLAGE, Land Use Policies</strong></td>
<td><strong>Delete the entire policy:</strong>&lt;br&gt;&lt;br&gt;<strong>On-lands designated Low-Density Residential, the residential density is to be between 15 and 40 units per site hectare.</strong></td>
</tr>
</tbody>
</table>

- clarifies intent<br>- implements the Old Bronte Road / Khalsa Gate Streetscape Plan<br>- improves consistency with the rest of the Plan<br>- no longer required
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Section</th>
<th>Description of Change</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>55.</td>
<td>22.5.5</td>
<td>Delete the entire policy: The lands designated Parks and Open Space on the north side of Pine Glen Road, between Old Bronte Road and Grand Oak Trail, may be an urban square.</td>
<td>no longer required</td>
</tr>
<tr>
<td>56.</td>
<td>22.5.6</td>
<td>Renumber the section as 22.6, revise as follows, and renumber the remaining policies in section 22 accordingly: Palermo Village Exceptions – Schedule N The following additional policies apply to certain lands on Schedule N, Palermo Village Land Use.</td>
<td>clarifies intent, improves consistency within the Plan</td>
</tr>
<tr>
<td>57.</td>
<td>22.5.6 a)</td>
<td>This policy will be renumbered as 22.6.1 (see above). Delete the entire policy as follows: On the lands designated Urban Centre and Medium Density Residential north west of Valleyridge Drive and Springforest Drive, a community facility, together with a place of worship and cemetery, may be permitted. Without limiting the generality of the permitted uses of the community facility, it may also include seniors and/or lifestyle dwelling units as an integral part of the facility. Note: The land use designations applying to the properties are changed to High Density Residential, Medium Density Residential and Private Open Space (cemetery) on Schedule N – Palermo Village Land Use.</td>
<td>no longer required, community uses permitted by section 7.1.2 a), designations changed, retirement home permitted by change to section 11.4.1, existing cemeteries permitted in Private Open Space</td>
</tr>
<tr>
<td>58.</td>
<td>22.6.1 [NEW]</td>
<td>Insert the following new policy as section 22.6.1: On the lands designated Urban Centre south of Pine Glen Road, a motor vehicle service station may also be permitted. Note: The lands affected will be identified with a “O” symbol on Schedule N.</td>
<td>clarifies intent, relocates exception from s. 22.5.1</td>
</tr>
<tr>
<td>59.</td>
<td>22.6.2 [OLD]</td>
<td>This policy will be renumbered as 22.7.2 (see above). Revise the policy as follows: The Town may consider additional building height and/or density through an Official Plan amendment and in accordance with section 28.6.</td>
<td>clarifies intent, reinstates reference to density</td>
</tr>
</tbody>
</table>
Dear Mayor & Council,

RE: SPECIAL PLANNING AND DEVELOPMENT COUNCIL MEETING (February 25, 2014)

REQUEST FOR DEFERRAL
Proposed OPA - InZone Conformity & Housekeeping Matters, and Proposed New Town-Wide Zoning By-law 2014-14 (InZone Zoning Project)

We, Johnston Litavski Ltd., represent FCHT Holdings (Ontario) Corp. – who own and operate the shopping centres at [redacted] Cornwall Road (“Olde Oakville Market Place”) and [redacted] Lakeshore Road West, First Capital (Dundas and Prince Michael) Corporation who own and operate the shopping centre at [redacted] Prince Michael Drive (“Shoppes On Dundas”), and SREIT Oakville Ltd. who own and operate the shopping centre at [redacted] Maple Grove Drive (“Maple Grove Village”). In this letter we refer these companies collectively as “First Capital”.

Official Plan Amendment - Request For Deferral

We encourage Council to defer passage of proposed By-law 2014-13, being a proposed Official Plan Amendment to ensure conformity with the InZone Project and numerous other housekeeping matters. The final proposed amendment is both comprehensive in the number of proposed changes to Livable Oakville and, at 83 pages, voluminous. But as it was only released February 7th, there has not been enough time for our client to appropriately review the amendment to fully understand its impact upon their properties. We cannot be certain, at this time, that First Capital can support its approval.
Continuing Concerns With The New Proposed Zoning By-law

In both written communications and in discussions with Staff, First Capital has voiced concerns with the new zoning by-law. Modifications have been proposed that have addressed some of these concerns but several important issues remain:

Shoppes On Dundas – Floor Area Limits

The Proposed By-law imposes a net floor area limit on all Retail and Service Commercial Uses on lots within a C1 zone of 2,500m². The existing shopping centre currently has 5,373m² of Retail and Service Commercial Uses. The Final Draft to be presented to Council tonight proposes a new Special Provision 260 which would permit a “maximum total net floor area” of 5,400m².

