



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: March 17, 2025

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**FROM:** Planning and Development Department

**DATE:** March 4, 2025

**SUBJECT:** **Public Meeting and Recommendation Report for Zoning By-law Amendment Application – 65, 71, 77, 83 & 89 Loyalist Trail, Tafia Development Corporation, File No.: Z.1215.04**

**LOCATION:** 65, 71, 77, 83 & 89 Loyalist Trail

**WARD:** Ward 7 Page 1

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#### RECOMMENDATION

1. That the Zoning By-law Amendment application submitted by Tafia Development Corporation, File No.: Z.1215.04, be refused as proposed;
2. That the notice of Council's decision reflect that Council has fully considered all of the written and oral submissions relating to these matters and that those comments have been appropriately addressed; and,
3. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

#### KEY FACTS

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

- **Location:** The subject property is located on the north side of Loyalist Trail, east of Sixth Line and east of Loyalist Woods Park (opposite Channing Crescent and Eternity Way), and is municipally known as 65, 71, 77, 83 and 89 Loyalist Trail.
- **Policy Context:** The subject property is designated 'Urban Area' with an 'Employment Area' overlay in the Region of Halton Official Plan, identified as 'Employment Area' in the Urban Structure of the Livable Oakville Official

Plan, and designated '*Employment Area*' within the North Oakville East Secondary Plan.

- **Zoning:** The subject property is zoned '*Light Employment (LE)*' which permits light employment uses and some commercial uses. The existing permitted commercial uses are intended to support and complement the primary employment uses without undermining the overall planned function of the employment area.
- **Previous Applications:** The site was the subject of a Plan of Subdivision and Zoning By-law Amendment (24T-13002/1215 and Z.1215.01) that was approved by the former Ontario Municipal Board (OMB). The subject lands contain five (5) large buildings that were designed and constructed, for Light Employment uses, along with associated parking and landscaping, in accordance with the final approved plans under Site Plan File No. SP.1215.003/01 (issued June 21, 2022, updated December 20, 2023).
- **Current Application:** The applicant has applied for a Zoning By-law Amendment to add a *Commercial Fitness Centre* and remove *Nightclub* and *Hotel* from the list of permitted uses on the subject property. The applicant's site-specific request is to permit Commercial Fitness Centre uses for up to 50% of the gross floor area (GFA) of all buildings, along with a combined parking rate for all uses on the site (i.e., 1 space per 50 square metres of leasable floor area). Staff note that the request for 50% GFA would not include any other uses permitted on the site.
- **Public Consultation:** An applicant-initiated virtual Public Information Meeting ("PIM") was held on August 15, 2024, which was attended by 29 members of the public, as well as the Ward Councillors and town staff. A Public Meeting was held on November 25, 2024, and no members of the public attended. Five (5) written submissions have been received from the public at the time of the writing of this report and are included within Appendix 'A'. Two (2) written submissions are from business owners interested in establishing *Commercial Fitness Centres* (i.e., racket sports and basketball) on the site. The other two (2) written submissions requested notification of Council's decision on the matter. A combined Statutory Public Meeting and Recommendation Meeting will be held on March 17, 2025.
- **Timing:** The subject application was deemed complete on September 27, 2024. Pursuant to the *Planning Act*, Council had until December 30, 2024 to make a decision on the application.
- **Staff Recommendation:** The applicant's request to allocate 50% of the existing Gross Floor Area (GFA) to a Commercial Fitness Centre, combined

with the fact that the existing by-law permits other commercial uses ancillary to employment uses, creates the potential for commercial uses to exceed 50% of the site. As a result, the lands would no longer be predominantly designated for employment. Therefore, the application is not consistent with the Provincial Planning Statement 2024, and does not conform to the Region of Halton Official Plan, the Livable Oakville Official Plan or the North Oakville East Secondary Plan, and therefore, should be refused.

## **BACKGROUND**

The purpose of this report is to provide a recommendation on the proposed Zoning By-law Amendment application for 65, 71, 77, 83 and 89 Loyalist Trail. A Public Meeting was held on November 25, 2024; however, the meeting did not meet all of the statutory requirements, thereby requiring a combined Statutory Public Meeting and Recommendation Meeting to be held on March 17, 2025.

The subject lands are comprised of Block 152 of the Subdivision known as Star Oak North Phase 1 (20M-1221), which was draft approved by the OMB in 2017 together with a Zoning By-law Amendment for residential, employment and natural heritage system uses that implemented the North Oakville East Secondary Plan (NOESP).

Recently, the new Provincial Planning Statement (PPS) 2024 came into effect, along with changes to the *Planning Act*, and introduced a new policy framework for lands within and adjacent to an “Area of Employment”. In response, Council adopted OPA 332 (as well as OPA 68 and 333) to ensure the town’s employment areas align with the new definition for “Area of Employment”. Staff will be undertaking a comprehensive evaluation of the town’s employment areas to ensure alignment with the current provincial policy regime. At this time, it is not known whether the subject lands are required for the adequate provision of employment uses on a community basis. Further discussion about the OPAs and pending employment area study is provided in this report.

## **Proposal**

The applicant has submitted a Zoning By-law Amendment application to modify the existing Special Provision 45, by:

- Removing *Nightclub* and *Hotel* from the list of permitted uses;
- Adding *Commercial Fitness Centre* to the list of permitted uses;
- Restricting *Commercial Fitness Centre* to a maximum Gross Floor Area (GFA) limit of 50% for all buildings; and,
- Establishing a single minimum parking requirement for all permitted uses to one (1) parking space per 50 square metres of *leasable floor area*.

An excerpt of the applicant's as-constructed Site Plan with the identification of the proposed *Commercial Fitness Centre* uses is provided in Figure 1.

