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May 22, 2024

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File 24959.00001

VIA E-MAIL & COURIER

Victoria Tytaneck
Town Clerk
Town of Oakville
1225 Trafalgar Rd.
Oakville, ON L6H 0H3

Attention: Victoria Tytaneck, Town Clerk

Dear Ms. Tytaneck:

Re: 700 and 750 Winston Churchill Blvd. (formerly 772 Winston Churchill Blvd), Town of Oakville - Notice of Site Plan Appeal to the Ontario Land Tribunal Pursuant to the Provisions of Section 41(12.0.1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

We are the solicitors for 772 Winston LP (the "**Client**") regarding the redevelopment of the lands located at 700 and 750 Winston Churchill Blvd (formerly 772 Winston Churchill Blvd) (the "**Subject Lands**") in the Town of Oakville (the "**Town**").

Our Client filed Site Plan Application SP.1601/029/01 for the Subject Lands on June 29, 2021 (the "**Application**").

On June 27, 2022, the Application was approved by the Town Council subject to conditions that were recommended by staff and further modified by Council. A copy of the staff recommended conditions and the Minutes from the Council meeting which identify the Council modifications to the conditions is attached hereto. Since the conditional approval, our Client has been working on clearing those conditions and has now satisfied all of them. However, despite this, the Town refuses to issue a final site plan approval.

Therefore, since the Town has thus far failed to grant final site plan approval, our Client hereby appeals the Town's requirements pursuant to Section 41(12.0.1) of the *Planning Act*, RSO 1990, c P.13, as amended (the "**Planning Act**").

BACKGROUND

The Subject Lands are located on the west side of Winson Churchill Blvd, south of the CN rail line and east of Town-owned Aspen Forest Park.

The Application was filed to facilitate the development of two industrial buildings consisting of office and warehouse spaces (the “**Proposed Development**”). The SPA Application was submitted in accordance with in-effect official plan designations and the applicable zoning by-law. Specifically, Application does not require any other *Planning Act* approvals.

Conditional site plan approval was granted by the Town on June 27, 2022. Since that time, we have been working diligently to clear conditions. To clear conditions, in several instances the Town required Peer Reviews. All of the conditions which are in the control of my client to clear have been satisfied, however, to date, the Town has refused to clear the conditions and issue a final site plan approval.

Overview of the Proposed Development- Application – SP.1601.029/01

The Application was submitted for the construction of two warehouse buildings with a total floor area of 61,462 square metres. The Application was subsequently revised in January 2022 for the construction of two warehouse buildings with a total floor area of 60,108.45 square metres.

The proposed development consists of Building A with a floor area of 30,905.87 square metres and Building B with a floor area of 29,202.58 square metres. It also includes 340 parking spaces, 18 bike parking spaces and 116 loading spaces.

The site is approximately 15.5 ha in size and is currently vacant. It is surrounded by CN railway and employment uses to the North, Winston Churchill Blvd and employment uses within the City of Mississauga to the East, Clearview watercourse, Aspen Forest Park including a landscaped berm beyond which are residential uses, to the West and to the south is the Clearview watercourse and lands subject to a site plan application for three warehouse buildings to the South. Specifically, the lands immediately south of the Subject Properties (560, 570 and 580 Winston Churchill Boulevard) are also subject of an application for site plan approval (SP.1601.028/01), (the “Adjacent Properties”). The owner of the Adjacent Properties is represented by Pitman Patterson and Lee English of Borden Ladner Gervais. We are coordinating together on matters of mutual interest for the site plans.

REASONS FOR APPEAL

The Proposed Development to be enabled by the Application represents an opportunity to redevelop a long-standing underutilized site that are designated and zoned for employment uses. The Application is consistent and conform with all applicable policy documents. The Application conforms with the Town's Official Plan, the Halton Region's Official Plan and the Zoning By-law, represents good planning, and is in the public interest. Additionally, the Applications meet all of the tests under section 41 of the *Planning Act*, and all of the conditions imposed by City Council, along with the approval of the draft site plan have been satisfied. That being said, if the conditions have not been satisfied in the opinion of the Town, then the conditions are being appealed on the basis of being unreasonable.

In our Client's attempt to satisfy the Town and clear the site plan conditions that were imposed on June 27, 2022, our Client has made submissions in January 2023, January 2024 and May 2024. These submissions have included, among other things, detailed architectural and landscape plans, transportation studies and land use compatibility studies, the latter of which have also been peer reviewed by the Town without requirement for further changes. Despite these resubmissions and peer reviews, staff have indicated that they are unwilling or unable to clear the site plan conditions.

Finally, notwithstanding multiple requests from our Client, the Town has refused to provide our Client with a Site Plan Agreement, which is needed in order to clear that final condition. Given that the Town refuses to provide the necessary agreement, it is our position that such a condition is therefore unreasonable.

The Town's failure to clear the site plan conditions has resulted in a delay of almost two years since conditional site plan approval was granted and almost three years since the site plan application was filed with the Town. For an application that just needed site plan approval in order to permit the redevelopment of the site, this timeframe is unacceptable. As such we request an expedited hearing by the Tribunal for a determination that the conditions have in fact been cleared or alternatively, the conditions are unreasonable.

Filing Requirements

In satisfaction of the Tribunal's filing requirements, attached please find the following:

- One Tribunal appeal form entitled "Appeal Form (A1)" duly completed and signed; and
- Our firm cheque in the amount of \$1,100.00, payable to the Minister of Finance, representing the Tribunal's filing fee for the appeal herein.

We also understand that an appeal is being or has been filed with respect to SP.1601.028/01 on the Adjacent Lands. This application has a number of identical or very similar conditions, including conditions pertaining to servicing infrastructure, with the Subject Lands. It is our submission that these two appeals should be heard together in a consolidated hearing in order to use both the applicants', the Town's and the Tribunal's resources most efficiently.

We ask that you kindly forward the record to the Tribunal in accordance with the requirements of subsection 41(12.0.2) of the *Planning Act*. In the interim, we ask that you kindly acknowledge the receipt of this letter and advise when the appeals have been forwarded to the Tribunal.

Thank you for your attention to this matter. Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

WeirFoulds LLP



Denise Baker
Partner

DB/ka

cc: Client
Encls. 4



APPENDIX B: Conditions of Approval SP.1601.029/01 (June 11/22)

Conditions of Site Plan Approval (700 and 750 Winston Churchill Blvd. formerly 772 WCB)

Please note that the status of the conditions may be subject to change as revisions to satisfy one condition may trigger further revisions in other areas to maintain compliance. Clearance on any one plan does not imply that the plans are approved. Drawings can only be considered approved once a coordinated site plan package is received, compliant with all conditions, and final site plan approval is granted.

