



## REPORT

### Commissioners Delegated Authority Meeting

**Meeting Date: May 27, 2024**

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**FROM:** Planning Services Department

**DATE:** May 17, 2024

**SUBJECT:** Public Meeting and Recommendation Report, Temporary Use By-law, Town of Oakville, 420 South Service Road East, File No.: Z.1612.18, By-law 2024-088

**LOCATION:** 420 South Service Road East

**WARD:** Ward 3 [Click here to add multiple wards.](#) Page 1

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#### RECOMMENDATION:

1. That the comments from the public with respect to the Temporary Use Zoning By-law Amendment application, File No. Z.1612.18, be received; and,
2. That the Temporary Use Zoning By-law Amendment application, File No. Z.1612.18, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and Livable Oakville Official Plan, has regard for matters of Provincial Interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated April 17, 2024; and,
3. That By-law 2024-088, an amendment to Zoning By-law 1984-063, as amended, and Zoning By-law 2014-014, as amended, be passed; and,
4. That notice of the Commissioner's decision reflects that the Commissioner of Community Development has fully considered all written and oral submissions related to this matter and that these comments have been appropriately addressed.

#### KEY FACTS:

The following are key points for consideration with respect to this report:

- **Nature of Application:** A leaseholder has applied for a Temporary Use By-law to allow a land use on the subject lands for a period of 3 years.
- **Proposal:** The proposed temporary use would permit the temporary outdoor storage of trailers and motor vehicles over a long-term and/or seasonal basis, as well as the placement of shipping containers to be utilized for storage purposes by the general public. No new permanent structures are proposed, and the existing building will remain in place and will not be impacted by the proposed temporary use.
- **Location:** The subject lands are located south of the QEW and east of Trafalgar Road, on the site of the former General Electric Canada Lamp Plant. The proposed outdoor storage of trailers, motor vehicles, and shipping containers are to be located on the portion of the property where former buildings and driveways were located and undisturbed areas and the existing building will not be impacted by the proposed temporary use.
- **Policy Context:** The subject lands are designated as Office Employment within Livable Oakville (Schedule L1 – Midtown Oakville Land Use Plan) and is located in Midtown Oakville.
- **Zoning:** The subject lands are presently zoned *MTE – Midtown Transitional Employment* within Zoning By-law 2014-014, as amended.
- **Public Consultation:** Notice for the meeting regarding this application has been provided to the property owner and land owners within 240 metres of the subject lands pursuant to Section 36 of the *Planning Act* in addition to Council's resolution to provide enhanced public notification. There were no submissions received from the public with respect to this application.
- **Timing:** This application was submitted and deemed complete on March 21, 2024. The *Planning Act* provides a 90-day timeline to make a decision on this application (June 18, 2024), failing which the applicant could file an appeal for a non-decision or request a refund of fees.
- **Recommendation:** Staff recommends approval of the Temporary Use By-law as the proposed works conforms to the Livable Oakville Plan. In addition, the proposal is consistent with the Provincial Policy Statement 2020, and conforms to all Provincial plans and the Region of Halton Official Plan.

## **BACKGROUND:**

The purpose of this report is to provide a full review of the application and a recommendation on the Temporary By-law application submitted by Rose Acquisition Corporation to permit the temporary outdoor storage of trailers and