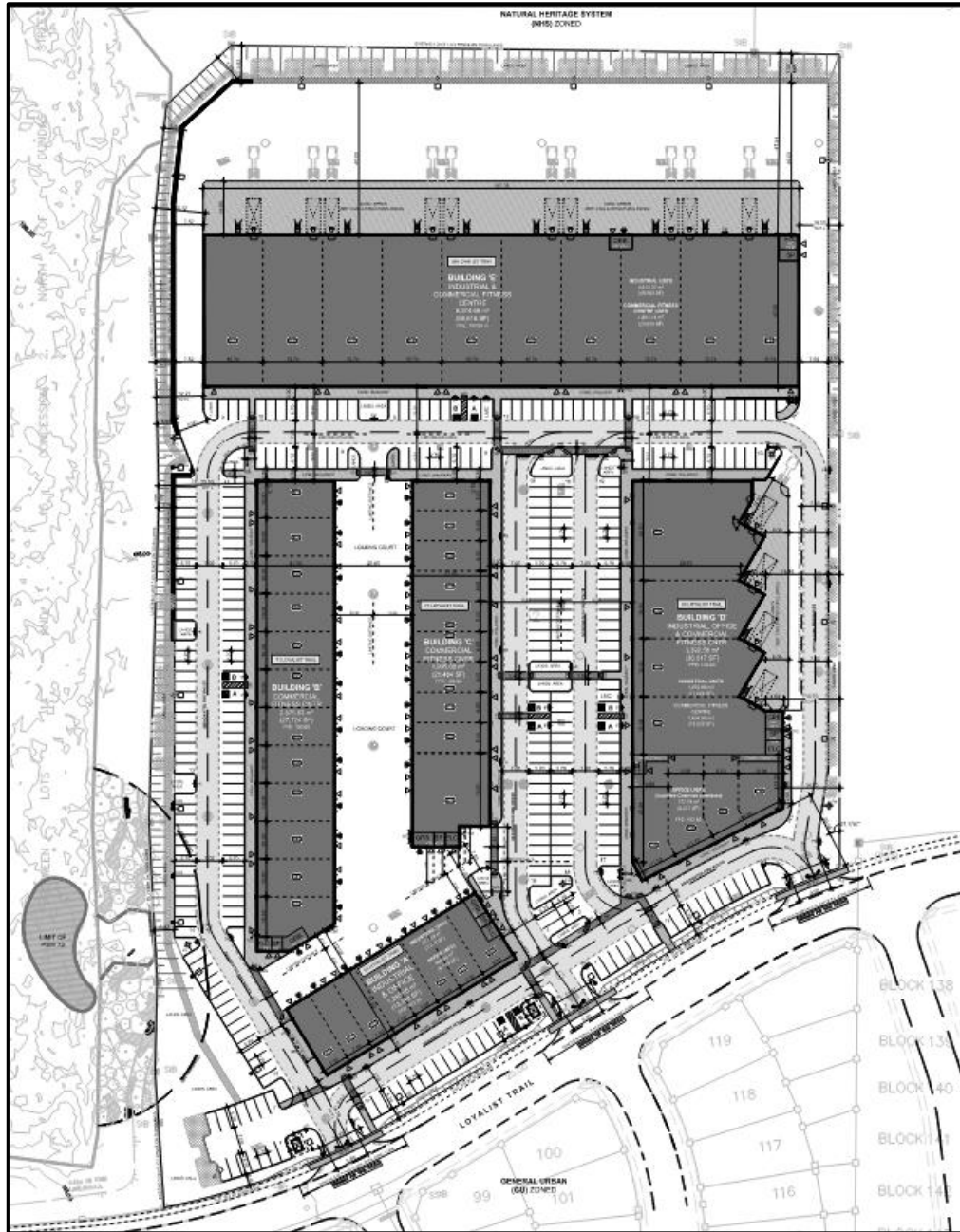


Figure 1: Approved Site Plan

## Location & Site Description

The subject property is the first property to be developed within the Employment District of the North Oakville East Secondary Plan Area. It is located on the north side of Loyalist Trail, east of Sixth Line and east of Loyalist Woods Park (opposite Channing Crescent and Eternity Way). The lands were identified as Block 152 of Registered Plan 20M-1221 – Star Oak North (Phase 1) Subdivision, as shown in Figure 2, and are now municipally known as 65, 71, 77, 83 and 89 Loyalist Trail.

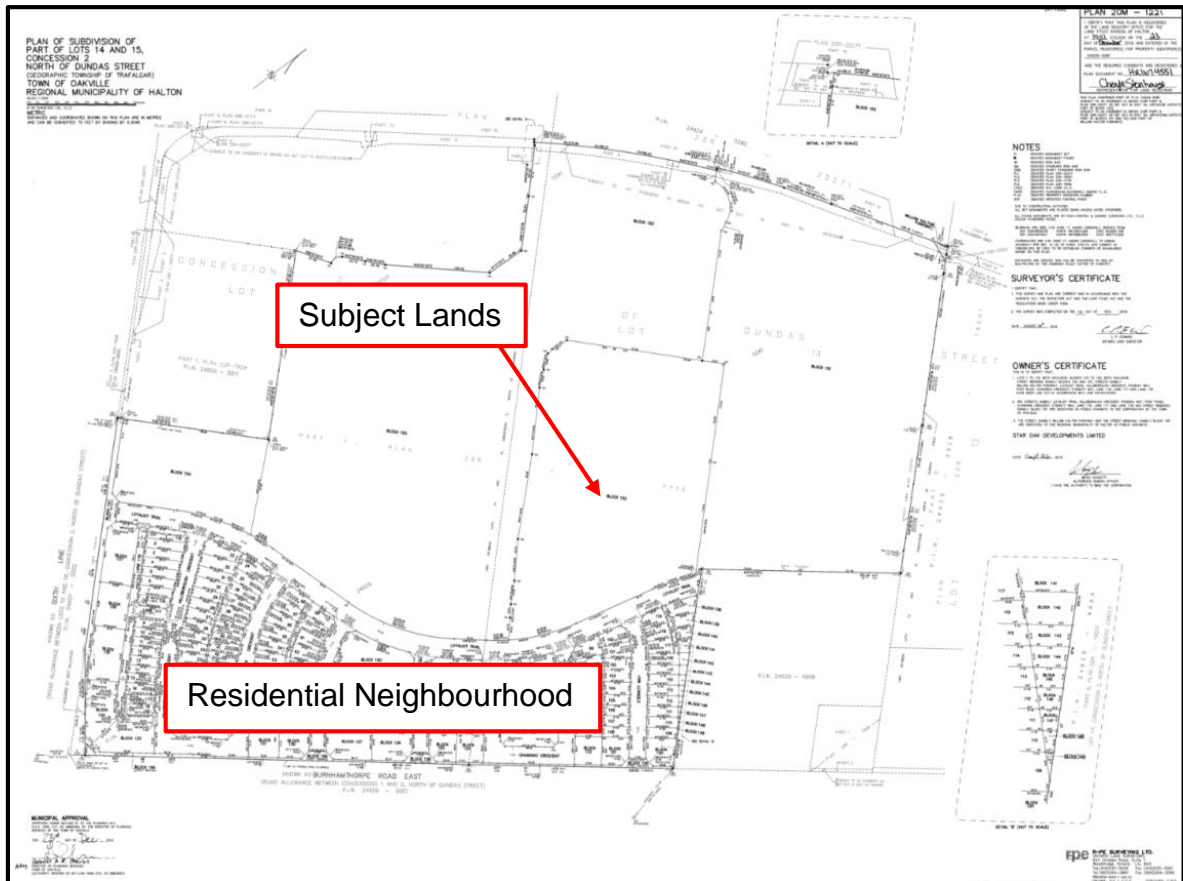


Figure 2: Registered Plan 20M-1221 – Star Oak (Phase 1) Subdivision

The subject lands contain five (5) large buildings that were designed and constructed, for Light Employment uses, along with associated parking and landscaping, (SP.1215.003/01). The Site Plan process paid particular attention to locating the largest buildings, as well as the orientation of loading bays, away from Loyalist Trail to mitigate any impacts on adjacent residential uses to the south (see Figure 1, above).

