

COMMITTEE OF ADJUSTMENT

CONSENT REPORT

STATUTORY AUTHORITY: Section 53 of the Planning Act, 1990

APPLICATION: B25/01

**RELATED FILE: A/029/2025 2164 Buckingham Rd. (severed)
A/030/2025 2690 Plymouth Dr. (retained)**

DATE OF MEETING: March 19, 2025 at 7 p.m.

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
2164 Buckingham Road Holdings ULC / BPP CA Industrial Sub Owner 2 Limited Partnership	Jillian Sparrow MHBC Planning 301-12 James St N Hamilton ON L8R 2J9	2164 Buckingham Road (Severed) PLAN M491 PT BLK 2 RP 20R12392 PARTS 1&2
2690 Plymouth Drive Holdings ULC / BPP CA Industrial Sub Owner 2 Limited Partnership	Jillian Sparrow MHBC Planning 301-12 James St N Hamilton ON L8R 2J9	2690 Plymouth Drive (Retained) PLAN M515 PT BLK 2 RP 20R9559 PARTS 2,3

**OFFICIAL PLAN DESIGNATION: Employment Area
WARD: 6**

**ZONING: E3 sp; 43, Employment
DISTRICT: East**

APPLICATION:

Under subsection 53(42) of the Planning Act, the applicant is requesting to permit the consent for the creation of a New Lot.

An application has been made for Consent for the creation of a New Lot. The application is asking to convey a portion of land (Parts 5-7 on the consent sketch) municipally known as 2164 Buckingham Road which is approximately 13,671.9 m² in area with an approximate frontage of 71.82 m on Buckingham Road to be severed from 2690 Plymouth Drive (Parts 1-4 on the consent sketch) for the purpose of creating a new lot.

The retained parcel (Parts 1-4 on the consent sketch) municipally known as 2690 Plymouth Drive is approximately 8,689.7 m² in area, with an approximate frontage of 69.14 m on Plymouth Drive.

The purpose of this application is to reinstate the original two lots which have merged on title.

This application is being considered with related Minor Variance A/029/2025 (Severed) and Minor Variance A/030/2025 (Retained).

The said parcels being more particularly described on the Severance Sketch, Figure 2 below.

This application is being considered with related **Minor Variance A/029/2025-Severed and A/030/2025-Retained**.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

RECOMMENDATION

That consent application B25/01, submitted by MHBC Planning Urban Design & Landscape Architecture on behalf of Holdings ULC / BPP CA Industrial Limited to recreate a lot for the existing employment uses (SEVERED) having approximately 13,671.9 square metres, a frontage of 71.82 metres, and depth of 191.30 metres and with a retained portion (RETAINED) having an area of approximately 8,689.7 square metres, a frontage of 69.14 metres, and a depth of approximately 128.80 metres, be approved subject to the conditions attached as Appendix "A".

Note: This consent application should be considered together with minor variance applications A/029/2025 and A/030/2025 for the subject lands to address a deficient minimum landscaping coverage for the severed and retained lands under Zoning By-law 2014-014, as amended.

LOCATION:

The subject lands are municipally known as 2690 Plymouth Drive and 2164 Buckingham Road.

2690 Plymouth Drive (shown in blue in Figure 1) is located on the south side of Plymouth Drive, west of Buckingham Road, and is legally described as Plan 20M-515 Part of Block 2, Registered Plan 20R-9559, Parts 1- 4.

2164 Buckingham Road (shown in red in Figure 1) is located on the west side of Buckingham Road, south of Plymouth Drive, and is legally described as Plan 20M-491 Part of Block 2, Registered Plan 20R-12392, Parts 5- 7.



Figure 1: Subject Lands

PURPOSE

The subject lands currently function as independent industrial buildings with their own parking, driveways, and access as shown in Figure 1 above. The subject lands inadvertently merged on title due to common ownership. The proposed consent would have the effect of re-establishing the lot line dividing subject lands as shown in yellow in Figure 1. No changes to the two industrial buildings or site layouts are proposed as part of this consent application.