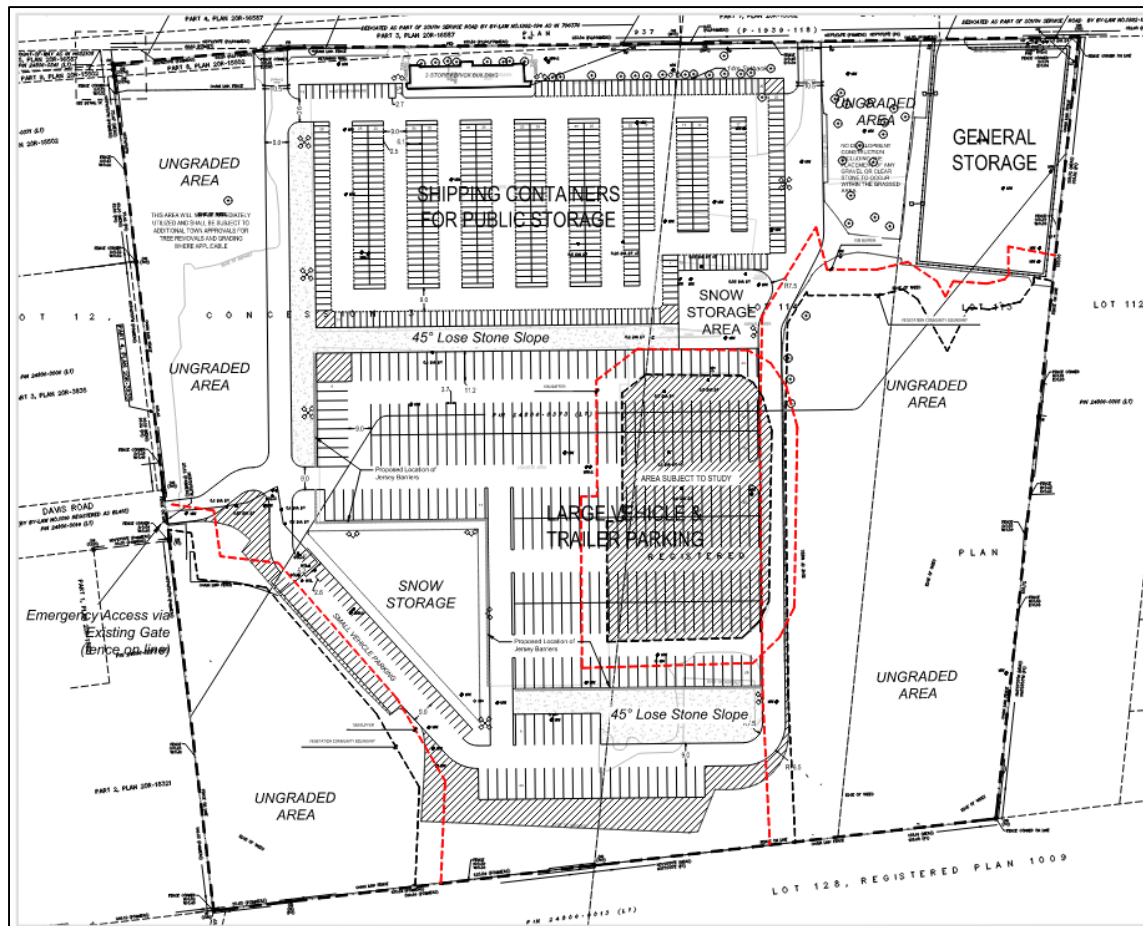
motor vehicles over a long-term and/or seasonal basis, as well as the placement of shipping containers to be utilized for storage purposes by the general public.

Notice of Complete Application and Notice of Public Meeting were sent to properties within 240 metres of the subject lands. There were no submissions received from the public with respect to this application.

The application was deemed completed on March 21, 2025. The *Planning Act* provides for a 90-day timeline to make a decision on this application (June 18, 2024), after which the applicant can file an appeal for non-decision or request a refund under Bill 109.

## **Proposal**

The proposal is to permit the temporary outdoor storage of trailers and motor vehicles over a long-term and/or seasonal basis, as well as the placement of shipping containers to be utilized for storage purposes by the general public on existing paved/concrete portions of the lands located at 420 South Service Road East. The placement of gravel or clear stone is proposed to level the existing asphalt/concrete areas where the temporary use is to occur, except within an area for future study (i.e., hatched area on Concept Plan) and the 10-metre buffers associated with it and the natural heritage feature on the site. Temporary lighting fixtures that are dark sky friendly will be installed to provide illumination for safety and security purposes, without casting light onto the adjacent highway or abutting properties. Natural visual barriers to the east, south, and west of the site will be maintained and fencing will be installed to screen the site from public view. The office building of the former General Electric Lamp Plant, which operated on the site between 1948 and 2009, is a designated Heritage Building under Part IV of the *Heritage Act*, will serve as a setback and not be impacted by the proposed temporary use.



**Figure 1:** Excerpt from Concept Plan

Given the transient nature of the use and the fact that no buildings or permanent structures are proposed affirms the use as being interim and will not preclude the future development of the site when the the Midtown Oakville Secondary Plan Official Plan Amendment process is completed.