## Surrounding Land Uses

The land uses surrounding the subject lands include the following:

- North – Loyalist Woods Park (Natural Heritage System)
- East – Vacant (Future Development – Employment Area)
- South – Low density residential uses
- West – Loyalist Woods Park (Natural Heritage System)

To provide additional context to the surrounding land uses, Figure 3 shows the subject lands relative to existing and future development. The lands on the south side of Loyalist Trail were developed for residential uses, in accordance with the Zoning approved by the OMB under the 'Transitional Area' designation, which permits a range of commercial and residential uses to act as a buffer to the employment area to the north, subject to an Area Design Plan.

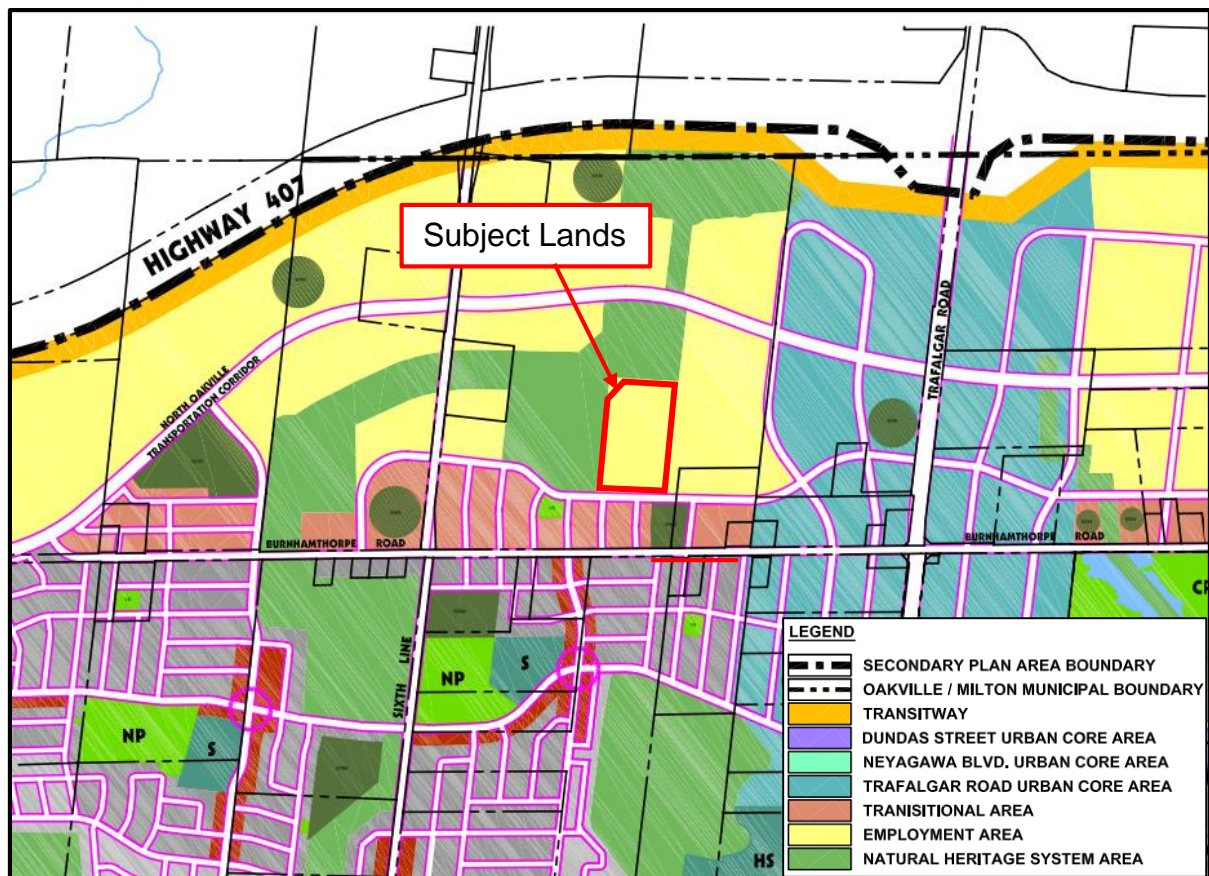


Figure 3: Excerpt of Appendix 7.3 Town of Oakville Master Plan



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## PLANNING POLICY & ANALYSIS

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

- The *Planning Act*
- Provincial Planning Statement (2024)
- Halton Region Official Plan (implemented by the town)
- North Oakville East Secondary Plan (NOESP)
- Zoning By-law 2009-189

### Planning Act, R.S.O, 1990 (*Planning Act*)

As of October 20, 2024, the effective date of recent amendments to the *Planning Act*, the new definition for “Area of Employment” means:

*“an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:*

1. *The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:*
  - i. *Manufacturing uses.*
  - ii. *Uses related to research and development in connection with manufacturing anything.*
  - iii. *Warehousing uses, including uses related to the movement of goods.*
  - iv. *Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.*
  - v. *Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.*
  - vi. *Any other prescribed business and economic uses.*
2. *The uses are not any of the following uses:*
  - i. *Institutional uses.*
  - ii. *Commercial uses, including retail and office uses not referred to in subparagraph 1 iv.”*

The new definition differs from the previous definition in that it explicitly excludes institutional and commercial uses from an “Area of Employment”. Previously, those uses were not excluded and could be located within an “Area of Employment” without risking non-conformity with the provincial definition and loss of status as a protected employment area. The change to the definition under the *Planning Act* does not change the Official Plan designations applicable to those areas, but does determine whether applications for Official Plan amendments or Zoning By-law amendments to remove the lands from the area of employment are subject to appeal.

Further, the transition provision for the change in definition for “Area of Employment” under subsections 1 (1.1) and (1.2) of the *Planning Act* allows municipalities to have policies in their official plans that allow employment areas to continue as an “Area of Employment”. This applies even if lands are occupied by uses excluded from the new definition if the use was “lawfully established” before the effective date and if official plan policies do not authorize uses that are excluded from the new definition on or after the effective date within those employment areas.

On October 15, 2024, Town Council adopted OPAs 68 (Livable Oakville), 332 (NOESP), and 333 (North Oakville West Secondary Plan) to allow the town’s employment areas to continue as protected “Area(s) of Employment” and provide time for staff to align the town’s employment policy framework with the provincial changes. Town Council excluded the subject lands from being within an “Area of Employment, as defined by the *Planning Act*”. As a result, applications for Official Plan amendments or Zoning By-law amendments to remove the subject lands from an area of employment would be subject to appeal. OPAs 332, 68 and 333 are all currently under appeal to the OLT. If approved, the OPAs will be deemed to take effect as of, the date on which the appeals are resolved.

Further, under Section 2 of the *Planning Act*, decision makers shall have regard for matters of Provincial Interest such as:

- “(k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (p) the appropriate location of growth and development;”*

The town is engaging in a comprehensive Employment Area Review to determine (but not limited to):

- The town’s long term employment needs;
- Where lands to support those long term needs should be located;
- How to address lands deemed not suitable for employment (per the new definition), but also not suitable for sensitive land uses, given proximity to employment areas; and,
- Where lands should be located for complementary commercial and institutional uses.

