

SITE PLAN
SCALE: 1:400
0 5 10 15 METERS

SITE ANALYSIS

TOTAL SITE AREA	22,369.69 M ² (2.24HA)
TOTAL BUILDING AREA	1817.56 M ²
BUFFER STRIP	302.34 M ²
LANDSCAPING AREA	2,256.42 M ²
PARKING SPACES CARS	41 (INC. 1 HANDICAPPED PARKING)
PARKING AREA FOR TRUCKS	5,581 M ² (25% OF TOTAL SITE AREA)
LOT COVERAGE	(8.13%)
LOT FRONTAGE	100.78m
FRONT YARD	9.0m
SIDE YARD	5.0m (ACTUAL) 3.0m (REQUIRED)

LAND USE SCHEDULE

ZONING	E-1
PAVED SURFACE AREA	3,213.68 m ²
ASPHALT GRINDINGS	5,581 m ²
GARBAGERECYCLING AREA	25.00 m ²

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - ▲ DENOTES O.H. DOOR LOCATION
 - △ DENOTES MAN DOOR EXIT
 - IB DENOTES IRON BAR
 - CMP DENOTES CORRUGATED METAL PIPE
 - MH DENOTES MANHOLE
 - CBMH DENOTES CATCH BASIN MANHOLE
 - CB CATCH BASIN
 - (C) INDICATES ELEVATION ON TOP OF CURB
 - +FH FIRE HYDRANT
 - +HP HYDRO POLE
 - TEL TELEPHONE
 - DRAINAGE ARROW

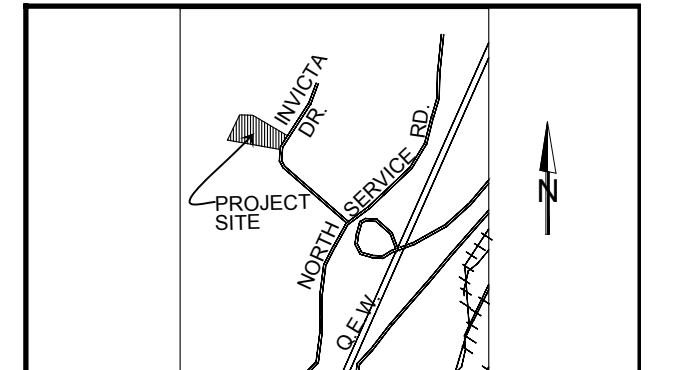
STATEMENT OF DESIGN SIZE, OCCUPANCY & CONSTRUCTION

OCCUPANCY CLASSIFICATION	GROUP F, DIVISION 2 PART 3, DIVISION 2 ARTICLE 3.2.2.70 TABLE 3.2.2.70.A. COL. 1
SPRINKLERS	NOT REQUIRED
CONSTRUCTION	NONCOMBUSTIBLE
No. OF STOREYS	ONE STOREY
No. OF STREETS	ONE STREET (FIRE ROUTE) (OFF INVICTA DRIVE)
FIRE ALARM STANDPIPE	NOT REQUIRED
EXISTING ELEVATION	EXISTING ELEVATION
+ 000.000	NEW ELEVATION
DESIGN REVIEW	ENGINEER

NOTE ON LIGHTING:
ALL OUTDOOR LIGHTING SHALL BE DIRECTED DOWNWARD AND INWARD AND DESIGNED TO MAINTAIN ZERO CUT-OFF LIGHT LEVEL DISTRIBUTION AT THE PROPERTY LINE.

CREDITS
PLAN SHOWING PART OF LOT 7, BLOCK A REGISTERED PLAN 608 TOWN OF OAKVILLE
SURVEY INFORMATION HAS BEEN TAKEN FROM A PLAN PREPARED BY KENNETH H. MCCONNELL, O.L.S. 1973 (ORIGINAL SURVEY DONE IN IMPERIAL UNITS) (CONVERTED TO METRIC BY HAI)

KEY PLAN



CONTRACTOR TO VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE COMMENCEMENT OF WORK. WORK NOT TO PROCEED UNTIL ALL APPROPRIATE PERMITS HAVE BEEN OBTAINED. DO NOT SCALE DRAWINGS.