### **Location / Site Description / Surrounding Land Uses**

The subject lands are irregular in shape, approximately 11.08 hectares (27.39 acres) in size, and are located south of the Queen Elizabeth Way ('QEW'), east of Trafalgar Road, north of the Canadian National Railway ('CNR') right-of-way and west of Chartwell Road, as seen in Figure 2.

The site has approximately 379 m of frontage along South Service Road East and access to the site is currently provided by one entrance from Davis Road and five (5) access points along South Service Road East. With the exception of the existing former office building that addresses South Service Road East, the majority of the site is currently vacant, with paved asphalt or concrete in areas that are presumed to



be the areas where former buildings, shipping and driveway areas were located. Natural areas are located in the southeast and southwest corners of the property and trees and shrubbery are scattered around the perimeter of the property.

The surrounding land uses are as follows:

- North – Queen Elizabeth Way (Provincial Highway).
- East – Existing industrial offices and uses.
- South – Canadian National Railway corridor.
- West – Hotel, industrial and office uses.



**Figure 2:** Location Map

### Key Milestones:

Pre-consultation Meeting	September 27, 2023
Application Deemed Complete	March 21, 2024
Revised Concept Plan	May 10, 2024
Revised Landscape Plan & Supplementary Material regarding use	May 16, 2024
Commissioner Delegated Authority	May 27, 2024

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Date Eligible for Appeal for Non-Decision or a refund	June 18, 2024
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This application falls under the Bill 109 timelines for a refund.

**TECHNICAL & PUBLIC COMMENTS:**

The applicant has submitted the required documents as art of the complete application submission, which have been circulated to various public agencies and internal Town departments. The following studies and supporting documentation are also accessible on the Town's website at the following link: [420 South Service Road East](#)

- Aerial Photo
- Survey
- Concept Plan
- Landscape Plan & Details
- Planning Rationale
- Arborist Report and Tree Preservation Plan
- Operations Study
- Transportation Considerations Memorandum
- Natural Heritage Assessment
- Phase 1 Environmental Site Assessment
- Environmental Considerations Letter

No agencies/departments identified any concerns with the temporary use.

The works undertaken for the proposed temporary use include:

- placement of gravel/clear stone where asphalt/concrete surface is uneven, except:
  - within the area subject to future study and its associated 10-metre buffer; and,
  - within the 10-metre buffer of natural heritage features;
- temporary light fixtures that are dark sky friendly;
- jersey barriers shown where required along sloped areas;
- security gates and 1.8-metre fencing (agent to confirm whether hoarding panels or mesh); and,
- installation of coniferous trees along South Service Road East frontage.

There are no changes proposed to the following:

- office building of the former General Electric Lamp Plant;
- ungraded/natural areas;
- site servicing; and,

- grading.

The Arborist Report and Tree Inventory confirmed there are no species at risk were discovered and, following the submission of a revised Concept Plan, fewer trees are proposed to be removed (i.e., 12 trees of varying species and conditions). Compensation will be required in accordance with the Private Tree Protection By-law and the town's Tree Protection policies, procedures and by-laws are applicable at all times.

The Natural Heritage Assessment noted that the treed areas on the site have the potential to support species and concluded that if the proposed temporary use avoids large diameter trees and implements a 10-metre buffer to treed areas, impacts to species will not be anticipated. The report also recommends a management plan to remove and prevent the spread of invasive species (e.g., phragmites) during site preparation (i.e., the placement of gravel/clear stone) for the proposed temporary use.

The Operations Study outlined the different types of storage to be utilized on the site, including the use of outdoor shipping containers for general storage purposes, the outdoor storage of passenger vehicles, recreational vehicles and associated trailers, and single unit trucks. The study also explained how access to the site and within the various storage areas would be managed, including the maneuvering of vehicles, as well as how the shipping containers will be accessed by customers. Additional information on forecasted traffic and vehicle movement within the site was detailed in Transportation Considerations Memorandum. Based on the review of the proposed operation, a negligible amount of vehicle traffic will be generated during key peak periods of the weekend and weekend conditions, and the existing access driveways along South Service Road East are appropriate to accommodate the proposed temporary use, which will have little or not impact on the streets in the area. Emergency access to and throughout the site has been accommodated in the layout of the proposed temporary use.

