

Planning and Development Council Meeting
December 5, 2022

Comments Received Regarding Item 7.1
Official Plan Amendment

April Investments Limited, 527079 Ontario Limited, Trans County
Development Corporation Limited, and Oakville Developments (2010) Inc.
560-584, 550, 530 Kerr Street and 131, 171 Speers Road
File No. OPA.1616.56

November 18, 2022

Paul Barrette, RPP, MCIP
Senior Planner
Planning Services Department
Town of Oakville
1225 Trafalgar Rod
Oakville, ON
L6J 0H3

Dear: Mr. Barrette

**RE: PROPOSED OFFICIAL PLAN AMENDMENT KERR VILLAGE GROWTH AREA
171 SPEERS ROAD, OAKVILLE
TOWN FILE NO. OPA 1616.56
OUR FILE: 2237A**

As you know, we have been assisting the owners of 171 Speers Road in the Town of Oakville, 1246905 Ontario Inc. (the "Owners") with the review of the proposed Official Plan Amendment and Development Plan for the block of land located at the intersection of Speers Road and Kerr Street in the Town of Oakville which consists of 530, 550, 588 Kerr Street and 131 and 171 Speers Road.

We understand that proposed Official Plan Amendment No. 51 (OPA 51) for the block of properties will be considered at an upcoming Planning and Development Council meeting on December 5, 2022, as it was deferred at the September 6, 2022 meeting.

Background

Our initial comments on the draft of OPA 51 were provided in a letter attached to comments on behalf of the Owner's legal counsel, Turkstra Mazza, on February 13, 2022 and submitted as part of the Public Meeting held on February 15, 2022.

Since that time, we met with Town staff on March 23, 2022, following the Public Meeting to better understand the evolution of the draft development plan and policy framework. On April 25, 2022, we provided further comments on the draft policy framework and development concept. Our comments specifically identified the unique context of the northwest quadrant of the block that includes the 171 Speers Road lands and provided a number of comments on suggested revisions to allow for optimization of the redevelopment lands at 171 Speers Road.

An updated draft of OPA 51 was presented by staff at the September 6, 2022 Public Meeting but no public comments were presented at the meeting as a result of the deferral. While the September draft of OPA 51

addressed a number of the concerns noted in our April 25, 2022 letter, the Owners still have concerns with the inequitable distribution of density across the block given the fact that the lands located at 171 Speers Road are the least constrained by the Kerr Street Grade separation and the most readily available for redevelopment. Since the meeting in September, a number of changes have occurred in terms of growth requirements as directed by the Province and recent approvals related to the Region of Halton Official Plan (November 4, 2022). Based on the increased growth needs to be accommodated by the Town and the direction for growth to be within the defined Strategic Growth Areas, we believe there is an opportunity to provide increased opportunities within OPA 51 given its location, and specifically on the 171 Speers Road lands.

A summary of our comments on the September draft of OPA 51, given the changes noted above and the site context are provided below. A tracked change version of OPA 51 is also attached with a markup of the proposed Development Concept Plan.

Height

We were pleased to see the removal of the FSI caps and the minimum commercial GFA for the lands at 171 Speers Road. We note these matters will be addressed through future applications. In our proposed OPA 51 we have added additional policy language to reflect how the future commercial uses and GFA will be addressed.

While we are aware Section 37 bonusing was removed from the OPA, it is not clear why heights remained less than what is permitted under the current Official Plan policies. Even without an Official Plan Amendment (OPA) through the previously permitted bonusing, heights up to 14 storeys would have been permitted. Given the increased growth needs and need to optimize the redevelopment of the block and the 171 Speers Road lands, we recommend the approach to OPA 51 be amended to remove prescribed heights on the 171 Speers Road lands as we have proposed.

Our proposed modifications to OPA 51 and the Development Concept Plan allow for optimized redevelopment based on an FSI control to allow for the most flexibility on the distribution of height which would be controlled through zoning and urban design subject to all of the required detailed studies as set out in OPA 51. We believe this is the most appropriate approach to provide the most flexibility for redevelopment and allow for the gradation of density from south to north and based on an optimized distribution through the block while providing for the recommended road and park, half of which are both located on 171 Speers Road.

Urban Park

We respect the work that has gone into the consideration of the new park and potential for strata parks, and while we still strongly recommend connectivity of the park at the Speers Road frontage and a more linear park positioned to the front of the block, with the increased FSI as proposed allocated on the 171 Speers Road land, the Owners could consider the general park location.

We would however recommend flexibility in the policies to allow for some movement of the park location and its orientation and have updated the policy language in the draft of OPA 51 attached.

Road Network

We understand staff have confirmed the need for St. Augustine to extend north. We agree to the extent that this conveyance is fully on the 171 Speers Road lands, allocation of additional density should be provided and will provide for greater development opportunity given the remaining depth of developable parcels within the block.

Phasing

As we have previously stated, the 171 Speers Road lands have no encumbrances, leases or easements restricting development. The land do not rely on the Kerr Street separation and it is not clear why the lands could not be part of Phase 1 with or without lands to the east.

It is not clear why we were capped at 2.1 FSI in the phasing policies and this is recommended to be removed in the proposed revised draft OPA.

New Policies & Urban Design Brief

We appreciate the added new policies on urban design, railway, land use compatibility, and cost sharing. We would recommend that the Urban Design Brief language or reference to it be amended to ensure there is flexibility for redevelopment of the lands at 171 Speers and that the design guidance is not overly prescriptive or reflective of zoning standards. Densities as we are proposing them should be updated and revised within the Urban Design Brief with the removal of prescribed heights to allow for flexibility to accommodate optimized growth with the design framework.

Proposed Revisions to OPA 51

The lands located at 171 Speers Road, or Area D, should be planned for optimized development within the Kerr Street Strategic Growth Area. A revised draft of OPA 51 and the Development Concept Plan reflecting this optimized opportunity for development is provided as Appendix 1.

The key changes to the policies are proposed to:

- (i) provide flexibility in relation to the park location and orientation;
- (ii) allow for Area D to be developed with a range of buildings of varying heights within an overall FSI of 4.5;
- (iii) removal of the phasing cap on FSI; and,
- (iv) provide for the location and size of retail and service commercial uses within Area D to be determined through the rezoning and development process.

