



October 15, 2024

Mayor Burton and Members of Council
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

e: townclerk@oakville.ca

Dear Mayor Burton and Members of Council:

**RE: Submission Letter: Proposed OPA 68: Town-initiated Official Plan Amendments to Preserve the Town's Protected Employment Areas
OUR FILE 17106A: Rebecca / Burloak**

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") are retained by Burloak Market Place Inc. to represent their interests in lands located at 3515-3545 Rebecca Street in the Town of Oakville (the 'Subject Lands'). The Subject Lands are located at the northeast corner of the intersection of Rebecca Street and Burloak Drive. These lands are also located at the inter-municipal boundary line of the Town of Oakville and the City of Burlington. Specifically, that boundary is Burloak Drive where single detached dwelling units predominate to the west, southwest and south forming a contiguous residential land use, while further to the east and northeast, across Great Lakes Boulevard, are industrial lands.

The Subject Lands are designated Business Commercial in the Town's Official Plan, which permits retail, service commercial and office uses, as well as motor vehicle related uses, hotels, public halls, indoor sports facilities, places of entertainment, and training facilities and commercial schools. The Subject Lands are also subject to site-specific policy 27.1.7, which establishes permissions for certain minimum and maximum amounts of office and retail and service commercial uses. The Subject Lands are zoned Business Commercial (E4 (SP 15)) wherein the site-specific provisions generally pertain to floor areas of the permitted uses and minimum parking spaces required.

Proposed Official Plan Amendment 68

The Town of Oakville staff propose an amendment to Part D: Land Use Designations and Policies, section 14.1 Employment, General policies within the Livable Oakville Plan, in response to the new definition of "area of employment" in the *Planning Act*, together with new s.1(1.1) and 1(1.2), which come into effect on October 20, 2024. The new definition of "area of employment" in the *Planning Act* will exclude institutional uses, as well as commercial uses, including retail and office uses that are not associated with manufacturing uses, uses related to research and development in connection with manufacturing, and/or warehousing uses.

The proposed new policy 14.1.1.a will no longer permit new commercial (office and retail) or institutional uses within lands designated Office Employment, Business Employment, Industrial and Business Commercial, other than retail and office uses that are associated with manufacturing, research and development and warehousing uses. Proposed new policy 14.1.1.b will allow parcels of land within the Office Employment, Business Employment, Industrial and Business Commercial designations that were used for institutional uses and commercial uses (including retail and office uses) that were lawfully established on or before October 19, 2024, to continue to be used for such purposes.

Our comments on the proposed OPA 68 policies, as they affect the Subject Lands, are set out below.

Site Context

The neighbourhood block where the Subject Lands are located is best described as an 'island' situated between two diverse, and potentially incompatible uses: 1) low density residential; and, 2) industrial. On the isolated island block itself, no employment uses (as defined in the new *Planning Act* definition of "area of employment") exist and the Subject Lands are bounded by the following three minor arterial roadways:

- 1) Great Lakes Boulevard to the east
- 2) Burloak Drive to the west; and,
- 3) Rebecca Street to the south.

Accordingly, it is our opinion that the Subject Lands do not constitute an "area of employment" as per the new definition in the *Planning Act* or an "employment area" as defined in the PPS 2024.

The Subject Lands are bounded to the north, east and south by current and established Livable Oakville land use designations (and existing developments) as follows:

North: Business Employment Exception: Place of Worship and Associated Educational Facility (on site greater than 2 ha)
Existing Development: Institutional Use: Place of worship.

East: Business Employment
Existing Development: Multi-use Commercial Retail Plaza.

South: Low and Medium Density Residential
Existing Developments: Single Detached and Townhouse Dwelling Units.

West: City of Burlington:
Residential High Density (west) and Residential Medium Density (southwest)
Existing Developments: Nursing home (Burloak Long Term Care) and Single Detached Dwelling Units.

Land Use Designation: Historic Permitted Uses

Within the past 20 years, the Subject Lands have not been designated for industrial land uses. The Town of Oakville, has for two decades, shown that there exists a difference between 'industrial' land uses and 'business commercial' uses. In 2009, the Oakville Official Plan ('2009 OP'), Schedule F: Southwest Land Use identified the following specific land use designations within Employment Areas:

- Industrial
- Office Employment
- Business Employment and
- Business Commercial.

In 2009, the definition of Employment Area in the Livable Oakville Plan indicated that land uses were not restricted to industrial uses alone:

*Employment areas means areas designated in an Official Plan for **clusters of business and economic activities** including, but not limited to, manufacturing, warehousing, **offices**, and associated retail and ancillary facilities.*

As such, Business Commercial uses were defined as areas that:

*may include hotels, training and commercial educational facilities, auto-related service and sales, and **service commercial uses** including restaurants.*

Comparatively, lands designated Industrial included the following uses:

*may include **heavy industrial operations** such as manufacturing, assembling, processing, fabricating, refining, repairing, warehousing, and wholesaling. **Outdoor storage may be permitted.** Training and commercial educational facilities associated with Industrial uses may be permitted. A **waste processing station, waste transfer station** and transportation terminal may also be permitted*

Given the context of the Subject Lands, it is apparent that industrial uses are not a suitable use adjacent to existing sensitive uses.

New Provincial Policy Direction: Provincial Planning Statement 2024

Not only will the *Planning Act*, section 1, be amended in terms of altering the definition of "area of employment", but the new Provincial Planning Statement (PPS 2024) will include a similar definition for "employment area" and also identifies what 'supporting a modern economy' by an approval authority signifies in Part 2.8 Employment:

1. *Planning authorities shall promote economic development and competitiveness by:*
 - e) **addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.**

In the context of the PPS 2024, s.2.8.1, the Subject Lands, as currently designated for Business Commercial and near industrial designated lands further to the east, serve as an appropriate transitional use to the sensitive land uses to the west and south.

Recommendation

Given that the Subject Lands have existing permissions for commercial and office uses under the Business Commercial designation, through our client's site specific zoning, we are expressing significant concern with proposed policy 14.1.1.a, and seek confirmation to ensure our client's uses will continue to be permitted.

In context of the Subject Lands and abutting lands uses, that represent a mix of institutional, commercial and residential, it is recommended that the Town of Oakville revisit the Employment Area designation of the Subject Lands on Schedule A1 – Urban Structure of the Town's Official Plan, consistent with the new definitions of "area of employment" in the *Planning Act* and "employment area" in the PPS 2024. Consideration should be given to the ground-truthing of current, existing uses and permissions on lands that serve as a transitional area between industrial and residential designated lands.

Conclusion

We appreciate the opportunity to provide the Town of Oakville with our comments regarding draft OPA 68. Kindly ensure that we receive notice of any Council decision(s) regarding this matter.

Yours truly,

MHBC



Oz Kemal, BES, MCIP, RPP
President

cc. Burloak Market Place Inc.