A Phase 1 Environmental Site Assessment and Environmental Considerations Letter were prepared to address the environmental condition of the site, and no further investigations are required in relation to the proposed temporary use of the site.

## **POLICY FRAMEWORK:**

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- Livable Oakville

- Zoning By-law 1984-163
- Zoning By-law 2014-014
- Ministry of Transportation Building and Land Use Permit

### Provincial Policy Statement

The Provincial Policy Statement (2020) ('PPS') is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

The proposed use will support local businesses and residents through the provision of outdoor storage of shipping containers for storage purposes, outdoor storage for personal vehicles, and recreational vehicles, including boats, snowmobiles, etc. and their associated trailers, and single unit trucks. Staff are of the opinion that the proposed temporary use by-law would support local residents and that the proposal is consistent with the PPS.

### Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (2020) ('Growth Plan') is a long-term plan that intends to manage the growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.2). The subject land is located with a 'Delineated Built-up Area'.

It is staff's opinion that the proposal represents an appropriate interim use of underutilized land until such time that a policy framework and servicing strategy has been established for Midtown Oakville, in accordance with the vision of the Growth Plan for an Urban Growth Centre / Strategic Growth Area.

### Region of Halton Official Plan

The subject lands are designated 'Urban Area' in the Halton Region Official Plan (ROP). The Urban Area policies of the ROP support a range of permitted uses and creation of new lots within the Urban Area will be in accordance with the Local Official Plans and Zoning By-law. All development, however, will be subject to all other relevant policies of the ROP.



Map 1H and Map 6a identify Midtown Oakville GO as an Urban Growth Centre / Major Transit Station Area, which is intended to provide a range and mix of transit-supportive uses, such as, but not limited to residential, retail, office and public uses. Section 81.2 of the ROP, contains policies that development with higher densities and mixed uses will be directed to Major Transit Station Areas, and also prohibits the establishment of land uses and built form that would adversely affect the achievement of minimum density targets.

Staff are of the opinion that the proposed temporary use will not preclude the future development of the subject land to support the planned function of the Midtown Oakville GO Growth Area.

### Livable Oakville

Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011. The Livable Oakville Plan is currently being reviewed to ensure the policies are consistent with the Provincial and Regional policies, support the Town's strategic goals, and reflect the visions and needs of the community.

The subject lands are identified on Schedule A1, Urban Structure, of the Livable Oakville Plan as being within Midtown Oakville which is one of the 'Nodes and Corridors'.

### Growth Area Policies

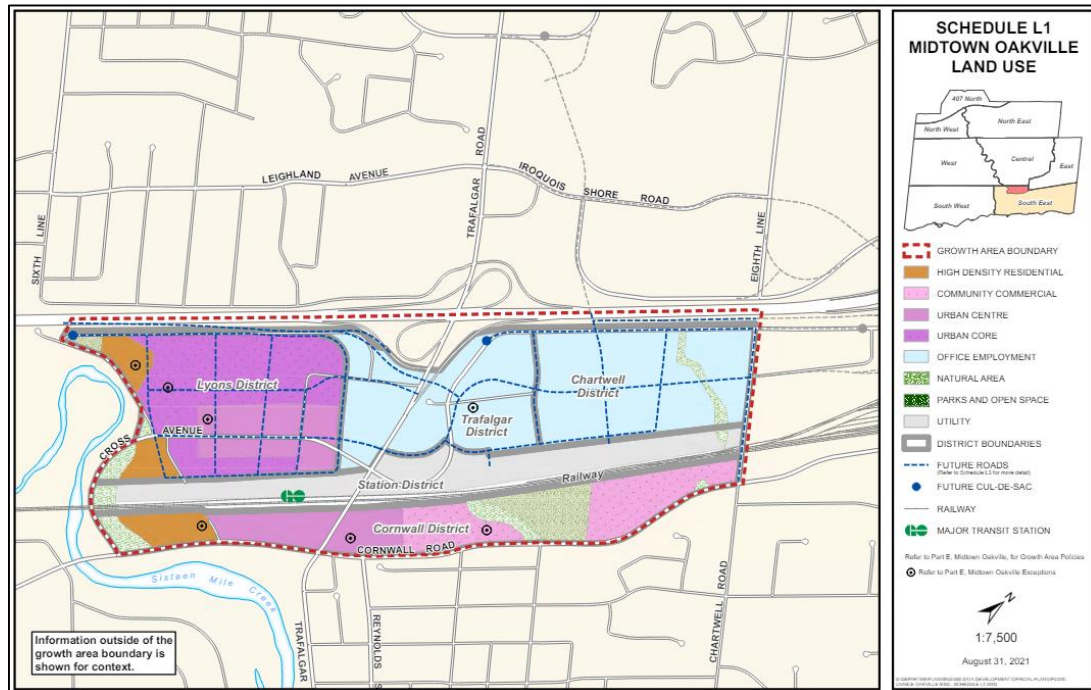
Midtown Oakville is the town's Urban Growth Centre and a Protected Major Transit Station Area surrounding the Oakville GO/VIA Station. The area is intended to accommodate a significant portion of future population and employment growth in the Greater Golden Horseshoe.