Unfortunately, this change does not meet First Capital’s needs in two regards:

(1) The proposed Special Provision refers only to “total net floor area” and does not exempt the shopping centre from the 2,500m² net floor area limit on Retail and Service Commercial Uses. We also note that the total net floor area of the existing plaza exceeds the 5,400m² limit. We believe the intent was for Special Provision 260 to provide a new larger limit specifically for Retail and Service Commercial Uses that would override the general 2,500m² limit provided in Table 9.3. The proposed Special Provision does not do this and needs to be modified.

(2) The proposed 5,400m² limit is too small. As a shopping centre operator, whose tenant mix and requirements can change often, First Capital needs flexibility. We ask that the proposed site specific net floor area limit on Retail and Service Commercial uses be increased to 6,000m² to ensure adequate flexibility to meet future tenant needs.

Olde Oakville Market Place – All New Development Limited To Existing Building Envelope

The existing Zoning By-law 1984-63 includes Special Provision 613 which provides various site specific standards and site-specific building envelopes to regulate the existing shopping centre. These standards were the result of comprehensive and recent Official Plan and Zoning Approvals. However, the proposed MTC zone would freeze all new development to within the existing
building / structure and therefore require a planning application for any new construction. As mentioned above, First Capital needs to maintain flexibility and therefore requires that the approved building envelopes and the most relevant zoning standards from Special Provision 613 be carried over to the new Zoning By-law. We ask for the opportunity to review this in greater detail with Staff before the new Zoning By-law is approved.

We appreciate your consideration.

Yours very truly,

Adrian Litavski, MCIP RPP
Principal
Johnston Litavski

CC: Ms. Jennifer Arezes – First Capital

AL: G:\Homwork - Office\13P21 - Oakville Zoning Permission Review - FC\Letter - Request For Deferral.Docx 25/02/2014 3:07 PM
February 25, 2014

VIA E-MAIL

Vicki Tytaneck
Clerk
Town of Oakville
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

Dear Ms. Tytaneck:

Re: Town of Oakville Proposed Zoning By-law
██ Winston Churchill Blvd., Town of Oakville

We are solicitors for Westerkirk Capital Inc., the owner of the lands on the west side of Winston Churchill Boulevard, north of Deer Run Avenue and south of the railway spur line, legally described as Part of Lot 1, Concession 3 S.D.S., and municipally known as██ Winston Churchill Boulevard.

We have been communicating with Town Staff and making submissions in respect of the inZone project. We were under the understanding that our formal comments made to Staff in correspondence dated October 10, 2013, was to be brought to Council's attention for consideration during the meeting of February 25, 2014.

In the unlikely event we are misunderstanding the process, attached please find a copy of our submission dated October 10, 2013 in respect of the above-noted matter. We ask that Council accept this further correspondence as our written submission prior to the By-law being passed, all in accordance with the provisions of Section 34(19) of the Planning Act.

In the interim, should there be any questions, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP

Per: Paul Chronis
Senior Planner

PC/CL
Encl.
c:  Joe Nethery, Town of Oakville
    Jane Clohecy, Town of Oakville
    Dana Anderson, Town of Oakville
    Heinz Hecht, Town of Oakville
    Denise Baker, WeirFoulds LLP
    Client
    John Rogers
    Mark Rogers
February 25, 2014

VIA E-MAIL

Vicki Tytanek
Clerk
Town of Oakville
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

Dear Ms. Tytanek:

Re: Town of Oakville Proposed Zoning By-law (inZone)
Joshua Creek Drive, Town of Oakville

We are solicitors for Upper Middle Road GP Inc. (Cartera), the owner of the lands municipally known as Joshua Creek Drive with respect to their Official Plan amendment, Zoning by-law amendment and Plan of Subdivision that was approved by Council on October 23, 2013.