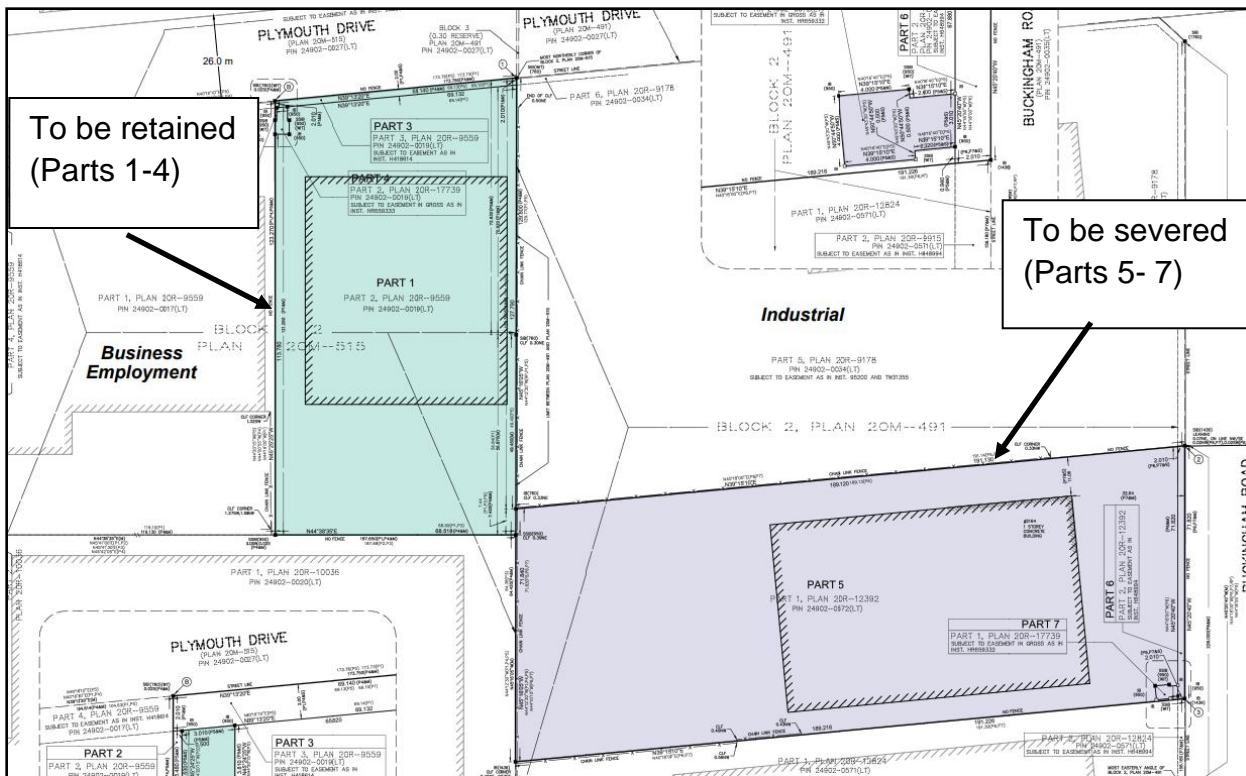


Figure 2: Severance Sketch

PROVINCIAL PLANNING STATEMENT (PPS), 2024

The PPS provides for efficient development and land use patterns and appropriate range and mix of land uses. Policies within chapter 2 direct growth and development to settlement areas, which optimizes the efficient use of land and resources, existing and planned infrastructure, and promotes active transportation. The policies of section 2.8 encourage municipalities to plan for and protect employment uses. The proposal is consistent with the PPS as it will result in the preservation of existing employment.

REGION OF HALTON OFFICIAL PLAN

The subject lands are designated “Urban Area”, are located within the Built Boundary, and form part of the Employment Area overlay. In accordance with Policy 76 of the Region of Halton Official Plan the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws.

LIVABLE OAKVILLE PLAN

Both the severed and retained lands are identified as ‘Employment Area’ within Schedule A1 – Urban Structure. The Urban Structure does not constitute land use designations and is not intended to grant development rights or to predetermine the specific land uses that will be permitted on any particular parcel of land.