The subject lands have been developed to provide opportunities for employment uses and, subject to the Review, these lands are still necessary for the adequate provision of employment uses on a community basis.



The proposed removal of *Nightclub* and *Hotel* from the list of permitted uses on the subject site does not interfere with the employment uses on the site. It is staff's opinion that the proposal to permit an additional commercial use (*Commercial Fitness Centre*) that would occupy up to 50% GFA of the existing buildings on the site does not have regard for matters of Provincial Interest under Section 2 of the *Planning Act*, which could impact the ability to protect the broader "Area of Employment" as set out by the *Planning Act*. Furthermore, the full impact of the proposed parking rate for all uses on the site may negatively impact light industrial uses on the site, as such uses have a reduced parking rate than other uses permitted within the LE (Light Employment) Zone.

It is staff's opinion that the proposal does not have sufficient regard for the matters set out in section 2 of the *Planning Act*.

### **Provincial Planning Statement**

The new Provincial Planning Statement (2024) (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. All planning decisions must be consistent with the PPS.

The new PPS definition for employment areas is the same as the *Planning Act* "Area of Employment" definition and recognizes the transition provision under 1(1.1) and (1.2) in the *Planning Act*. The subject lands were previously identified to be within a Provincially Significant Employment Zone, which has since been removed in favour of the new PPS policies and the changes to the *Planning Act* noted above. The PPS continues to provide that municipalities should plan, protect, and preserve employment areas for current and future needs.

Policies within Section 2.8.1 Supporting a Modern Economy state:

- "1. *Planning authorities shall promote economic development and competitiveness by:*
  - a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
  - b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

- c) *identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
  - d) *encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and,*
  - e) *addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*
2. *Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects are encouraged in strategic growth areas and other mixed-use areas where frequent transit service is available, outside of employment areas.*
3. *In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.”*

The PPS, 2024 provides the following definition:

*“Employment area: means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.”*

As previously mentioned, the subject lands are designated ‘*Employment District*’ within the NOESP and have been fully developed to support the town’s existing and future needs for employment and employment-related uses to support the function of the surrounding employment area. The proposed removal of *Nightclub* and *Hotel* from the list of permitted uses on the subject site does not interfere with the employment uses on the site. However, the introduction of an additional commercial use that would occupy up to 50% GFA of the existing buildings on the site that has the potential to undermine the intended function of the employment area that will negatively impact the effective operation of employment uses both on and off the site.

Policies under Section 2.8.2 Employment Areas include the following:

- “1. Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.*
- 2. Planning authorities shall protect employment areas that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment area uses that require those locations.*
- 3. Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:*
  - a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;*
  - b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;*
  - c) prohibiting retail and office uses that are not associated with the primary employment use;*
  - d) prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and,*
  - e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.”*

The above policies further affirm the need to plan, protect, and preserve employment areas for current and future needs. The proposed Zoning by-law amendment, as proposed, will undermine the town’s ability to protect, maintain, or preserve the viability of employment areas and the long term economic goals of the town.

It is staff’s opinion that the proposed rezoning is not consistent with the PPS.

### **Halton Region Official Plan**

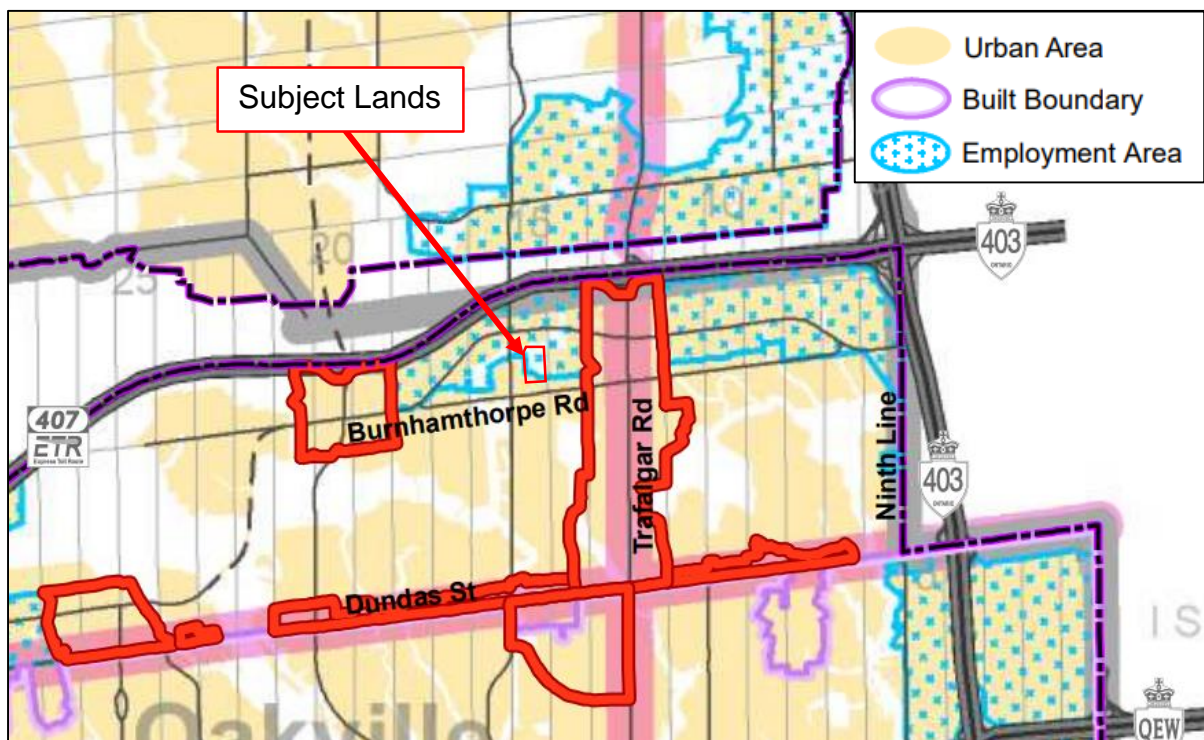
As of July 1, 2024 (Bill 185), the responsibility of the Halton Region Official Plan (“Regional Official Plan”) rests with the Town of Oakville.

The subject lands are designated as ‘Urban Area’ and Policy 75 of the Regional Official Plan states:

*“75. The Urban Area is planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities...”*

The Regional Urban Structure implements Halton’s planning vision and growth management strategy to ensure efficient use of land and the long-term protection of lands for employment uses. One of the objectives of the Regional Urban Structure is to identify and protect ‘Regional Employment Areas’, which includes providing for an appropriate range and balance of employment uses (e.g., industrial, office, retail and institutional uses) to meet long-term needs and to protect areas designated for employment uses.

Figure 4, below, identifies the lands as being within the Employment Area.