- A. The following conditions must be satisfied prior to final site plan approval. Read these conditions in conjunction with the most current Comments Report.
 - 1. **Planning Services** – That the Owner submits the following, to the satisfaction of the Planning Services Department:
 - a) **Final Drawings** - That the Owner submits coordinated final drawings, to the satisfaction of the Planning Services Department.
 - b) **Final Reports** – That the Owner submit final stamped versions of the technical reports listed in Schedule “B” to these conditions, including any appendices/updates, to the satisfaction of the Planning Services Department.
 - 2. **Site Plan Agreement:** That the Owner enter into a standard form Site Plan Agreement with the Town, to be registered on title, containing clauses satisfactory to the Director of Planning, Director of Transportation and Engineering, Parks and Open Space and the Town Solicitor, securing the implementation of the approved drawings and reports and compliance with the conditions of site plan approval, including but not limited to the matters listed in Schedule “A” to these conditions.
 - 3. **Cost Estimate:** That the Owner provides a detailed written estimate of costs for any Off-Site Works associated with the servicing through the Towns Park, including but not limited to construction of the services, landscaping, and restoration of the existing berm, walkway. This estimate is to be reviewed and approved by the Planning Services, Parks and Open Space, and Legal prior to final approval.
 - 4. **Securities:** That the Owner deposit securities with the Finance Department, in a form meeting the Finance Department's requirements, covering the full costs of the items specifically noted in these conditions in addition to the Town’s standard lump sum security requirements. The reference to specific items in this condition is for the purpose of calculating the total amount of security required and shall not affect the ability of the Town to treat the securities as a single lump sum securing compliance with site plan conditions.
 - 5. **Zoning:** That the Owner submits or obtains the following, to the satisfaction of the Building Services Department.
 - a) Provide confirmation that the final Approved Site Plan complies with By-law 2014-014, as amended, specifically with respect to Section 4.14 a).
 - 6. **Transportation and Engineering:** That the Owner submits or obtains the following, to the satisfaction of the Transportation and Engineering department:
 - a) **Stormwater Management Plan and Report** - That the Owner submit a revised and final Stormwater Management Report, addressing the detailed comments provided by the Transportation and Engineering Department.
 - b) **Grading, Drainage and Servicing Plans** - That the Owner submit a revised and final grading, drainage and servicing plans, addressing the detailed comments provided by the Transportation and Engineering Department.

	c) That the Owner prepares and implements a report outlining erosion and siltation controls measures required prior to and during the construction of the subject development to the satisfaction of Credit Valley Conservation Authority and the Town of Oakville.
	d) Tree Removal - The owner shall provide written confirmation from the land owner to the north for the removal of the existing boundary trees #1000-1010 or in the alternative provide proof that these are not boundary trees.
	e) Tree Protection - The Owner shall install tree protection for any retained trees and/or municipal trees in accordance with Town standards.
	f) Transportation Impact Assessment - That a final and revised Transportation Impact Analysis be submitted addressing the transportation requirements outlined by the Town of Oakville Peer review team as well and the Regions of Halton and Peel requirements.
	g) Site Plan/Landscape Plan –That the Owner revises the site plan/landscape plan to include: <ul style="list-style-type: none"> • Pedestrian connections to the future sidewalk, future controlled intersections (traffic signals, stop controls) and/or future transit facilities (bus stops). • Connections to future active transportation facilities (bike lanes/routes) where applicable.
	h) Traffic Peer Review – That the Owner reimburses the Town for the cost of the Town’s Traffic peer review.
7.	Legal: That the Owner submits, obtains or completes the following, to the satisfaction of the legal department:
	a) Easement: The Owner shall compensate the Town the market value of any easement being granted to the Region through the Town’s park lands as determined by the Town’s appraisal and reimburse the Town for all associated costs required to convey the easement including appraisal and legal costs.
8.	Parks and Open Space: That the Owner submits, obtains or completes the following, to the satisfaction of the Parks and Open Space department:
	a) Arborist Report/Tree Preservation Plan - That the Owner submit a revised and final Arborist report/Tree Preservation Plan to reflect any municipal trees being removed to accommodate the servicing within Aspen Forest Park.
	b) Reference Plan – That the Owner provide a draft reference plan depicting the location of both the permanent and construction servicing easements.
	c) Tree Compensation - The Owner provide the Town compensation for the removal of any municipal trees or vegetation as a result of providing any servicing through Aspen Forest Park in accordance with By-law 2009-025 and the Town’s “Tree Protection During Construction” procedure. In the alternative, the Owner will prepare and implement a replacement planting plan to compensate for any vegetation removed or injured.
	d) Tree Securities - The Owner shall provide securities to the satisfaction of the Town for the construction taking place in the Town’s park.
	e) Tree Protection - The Owner shall install tree protection within Aspen Forest Park in accordance with the approved Tree Protection Plan and Town standards.
	f) Landscape Berm –The Owner shall submit a drawing package to be included in the approved drawings showing the proposed grades and planting of the restored landscape berm in the locations where the berm is disturbed from the installation of servicing. Drawings shall depict general construction methods, materials, haul routes and final plantings

9.	Oakville Fire: The Owner shall submit a fire route application package with fee that meets the Town By-law requirements for drawing specification and be acceptable for inclusion onto the Town's By-law.
10.	Oakville Hydro: That the Owner satisfies all of Oakville Hydro requirements as outlined in the comments report
11.	Region of Halton: That the Owner receives written approval from the Region of Halton. Items to be addressed include, but are not limited to, the following:
a)	That confirmation be received from Credit Valley Conservation that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.
b)	That an update to the Land Use Compatibility Study be submitted, if required, to demonstrate that the applicable MECP and Region of Halton guidelines have/will be implemented. (revised as per Region June 11/22)
c)	The Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.
d)	As part of the Services Permit Review, the Owner will be required to comply with Halton Region's multi unit servicing policy as set out in report PPW01-96, specifically Section 3.3
e)	That the Owner acknowledges and agrees that of all or part of this development may not take place before all external water and wastewater infrastructure necessary to service the development are secured and/or are in place to the satisfaction of Halton's Development Project Manager.
f)	That the Owner is required to design and construct at their sole expense a minimum 300mm diameter watermain as per the design standards of the Region of Halton along Winston Churchill Boulevard from approximately 650m north of Lakeshore Road (Deer Run Avenue) northerly to Beryl Road.
g)	That the Owner is required to design and construct at their sole expense a minimum 300mm diameter sanitary sewer as per the design standards of Region of Halton within the Town of Oakville's open space block located west of the subject property and walkway block (Block 124A) extending southward to Acacia Court.
h)	That the Owner is required to design and construct a proposed 300mm diameter replacement sanitary sewer on Acacia Court at their sole expense as per the design standards of the Region of Halton.
i)	That a minimum 8.0m wide Regional easement be provided on the Town of Oakville open space block and walkway block (Block 124A) and to be located along the horizontal alignment of the proposed sanitary sewer in favour of the Regional Municipality of Halton for the purpose of sanitary sewer protection. The easement shall be transferred by the Owner free and clear of any and all encumbrances and a Certificate of Title shall be provided in a form satisfactory to the Regional Director of Legal Services and Corporate Counsel.
j)	That the Owner is required to provide a comprehensive written work plan for the construction of the proposed sanitary sewer to be located in the Town of Oakville's open space block, walkway block (Block 124A) and on Acacia Court and submit it to the Town of Oakville and the Region of Halton for review and approval prior to the start of construction. This work plan is to address timing of the construction operations for this sewer and it shall include details on construction methods, sewer excavation, paving operations, landscaping restorations, traffic control, resident disruptions, sewer lateral "switchovers" and methods for replacing a "live" sanitary sewer. The proposed

construction methods should also take into account sub surface soil conditions in the area to ensure that the proposed methods are feasible.

