

- **Name**
Lee English
- **Enter the date of the meeting you wish to present to council**
May 16, 2024
- **Which is your preference for attending the meeting.**
Virtually
- **Will there be anyone other than yourself addressing Council?**
No

- **Use the space below to clearly outline your purpose for presenting to council. Provide a brief outline of your subject matter including your suggested outcome.**

Request to delegate on behalf of 2729902 Ontario Inc. re City Council Meeting – May 16, 2024 – Item 9.a. re City of Woodstock Applications for Draft Plan of Subdivision and Zoning By-law Amendment for 685761 Highway 2 & 775019 Blandford Road, City of Woodstock (City File Nos. SB24-02-8 and ZN8-24-03)

2729902 Ontario Inc. is adjacent landowner and filed written submission on May 13, 2024. Copy of letter is attached.

We will ask Council to defer this item until there has been sufficient opportunity for our client to review and provide meaningful comments.

- **Will you be providing any additional written information in addition to your summary above? If YES please note it must be provided to the Clerks department no later than 2:00pm on the Tuesday prior to the meeting**
Yes
- **Will you be providing any additional electronic information in addition to documents you will be attaching? If YES please note it must be provided to the Clerks department no later than 2:00pm on the Tuesday prior to the meeting**
No
- **Presentation Attachments**
 1. [City of Woodstock - Comment Letter re May 16, 2024 Council Meeting - Item 9a - 2729902 Ontario Inc.pdf \[136.2 KB\]](#)

- **Have you appeared before council to discuss the same topic in the past?**

No

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File No. 040292.000001

May 13, 2024

DELIVERED BY EMAIL
(skatikapalli@cityofwoodstock.ca)

City Council
Corporation of the City of Woodstock
500 Dundas Street
PO Box 1539
Woodstock ON N4S 0A7

Dear Mayor Acchione and Members of Council:

Re: City Council Meeting – May 16, 2024 – Item 9.a
685761 Highway 2 & 775019 Blandford Road, City of Woodstock
City of Woodstock Applications for Draft Plan of Subdivision and Zoning By-law
Amendment
City File Nos. SB24-02-8 and ZN8-24-03
Comment Letter - 2729902 Ontario Inc.

We are counsel to 2729902 Ontario Inc. (“**2729902**”), the owner of lands municipally known as 685691 Highway 2, City of Woodstock (“**Gill Lands**”). The Gill Lands are 36.37ha (89.89ac) in size and immediately adjacent to the lands subject to the above-referenced *Planning Act* applications.

The City of Woodstock (“**City**”) is hastily advancing applications to amend the City of Woodstock Zoning By-law 8626-10 (“**City ZBL**”) (“**ZBA Application**”) and for draft plan of subdivision (“**DPOS Application**”, collectively the “**City Applications**”) for the lands municipally known as 685761 Highway 2 and 775019 Blandford Road in the City of Woodstock (“**Subject Lands**”).

We write to request that City Council defer consideration of this item. Adopting the recommendations in the staff report regarding the City Applications dated May 16, 2024 (“**Staff Report**”) would adversely impact the public process prescribed by the *Planning Act* and the provincial policy direction to coordinate land use planning, including servicing and transportation.

For example, the City will hold the public meeting later today (May 13, 2024) **after** City staff prepared the report recommending approval in principle of the City’s Application. This “tick the box” approach to consultation and public participation undermines the merits of the City’s plans to redevelop the Subject Lands with industrial and service commercial uses.

2729902 has worked cooperatively with the City to accomplish the City's interests, as well as advancing the development of the Gill Lands concurrently with the City's vision for the Northeast Industrial Park. However, we have significant concerns with the manner in which the City has advanced the City's Applications. These concerns are amplified given the recent decision to advance and approve OPA 268 without providing notice to 2729902, despite the City's knowledge of the implications of that planning instrument on the Gill Lands. Our client has previously raised these concerns in past correspondence to the City in July 2022 and January 2023.