Midtown Oakville is intended be a vibrant, transit-supportive, mixed use urban community and employment area with each of the five districts having a distinct character, in terms of land use and built form. Presently, however, it contains a large amount of vacant and underutilized land in proximity to major transportation corridors, including local, regional and inter-regional road, rail and transit service.

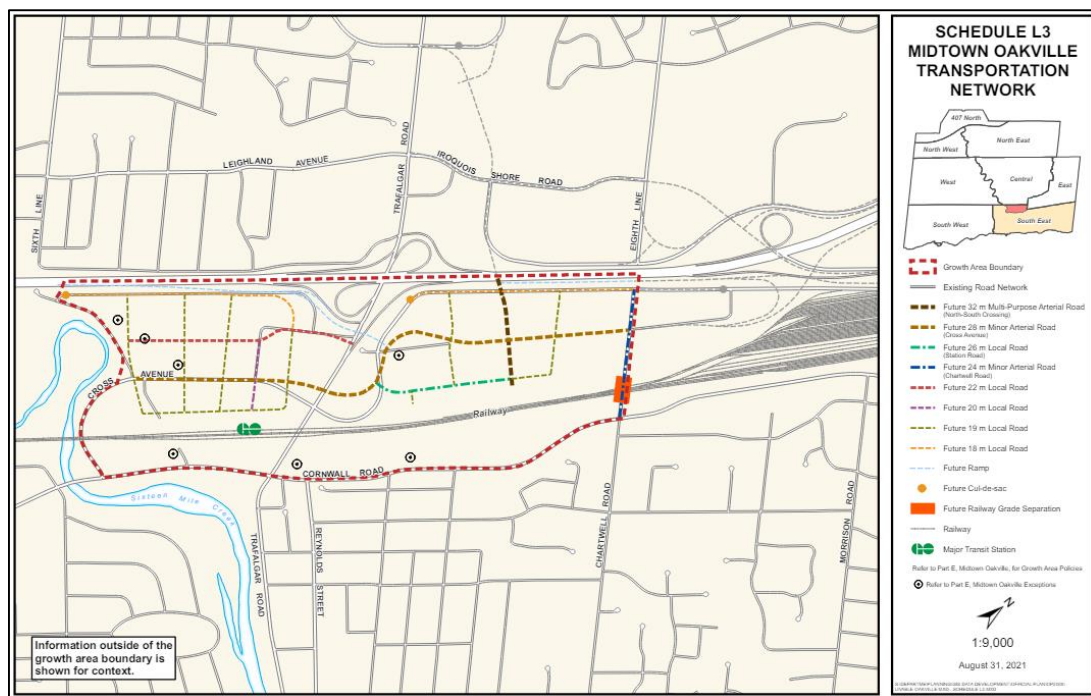
### Land Use Policies

The subject lands are designated Office Employment within the Chartwell District on Schedule L1 – Midtown Oakville Land Use, as shown on Figure 3. This district is intended to provide employment activities not typically located within high-rise buildings and the Office Employment designation permits a diverse range of employment activities, including high-tech and innovative business and office uses with building heights between 2-6 storeys and eligibility for bonusing. Within this broader geographic area of Midtown (Chartwell), a post-secondary use may also be

permitted. Schedule L3 – Midtown Oakville Transportation Network identifies future Minor Arterial and Local Roads traversing the property, as shown in Figure 4.



