

Monday, March 17, 2025

Mayor Burton and Members of Council

Town of Oakville

1225 Trafalgar Road
Oakville, ON L6H 0H3

RE: Z.1215.04

Public Meeting and Recommendation Report for Zoning By-law Amendment Application

65, 71, 77, 83 & 89 Loyalist Trail

Tafia Development Corp.

Item 6.3 Planning and Development Council Agenda of March 17, 2025

On behalf of the Tafia Development Corporation (Client), Corbett Land Strategies Inc. (CLS) wishes to submit this letter which has been prepared in response to the recommendation report for 65-89 Loyalist Trail (Subject Lands), file No.Z.1215.04. The Staff Report, dated March 4, 2025, recommends that the Zoning By-law Amendment application be refused as proposed.

This recommendation is extremely disappointing and is opposed in its entirety. Rather, CLS recommends that the Zoning By-law Amendment be approved as proposed on the basis that it represents good planning and achieves the public interest. The approval of this application would implement Council's previous direction that the subject lands be exempted from the provisions of the new employment policies of OPA 332.

The following commentary has been prepared in support of CLS's recommendation and to assist members of Council in their determination of the proposed application.

Executive Summary

- Proposed development is intended to permit "Commercial Fitness Centre" uses at a maximum gross floor area of 50%. The basis for the request is to expand the tenancy opportunities for the existing buildings;
- A public information meeting was convened in August 2024 which confirmed general support for the proposed development from residents in the area;
- A zoning by-law amendment was submitted and subsequently deemed complete in September 2024;
- In November 2024, Council directed that the Subject Lands be removed as an "area of employment" from OPA 332, which otherwise sought to implement a new framework to regulate employment areas, and which sought to prohibit non-employment uses;
- The addition of the proposed uses, to this existing building complex, will not impede the planned employment function of the surrounding area given that the proposed use is

similar to many of the uses already permitted in the Towns Secondary Plan and Zoning By-law;

- The proposed development is compatible with both permitted employment uses as well as the existing residential subdivision found to the immediate south of the Subject Lands
- The proposal is believed to be representative of common uses found in many industrial precincts found throughout the Greater Toronto Area;
- North Oakville East Secondary Plan permits a wide range of employment and employment supportive uses, including “sport and recreation, and place of amusement uses”. The proposed introduction of “Commercial Fitness Uses” is therefore a permitted use in the Secondary Plan;
- Zoning By-law 2009-189 permits a range of employment and other uses including “Hotel”, “Place of Amusement” and “Nightclub”. The proposed development is seeking to amend the zoning by-law by adding uses which are similar to those already permitted. Further, the proposed use is believed to be more appropriate in supporting the planned employment function as well as surrounding existing uses, then certain as-of-right permitted uses;
- The proposed “Commercial Fitness Centre” use is in strong demand for this area of the Town and will serve the surrounding communities in North Oakville which otherwise are underserved in recreational facilities; and,
- The proposed development has been technically assessed through the preparation of a Transportation Impact Study (TIS), which confirms that the proposal is appropriate overall.

Background

The lands located at 65-89 Loyalist Trail (Subject Lands) are currently occupied by five industrial and office buildings which were approved in June 2022 (and further updated in December 2023). The buildings have completed construction and are currently in the midst of being occupied with uses currently permitted by the Official Plan and Zoning By-law.

The subject lands are located immediately north of an existing residential development, south and east of a woodlot and west of agricultural/future employment. Presently, Loyalist Trail terminates just east of the Subject Property. The subject lands are designated as “Employment Area” as per Schedule A1 of the Livable Oakville Plan and located within the “Employment District” as per Figure 2 of the North Oakville East Secondary Plan.

A Zoning By-law Amendment (ZBA) was submitted and then deemed complete on September 27, 2024. The amendment proposes the permission of “Commercial Fitness Centre” uses as well as a maximum Gross Floor Area (GFA) for the proposed “Commercial Fitness Centre” use at 50%. In addition, a single parking rate is proposed for all permitted uses and “Hotel” and “Nightclub” uses are proposed to be prohibited. The proposed application is being sought to expand the tenancy opportunities of the existing buildings in accordance with market demand

generated by the adjacent residential communities. The proposed development is being sought without any exterior changes to the constructed buildings.

Prior to submission, the Client and CLS advanced a Public Information Meeting on August 15, 2024 which was well attended by members of the public as well as Ward Councillors. Amongst comments received, residents generally shared support for the proposal as an alternative to existing as of right uses that were believed to generate greater conflicts including vehicle and truck traffic, safety, noise and an overspill of parking on residential streets.