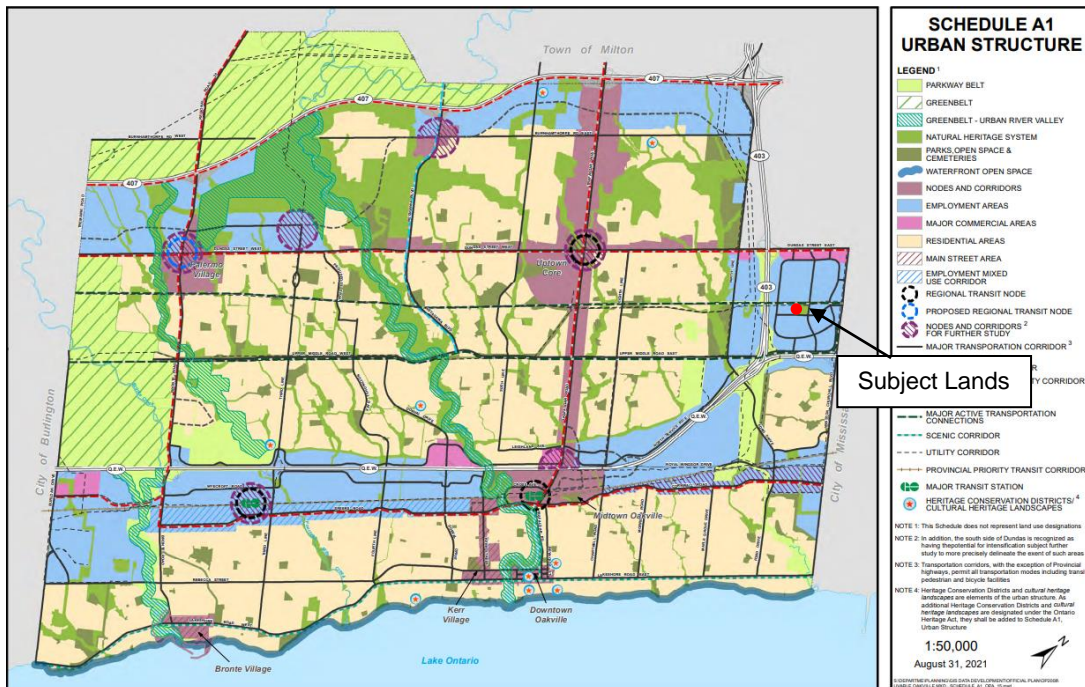


Figure 3: Livable Oakville Plan (Schedule A1 – Urban Structure)

The severed property (2164 Buckingham Road) is designated as ‘Industrial’ on Schedule J East Land Use Plan of the of the Livable Oakville Official Plan (the “OP”). Whereas the retained property (2690 Plymouth Drive) is designated as ‘Business Employment’. In accordance with Section 14 of the OP:

“Employment Areas are intended to provide industrial, business and office activities, which will be the major source of employment opportunities in the Town. The Employment Areas permit a wide range of business and economic activities and are defined by four specific Employment land use designations: Office Employment, Business Employment, Industrial and Business Commercial. The Employment land use designations provide for compatible uses in appropriate locations with a variety of form, scale, and intensity of development. The Business Commercial designation is primarily to provide service commercial uses for the surrounding Employment Areas or for the travelling public.”

The applicant is not proposing any change to the existing employment uses of the subject site, and both existing uses are in conformity with the OP as such the proposed consent complies with the OP.