We have been communicating with Town Staff and making submissions in respect of the inZone project. We were under the understanding that our formal comments made to Staff in correspondence dated November 1, 2013 was to be brought to Council’s attention for consideration during the meeting of February 25, 2014.

In the unlikely event we are misunderstanding the process, attached please find a copy of our submission dated November 1, 2013 in respect of the above-noted matter. We ask that Council accept this further correspondence as our written submission prior to the By-law being passed, all in accordance with the provisions of Section 34(19) of the Planning Act.

In the interim, should there be any questions, please do not hesitate to contact the undersigned.

Yours truly,

Paul Chronis
Senior Planner

Per: Paul Chronis
Senior Planner

PCcl
Encl.
c. Joe Nethery, Town of Oakville
   Jane Clohecy, Town of Oakville
   Dana Anderson, Town of Oakville
   Heinz Hecht, Town of Oakville
   Denise Baker, WeirFoulds LLP
   Client

Yours truly,

WeirFoulds LLP

Per: Paul Chronis
   Senior Planner

P/C/1

5164277.1
February 25, 2014

VIA E-MAIL

Vicki Tytaneck  
Clerk  
Town of Oakville  
Oakville Town Hall  
1225 Trafalgar Road  
Oakville, Ontario  L6H 0H3

Dear Ms. Tytaneck:

Re: Submission respecting Zoning By-law Review (inZone)  
Cornwall Road, Town of Oakville

We are solicitors for Storage Spot Holdings (Appleby Line) Corp., owner of property located at Cornwall Road, in the Town of Oakville (the "Town").

We have been communicating with Town Staff and making submissions in respect of the inZone project. We were under the understanding that our formal comments made to Staff in correspondence dated November 4, 2013 was to be brought to Council's attention for consideration during the meeting of February 25, 2014. Currently, the owner is in the process of seeking site plan control approval for a proposed redevelopment of the subject site, all as detailed in the attached correspondence.

In the unlikely event we are misunderstanding the process, attached please find a copy of our submission dated November 4, 2013 in respect of the above-noted matter. We ask that Council accept this further correspondence as our written submission prior to the By-law being passed, all in accordance with the provisions of Section 34(19) of the Planning Act.
In the interim, should there be any questions, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP

Per: Paul Chronis
    Senior Planner

CC: Joe Nethery, Town of Oakville
    Jane Clohecy, Town of Oakville
    Dana Anderson, Town of Oakville
    Heinz Hecht, Town of Oakville
    Denise Baker, WeirFoulds LLP
    Client
February 25, 2014

VIA E-MAIL

Vicki Tytaneck
Clerk
Town of Oakville
Oakville Town Hall
1225 Trafalgar Road
Oakville, Ontario L6H 0H3

Dear Ms. Tytaneck:

Re: Town of Oakville Proposed Zoning By-law (inZone) Cornwall Road, Town of Oakville

We are solicitors for Shorewood Properties Inc., with respect to the recent acquisition of their property at Cornwall Road, in the Town of Oakville.

We have been communicating with Town Staff and making submissions in respect of the inZone project. We were under the understanding that our formal comments made to Staff in correspondence dated November 1, 2013 was to be brought to Council’s attention for consideration during the meeting of February 25, 2014.

In the unlikely event we are misunderstanding the process, attached please find a copy of our submission dated November 1, 2013 in respect of the above-noted matter. We ask that Council accept this further correspondence as our written submission prior to the By-law being passed, all in accordance with the provisions of Section 34(19) of the Planning Act.

In the interim, should there be any questions, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP

[Signature]
Per: Paul Chronis
Senior Planner

File 16202.00001

Paul Chronis
Senior Planner

www.weirfoulds.com
c: Joe Nethery, Town of Oakville
   Jane Clohecy, Town of Oakville
   Dana Anderson, Town of Oakville
   Heinz Hecht, Town of Oakville
   Denise Baker, WeirFoulds LLP
   Client.

6134553.1
February 25, 2014

Email and Regular Mail

Town Clerk
Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Ms. Tyatanec:

Re: Draft of Zoning By-law & OPA—Paul Gardiner, Lakeshore Road East
Our File No. 96055

Further to my letter of February 24, 2014, on behalf of my client noted above, and for the record, I make the following additional submissions.

Given the size and location of my client’s property, approximately 4.8 ha in an area with frontage of 258m along Lakeshore Road, and the fact that this property is one of the few remaining large parcels of land south of Lakeshore Road still to be developed, there continue to be major concerns for my client under the Draft By-law.

