

**Town of Oakville  
Memorandum**

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**To:** Mayor and Members of Council

**From:** Tricia Collingwood  
Planning Services

**Date:** May 12, 2022

**Subject:** **FHCT Holdings (Ontario) Corporation - 271 Cornwall Road and 485 Trafalgar Road  
Planning and Development Council Meeting May 16, 2022 - Item 7.2 Z.1612.14 and OPA 1612.14**

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Please find attached revised Zoning By-Law 2022-052 that can be found as part of item 7.2, recommendation report for FCHT Holdings (Ontario) Corporation – 271 Cornwall Road and 485 Trafalgar Road.

Since the publishing of the May 16, 2022 Planning & Development Council agenda, Planning Staff has met with Metrolinx and the applicant regarding setbacks from the railway corridor to the building podium.

Section 15.413.3 m)) of By-law 2022-052 has been revised as follows:

m)	Notwithstanding Section 4.21, minimum <i>building setback above ground level</i> from a <i>railway corridor</i>	48 6.0 m
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The revisions are intended to allow for flexibility in the design of the building podium, subject to the submission of a future site plan application and corresponding Rail Safety Study. The study needs to be to the satisfaction of Metrolinx. All parties have endorsed the minor edits to By-law 2022-052.

Comments received from Metrolinx for the subject application are attached.

**Metrolinx,  
Tony To, (T: 416.202.0809 C: 416.902.0157) Tony.To@metrolinx.com**

*October 29, 2020 – Circulation 2*

Thank you for circulating Metrolinx the second submission for the above-noted application. I understand the proponent is seeking to amend the Official Plan and Town's Zoning By-law in order to facilitate the development of two mixed-use buildings on the subject property. I note the lands are located immediately adjacent to Metrolinx's Oakville Subdivision, which carries GO Transit service along the Lakeshore West rail corridor. My comments on the subject application are noted below.

1. Based on Metrolinx's Adjacent Development Guidelines, commercial and residential structures immediately adjacent to the rail corridor must be located a minimum of 30 metres from the railway right-of-way. I request architectural drawing package be revised to indicate the setback from the proposed podium structure to the existing railway right-of-way.
2. Based on Metrolinx's Adjacent Development Guidelines, the proposed structure is required to provide a safety barrier (e.g. earthen berm, crash wall, integrated crash wall, etc) designed to protect the structure in the event of a train derailment scenario. I see a crash wall (designed by others) will be provided at the northern extent of the property. The crash wall design should be reviewed and approved by Metrolinx's engineering consultant, AECOM, prior to rezoning approval. I request the proponent contact the undersigned to initiate this technical review process.
3. I am in receipt of the Functional Servicing and Stormwater Management Report, prepared by RJ Burnside and Associates and dated September 2020. I request written confirmation that no additional drainage will be directed to Metrolinx lands.
4. The proponent is required to submit a noise and vibration assessment, prepared by a qualified professional, to Metrolinx for review. The proponent may obtain the most up to date rail forecast by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com).
5. The development is subject to the following warning clause. The warning clause shall be inserted in all development agreements, offers to purchase and agreements of Purchase and Sale or Lease, of each residential dwelling within 300 metres of the railway right-of-way:

**Warning:** Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest operate commuter transit service within 300 metres from the land which is the subject hereof. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

6. Please note, the proponent is required to enter into an adjacent development agreement with Metrolinx, which will stipulate how Metrolinx's concerns shall be addressed (e.g. construction and design of crash barrier). In addition, the easement shall include an environmental easement for operational emissions, which is to be registered on title against all residential dwellings. The agreement must be executed prior to site plan approval. I have included a copy of the easement language for information (below).

Please feel free to contact me should you have any questions.

Thank you,

**TONY TO**

Project Manager

Third Party Projects Review, Capital Projects Group

Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3

T: 416.202.0809 C: 416.902.0157



**Form of Easement**

WHEREAS the Transferor is the owner of those lands legally described as [insert legal description] (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and any other emission and sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.