Official Plan Amendment No.332

As part of the Town's response to the implementation of the new "Area of Employment" definition in the Planning Act as well the Provincial Planning Statement, 2024 (PPS 2024), which came into effect on October 20, 2024, a new policy framework for employment lands was brought forward. This framework was prepared to achieve alignment with the new definition for "Area of Employment" and effectively resulted in the prohibition of all non-employment uses from a significant portion of employment lands across the Town of Oakville. Uses, which may have been previously permitted under in-effect Official Plan and Zoning By-law policies, were no longer permitted and determined to be excluded.

As it pertained to the Subject Lands, the framework would no longer allow uses such as "Place of Amusement", "Commercial School" and "Day Care" within lands designated "Employment District" which otherwise were permitted under the North Oakville East Secondary Plan. In response to the proposed framework, and to protect the marketability of the recently constructed buildings on the Subject Lands, the Client requested the Town grant the removal of the Subject Lands from the area of employment. This request was approved on October 15, 2024 through a Council approved exemption from the policies of the implementing official plan amendment, OPA No.332. The amendment has since been appealed to the Ontario Land Tribunal by other landowners.

Although appealed, OPA 332 is clear and definitive in its direction that the Subject Lands be removed from an area of employment. This direction is critical to the analysis and consideration of the proposed application given that it indicates a strong desire by Council to allow for an expanded non-employment function of the Subject Lands. It is notable that despite the clear direction from Council on OPA 332 (as it pertains to the Subject Lands), the intent of the motion is largely absent from the Staff Report. The dismissal of Councils decision is concerning and undermines the intent of Council to establish a balance between the marketability of the existing buildings and ensure compatibility with surrounding residential community.

Staff Report Response

1. Planning Act “Area of Employment”, Transition Provisions and Staff Opinion

Within the Staff Report, staff set out that the Planning Act was amended to introduce a new definition for “Area of Employment” which excludes institutional and commercial uses. It also advises that the definition change does not change designations but rather informs amendments which seek to remove lands from an area of employment. Further the report advises that transition provisions are established in the Planning Act which allows municipalities to allow policies which permits excluded uses to continue if lands were occupied by such uses and if the use was “lawfully established” before the effective date.

We put forward that the proposal is in keeping with the changes to the Planning Act. The proposal is seeking only to amend the zoning by-law and is not seeking to remove land from an area of employment but simply rather add employment supportive uses to the Subject Lands. Further, given that the buildings, and by extension certain employment-supporting commercial uses, were ‘lawfully existing’ at the time of the application being deemed complete, and therefore the transition policies of the Planning Act can be considered to be applicable. This interpretation is applicable regardless of the appeal of OPA 332, however as noted above, through its passage, Council set out its direction on the removal of the Subject Lands as an area of employment.

Within the Staff Report, it is advised that the proposal to permit “Commercial Fitness Centre” uses up to 50% of the gross floor area would not have regard for matters of Provincial Interest (Section 2). Particularly given its minor nature, the proposal will not impede the ability to protect the broader “Area of Employment” and the added use, of which tentative lease arrangements have been initiated, will ensure achievement of matters such as the (h) orderly development of safe and healthy communities, (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities, (k) the adequate provision of employment opportunities, (l) the protection of the financial and economic well-being of the Province and its municipalities and (p) the appropriate location of growth and development.

As such, it is our opinion that the proposal in fact does have sufficient regard for matters of Provincial interest set out in the Planning Act.

2. Provincial Planning Statement (PPS)

Section 2.8.1 of the PPS requires that planning authorities are to promote economic development and competitiveness in employment areas. This is to be achieved by providing an appropriate mix and range of employment and mixed uses, by providing opportunities for a diversified economic based including maintaining a range and choice of suitable sites for employment uses and ancillary uses and which encourages economic intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities. The proposal achieves Section 2.8.1 given that the

addition of the use will provide greater opportunity to diversify the Town's economic base through the introduction of new businesses which are employment generators. Further, the proposed "Commercial Fitness Centre" use is a compatible use with permitted employment uses given that its main hours of operation are opposite to traditional employment uses. Gyms, playgrounds and sports facilities are more commonly frequented in the evenings and weekends whereas traditional employment uses like manufacturing and office occur during weekdays. This will ensure the proposal is compatible with the permitted employment uses and lessen overall vehicular and truck traffic impact.