**Figure 3: Livable Oakville, Schedule L1 – Midtown Oakville Land Use**



**Figure 4: Livable Oakville, Schedule L3 – Midtown Oakville Transportation Network**

### Midtown Oakville Growth Area Review

The town is undertaking a review of Midtown Oakville, and has assembled a consultant team to update policies and implement the overall vision to guide growth in Midtown Oakville. Following the statutory public meeting to discuss a draft Official Plan Amendment ('OPA') for Midtown Oakville on April 22, 2024, staff were directed to prepare a revised concept for Midtown Oakville, which will be presented at a Special Council Meeting on June 3, 2024 and a revised draft OPA anticipated for approval in mid-August 2024.

### Temporary Use By-laws

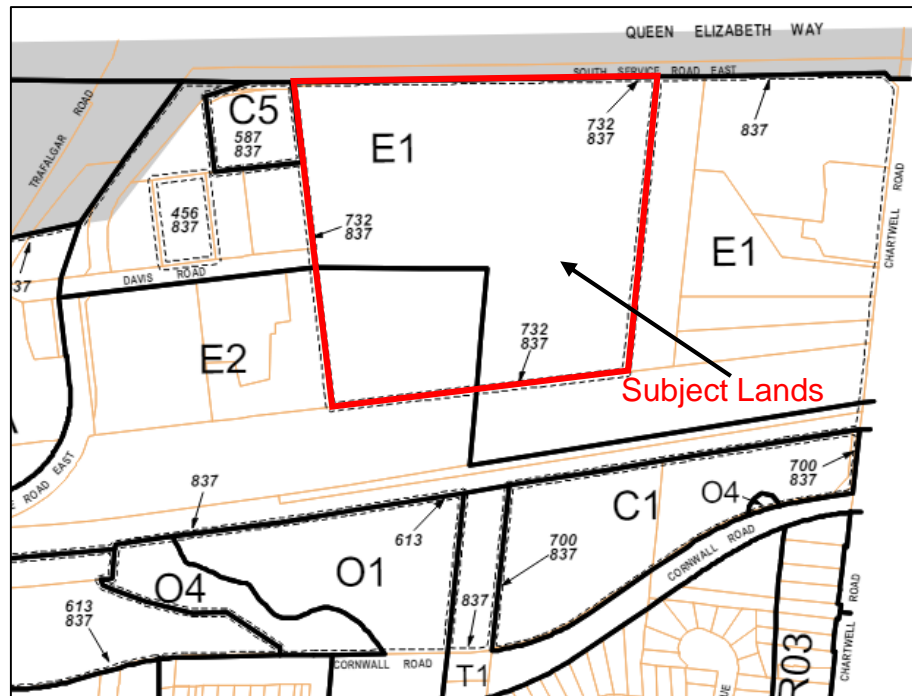
Livable Oakville includes criteria upon which the Town may authorize the temporary use of land, including that the proposed use is in general conformity with the Plan, is compatible with adjacent land uses, is subject to limitations on time for which the use may be permitted (i.e., expiration date), has sufficient services to support the use, and will not adversely impact traffic or transportation facilities and provides adequate on-site parking facilities.

It is staff's opinion that the proposed temporary use meets the above criteria and is an appropriate and efficient use of underutilized land within Midtown Oakville as a temporary interim use that will not preclude the future development of the site for intended land uses.

### Zoning By-law 1984-163 and Zoning By-law 2014-014

When staff brought forward Zoning By-law 2014-014 to implement Livable Oakville, there was a note included in the Midtown Transitional Employment (MTE) Zone that stated building envelopes should be frozen to those legally existing on February 25, 2014. The owner of the subject lands (formerly General Electric Canada, now GH Healthcare Canada Property Inc.) submitted an appeal to the Ontario Municipal Board regarding the permitted uses and regulations in the MTE Zone (Part 7 of Zoning By-law 2014-014), and that appeal remains unresolved. Therefore, Zoning By-law 1984-063 remains in effect for the subject lands and the proposed temporary use by-law must amend both Zoning By-laws 1984-063 and 2014-014.

