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www.hcdsb.org

October 18, 2017

Brad Sunderland
Planner, Policy Planning
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Mr. Sunderland,

**Subject: Proposed Official Plan Amendment
Speers Road Corridor Special Policy Area
Your File No. 42.23.007**

Thank you for the opportunity to review the draft policies for the Speers Road Corridor Special Policy Area as a part of the Town's Official Plan Review. It is understood that these draft amendments are to identify the Speers Road corridor as:

- A 'special policy area' having area-specific goals, objectives and policies to guide future development;
- An intensification corridor with policies to direct intensification opportunities
- An employment area
- An employment mixed use corridor with a broadened range and mix of permitted uses for business and economic activities; and,
- An emerging Regional Transit Priority Corridor with associated transportation policies, including the identification of Bronte GO Station as a major transit station requiring further study.

As stated in previous correspondence, we would like to be notified of the adoption of the proposed amendments and included in the circulation of any future applications related to these amendments so that comments can be submitted on behalf of HCDSB.

We have reviewed the Speers Road Corridor Study Staff Report, dated September 11, 2017, available through the Town of Oakville's website and has the following comments.

Section 26.4.3(c) Development Concept – Fourth Line to Kerr Street District

This section identifies that the area in proximity to Dorval Drive and east toward Kerr Street will be a transition area to the Kerr Village Main Street Growth Area, and be a focus for compatible intensification opportunities, and to integrate the employment area with the adjacent Kerr Village Main Street Growth Area to achieve a vibrant, mixed use area.

It should be noted that the Board provides adult education programs through the Thomas Merton Adult Learning Center (ALC), which is located within the commercial plaza at 171 Speers Road. Based on Schedule G, this school would be located adjacent to the Speers Road Corridor Special Policy Area and within the Kerr Village Main Street Growth Area.

General Comments

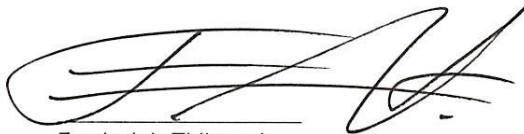
HCDSB's 2013 Long-Term Capital Plan (LTCP) is currently under review with a proposed update pending in 2018. This plan assists with the development of accommodation planning timelines and capital needs assessments. Contained in the plan are enrolment projections for a 15-year period. Tracking of Oakville's residential development and associated student yields is a critical component of developing the long-range enrolment projections by school and review area. Information about opportunities to provide input on the updated Long-Term Capital Plan will be circulated in the 2017-18 school year and posted online. The current LTCP is available by visiting: <https://schoolplanning.hcdsb.org/ltcp/>

That said, it is important for school boards to continue to be included in these studies in order to produce long range projections which may identify a need for new school sites which would then require Ministry of Education funding approvals.

Advance notification of larger land use studies and development applications may also assist school board staff in collaborating with the Town of Oakville to identify possible future partnerships opportunities. Information about HCDSB's Community Planning and Facility Partnership opportunities can be found online: <https://schoolplanning.hcdsb.org/community-planning/>

Should you have any questions regarding our comments, please contact the undersigned.

Sincerely,



Frederick Thibeault, M.P.L.
Administrator of Planning Services

cc: Dhilan Gunasekara, Planning Officer
Laureen Choi, Senior Planner, Halton District School Board



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
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November 6, 2017

Clerks Department
Corporation of the Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Attention: Town Clerk

Dear Sir and/or Madame

**RE: TOWN OF OAKVILLE SPEERS ROAD CORRIDOR STUDY (DRAFT OPA)
COMMENT LETTER – SPEERS/BRONTE (OAKVILLE) LTD.
MHBC FILE: 1087F**

On behalf of our client, Speers/Bronte (Oakville) Ltd., please be advised that we have reviewed the most recent Draft Official Plan Amendment (OPA) in association with the Town of Oakville Speers Road Corridor Study in the context of our client's lands which are located at 2526, 2530, 2538 Speers Road, and 549 Bronte Road, and are approximately 3.19 ha in size (herein the "subject lands").

We are also aware that the Town has recently completed its review of the employment conversion requests that it has received through the Employment and Commercial Review (ECR) process, including the request submitted relative to the subject lands. Through this review, the Town determined that the subject lands are not recommended for conversion, however, the Town recommended that the mix of permitted uses for the subject lands be determined through the Speers Road Corridor Study (which is now complete).

Based on our review of the proposed Speers Road Corridor Draft OPA, the portion of the subject lands that front onto Bronte Road (i.e. 549 Bronte Road) remain to be designated "Business Commercial" as per the current Livable Oakville Plan. However, the balance of the subject lands that front onto Speers Road (i.e. 2526, 2530, 2538 Speers Road) are proposed to be redesignated from "Office Employment" in the current Livable Oakville Plan to "Business Employment".

