

Planning and Development Council Meeting
Monday, March 3, 2025

Comments Received Regarding Item 7.2

Town-initiated
Neyagawa Urban Core Review
Official Plan Amendments
File No. 42.15.60



Bennett Jones

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Our File No.: 060794.00025

February 28, 2025

VIA ELECTRONIC MAIL – townclerk@oakville.ca

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

Dear Mayor Burton and Members of Council:

**Re: Comments on Draft Official Plan Amendments 45 & 326, Neyagawa Urban Core – Recommendation Report – 1816985 Ontario Inc.
Property: 337 & 353 Burnhamthorpe Road West - Northeast Quadrant of Burnhamthorpe Road West & Neyagawa Boulevard, Town of Oakville**

We act on behalf of [1816985 Ontario Inc.], the registered owner of the lands located at the northeast quadrant of Burnhamthorpe Road West and Neyagawa Boulevard in the Town of Oakville (“Lands”). The Lands fall within the Block 3 land in the Neyagawa Urban Core (“NUC”).

Attached to this letter, you will find some specific comments from our client’s planners, MHBC, which are included as part of this submission. In addition to these comments, we would note the following concerns with the proposed NUC draft OPAs.

Specifically, we would build off the submission from MHBC to note that in order to achieve the overall vision of the area, greater heights are likely to be needed. In this regard we believe that a variety of heights are important, with a minimum “maximum” height of 20 stories.

In addition, and on a very site specific basis, we believe that the policies accounting for the Transitway Lands (which have the potential of being located on our client’s Lands) should be more extensively developed. In this regard, there are numerous considerations to be taken into account. The Transitway are a key public asset and the owner of the Lands housing the Transitway should not be punished for doing so. Furthermore, given its potential importance to the area, the Lands immediately adjacent to the proposed Transitway would be appropriate for the highest possible densities and the tallest buildings in the NUC. We recommend that the policies be amended to reflect this, including a policy that would, at a minimum, not result in a reduction in density whether directly or indirectly (indirectly,

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being, for example, where the theoretical density remains but built form constraints make it impossible or impractical to meet that density on the reduced area of land), and policies that allow for additional flexibility as it relates to built form on such lands. This policy flexibility would be important to ensure that both the applicable owner is not detrimentally positioned as a result of contributing to this public asset, but also benefit the use of the same.

Conclusion


Our client supports general vision for the NUC as a vibrant, mixed use area, with sufficient density to support a transit oriented community. With the additional implementation of the recommendations set out in this submission, we believe that the Town will be better suited to achieve this vision.

We want to thank Council and staff for considering these submissions and for the time and effort you have put into the NUC.

Please provide us with any notices related to OPA 45 and OPA 326.

Regards,

BENNETT JONES LLP

DocuSigned by:

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Andrew Jeanne

AJ/cmt



February 28, 2025

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

Email: townclerk@oakville.ca

Dear Mayor Burton and Members of Council:

**RE: COMMENTS ON DRAFT OFFICIAL PLAN AMENDMENTS 45 & 326, NEYAGAWA URBAN CORE-RECOMMENDATION REPORT - 1816985 ONTARIO INC. NORTHEAST QUADRANT OF BURNHAMTHORPE ROAD WEST & NEYAGAWA BOULEVARD, TOWN OF OAKVILLE
OUR FILE: 20262B**

1816985 Ontario Inc. ("Westerkirk") are the registered owner of 18.8 ha of land located at the northeast quadrant of Burnhamthorpe Road West and Neyagawa Boulevard in the Town of Oakville (hereinafter referred to as the "Subject Lands"). The Subject Lands are located within the Neyagawa Urban Core ("NUC") area of the Town and now defined as part of Block 3 in the NUC.

Over the past few years, Westerkirk has participated in the Town's process to prepare policies for the NUC. Westerkirk is also a member of the North Oakville Community Builders Inc. ("NOCBI") and have participated in the NOCBI meetings with the Town on the NUC. Westerkirk submitted comments on the Town's previous Draft Official Plan Amendments ("OPAs") 45 and 326 for the NUC on November 22, 2024.