*Figure 4: Excerpt of Map 1H – Regional Urban Structure*

As provided in Subsection 83.2(1) c), Employment Areas are intended to permit a range of employment uses, including but not limited to industrial, manufacturing, warehousing and office uses. In addition to employment uses, Subsection 83.2(1) d) allows local municipalities to also permit a range of ancillary uses that are associated with an employment use or are supportive to the overall Employment Area, in accordance with Section 83.2(6) b) of the Regional Official Plan. Section 83.2(2) affirms that Employment Areas are to be planned for, protected, and preserved for, current and future use. Section 83.2(6) b) requires Local Municipalities to develop policies that support forecasted employment growth and

identify a range of employment uses appropriate for the planned function of Employment Areas.

Staff is of the opinion that the proposed addition of another commercial use (i.e., *Commercial Fitness Centre*) that could occupy up to 50% of the GFA of the existing buildings will negatively impact the planned function of the site for employment uses, and that the proposed commercial use (i.e., *Commercial Fitness Centre*) does not support the surrounding 'Regional Employment Area', which would undermine the function of these employment areas, as set out in Policy 83.2.

On this basis, it is staff's opinion that the proposed rezoning does not conform to the Region of Halton Official Plan.

### **North Oakville East Secondary Plan**

The North Oakville area consists of land located between Dundas Street to the south and Highway 407 to the north, from Ninth Line in the east to Tremaine Road in the west. The vision of North Oakville East includes the establishment of a business park along Highway 407 to provide a range of employment opportunities to residents of Oakville that will contribute to the accommodation of employment targets for the town and help to create a community where people can live and work. As shown on Figure NOE2 Land Use Plan (shown in Figure 5, below), the subject lands are designated as 'Employment District', which form part of this larger business park.

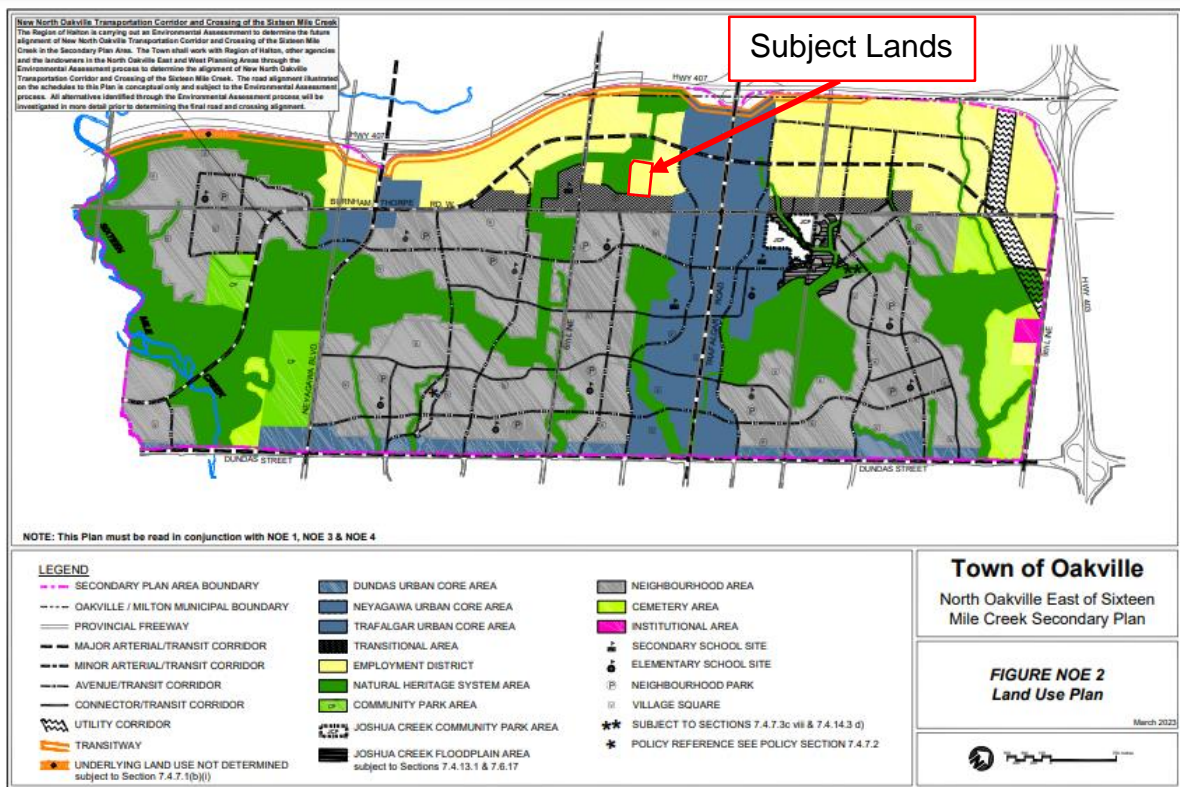


Figure 5: Figure NOE 1 Community Structure, NOESP

Within the NOESP Section 7.3 – Community Structure, Policy 7.3.4 states:

*“Employment Districts refer to land designed to accommodate development of predominantly employment generating uses including a wide range of industrial and office development. Limited retail and service commercial uses designed to serve the businesses and employees will also be permitted within the Employment Districts.”*

Furthermore, Policy 7.5.17 states:

*“The Employment District will permit a full range of employment uses. In addition, limited retail and service commercial uses serving the employment area shall be clustered at the intersections with Arterial, Avenue and Connector roads. These sites and uses will be zoned in a separate zone in the implementing Zoning By-law.*

*The Urban Design and Open Space Guidelines and Zoning By-law will also apply standards designed to enhance the compatibility of permitted employment uses with residential and other sensitive development located*

*within nearby Transitional, Residential or Institutional designations including prohibition of outdoor storage adjacent to such uses.”*

Within Section 7.6 – Land Use Strategy, Section 7.6.8 concerns the Employment District and Policy 7.6.8.1 affirms that the primary focus of the designation is to protect for, and provide a range of employment generating industrial, office and service employment uses that are sensitive to, and compatible with, the adjacent residential neighbourhoods. In terms of permitted uses, Policy 7.6.8.2 provides:

*“7.6.8.2 Permitted Uses, Buildings and Structures*

*Permitted uses may include:*

- a) light industrial operations, including light manufacturing, assembling, processing, fabricating, repairing, warehousing, distribution and wholesaling;*
- b) business and professional office uses and medical clinics;*
- c) service establishments such as print shops, equipment rental establishments, restaurants, hotels, banquet halls, financial institutions, and service establishments which primarily provide services at the customer’s location such as electricians and plumbers and limited retail commercial development such as business supply and industrial supply establishments subject to the requirements of Section 7.6.8.3 and 7.6.8.4 d);*
- d) public uses, institutional uses including places of worship, vocational schools;*
- e) sport and recreation, and place of amusement uses;*
- f) automobile related uses, including gas stations; and,*
- g) ancillary retail sales of products produced, assembled and/or repaired on the premises,*
- h) as part of a distribution use, the ancillary retail sale of the products distributed from an ancillary showroom;*
- i) research and development;*
- j) information processing, call centres and similar uses; and,*