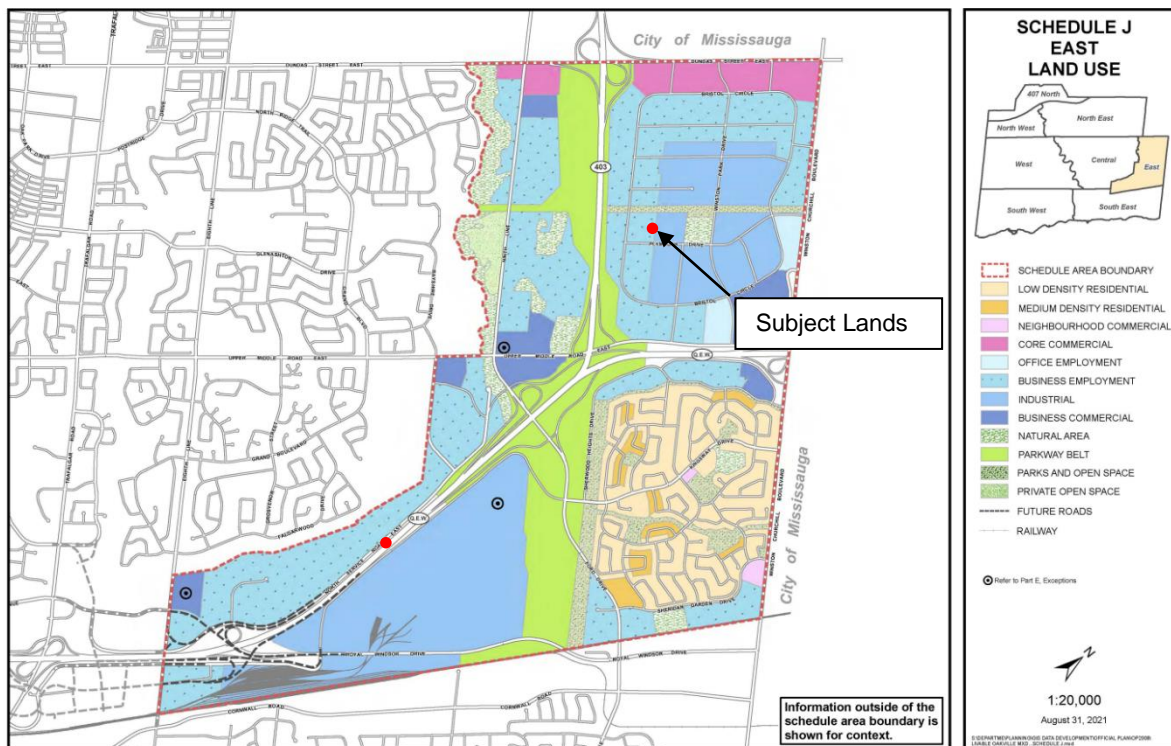


Figure 4: Livable Oakville Plan (Schedule J – South East Land Use)

The consent policies contained within Section 28 of the OP provide direction on when the creation of a new lot can be granted. Staff note that Policy 28.14.2 states:

“Applications for consent to create new lots may only be granted where:

- a) a plan of subdivision is not necessary;*
- b) the number of resulting lots is three or less;*
- c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;*
- d) no extension, improvement or assumption of municipal services is required;*
- e) the lot will have frontage on a public street and access will not result in traffic hazards;*
- f) the lot will not restrict the ultimate development of adjacent lands;*
- g) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots; and,*
- h) the consent conforms to all relevant policies of this Plan.*

The proposed consent satisfies all of the criteria of Policy 28.14.2. Both the retained lands and the severed lands comply with the Zoning By-law with respect to minimum lot frontage, lot area and have a shape and size that is compatible with lots in the surrounding area and could accommodate future development. It is staff’s opinion that the proposed consent would not fragment the lotting fabric or preclude comprehensive site design, development and intensification in accordance with the policies of the OP.

