

FORTY- FOURTH MEETING - Regular Session

The Town of Oakville Council met in regular session to consider planning matters on this 13th, day of December 2004 in Council Chambers, 1225 Trafalgar Road, Oakville commencing at 7:30 p.m.

- Present: Mayor - Ann Mulvale (Left 9:00 p.m, Returned 9:40 p.m)
- Councillors - Keith Bird (Arrived 7:55 p.m)
- Allan Elgar
- Jeff Knoll (Left 9:00 p.m, Returned 9:40 p.m)
- Mike Lansdown
- Fred Oliver
- Renee Sandelowsky
- Cathy Duddeck
- Marc Grant
- Ralph Robinson
- Chris Stoate
- Janice Wright
- Staff - M. J. Chechalk, CAO/Town Manager
- D. Cash, Commissioner, Planning & Development
- D. Lunardo, Commissioner, Community Services
- C. Best, Town Clerk
- J. Huctwith, Assistant Town Solicitor
- P. Cheatley, Director of Planning
- J. Kwast, Director of Development Engineering
- N. de Vaal, Director of Recreation & Culture
- B. Gilbert, Manager of Development Engineering
- C. McConnell, Manager Current Planning, Urban Design
- A. Ramsay, Acting Manager Long Range Planning
- B. Zsadanyi, Planner
- L. Musson, Planner
- N. Karamians, Committee Coordinator
- Regrets: Councillor - Tom Adams

Declarations of Pecuniary Interest

Councillor Robinson declared a declaration of pecuniary interest on Confidential Item C2.

Mayor Mulvale declared a pecuniary interest on public hearing Item 12, "Proposed Draft Plan of Subdivision (24T-03008/1635), Official Plan Amendment and Zoning By-law Amendment, (Z.1635.03) RRL Burloak Inc." as her son is employed with First Professional.

Councillor Knoll declared a pecuniary interest on public hearing Item 12 as noted later in the evening.

Committee of the Whole

Moved by Councillor Wright

Seconded by Councillor Duddeck

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

CARRIED

ITEMS

1. **Exemption from Part Lot Control, By-law 2004-167 Mattamy (Upper Middle) Limited, Upper Glen Abbey Greens Phase 1**
- Report from Planning Services Department, November 22, 2004

Moved by Councillor Wright

That By-law 2004-167 [File PLC 18/04: Mattamy (Upper Middle) Limited], a by-law to exempt from part lot control Parts 1, 2, and 3 of Block 120, 20R-15754 be passed.

CARRIED

2. **Exemption from Part Lot Control, By-law 2004-169 Mattamy (Upper Glen Abbey West) Limited**
- Report from Planning Services Department, November 23, 2004

Moved by Councillor Wright

That By-law 2004-169 [File PLC 17/04: Mattamy (Upper Glen Abbey West) Limited], a by-law to exempt from part lot control Blocks 13 and 14, 20M-914, be passed.

CARRIED

3. **Exemption from Part Lot Control, By-law 2004-175 Fernbrook Homes (West Joshua Creek) Limited**
- Report from Planning Services Department, November 18, 2004

Moved by Councillor Wright

That By-law 2004-175 [File PLC 20/04: Fernbrook Homes (West Joshua Creek) Limited], a by-law to exempt from part lot control Lots 50, 51, & 52, Blocks 64 and 65, Plan 20M-891 be passed.

CARRIED

4. **Deletion of Subdivision Clause from Plan of Subdivision 20M-515**
- Report from Planning Services Department, November 16, 2004

Moved by Councillor Wright

That the owner of Block 3, Plan 20M-515 be released from complying with Section 30 (35) and Schedule "J" as it relates to Section 30(35) of the Subdivision Agreement between 690737 Ontario Ltd., and the Town of Oakville, registered on title as 20M-515.

CARRIED

**5. Subdivision Agreement, Mattamy (Upper Middle) Limited
Upper Glen Abbey Greens (Rickmar) – Phase 2 – File: 24T-01006B**

- Report from Planning Services Department, November 24, 2004

Moved by Councillor Wright

1. That the Subdivision Agreement between the Town and Mattamy (Upper Middle) Limited, (File: 24T-01006B) be approved and the Town Solicitor be authorized to insert any required plan numbers;
2. That the Mayor and Clerk be authorized to execute the Subdivision Agreement with Mattamy (Upper Middle) Limited; and
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the agreement.