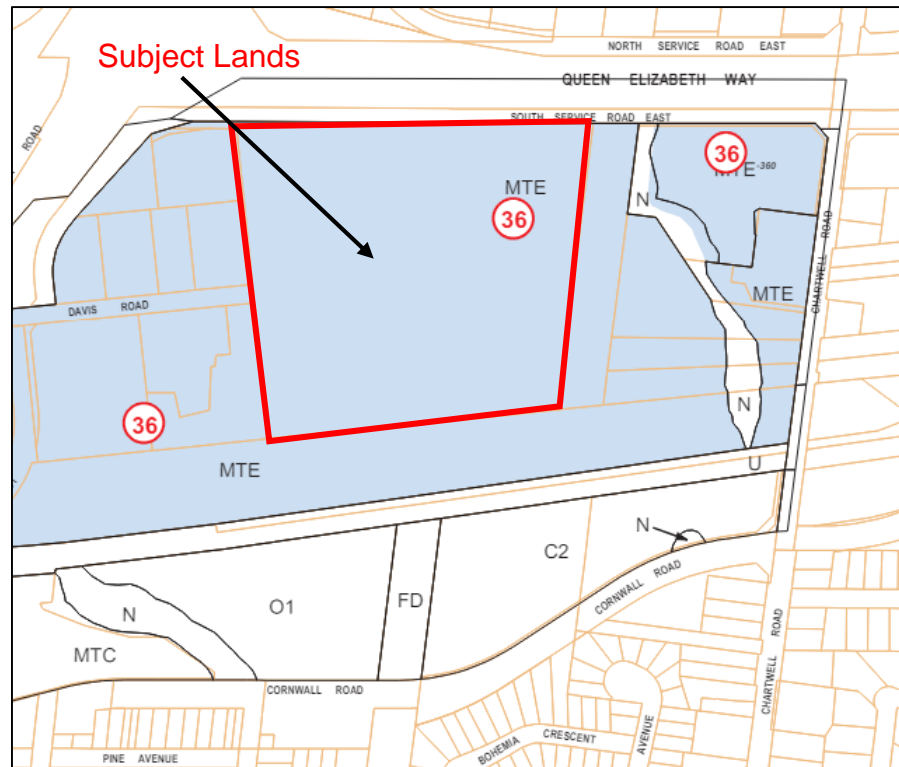
Under Zoning By-law 1984-063, the southwest quadrant is zoned General Employment (E2, SP: 732, 837), while the remaining majority of the lands zoned Light Employment (E1, SP: 732, 837), as shown on Figure 5.



**Figure 5: Zoning By-law 1984-063 Map with Subject Lands**

Special Provision 732 relates to the manufacturing of light bulbs and related materials that previously occurred on the site, while Special Provision 837 applies to, among other lands, the entirety of Midtown Oakville, in that the use, building or structure related to a drive-through facility is prohibited. The outdoor storage of motor vehicles and shipping containers for storage purposes is not permitted within the either the General Employment Zone or the Light Employment Zone.

As shown on Figure 6, under Zoning By-law 2014-014, the entirety of the lands are zoned Midtown Transitional Employment Zone, which permits specified range of uses within buildings legally existing as of the date of the passage of the by-law, namely February 25, 2014.



**Figure 6:** Zoning By-law 2014-014 Map with Subject Lands

The outdoor storage of motor vehicles and shipping containers for storage purposes is not permitted within the Midtown Transitional Employment Zone. As stated earlier, the landowner appealed the permitted uses and regulations of the MTE Zone and that appeal remains unresolved (OMB Case No. PL140317).

The proposed temporary use involves the placement of shipping containers to be utilized for storage purposes and the outdoor storage of recreational vehicles, associated trailers and motor vehicles over a long-term and/or seasonal basis, on existing paved/concrete portions of the subject lands. The proposed temporary use of outdoor storage of shipping containers and vehicles is similar in quality and attributes as other uses permitted a secondary uses in the Light Employment and General Employment Zones under Zoning By-law 1984-063, such as *Parking – Heavy Vehicles*, *Vehicle Repair Dealerships* and *Vehicle Repair Facilities*. Although the storage of trucks and trailers are proposed, the temporary use will not operate as a transportation terminal because they will be stored over a long-term and/or seasonal basis.