The policies of the Liveable Oakville Plan require that new development is compatible in terms of scale and massing to the surrounding neighbourhood. These new provisions will restrict this lot from developing in a similar manner to its surrounding neighbourhood. The area around this site has transitioned from the older style of smaller bungalow or two storey homes to prestigious estate homes.

The proposed zoning by-law sets out new regulations regarding the methodology for calculating...
floor area including such items as the addition of the entirety of attic space in excess of 1.8 metres at any given point as floor area and the inclusion of garage area in certain circumstances. Although the amount of floor area permitted is proposed to be increased from 26% to 29%, this increase does not accommodate all of new items that must be included in the calculation. The net effect of these provisions is to reduce the floor area that can be achieved on these lands. The introduction of new provisions would discourage the use of architectural elements such as articulated roof lines to minimize the impact of new floor area calculation requirements.

Maximum permitted coverage is proposed to be reduced from 30% to 25% between the current and proposed zone provisions. Accessory buildings now must be included within the maximum coverage within the R01 area further magnifying the effects of the reduction in the coverage permitted.

The style of homes within the surrounding area is highly articulated roof line with a significant presence on the streetscape. The reduction in maximum coverage permitted and the new methodology for calculating floor area will promote an alternative building style that is contrary to the urban design objectives and the intensification policies of the Livable Oakville Plan.

It remains is our position that the current regulations on the scale and massing should be maintained.

Yours very truly,

O'CONNOR MACLEOD HANNA LLP

[Signature]

Ruhia Jokhio

RJ:lw

CC: Mr. Joe Nethery, Manager Zoning By-Law Project
Client
Hi Joe,

Thanks for this very detailed response - it is much appreciated. I really have not had a chance to delve into the current version of the by-law, however it sounds like a reasonable approach is being adopted that better balances interests and supports the Livable Oakville Plan.

Thanks,

Sandy

On Wed, Feb 12, 2014 at 11:24 PM, Joe Nethery <JoeNethery@oakville.ca> wrote:

Good evening Mr. Nairn –

Per your December 7, 2013 email, in the final draft (v3.0) staff are recommending a new “residential floor area ratio” calculation. Detailed comment is contained in the staff report being released Friday, but suffice to say the proposed calculation of “residential floor area” and resultant “residential floor area ratio” is modelled on the approach used in Mississauga, where all floor area within the building is measured without any exclusions. To compensate for the additional areas included in the calculation of residential floor area, the recommend ratio for the new “maximum residential floor area ratio” is adjusted upward from the current “floor area/lot ratio” figures listed in Zoning By-law 1984-63, as amended. Individual tiers are also proposed to be reorganized to fit the current minimum lot area figures, meaning each tier spans 92.9 square metres (1000 square feet). Based on modelling of potential building sizes available under Zoning By-law 1984-63, as amended, the increase in increases range between 10.3% and 16.7% over existing permissions – or, between 3 and 5 percentage points in the final draft (v3.0) By-law – to accommodate previously excluded exterior walls, stairs, and elevators. The two-regulation framework better enables as-of-right design flexibility within the zoning by-law.

In terms of the mechanics of the recommendation, lot coverage for shorter dwellings – now proposed to be set at less than or equal to 7.0 metres, based on further review – is proposed to remain the same as in the second draft (v2.0) and Zoning By-law 1984-63, as amended: 30% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and not applicable in the Residential Low RL8-0 Zone. For taller buildings – greater than 7.0 metres in height – the recommendation is based on the 85th percentile (with rounding) of all lot coverage estimates existing today in the applicable zones: 25% in the Residential Low RL1 and RL2 Zones; 35% in the Residential Low RL3-0, RL4-0, RL5-0, and RL10-0 Zones, and remaining not applicable in the Residential Low RL8-0 Zone.
Your Worship and Members of Council,

I represent 1383081 Ontario Inc. and Mr. Yahia Ayatollahi, owner of the property at Lakeshore Road East, Oakville, Ontario. I understand that the proposed revisions to the Oakville zoning by-law (InZone) scheduled to be heard this evening at Council may negatively impact my client's rights to the enjoyment and development of his property by imposing a 15m building height limit where no such limit exists now and minimum first storey height of 4.5m where no such requirement exists now. My client believes that these additional regulations are unnecessary and wishes to express that he is not in support of them.