We therefore request that City Council defer this matter until such time that the City, County and our client have had an opportunity to have a meaningful discussion regarding the City's Applications.

The Gill Lands and Development Applications

The Gill Lands are immediately west of the Subject Lands and are directly impacted by the City's Applications. As the City has known for years, 2729902 plans to redevelop the Gill Lands with 'service/highway commercial' uses along the Highway 2 frontage and 'industrial' uses (specifically, but not limited to a transportation/trucking depot, warehousing and other typical industrial uses) on the interior of the property, inclusive of the Highway 401 frontage.



Figure 1: Gill Lands

On September 3, 2021, 2729902 requested a pre-consultation meeting with City staff regarding a proposal to redevelop the Gill Lands for industrial and service commercial purposes. 2729902 advised the City as early as January 2021 that potential future development of the Gill Lands may include a trucking centre with warehouse-loading docks and offices.

2729902 filed applications for official plan amendment, zoning by-law amendment and draft plan of subdivision approval for the Gill Lands in October, 2023 bearing City File Nos. OP 23-11-8, SB 23-06-8 & ZN 8-23-1). (“Gill Applications”). The County deemed the Gill Applications complete on March 19, 2024.

The City’s Applications and 2729902’s proposed redevelopment of the Gill Lands reflect similar land uses and both require coordination regarding servicing and transportation. In particular, 2729902 has been working with the City’s consulting team to advance the servicing of the Northeast Industrial Park lands, which includes plans for a 15m wide easement on the Gill Lands to facilitate the preferred watermain and sanitary forcemain design. Matters related to servicing and land acquisition have not yet been resolved and the City’s Applications are premature until such time as these critical infrastructure matters are addressed.

2729902’s applications to facilitate the redevelopment of the Gill Lands were filed in October, 2023 and have not yet advanced to a public meeting (despite repeated requests from 2729902). On the contrary, City’s Applications were deemed complete in February, 2024 and have already been slated for public meeting and are presented to City Council for approval and/or endorsement.

The City has refused to advance the Gill Applications to a public meeting on the basis that Ministry of Transportation (“MTO”) comments have not been received. We understand that the City has not yet received comments from the MTO regarding the City Applications. If the City has received comments from the MTO, we kindly request a complete copy of the MTO’s comments regarding the City’s Applications.

This condition (i.e. the need for MTO comments) applies equally to the City’s Applications as it does to the Gill Applications. There is no basis for the City’s discrimination as between our client’s applications and the City’s Applications. This is especially so given the City’s Applications rely on internal street networks and servicing connections (including easements) on and under the Gill Lands and integration with Highway 401 is a relevant factor for both applications.

The City’s approach – advancing its own applications, while delaying 2729902’s related applications for adjacent and directly impacted lands – is unfair, prejudicial and does not reflect the coordinated approach to land use and infrastructure planning mandated by provincial policy.

Preliminary Comments on the City’s Applications

The City has failed to provide sufficient time or information for 2729902 to provide comments on the City’s Applications. The proposed zoning by-law amendment itself has not yet been made publicly available and was provided to our client on May 10, 2024 and only upon request (despite the long-history of our client’s involvement in the planning processes leading to the City’s Applications). We have not had sufficient time to review the instruments themselves, let alone the studies, information or materials that inform the City’s Applications.

Notwithstanding the limited and insufficient time for review, we offer the following comments on the Staff Report and City's Applications:

