

Text of JCRA's November 19, 2021 email to Mayor Burton and Councillors Haslett-Theall and Gittings:

JCRA remains concerned about "what's next" on the 2175 Cornwall Rd property owned by H&R REIT.

Our Board believes there are several options immediately available to the Town to address residents' concerns regarding future use of the property and these options should be given due consideration at this time.

1. Pass a special amendment to the Zoning Bylaw definitions to specifically include Last Mile Delivery Stations/Facilities as an E3 use only. This is not zoning change for this property since it remains as it could remain E2 but a Delivery Station use would be prohibited. It should be a legal procedure the Town undertakes to protect residents. This is urgent to ensure clarity and transparency of permitted uses on this property.
2. Request the MMAH Minister to amend the July 20, 2021, MZO placed on the property to reduce the number of parking spaces from 689 to the existing 199 or a number that aligns with warehouse use, not deliveries. This request should be made given the Town was made aware in October 2021 that H&R REIT withheld pertinent and relevant information from both the Town of Oakville and MMAH, specifically that Amazon had withdrawn from their proposed tenancy of the property.
3. Amend the zoning bylaw to reduce the number of parking spaces from 689 to the existing 199 or a number that aligns with warehouse use, not deliveries.
4. In concert with the addition of a Zoning Definition for Delivery Stations as an E3 use, support the residents desire to eliminate the property's east driveway realignment to a newly signalized Cardiff Drive. To ensure road network safety, permit right turns only into the property from the east driveway.
5. Request H & R REIT to consider a tenant with less intense use.
6. Consider a zoning change that would be amenable to H & R REIT, such as Mixed-Use zoning for residential and retail/commercial, and residents who would no longer face the prospect of industrial use of the property and engage H&R REIT in discussion on possible changes.
7. Purchase the property from H&R REIT, change the zoning to ensure no industrial use and sell the property with the new zoning.

The JCRA board would be pleased to discuss any of these suggested options in more detail. Thank you in advance for your consideration.

Text of Mayor Burton's December 12, 2021 Email Response to JCRA suggestions for 2175 Cornwall Rd:

Thank you for your suggestions about 2175 Cornwall Road. For the reasons set out below, the suggestions are not practicable.

The removal of mitigations suggestion

- The site plan decision of the OLT provides the expert, carefully considered, necessary mitigations for the proven impacts of the site's permitted parking expansion, no matter the tenant. The suggestion that any of the mitigations obtained are no longer needed ignores the statutory fact that it is not relevant who the tenant is in a site plan application. The site changes to parking capacity that were applied for (and capped by Council and the Minister) are what is relevant, not who will park there. The changes to the parking capacity applied for and the trip generation potential of that increase in parking (not any particular tenant) are what the site plan approval process mitigates.
- We also must and do keep in mind that another user can at any time decide to use the warehouse on Cornwall as intensively as Amazon might and the parking would make possible. Also, there is no obstacle to prevent Amazon from reviving its interest in the site and Amazon has given no binding commitment not to do so.
- To relieve the warehouse owner of the expense of the mitigations for traffic on Cornwall would be against the interests of all the taxpayers of the Town and the neighbours across the road from 2175 Cornwall, because the costs of the road improvements would shift to the taxpayers when they are subsequently needed.
- Abandoning any of the mitigations imposed on the applicant on the basis of evidence presented to and imposed by the Tribunal opens the Town and the JCRA and the neighbours to a perception by the Tribunal, the Ministry, and the applicant of bad faith conduct in seeking the mitigations in the first place.

The various zoning suggestions

- The proposed special amendment to the Zoning Bylaw would be a zoning change that takes away existing property rights from the owner. This taking would be opposed successfully by the owner. The other zoning-related suggestions by JCRA are similarly flawed because of the taking of property rights involved.
- This taking flaw also applies to the suggestion of asking the Minister to reverse the Minister's zoning order. The Minister's zoning order has conferred rights that are now vested in the property owner and cannot be reversed without liability. Council cannot now ask the Minister to reverse the zoning the Minister has given without exposing taxpayers to the certainty of a successful claim for compensation by the owner.
- Changing the zoning to mixed use would require bringing an intensity of activity to the location far beyond anything the current zoning could do. The Growth Plan would apply and require treatment of the site as infill for significant intensification of jobs and residents. A site the size of 2175 Cornwall would require intensification under Ontario's Growth Plan legislation on a scale like the Town's growth areas. Depending upon how much of the 30 acre site at 2175 Cornwall Road could be utilized, the Growth Plan's required intensity could easily entail from 3,000 to 9,000 residents and jobs in what people might call "The Cornwall Towers". The Town's official plan and zoning have been constructed to direct such

intensification away from areas like JCRA. It is difficult to imagine Council agreeing to so radical a reversal of our official plan. It is easy to imagine that the vast majority of the JCRA area would be just as concerned about such a suggestion as the neighbours of 2175 Cornwall Road were about the H&R Reit's plans for operation of their warehouse.

The purchase and rezoning suggestion

- The property is not for sale.
- Buying the property to rezone it is not within the means of the Town.
- Rezoning to remove valuable uses would make any resale likely to fetch less than it cost to purchase for the purpose of the rezoning.

The status of the file

- Council and I joined the neighbours and JCRA in wanting residents to have mitigation against impacts from the use of the property.
- JCRA's and the neighbours' representation of their interests and the concerns were valued and heeded by Council every step of the way.
- Together with JCRA and the neighbours a great difference was achieved between what was applied for and what was obtained by the applicant.
- Council and I relied upon our Legal Staff who secured the maximum legal protection available under applicable Ontario statutes.
- The status and operation of 2175 Cornwall Road are now settled, no longer before the Town, and not subject to further change, as detailed above.
- We are confident that the mitigations applied to the site will fully protect the community from impacts from the operation of the site.

Please keep well, stay safe, and let me know of any chance to be helpful with the programs and services of Oakville and Halton municipal governments.

Sincerely,
Mayor Rob Burton