Best regards,

Rick Mateljan PARTNER
STRICKLAND | MATELJAN
DESIGN ASSOCIATES LTD

www.smda.ca
Mayor and Members of Council
c/o Town Clerk, Town of Oakville
1225 Trafalgar Road
Oakville, Ontario
L6H 0H3

Dear Mayor and Members of Council,

Re: Town of Oakville Zoning By-law Review

We act on behalf of the property owners for the properties municipally known as [Redacted] Bronte Road in the Town of Oakville.

We note that the purpose of the new Zoning By-law is to achieve conformity with the Livable Oakville Plan. The designation on the above noted lands is still subject to appeal under the Livable Oakville Plan and is the subject of an on-going study at the Town of Oakville.

Yours truly,

[Signature]

Ruth Victor MCIP, RPP

CC: Joe Nethery, Manager Zoning By-law Review
Calvin Lantz

BY E-MAIL
vtytaneck@oakville.ca

February 25, 2014

Mayor and Members of the Planning and Development Council
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

Re: Proposed Town of Oakville Zoning By-law, 2014-xxx
Client: Calvin Lantz
Property: Woodland Drive, Oakville
Matter: February 25, 2014 Planning and Development Council Meeting

I am writing on behalf of my spouse and I, as the registered owners of the property located at Woodland Drive in the Town of Oakville ("Property"). I have reviewed the "Town of Oakville Zoning By-law, 2014-xxx, Third Draft (v3.1)", dated February 14, 2014 (the "Draft By-law") and have concerns with the Draft By-law as it may apply to my Property. A few of these concerns are articulated below.

The Oakville Committee of Adjustment recently authorized a minor variance to By-law 1984-63 for my Property, but I have yet to file an application for building permit to implement the development contemplated in the authorized minor variance. From my review of Section 1.8.2(a) of the Draft By-law, the requirements of the Draft By-law will not apply to the Property with respect to the minor variance decision.

What is unclear in the wording of Section 1.8.2 of the Draft By-law is that if one has obtained a minor variance to By-law 1984-63 prior to the effective date of the Draft By-law, whether the requirements of the Draft By-law will not also apply to the processing and approval of a subsequent building permit application for the Property.
The lack of clarity in Section 1.8.2 is compounded by language in Section 1.8.1 of the Draft By-law that requires the building permit application to comply with all of the provisions of By-law 1984-63 and the requirement that all planning approvals must be obtained prior to the effective date of the Draft By-law for a building permit application to be exempt from compliance with the Draft By-law. Section 1.8.3(a) of the Draft By-law also states that the relief of the Draft By-law shall not continue beyond the issuance of the permit, approval, or agreement upon which the exemption is founded, so with respect to Section 1.8.2 of the Draft By-law, it is unclear what permits, approvals or agreements Section 1.8.3(a) is referring to and when the transition provisions of the Draft By-law will terminate.

The ambiguity of the transition provisions creates uncertainty and there is a risk that the Town will apply the provisions of the Draft By-law in the processing of the building permit application for the Property. Consequently, the proposed new zoning standards for the -0 Suffix Zones in the Draft By-law may be applied to the Property, and such standards, for example the definition of “floor area, residential” and Sections 6.4.1 and 6.4.2, unreasonably constrain development and do not represent good planning.

This letter raises some of my concerns with the Draft By-law and hopefully stimulates some discussion on how to resolve such concerns. However, my concerns with the Draft By-law are not necessarily limited to the concerns outlined in this letter and further concerns with the Draft By-law may be introduced at a later date.

Please provide me with notice of Council’s decision on the Draft By-law. Thank you for your attention to this matter.

Yours truly,

Calvin Lantz

CWL/nla

cc: Vicki Tytaneck, Town Clerk
    Sarah Lantz
STIKEMAN ELLIOTT

Calvin Lantz

BY E-MAIL

February 25, 2014

Mayor and Members of the Planning and Development Council
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

Re: Proposed Town of Oakville Zoning By-law, 2014-xxx
Client: Prince Bay Luxury Homes
Property: Trafalgar Road and Various Lands with the -0 Suffix Zone in Oakville
Matter: February 25, 2014 Planning and Development Council Meeting

We are solicitors for Prince Bay Luxury Homes ("Prince Bay"), owner of the property located at Trafalgar Road (the "Subject Property") and a custom home designer and builder in the Town of Oakville.