- k) That the Owner is to undertake a pre-condition survey of any existing buildings, houses, existing landscape features, fences, structures, etc. that are adjacent to the proposed sanitary sewer and that could possibly be affected by its construction. This survey is to be completed prior to the construction of the proposed sanitary sewer.
- l) The Owner shall prepare a Vibration Impact Report to the satisfaction of the Town of Oakville and the Region of Halton, to address potential vibration impact and/or vibration emissions adjacent to the portion of the sanitary sewer alignment that is located within the Town's walkway block (Block 124A) that may be the result of sub surface tunnel construction, heavy equipment and/or other construction operations in this area. The report shall address any impacts and the means of reducing the impact, and to implement, at the owner's expense, any controls and/or measures recommended in the approved report.
- m) That the Owner prepare and implement at their sole cost a landscape plan that address the restoration of areas disturbed and/or removed as a result of construction activities relating to the proposed sanitary sewer through the Town of Oakville's open space block, walkway block (Block 124A) and Acacia Court to the satisfaction of the Town of Oakville and the Region of Halton.
- n) That the Owner is responsible at their sole cost the restoration of Acacia Court that will be required as a result of construction activities for the proposed sanitary sewer replacement and will include the placement of full top course of asphalt pavement over the full width of the roadway, curb repairs, driveway repairs and landscaping of boulevards to the satisfaction of the Town of Oakville and the Region of Halton.
- o) That the Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard prior to the preparation of the Regional servicing agreement.
- p) That the Owner is required to enter into a Servicing Agreement with the Region of Halton for the proposed 300mm diameter sanitary sewer in the Town's open space block, walkway block and Acacia Court and for the proposed 300mm diameter watermain on Winston Churchill Boulevard.
- q) The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of Halton Region
- r) That the Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan prior to the commencement of any development of the site. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of Halton's Development Project manager.
- s) That the Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with MOE guidelines and Region of Halton standards prior to commencing the development of these lands to the satisfaction of Halton's Development Project Manager.
- t) The Owner shall agree that pre and post development storm water flows from the site to the existing drainage system on Winston Churchill Boulevard (Regional Road 19) are maintained both during and after construction, such that there are no adverse impacts to the existing drainage system on Winston Churchill Boulevard (Regional Road 19), to the satisfaction of Halton Region's Development Project Manager.

- u) That the Owner is responsible for all costs involved in transferring any proposed Regional easements required for sanitary sewer protection and that these costs are to include any compensation required by the Town of Oakville for and easements located on Town lands.
- v) That the Owner is required to design and construct a maintenance roadway/pathway as required within the Town's open space block, park land and walkway block (Block 124A) that will provide maintenance vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
- w) That the Owner is required to arrange and provide any access easements, license agreements, encroachment agreements and/or other arrangements required by the Town of Oakville for the Region of Halton to obtain access within the Town's open space block, park land and walkway block (Block 124A) that will provide vehicle access to the proposed sanitary sewer and easement to the satisfaction of the Town of Oakville and the Region of Halton.
- x) That the Owner obtains all approvals from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
- y) That the Owner is responsible for implementing all the design and construction requirements of the Canadian National Railway for the proposed watermain crossing of the Canadian National Railway lands in relation to supporting, monitoring, surveying and coordinating all works and their impact on the existing railway line.
- z) a) Any lands within 20.75m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) starting at the daylight triangle (at Future Orr Road) and tapering to **18m** for a distance of 245m northerly (measured from the centreline) that are part of the subject property shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.
- b) For the remaining frontage, any lands within 18m of the centre line of the original 66ft right-of-way of Winston Churchill Boulevard (Regional Road 19) that are part of the subject property shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.
- aa) A daylight triangle measuring 15m along Winston Churchill Boulevard (Regional Road 19) and 15m along the development South access (northwest and southwest corners) shall be dedicated to the Region of Halton for the purpose of road right-of-way widening and future road improvements.
- bb) A 0.3m reserve shall be dedicated to the Region of Halton across the entire frontage of the development property along Winston Churchill Boulevard (Regional Road 19), including the daylight triangle but excluding the approved entrance location, to the Region of Halton.
- cc) All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or designate.
- dd) That a survey sketch confirming the widening requirement, daylight triangle and 0.3metre reserve shall be submitted to the satisfaction of the Region. Any required road widening daylight triangle and the 0.3 metre reserve shall be depicted on the site plan to the satisfaction of the Region.

- ee) That the Owner enter into a Servicing Agreement (with Peel Region) for the completion of required Works (road improvements) and all associated development construction processes and impacts. Road improvements will be determined after the review and approval of the final transportation impact study. The Owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates. Detailed design drawings are required for review and approval, by Halton Region and Peel Region, for all proposed/approved intersection/access road improvements, based on the approved Transportation Impact Study.

In this regard, Halton Region requests confirmation that any Region of Peel requirements related to access locations and development-related road improvements have been addressed and that they have no concerns with the approval of the site plan.

- ff) That confirmation be received from Peel Region that their requirements/conditions in relation to this application have been addressed and that they have no concerns with the approval of the site plan.

- gg) The owner shall demonstrate:

- a) that landscaping, stairs, grading/grades, etc., from the proposed development is not located within the ultimate Regional right-of-way, and all development facilities (stairs, landscaping, grading/grades, etc.) are contained within the development lands
- b) that any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).

In this regard, submission of a satisfactory landscape plan and grading plan with supporting letter is required confirming that this has been addressed is required.

- hh) The owner shall submit plans of proposed construction methods, for review and approval by Halton Region and prior to proceeding with construction. These plans shall be provided through the Servicing Agreement/detailed design drawing submission.

- ii) The owner will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, etc.) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).

In this regard, the owner shall submit shoring and other plans demonstrating that the above-noted requirement has been satisfied, to the satisfaction of Halton Region.

- jj) The Owner shall submit a construction management plan to the satisfaction of Halton Region.

- kk) If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & departments. There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.

