

TWENTY-SIXTH Meeting - Regular Session

The Town of Oakville Council met in regular session to consider Planning matters on this 8th day of August 2005 in the South Atrium of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 7:30 p.m.

- Present: Mayor - Ann Mulvale
- Councillors - Tom Adams
- Keith Bird
- Cathy Duddeck
- Allan Elgar
- Marc Grant
- Jeff Knoll
- Mike Lansdown
- Fred Oliver
- Ralph Robinson
- Renee Sandelowsky
- Chris Stoate
- Janice Wright
- Staff - M. J. Chechalk, CAO/Town Manager
- D. Cash, Commissioner, Planning & Development
- P. Cheatley, Director of Planning Services
- J. Huctwith, Assistant Town Solicitor
- A. Ramsay, Manager of Long Range Planning
- H. Hecht, Manager of Development Services
- R. Thun, Senior Planner
- V. Tytaneck, Assistant Town Clerk
- S. Kramer, Committee Assistant

Declarations of Pecuniary Interest

Councillor Adams declared a pecuniary interest with respect to Consent Item #7, Drive Through Guidelines – Update, as he is currently employed by a Financial Institution which utilizes drive-through services.

Committee of the Whole

Moved by Councillor Elgar

Seconded by Councillor Knoll

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

CARRIED

AGENDA ITEMS

1. Heritage Permit Applications from the July 5, 2005, Meeting of the Heritage Oakville Committee

- Report from the Heritage Oakville Committee, July 6, 2005

Moved by Councillor Lansdown

That the minutes of the July 5, 2005 Heritage Oakville committee (attached as Appendix B of the July 6, 2005 staff report), be received and the following Heritage Oakville recommendations be approved:

A) 1198 & 1208 Lakeshore Road East

1. That option #2 as proposed in the application (File HP30/05-42.20L) submitted by Frank Klegg for the new entrance gate on the west side at 1198 & 1208 Lakeshore Road East be approved subject to approval of the severance of the property;
2. That Mr. Klegg be requested to include in the coach house designation, the severed piece of the property associated with the designated coach house and advise the Committee of his decision at the next Heritage Oakville meeting on August 3, 2005; and
3. That it be noted that no further modification to the designated fence on the property be approved.

B) 183 Allan Street

That the application (File HP32/05-42.20A) by Mrs. Sims to:

1. replace vinyl siding with wood clapboard and shingle
2. replace front and side doors with wood and glass
3. replace second floor windows on the north, south, and east elevations

at 183 Allan Street be approved as amended, to require that the wood clapboard be a smooth finish and that the sample of the material be submitted for confirmation by the Heritage Planner.

C) 27 Reynolds Street

That the heritage permit application (File HP31/05-42.20R) by Mr. & Mrs. Gallagher to re-pave the driveway with concrete pavers at 27 Reynolds Street be approved as submitted.

D) 37 Lakeshore Road West

1. That the installation of two (2) separate signs, one on each of the two buildings, at 37 Lakeshore Road West be supported;
2. That the design of the black on white wood ground sign with carved letters, for the designated church building at 37 Lakeshore Road be approved as submitted by the owner of the property at the meeting on July 5, 2005; and
3. That it be noted that this application is subject to a successful Sign By-law variance application to permit two signs on the property.

CARRIED

2. **Exemption from Part Lot Control, By-law 2005-107
Shellhaven Homes Inc.**

- Report from Planning Services Department, July 19, 2005

Moved by Councillor Lansdown

That By-law 2005-107 (File PLC 04/05: Shellhaven Homes Inc.), a By-law to exempt from part lot control Blocks 156, 158 and 160 on Plan 20M-910, be approved.

CARRIED

3. **Exemption from Part Lot Control, By-law 2005-108
Mattamy (Upper Middle) Limited #1**

- Report from Planning Services Department, July 29, 2005

Moved by Councillor Lansdown

That By-law 2005-108 (File PLC 05/05: Mattamy (Upper Middle) Ltd. #1, a By-law to exempt from part lot control Block 121, 122, 123, 124, 125, 126 & 139 on 20M-930, be approved.