The revised proposed OPA 51, attached as Appendix 1, would provide for the most efficient and optimized redevelopment of the lands, consistent with the PPS and in conformity with the Growth Plan as well as the recently approved ROPA 49 by the Minister. We believe the proposed changes will contribute to meeting the increased growth needs of the Town and Region, contributing to much needed new housing in a compatible form. We also know that the implementation of development will be subject to further development approvals and requirements to address servicing, transportation, parking and urban design. We trust these changes will be considered in updating the final draft of OPA 51.

We appreciate the opportunity to provide these additional comments and requested changes to OPA 51 and would be pleased to provide any additional information or clarification as requested. We trust these changes can be incorporated into OPA 51 as recommended to the Town's Planning and Development Committee.

Sincerely,

MHBC

A handwritten signature in black ink, appearing to read 'Dana Anderson', written over the MHBC logo.

Dana Anderson, MA, RPP, FCIP
Partner

Cc. Dr. Shahidi

Appendix 1: Proposed Changes to OPA 51

APPENDIX H: Official Plan Amendment



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-089

Official Plan Amendment 51

A by-law to adopt an amendment to the Livable
Oakville Official Plan, Official Plan Amendment
Number 51 (530, 550, 588 Kerr Street and 131, 171
Speers Road, April Investments Limited, 527079 Ontario
Limited, Trans County Development
Corporation Limited, and Oakville Developments
(2010) Inc.,
File No.: OPA.1616.56)

WHEREAS subsection 21(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, states that the provisions of the *Act* with respect to an official plan apply, with necessary modifications, to amendments thereto and section 17 applies to any such amendment; and,

WHEREAS subsection 22(1) of the *Planning Act* provides that a person or public body may request a council to amend its official plan; and,

WHEREAS the owners of 530, 550, 588 Kerr Street and 131 Speers Road have requested that Council amend the Livable Oakville Official Plan relating to the comprehensive development plan for the lands designated Urban Core at the northwest corner of Speers Road and Kerr Street, and Council is willing to grant the request.

COUNCIL ENACTS AS FOLLOWS:

1. The attached Official Plan Amendment Number 51 to the Livable Oakville Official Plan is hereby adopted.

2. This Official Plan Amendment is subject to appeal rights set out in section 17 of the *Planning Act*, R.S.O. 1990, c. P.13, and shall come into effect once the deadline for filing appeals has passed or all appeals have been withdrawn or finally disposed of.

3. If the Regional Municipality of Halton, being the Approval Authority, does not exempt this Official Plan Amendment from its approval, the Clerk is hereby authorized and directed to apply to the Approval Authority for approval of this Official Plan Amendment.

PASSED this 6th day of September, 2022

MAYOR

CLERK

Official Plan Amendment Number 51 to the Town of Oakville's Livable Oakville Plan

Constitutional Statement

The details of the amendment, as contained in Part 2 of this text, constitute Official Plan Amendment Number 51 to the Livable Oakville Plan.

Part 1 – Preamble

A. Subject Land

The Subject Lands are located at the northwest corner of Speers Road and Kerr Street, and municipally known as 588, 550, 530 Kerr Street and 131, 171 Speers Road (Subject Lands).

B. Purpose and Effect

The purpose of this Official Plan Amendment (OPA) is to implement a comprehensive development plan by refining and building on the existing ~~site-specific~~ Livable Oakville policy framework to guide future redevelopment of the Subject Lands on a comprehensive basis.

The effect of the proposed OPA is to:

1. Replace Part E Section 23.5, to update the requirements for the urban square regarding a minimum area of 500 square metres and to specify that it will be privately-owned publicly accessible open space.
2. Replace Part E Section 23.7, to provide new and updated exception policies for the Subject Lands to support the goals and objectives for Kerr Village. The policies:
 - a. Specify that development shall generally be in accordance with a comprehensive development plan approved by Council.

- b. Specify permitted maximum building heights and densities and encourage affordable housing by exempting the net floor area of affordable housing units.
 - c. Refine urban design policies regarding the design of tall ~~buildings~~buildings, building podium, façade treatment, green roofs / amenity space, mid-block pedestrian connections, structured parking, and the private road.
 - d. Address land use compatibility to the rail corridor and employment area to minimize and mitigate any potential adverse effects from noise, vibration, odour, dust and other contaminants to ensure risk to public health and safety is minimized.
 - e. Address phasing and transition through coordination with the Kerr Street grade separation, road network capacity, compatibility with existing land uses, functional servicing and implementation of a Transportation Demand Management Strategy, inclusive of transit and alternative transportation solutions associated with the Subject Lands.
 - f. Add landowner cost sharing requirements.
3. Replace Part E Section 23.8, to update requirements for the urban park to specify the minimum size of 0.4 ha, accessibility and mid-block pedestrian connections, implementation and phasing policies, and to add criteria under which the urban park may be dedicated to the Town in a stratified arrangement.
4. Amend Schedule O1, to remove lands eligible for bonusing from the Subject Lands.
5. Amend Schedule O2, to identify primary and secondary streets within the subject lands, identify the conceptual location of the urban park and urban square, identify the location of enhanced streetscapes, and add the location of a proposed private road.

C. Background and Basis

- The Subject Lands are comprised of 4.8 ha (11.8 acres)¹, consisting of five property parcels which are occupied by commercial buildings and located at the northwest corner of Kerr Street and Speers Road.
- As part of the ongoing Regional Official Plan Review/Municipal Comprehensive Review, Halton Region is determining how to accommodate forecasted population and employment growth in the Region to 2051. This work is being conducted through the Region's Integrated Growth Management Strategy and includes ROPA 48, and ROPA 49. The identification of strategic growth areas is an important component of the Region's overall growth management strategy.
- The Subject Lands are identified as a 'secondary regional node' on Map 1h, Regional Urban Structure of the Halton Plan. Secondary Regional Nodes are intended to be a focus for growth through mixed use intensification at a scale appropriate for its context.
- The town-wide Urban Structure is shown in Livable Oakville, Schedule A1, Urban Structure, and identifies the Subject Lands as being part of a Node and Corridor (Kerr Village), Main Street Area, and located on a Regional Transit Priority Corridor (Speers Road). Higher intensity forms of mixed use growth are directed towards Nodes and Corridors. Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit supportive development.
- Within Kerr Village, the Subject Lands are located within the Upper Kerr Village District. This District is planned to be a transit-supportive, mixed use area. The Subject Lands are designated 'Urban Core' which permits building heights ranging from eight to twelve storeys. Four storeys of additional height may be permitted pursuant to bonusing (total of 16 storeys).

