

SIXTEENTH Meeting - Regular Session

The Town of Oakville Council met in regular session to consider Planning matters on this 24th day of April, 2006 in the Council Chambers of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 6:30 p.m.

- Present: Mayor - Ann Mulvale (arrived at 7:19 p.m.)
Acting Mayor - Marc Grant
- Councillors - Tom Adams
- Keith Bird (arrived at 7:19 p.m.)
- Cathy Duddeck
- Allan Elgar
- Jeff Knoll
- Mike Lansdown
- Fred Oliver
- Ralph Robinson (arrived at 7:25 p.m.)
- Renee Sandelowsky
- Chris Stoate
- Janice Wright (arrived at 7:31 p.m.) (left at 11:05 p.m.)
- Staff - P. Cheatley, Acting Co-Commissioner of Planning,
Development and Building Services
- S. Switzer, Acting Co-Commissioner of Planning,
Development and Building Services
- J. Huctwith, Assistant Town Solicitor
- J. Kwast, Director of Development Services
- A. Ramsay, Manager of Long Range Planning
- L. Musson, Senior Planner, Current Planning
- Z. Poonja, Heritage Planning, Community Planning
- M. Chemij, Planning Intern
- P. Bouillon, Assistant Clerk
- C. Tino, Committee Assistant

Declarations of Pecuniary Interest

There were no declarations of a pecuniary interest.

Committee of the Whole

Moved by Councillor Adams

Seconded by Councillor Duddeck

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

CARRIED

AGENDA ITEMS

1. **By-law 2006-080 – A by-law to assume certain land as part of a public highway (Blocks 122, 136 and 141, Plan 20M-931-Lyndhurst Drive and Ferncrest Road)**

- **Report from the Legal Department, March 15, 2006**

Moved by Councillor Knoll

That By-law 2006-080 – A by-law to assume certain land as part of a public highway (Blocks 122, 136 and 141, Plan 20M-931 – Lyndhurst Drive and Ferncrest Road), be passed.

CARRIED

2. **Encroachment Agreement and By-law 2006-085-A by-law to permit an encroachment onto Morning Dove Drive (Parts 1 and 2, Plan 20R-16491)**

- **Report from the Legal Department, March 20, 2006**

Moved by Councillor Knoll

1. That the Mayor and Clerk be authorized to execute the agreement, to permit an encroachment on Morning Dove Drive, with Petro Canada.

2. That By-law 2006-085 – A by-law to permit an encroachment onto Morning Dove Drive (Parts 1 and 2, Plan 20R-16491), be passed.

CARRIED

3. **By-law 2006-087 – A by-law to assume certain land as part of a public highway – Block 212, Plan 20M-961 – Calloway Drive (1312200 Ontario Limited/Mattamy (Upper Middle) Limited)**

- **Report from the Legal Department, March 21, 2006**

Moved by Councillor Knoll

That By-law 2006-087 – A by-law to assume certain land as part of a public highway – Block 212, Plan 20M-961 (1312200 Ontario Limited/Mattamy (Upper Middle) Limited), be passed.

CARRIED

- 4.(a) **1312200 Ontario Inc. (Mattamy Homes) Official Plan Amendment, Zoning By-law Amendment, and Revision to Draft Plan of Subdivision, Files Z.1430.19, 24T-99013/1429 (Revised)**
Report from Planning Services, March 10, 2006
- 4.(b) **Supplemental Report – 1312200 Ontario Inc. (Mattamy Homes) Official Plan Amendment, Zoning By-law Amendment, and Revision to Draft Plan of Subdivision, Files Z.1430.19, 24T-99013/1429 (Revised)**
Report from Planning Services, April 12, 2006