Furthermore, it is understood that the Speers Road Corridor Draft OPA proposes to expand the permitted uses within the "Business Employment" and "Business Commercial" designations, in order to increase the flexibility of the permitted uses in both of these designations. However, despite that both designations are very similar (based on the existing Official Plan and the proposed Draft OPA policies), the "Business Commercial" designation still provides for the most flexibility overall, considering that it permits "convenience retail uses" as-of-right (up to a maximum of 2,500 m²), as well as "arterial commercial" uses up to 2,500 m² (which is 500 m² larger than what's permitted in the "Business Employment" designation).

Based on the above, it is requested that the Town consider a redesignation of the subject lands that front onto Speers Road (i.e. 2526, 2530, 2538 Speers Road) from "Business Employment" to "Business Commercial". Our client would like to ensure the most flexibility moving forward, as future tenants are pursued to occupy the subject lands. In our opinion, this represents a minor "Employment to Employment" redesignation request that the Town should consider, as this replaces our client's previous employment conversion request to redesignate the subject lands from "Office Employment" and "Business Commercial" to "Community Commercial".

In addition, Section 24.4.4 d) ii) of the Speers Road Corridor Draft OPA states:

"Notwithstanding section 14.1.3, a minimum building height of two storeys shall be required at the time of property redevelopment."

It is requested that the Town reconsider the minimum two-storey building height requirement at the time of property redevelopment, on the basis that not all future uses/tenants of the subject lands (and elsewhere within the Speers Road Corridor) require two storeys to operate/function. Although it is understood that the intent is to develop the Speers Road Corridor as an "Employment Mixed Use" area, our client anticipates that there would be some difficulty in securing future tenants to occupy a two-storey building format, considering that there has already been some difficulty in securing tenants for the existing single-storey building format on the subject lands. On this basis, we propose the following revision to Section 24.4.4 d) ii) of the Speers Road Corridor Draft OPA:

"A minimum building height of two storeys shall be encouraged at the time of property redevelopment."

In our opinion, revising this policy to "encourage" rather than "require" a minimum two storey building height ensures additional flexibility for future land uses/tenants within the Speers Road Corridor special policy area, while remaining in keeping with the intent to develop this area as an "Employment Mixed Use" area.

Based on the above, we would greatly appreciate the opportunity to discuss the above comments in the context of the Speers/Bronte (Oakville) Ltd. lands, in order to ensure the protection of Speers Bronte Road Inc. short and long-term interests with respect to the outcome of the Draft OPA.

If you have any further questions please do not hesitate to contact the undersigned.

Thank you.

Yours truly,

MHBC

David A. McKay, MSc, MCIP, RPP
Vice President & Partner



Andrew Palumbo, MCIP, RPP
Associate

cc.: Brad Sunderland, Town of Oakville
Richard Ochshorn, Speers/Bronte (Oakville) Ltd.

November 14, 2017

DELIVERED VIA EMAIL

[townclerk@oakville.ca | brad.sunderland@oakville.ca]

Town Council c/o Town Clerk
Town of Oakville, Clerk's Department

Mr. Brad Sunderland
Planner, Policy Planning

Town of Oakville
1225 Trafalgar Road
Oakville, Ontario L9H 0H3

Dear Sir/Madam and Mr. Sunderland:

Re: Comments regarding the proposed Speers Road Corridor Official Plan Amendment

Please be advised that I represent a number of businesses on Speers Road with respect to the above noted matter. These businesses are listed on Schedule "A" to this letter. The purpose of this letter is to formally detail my clients' concerns with respect to the proposed Speers Road Corridor Official Plan Amendment (the "Proposed OPA"). We are hoping that these concerns can be addressed before this matter is before Town Council.

I made oral submissions on behalf of my clients at the Statutory Public Meeting on November 6, 2017 before the Planning and Development Council. If you recall, one of my clients' major concerns was with respect to section 26.4.6(b)(ii) of the Proposed OPA which states:

The uses and buildings that legally existed prior to the adoption of this Plan may be permitted to continue, however, they are intended to be used and redeveloped in conformity with this Plan.

While my clients appreciate the inclusion of this provision by Town staff, we believe that the way it's drafted has created some ambiguity and uncertainty for their businesses.

Concern #1

The provision reads "*the uses and buildings [...] **may** be permitted to continue*". As discussed at the Statutory Public Meeting, a lot was made of the use of the word "may". The use of "may" instead of

“shall” results in this provision being permissive rather than mandatory. This interpretation is taken from section 29.1.9 of the Official Plan which states:

The auxiliary verbs “may”, “should” and “shall” are used throughout this Plan in the following context:

- a) “may” means that the policy is permissive;
- b) “should” means that the policy is directive and requires compliance unless proven otherwise on good planning grounds; and,
- c) “shall” means that the policy is mandatory.