REVISIONS

NO	DATE	DESCRIPTION	REV. BY
1	15JULY24	MODIFY PROPOSED TRUCK PARK. AREA. A/P TOWN	DH

ISSUED

NO	DATE	DESCRIPTION
1	15JULY24	FOR REVIEW

hawley and associates inc
integrated design and construction management

hā

2795 huntington trail oakville, ontario N6J 7g7
905.467.4542 info@hawleyandassociates.ca

PROJECT - PROPOSAL

PARKING

SITE PLAN

CLIENT

INDUSTRY DIESEL & TURBO SERVICE LTD
1015 INDUSTRY ST. OAKVILLE, ONTARIO

SCALE	DATE	DRAWING NO.
AS NOTED	3JULY2023	
DRAWN BY	PLOT DATE	
D.H.	3JULY2023	A1.0
CHECKED BY	PROJECT NO.	
D.H.	23007	

October 7, 2024
24P02

Kelly Lanaus, CPT
Senior Zoning Plans Examiner
Building Department
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Kelly,

**RE: PLANNING RATIONALE – REVISED APPLICATION FOR MINOR VARIANCE
Town Application/File No. CAV A/074/2024
1140 Invicta Drive
Town Of Oakville**

We are planning consultants to 1600767 Ontario Limited (the “Applicants”) who own 1140 Invicta Drive (the “Subject Lands”). We submitted the original application April 8, 2024, and at its May 15th hearing the Committee of Adjustment granted a deferral to allow further discussions with Staff. We now submit a revised minor variance application for the Committee’s consideration which, in our opinion, reflects these discussions and works to address the concerns expressed by staff.

Specifically, the Applicant has significantly reduced the size of the parking area, and we hereby amend the application to request this existing parking be allowed to persist as a “Parking Area, Heavy Vehicle” despite it not being accessory to the primary use on the property. The revisions are explained in further detail below.

In our opinion, the revised requested variance meets all the tests under Section 45(1) of the Planning Act and represents good land use planning.

THE REVISED MINOR VARIANCE

In the original submission, the Applicant sought permission to allow the continued use of the parking area as a “Motor Vehicle Storage Compound”, whereas such a use was not permitted in the E2 zone.

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However, further to our discussions with Staff, and further to several physical changes to the parking area (including a substantial reduction in its size), we are revising the application to seek the continued use of the parking area as a “Parking Area, Heavy Vehicle” despite it not being accessory to the primary use.

THE SUBJECT LANDS & PURPOSE OF THE APPLICATION

Purpose Of The Application

As mentioned, the purpose of the application is to permit the continued use of a portion of the Subject Lands as a storage/parking area for truck-tractors by Musket Transport Ltd. (“Musket”) who are leasing the lands from the Applicant.

As described in our initial submission, the Applicant and Musket erroneously constructed and started using the truck parking area without first securing the appropriate zoning relief from the Town. The purpose of this application, and of the revisions now being submitted, are to rectify this and seek the appropriate zoning relief.

Surrounding Context

Please refer to our April 8, 2024, letter for a description of the surrounding context.