12. **Region of Peel** - That the Owner receives written approval from the Peel Region. Items to be addressed include, but are not limited to, the following

a)	The Owner shall address all requirements of the Region of Peel's Site Servicing department including submission of a satisfactory Stormwater Management Report, grading drawings, and servicing drawings which address staff comments, and pay all necessary fees
b)	The Owner shall agree that is the Region of Peel's mandate that no connections are made to the Region's stormwater infrastructure, no additional flow added to the Region's storm infrastructure, and no additional overland flow shall be directed to the right of way of Regional Road 19 (Winston Churchill Boulevard). The Grading Plan must demonstrate that high point is being maintained at the property line to ensure that there will be no spills and no sheet flow run-off from the private side to the Regional right of way
c)	The Owner shall address all requirements of the Region of Peel's Traffic Development department, including submission of a satisfactory Traffic Impact Study (TIS), satisfactory access requirements, property dedication requirements, and engineering requirements. All submitted documents must address staff comments, and all necessary fees shall be paid
d)	The Owner shall provide a gratuitous dedication of lands to meet the Regional Official Plan requirement for Regional Road 19 (Winston Churchill Boulevard) which has a right of way of 41.5 metres, equivalent to 20.75 metres from the centreline of the road allowance. The Region also requires the gratuitous dedication of a 15 x 15 metre daylight triangle at the intersection of Winston Churchill Boulevard and the future Orr Road, on either side of the access and a 0.3 metre reserve along the frontage of Winston Churchill Boulevard behind the property line and daylight triangles except at any approved access points. The applicant is required to gratuitously dedicate these lands to the Region, free and clear of all encumbrances. The applicant must provide the Region with the necessary title documents, and draft reference plan(s) for review and approval prior to the plans being deposited. All costs associated with preparation of plans and the transfer of the lands will be solely at the expense of the applicant.
e)	The Owner shall agree that landscaping, signs, fences, cranes, gateway features or any other encroachments are not permitted within the Region's easements and/or right of way limits. Cranes will not be permitted to swing over a Regional Road unless a crane swing licence has been granted
f)	The Owner shall submit a detailed traffic engineering submission of road and access works, designed, stamped, and signed by a Licensed Ontario Professional Engineer. The engineering submission must include the removals, new construction and grading, typical sections and pavement markings and signing drawings. A functional design is to be submitted as part of the engineering submission which addresses auxiliary turn lane requirements and geometrics for all accesses proposed off Winston Churchill Boulevard, including all dimensions. All works within Region of Peel's right of way must be designed in accordance with the Public Works, "Design Criteria and Development Procedures Manual" and "Material Specifications and Standard Drawings Manual".
g)	The Owner shall submit to the Region a detailed cost estimate, stamped and signed by a Licensed Ontario Professional Engineer, of the proposed road and access works within the Regional right of way. Securities shall be submitted in the form of either a letter of credit or certified cheque, in the amount of 100% of the approved estimated cost of road and access works along Winston Churchill Boulevard. A 10.8% engineering and inspection fee shall be paid to the Region based on the approved estimated cost of road and access works (minimum \$1,724.41). All costs associated with the design and construction of road and access works will be 100 percent paid by the Owner
h)	The Owner shall note that prior to commencement of works within the Region's right-of-way, the following is required to be submitted to the Region:

	<ul style="list-style-type: none"> a. Completed <u>Road Occupancy Permit</u> and a permit fee as per the Region's user fees and charges By-law; b. Completed <u>Notice to Commence Work</u> ; c. Provide proof of insurance with the Region of Peel added to the <u>certificate</u> as an additional insured with \$5 million minimum from the Contractor.
i)	The Owner shall note that any proposed construction within the Region of Peel's right of way is pending PUCG approval (minimum six week process).
j)	The Region of Peel requires confirmation from Halton Region that their requirements/conditions in relation to this application have been addressed and there are no concerns with the approval of the site plan.
13.	Credit Valley Conservation (CVC): That the Owner receives written approval from the CVC. Items to be addressed include, but are not limited to, the following:
a)	<p>Provide final detailed engineering/civil drawings prepared by a professional engineer, to the satisfaction of the Town and CVC, including but not limited to the following information:</p> <ul style="list-style-type: none"> i. The proposed storm outfall and its relationship to the existing erosion hazard of Clearview Creek (i.e. that the proposed storm outfall does not interfere with the existing erosion hazard). ii. Accurate delineation of the floodplain hazard limit on the adjacent southerly property and Winston Churchill Blvd. on the grading plans. iii. Adequate erosion and sediment control measures including incorporating all recommendations from a final Fisheries Impact Assessment memo and isolation of works within the creek corridor.
b)	<p>Provide final technical memo(s)/report(s) and hydraulic model prepared by a qualified professional, to the satisfaction of the Town and CVC to confirm the following:</p> <ul style="list-style-type: none"> i. The proposed storm outfall and its relationship to the existing erosion hazard of Clearview Creek (i.e. that the proposed storm outfall does not interfere with the existing erosion hazard). ii. Confirmation that the proposed fill within the regulatory floodplain does not impact the existing flood hazard.
c)	<p>Provide final detailed landscape plans to the satisfaction of the Town and CVC, including but not limited to the following information:</p> <ul style="list-style-type: none"> i. A continuous combination of chain link fence or acoustic wall along the creek corridor noted in the Fisheries Impact Assessment. ii. Details for the storm outfall including satisfactory erosion and sediment controls and restoration plantings iii. All required notes and details related to fish and wildlife capture for the proposed site pond feature removal including timing windows.
d)	Provide a final Fisheries Impact Assessment to be prepared by a qualified professional to the satisfaction of the Town and CVC, including but not limited to the following:

	<ul style="list-style-type: none"> i. Sufficient surveys to confirm of the absence of fish and wildlife using the on-site pond feature and/or a precautionary approach be taken including any proper mitigations and/or permits from the Ministry of Northern Development, Mines, Natural Resources and Forestry as required. ii. A detailed dewatering plan for the proposed on-site pond removal.
14.	CN Rail (CNR): That the Owner receives written approval from the CNR. Items to be addressed include, but are not limited to, the following:
	a) Approvals - That the Owner obtains all approvals (including a Utility Crossing Agreement) from the Canadian National Railway for the proposed watermain extension and crossing of the existing rail lines north of the property and pays all fees and enters into any required licenses, pipe crossing and/or encroachment agreements, etc. necessary to cross the Canadian National Railway lands with the proposed watermain extension.
	b) Site Plan – That the Owner revises the site plan to include a minimum 1.83 m high chain link fence to be installed along the mutual property line.
	c) Functional Servicing/Stormwater Management - That the Owner submit a revised and final Functional Servicing report including Stormwater Management, to ensure that the proposed development does not adversely impact on the function, operation, or maintenance of the corridor.
	d) Grading and Drainage Plans - That the Owner submit a revised and final grading, and drainage plans, to the satisfaction of CNR.
15.	Rogers: That the Owner will, in consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Site Plan, as well as the timing and phasing of installation.
16.	Canada Post: That the Owner satisfies all of Canada Post requirements as outlined in the comments report.
B.	Notes to the Owner:
1.	Site Plan approval does not include approvals of any proposed signage regulated by the Town of Oakville Sign By-law 2018-153, as amended. The Owner has been advised that all proposed signage must comply with the sign by-law or seek a variance to the by-law.
2.	Upon site plan approval, a CVC permit is required prior to the commencement of construction on the subject property and prior to the issuance of municipal building permits. A separate CVC permit fee would apply.
3.	The Owner is to enter into satisfactory arrangements with the Town related to the payment of cash in lieu of parkland in accordance Section 42 of the Planning Act and the Town By-law 2008-105 and contact the Towns Manager of Realty Services no later than 90 days prior to their intended date to draw the first building permit for the proposed development or redevelopment, to arrange coordination of the necessary appraisal.
4.	A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
5.	A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative.