¹ After land expropriation by Metrolinx for the Kerr Street grade separation project.

- Policy 23.7.1 a) of Livable Oakville requires, as part of any development approval, that development and redevelopment be based on a comprehensive plan which demonstrates the potential full build out of the lands. This includes, amongst other matters:
 - i. a complete local road network, including extensions of Shepherd Road and St. Augustine Drive;
 - ii. spatial distribution of buildings and building heights with appropriate building setbacks, transitions and tall building separation;
 - iii. location and treatment of planned gateways at Kerr and Speers and the northern limit of Upper Kerr Village at Kerr and the railway;
 - iv. location of planned urban square & urban park;
 - v. safe setbacks to rail line, utilities and pipelines;
 - vi. location of commercial space, including a food store; and,
 - ~~vii.~~ transit-supportive considerations such as multi-modal Travel Demand Management, enhanced transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks.
- The comprehensive development plan submitted as part of the OPA demonstrates the potential full build out of the lands. The comprehensive development plan provides for redevelopment of the Subject Lands with approximately 1,841 residential units in buildings ranging in height from approximately 8 to 28 storeys, an extension of the main street with ground floor commercial uses, a 0.4 ha urban park with permissions for stratified ownership, urban square, mid-block publicly accessible pedestrian connections, private amenity space, and the westerly extension of Shepherd Rd. and northerly extension of St. Augustine Dr. together with one new mid-block private road fronting the urban park.
- The OPA would implement the comprehensive development plan by refining and building on the existing site-specific Livable Oakville policy framework to guide future redevelopment of the Subject Lands on a comprehensive basis.

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- Planning and Development Council hosted the statutory public meeting regarding this official plan amendment on February 15, 2022.
- Based on staff's review and analysis of the materials submitted in support of this planning application, the OPA fully considers and appropriately addresses written comments and oral submissions.
- This OPA is consistent with the Provincial Policy Statement, conforms or does not conflict with applicable Provincial Plans, the Region of Halton Official Plan and the Livable Oakville Plan, has regard for matters of Provincial interest, and represents good planning for the reasons set out in the staff report titled "Recommendation Report, Official Plan Amendment, April Investments Limited, 527079 Ontario Limited, Trans County Development Corporation Limited, and Oakville Developments (2010) Inc., 560-584, 550, 530 Kerr Street and 131, 171 Speers Road, File No. OPA. 1616.56"

Part 2 – The Amendment

The Livable Oakville Plan is amended as follows:

A. Text Changes

- I. Part E Section 23.5, Urban Design, is amended by deleting the existing exception policy 23.5.5 a) in its entirety, and replacing it with the following new policy:

"Through the *development* process, an urban square shall be provided in the Upper Kerr Village District, generally located at the northwest corner of Kerr Street and Speers Road that:

i. Has a minimum area of 500 square metres;

ii. May be reoriented in its shape and location without amendment to this Plan; and,

iii. Shall be permitted to be privately-owned publicly accessible open space."

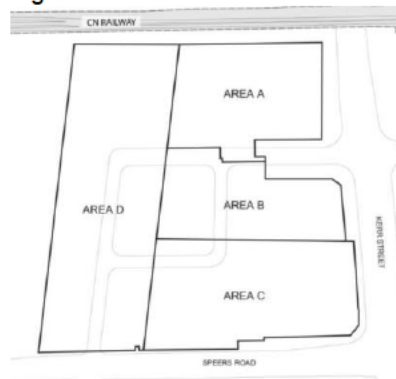
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- II. Part E Section 23.7, Kerr Village Exceptions – Schedule O1, is amended by deleting existing policy 23.7.1 in its entirety and replacing it with the following new policy:

“23.7.1 The lands designated Urban Core at the northwest corner of Speers Road and Kerr Street are subject to the following additional policies:

- a) *Development* shall be in accordance with the comprehensive development plan approved by Council. Minor variations to the dimensions of blocks, buildings, open spaces and streets may be permitted without amendment to this Plan, provided the general intent is maintained to the satisfaction of the Town.

Figure 23.7.1



b) Area Policies

Within Areas A, B, C and D as identified on Figure 23.7.1, the following maximum building heights and densities shall be permitted, subject to the required public local road and urban park being dedicated to the Town and funded through the *development* process:

i) Area A

- A maximum *floor space index* (FSI) of 4.5 with a maximum of two tall buildings up to a maximum height of 22 and 28 storeys and ground floor commercial with a minimum gross floor area of 600 square metres.

ii) Area B

- A maximum *floor space index* (FSI) of 4.4 with a maximum of two tall buildings up to a maximum height of 22 and 24 storeys and ground floor commercial with a minimum gross floor area of 1,000 square metres.

iii) Area C

- A maximum *floor space index* (FSI) of 3.6 with a maximum of two tall buildings up to a maximum height of 18 and 22 storeys respectively, one mid-rise building with a height of up to 12 storeys, and ground floor commercial with minimum gross floor area of 3,000 square metres.

iv) Area D

- ~~A maximum floor space index (FSI) of 4.5 with of one taller buildings up to a maximum height of 23 storeys, provided the building is located adjacent to the rail corridor. Additional mid-rise buildings may be permitted through a development process, as long as a transition to the established residential neighbourhood is achieved. The location and size of retail and service commercial uses minimum gross floor area of commercial to be provided on the ground floor shall be determined through a development process.~~

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- a) The net floor area of *affordable units* shall be exempt from the calculation of *floor space index* when determining compliance with the density maximums in subsection (b) above.

b) Urban Design

- i. For buildings greater than 12 storeys in height, the floor plate for each residential tall building shall ensure a slender tower profile to minimize shadow impacts, maximize sun exposure and enhance the skyline.
- ii. The height of the building base for tall buildings may only exceed six storeys where designed with façade setbacks, modulation and/or height reductions on portions of the building to achieve a pedestrian-scaled street wall and a pedestrian-friendly environment at grade.
- iii. Green roofs, and/or residential amenity space should be provided on the roof of any building base or above-grade parking structure where the rooftop shall be visible from nearby tall buildings.
- iv. Façades shall be articulated along street frontages with enhanced building corners;
- v. Built forms shall incorporate substantial breaks to provide two mid-block connections from the urban park to Kerr Street and Speers Road.
- vi. Below grade, and shared parking shall be encouraged. At or above grade parking structures may be permitted if:
 - a. parking structures located on the ground floor of a building fronting the urban park or a road are wrapped with commercial and/or residential uses to create a