CARRIED

**6. Subdivision Agreement and Condominium Agreement,
Eighth Line Developers Group; File: 24T-02001, 24CDM-02001, SD-528**

- Report from Planning Services Department, November 24, 2004

Clerk's Note: This item was withdrawn at the request of the applicant.

**7. Extension of Term for Present Membership of Stakeholders Advisory
Committee (SAC)**

- Report from Planning Services Department, November 25, 2004

Moved by Councillor Wright

That the Stakeholders Advisory Committee be extended until the North Oakville Secondary Plan is completed.

CARRIED

**8. Assumption of Subdivision Plans 20M-663 – Baif Developments
By-law 2004-138: File SD- 435.1**

- Report from Development Services Department, November 23, 2004

Moved by Councillor Wright

1. That the assumption of Registered Plan 20M-663 be approved;
2. That By-law 2004-138, a by-law to assume the works and streets within Plan 20M-663, be approved; and
3. That securities in the amount of \$16,000 be held back for a one year warranty on the acoustic fence and to ensure the completion of the outstanding landscaping works.

CARRIED

**9. Assumption of Subdivision Plan 20M-810
River Oaks Developments Inc. – Sunnyhurst Close
By-law 2004-176; File SD-506**

- Report from Development Services Department, November 23, 2004

Moved by Councillor Wright

1. That the assumption of Registered Plan 20M-810 be approved; and
2. That By-law 2004-176, a by-law to assume the works and streets within Plan 20M-810 be passed

CARRIED

**10. Assumption of Subdivision Plan 20M-733 – Krywulsky – Penex
By-law 2004-178; File: SD-405.5**

- Report from Development Services Department, November 24, 2004

Moved by Councillor Wright

1. That the assumption of Registered Plan 20M-733 be approved; and
2. That By-law 2004-178, a by-law to assume the works and streets within Plan 20M-733, be passed.

CARRIED

Public Hearing Items

**11. Hicks-Pettes Architects Inc. – Zoning Amendment, Subdivision and
Condominium Application – Files Z.1728.59, 24T-04006/1728
and CDM 04008/1728 – By-law 2004-161**

- Report from Planning Services Department, November 16, 2004

Moved by Councillor Lansdown

1. That the Zoning By-law Amendment application (Z.1728.59) submitted by Hicks-Pettes Architects Inc. be approved and that By-law 2004-161 which rezones the lands to Central Business District – Residential (C3R) subject to Special Provision 774 be passed;
2. That the Director of Planning Services approve the Draft Plan of Subdivision (24T-04006/1728) submitted by Hicks-Pettes Architects Inc. subject to the conditions contained in Appendix “A” of the Planning Services Department report dated November 16, 2004; and
3. That the Director of Planning Services approve the Draft Plan of Condominium (CDM 04008/1728) submitted by Hicks-Pettes Architects Inc., subject to the conditions contained in Appendix “A” of the Planning Services Department report dated November 16, 2004 and grant an exemption to the condominium agreement.

CARRIED

**12. Proposed Draft Plan of Subdivision (24T-03008/1635),
Official Plan Amendment and Zoning By-law Amendment,
(Z.1635.03) RRL Burloak Inc.**

- Report from Planning Services Department, November 26, 2004

Mayor Mulvale transferred the Chair to Councillor Bird in recognition of her declared conflict on item 12.

Declaration of Pecuniary Interest

Councillor Knoll declared a pecuniary interest on public hearing Item 12 as he is the majority shareholder and CEO of a company that controls a theatre complex within Halton, and a theatre is proposed as a tenant on the subject site.

Mayor Mulvale and Councillor Knoll left the Council Chambers for the discussion of Item 12 due to their pecuniary interests.

Moved by Councillor Wright

That consideration of this matter be deferred until later this evening following the in-camera session.

CARRIED

Mayor Mulvale and Councillor Knoll returned to the meeting at 9:40 p.m at which time the Mayor reassumed the Chair.