*k) computer based services including design studios.”*

To provide further clarification on the permitted uses within the Employment District, Policy 7.6.8.4 a) states:

*“a) It is not intended that the full range of employment uses will be permitted in all locations designated “Employment District”. The precise range of uses and density of development shall be stipulated in the zoning by-law...”*

The subject lands were developed in accordance with the policies of the NOESP that would permit a range of employment uses as stipulated in the zoning by-law. The proposal of sport and recreational uses (i.e., *Commercial Fitness Centre*) occupying up to 50% GFA of the existing buildings has the potential to impact the ability of future employment uses of this site and future employment sites along Loyalist Trail to operate their businesses efficiently, in terms of employee/client parking and the movement of goods. Similarly, the increased amount of personal vehicular traffic associated with the proposed *Commercial Fitness Centre* is likely to interfere with the shipping and receiving of goods to the *Light Industrial* uses anticipated to operate on-site and the larger employment area beyond.

#### Official Plan Amendment 332 – Under Appeal

Official Plan Amendment (OPA) 332, as it applies to the North Oakville East Secondary Plan, was adopted by Council in response to the new provincial policy framework established by the introduction of “Area of Employment” defined in the *Planning Act* and the Provincial Planning Statement (2024). OPA 322 is subject to appeal and is not in force.

OPA 332 introduced text changes, including new policies 7.6.8.2. l), m) and n), as follows:

- “l) Notwithstanding sections 7.3.4, 7.5.17, 7.6.2.2, and 7.6.11.3 and policies under section 7.6.8, after October 19, 2024, new institutional and commercial uses, including retail and office uses, not referred to in paragraph 1 of subsection 1 (1) of the Planning Act shall not be permitted within the Employment District.*
- m) Notwithstanding 7.6.8.2 l), parcels of land within the Employment District that were used for uses excluded from the definition “area of employment” in paragraph 2 of subsection 1 (1) of the Planning Act, that were lawfully established on or before October 19, 2024, may continue to be used for such purposes pursuant to subsections 1 (1.1) and (1.2) of the Planning Act.*

- n) *For the purposes of 7.6.8.2 l) and m), the property municipally addressed as 65, 71, 73, 83, 89 Loyalist Trail is not considered to be within an “area of employment” as defined in subsection 1 (1) of the Planning Act.”*

Policy 7.6.8.2 l) applies to lands designated Employment District and prohibits the establishment of new institutional and commercial uses, including retail and office uses, not referred to in subsection 1(1) of the *Planning Act*. Policy 7.6.8.2 n) excludes the subject lands from being considered an “Area of Employment”, but the subject lands remain designated Employment District in the NOESP.

As indicated earlier, a town-initiated comprehensive Employment Area Review is underway. The anticipated outcome includes recommendations on policy changes to the town’s policy framework to fully accommodate the town’s employment growth projections to 2051 and provide consistency and conformity with the provincial planning framework, amongst other goals. Without the completion of the comprehensive review of the town’s Employment Area Review, the amount of land that may be eligible for removal from ‘*Employment District*’ is unknown. The applicant’s proposed amendments to the zoning by-law have the potential to erode and undermine the planned function and integrity of the larger employment area.

As indicated above, the subject property is the first to be developed within the ‘*Employment District*’ of the North Oakville East Secondary Plan Area, and the proposal allowing 50% GFA to *Commercial Fitness Centre* undermines the intended function of the surrounding employment area. Furthermore, until the town’s Employment Area Review has been completed, it remains unknown what amount of land, if any, may be released from employment uses.

As a result, it is staff’s opinion that the proposal does not conform to the NOESP.

### **Zoning By-law 2009-189**

The North Oakville Zoning By-law was approved to implement the policies of the NOESP and the NOWSP. The zones and associated regulations have been prepared to reflect the growth and employment opportunities planned for North Oakville.

As indicated in Figure 6, below, the subject lands are zoned LE (Light Employment) to permit light industrial uses, such as light manufacturing, fabricating, processing, assembly, repair, servicing, packaging, industrial warehousing and wholesaling of products or materials not accessible to the general public. Additional permitted uses include, but are not limited to, *General Office, Hotel, Place of Amusement, Club, Nightclub, Commercial School, Private Career College, and Day Care centre*. The existing, in-effect zoning implements the NOESP.

Supportive commercial uses are permitted within employment areas to enhance and facilitate the primary employment functions; however, maintaining the planned function of these lands as dedicated employment areas remains a priority. While certain commercial activities, such as an office or day care, may be allowed to serve the needs of businesses and employees within the area, commercial uses must not overshadow or detract from the primary objective of preserving land for employment uses. The intent is to ensure that employment areas remain viable areas for manufacturing, fabricating and warehousing for example, rather than evolving into a commercial area. As a result, commercial uses should be carefully regulated to prevent them from undermining the long-term economic and functional objectives of employment lands.

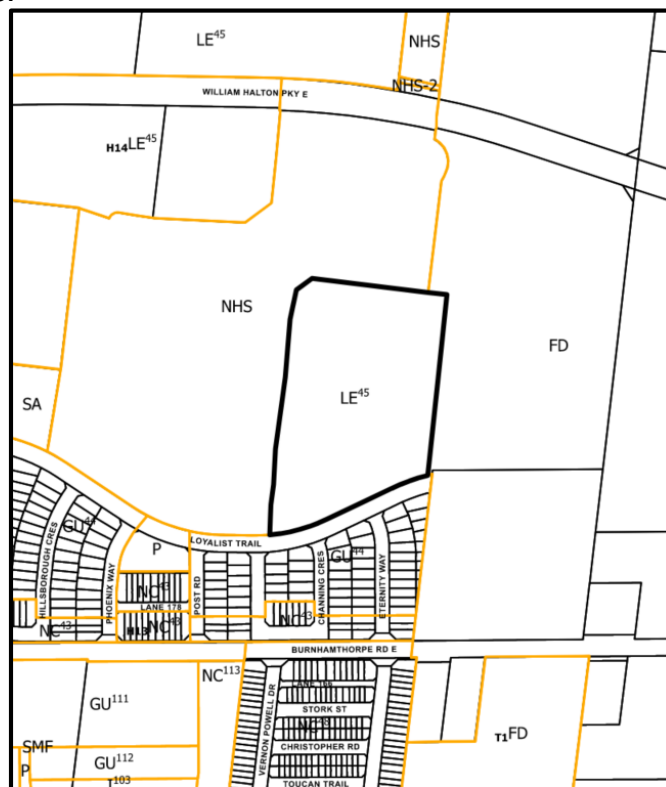


Figure 6: Excerpt of Zoning By-law 2009-189

The applicant proposes an amendment to Zoning By-law 2009-189 to modify the existing Special Provision 45, as follows:

- Removing *Nightclub* and *Hotel* from the list of permitted uses;
- Adding *Commercial Fitness Centre* to the list of permitted uses;
- Restricting *Commercial Fitness Centre* to a maximum Gross Floor Area (GFA) limit of 50% for all buildings;

- Establishing a single minimum parking requirement for all permitted uses to one (1) parking space per 50 square metres of *leasable floor area*.