We have reviewed the "Town of Oakville Zoning By-law, 2014-xxx, Third Draft (v3.1)", dated February 14, 2014 (the "Draft By-law") and have concerns with the Draft By-law as it may apply to the Subject Property and the requirements of the -0 Suffix Zone in the Draft By-law. A few of these concerns are articulated below.

Transition Provisions – Section 1.8.2(b)

We are concerned with the Section 1.8, Transition Matters, provisions of the Draft By-law because they do not appear to be extensive enough. At the application pre-consultation meeting with Town staff about the Subject Property, Town staff advised Prince Bay to file a site plan approval application for the Subject Property well in advance of submitting any minor variance application that may be required to implement the site plan. The principle behind this thinking was that as a result of circulation comments on the site plan application, the site plan could change and therefore any required variances might also change.
Prince Bay heeded Town staff’s recommendations and submitted a complete application for site plan approval to the Town for the Subject Property, which continues to be processed by Town staff. According to Section 18.2(b) of the Draft By-law, however, all of this effort may have been for naught unless conditional or final Site Plan Approval is granted on or before the effective date of the Draft By-law. Without such Approval, after the effective date of the Draft By-law, the Site Plan Approval application for the Subject Property will have to be amended to follow whichever regulation or development standard is the more restrictive as between By-law 1984-63 and the Draft By-law as enacted by Council.

Prince Bay put significant resources into preparing the Site Plan Approval application and Town staff work at reviewing it. Prince Bay has recently resubmitted revisions to the Site Plan application. This resubmission addressed all of the outstanding issues regarding this development. Prince Bay anticipates that they could proceed to Site Plan Committee for approval within the next 2 months.

Due to the sensitive nature of this development adjacent to a heritage district, Prince Bay has been working closely with Town staff to achieve an appropriate development that respects the constraints and opportunities of the Subject Property. At this time, the specifics of the development having been determined, Prince Bay is now in a position to apply for a minor variance.

Town staff have recommended that the variance application wait until after the Draft By-law is adopted so that all variances for both by-laws can be considered at the same meeting of the Committee of Adjustment. New development standards are being introduced in the Draft By-law that will be applicable to the Subject Property (see discussion below) and from which minor variance relief will be required for the development to proceed. These additional variance requests must meet the 4 tests of minor variance to be granted by the Committee of Adjustment.

The Site Plan Approval application for the Subject Property may have to be revamped if changes to the Site Plan are required for compliance with the Draft By-law. That represents delay and is wasteful of both Prince Bay’s and Town staff’s resources.

We suggest that Council adopt one of the following solutions with respect to the Subject Property:

1. Council defer approval of the entire Draft By-law for 2 months, to allow the Committee of Adjustment minor variance and Site Plan Approval processes for the Subject Property to be completed and approved;
2. Council exempt the Subject Property from the Draft By-law for a minimum of 2 months to allow the Committee of Adjustment minor variance and Site Plan Approval processes for the Subject Property to be completed and approved;

or
3. Amend the transition provisions in Section 1.8.2 of the Draft By-law so that they are also applicable to complete applications for Site Plan Approval, in addition to conditional or final Site Plan Approval granted by the Town.

**Transition Provisions - Section 1.8.3**

Section 1.8.3(a) of the Draft By-law states that the relief of the Draft By-law shall not continue beyond the issuance of the permit, approval, or agreement upon which the exemption is founded. With respect to Sections 1.8.2(a), (b) and (c) of the Draft By-law, it is unclear what permit, approval or agreement the exception in Section 1.8.3(a) is founded upon.

If the transition provisions of the Draft By-law allow a Site Plan Approval to be processed under By-law 1984-63, but require all subsequent minor variance application(s) and building permit(s) to implement the Site Plan Approval to be evaluated under the Draft By-law, that is an impracticable and unviable proposition. Additional clarity is required with respect to the transition provisions of the Draft By-law. The transition provisions must articulate that if an approval was obtained prior to the effective date of the Draft By-law, that all planning permissions and approvals, including building permit, that may flow from such approval will be processed and approved in accordance with the provisions of the former By-law.