Westerkirk appreciates that the new Draft OPA for the NUC released by the Town on February 21, 2025, addresses several of the comments made by Westerkirk in our previous letter including: clarifying permitted uses to include hotels in Section 7.6.6.2 (c), modifying the retail and commercial use targets in 7.6.6.2 (g) and noting implementation through development applications, restructuring the policies to better identify the permissions for interim uses, urban design objectives and clarifying language around the 407 Transitway and Station as well as parkland dedication.

There are however several policies that are still of issue, and new policies, which in our opinion are inconsistent with the Provincial Policy Statement (2024). In relation to the current policy language, we provided staff with what believe is improved policy language for certainty and consistency that would resolve Westerkirk's remaining issues. These suggested policy edits have not been incorporated by staff into the proposed OPA. Attached to this letter as Appendix A are the recommended policy edits for Council's consideration which will resolve these issues.

Remaining Areas of Concern and New Issues

Minimum Densities

Draft OPA 326 now proposes a new Policy 7.6.6.4(c) which states the following:

"The Neyagawa Urban Core Area shall achieve an overall minimum density of 160 residents and jobs combined per hectare. The general target proportion should be 85% residents and 15% jobs. This minimum density should be achieved through the application of minimum densities per block as identified in Figure 7.6.6.2:

- i. *Block 1 – 200 residents and jobs combined per ha*
- ii. *Block 2 – 200 residents and jobs combined per ha*
- iii. *Block 3 – 200 residents and jobs combined per ha*
- iv. *Block 4 – existing*
- v. *Block 5 - 160 residents and jobs combined per ha"*

Westerkirk's lands form a large portion of the Block 3 lands. A large portion of the lands will include the 407 Transitway and may possibly include a station area. The 407 Transitway lands are not netted out of the area to which the 200 residents and jobs per ha minimum density is to be applied. It is not clear how the minimum densities can be achieved based on the target for non-residential development (9, 300 square metres) and the height caps set out in the policies. We recommend that the overall density target of 160 residents and jobs per hectare be maintained and that the areas for the 407 Transitway and possible station be excluded from any density calculations.

We recommend language be added policy to Section 7.6.6.4(c), similar to language used in Midtown Oakville, to exclude certain areas from the density calculations:

"For the purpose of gross density calculations under 7.6.6.4.c, the 407 transitway and station area lands, shall be excluded from the land area calculation."

Building Heights

Policy 7.6.6.4 d) sets out a series of policies related to building heights. These policies refer to building heights in both metric heights and storeys and refer to the heights of "development", "buildings" and "uses". There is a need to better clarify these policies and to provide the clear intent of the policy related to retail and commercial building heights which is aligned with the direction to provide for such uses to provide for a complete community.

Policy 7.6.6.4. d(i) and ii) state:

"i) Residential and mixed use development within 50 metres from the north side of Burnhamthorpe Road West / William Halton Parkway and the east and west sides of Neyagawa Boulevard north of Burnhamthorpe Road West / William Halton Parkway right-of-way, shall be a minimum height of 5 storeys, excluding podium elements which may be lower."

"ii) Residential and mixed use development beyond 50 metres from the north side of Burnhamthorpe Road West / William Halton Parkway and the east and west sides of Neyagawa Boulevard north of Burnhamthorpe Road West / William Halton Parkway right-of-way, shall be a minimum height of 3 storeys."

Policy 7.6.6.4. (d(vi)) states that retail and service commercial buildings shall have a minimum height of 5 metres but does not clarify if this is notwithstanding the minimum heights both within and beyond the 50 metre locations.

Policy 7.6.6.4. (d(vii)) then states that:

"Stand-alone retail and service commercial should be located beyond 50 metres from the north side of Burnhamthorpe Road West/William Halton Parkway and the east and west sides of Neyagawa Boulevard north of Burnhamthorpe Road West / William Halton Parkway right-of-way."