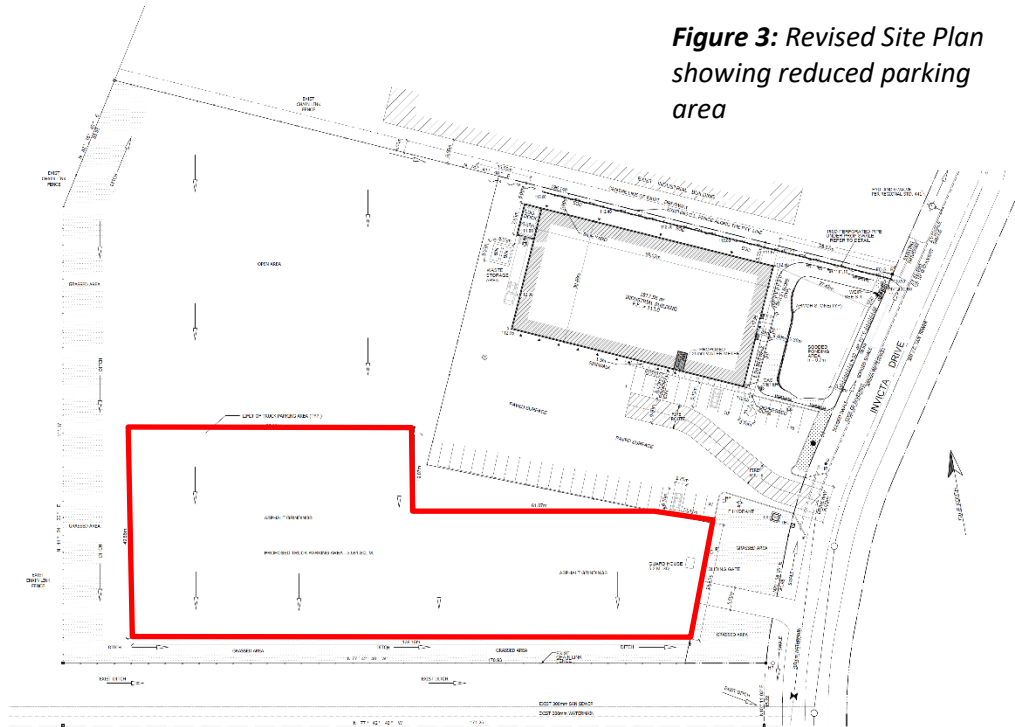
Staff Concerns & The Changes Made To Address Them

The revised parking area has been reduced to comply with all standards applicable to a “Parking Area, Heavy Vehicle”, except for the fact that it is not accessory to the primary use. Specifically:

- The parking area has been reduced so that it occupies no more that 25% of the lot area;
- The parking area is located in the rear yard and interior side yard;
- The parking area is setback more than 3.5m from all lot lines;

A copy of the revised site plan is enclosed with this submission.

Figure 3: Revised Site Plan showing reduced parking area



A key concern of Town Staff with the original submission was the size of the parking area and potential impacts arising from its size. The size of the parking area has been significantly reduced. Likewise, we note that an opinion letter from HGC Engineering was submitted with the original application which assessed potential noise impact from the original, larger, parking area. That report concluded that, given background sound levels from traffic noise from the surrounding roadways, noise impacts upon residences along Falgarwood Road from the parking area will be minimal. Any potential noise from the much smaller parking area will be even less.

Staff also expressed concern that they had not previously been given the opportunity to review the site changes in more detail before the parking area was built. A key purpose of this application is to rectify that. The Applicant has expressed in their discussions with Staff an openness to review such things as appropriate screening and a review of site grading, either via conditions of approval of the requested variance, and/or during the review of any subsequent permits that may be required.

We Disagree With Staff's Assertion This Is A "Transportation Terminal"

The Applicant's original submission characterized the parking area as a "Motor Vehicle Storage Compound" and sought a minor variance to permit this use on the Subject Lands. In our opinion, this use description appropriately reflected the nature of the use proposed at the time – i.e., the parking/storage of vehicles within a fenced-in and secured compound – and the size of the facility and the fact that it was not accessory to the primary use – i.e., the parking area was leased from the Applicant and used by Musket.

However, Town Staff believed the use should be characterized as a "Transportation Terminal". We disagree.

By-law 2014-14 defines a "Transportation Terminal" as:

"...a premises or area of land used for storing, parking or dispatching of buses, trucks, tractors, or trailers, including servicing or repair within an enclosed building."

This is an exceptionally broad definition which, if not interpreted judiciously, might encapsulate nearly any area used to park commercial vehicles. Musket operates three different transportation terminals within the GTA, the two closest of which are at 2215 Royal Windsor Drive and 556 Southdown Road in Mississauga. These terminals are different than the parking area on the Subject Lands. Firstly, in our opinion, a key word in the definition is "dispatching" – particularly as this word would apply to the distribution of goods or materials from a Transportation Terminal. "Dispatching" in this context typically refers to the orderly organizing and sending off of assembled tractor/trailers on their established delivery routes. Secondly, a key point is to note the various elements that work together to define a Transportation Terminal – i.e. the fact that vehicles and trailers are parked, stored, assembled and dispatched all on the same property, and there are typically concurrent office and service/repair/inspection facilities. The combination of these elements functioning together on the same property work to differentiate a Transportation Terminal from a simple parking area or storage compound.