The permissive nature of this provision, without any further guidelines, creates uncertainty for my clients. It is our submission that the provision should use the word “shall” in order to more strongly protect my clients’ businesses and the buildings they currently operate in. We assume that this was likely the intent of the provision and therefore believe that it should be amended to better reflect this intent.

With the variety of uses and building configurations along Speers Road, this provision is very important to many property and business owners in this area. My clients are simply asking the Town to provide more certainty on this one aspect that is critical to their businesses by using the word “shall”.

If the permissive language was intended, it would be appreciated if the Town could provide some explanation as to why they chose to move in this direction and the factors or considerations that would be taken into account by the Town when deciding which buildings or uses “may” be permitted to continue pursuant to this section.

Concern #2

Section 26.4.6(b)(ii) also reads “*the uses and buildings [...] may be permitted to continue, however, they are **intended to be used** [...] in conformity with this Plan.*” In my view, this part of the provision adds to the uncertainty and also creates some confusion.

The confusion stems from the conflicting language found here. The first part of the provision, as we have already discussed, says that *uses and buildings may/shall be permitted to continue*. However, the second part says that the uses and buildings *are intended to be used in conformity with this Plan*. Based on my reading of these parts, it is unclear to me how both parts can coexist. The main issue is that there appears to be language which aims to preserve current uses and buildings on Speers Road, while there is also language that encourages conformity with the Plan at the same time. The words “intended to be used” adds to the confusion since it is unclear what this means.

My clients are ultimately concerned that their existing uses and buildings may have to be used in conformity with the proposed Speers Road Special Policy Area. This is exacerbated by the fact that the first part, which is supposed to protect their current uses and buildings, uses permissive language as discussed above. Read together, this provision appears to provide much less certainty than what has been represented by the Town, which was that the Proposed OPA is not intended to take away uses and that current uses and buildings will be protected.

It would be appreciated if this second part of the provision could be clarified or possibly removed. Any additional information that you can provide about this part is welcomed.

Concern #3

Finally, the last concern my clients have with section 26.4.6(b)(ii) is with the language “*the uses and buildings that legally existed prior to the adoption of **this Plan** may be permitted to continue*”. We are seeking clarification on what “this Plan” refers to. The word “Plan” does not appear to be a defined term under section 29.5 of the Official Plan.

To be clear, the issue is whether “prior to the adoption this Plan” refers to the time when this Proposed OPA is ultimately adopted by Council, which I have been informed is slated to be sometime in early 2018, or if it refers to the time when Livable Oakville was originally adopted back in 2009. I assume the former interpretation, rather than the latter, was intended.

My clients are seeking that the language here be updated to provide more certainty. Replacing the words “this Plan” with “this Special Policy Area” is what my clients are proposing. Some of my clients’ uses and buildings that existed prior to the adoption of the Official Plan in 2009 are different from the uses and buildings that currently exist. As such, this distinction is important to them.

I am looking forward to discussing these concerns further with you. Please contact me should you have any questions.

Yours truly,

O’CONNOR MACLEOD HANNA LLP

A handwritten signature in black ink, appearing to read 'Simon Fung', with a long horizontal stroke extending to the right.