6. A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the CN Rail property line abutting the site. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
7. Any proposed alterations to the existing drainage pattern affecting Railway property require prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
8. While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.

Schedule "A"
Site Plan Agreement Clauses

General:

1. *"For the purposes of this agreement:*
 - a. *Approved Site Plan – refers to the final versions of the approved or accepted versions of the plans and drawings forming part of the site plan under section 41 of the Planning Act and any additional plans, drawings and reports referred to or required as part of the conditions of such approval.*
 - b. *Required Site Works – refers to all facilities, works, and landscaping identified on the Approved Site Plan located within the limits of the Owner's property.*
 - c. *Off-Site Works – refers to all facilities, works and landscaping identified within the Approved Site Plan, located beyond the limits of the Owner's property.*
2. *"This agreement will be registered against title to the property, and upon registration the municipality is entitled to enforce the provisions of the agreement against the Owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land."*
3. *"The obligations of the Owner, and any future owners of the property are joint and several. The Town reserves the right to enforce the obligations against either the original or any future Owners."*
4. *"Subject to any extensions that may be granted, the site plan approval shall lapse:*
 - a. *if the conditions of approval required for the granting of final approval have not been satisfied within two years of the date of approval of the site plan;*
 - b. *If a building permit has not been issued within 2 years of the date of final site plan approval; or*
 - c. *If a building permit issued for the development is revoked."*
5. *"The Owner agrees to develop the property in accordance with the Approved Site Plan and shall provide all Required Site Works and Off-Site Works identified on the approved site plan drawings or required by the conditions of approval to the satisfaction of the Town at the Owners expense. This includes any and all items secured under Schedule "C" – The Financial Obligations."*
6. *"All works associated with this Site Plan approval shall have been completed prior to the 30th of June in the second year following the issuance of the building permit failing which Town staff may proceed to draw on the securities to complete all outstanding site plan conditions, and if the securities are insufficient, exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
7. *"All internal services to be constructed by the Developer shall be completed under the direction and supervision of a practicing professional engineer retained by the Developer, who will certify construction to the satisfaction of the Town engineer and the inspectors and all other authorities, as applicable."*
8. *"The Owner shall provide the Town with a certification letter signed and sealed by a practicing professional engineer stating that the permanent Stormwater Management measures (proposed underground storage facility, rooftop controls, surface storage and dry pond) are operational and has been built as per approved design. As-built confirmation of the proposed parking lot storage volumes and ponding extent are also required. Should there be discrepancies between the proposed and as-built works; additional engineering and/or on-site works may be required. As-constructed drawings*

- are to be submitted upon the construction of the SWM facility. The following criteria must be met in order for the facility to be considered operational:
- i. The SWM facility must be at final grade.
 - ii. Capacity of SWM facility must be confirmed to meet design detention volumes.
 - iii. All SWM facility liners are to be certified by a practicing geotechnical engineer.
 - iv. Outlet structures must be constructed and conform to the approved plans.
 - v. The as-built parking lot storage area is to be included within the confirmation letter.
 - vi. Rooftop quantity controls are constructed in conformance to the approved plans.
9. "All technical documents, such as the transportation impact study, stormwater management and functional servicing report, land use compatibility study, noise report, fisheries impact assessment or arborist's report, must be signed and sealed by a professional engineer or certified arborist, respectively."
 10. "The Owner shall prepare and implement an erosion and sediment control monitoring program prior to, during the construction and post construction of the subject development to the satisfaction of CVCA and the Town of Oakville. The erosion and sediment control monitoring program is to be completed in accordance with the approved Stormwater Management Report completed for the subject development."
 11. "The Owner agrees to implement the recommendations outlined in all studies forming part of the Approved Site Plan, including the transportation impact study, stormwater management and functional servicing report, land use compatibility study, noise report, fisheries impact assessment or arborist's report. Further the Owner agrees to modify the site plan as required to reflect the final approved studies."
 12. "The Owner will maintain a minimum tree canopy cover or potential canopy cover of at least 20% over the site area. Any tree removals authorized by way of Town permits will require the replanting of trees so as to maintain this minimum tree canopy cover target to the satisfaction of the Town."
 13. "All owners and tenants / future purchasers are required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development, and as there is insufficient on site snow storage, all snow cleared from the access ramps and driveways, parking and loading areas, and walkways shall be removed from the site. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow removal from the site shall remain the sole responsibility of the owners and tenants / future purchasers."
 14. "The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."
 15. "The Owner agrees to provide an easement, registered in the name of "Oakville Hydro Electricity Distribution Inc. for a pad-mounted transformer."
 16. "The Owner agrees that any required pole relocations on Winston Churchill Blvd to be completed by Oakville Hydro at the expense of the owner/applicant."
 17. "The Owner agrees to grant all necessary easements and maintenance agreement required by CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Site Plan (collectively, the "Communications Service Providers") at the owners cost. Immediately following the registration of the Site Plan, the Owner will cause these documents to be registered on title." [Rogers]

18. *"The Owner agrees not to occupy the building on the easterly portion of the property (abutting Winston Churchill Blvd.) until the westerly building is substantially complete and the acoustical wall is constructed."*

Prior to Construction:

19. *Prior to construction or site alteration, the Owner is required to obtain a CVC and pay any necessary fees.*
20. *Prior to construction, the Owner shall contact Development Engineering Section to inquire about and obtain any permits or other approvals that may be required such as the following:*
- a. *Driveway Permit*
 - b. *Excavation Permit*
 - c. *Sidewalk/Street Occupancy Permit*
 - d. *Boulevard (Streetscape) Permit*
 - e. *Construction Staging and Parking Plan*
 - f. *Any Boulevard & Road Restoration Details to be provided on civil drawings.*
 - g. *Any Major road improvements (pavement widening and storm sewers) shall be provided on standard Town drawing sheets and stamped by the Engineer.*
21. *"The Owner shall prepare a construction schedule for all Off-Site Works and submit it to the town in conjunction with the required pre-construction meeting."*
22. *"The Owner and/or their engineering consultant, shall arrange and hold a pre-construction meeting with the appropriate Town staff and the contractor to review construction staging, traffic control, material delivery routing, trades parking management, etc., prior to the commencement of any works, beyond that of the works approved prior to the date of this agreement."*
23. *"The Owner understands and acknowledges the construction challenges associated with developing this site including the construction of servicing and agrees to undertake all reasonable efforts to minimize disruption to the roads in the vicinity, Aspen Forest park uses and abutting residents vicinity of this development."*
24. *"The Owner understands and acknowledges that any use of the public road allowance, or Aspen Forest Park (for access, staging, storage, temporary parking, etc) abutting or near to the development is strictly prohibited without the approval of the Town of Oakville by way of permits."*
25. *"The Owner shall appoint a community liaison officer to this project. Community liaison officers are used to establish and maintain cooperative and communicative relationships with abutting property owners. The officer shall be an identified person whom is responsible for providing advance information to affected parties/persons of work operations that may cause temporary disruption to normal area activities and to ensure proper approvals are sought and secured before such works operations proceed. In the absence of a community liaison officer, the site-supervisor shall perform these tasks."*
26. *"All erosion and siltation control measures must be installed by the Owner and inspected by the Town's Transportation and Engineering Department prior to any site works being undertaken."*
27. *"The Owner agrees that all drawings for Off-Site Works relating to this project shall be approved by the Town prior to construction to the satisfaction of the Town's Director of Parks and Open Space."*