- pedestrian-scaled street wall and animate the public realm; and,
 - b. parking structures in other areas are wrapped and/or screened with appropriate building materials and architectural treatments to animate pedestrian realm.
- vii. The private road located adjacent to the urban park may include a woonerf style roadway which prioritizes pedestrians, has reduced speed limits and traffic calming to create a strong pedestrian connection into the site.

c) Railway

The following policies shall be applied through the implementing zoning and site plan process:

- i. Compatibility assessments may be required for *development* adjacent to the railway right-of-way to identify mitigation measures for any identified safety, security, noise and vibration issues.
- ii. Unless otherwise directed by the landowner of the railway right-of-way:
 - a. buildings shall be setback a minimum of 30 metres from the property line of the railway right-of-way. Notwithstanding the required setback, infrastructure, parking areas or structures, parks and open space, and private amenity space, may be permitted within the setback; and,
 - b. no tall vegetation should be planted within 3.5 metres of the railway right-of-way.
- iii. Warning clauses in offers of purchase and sale, lease or rental agreements and condominium declarations, or other development agreements as applicable, shall be determined

and secured through the planning application process, and may include, but not limited to, advising purchasers and future occupants of the proximity of the railway and associated rail traffic and operations.

- iv. An environmental easement for operational emissions from the railway should be registered on title, in favour of the railway owner, at the time of property redevelopment.

d) Land Use Compatibility

- i. Through an implementing zoning by-law amendment, *sensitive land uses* shall be planned, phased and developed to minimize and mitigate any potential adverse effects from noise, vibration, odour, dust and other contaminants, and ensure risk to public health and safety is minimized.
- ii. As part of a complete application, all planning applications proposing *sensitive land uses* shall include a land use compatibility assessment, including but not limited to:
 - a. noise and vibration study; and,
 - b. air quality report.
- iii. For the purpose of noise and vibration studies, a Class 4 area under the Provincial NPC-300 guidelines may be considered, where it is determined necessary through a land use compatibility assessment, subject to an independent peer review.
- iv. Where a land use compatibility assessment demonstrates that source and/or site receptor mitigation actions are required, the mitigation measures shall be at the expense of the applicant and agreed upon by all affected parties.

- v. Prior to any servicing or grading, an acknowledged Record of Site Condition shall be required, to the satisfaction of Halton Region.

e) Phasing/Transition

In addition to Section 23.8.1, the following policies shall apply to the Upper Kerr Village district west of Kerr Street north of Speers Road:

- i. Notwithstanding the minimum building heights required by this Plan, building additions, alterations and/or replacements may be permitted where they can be demonstrated not to preclude the long-term redevelopment of the properties as set out in the approved comprehensive development plan, and this Plan;
- ii. A maximum floor space index of 2.1 shall be permitted prior to construction of the Kerr Street grade separation for Areas A, B and C. A minor increase may be considered without amendment to this Plan where it can be demonstrated that long-term *development* shall still be coordinated with provision of the Kerr Street grade separation, and transportation infrastructure including road network capacity, provision of frequent transit, improved pedestrian and cycling facilities, and transportation demand management strategy.
- iii. As part of filing a complete planning application a phasing plan shall be required to the satisfaction of the Town ~~and Region~~.
- iv. The phasing plan:
 - a. shall demonstrate no undue adverse impact on the continued operation of adjacent existing uses, or negative impact on the full implementation of the comprehensive development plan; and,
 - b. should include plans with access through a planned full moves signalized intersection. Prior to construction of the

Kerr Street grade separation, interim accesses may be considered where it is demonstrated that the access is safe, provides an appropriate level of service, and would not delay, add to the cost of or otherwise impact the construction of the grade separation.

- v. The phasing plan shall be supported by the following studies:
 - a. A functional servicing report which comprehensively addresses the adequate provision of stormwater, water and wastewater infrastructure for the lands designated Urban Core at the northwest corner of Speers Road and Kerr Street, including downstream analysis;
 - b. A transportation demand management and implementation strategy; and,
 - c. A transportation impact study which coordinates *development* with the provision of transportation infrastructure.
- vi. As part of a complete application for subsequent phases of *development*, a transportation data validation study shall be required to monitor and measure the effectiveness of implementation of the transportation demand management strategy of the prior *development* phase. Observed travel patterns will be used to inform any transportation impact analysis required as part of a complete planning application.
- vii. In addition to the matters set out in section 28.4, through an implementing zoning by-law amendment, a holding provision:
 - a) shall be used to secure for all upgrades and/or replacement of required stormwater, road network and water and wastewater infrastructure, if not already secured through other processes;

b) may be used to secure the execution of agreements related to the urban park and/or public access to the urban square; and,

c) may be used to secure the execution of cost sharing agreements; and,

f) Cost Sharing

- i. As part of a complete planning application, a cost sharing agreement shall be required which is administered by and entered into amongst all landowners within the comprehensive development plan. The cost sharing agreement shall demonstrate that costs associated with development including, but not limited to, the provision of parkland, infrastructure and servicing are distributed equitably amongst all landowners.
- ii. The Town may permit submission of a planning application without a cost sharing agreement, if the landowner undertakes to enter into such an agreement and consents to the Town imposing appropriate conditions to secure such an undertaking, as part of any approval of a planning application."