Overall, the notion that the proposal will undermine the intended function of the employment area and will negatively impact the effective operation of employment uses both on and off the site, is a dated one. Throughout the Greater Toronto Area, industrial plazas are increasingly being relied upon to support recreational needs while at the same time offer places of employment through those businesses. Given the variety of sports and activities available, these plazas now offer unique opportunities to accommodate these activities through simple retrofit which can occur quickly and cost-effectively. Further, the ample parking and hours of operation, that are most common for these types of plazas, can support a blending of traditional employment and recreational uses. This is verified within the submitted Transportation Impact Study, prepared in support of the proposal, as it evaluates similar "proxy sites" in its assessment of the potential impact of the proposed development.

3. Halton Regional Official Plan

Despite the Regional Official Plan no longer being a Regional Plan but rather a Local Plan, the Staff Report confirms that the Regional Official Plan sets out that "Employment Areas" are intended to permit a range of employment uses including ancillary uses. These permissions are determined to be established through the incorporation of policies prepared by the local municipalities in their respective policy documents. Therefore, it is the local municipality which is tasked to identify the employment uses which are appropriate for the planned function of the Employment Areas.

The Town of Oakville, as the local municipality, has established through a site specific exemption to the employment policy provisions of recently approved OPA 332, that the proposal will not undermine the planned function of the "Regional Employment Area" or the applicable employment area policies. Further, no amendment to the Regional Official Plan was identified (nor any to the Livable Oakville Plan) to be required at the time of submission, this clearly indicates conformity to the respective Official Plans.

4. North Oakville East Secondary Plan

The Staff Report confirms that the Subject Lands are located within the limits of the North Oakville East Secondary Plan and designated “Employment District”. This designation forms part of the larger business park and is intended to function jointly with other properties similarly designated. In accordance with Section 7.6.8.2, permitted uses for the “Employment District” designation include “e) sport and recreation, and place of amusement uses”. Further, Section 7.6.8.4 sets out that the zoning by-law be relied upon to establish the precise location of a range of permitted uses. Also, Section 7.6.8.4.c) sets out that where “Employment District” designations are located adjacent to residential, matters of compatibility are to be reviewed to ensure that impact to the residential use does not occur. Given that the proposed “Commercial Fitness Centre” use is a form of “sport and recreation, and place of amusement”, it is a permitted use. Further, in accordance with Section 7.6.8.4.a), the zoning by-law is the vehicle in which the use is to be regulated which is the intent of the proposed application.

In fact, the proposal complies with Section 7.6.8.4.c) given that it seeks to prevent impact on the residential uses. The introduction of “Commercial Fitness Centre” uses thereby will assist to mitigate the impact of employment uses on the residential neighbourhood, located on the south side of Loyalist Trail, as typical light, noise and fume emissions are anticipated to be reduced, should the proposal be approved. Please note, currently Loyalist Trail terminates just east of the Subject Property but is planned to be extended further. Noise levels are anticipated to lower along this section of the road, particularly across from the Subject Lands, as trucks will ultimately have more options to access and no longer be required to arrive from Sixth Line only.

While staff advise of concerns with the proposal impeding employment uses from operating efficiently, it is reiterated that the primary operation of the proposed “Commercial Fitness Centre” uses will most typically occur at opposite times of the day and week and therefore conflicts will not arise. Further, the “Commercial Fitness Centre” use will serve employees and will attract industrial development to this area of the municipality. Overall, the proposal achieves conformity with the policies of the North Oakville East Secondary Plan. In many respects, this is corroborated by staff through the determination that no amendment to the Secondary Plan was required as part of the approval process.

5. Zoning By-law 2009-189

The Staff Report sets out that Zoning By-law 2009-189 implements the policies of the North Oakville East Secondary Plan with zones and regulations prepared to reflect the corresponding designation. As such, the Subject Lands are zoned “Light Industrial” (LE) which permits a range of employment uses including general office, hotel, place of amusement and nightclub.

The Staff Report sets out that while additional supportive commercial uses are permitted, they are intended to enhance and facilitate the primary employment functions and not detract from the objective of preserving land for employment uses. The proposal achieves this by establishing limitations on the proposed “Commercial Fitness Centre” use of a maximum of 50%

of the total gross floor area. Given that the buildings are existing, the proposed use is prevented from expanding beyond the limitations already in existence for the Subject Lands.