28. *"The Owner agrees that the following Off-Site Works are to be completed and operational prior to on-site operation commencing. These improvements include:*
- *Sanitary Servicing through Aspen Forest Park*
 - *Watermain extension along Winston Churchill Blvd."*

Following Construction:

29. *"The Owner agrees to restore Aspen Forest Park to Town standards. All restoration works must be to the satisfaction of the Parks and Open Space Department and completed within a timeframe to the satisfaction of Director of the Parks and Open Space or designate, acting reasonably.*
30. *"The Owner shall not remove or alter or permit the removal or alteration of Required Site Works in a manner that would not comply with the Approved Site Plan without the consent of the Town."*
31. *"The Owner shall maintain all Required Site Works ensuring the Required Site Works function and perform as designed and/or intended. Should any Required Site Works fail to function or perform for any reason, the Owner shall promptly cause them to be repaired and/or replaced."*
32. *"The Town has the right to enter the property to install, inspect and repair at the Owners expense, if necessary, any Required Site Works."*
33. *"The Owner acknowledges and agrees to provide within 30 days of receiving a written request by the Town to do so, confirmation by a Professional Engineer licensed by the Province of Ontario, that the stormwater management components/facilities on and within the property are in-place and functioning as approved for the property."*
34. *"Should the Owner fail to provide the requested performance certification within 30 days due to identified issues with the stormwater management components/facilities, the Owner agrees to cause their repair within a period of time deemed reasonable by the Director of Transportation and Engineering. Follow the completion of repair works, the Owner will have seven (7) days to provide the required Performance Certification."*
35. *"Should the Owner fail to provide the requested performance certification for any other reason than that set out above, the Town may cause the review of the stormwater management components/facilities and all costs for review, remediation, repairs, etc. shall be at the expense of the Owners. If the Owners fail to pay the costs within 30 days of being advised of the amount by the Town, the Town may draw upon the securities and, if the securities are insufficient, may exercise its option under section 446 of the Municipal Act, 2001 to add the costs to the tax roll and collect them in the same manner as property taxes."*
36. *"The Owner shall provide the Town of Oakville with confirmation from the land use compatibility/noise consultant that the recommendations from the final study(ies) have been implemented."*
37. *"The Owner is required to maintain all access ramps and driveways, parking and loading areas, and walkways, unobstructed to ensure safe operations within this private development. In no circumstance shall snow cleared from the site be placed in a manner that might damage private or public landscaping, fences, or impinge on adjacent properties or open space. The contracting for private snow clearance/removal from the site shall remain the sole responsibility of the Owners and any tenants or future purchasers."*

38. *"The Owner shall provide a 2-year warranty/guarantee period as it relates to on-site and municipal trees to the satisfaction of the Transportation and Engineering department and the Parks and Open Space department."*
39. *"The Owner agrees to submit an inventory of all public trees planted by species, size, x/y coordinates and tree attributes in a digital format acceptable to Transportation and Engineering and Parks and Open Space prior to Site Plan security reduction"*

Future Site Plan Agreement “Schedule I – Additional Items”

Barristers & Solicitors



June 9, 2022

Denise Baker
Partner
t. 416-947-5090
dbaker@weirfoulds.com

Via Email

File 22378.00001

Mr. Gabe Charles
Director of Planning
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Dear Gabe:

RE: ONE Properties and 772 Winston Churchill LP- Site Plan Application for 772 Winston Churchill Blvd., Town File No. 1601.028/01 and 11087258 Canada Inc. – Site Plan Application for 560 Winston Churchill Blvd. Town File No. 1601.028/01

WeirFoulds LLP are solicitors for ONE Properties and 772 Winston Churchill LP, (collectively “ONE Properties”) regarding the redevelopment of its property located at 772 Winston Churchill Boulevard, in the Town of Oakville.

We are writing together with BLG, the solicitors for 11087258 Canada Inc. with respect to their property at 560 Winston Churchill Blvd., in the Town of Oakville. 11087258 Canada Inc. is represented in this capacity by Mr. Pitman Patterson of BLG, who is cc'd on this correspondence.

772 Winston Churchill Blvd. and 560 Winston Churchill Blvd. (collectively the “Properties”) abut one another, and both have site plan applications (the “Applications”) submitted with the Town. Both ONE Properties and 11087258 Canada Inc. are committed to ensuring that the redevelopment of their Properties is done in accordance with the Town’s zoning by-law, the designation by the Province as a provincially significant employment zone and the conditions imposed by the Town and based upon the servicing of the Properties through an easement in favour of the Region of Halton from Acacia Court, as shown in the site plan drawing packages which form part of the Applications.

Suite 10, 1525 Cornwall Road, Oakville, Ontario, Canada L6J 0B2	T. 905-429-8000 F. 905-429-2035 www.weirfoulds.com
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In addition, on the basis that the Town approves the Applications on or before June 27, 2022 ONE Properties and 11087258 Canada Inc. jointly commit to the following:

1. A total contribution of \$250,000 payable prior to first building permit issuance for purposes such as of the installation of a trail on the Town owned lands, out to Winston Churchill Blvd, the construction of a splash pad within Aspen Forest Park and tree plantings at various locations in the vicinity of the Properties as required by the Town;
2. Finish any buildings on the Properties in a neutral palette;
3. Include the following provision in each of the site plan agreements pertaining to the Properties which states: "the Owner will undertake to insert a provision in any lease with respect to a reduction in the usage of loading docks after 11:00pm";
4. Include the following provision in each of the site plan agreements pertaining to the Properties which states: the Owner will undertake not to occupy the buildings on the easterly portions of the Properties, which abut Winston Churchill Blvd, in advance of the commencement of the exterior construction of the buildings located on the westerly portion of the Properties closest to the residentially zoned lands*.

It is proposed that each of these commitments be secured through relevant clauses within each of the site plan agreements for the Properties, which is required to be executed prior to final site plan approval being granted.

Further comments on the conditions of site plan approval which have been provided by the Town will be forthcoming.

We look forward to hearing from you as soon as possible.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker".

Per: Denise Baker
Partner

DB:mlw

Cc: J. Pittman Patterson, Borden Ladner Gervais

**Schedule "B"
Technical Reports**

Report/Study	Revision/Date*		Consultant
Stormwater Management and Function Servicing Report	2	2021-12-15	AM Candaras Associates Inc.
SWM Operations and Maintenance Manual	1	2021-12-15	AM Candaras Associates Inc.
Transportation Impact Study	5	2021-09-29	IBI Group
Phase 2 Environmental Site Assessment		2021-11-24	EXP Services Inc.
Arborist Report & TPP		2021-12-03	IBI Group
Land Use Compatibility Study		2021-12-21	Ortech
Noise Report and Land Use Compatibility Report		2021-12-15	Jade Acoustics
Fisheries Impact Assessment		Dec 2021	Azimuth Environmental
Stage 1 Archaeological Assessment		2021-10-29	Wood Environment & Infrastructure Solutions

* Note: The revision/date of the above reports may be updated to reflect future revisions to address staff/peer review comments.