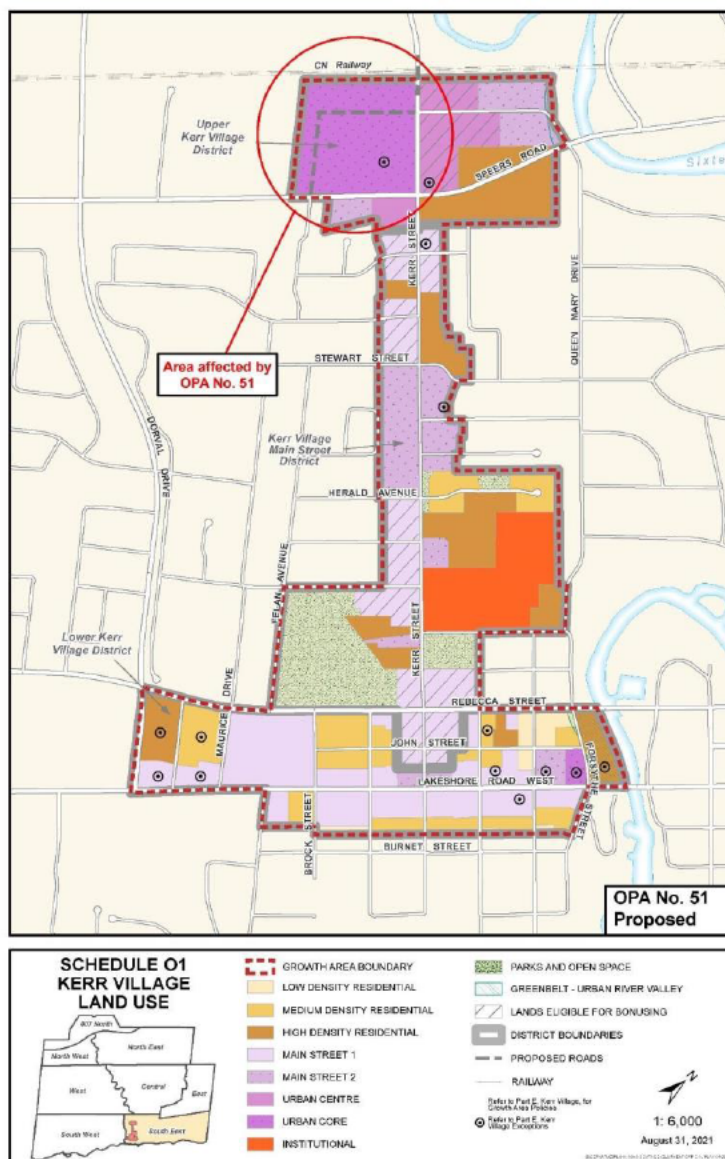
- III. Part E Section 23.8, Implementation Policies, is amended by deleting the existing exception policy 23.8.2 a) in its entirety and replacing it with:

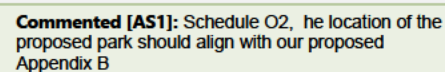
"a) The Town may permit up to two storeys of increased height beyond the maximum permitted height in the areas of Kerr Village delineated on Schedule O1, without amendment to this Plan"

- IV. Part E Section 23.8, Implementation Policies, is amended by deleting the existing exception policy 23.8.3 c) in its entirety, and replacing it with:

"c) In the Upper Kerr Village district west of Kerr Street north of Speers Road, an urban park is proposed, that:

- i. is a minimum of 0.4 hectares in size and located as conceptually shown on Schedule O2;
- ii. is accessed at street level and is connected to both Kerr Street and Speers Road by mid-block publicly accessible pedestrian connections;
- iii. may be subject to a financing and implementation agreement, to advance the design of the urban park followed by construction once all parts of the urban park are dedicated to the Town;
- iv. will be dedicated to the Town as public parkland; and,
- v. may be dedicated to the Town in a stratified arrangement, subject to the following, to the satisfaction of the Town:
 - a. The urban park shall be designed to function as public parkland, featuring a high quality public open space;
 - b. The value of the parkland contribution may be discounted, on those portions where the parkland is encumbered by ~~below-grade~~below grade private infrastructure or structures such as a private parking garage; and,
 - c. The landowner enters into an agreement with the Town to secure park design standards and specifications, design standards of below-grade private infrastructure and parkland maintenance arrangements and legal responsibilities."





*Building locations, retail uses and locations, as well as the building designs for Area D shall be further defined through the rezoning process

Area D

From: [Rahmat Ushaksaraei](#)
To: [Town Clerks](#)
Cc: [Paul Barrette; Legislative Coordinator](#)
Subject: Re: April Investments Limited, 527079 Ontario Limited, Trans County Development Corp Ltd. and Oakville Developments (2010) Inc., OPA1616.56, Ward 2
Date: Tuesday, August 30, 2022 3:00:36 PM
Attachments: [Proposed Official Plan New Amendment - Letter of Objection - Aug 30, 2022.pdf](#)
[PM_OPA1616.56_Sep-6-2022.pdf](#)
[Proposed Official Plan Amendment - Letter of Objection - Feb 11, 2022.pdf](#)

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Town Clerk,

With respected to the enclosed notification from the Town and its attached Notice of Meeting, attached please find my Objection Letter to be entered in the official records and to be included in the proposed meeting.

Regards,

Rahmat Ushaksaraei, AInstIB, P.Eng., PMP

Resident of:

– 55 Speers Road
Oakville, ON L6K 0H9

AEON Engineering Group Inc.
Founder & CEO

www.AEONEngineering.ca

accrete, The Business Excellence Realization
Founder & CEO
Rahmat.Ushaksaraei@accrete.ca
www.accrete.ca

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On 2022-08-23 14:37, Legislative Coordinator wrote:

- > Attached is the Notice of Meeting served in accordance with the
- > _Planning Act_, R.S.O. 1990, c. P.13, as amended.
- >
- > If you prefer that we use an alternative email address for service,
- > please contact Franca Piazza, Legislative Coordinator at 905-845-6601
- > ext. 5986 or at franca.piazza@oakville.ca
- >

> Legislative Coordinator
> legislativecoordinator@oakville.ca
> Planning Services
> Town of Oakville | 905-845-6601, ext.5986 | f: 905-338-4230 |
> www.oakville.ca [1]
>
> Complete our Community Development customer service survey [2]
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> [1] <http://www.oakville.ca/>
> [2] <https://www.surveymonkey.com/s/PandD-survey>
> [3] <http://www.oakville.ca/privacy.html>