**Landscaping Coverage - Definition and Section 4.6.3**

A number of the development standards of By-law 1984-63 that are applicable to the Subject Property have been maintained in the Draft By-law and some of the applicable development requirements have been reduced in the Draft By-law. What is of specific concern are two development standards of the Draft By-law that are new requirements and could impact the design of the project.

The first new development standard is the introduction of a 10% minimum landscaping coverage requirement for properties that are in a Residential Medium RM Zone or Residential High RH Zone. No minimum landscaping requirement is currently required under By-law 1984-63.

Further to the minimum landscaping coverage requirement, the definitions of the terms “landscaping coverage” and “landscaping” may result in interpretation confusion and compliance inconsistencies. “Landscaping coverage” means the “total horizontal area of a lot covered by landscaping” and the definition of “landscaping” means “an outdoor area on a lot comprised of living trees, plants, permeable surfaces, fences and walls, or any combination thereof, without access by motor vehicles”. So if the landscaped portion of a lot is interrupted by a driveway or drive aisle, according to the definition of landscaping such landscaped area may not be considered in the calculation of landscaping coverage. Also rooftop amenity space (which may not be comprised of permeable surfaces and/or living plants/trees) will be excluded from the calculation of landscaping coverage. If the intent of the
"landscaping coverage" requirement is to promote the provision of amenity and green space then the definition of "landscaping" is too restrictive.

Maximum Height Projection – Section 4.6.3

The second new development standard applicable to the Subject Property is contained in Section 4.6.3 of the Draft By-law which sets a maximum height projection for a parapet and in the Residential Medium RM Zone, requires the parapet to be setback from all edges of the roof the same amount as the height of the parapet, if the parapet is greater than 0.3 metres in height.

The proposed parapet on the Subject Property is required to screen the roof top amenity area. The specific height and location of the parapet was discussed and agreed to with Town staff to ensure that it was visually an extension of the roof line and complementary to the design of the building. As this type of parapet is typically an extension of either the front wall of the building or the roof line, the Draft By-law required parapet setback is contrary to good urban design objectives and planning.

Floor Area, Residential - Definition and Section 6.4.1

The Draft By-law definition of the term "floor area, residential" sets out new regulations for calculating floor area including: (i) measurement from the exterior of the outside walls, as opposed to measurement from the interior of the outside walls as was required by By-law 1984-63; (ii) inclusion of voids in the calculation of floor area, such as stairs and elevators counted as floor area on each level; (iii) inclusion of the entire floor area of all attic space in the residential floor area calculation where the attic space is located on the same level as a permitted storey, the attic shares a common wall with the permitted storey and the attic exceeds a headroom clearance below the roof framing of 1.8 metres at any given point; and (iv) inclusion of the floor area of an attached private garage where the dwelling has more than one storey and the garage from finished floor level to the highest point of the structure is equal to or greater than 6.0 metres in height.

Although Section 6.4.1 of the Draft By-law proposes an increase in the permitted maximum residential floor area ratio from 26% under By-law 1984-63 to 29% under the Draft By-law, for a lot with an area of 1,301.00 square metres or greater, this increase does not account for and accommodate all of elements that must now be included in the calculation of floor area as required by the Draft By-law definition of "floor area, residential". For example, the calculation of floor area, residential from the exterior of the outside walls, as opposed to measurement from the interior of the outside walls as was required by By-law 1984-63, generally will increase the calculation of "floor area, residential" by approximately 10%.

The net effect of the definition of "floor area, residential" and Section 6.4.1 of the Draft By-law is to reduce the floor area that can be achieved on any lands in the -0 Suffix Zone of the Draft By-law. Also, the revised definition of floor area, residential in the Draft By-law discourages the use of architectural elements such as
articulated roof lines to minimize the impact of new floor area calculation requirements.

Maximum Lot Coverage – Section 6.4.2

Maximum permitted lot coverage in the -0 Suffix Zones is proposed to be reduced from 30% under By-law 1984-63 to 25% under the Draft By-law for detached dwellings greater than 7.0 metres in height. And contrary to all other residential zones in the Draft By-law and what was formerly permitted under By-law 1984-63, no additional lot coverage is permitted for accessory buildings and structures in the -0 Suffix Zone (Section 6.4.2(b)) which further magnifies the effects of the reduction in permitted coverage.