However, a “Parking Area, Heavy Vehicle” is defined as:

“...an area on a lot for the accessory parking for trucks, tractors and commercial vehicles exceeding a gross weight of 4,500.0 kilograms, as licensed by the Ministry of Transportation, in association with the primary use of the lot.”

A Parking Area, Heavy Vehicle is permitted as-of-right on the Subject Lands, so long as it is accessory to the primary use. We acknowledge that the parking area on the Subject Lands is not accessory to the primary use. It is leased and operated by Musket. Permission to allow a non-accessory Parking Area, Heavy Vehicle is the relief the Applicant is seeking.

Musket is a full-service intermodal transportation company offering numerous transportation, warehousing, and distribution services to a wide variety of industry sectors across North America. They maintain a fleet of 200+ truck tractors, 300+ trailers, and 500+ chassis used to transport shipping containers. All equipment is corporately owned, and all drivers are employees of the company. They operate three different transportation terminals within the GTA and have recently opened a fourth in Burlington. But the parking area on the Subject Lands is not one of them. Rather, the closest terminals are located at 2215 Royal Windsor Drive and 556 Southdown Road in Mississauga, as well as the new terminal at 1151 Heritage Road in Burlington. Musket is a bonded carrier and security is paramount to their operations. We understand that to maintain their security and bonded status, Musket must park all truck-tractors separately from all trailers within a secured compound when not in use. The parking area on the Subject Lands is used by Musket to park their truck-tractors. Trailers and goods for distribution are not parked or stored there. Rather, these are stored at Musket’s transportation terminals. Musket’s drivers must first collect a truck tractor from the parking area on the Subject Lands, then drive it to one of the Transportation Terminals where they are mated to a trailer then dispatched on their respective delivery route. Each truck tractor is returned to the parking area after the delivery is complete and its trailer has been returned to the Transportation Terminal to be made ready for the next delivery. The parking area on the Subject Lands is simply where the truck tractors are parked/stored in between deliveries. The parking area is kept clean, fenced, and guarded at all times.

The parking area on the Subject Lands, as revised with this submission, now functions the same as one permitted as-of-right – the only difference being the fact it is leased and operated by a different user than the Applicant. The Applicant commits to ensuring that the parking area meets all other applicable zoning standards (i.e. size/lot coverage, setbacks, landscaping, etc.).

OFFICIAL PLAN AND ZONING

The Subject Lands are designated **Business Employment** in Town’s Official Plan. There are no applicable Secondary Plans or Site-Specific Policies. The Business Employment area is buffered from the adjoining residential lands in Falgarwood by a Natural Area designation relating to Morrison Creek.

The Subject Lands are zoned **Employment – E2 sp:3** by Zoning By-law 2014-014. The E2 zone permits a wide variety of employment, commercial, manufacturing, and warehousing uses. Heavy vehicle parking and outdoor storage is permitted as an accessory use. Special provision 3 also allows an extended list of motor vehicle related uses, including motor vehicle body shops, repair facilities and dealerships.