ZONING

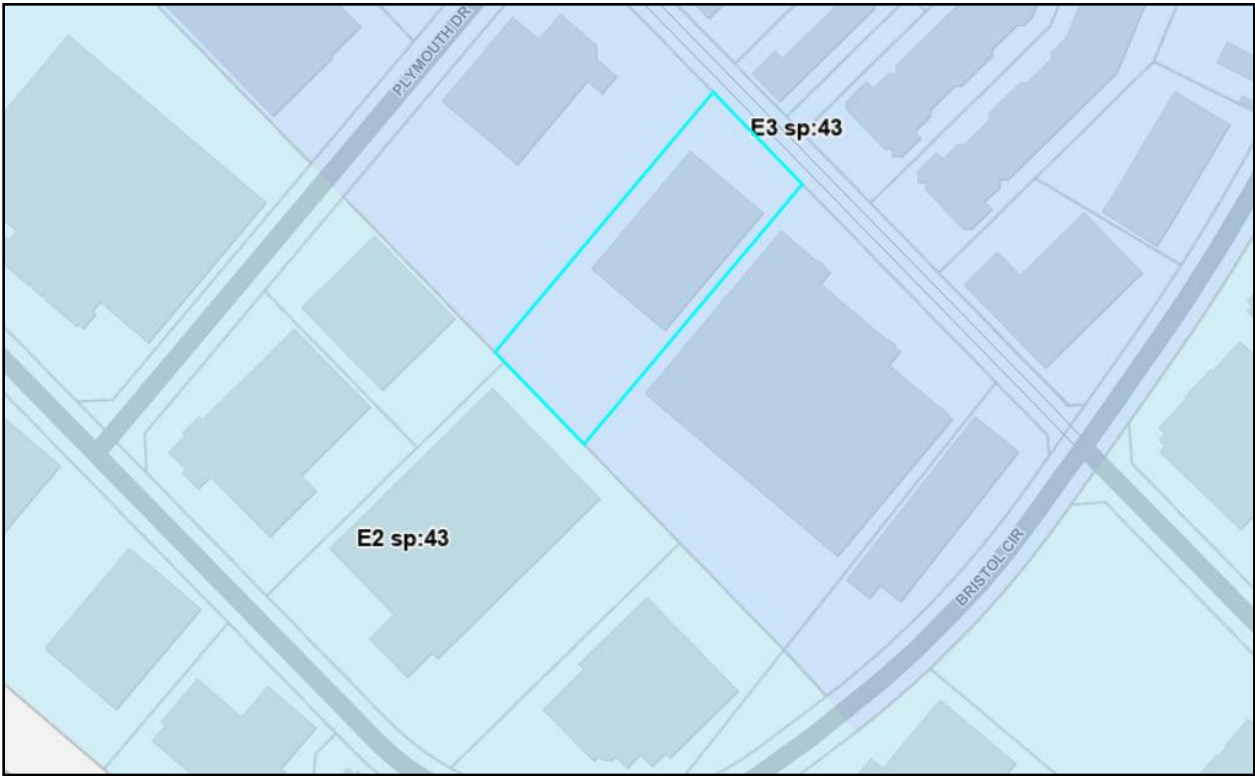


Figure 5: Zoning Map Extract

The retained lands are zoned E3 (Industrial) SP:43 and the severed lands are zoned E2 (Business Employment) SP: 43 by Zoning By-law 2014-014, as amended. Special provision 43 allows for additional Business Office uses. Business Offices in the Industrial zone are permitted only in conjunction with another permitted use and shall not exceed a maximum of 25% of the net floor area on the lot.

The current uses comply with the Zoning By-law, and the applicant is not proposing any new development.

Both the retained lands and severed lands comply with area and frontage requirements; however, the existing on-site conditions related to landscaping along the shared property line do not comply with the current by-law requirements. On this basis, the applicant is seeking relief under Section 45(1) of the *Planning Act* to allow for the existing conditions to remain.

The following is a summary of the minor variance applications for the retained lands and severed lands:

A/29/2025 – 2164 Buckingham Road – (Severed Lands)

No.	Current	Proposed
1	Table 4.11 (Row 7) The minimum width of landscaping required for heavy vehicle parking area along the rear lot line shall be 7.5 m.	To reduce the minimum width of landscaping for the heavy vehicle parking area along the rear lot line to 6.0m.

A/30/2025 – 2690 Plymouth Drive – (Retained Lands)

No.	Current	Proposed
1	Table 4.11 (Row 11) The minimum width of landscaping required for a surface parking area along the interior side lot line shall be 3.0 m.	To reduce the minimum width of landscaping for the surface parking area along the interior side lot line to 0.9m.