This section creates a set of policies related to height which are contradictory in nature and restrict the ability to develop stand-alone, interim service commercial and retail uses at feasible and visible locations. Policy 7.6.6.4. (d(vii)) in fact directs standalone retail and service commercial uses to be located beyond 50 metres from the north side of Burnhamthorpe Road West, on the east and west sides of Neyagawa Boulevard, north of Burnhamthorpe Road West. This creates a restriction on the Westerkirk lands where stand-alone retail and service commercial uses would not be accessible or visible along Burnhamthorpe as they will be blocked by 5 storey or taller buildings. Standalone interim service commercial and retail uses are crucial to addressing the immediate retail needs of the community and supporting the feasibility of long-term development and the commercial needs for north Oakville.

To resolve this issue, we recommended that a notwithstanding clause should be added to 7.6.6.4. (d(vi)) which would state:

"Notwithstanding 7.6.6.4. (d(i)) and 7.6.6.4. (d(ii)), retail and service commercial buildings shall have a minimum height of 5 metres"

We thank Council for the opportunity to provide our comments herein and respectfully submit these comments and the recommended changes in Appendix A for consideration by Council at the upcoming Planning and Development Committee meeting on March 3, 2025. Westerkirk also requests that it be provided with notice of the decision on OPA 326 and 45.

Yours Truly,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner

Cc: Chadi Beydoun, Westerkirk Capital Inc.

Appendix A: Recommended OPA 45 Policy Revisions

1. Section 7.6.6.4. c) be amended by adding the following:

"For the purpose of gross density calculations under 7.6.6.4.c, the 407 transitway and station area lands, shall be excluded from the land area calculation."

2. Section 7.6.6.4. d(vi) be revised as follows:

"Notwithstanding 7.6.6.4. (d(i)) and 7.6.6.4. (d(ii)), retail and service commercial buildings shall have a minimum height of 5 metres"

February 28, 2025

GSAI File: 792-036

(Via Email)

Chairman and Members of the Planning and Development Council
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: **Neyagawa Urban Core Review**
 Argo Neyagawa Corporation
 505 Burnhamthorpe Road West, Town of Oakville
 Town File No. 42.15.60

Glen Schnarr and Associates Inc. (GSAI) are the planning consultants to Argo Neyagawa Corporation (the "Owner") of the lands municipally known as 505 Burnhamthorpe Road West, in the Town of Oakville (the 'Subject Lands' or 'Site'). On behalf of the Owner, and further to the Neyagawa Urban Core Review Comment Letter, submitted by GSAI, dated November 22, 2024, we are pleased to submit this Comment Letter in relation to the ongoing Neyagawa Urban Core Review initiative.

Background:

As Staff and Council are aware, the Subject Lands are located on the north side of Burnhamthorpe Road West, west of Neyagawa Boulevard. The Site is also subject to an active Draft Plan of Subdivision ('Draft Plan'), Official Plan Amendment ('OPA') and Zoning By-law Amendment ('ZBA') Application (collectively, the Application, Town File Nos. 24T24001/1200.02, OPA 1220.02, Z.1220.02). This Application seeks to introduce a modified lot pattern and permissions for compact, mixed use development to occur. The Application is also subject to an active appeal (OLT Case No. OLT-24-00968). Overall, the Application and appeal seek to introduce appropriate permission for a broad range and mixture of built forms and densities to be provided across the Site, including a range and mixture of residential and non-residential land uses.

We have reviewed the draft Amendment and associated mapping. Based on this review, we highlight that while certain concerns previously raised in the previous November 22, 2024 Comment Letter have been addressed, we remain concerned with the draft Amendment as drafted.

Conclusion:

In summary, we remain concerned about the proposed policy directions outlined in the draft Amendment and continue to request that modifications be made. Thank you for the opportunity to provide these comments. Our Client welcomes the opportunity to further discuss our areas of concern with Town Staff. We look forward to being involved. Please feel free to contact the undersigned if there are any questions.



Yours very truly,

GLEN SCHNARR & ASSOCIATES INC.

Jim Levac, MCIP, RPP

Partner

Stephanie Matveeva, MCIP, RPP

Associate

cc. Gabe Charles, Town of Oakville
Owner