Zoning By-law 2009-189 provides the following definitions:

*“commercial fitness centre” means premises in which facilities are provided for the purpose of profit for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a sauna, swimming pool, solarium, cafeteria and accessory uses as well as ancillary retail, but does not include a stadium or arena.*

*“hotel” means a building, or group of buildings, each containing sleeping accommodation, catering primarily to the traveling public, for rent or hire for temporary lodging. Hotel may also include restaurant, public hall and ancillary retail uses which are incidental and subordinate to the primary hotel function and oriented to serve the hotel patrons.*

*“nightclub” means an establishment or part thereof having a capacity to accommodate no more than 1000 persons at a time, whose principal function is the provision of music and where food or beverages may be served.*

Section 5 of Zoning By-law 2009-189 provides parking and loading regulations for North Oakville and, in accordance with Table 5.1B – Parking Requirements for Non-Residential Uses, the proposal of a *Commercial Fitness Centre* requires 1 parking space per 30 square metres of leasable floor area. Table 1, below, provides a list of some uses permitted within the LE (Light Employment) Zone and their respective minimum parking requirements, beginning with the most restrictive uses.

Land Use	Minimum Parking Requirements <small>(Based on <i>leasable floor area</i>, unless otherwise noted)</small>
Arena, Stadium, Theatre	1 <i>parking space</i> per 6 seats
<i>Nightclub, Public Hall</i>	1 <i>parking space</i> per 10 sq.m.
<i>Hotel</i>	0.65 <i>parking spaces</i> per suite plus 1 <i>parking space</i> for every 10 sq.m. of <i>leasable floor area</i> devoted to <i>public hall</i> uses; and, 1 <i>parking space</i> per suite plus 1 <i>parking space</i> for every 10 sq.m. of <i>leasable floor area</i> devoted to <i>public hall</i> uses
<i>Medical Office</i>	1 <i>parking space</i> per 20 sq.m.

Land Use	Minimum Parking Requirements <small>(Based on <i>leasable floor area</i>, unless otherwise noted)</small>
Trade and Convention Centre, <i>Club, Place of Amusement, Commercial School, Service Establishment, Private Career College</i>	1 <i>parking space</i> per 30 sq.m.
<i>General Office Use, Financial Institution, Call Centre, Research and Development, Information Processing</i>	1 <i>parking space</i> per 37 sq.m.
<i>Day Care Centre</i>	1 <i>parking space</i> per 40 sq.m.; and, 1 <i>queued parking space</i> maximum per every five pupil capacity
<i>Light Industrial</i> (each premises 7,500 sq.m. or less)	1 <i>parking space</i> per 100 sq.m.
<i>Light Industrial</i> (each premises 7,500 sq.m. or greater)	1 <i>parking space</i> per 200 sq.m.
<i>Place of Worship</i>	No minimum

*Table 1: Minimum Parking Requirements for Uses Permitted in the LE (Light Employment) Zone, Zoning By-law 2009-189*

As referenced above, *Nightclub* and *Hotel* are currently permitted uses intended to support the function of the Employment District; whereas the proposal of a *Commercial Fitness Centre* has the potential to cater more to local residents. The nature of said use (i.e., hours of operation, frequency and number of customers) is anticipated to impact the ability of the future employment uses to operate their businesses efficiently on this site, and future employment sites along Loyalist Trail, in terms of employee/client parking and the movement of goods. On this basis, staff is not supportive of proposed amendments to the Zoning By-law as they do not implement the NOESP.

An amendment to the Zoning By-law to permit 50% GFA for an additional commercial use within the LE Zone does not conform to the NOESP.

## TECHNICAL & PUBLIC COMMENTS

The development application was circulated to internal departments and external agencies for a full assessment of the proposal.

**Issues Under Review / Matters to be Considered**

The changes to provincial policy has challenges with respect to how employment areas are currently laid out throughout the province, as well as any land use compatibility matters resulting from the change in definition of “Area of Employment”. On this basis, staff continue to rely on the existing town and regional policies to help inform the land use planning matters related to the protection of lands that have been designated for employment uses.

The following is an overview of the matters identified by Staff and Council at the November 25, 2024, Public Meeting.

**1. Consistency with the Provincial Planning Statement regarding employment areas**

The proposal has been assessed and has been determined to be inconsistent with the Provincial Planning Statement, 2024, as explained in the Planning Policy Analysis section, above.

**2. Conformity to the North Oakville East Secondary Plan**

The proposal has been assessed and has been determined to not be in conformity with the North Oakville East Official Plan, as the proposal of allowing 50% GFA for Commercial Fitness Centre does not support the planned function of the ‘*Employment District*’.

**3. Proposed land use and contribution to total gross floor area**

The subject property contains five (5) buildings that have been constructed for light employment uses and the approved site plan locates the largest buildings, as well as the orientation of loading bays, away from Loyalist Trail to mitigate any impacts on adjacent residential uses. Table 2, below, provides a breakdown of the size and description of the existing buildings.

	<b>Number of Units</b>	<b>Gross Floor Area</b>	<b>Loading Dock Typology</b>	<b>Intended Uses</b>
Building ‘A’ (65 Loyalist Trail)	8	1,240.08 sq.m.	9 loading docks designed for up to Light Single Unit Truck (LSU, TAC-2017)	50% Industrial & 50% Office
Building ‘B’ (71 Loyalist Trail)	12	2,575.63 sq.m.	10 loading docks designed for Light Single Unit Truck (LSU, TAC-2017)	50% Industrial & 50% Office

Building 'C' (77 Loyalist Trail)	10	1,995.88 sq.m.	10 loading docks designed for up to Light Single Unit Truck (LSU, TAC-2017)	50% Industrial & 50% Office
Building 'D' (83 Loyalist Trail)	8	3,392.56 sq.m.	10 loading docks designed for up to Semi-Tractor Trailer (WB20, TAC-2017)	4 Industrial Units & 4 Office Units
Building 'E' (89 Loyalist Trail)	10	6,374.88 sq.m.	10 loading docks designed for up to Semi-Tractor Trailer (WB20, TAC-2017)	100% Industrial
Total	48	15,578.83 sq.m.		Industrial & Office

*Table 2: Building Statistics, Loading, and Intended Uses, as per approved Site Plan (SP.1215.003/01)*

The applicant proposes that up to 50% of the buildings' GFA on the subject lands, totaling 7,789.41 sq.m, may be used for a *Commercial Fitness Centre*. Allowing this use, along with the potential for other permitted commercial uses, would significantly reduce the space available for industrial uses, undermining the planned function of the Employment District designation.