Town of Oakville

Planning and Development Council

MINUTES

Date: June 27, 2022

Time: 6:30 p.m.

Location: Council Chamber

Mayor and Council: Mayor Burton
 Councillor Adams
 Councillor Chisholm
 Councillor Duddeck
 Councillor Elgar
 Councillor Gittings
 Councillor Grant
 Councillor Haslett-Theall
 Councillor Knoll
 Councillor Lishchyna
 Councillor Longo
 Councillor Parmar
 Councillor Sandhu (Left at 11:37 p.m.)

Regrets: Councillor O'Meara
 Councillor Robertson

Staff: J. Clohecy, Chief Administrative Officer
 N. Garbe, Commissioner of Community Development
 D. Carr, Town Solicitor
 G. Charles, Director of Planning Services
 J. Huctwith, Assistant Town Solicitor
 D. Perlin, Assistant Town Solicitor
 K. Biggar, Manager of Policy Planning and Heritage
 P. Kelly, Manager of Development and Environmental Engineering
 C. McConnell, Manager of Planning Services, West District
 P. Barrette, Senior Planner
 K. Cockburn, Senior Planner
 T. Collingwood, Senior Planner
 R. Thun, Senior Planner
 S. Rizvi, Transportation Engineer
 S. Schappart, Heritage Planner
 K. Patrick, Acting Town Clerk
 J. Marcovecchio, Council and Committee Coordinator

Others: Town Staff:
 A. Khan, Transportation Engineer

The Town of Oakville Council met in regular session to consider planning matters on this 27th day of June, 2022 in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, commencing at 6:30 p.m.

1. Regrets

As noted above.

2. Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

3. [Committee of the Whole](#)

Moved by Councillor Lishchyna

Seconded by Councillor Longo

That this meeting proceed into a Committee of the Whole session.

CARRIED

4. [Consent Items\(s\)](#)

There were no confidential consent items.

5. [Confidential Consent Item\(s\)](#)

5.1 [OLT 21-001420 \(CRB2016\): 2477 Fourth Line Oakville -Notice of Intention To Designate Not Deemed To Be Withdrawn](#)

Moved by Councillor Duddeck

That Town Council hereby agrees with the Owner of 2477 Fourth Line, Oakville to extend the date for deemed withdrawal of the Notice of Intention to Designate the "Sixteen School" Property at 2477 Fourth Line past July 1, 2022 until the later of the dates: (a) that Town Council makes a Decision on the Hearing Report from the Ontario Land Tribunal and either passes a Designation By-law or withdraws the Notice of Intention To Designate respecting the Notice of Objection from the Owner of 2477 Fourth Line; or (b) the Owner of 2477 Fourth Line withdraws the Notice of Objection and the Town Council passes a Designation By-law.

CARRIED

6. [Public Hearing Item\(s\)](#)

6.1 [Public Meeting Report, Zoning By-Law Amendment, Halton Region, 1258 Rebecca Street, File No. Z.1723.08](#)

Moved by Councillor Duddeck

1. That the public meeting report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Halton Region (File No.: Z.1723.08), be received.
3. That staff consider such comments as may be provided by Council.

CARRIED

6.2 [Public Meeting Report – Draft Plan of Subdivision \(24T-21005/1530\) – Part of Lot 30, Concession 2 \(SDS\), Bronte Green Corporation](#)

Moved by Councillor Elgar

That consideration of this item be deferred to a future Planning and Development Council meeting.

CARRIED

6.3 [Public Meeting and Recommendation Report – Draft Plan of Subdivision, Plan 20M-1186, Blocks 415 and 418 – Fernbrook Homes \(Seven Oaks 2021\) Ltd., File No.: 24T-22004/1315](#)

Moved by Councillor Parmar

1. That Draft Plan of Subdivision application (File No. 24T-22004/1315), submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest and Section 51(24) of the Planning Act, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 14, 2022.
2. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-22004/1315) submitted by Fernbrook Homes (Seven Oaks 2021) Ltd., prepared by J D Barnes Limited, dated January 4, 2022, subject to the conditions contained in Appendix "A".
3. That the Subdivision Agreement be prepared and finalized to the satisfaction of the CAO and Town Solicitor or delegates, and executed in accordance with By-law 2013-057.
4. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

CARRIED

6.4 [Public Meeting and Recommendation Report, Oakville Green Development Inc., Zoning By-law Amendment, Part of Lot 25, Concession 1, NDS, File No. Z 1325.08 – By-law 2022-071](#)

Moved by Councillor Adams

1. That the public meeting and recommendation report prepared by the Planning Services Department dated June 14, 2022, be received.
2. That comments from the public with respect to the proposed Zoning By-law Amendment submitted by Oakville Green Development Inc. (File No.: Z 1325.08), be received.
3. That the Zoning By-law Amendment application submitted by Oakville Green Development Inc. (File No. Z.1325.08), be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and North Oakville West Secondary Plan, has regard for matters of Provincial Interest, and represents good planning for the reasons outlined in the report from the Planning Services Department dated June 14, 2022.
4. That By-law 2022-071, an amendment to Zoning By-law 2009-189, be passed.
5. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

CARRIED

7. [Discussion Item\(s\)](#)

7.1 [Consideration of Objection to Notice of Intention to Designate – G.S. Wood House at 2487 Old Bronte Road - By-law 2022-060](#)

Moved by Councillor Duddeck

1. That Town Council not withdraw its Notice of Intention to designate the G.S. Wood House at 2487 Old Bronte Road under Section 29, Part IV of the Ontario Heritage Act despite the Notice of Objection received from the property owner; and,
2. That By-law 2022-060 to designate the G.S. Wood House at 2487 Old Bronte Road as a property of cultural heritage value or interest, attached as Appendix "B", be passed.

CARRIED

7.2 [Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision, Lower Fourth Development Limited and Pendent Developments Ltd, Part Lots 17- 19, Con 1 NDS, File No.: Z.1317.05, 24T-19004/1317, By-law 2022-059](#)

Moved by Councillor Parmar

1. That the Zoning By-law Amendment and Draft Plan of Subdivision application submitted by Lower Fourth Development Limited and Pendent Developments Ltd., (File No.: Z 1317.05, 24T-19004/1317), as revised, be approved on the basis that the application is consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated June 14, 2022;
2. That By-law 2022-059, an amendment to Zoning By-law 2009-189, be passed;
3. That the Director of Planning Services be authorized to grant draft plan approval to the revised Draft Plan of Subdivision (24T-19004/1317) submitted by Korsiak Urban Planning dated May 9, 2022, subject to the conditions contained in Appendix D of the staff report prepared by Planning Services Department dated June 14, 2022;
4. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed; and
5. That, in accordance with Section 34(17) of the Planning Act, no further notice is determined to be necessary.