The Staff Report suggests that the “Commercial Fitness Centre” use differs from current permitted uses such as “Nightclub” and “Hotel” as those uses are intended to support the function of the Employment District. Further, “Commercial Fitness Centre” uses are advised to cater to more residents and the nature of the use is anticipated to impact the ability for future employment uses to operate efficiently. We disagree with these comments as the proposed development will cater to local employees who seek recreation and fitness during working hours and at locations in proximity to their place of work. Importantly, parking has been assessed within the submitted Transportation Impact Study to be appropriately addressed through the implementation of the proposed parking rate, which was suggested by zoning staff during the review of the proposed application.

It is for the above reasons that the proposed development is in keeping with the intent of the zoning by-law and conforms to the North Oakville East Secondary Plan.

6. Technical Comments

Proposed Land Use and Contribution to Total Gross Floor Area

On Page 22, the staff report sets out that should the proposed permission of 50% of the buildings GFA for “Commercial Fitness Centre” use not be allowed in addition to the existing permitted commercial uses as it would significantly reduce the space available for industrial uses. However, the staff report does not identify that within the existing permitted uses in the zoning by-law, it is theoretically possible to enable 100 per cent of the floor area to be occupied by such uses as “Hotels”, “Nightclubs” and “Places of Amusement. Instead, the proposal seeks to establish restrictions to the floor area of “Commercial Fitness Centre” uses to a maximum of 50%, which would allow other employment uses to occupy the remaining 50% floor area at a minimum.

Transportation and Parking (TIS):

The staff report acknowledges that while the TIS confirms the proposal will not introduce unacceptable traffic impacts, it identifies that certain “gaps” exist in the traffic and parking analysis. In response, it is advised that the Terms of Reference were approved by the Town transportation staff prior to the commencement of the report and therefore any potential “gaps” should have been flagged at that time. The TIS further sets out that the proposal, which seeks to introduce a single, multi-use parking rate, would be appropriate given the assessed proxy parking surveys completed. It is noted that the selected proxy sites were also confirmed to be appropriate through the approval of the Terms of Reference and through comments received after the first submission.

Finally, the application of a multi-use parking rate is not foreign to the Town of Oakville. In accordance with Table 5.2.1 of Zoning By-law 2014-014, a multi-use parking rate is permitted on lots zoned Office Employment (E1), Business Employment (E2), and Industrial (E3). Although the by-law is not applicable to the Subject Lands, it is evident that the Town has familiarity with the application of a parking rate elsewhere and even applies the parking rate to similarly zoned lands. Further, the proposed parking rate has been found to be appropriate by the project team as well as by zoning staff during its review of the proposal.

On page 23 of the Staff Report, comments also advise that there is insufficient justification for the proposed parking rate. *“Specifically, it does not account for other as-of-right uses within the LE Zone that have more restrictive parking requirements than the proposed rate of 1 per 50 sq.m.”* In response, it is advised that given that two of the as-of-right uses with restrictive parking requirements (Nightclub at 1 per 10 sq. m. & Hotel at 0.65 or 1 per suite) are proposed to be prohibited, the parking rate of 1 space per 50 sq. m. rate is appropriate given the resulting reduction overall on parking requirements.

On page 23, the staff report raises concerns with an increase in the number of personal vehicle trips throughout the day and during the PM peak hour. Within the completed TIS, it is confirmed that the proposed development will generate an increased number of automobile trips however it also confirms a corresponding drop in truck trips will be generated. This is believed to align with residents’ concerns to mitigate truck traffic along Loyalist Trail. Further, the TIS sets out that mitigation measures, including signalization, would be necessary in the long term regardless of the introduction of the proposed uses.

Conclusion

As set out throughout the above, the recommendation to refuse the application by staff is not in keeping with the direction of Council through its decision on OPA 332. Despite OPA 332 being appealed, Councils decision cannot be ignored and must be fully reflected within the consideration of the proposal. Further, the introduction of the proposed “Commercial Fitness Centre” use as well as the maximum floor area of 50% will not undermine the planned function of the employment area, as the achievement of 50% of floor area at a minimum for employment uses can still occur.

It has been made clear, both by the prospective tenants and local residents who attended the public information meeting, that the proposal is appealing and would be positively supported should it be approved.

It is our opinion that the proposed development represents good planning and is in the public interest as it will not prevent the planned function of the employment area as the proposed uses are similar and compatible to uses already permitted. Further, we believe that Council should approve the application as submitted on the basis that it substantially realizes the stated objective of Council through its decision and site specific exemption to the policies of OPA 332.



Sincerely,

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