**4. Transportation implications (i.e., traffic volumes)**

The Transportation Impact Study (TIS) Addendum, prepared by Nextrans and dated January 24, 2025, analyzed the impact of dedicating 50% of the gross floor area to the proposed *Commercial Fitness Centre*. The study projects that this use will generate 194 two-way personal vehicle trips (129 in, 65 out) during the AM peak hour and 373 trips (181 in, 192 out) during the PM peak hour, along with one inbound heavy truck trip during both peak periods.

Regardless of whether the *Commercial Fitness Centre* is introduced, traffic movements generated by the site warrant signalization at the intersection of Sixth Line and Loyalist Trail. While the study concludes that the proposed use will not introduce unacceptable traffic impacts within the study area, Transportation Engineering staff have identified gaps in the analysis, including the lack of clarification on why passenger vehicles using the intersection of Eternity Way and Burnhamthorpe Road were not considered. Further analysis is required.

**5. Parking requirements**

The parking justification component of the Transportation Impact Study (TIS) Addendum only considers Industrial, Office and *Commercial Fitness Centre* uses.



This is because the existing buildings were designed for Industrial and Office uses, and the proposal is to add *Commercial Fitness Centre* to the permitted uses.

However, the TIS Addendum does not provide sufficient justification for the proposed parking rate. Specifically, it does not account for other as-of-right uses within the LE Zone that may have more restrictive parking requirements than the proposed rate of 1 per 50 square metres. Staff recommend a comprehensive calculation of all potential uses based on the available parking. Additionally, the applicant should demonstrate how parking constraints would be managed, either by regulating certain uses or restricting some as-of-right permissions if adequate parking cannot be provided.

## **6. Integration / impact on adjacent properties**

Loyalist Trail is classified as a connector road intended to accommodate vehicles that serve the existing and planned '*Employment District*' and '*Transitional Area*' uses. Loyalist Trail is intended to extend easterly to Trafalgar Road to further service additional employment lands as well as uses resulting from the Trafalgar Urban Core (TUC) developments on Trafalgar Road. The concerns of area residents include the mixture of passenger vehicles with truck traffic, which staff anticipate will be reduced once Loyalist is extended to Trafalgar Road.

While fewer trucks are anticipated to access the site with the introduction of *Commercial Fitness Centre*, the TIS Addendum noted a significant increase in the number of personal vehicle trips throughout the day, particularly during the PM peak hours due to the size of the proposed *Commercial Fitness Centre*.

Currently, there is no on-street parking signage provided on Loyalist Trail, but it is anticipated that a limited number of street parking spaces will be available abutting the Village Square (Loyalist Parkette) on the south side of the street and the Loyalist Woods Park Trail through the NHS on the north side of the street to encourage usage of these neighbourhood amenities. On-street parking is intended to supplement the on-site parking and is not to be relied upon for daily parking needs. As the applicant has not provided a fulsome analysis of the parking requirements and transportation demand measures to support alternative modes of transportation, staff are concerned that insufficient parking may be provided on-site for the proposed *Commercial Fitness Centre* uses and may spill onto the abutting streets.

## **7. Utility company requirements**

Initially, Enbridge staff raised concerns about the proposal; however, these concerns have been addressed, and they no longer have any objections.

## 8. Public Comments

At the time of the writing of this report, five members of the public have provided written comments regarding the subject rezoning application. Three members of the public represent prospective leaseholders interested in establishing a *Commercial Fitness Centre* within the existing buildings; one seeking to open a racket sport facility (e.g., padel tennis, pickleball, etc.) and the other two looking to create a membership-based basketball facility. The remaining two individuals have submitted written requests to be notified of Council's decision on the application.

## 9. Should any other use(s) currently permitted, be removed from the list of permitted uses for the subject lands (e.g., hotel, club, etc.).

Although staff recommend that the town's Employment Area Review inform any changes in zoning, should Council approve the addition of *Commercial Fitness Centre* on the subject lands, staff recommend that a new Special Provision incorporating the previous permissions under Special Provision 45 be applied to the subject lands to restrict the maximum leasable floor area of permitted uses based on the parking that is available on-site. Staff advise that Special Provision 45 applies to additional properties within the Star Oak North Phase 1 (20M-1221) Subdivision, so amending Special Provision 45 would have unintended consequences within the Employment District beyond the subject lands.

## CONCLUSION

Staff has provided a thorough analysis of the policy framework and an assessment of the impacts of the proposed rezoning to permit a *Commercial Fitness Centre* on the subject lands. Fundamentally, staff do not support the application from a land use planning perspective. Maintaining the existing provisions of the LE zone will provide the opportunity for appropriate small-scale employment uses with complimentary commercial uses that serve the employment uses and are in the public interest. The following points summarize staff's opinion:

- While some supportive commercial uses are currently allowed on this site, the primary focus should remain on employment uses. Limited commercial activities, such as offices or daycares, may be permitted to serve businesses and workers, but they cannot take priority over manufacturing, fabricating, and warehousing. To protect the planned function of these lands, staff are recommending denial of the applicant's request to permit Commercial Fitness Centre uses for up to 50% of the gross floor area (GFA) of all buildings, as it would compromise the long-term economic and employment objectives of the area.
- This application is not in the public interest at this time.

- The rezoning of the subject lands for a *Commercial Fitness Centre* is not consistent with the PPS 2024 and does not conform to the Region of Halton Official Plan, and the North Oakville East Secondary Plan on the basis that the introduction of a *Commercial Fitness Centre* use does not protect, maintain, or preserve the viability of employment areas and the long term economic goals of the town.

## **CONSIDERATIONS**

### **(A) PUBLIC**

The applicant held a Public Information Meeting on August 15, 2024, which was attended by 29 members of the public, Ward 7 Councillors, and staff. A Public Meeting was held on November 25, 2024 and no members of the public attended. Unfortunately, the meeting did not meet the statutory requirements of 20-days notice. As a result, the combined Statutory Public and Recommendation Meeting to be held on March 17, 2025 will meet the statutory requirements. Public notice was mailed and the sign updated on February 24, 2025 (i.e., 21 days prior to the meeting).

Notice of this meeting was distributed to property owners within 240m of the Subject Property in accordance with the town's current notice requirements and *Planning Act*. Staff have received four letters of correspondence for the subject application, included in Appendix 'A'. The matters concerned prospective leaseholders and requests for notification of Council's decision, as referenced in the report above.

### **(B) FINANCIAL**

None.

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

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

### **(D) COUNCIL STRATEGIC PRIORITIES**

This report addresses Council's strategic priority/priorities: Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

### **(E) CLIMATE CHANGE/ACTION**

Any future development on this site will be reviewed to ensure compliance with the Town's sustainability objectives of the NOESP.

## **APPENDICES**

### Appendix “A”: Written Correspondence

Prepared by:  
Delia McPhail, MCIP, RPP  
Planner – Current Planning

Recommended by:  
Brandon Hassan, MCIP, RPP  
Acting Manager of Current Planning – East

Submitted by:  
Gabriel A.R. Charles, MCIP, RPP  
Director, Planning & Development