# APPENDIX E: Redlined Zoning By-law Amendment



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2022-052

A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the use of lands described as 281 and 291 Cornwall Road (formerly 271 Cornwall Road and 485 Trafalgar Road) (FHCT Holdings (Ontario) Corporation, File No.: 1612.14)

#### COUNCIL ENACTS AS FOLLOWS:

1. Map 19(8b) of By-law 2014-014, as amended, is further amended by rezoning the lands as depicted on Schedule 'A' to this By-law.
2. Part 15, Special Provisions, of By-law 2014-014, as amended, is further amended by adding a new Section 15.413 as follows:

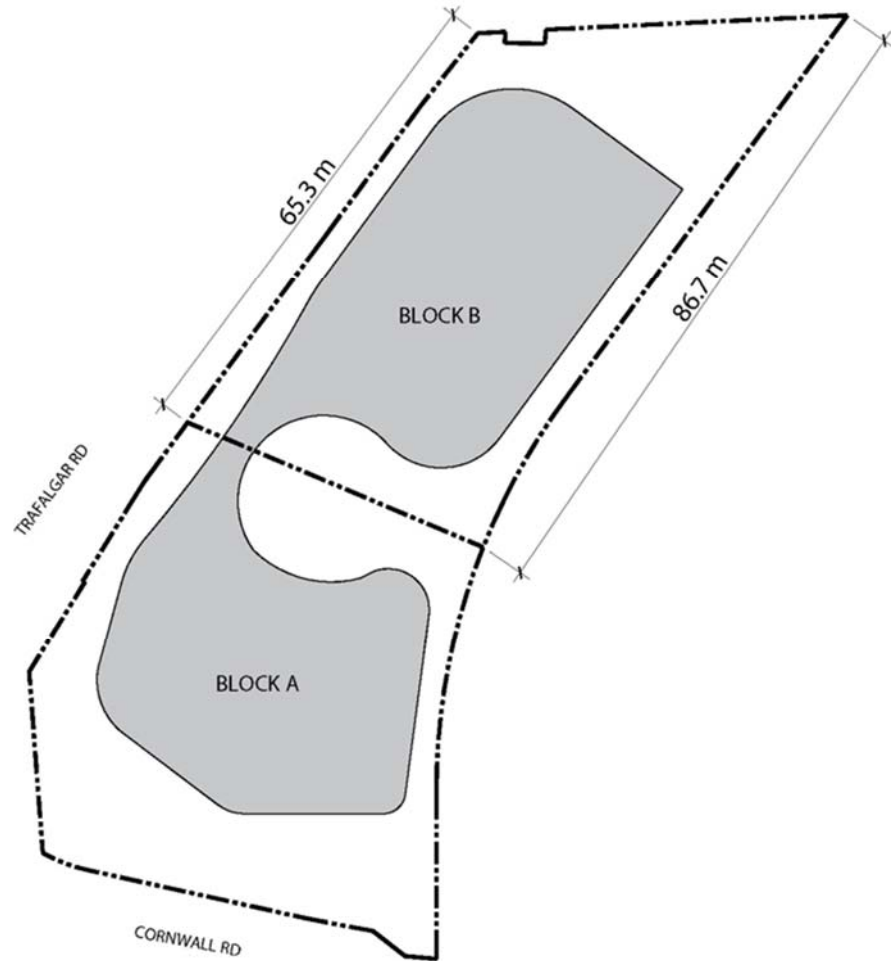
<b>413</b>	<b>281 and 291 Cornwall Road</b>	Parent Zone: MTC
Map 19(8b)	Part of Lots 1, 2, and 3 and Part of Lot 121; Registered Plan 131 and 127	(2022-052)
<b>15.413.1 Additional Permitted Uses</b>		
The following additional <i>uses</i> are permitted:		
a)	<i>Apartment dwelling</i>	
b)	<i>Medical Office</i>	
<b>15.413.2 Additional Regulations for Permitted Uses</b>		
The following regulations apply:		
a)	All non-residential <i>uses</i> shall only be permitted on the <i>first storey</i> and <i>second storey</i> .	
b)	An <i>apartment dwelling</i> is prohibited on the <i>first storey</i> .	
c)	Notwithstanding Section 15.413.2 b) above, <i>ancillary residential uses</i> are permitted on the <i>first storey</i> .	
<b>15.413.3 Zone Provisions</b>		
The following regulations apply:		
a)	The <i>lot line</i> abutting Cornwall Road shall be deemed the <i>front lot line</i> .	