Users of the proposed outdoor storage facility will enter the lands via the existing two-way access driveways along South Service Road East with controlled gates equipped with keypads installed outside the 14-metre setback required by the Ministry of Transportaiton. Access to their storage container or motor vehicle will be

provided by an internal driveway network that provides sufficient width for the parking of personal vehicles within the drive aisle to allow the safe passage of other vehicles (9-metre drive aisles). Customer parking in this fashion is typically short in duration with loading or unloading items into or out of the adjacent shipping container. Should any customer parking be provided, it would be at the prerogative of the applicant because there are no buildings or structures to be utilized for the proposed temporary uses. However, any customer parking that is provided on-site must meet the minimum dimension requirements of 2.7m by 5.7m, which has been illustrated on the submitted Concept Plan. Furthermore, sufficient maneuvering space has been accounted for in areas where larger vehicles are to be stored, and fencing along South Service Road East will provide a visual barrier, screening the use from public view. The existing access via Davis Road will not be used, except as an emergency exit.

To ensure that shipping containers are not stacked on top of each other, a maximum height that reflects the height of typical sea can has applied, which will also permit smaller containers used by households during the renovation or moving process. Relief from the by-law provision requiring shipping containers be a secondary use of the land has also been added, since outdoor storage is the proposed primary use of the lands on a temporary basis.

As the outdoor storage primarily caters to the general public, the proposed temporary use will attract minimal traffic as pick-up and drop-off activities are intermittent with trips typically made during off-peak hours and on weekends. Some items, such as recreational vehicles and boats, are stored on a seasonal basis during the months in which they are not permitted to be stored on private driveways. The area identified as small vehicle parking on the Concept Plan may be utilized by the general public, but may also be used by motor vehicle dealerships, whose inventory may exceed that which may be accommodated at their dealership location.

As indicated earlier, no new permanent structures are proposed, and the existing building will remain in place and will not be impacted by the proposed temporary use.

A copy of the Draft By-law 2024-088 is attached as **Appendix 'A'**.

#### Ministry of Transportation Building and Land Use Permit

A Building and Land Use Permit from the Ministry of Transportation ('MTO') will be required for essential site works related to the proposed temporary use because the lands are within the MTO Controlled Area of the QEW. MTO staff have no objection to the temporary use, in principle, and require the review and approval of plans,



including a photometric analysis for the temporary light fixtures to be installed adjacent to the MTO right-of-way.

## **CONCLUSION:**

A full circulation and assessment of the application was undertaken to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is satisfied that the application, as amended, is consistent with the Provincial Policy Statement and conforms to the Growth Plan and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning. Further, the application is consistent with the principles and overall policy direction of both the 2006 Official Plan and the Livable Oakville Plan.

Staff recommends approval of the temporary use by-law application to permit the proposed development for the following reasons:

- A full circulation has been undertaken, and there are no outstanding planning issues to be resolved;
- The application is consistent with and would implement the vision, development objectives, community design strategy and land use strategy of Livable Oakville;
- The proposed outdoor storage of shipping containers and motor vehicles complies with the Zoning By-law regulations applicable to the subject lands, except for Section 4.11, regarding the provision for landscaping, and Section 4.22, which is the requirement that shipping containers be a secondary use.
- Opportunities for public participation were provided as part of the Notice of Complete Application and Recommendation Meeting Notice through a mailing to all properties within 240 metres of the subject property. No objections have been received from the public in response to the notices.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

Notice for the meeting regarding this development has been provided to the property owner and land owners within 240 m of the subject lands pursuant to Section 36 of the *Planning Act* in addition to Councils resolution to provide enhanced public notification. There were no submissions received from the public with respect to this application.

**(B) FINANCIAL**

None are associated with this report.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for review and comment.

**(D) COUNCIL'S STRATEGIC PRIORITIES:**

This report addresses Council's strategic priority:

- Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

**(E) CLIMATE CHANGE/ACTION**

The proposed works have been reviewed to ensure compliance with the Town's sustainability objectives of Livable Oakville. The proposal has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 to provide opportunities to reduce the impact on existing trees and naturalized areas of the site.

**APPENDICES:**

Appendix A – By-law 2024-088

Prepared by:

Delia McPhail, MCIP, RPP

Planner, Current Planning - East District

Recommended by:

Paul Barrette, MCIP, RPP

for Leigh Musson, MCIP, RPP

Manager, Current Planning - East District

Submitted by:

Gabe Charles, MCIP, RPP

Director, Planning Services