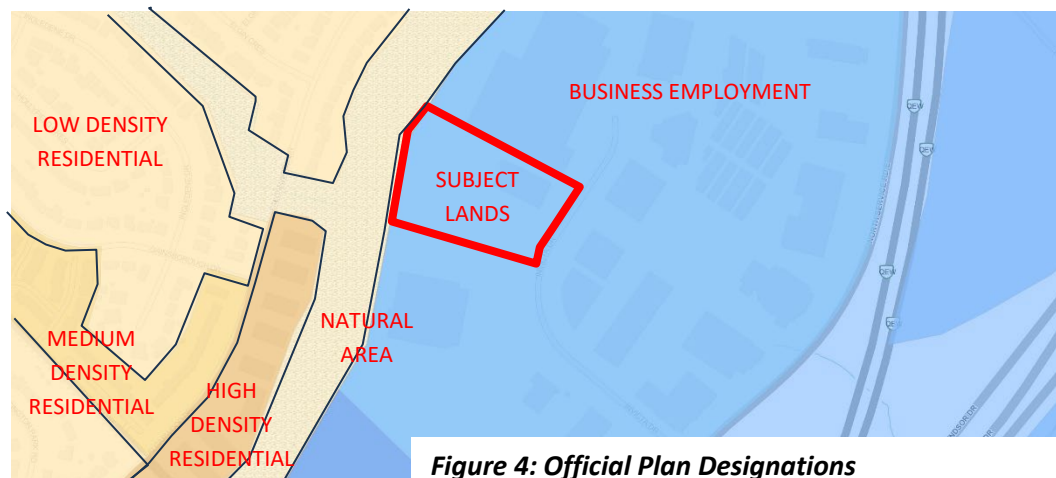


Figure 4: Official Plan Designations

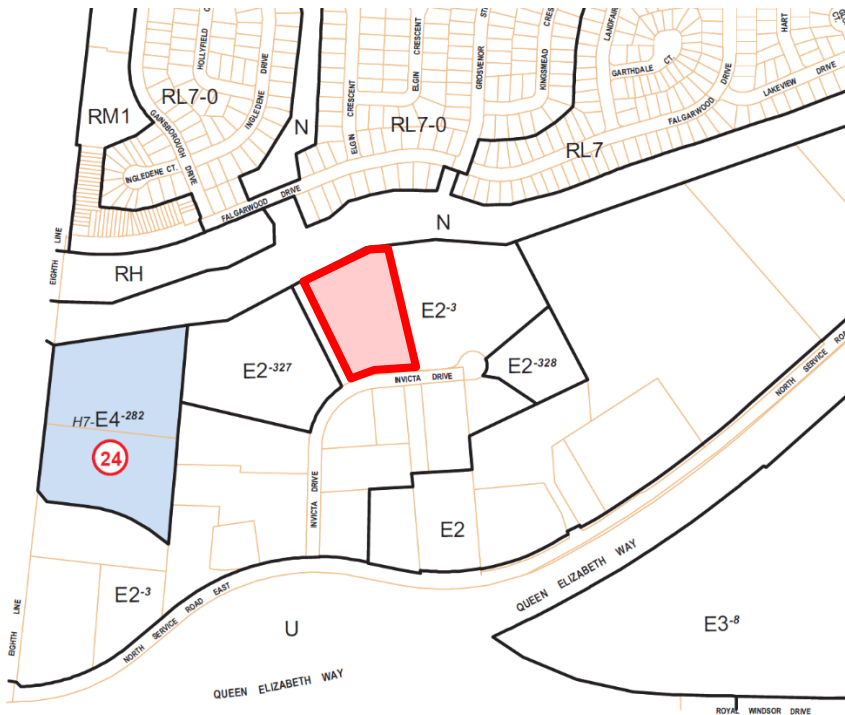


Figure 5: Zoning – Subject Lands highlighted in red

THE REQUESTED VARIANCE

The Applicant is seeking only one minor variance:

- **To permit a non-accessory Parking Area, Heavy Vehicle, whereas Sections 10.2(18) and Part 3 of Bylaw 2014-014 state a Parking Area, Heavy Vehicle is permitted only as an accessory use to another permitted use.**

THE PROPOSED VARIANCE SATISFIES THE FOUR (4) TESTS UNDER THE PLANNING ACT

In our opinion, the requested variance meets the four (4) tests under Section 45(1) of the Planning Act:

The Proposed Variance Meets The General Intent & Purpose Of The Official Plan:

The Official Plan’s Business Employment designation allows employment uses predominantly within enclosed buildings and provides for office uses and light and service industrial operations with minimal impacts on surrounding

areas.¹ Permitted uses include light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling². Motor vehicle related uses are also permitted between Iroquois Shore Road (including the proposed extension) and the North Service Road, west of Invicta Drive.³ Outdoor storage uses are anticipated and are to be adequately screened and may be implemented through zoning⁴ but are not to be allowed on lands that abut residential areas.⁵

We note the Applicant's existing industrial use is permitted in a Business Employment designation, and that the Subject Lands are separated and buffered from the low-density Falgarwood neighbourhood by the Natural Area designation relating to Morrison Creek.