b)	Minimum <i>lot frontage</i>	Shall not apply
c)	Minimum <i>lot area</i>	Shall not apply
d)	Maximum <i>lot coverage</i>	Shall not apply
e)	<i>Minimum front yard</i> (Cornwall Road)	10.0 m
f)	<i>Minimum flankage yard</i> (Trafalgar Road)	2.5 m
g)	<i>Minimum interior side yard</i>	1.0 m
h)	<i>Minimum rear yard</i>	6.0 m
i)	Minimum number of <i>storeys</i>	8
j)	Minimum <i>height</i> of the <i>first storey</i>	4.5 m
k)	Minimum setback or <i>yards</i> for an underground <i>parking structure</i>	0.8 m
l)	Minimum <i>separation distance</i> between <i>building towers</i> above the third <i>storey</i>	25.0 m
m)	Notwithstanding Section 4.21, minimum <i>building setback</i> <del>above ground level</del> from a <i>railway corridor</i>	<del>186.0</del> m
n)	<i>Balconies</i> are permitted in any <i>yard</i> and the maximum total projection beyond the <i>main wall</i> is 2.0 m.	
<b>15.413.4 Additional Zone Provisions for Block A</b>		
The following additional regulations apply to Block A as identified in Figure 15.413.1:		
a)	Minimum <i>floor area</i> for the non-residential <i>uses</i> on the <i>first storey</i>	650 m <sup>2</sup>
b)	Maximum number of <i>storeys</i>	14
c)	Maximum floorplate area of a <i>building tower</i> measured from the exterior of the outside walls, above the third <i>storey</i> . Recessed <i>balconies</i> up to the <i>main wall</i> are included in the floorplate area calculation.	850 m <sup>2</sup>
<b>15.413.5 Additional Zone Provisions for Block B</b>		
The following additional regulations apply to Block B as identified in Figure 15.413.1:		
a)	Minimum <i>floor area</i> for non-residential <i>uses</i> on the <i>first storey</i>	200 m <sup>2</sup>
b)	Maximum number of <i>storeys</i>	19

c)	Maximum floorplate area of a <i>building</i> tower measured from the exterior of the outside walls, above the third <i>storey</i> . Recessed <i>balconies</i> up to the <i>main wall</i> are included in the floorplate area calculation.	750 m <sup>2</sup>
<b>15.413.6 Parking Provisions</b>		
The following parking regulations apply:		
a)	Minimum number of <i>parking spaces</i> for <i>apartment dwelling</i>	0.75 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>
b)	Maximum number of <i>parking spaces</i> for <i>apartment dwelling</i>	1.0 per <i>dwelling unit</i> , plus 0.15 <i>parking spaces</i> per <i>dwelling unit</i> for visitors <i>parking spaces</i>
c)	Ventilation shafts, stairs and stairways associated with an underground <i>parking structure</i> , hydro vaults and above-ground gas meters including any appurtenances thereto are not permitted between a <i>building wall</i> and <i>front lot line</i> or <i>flankage lot line</i> .	
d)	Ventilation shafts associated with an underground <i>parking structure</i> are not permitted below the first 3.0 metres of vertical distance of a <i>building wall</i> measured from the finished floor level of the <i>first storey</i> .	
e)	A minimum of 20% of the <i>parking spaces</i> in a <i>building</i> shall include the provision for the installation of electric motor vehicle supply equipment.	

**15.413.7 Special Site Figures**

Figure 15.413.1



**15.413.8 Special Site Provisions**

*The following additional provisions apply:*

- |    |  |
|----|--|
| a) | All lands identified as subject to this Special Provision shall be considered as one <i>lot</i> for the purposes of this By-law. |
|----|--|

- Part 16, Holding Provisions, of By-law 2014-014, as amended, is further amended by adding a new Section 16.3.49 as follows:

<b>H49</b>	<b>281 and 291 Cornwall Road</b>	Parent Zone: MTC
Map 19(8b)	(Part of Lots 1, 2, and 3 and Part of Lot 121; Registered Plan 131 and 127)	(2022-052)
<b>16.3.49.1 Only Permitted Uses Prior to Removal of the “H”</b>		
For such time as the “H” symbol is in place, these lands shall only be <i>used</i> for the following:		
a)	Legal uses, <i>buildings</i> and <i>structures</i> existing on the <i>lot</i> .	
<b>16.3.49.2 Conditions for Removal of the “H”</b>		
The “H” symbol shall, upon application by the landowner, be removed by <i>Town Council</i> passing a By-law under Section 36 of the <u>Planning Act</u> . The following condition(s) shall first be completed to the satisfaction of the <i>Town of Oakville</i> :		
a)	<p>Prior to any servicing or grading of the site and to the satisfaction of Halton Region, the Owner submits to Halton Region a Ministry of the Environment, Conservation and Parks (MECP) acknowledged Record of Site Condition (RSC), that is certified by a qualified person as defined in Ontario Regulation 153/04 and indicates that the environmental condition of the site is suitable for its proposed land use. The Owner also submits all supporting environmental documentation such as Phase One and Two Environmental Site Assessment and remediation reports etc. to Halton Region for review. The author of the environmental reports and Record of Site Condition submitted to the Region must extend third party reliance to Halton Region. The Owner complies with Ontario Regulation 153/04 and Halton Region’s Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region.</p> <p>Notwithstanding subsection (1) above, this Holding Provision does not prevent the issuance of a building permit necessary to authorize:</p> <p style="margin-left: 40px;">i. The removal of soil, rock or fill for the purpose of making an excavation; or the erection of a retaining structure or other structure to support the sides of the excavation, that are erected to assist in the conduct of an investigation in relation to property, or for any other activity necessary to accommodate site remediation for the purpose of filing a Record of Site Condition.</p>	