CARRIED

4. **Halton Condominium Corporation No. 90 – Amendment to
Condominium Declaration**

- Report from Planning Services Department, July 12, 2005

Moved by Councillor Grant

That the Director of Planning Services approve the request by Halton Condominium Corporation #90 for an Amendment to the Condominium Declaration (file number 24CDM 05002/1514) for 1241 McCraney Street East and to sign the drawings dated May 19, 2005 prepared by A. J. Clarke and Associates Ltd.; this application being in accordance with the Section 18, Ontario Reg. 49/01 – Amendment to Declaration or Description; and

That Staff be requested to report back on the fees involved in this application.

CARRIED

5. **Subdivision Agreement, Phase 3 – Bronte Community Development
Corporation - Files: 24T-03006, SD-548**

- Report from Development Services Department, July 4, 2005

Moved by Councillor Grant

1. That the Subdivision Agreement between the Town and Bronte Community Development Corporation, (File: 24T-03006) 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 Bronte Community Development Corporation.
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, Pineberry Estates Inc. - Phase 1**
File: 24T-02002A

- Report from Development Services Department, July 14, 2005

Moved by Councillor Lansdown

1. That the Subdivision Agreement between the Town and Pineberry Estates Inc., (File: 24T-02002A) 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 Pineberry Estates Inc.
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the agreement.

CARRIED

7. **Drive Through Guidelines -Update**

- Report from Planning Services Department, July 15, 2005

Moved by Councillor Sandelowsky

That the Planning Services Report LRP 019/05, dated July 15, 2005, be received for information; and

That staff report back to Council regarding the status of the City of Mississauga's proposed Drive Through Facilities By-law and all subsequent appeals, following the City of Mississauga's Council ruling on this matter.

CARRIED

(Councillor Adams declared a pecuniary interest and did not vote)

8. **Ontario Municipal Board (OMB) Reform Working Group of Council - Terms of Reference and Motion to Large Urban Mayors Caucus of Ontario (LUMCO)**

- Report from Clerk's Department, July 25, 2005

Moved by Councillor Storate and Councillor Robinson

That the Terms of Reference for the Ontario Municipal Board (OMB) Reform Working Group of Council, attached as Appendix "A" to the July 25, 2005 report from the Clerk's Department, be approved; and

That the proposed motion of the Ontario Municipal Board (OMB) Reform Working Group of Council, attached as Appendix "B" to the July 25, 2005 report from the Clerk's Department, be approved and forwarded to the Large Urban Mayors Caucus of Ontario (LUMCO) for endorsement and submission to the Association of Municipalities of Ontario (AMO) and subsequently to the Province of Ontario.

CARRIED UNANIMOUSLY

9. **Removal of "H" Holding Provision - Mattamy (Upper Middle) Ltd.**
File Z.1430.20

- Report from Planning Services Department, July 15, 2005

Moved by Councillor Elgar

1. That the Urban Design Guidelines, as endorsed by the Town's Urban Design staff, and attached to the July 15, 2005 report of the Planning Services Department as Appendix "B", be approved for the portion of the lands to be zoned "C1" under By-law 2005-110; and
2. That the application submitted by Mattamy (Upper Middle) Limited to remove the "H" Holding Provision from the "C1" Zone as it effects Block "A" on Schedule "B" in Zoning By-law No. 2003-053, be approved and that By-law 2005-110 be passed.

CARRIED

10. **Proposed Draft Plan of Condominium (24CDM-04013/1729) and**
Zoning By-law Amendment (Z.1729.53)
1543274 Ontario Limited (D'Orazio)

- Report from Planning Services Department, July 22, 2005

IN-CAMERA

Moved by Councillor Wright

That Committee resolve into a closed meeting session for the purpose of receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose pertaining to Item 10.

CARRIED

Committee resolved in-camera at 9:20 p.m.

Committee resolved out of camera at 9:35 p.m.