- 2729902 does not support the Special Prestige Industrial Holding Zone (M1-12(H)), which corresponds to Blocks 10 and 11 on the DPOS Application. These blocks back onto Highway 401 and are designated as "Business Park" designation in the City's Official Plan (as amended by OPA 268) which does not permit predominantly trucking operations.
- The City's Applications anticipate sanitary and water services infrastructure being extended from the west, across Highway 401 and the Gill Lands. The City has not yet secured the necessary property interests to advance its servicing plan. 2729902's willingness to consensually convey the necessary property interests to the City (or County as the case may be) is contingent on the City's response to the Gill Applications.
- The DPOS Application anticipates a 4.3 hectare, land-locked parcel within the Subject Lands. The City and County have advised 2729902 that it is unable to have a landlocked parcel on the Gill Lands and identified this an issue preventing the Gill Applications from being advanced to a public meeting. The City (and County) must treat all landowners equally and cannot afford special treatment to the City on the grounds that it is the owner of the lands subject to the City's Applications.
- The Staff Report fails to adequately explain the impact of the City's Applications on the Gill Lands and understates the importance of the Gill Lands in terms of realizing the City's vision for the Subject Lands. For example, the description of the surrounding lands on page 3 of the Staff Report is silent regarding the Gill Lands, the ongoing applications for their redevelopment and the impacts of the City's Applications on those lands. Our client has provided the City with numerous updates (both in meetings and in correspondence) regarding its preferred plans for the Gill Lands and requests that those land uses be properly considered as part of the City's Applications.
- The Prestige Industrial zone does not reflect the Gill Applications' proposal to redevelop the portion of its lands north of Highway 2.
- The Staff Report does not include a copy of the proposed zoning by-law amendment (we requested and received a copy on May 10, 2024). Concerns regarding public notice and input aside, City Council cannot be asked to approve a by-law it has not seen.
- The Staff Report includes proposed conditions of draft plan approval. Draft plan of subdivision conditions are important matters that may have off-site implications and require sufficient time for review and comment (which was not afforded to 2729902). Given the impacts of the City's Applications on the Gill Lands (including reliance on the Gill Lands for servicing and transportation connections), 2729902 requests additional time to consider the draft plan conditions. The draft plan conditions do not address any matters related to coordinating development with 2729902.

Clarity Needed Regarding ZBA Recommendation

The Staff Report recommends that City Council “approve in principle” the ZBA Application. The effect of a decision to adopt this recommendation is unclear.

The April 29, 2024 Notice of Public Meeting states:

PLEASE NOTE: The Council of the City of Woodstock will make a recommendation to County Council regarding the Draft Plan of Subdivision and Zone Change applications. The applications will be considered for decision by County Council at a regular meeting as noted below/on the reverse of this page.

This statement implies that the County Council will make a decision regarding the ZBA Application. That is contrary to the *Planning Act* – it is the City, not the County, that can enact and amend zoning by-laws. Subsection 34(1) of the *Planning Act* is clear that “[z]oning by-laws may be passed by the councils of local municipalities”.

While we understand Oxford County provides planning support to the City, it is City Council that must make a decision regarding the ZBA Application. The *Planning Act* does not provide for “approval in principle” of an amendment to the City’s ZBL.

We ask that City Council clarify what is meant by “approval in principle” as it relates to City staff’s recommendation regarding the ZBA Application and amend the recommendation to either:

1. approve the ZBA Application (giving rise to rights of appeal); or,
2. receive the draft zoning by-law amendment for information and direct City staff to provide the draft zoning by-law amendment (together with all related information and materials) to the County and any persons who request a copy of the ZBA Application materials.

Conclusion

The manner in which the City has advanced the City’s Applications does not reflect coordinated land use planning in a manner that allows for meaningful public input, especially from affected landowners, including 2729902.

We encourage the City to embrace a collaborative approach to the redevelopment of this area by deferring this item to a later meeting of Council and directing City staff to meet with our client and its consultants to discuss the City’s Applications and the Gill Applications. These applications should advance in tandem, or at a minimum, be coordinated. Rushing to advance the applications for the Subject Lands, while ignoring the implications on the Gill Lands, will lead to increased time, cost and complexity in redeveloping this area in a manner envisioned by the City.

We request to be notified of this and any decision of City Council regarding the City’s Applications.

Yours truly,

BORDEN LADNER GERVAIS LLP

A handwritten signature in blue ink, appearing to read "Lee English", is positioned below the firm name.

Lee English

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