As discussed in a separate report, staff are of the opinion that the minor variance applications satisfy the applicable tests of a minor variance under the *Planning Act*. The proposed consent will be subject to the approval of the variances listed above.

Staff note that any future redevelopment of the site will be subject to site plan approval which will evaluate the placement of any proposed buildings and parking areas, as well as grading, drainage, landscaping, tree protection, and urban design matters.

COMMENT

Consent Application B25/01 would have the effect of re-establishing the lot line dividing subject lands which has inadvertently merged on title due to common ownership. The proposed consent is consistent with the PPS and conforms with the applicable OP policies and complies with the Zoning By-law (subject to approval of the above stated minor variance). At the time of writing this report, no feedback was received as a result of the public circulation of this application. Standard conditions were identified through staff and agency review in response to the notice and circulation. Recommended conditions of approval have been included in Appendix “A” of this report. Staff and agency comments are included in Appendix “B” of this report.

CONCLUSION

Consent application B25/01 reestablishes a pre-existing lot line, which would maintain the continued operation of existing employment uses and protects the integrity and function of the surrounding employment area. It is consistent with the PPS and conforms to the Region of Halton Official Plan and the Livable Oakville Official Plan. Additionally, subject to the complementary minor variance application, the proposal complies with the Zoning By-law. On this basis, Staff recommends approval of Consent application B25/01 subject to the conditions attached as Appendix “A”.

Submitted by:

Sara Hajsaleh

Sara Hajsaleh
Planner, Current Planning

Reviewed by:

Paul Barrette

Paul Barrette
MCIP, RPP
Manager, Current Planning,
West District

Approved by:

Kirk Biggar

Kirk Biggar
MCIP, RPP
Manager, Policy Planner &
Heritage
On Behalf of – Gabe Charles
Director, Planning and
Development

APPENDIX A - CONDITIONS OF APPROVAL B25/01

1. That the owner/applicant receive final approval of minor variance applications A/29/2025 and A/30/2025.
2. That the owner/applicant submit a digital copy of the reference plan showing the lands to be conveyed together with a registerable legal description of the lands to be conveyed, to the Secretary-Treasurer, prior to the issuance of Consent.
3. That the owner/applicant submit to the Secretary-Treasurer a final certification fee payable to the Town of Oakville at the rate prescribed at the time of payment.
4. That the owner/applicant pay all taxes as levied on the property in full.

Notes:

- No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines.

APPENDIX B - DEPARTMENT/AGENCY COMMENTS B25/01

With respect to B25/01 the following Departments and Agencies have either not provided comments, or indicated no comments or concerns with the proposal:

- Building Services - Plan & Code Review
- Finance
- Urban Design
- Building Services – Zoning
- Development Engineering
- Legal Department – Realty
- Oakville Hydro
- Parks and Open Space

Halton Region (Comments for B25/01):

February 24, 2025

Jen Ulcar, Secretary-Treasurer
Planning and Development Department
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3

Dear Jen Ulcar:

RE: Region of Halton Comments – 1st Submission

Consent Application

File: B25/01

2690 PLYMOUTH DRIVE HOLDINGS ULC and 2164 BUCKINGHAM ROAD HOLDINGS ULC

2164 Buckingham Road & 2690 Plymouth Drive, Town of Oakville

Due to Provincial legislation, as of July 1, 2024, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan – as this has become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities has been signed that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters.

As outlined in the MOU, the Region has an interest in supporting our local municipal partners by providing review and comments on a scope of interests that include:

- Water and Wastewater Infrastructure;
- Regional Transportation Systems including stormwater management infrastructure and acoustic mitigation on Regional right-of-ways;
- Waste Collection;
- Affordable and Assisted Housing;
- Responsibilities associated with a specific mandate prescribed by legislation (e.g. sourcewater protection, public health); and
- Other Regional services that have a land component.

Regional Contaminated Sites Database:

In order to maintain the Region's Contaminated Sites Database, Regional staff request final copies of all environmental reports including: Geotechnical Studies, Hydrogeological Studies, Phase One and/or Two Environmental Site Assessments, Remediation Reports, Risk Assessments, Record of Site Condition (RSC), and/or Certificate of Property Use (CPU).