Moved by Councillor Robinson

1. That the applications submitted by 1543274 Ontario Limited for a Zoning By-law Amendment and Draft Plan of Condominium (Files: 24CDM-04013/1729 and Z.1729.53) as revised to show 4 townhouse dwelling units and 4 semi-detached dwelling units (2 buildings), be supported, in principle, subject to continuing discussions with the applicant to address any outstanding issues prior to the August 24, 2005, Ontario Municipal Board Hearing.
2. That the proposed Zoning By-law Amendment and Conditions of Approval of Draft Plan of Condominium be finalized prior to the August 24, 2005, Ontario Municipal Board Hearing.
3. That the Ontario Municipal Board be advised that Zoning By-law No. 2002-057 which was approved by a previous Council on April 8, 2002 and subsequently appealed by the previous owner (Humadasu Ltd.) would be superseded by the proposed Zoning By-law Amendment and that the Board be requested to grant the appeal of Zoning By-law No. 2002-057 accordingly.
4. That staff be directed to work with the applicant and area residents to improve site landscaping conditions, including the provision of a feature at the rear of properties known as 2359 and 2361 Ontario Street, to minimize the impacts of the development.

CARRIED

11. **Repeal and Replacement of By-law 2005-060**

-Report from Planning Services Department, July 15, 2005

Moved by Councillor Wright

That By-law 2005-078 which repeals and replaces By-law 2005-060, amends By-law 2004-146 and rezones certain lands north of Dundas Street be passed.

CARRIED

RISE AND REPORT TO COUNCIL

Moved by Councillor Duddeck

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 consent items 1 to 8, and public hearing items 9 to 11.

Moved by Councillor Knoll

Seconded by Councillor Grant

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

CARRIED

A recorded vote was requested pertaining to Item 8, Ontario Municipal Board (OMB) Reform Working Group of Council - Terms of Reference and Motion to Large Urban Mayors Caucus of Ontario (LUMCO).

CARRIED UNANIMOUSLY on a recorded vote
Council voting as follows:

Recorded Vote

Yeas

Councillor Knoll
Councillor Grant
Councillor Elgar
Councillor Duddeck
Councillor Bird
Councillor Adams
Councillor Wright
Councillor Stoate
Councillor Sandelowsky
Councillor Robinson
Councillor Oliver
Councillor Lansdown
Mayor Ann Mulvale

Nays

IN-CAMERA

Moved by Councillor Wright

That Committee resolve into a closed meeting session for the purpose of receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose pertaining to Items C-1 and C-2.

CARRIED

Council resolved in-camera at 10:00 p.m.

Council resolved out of camera at 11:10 p.m.

While in-camera, Council passed a motion to proceed past the hour of 11:00 p.m. but no later than 11:30 p.m.

**C-1. Palm Place Developments Inc. Update
Mediation Discussions**

- Confidential Report from Legal Department, July 22, 2005

Moved by Councillor Knoll

Seconded by Councillor Stoate

That the confidential report from the Legal Department, dated July 22, 2005, be received for information.

CARRIED

C-2. OMB Matter – Bronte Quadrangle

- Confidential Report from Planning Services Department, July 28, 2005

Moved by Councillor Lansdown

Seconded by Councillor Robinson

That the confidential briefing on the status of the development applications and appeal to the Ontario Municipal Board regarding the Bronte Quadrangle be received.

CARRIED

CONSIDERATION AND READING OF BY-LAWS

Moved by Councillor Duddeck

Seconded by Councillor Grant

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

2005-078 A by-law to amend the Town of Oakville's Comprehensive Zoning By-law 1984-63 as amended, to rezone the lands within the Town of Oakville and more specifically identified on Schedules A1, A2 and A3 attached hereto, to amend By-law 2004-146 and to repeal By-law 2005-060.

By-laws continued...

By-laws continued...

- 2005-107 A by-law to declare that certain land is not subject to part lot control (Blocks 156, 158 and 160, Plan 20M-910 – Shellhaven Homes Inc.)
- 2005-108 A by-law to declare that certain land is not subject to part lot control (Blocks 121, 122, 123, 124, 125, 126 and 139, Plan 20M-930 – Mattamy (Upper Middle) Inc.).
- 2005-110 A by-law to amend the Town of Oakville's Comprehensive Zoning By-law 1984-63, as amended to remove a holding Provision from portions of the lands described as Part of Lot 30, Concession 1, S.D.S. (Mattamy Development Company).
- 2005-112 A by-law to confirm proceedings of a meeting of Council.

CARRIED

ADJOURNMENT

Moved by Councillor Knoll

Seconded by Councillor Elgar

That this meeting now adjourn.

CARRIED

The meeting adjourned at 11:13 p.m.

ANN MULVALE
MAYOR

VICKI TYTANECK
ASSISTANT CLERK