4. This By-law comes into force in accordance with Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PASSED this 16<sup>th</sup> day of May, 2022

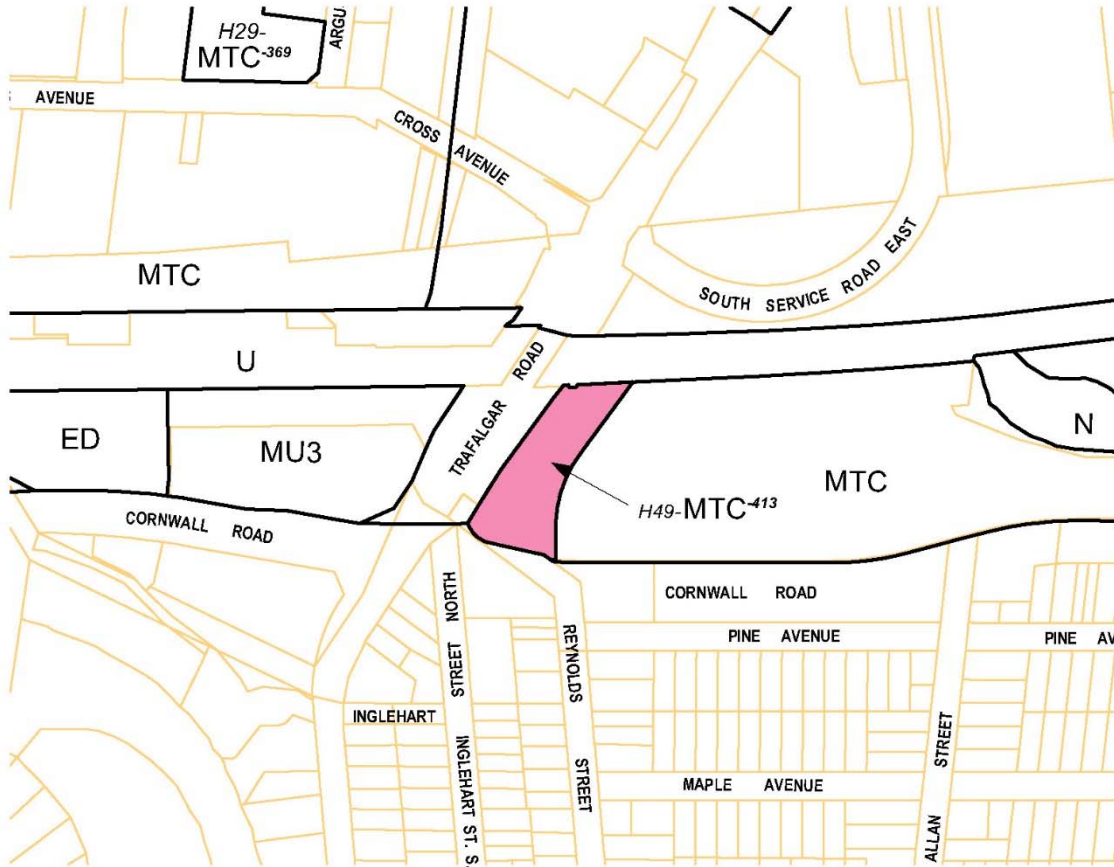
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MAYOR


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CLERK

**SCHEDULE "A"**  
**To By-law 2022-052**



**AMENDMENT TO BY-LAW 2014-014**

 Re-zoned From: Midtown Transitional Commercial (MTC) to Midtown Transitional Commercial (H49-MTC sp:413)

**EXCERPT FROM MAP 19 (8b)**



**SCALE 1 : 4000**