A Parking Area, Heavy Vehicle is already permitted as an accessory use, and the Town has determined that such parking areas comply with the Business Employment designation. Although the proposed parking area will not be accessory to the Applicant's existing industrial operation, they have committed to ensuring that it will comply with all other performance standards, in terms of size, setbacks, landscaping, screening, etc. The parking area will function just as an as-of-right one, except that Musket will operate it. The leasehold tenancy of the parking area is a minor difference and will not result in a functionally different parking area.

The general intent and purpose of the Official Plan will be maintained.

The Proposed Variance Meets The General Intent And Purpose Of The Zoning By-Law:

We note again that the Applicant seeks relief only from the fact that the parking area will not be accessory to the primary use – i.e. the Applicant has leased the area to Musket. Functionally and physically, it will operate no differently than an as-of-right parking area.

The general intent and purpose of allowing a Parking Area, Heavy Vehicle is to recognize such outdoor/storage functions are not uncommon in industrial areas like that within which the Subject Lands are located, and that such operations should be

¹ Livable Oakville – Policy 14.4

² Ibid. – Policy 14.4.1(a)

³ Ibid. – Policy 14.4.1(e)(iii)

⁴ Ibid. – Policy 14.4.4

⁵ Ibid. – Policy 14.4.5

limited in scope. This is reinforced by the various performance standards the parking area must comply with:

- The parking area can occupy no more than 25% of the Subject Land's lot area⁶
- The parking area can only be in an interior side yard or rear yard and shall be setback no less than 3.5m from any lot line⁷
- Despite the 3.5m setback provision, there must be a minimum 7.5m wide landscaping strip between the parking area and any interior side lot line and any rear lot line⁸
- Any Gatehouse must be no more than 3.0m in height and not exceed 5.0m² in floor area⁹
- The parking area cannot be in a yard that abuts a Residential, Institutional or Community Use zone¹⁰

The Applicant seeks relief only from the accessory nature of the Parking Area, Heavy Vehicle permission. All other zoning requirements will be complied with.

The general intent and purpose of the zoning by-law will be maintained.

The Proposed Variance Is Appropriate For The Development Or Use Of The Lands:

Allowing the existing parking area to continue represents a modest zoning change which would allow a significant employer and important part of the Province's industrial base to continue. The existing industrial area is very well established having served the Town's and broader provincial economy for decades. The requested use is in keeping with the existing and planned context and reflective of other similar uses in the area. The existing parking area results in no additional impacts over and above what an as-of-right Parking Area, Heavy use would offer.

As such, the requested variance is appropriate for the development or use of the lands.

⁶ By-law 2014-014 – Provision 10.6(b)(iii)

⁷ Ibid. – Provision 10.6(a)

⁸ Ibid. – Provision 4.11.2, Table 4.11.2 Row 7

⁹ Ibid. – Provision 10.4

¹⁰ Ibid. – Provision 10.6(e)

The Proposed Variance Is Minor:

The test of whether a variance is minor consists of three parts – Impact, size, and importance.

In terms of impact, the parking area will function no differently and have no greater impact than an otherwise permitted as-of-right accessory parking area. Noise levels are in keeping with currently permitted uses. We note a noise assessment from HGC Engineering was submitted as part of the original (and larger) proposal, which concluded that there was minimal impact from the larger parking area. The reduced parking area will have even less of an impact.

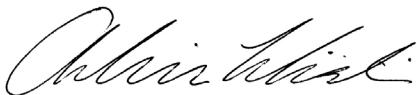
Size refers to the scale of the variance itself. In this case the Applicant is only requesting relief from the accessory nature of the as-of-right permission. All other zoning standards will be complied with. This is a modest change that would result in no difference on the ground from what could already happen as-of-right.

Importance refers to whether it is appropriate to seek the required relief via minor variance or whether a full zoning amendment is necessary. In our opinion, given the nature of the requested zoning relief, a full zoning amendment is not required.

The requested variance is minor.

In summary, the requested variance satisfies all four (4) tests of Section 45(1) of the *Planning Act* and represents good land use planning.

Yours very truly,



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