The reduction in maximum lot coverage and the new methodology for calculating “floor area, residential” will promote a built form and building design for multiple storey dwellings where floor area is maximized and rationalized - two storey box shaped houses with integral garages and flat roofs. Such a result is contrary to the “Design Guidelines for Stable Residential Communities”, as endorsed by Planning and Development Council on April 29, 2013, and the intensification policies of the Livable Oakville Official Plan. Since the Ontario Municipal Board gives very little weight to design guidelines, the Town can anticipate that they will be largely unsuccessful in preventing the box-like two storey dwellings that the Draft By-law currently promotes.

This letter raises some of Prince Bay’s concerns with the Draft By-law and hopefully stimulates some discussion on how to resolve such concerns. However, Prince Bay’s concerns with the Draft By-law are not necessarily limited to the concerns outlined in this letter and further concerns with the Draft By-law may be introduced at a later date.

Please provide us with notice of Council’s decision on the Draft By-law. Thank you for your attention to this matter.

Yours truly,

Calvin Lantz

CWL/nla

cc: Vicki Tytaneck, Town Clerk
    Mehran Moeinifar, Prince Bay Luxury Homes
    Ruth Victor, Ruth Victor Associates
Mayor and Members of the Planning and Development Council
Town of Oakville
1225 Trafalgar Road
Oakville ON
L6H 0H3

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

Re: Proposed Town of Oakville Zoning By-law, 2014-xxx
Proponent: Vince Imerti/ S. Rollo
Property: Lambert Common, Oakville, Unit 4 - 428
Matter: February 25, 2014 Planning and Development Council Meeting

I am writing on behalf of my spouse, the registered owner of the property located at Lambert Common in the Town of Oakville ("Property"). I am a partner at Stikeman Elliott LLP and practice exclusively in the area of Tax and Private Equity & Venture Capital Groups. I have reviewed the "Town of Oakville Zoning By-law, 2014-xxx, Third Draft (v3.1)" dated February 14, 2014 (the "Draft By-law") and have concerns with the Draft By-law as it may apply to my Property. A few of these concerns are articulated below.

The Oakville Committee of Adjustment recently authorized a minor variance to By-law 1984-63 for my Property, and I have filed applications for Site Plan Approval and building permit to implement the development contemplated in the authorized minor variance. From my review of Section 1.8.2(a) of the Draft By-law, the requirements of the Draft By-law will not apply to the Property with respect to the minor variance decision.

What is unclear in the wording of Section 1.8.2 of the Draft By-law is that if one has obtained a minor variance to By-law 1984-63 prior to the effective date of the Draft By-law, whether the requirements of the Draft By-law will not also apply to the
processing and approval of the subsequent Site Plan Approval application and building permit for the Property.

The lack of clarity in Section 1.8.2 is compounded by language in Section 1.8.1 of the Draft By-law that requires the building permit application to comply with all of the provisions of By-law 1984-63 and the requirement that all planning approvals must be obtained prior to the effective date of the Draft By-law for a building permit application to be exempt from compliance with the Draft By-law. Section 1.8.3(a) of the Draft By-law also states that the relief of the Draft By-law shall not continue beyond the issuance of the permit, approval, or agreement upon which the exemption is founded, so with respect to Section 1.8.2 of the Draft By-law, it is unclear what permits, approvals or agreements Section 1.8.3(a) is referring to and when the transition provisions of the Draft By-law will terminate.

The ambiguity of the transition provisions creates uncertainty and there is a risk that the Town will apply the provisions of the Draft By-law in the processing of the Site Plan Approval and building permit applications for the Property. Consequently, the proposed new zoning standards for the -0 Suffix Zones in the Draft By-law may be applied to the Property, and such standards, for example the definition of “floor area, residential” and Sections 6.4.1 and 6.4.2, unreasonably constrain development and do not represent good planning.

This letter raises some of my concerns with the Draft By-law and hopefully stimulates some discussion on how to resolve such concerns. However, my concerns with the Draft By-law are not necessarily limited to the concerns outlined in this letter and further concerns with the Draft By-law may be introduced at a later date.

Please provide me with notice of Council’s decision on the Draft By-law. Thank you for your attention to this matter.

Yours truly,

[Signature]

Vince Inerti

CWL/nla

cc: Vicki Tytaneck, Town Clerk
    William Oughtred, Consultant