CARRIED

7.3 [Recommendation Report, SmartCentres \(on behalf of SmartREIT \(Oakville II\) Inc./SmartREIT \(Oakville\) Inc.\), Official Plan Amendment and Zoning By-law Amendment, Z.1413.34 and OPA 1413.34 – By-laws 2022-063 and 2022-064](#)

Memorandum from Legal Department, June 27, 2022

Moved by Councillor Knoll

That the report from the Planning Services Department, dated June 14, 2022 titled "Recommendation Report, SmartCentres (on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc.), Official Plan Amendment and Zoning By-law Amendment, Z.1413.34 and OPA 1413.34 – By-laws 2022-063 and 2022-064" and comments from the public on the application be received.

CARRIED

7.4 [Recommendation Report – Site Plan Applications SP.1601.028/01 – 560, 570 and 580 Winston Churchill Blvd. and SP.1601.029/01 – 700 and 750 Winston Churchill Blvd.](#)

BEYOND THE HOUR

Moved by Councillor Gittings

That this meeting proceed beyond the hour of 10:30 p.m.

CARRIED

RECESS

The meeting recessed at 9:56 p.m. and reconvened at 10:05 p.m.

CLOSED SESSION

Moved by Councillor Gittings

That Council resolve into a closed meeting session for the purpose of dealing with advice that is subject to solicitor-client privilege, including communications necessary for that purpose, with respect to Item 7.4 - Recommendation Report – Site Plan Applications SP.1601.028/01 – 560, 570 and 580 Winston Churchill Blvd. and SP.1601.029/01 – 700 and 750 Winston Churchill Blvd.

CARRIED

Council resolved into closed session at 11:32 p.m.

Council resolved back into open session at 11:55 p.m.

Moved by Councillor Adams

1. That the revised Site Plan application, File No.: SP.1601.028/01 to allow the construction of three warehouse buildings be approved, subject to the conditions in Appendix "A" contained within the June 14, 2022 report from the Planning Services Department, and in addition to the following:
 - *The Owner shall evaluate the ultimate operating condition of the site, based on full build-out, and identify any required traffic, noise and vibration mitigation measures, prior to final approval of the site plan. This evaluation shall be reviewed by the Town's peer review consultants at the expense of the Owner. Installation of any mitigation measures identified and required by the evaluation shall be incorporated into the final plans and studies and implemented prior to occupancy of any of the proposed buildings.*
2. That the revised Site Plan application, File No.: SP.1601.029/01 to allow the construction of two warehouse buildings be approved, subject to the conditions in Appendix "B" contained within the June 14, 2022 report from the Planning Services Department, and in addition to the following:
 - *The Owner shall evaluate the ultimate operating condition of the site, based on full build-out, and identify any required traffic, noise and vibration mitigation measures, prior to final approval of the site plan. This evaluation shall be reviewed by the Town's peer review consultants at the expense of the Owner. Installation of any mitigation measures identified and required by the evaluation shall be incorporated into the final plans and studies and implemented prior to occupancy of any of the proposed buildings.*
3. That the Director of Planning Services or designate be authorized to grant final site plan approval to the revised Site Plan application for 560, 570 and 580 Winston Churchill Blvd., File No.: SP.1601.028/01.
4. That the Director of Planning Services or designate be authorized to grant final site plan approval to the revised Site Plan application for 700 and 750 Winston Churchill Blvd., File No.: SP.1601.029/01.
5. That staff be delegated authority to transfer to the Region the easement required for the Region's preferred servicing strategy on terms satisfactory to the Town Solicitor including the applicant/landowner compensating the Town for the market value of the proposed easement as determined through the Town's appraisal and reimbursing the Town for the associated costs, such transfer to take place after the Applicant has satisfied those conditions of site plan approval required to be completed prior to final approval.

For (9) Mayor Burton, Councillor Chisholm, Councillor Duddeck, Councillor Adams, Councillor Parmar, Councillor Longo, Councillor Lishchyna, Councillor Knoll, and Councillor Grant

Against (3) Councillor Elgar, Councillor Gittings, and Councillor Haslett-Theall

Absent (3) Councillor O'Meara, Councillor Sandhu, and Councillor Robertson

CARRIED on a recorded vote (9 to 3)

8. [Confidential Discussion Item\(s\)](#)

There were no confidential discussion items.

9. [Advisory Committee Minutes](#)

There were no advisory committee minutes

10. [Rise and Report to Council](#)

Moved by Councillor Haslett-Theall

That this committee rise and report.

CARRIED

The Mayor arose and reported that the Committee of the Whole has met and has made recommendations on Confidential Consent Item 5.1, Public Hearing Items 6.1, 6.2, 6.3, and 6.4, and Discussion Items 7.1, 7.2, 7.3, and 7.4 as noted by the Clerk.

Moved by Councillor Knoll

Seconded by Councillor Chisholm

That the report and recommendations of the Committee of the Whole be approved.

CARRIED

11. [New Business](#)

(Emergency, Congratulatory or Condolence)

There was no new business.

12. [Consideration and Reading of By-laws](#)

12.1 [By-law 2022-059](#)

A by-law to amend the North Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lots 17 – 19, Con. 1, NDS Lower Fourth Development Limited and Pendent Developments Ltd., File No.: Z.1317.05. (Re: Item 7.2)

12.2 [By-law 2022-060](#)

A by-law to designate the G.S. Wood house at 2487 Old Bronte Road as a property of cultural heritage value or interest. (Re: Item 7.1)

12.3 [By-law 2022-063 \(Not Passed\)](#)

A by-law to adopt an amendment to the Livable Oakville Official Plan, Official Plan Amendment Number 46 (SmartCentres on behalf of SmartREIT (Oakville II) Inc./ SmartREIT (Oakville) Inc., File No.: OPA.1413.34). (Re: Item 7.3)

12.4 [By-law 2022-064 \(Not Passed\)](#)

A by-law to amend the Town of Oakville Zoning By-law 2014-014, as amended, to permit the use of lands described as 256, 260, 294 Hays Boulevard and 271 Oak Park Boulevard (SmartCentres on behalf of SmartREIT (Oakville II) Inc./SmartREIT (Oakville) Inc., File No.: 1413.34). (Re: Item 7.3)

12.5 [By-law 2022-071](#)

A by-law to amend the Town of Oakville Zoning By-law 2009-189, as amended, to permit the use of lands described as Part of Lot 25, Concession 1, NDS (Oakville Green Development Inc., File No. Z.1325.08). (Re: Item 6.4)

12.6 [By-law 2022-086](#)

A by-law to confirm the proceedings of a meeting of Council.

Moved by Councillor Grant

Seconded by Councillor Gittings

That the by-law(s) noted above, with the exception of By-laws 2022-063 and 2022-064, be passed.

CARRIED

13. [Adjournment](#)

The Mayor adjourned the meeting at 12:08 a.m.