Simon Fung

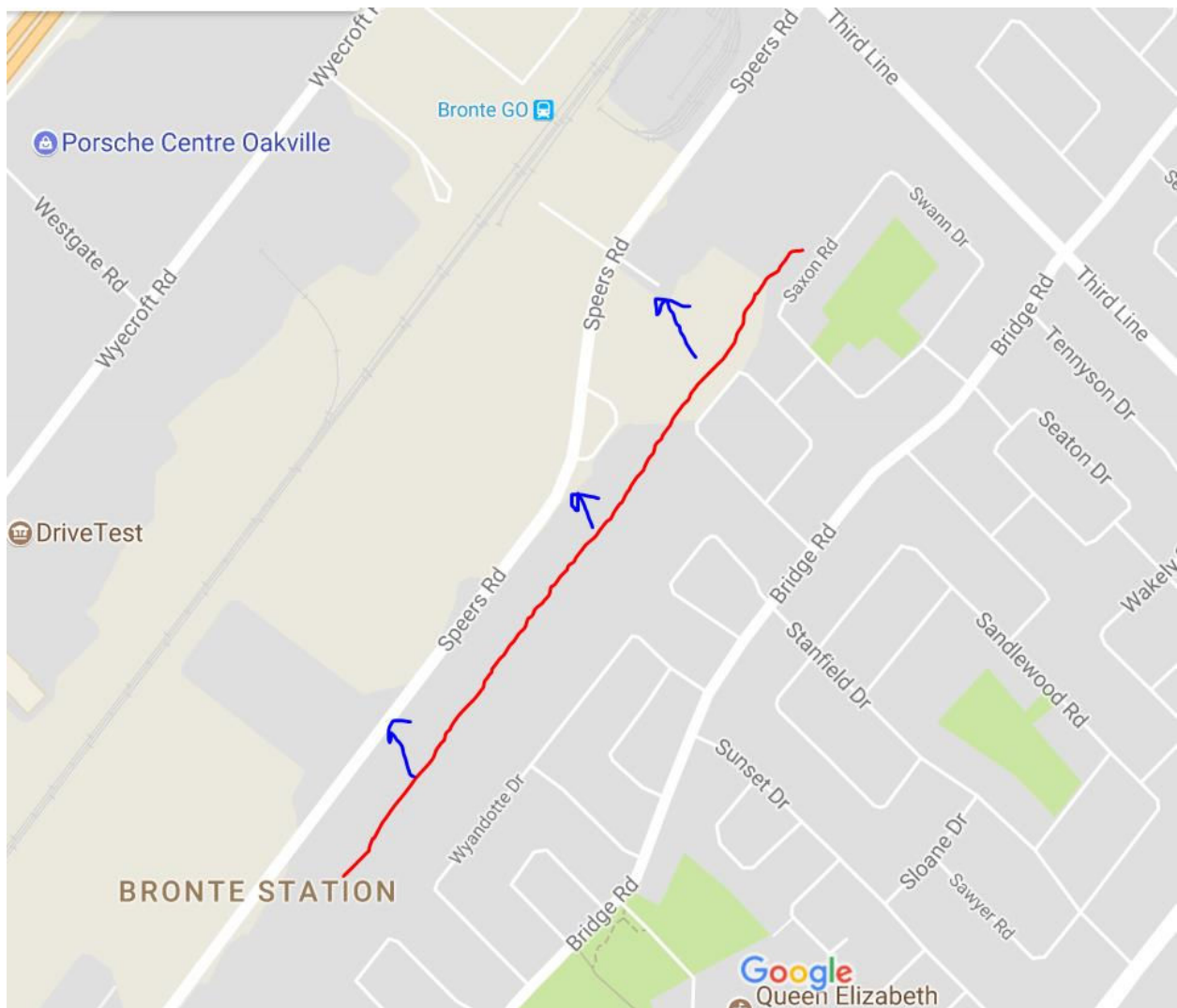
Schedule "A"

List of Property Owners Represented by O'Connor MacLeod Hanna LLP for the Speers Road Corridor Study OPA and Employment and Commercial Review OPA

1. Allcolour Paint Limited – 1257 Speers Road
2. BOT Construction (Canada) Limited – 1212, 1218, and 1313 Speers Road
3. BOT Holdings Limited – 1224, 1225, 1233, 1317, 1391, and 1407 Speers Road
4. Duet Developments – 1505 Speers Road
5. Oakville Stamping and Bending Limited – 2200 Speers Road
6. Tandet Management Inc. – 1351 Speers Road
7. Vac Aero International Inc. – 1371 and 1339 Speers Road
8. Valley Creek Inc. – 2220, 2240, 2270 Speers Road
9. Western Regency Construction Inc. – 407 Speers Road
10. William and Janis Mueller – 1507 Speers Road

SPEERS-CORRIDOR STUDY: Better Access to Bronte GO Station

During the planning process would it be possible to please consider some sort of thru access to get from Bridge Road to Speers road via a pedestrian path or some sort of over walkway. This would allow many residents to be able to walk/bike to Bronte Go Station without the need to go all the way out to Bronte or Third Line and then back again. As traffic continues to increase as well as the fact Bronte Go Station parking is full at most times of the day now it would be an encouraging effort to promote a Green initiative and walking (year round) to the GO. This has been more important since Oakville Transit cancelled the bus that went along Bridge Road directly to Bronte Go Station. Please see attached diagram. Any area along the red line may work. Thank you for your consideration.



Pat Laurence. ████ Bridge Road

Brad Sunderland

From: [REDACTED]
Sent: Monday, November 20, 2017 5:37 PM
To: Town Clerk
Cc: [REDACTED]
Subject: Speers Rd Review

I found the ideas and plans for the Speers Road corridor very positive. I have a property at [REDACTED] Speers Road and I seem to recall that new or different condition will apply with regard to parking and sharing spaces.

Please let know what they might be if anything.

Thanks

Aldo Valente