August 30, 2022

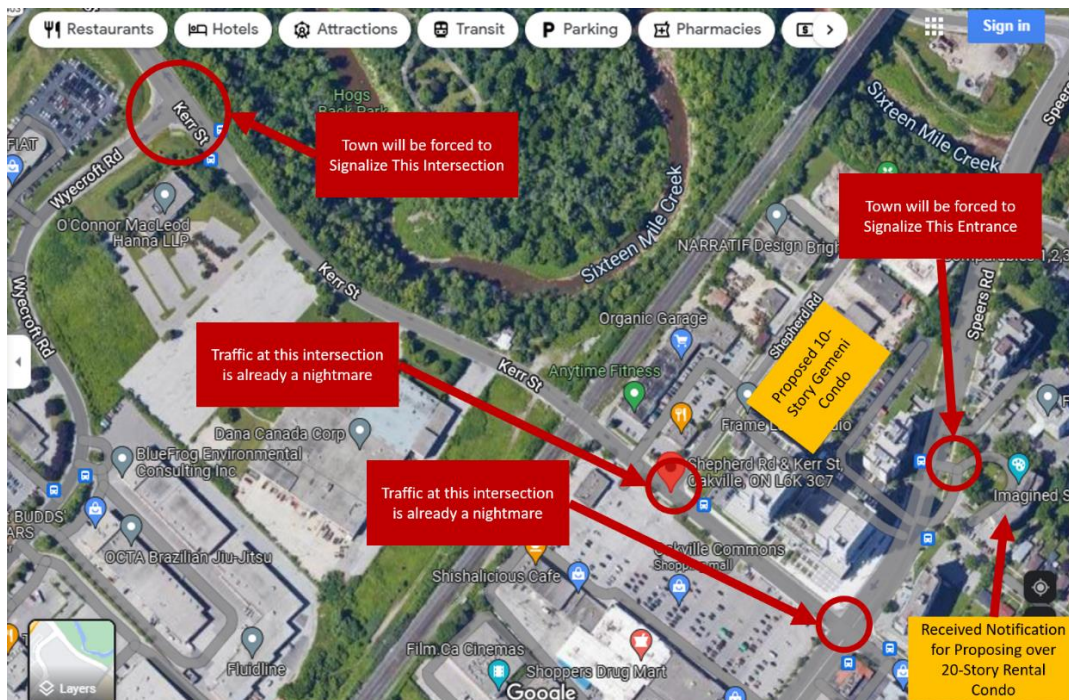
Council c/o the Town Clerk
Town of Oakville
Clerk's Department
1225 Trafalgar Road
Oakville, ON L6H0H3

Re: Proposed Official Plan Amendment; 560-584, 550, 530 Kerr Street and 131, 171 Speers Road April Investments Limited, 527079 Ontario Limited, Trans County Development Corp Ltd. and Oakville - Developments (2010) Inc. - OPA1616.56, Ward 2

Dear Town Clerk,

Subsequent to my original attached objection letter, dated February 11, 2022, once again by reiterating the simple fact that it is the direct responsibility of the Planning Department of the Town of Oakville to recognize these simple violations of the basic principle of the Urban Planning and, instead of tabling the plan before the Town Council, simply reject it in its totality, considering their continued failure to do so:

- 1- While the amended plan merely reduced the height from 28-Story Building to 26, by distributing the loss of height into other areas, fundamentally failed to address the initial concern with the total number of the approximately 1,840 residential units and approximately 7,900 m² of retail gross floor area. In other words, assuming that each unit possesses ONLY a single vehicle, this adds over 1,840 vehicles to an area, which is already dealing with traffic nightmare. Additionally, even though, on the average, the number of vehicles for residential units are more than one, as depicted below, with the Addition of future Gemeni Condo and the proposed transformation of the Low-Rise Rental Tower into a more than 20-Story one, to the equation, the traffic will become unbearable in the area and Town will be forced to signalize additional entrances and intersections, adding more delays to the exiting traffic nightmare in the area:



- 2- While the plan fails to consider the number of additional VISITING vehicles entering and existing the complex, the proposed plan additionally fails to clearly state the Total Number of Parking Spots for both Residential and Commercial Units. Otherwise, with the unknown and unspecified number of Commercial Units, the LIMITED allocated spots shown on the plan seems inadequate to take the intake visitors, in addition of the vehicles for the owners and employees on the Commercial Units.
- 3- The proposed Environmental Plan fundamentally fails to include a Comprehensive Noise Pollution Study, measuring the amplified induced noise in the area due to additional dwelling, commercial units and their vehicles. Additionally, it fails to even mention and purpose any humane solution for the extended number of the domestic birds, which have taken the exiting plaza as the safe natural habitat and dwelling.

Furthermore, considering the existing level of high wind on the Kerr Street, specially north of Speers-Kerr Intersection. the plan fails to include the added level of wind turbulence in the area, when the Highrise Towers are to create a new corridor.

- 4- As it is fundamentally important to know exactly who is deciding about this plan, responses to the following question, which is to be read out loud to all, are to be captured in the Official Meeting Minutes:

By show of hand, how many of the members of Town Council are actually RESIDING in the 100-meter Radius of the proposed site?

Finally, it is extremely ironic that at the footnote of communication from the Town of Oakville; it reads: "Canada's Best Place to Live (MoneySense 2018)", yet more than ever, many residents, who originally chose Oakville and have been contributing towards it, are wondering about the direction of the Town and its questionable decisions.

Regards,



Rahmat Ushaksaraei, AInstIB, P.Eng., PMP

Resident of:

– 55 Speers Road
Oakville, ON L6K 0H9

AEON Engineering Group Inc.
Founder & CEO

www.AEONEngineering.ca

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Founder & CEO

www.accrete.ca

To be the most livable town in Canada.

Notice of Meeting

Proposed Official Plan Amendment
560-584, 550, 530 Kerr Street and 131, 171 Speers Road
April Investments Limited, 527079 Ontario Limited,
Trans County Development Corp Ltd. and Oakville Developments (2010) Inc.
OPA1616.56, Ward 2

Tuesday, September 6, 2022, at 6:30 p.m.
In-person and by videoconference broadcast
from the Council Chamber
Town Hall, 1225 Trafalgar Road
[youtube.com/TownofOakvilleTV](https://www.youtube.com/TownofOakvilleTV)

You are invited to attend either in-person or virtually and provide input at this meeting hosted by Planning and Development Council.

Instructions on how to view the meeting or participate in-person, by written submission, videoconference or telephone are provided below.

The Planning Services department will be presenting a recommendation report with respect to this development proposal at this meeting.

The application seeks to amend the Livable Oakville Plan to permit redevelopment of the existing commercial plazas at the northwest corner of Kerr Street and Speers Road.

The effect of the proposed official plan amendment is to implement a comprehensive development plan comprised of: 11 new buildings ranging in height from 8 storeys to 28 storeys with approximately 1,840 residential units and approximately 7,900 m² of retail gross floor area; a public park with a minimum area of 0.4 ha which may include stratified ownership (private parking below); two mid-block publicly accessible pedestrian connections from the public park to Speers Road and Kerr Street; an urban square at the northwest corner of Kerr Street and Speers Road with a minimum area of 500 m²; the westerly extension of Shepherd Road and northerly extension of St. Augustine Drive; and one new mid-block private road with an enhanced streetscape.

