



January 20, 2025

Mayor Burton and Members of Council  
c/o Town Clerk  
Town of Oakville, Clerk's Department  
1225 Trafalgar Road, Oakville, ON L6H 0H3

e: [TownClerk@oakville.ca](mailto:TownClerk@oakville.ca)

Dear Mayor Burton and Members of Council:

**RE: SUBMISSION: PROPOSED MIDTOWN OAKVILLE OFFICIAL PLAN AMENDMENT  
599 LYONS LANE  
OUR FILE 11162 I**

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The purpose of this letter is to provide our comments regarding the proposed draft Midtown Oakville Official Plan Amendment ('OPA'). MHBC Planning represents the registered owner Emerald Group Ltd. of 599 Lyons Lane (the "Subject Lands"), Oakville, Ontario. This property is located south of the QEW highway and South Service Road East, north of Cross Avenue within the western-most area of Midtown Oakville adjacent to Sixteen Mile Creek. MHBC appreciates the opportunity to provide Town of Oakville Council with comments and recommendations regarding the proposed amendment to the Livable Oakville Plan.

The recommendation to repeal Livable Oakville Plan, section 20, Midtown Oakville, and replace with a new section that includes related Schedules L1 to L6, as well as adding new policies applicable town-wide, forms the basis of our comments within this submission.

The following provides an overview of the subject land context as well as the background context of submitted comments on previous Midtown Oakville OPAs for draft policies pertaining to the Subject Lands. This is followed by comments regarding the currently proposed draft Midtown Oakville Official Plan Amendment.

**Subject Lands: Context**

The subject lands are contained within the policy area boundary of Midtown Oakville. This area is identified as the Town's Urban Growth Centre in the current Livable Oakville Plan and is designated as 'High Density Residential' within the Schedule L1, Midtown Oakville Land Use map.

The subject property is approximately 0.89 ha (2.2 acres) in area with frontage along the west side of Lyons Lane, north of Cross Avenue. The lot is currently vacant and only accessible via one public roadway, Lyons Lane. To the west is Sixteen Mile Creek, while to the east are the commercial retail uses that are generally 2 storeys in height. To the south, across Cross Avenue, is the Metrolinx multi-lot surface parking serving the Oakville GO station.

## **Background Context: Midtown Oakville Official Plan Amendments**

The registered owner, through either their planning consultants or legal representatives, has previously submitted comments to Town of Oakville Council regarding previous Midtown Oakville Official Plan Amendments ('OPA'), including March 18, 2021, June 7, 2022, May 23, 2023 and April 22 2024. In 2022, the positive impacts for the Subject Lands included increasing FSI and designating all lands in Midtown Oakville under a common land use designation was supported. Negative impacts included the proposed closure of Lyons Lane and the unknown Regional water and wastewater service provision for proposed growth to conform with Strategic Growth Area's Growth Plan targets. In 2023, MHBC submitted policy recommendations regarding Block Design, Built Form, Phasing, Landowners' Agreement/Cost-Sharing and Area Design Plans.

On December 14, 2023, MHBC also submitted comments to Town of Oakville consultant Jacobs Consulting who were retained to prepare Midtown Oakville OPA. MHBC submitted recommendations that included: determining land uses at time of development applications rather than pre-determining uses through a block-by-block design; identifying Lyons Lane as a municipally assumed road; providing minimum height and density targets in conformity with Provincial policies rather than through maximum regulatory standards; and, determining parks and open space at the time of development application, rather than through pre-determining specific block areas that are also required to convey lands for new roads and trails.

On April 22, 2024 the correspondence filed on behalf of our client expressing a number of very positive policies in the Midtown Oakville draft OPA that was our for comment at that time, including the minimum density for the area which were in conformity with the Provincial policies. Unfortunately, the new policies erode the positives steps taken by in the April 2024 version of the draft Midtown OPA.

## **Comments: Midtown Oakville: Proposed Draft Official Plan Amendment 2025**

As per previous submitted comments over past few years, the main concerns and comments remain relevant and applicable to this Midtown Oakville. These include, in part, draft policies pertaining to:

1. Density, Building Height and Tall Buildings
2. Abandoned Roads
3. Landowners Agreement
4. Hazard Lands
5. Development Permit System

### **1) Density, Building Height and Tall Buildings**

The draft policies of s.20.5.1.e Urban Design and Built Form, indicate that the Midtown Oakville area has a minimum development density of 200 residents and jobs per hectare ('200 ppj/ha'). The policy states that density is implemented through a range of Gross Floor Area ('GFA') where the minimum gross density is expressed as floor space index ('FSI') and are shown on Schedules L2 and L3 (minimum, maximum respectively). The Subject Lands are shown as having a minimum FSI of 1.25 and maximum FSI of 4.0. It is noted that the Provincial Planning

Statement 2024 ('PPS'), Chapter 1: Introduction states, under the heading, "Policies Represent Minimum Standards", that:

*The policies of the Provincial Planning Statement represent minimum standards. Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Planning Statement.*

Given that Midtown Oakville is the Town's Strategic Growth Area, a more appropriate approach regarding density policies is to express the FSI that delivers the density of 200 ppj/ha as a minimum rather than a maximum. As also noted in the PPS, "submissions that affect a planning matter that are provided by the council of a municipality, ... shall be consistent with the Provincial Planning Statement."