Background:

Regional staff are forwarding comments in response to the circulation of the 1st submission for the above-noted application circulated on February 10, 2025. The application has been made for Consent for the creation of a New Lot. The purpose of the application is to convey a portion of land (Parts 5-7 on the consent sketch) municipally known as 2164 Buckingham Road which is approximately 13,671.9 m² in area with an approximate frontage of 71.82 m on Buckingham Road to be severed from 2690 Plymouth Drive (Parts 1-4 on the consent sketch) for the purpose of creating a new lot. The retained parcel (Parts 1-4 on the consent sketch) municipally known as 2690

Plymouth Drive is approximately 8,689.7 m² in area, with an approximate frontage of 69.14 m on Plymouth Drive.

Regional staff understand that the purpose of this application is to reinstate the original two lots which have merged on title.

In addition, should the consent applications be approved, the Proponent will require various minor variance applications for the severed (CAV A/029/2025) and retained (CAV A/030/2025) parcel. The proposed variances are seeking relief under Section 45(1) of the Planning Act in order to permit a decrease in the minimum width of landscaping required for a surface parking area along the interior side lot line (severed parcel) and to permit a decrease in the minimum width of landscaping required for heavy vehicle parking area along the rear lot line (retained parcel), under the requirements of the Town of Oakville Zoning By-law. Regional staff have no objections to the above noted Minor Variance applications.

Regional staff has no objection to the above-referenced application.

Water and Wastewater Servicing:

In accordance with the MOU and to ensure water and wastewater services are provided in accordance with Regional requirements, Halton Region provides the following comments.

The following information is a review of the existing services adjacent to the subject lands, and Regional Servicing comments and conditions as they relate to the proposed development:

Watermain:

- A 300mm diameter watermain is located on Buckingham Road adjacent to the property.
- A 300mm diameter watermain is located on Plymouth Drive adjacent to the property.

Sanitary Sewer:

- A 300mm diameter sanitary sewer is located on Plymouth Drive adjacent to the property.
- A 300mm diameter sanitary sewer is located on Buckingham Road adjacent to the property.

Regional staff note that an engineer's letter was provided confirming that, based on a visual property review, the watermain and sanitary sewer systems are designed and serviced as separate properties. The review also included observations of sewer maintenance structures and verification of water service valves at the property limits.

Waste Management:

To ensure that Regional waste collection services can be provided in a safe and cost effective manner, this proposal has been reviewed against the Region's Development Design Guidelines for Source Separation of Solid Waste.

Regional Waste Management staff have reviewed the proposed application and note that this development is not eligible for Waste collection provided by Halton Region. Furthermore, the following advisory notes are provided:

- Private Waste collection must be provided for all Industrial, Commercial and Institutional locations. For Waste diversion requirements for the Industrial, Commercial and Institutional sectors, refer to Environmental Protection Act, O. Reg. 102/94 “Waste Audits and Waste Reduction Work Plans” and Environmental Protection Act, O. Reg. 103/94 “Industrial, Commercial and Institutional Source Separation Programs” or legislation that supersedes those Regulations.
- Industrial developments and commercial developments must be designed to accommodate for containerized Waste collection specific to the development’s operational Waste collection needs and should include Waste diversion.
- Each Commercial Unit must have provision for adequate Waste storage.

Finance:

The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

Conclusion:

In accordance with the MOU and to support Regional and local objectives, to ensure water and wastewater services are provided in accordance with Regional requirements and to ensure an effective Regional infrastructure.

Regional staff have no objection to the proposed application.

It is recommended that the requirements for clearance of the conditions be provided as a complete package and not in a piecemeal manner.

We trust that these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact the undersigned. Please send notice of the Town’s decision on this application.

Sincerely,

Michaela Campbell

Michaela Campbell

Intermediate Planner, Regional Development Review

michaela.campbell@halton.ca

cc: Michael Di Febo, Senior Planner, Regional Development Review (via email)