The proposed official plan amendment would also include new and updated site-specific: urban design policies regarding the design of towers, building podium, façade treatments, green roofs / private amenity space, and structured parking; land use compatibility policies; and, phasing and transition policies to coordinate development with the provision of infrastructure. Amendments to Schedule O1 and O2 are proposed to remove bonusing, identify the extension of primary and secondary streets, show the conceptual location of the urban park and urban square, identify the location of enhanced streetscapes, and to add the location of a mid-block private road with an enhanced streetscape.

The subject land is located on the northwest corner of Kerr Street and Speers Road.

Part of this land, located at 550 Kerr Street, is also subject to a proposed zoning by-law amendment (File No. Z.1616.55) that has been appealed to the Ontario Land Tribunal (Case No. PL200333).

If a person or public body would otherwise have an ability to appeal the decision of the Town of Oakville to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Council c/o the Town Clerk at the Town of Oakville, Clerk's department, 1225 Trafalgar Road, Oakville, ON L6H 0H3 (Dropbox is located in front of Town Hall) or at TownClerk@oakville.ca before the official plan amendment is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to Council c/o the Town Clerk at the Town of Oakville, Clerk's department, before the proposed official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the Town of Oakville on this matter, you must make a written request to the Town Clerk at the Town of Oakville, Clerk's department, 1225 Trafalgar Road, Oakville, ON L6H 0H3 or at TownClerk@oakville.ca

This meeting will be live streamed on <https://www.oakville.ca/live.html> and also on YouTube at <https://www.youtube.com/user/TownofOakvilleTV>.

Any submission to the Planning and Development Council, either in hard copy or in electronic format, must be forwarded to the Clerk's department for receipt no later than noon on Tuesday, September 6, 2022, to ensure its availability to the Members of Council at the meeting. Individuals wishing to make an oral submission at the meeting must contact the Clerk's Department prior to the meeting to register as a delegation and to obtain instructions on how to participate in the meeting. Requests must be made no later than noon Tuesday, September 6, 2022, by email to: TownClerk@Oakville.ca or call 905-815-6015. Requests to delegate will not be processed during the meeting.

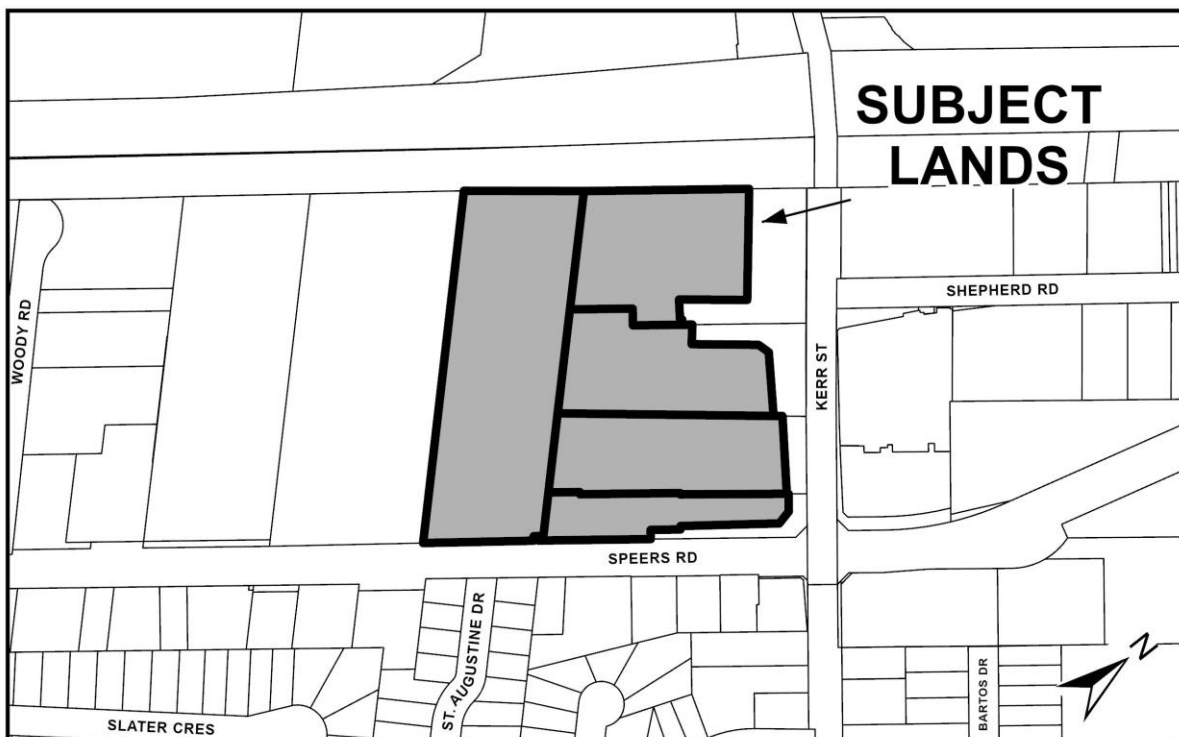
All submissions should include the full name and address of the presenter.

A copy of the proposed official plan amendment and information and material will be available to the public for inspection along with more information about this matter, including preserving your appeal rights at <https://www.oakville.ca/business/da-39836.html> or contact Paul Barrette, Senior Planner, Planning Services department at 905-845-6601, ext. 3041 (TTY 905-338-4200) or at paul.barrette@oakville.ca.

If you have any accessibility needs, please advise Paul Barrette one week before the meeting.

The personal information accompanying your submission is being collected under the authority of the Planning Act, R.S.O. 1990, c. P.13, as amended, and may form part of the public record which may be released to the public.

Dated at the Town of Oakville August 23, 2022.



February 11, 2022

Council c/o the Town Clerk
Town of Oakville
Clerk's Department
1225 Trafalgar Road
Oakville, ON L6H0H3

Re: Notice of Complete Application, Proposed Official Plan, 530, 550, 588 Kerr Street and 131, 171 Speers Road, April Investment Limited, 527079 Ontario Limited and Trans County Development Corp, OPA1616.56, Ward 2

Dear Town Clerk,

In response to the UNDATED Notification from the Town of Oakville with respect to the above-mentioned subject, while my earlier electronic communication, dated December 12, 2021, clearly stated my objection to even considering such proposal, please consider this letter as the Total Objection to the above-mentioned proposal and its possible consideration and approval by the council.