13. Response to Draft Greenbelt Plan

- Report from Planning Services Department, November 22, 2004

Moved by Councillor Elgar

1. That the November 2004 Joint Region/Area Submission of the Region of Halton and Area Municipalities to the Minister of Municipal Affairs and Housing on the *Draft Greenbelt Plan*, as outlined in Appendix A of LRP 025/04, be endorsed;
2. That the Town Clerk be directed to forward a copy of the Council endorsement to the Minister of Municipal Affairs and Housing with the following additional comments:
 - (a) the southerly limit of the Greenbelt Plan within the Town of Oakville, as depicted on Schedules 1 and 4, should be revised to be coincident with Highway No. 407 and the Town's Urban Area boundary;
 - (b) the Oakville Urban Area, as depicted on Schedules 1 and 4, should be revised to be coincident with Highway No. 407;
 - (c) the lands at 3113 Upper Middle Road West should be excluded from the Greenbelt Area; and
3. That the Town Clerk be directed to forward the Town's endorsements and additional comments, for information purposes, to the Region of Halton, City of Burlington, and the Towns of Milton and Halton Hills.

CARRIED

- A-1. Ontario Municipal Board Hearing Millenium Waste Transfer (2000) Ltd.**
- Report from Legal Department, December 10, 2004

- C-1. Ontario Municipal Board Hearing
Millenium Waste Transfer (2000) Ltd. (2440 Beryl Road)**
- Confidential Report from Legal Department, November 24, 2004

Beyond the Hour

Moved by Councillor Wright

That this meeting proceed beyond the hour of 11:00 p.m. but no later than 11:30 p.m.

CARRIED

Moved by Councillor Bird

That the Clerk convene a Special Council meeting on December 14, 2004 immediately following the Special Session scheduled to take place at 12 noon for the purpose of completing consideration of this evening's agenda and items A1 and C1 be referred to that meeting for consideration.

CARRIED

- C-2. Confidential Report Regarding Property Matter**
- Confidential Report from the Director of Recreation and Culture,
November 10, 2004

Moved by Councillor Knoll

That Item C2 be referred to the December 20, 2004 Council meeting for consideration.

CARRIED

(Councillor Robinson declared a pecuniary interest on this item and did not vote.)

Mayor Mulvale transferred the Chair to Councillor Bird in recognition of her declared conflict on item 12.

- 12. Proposed Draft Plan of Subdivision (24T-03008/1635),
Official Plan Amendment and Zoning By-law Amendment,
(Z.1635.03) RRL Burloak Inc.**
- Report from Planning Services Department, November 26, 2004

Moved by Councillor Wright

That Item 12 be referred to the a Special Council meeting of December 14, 2004 for consideration and that no further notice of this public hearing be given.

CARRIED

(Mayor Mulvale and Councillor Knoll declared a pecuniary interest on this item and did not vote.)

Mayor Mulvale reassumed the Chair.

Arise & Report

Moved by Councillor Duddeck

That this Committee rise and report.

CARRIED

The Mayor arose and reported that the Committee of the Whole met and made recommendations on various items as noted by the Clerk, and had directed the Clerk to convene a Special meeting of Planning and Development Council to be held on December 14, 2004 to address the completion of items A1, C1, and 12 of this evening's agenda.

Moved by Councillor Duddeck

Seconded by Councillor Knoll

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

CARRIED

READING OF BY-LAWS

Moved by Councillor Wright

Seconded by Councillor Storate

That this be authority to give first, second, third and final reading to the following by-laws:

2004-138 A By-law to assume Registered Plan 20M-663.

2004-161 A By-law to amend the Town of Oakville's Comprehensive Zoning By-law 1984-63, as amended to rezone the lands located at 115 Nelson Street (Lot 190 and 191, R.P. M-7) to permit 9 multiple attached units. (Hicks-Pettes Architects Inc.)

2004-167 A By-law to declare that certain land is not subject to part lot control (Block 120, Plan 20M-913 – Mattamy (Upper Middle) Limited.

2004-169 A By-law to declare that certain land is not subject to part lot control (Blocks 13 and 14, Plan 20M-914 – Mattamy Homes)

2004-175 A By-law to declare that certain land is not subject to part lot control (Lots 50, 51, and 52, Blocks 64 and 65, Plan 20M-891 Fernbrook Homes (West Joshua Creek) Limited.

2004-176 A By-law to assume Registered Plan 20M-810.

2004-178 A By-law to assume Registered Plan 20M-733.

2004-179 A by-law to confirm the proceedings of a meeting of Council.

CARRIED

Adjournment

Moved by Councillor Elgar

Seconded by Councillor Knoll

That this meeting now adjourn.

CARRIED

The meeting adjourned at 11:27 p.m.

ANN MULVALE
MAYOR

CATHIE L. BEST
TOWN CLERK