As noted in previous submitted comments, support remains for Midtown Oakville to contain the highest densities and tallest buildings given the delineation of this area as the Town of Oakville's MTSA and UGC. The blanket standards for height variations, distance between walls and podium heights and floorplates, should be contained within Tall Building Guidelines or Zoning By-law regulations rather than in this draft policy document.

We remain concerned with the prescriptive built-form policies with respect to towers near each other. Requesting building height variations within an Official Plan document represents a subjective guideline request rather than a policy and should be removed. Town staff should be reviewing Site Plan applications to ensure an appropriate skyline is achieved.

As noted in our previously submitted comments, the inclusion of policies that represent zoning by-law regulations should be removed and replaced by a policy reference to the Town's design guideline documents.

## **2) Abandoned Roads**

The proposed draft OPA, Schedule L5: Transportation Network indicates that Lyons Lane is, "Proposed to be removed," while and Schedule L6: Active Transportation, indicates that Lyons Lane is an "Off-road Active Transportation Connection." The draft OPA proposes the following policy in support of certain existing streets to be abandoned:

20.5.2.a.ii *Significant active transportation, transit, and street infrastructure, as shown on Schedules C, D, L5 and L6, is necessary to support growth. Certain existing street or street segments shall be abandoned, realigned, widened, extended, or replaced in accordance with this Plan.*

Yet, section 20.5.2 Mobility also states in part that:

a) Transportation

Streets and streetscapes facilitate multi-modal movement year-round, provide valuable frontage for development.

The question of abandoning an existing street that provides the only frontage for development of the Subject Lands, may not be consistent with the PPS. The PPS 2024 states that the integrity of an abandoned corridor should be maintained and encouraged:

5.3.4 Transportation and Infrastructure Corridors:

*The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.*

To date, the issue of land-locking the Subject Lands has not been resolved, so we request that Lyons Lane be maintained until such time as alternative access has been secured.

**3) Landowners Agreement**

In a previous submission to the Town of Oakville regarding Landowners Agreement/Cost-Sharing it was recommended that, rather than an area-wide group formulating and implementing an agreement, such agreements should be undertaken based on a smaller geographic area, such as through smaller street blocks. This proposed draft OPA continues to assign the preparation of such an agreement to be area-wide and that such a cost-sharing agreement shall not only include the full extent of Regional and municipal infrastructure and servicing costs, but also the provision of 'urban format grocery stores,' that is normally determined on market demand. But there is also a policy that states that the Town will then determine whether or not a landowner must participate in a landowner group.

We continue to recommend that smaller landowner groups are formed that reflect block specific matters and at minimum reflect the area east of Trafalgar Road as distinct from the area west of Trafalgar Road. We have had discussions with landowners, and have a shared interest/concern with respect to the current policies requiring a Landowner's Agreement.

**4) Hazard Lands**

The December 2024 draft OPA incorporates policy modifications to Section 10.13, Hazard Lands, of the Official Plan that limit new development within or adjacent to hazard lands conceptually shown on Schedule B of the Official Plan. A new Appendix, Appendix 6, will be incorporated into the Official Plan to show the approximate regulation limit of the Conservation Authorities. However Conservation Halton, in partnership with the Town of Oakville and Region of Halton, is currently undertaking a study to update the regulatory flood hazard mapping for the Midtown Oakville Area. Until such time as that study is complete it is premature to have policies that regulate flood hazards in the Midtown Area into the December 2024 draft OPA is premature.

**5) Development Permit/Community Planning Permit System**

Section 28.15 of the December 2024 draft OPA provides policies that allows the Town to identify community planning permit areas in Midtown and establish By-laws for these areas.

Policy 28.15.8 sets out conditions to be included in the CPP By-law. The proposed conditions, particularly conditions d, e, and f eliminate all certainty to the planning process and have the ability to completely thwart development. Such conditions are not reasonable and defeat the purpose of providing certainty in the development process.

Policy 28.15.10 appears to be contradictory. The CPP By-law is intended to allow for increases in height or density that exceed those proposed through the December 2024 draft OPA in exchange for community benefits. However, 28.15.10(b) states that threshold rates in the CPP By-law must be lower than the permitted maximum height or density of the December 2024 draft OPA. If the CPP is intended to stream-line development including, the provision of community benefits in exchange for increases in height and density beyond the threshold of the Midtown OPA, the policies in the December 2024 draft OPA must be revised to enable these processes to occur.

### **Conclusion**

It must be stated again, as in previous submission to the Town, that it continues to be disappointing that the Town, through this OPA, shows that Lyons Lane is to be abandoned. Such a closure is preemptive in context of ongoing discussions occurring between the Subject Lands' owner and the Town. We are pleased that our lands continue to be within the Urban Growth Centre/Strategic Growth Area, as they have been for over a decade, and that they form part of the continued intensification role assigned to these lands within the Oakville Midtown UGC/MTSA.

Yours truly,

**MHBC**



Oz Kemal, BES, MCIP, RPP  
President

cc. *A.Chung, T.Wallace, M.Zakaria - Emerald Group Inc,  
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