In this regard, even though the proposed planning, specially the self-reviewed and self-justified traffic plan by the developer and its third-party agent/consultant, totally ignores the first principals of the Urban and Traffic Planning, a simple review of the location and its exit roads to accommodate 1847 Residential Dwelling with the Retail Stores will result to nothing, but a traffic nightmare and chaos.

In specific, by excluding the visitors and shoppers, even considering the unusual case that each dwelling is to only own one single car and is to utilize the two future exits from the complex, it will be tremendous traffic volume for the area. Additionally, this is despite the obvious that on an average, each unit will be occupied by dwellers with more than one car in an area, which is already overcrowded by cars utilizing the roads and side-roads infrastructure to get away from the continued traffic jam, even on QEW.

Additionally, although this has become the Urban Planning Mishap in the North of QEW with very tall building sticking out like a sore thumb, even visible from the south of QEW, allowing dense population with the 28 Storeys building in the area is another Urban Planning Wrong-Doing leading to devastation of the local tranquility and layout.

Finally, at the same time that among other financial incentives, the Property Tax Income may be considered as a lucrative steady source, enough for considering this development by the town, we all needed to be reminded that along with the other People, who assisted the Town to resist and eventually remain independent from the proposed amalgamation plan, even considering this project is a total turnoff and disappointment.

Regards,

A handwritten signature in dark ink, appearing to read 'Rahmat', enclosed within a large, loopy oval shape.

Rahmat Ushaksaraei, AInstIB, P.Eng., PMP

Resident of:

– 55 Speers Road
Oakville, ON L6K 0H9

AEON Engineering Group Inc.
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Founder & CEO

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From: [Rahmat Ushaksaraei](#)
To: [Susanna Willie](#)
Cc: [Paul Barrette](#); [Town Clerks](#)
Subject: Re: OPA 1616.56 - Notice of Meeting - 560-584, 550, 530 Kerr Street and 131, 171 Speers Road
Date: Monday, November 21, 2022 8:34:41 AM
Attachments: [Proposed Official Plan New Amendment - Letter of Objection - August 30, 2022.pdf](#)

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Thank you for the information regarding the meeting.

Since the proposed amendment has failed to address the concerns and or objections raised previously, the already-submitted attached is to remain in effect as my total objection towards even considering this plan.

Regards,

Rahmat Ushaksaraei, AInstIB, P.Eng., PMP
Founder & CEO
AEON Engineering Group Inc.
e: Rahmat.Ushaksaraei@aeonengineering.ca
t: 416 . 275 . 5543
w: <http://www.aeonengineering.ca>

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On 2022-11-10 13:43, Susanna Willie wrote:

> Attached is the Notice of Meeting served in accordance with the
> _Planning Act_, R.S.O. 1990, c. P.13, as amended.
>
> If you prefer that we use an alternative email address for service,
> please contact Franca Piazza, Legislative Coordinator at 905-845-6601
> ext. 5986 or at franca.piazza@oakville.ca
>
> Susanna Willie
> Planning Clerk
> Planning Services
> Town of Oakville | 905-845-6601, ext.3959 | f: 905-338-4414 |
> www.oakville.ca [1]
>
> Vision: To be the most livable town in Canada
> Please consider the environment before printing this email.
> <http://www.oakville.ca/privacy.html> [2]

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> Links:

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> [1] <http://www.oakville.ca/>

> [2] <http://www.oakville.ca/privacy.html>

August 30, 2022

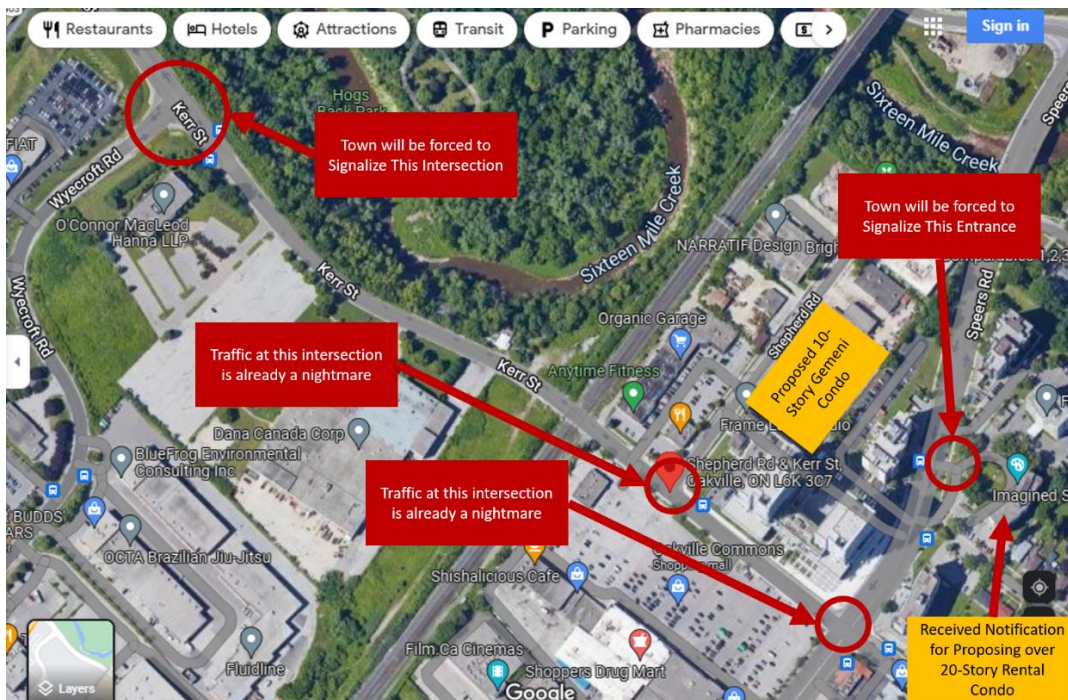
Council c/o the Town Clerk
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Clerk's Department
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Oakville, ON L6H0H3

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Regards,

Rahmat Ushaksaraei, AInstIB, P.Eng., PMP

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Suite 1603 – 55 Speers Road
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