Moved by Councillor Elgar

1. That Official Plan Amendment Number 256 be adopted and that By-law 2006-074 as revised and distributed this evening, be passed;
2. That Zoning Amendment application (Z.1430.19) by 1312200 Ontario Inc. (Mattamy Homes) be approved, as amended to provide for 2 storey townhouses adjacent to existing 2 storey townhouses on Baronwood Drive and to maintain Lot 29 in its original configuration, and that By-law 2006-066 as revised and distributed this evening, be passed;
3. That the Director of Planning Services be authorized to red-line Draft Plan of Subdivision (24T-99013), as submitted by Korsiak and Company dated February 17, 2006, provided that Condition No. 18 of Appendix "A" is implemented; and, that Lot 29 be deleted from the draft approved plan in accordance with Council's deferral of April 10, 2006;
4. That the Director of Planning Services be authorized to revise the conditions of Draft Plan Approval as contained in Appendix "A" of the staff report dated March 10, 2006;
5. That the proposed changes to By-law 2006-066 be deemed to be minor in accordance with Section 34(17) of *The Planning Act*, as amended; and
6. That the Director of Planning Services be directed to amend the conditions of approval of the subdivision to provide for a warning clause with respect to the proximity of commercial uses adjacent to Lot 29.

CARRIED

IN-CAMERA

Moved by Councillor Knoll

That Committee resolve into a closed meeting session for the purpose of receiving advice that is subject to solicitor-client privilege pertaining to Item C-1.

CARRIED

Committee resolved in-camera at 7:21 p.m.

While in camera the following motion was passed.

**C-1. Joint Board Hearing - Creekbank
- Confidential Report from the Legal Department, April 13, 2006**

Moved by Councillor Elgar

1. That the report from the Legal Department dated April 13, 2006 be received; and
2. That the Legal Department be authorized to bring a motion challenging the jurisdiction of the Joint Board to deal with the applications of Creekbank Developments Limited to amend the provisions of the Town's Official Plan and Zoning By-law applicable to 2362 Upper Middle Road, based on Sections 22(7.1) and 34 (11.0.1) of the *Planning Act*.

CARRIED

Committee resolved out of camera at 7:50 p.m.

**5. Proposed Zoning By-Law Amendment File: Z.1426.11 1480219 Ontario Limited (Bekker) – 2006-069, 2012 Dundas Street West
- Report from Planning Services Department, April 4, 2006**

Moved by Councillor Elgar

That the Zoning Amendment application (Z.1426.11) by 1480219 Ontario Limited be approved and that By-Law No. 2006-069, be passed.

CARRIED

**6. Heritage Permit Applications from the April 11, 2006 Meeting of the Heritage Oakville Committee
- Report from Heritage Oakville Committee, April 20, 2006**

Moved by Councillor Duddeck

That the minutes of the April 11, 2006 Heritage Oakville Committee be received, and the following Heritage Oakville recommendations be approved:

A) 144 Front Street

That the application (File HP09/06-42.20F) by the Town of Oakville Parks and Open Space Department to replace the light poles and fixtures in the Lakeside Park at 144 Front Street in the Old Oakville Heritage Conservation District be approved as submitted.

B) 407 Trafalgar Road

1. That the application (File HP10/06 – 42.20T) by L&B Oliver to seek approval of the front yard fencing at 407 Trafalgar Road in the Trafalgar Road Heritage Conservation District be approved as installed;
2. That the application (File HP10/06-42.20T) by L&B Oliver to seek approval of the installed front door, south window and the garage door be denied and the owner be required to submit a new Heritage Permit

(continued)

Item 6 - Heritage Permit Applications from the April 11, 2006 Meeting of the Heritage Oakville Committee-continued

application for modifications in accordance with the Trafalgar Road Heritage Conservation District Plan; and

3. That the applicant provide a full application to the Heritage Oakville Committee that shows the remediation by July 1, 2006.

C) 49 Bronte Road - Stoneboats

That the application (File HP13/06-42.20B) by Dorothy Van Wieren to rebuild and restore the burnt sections of the property at 49 Bronte Road as follows:

1. The roof on the main stone building with the same slope and roofing material as that which existed before the fire;
2. New buildings consisting of the bar, kitchen and washrooms in the same location and style with those that existed before the fire;
3. Patio rebuild in the same location as that which existed before the fire;

be approved as submitted.

D) 250 Lakeshore Road East

That the application (File HP12/06-42.20L) by Knox Presbyterian Church for the reinstatement work currently underway as follows:

- Pointing of brickwork including leak sites on north face of the building
- Reinstatement of slate as the roofing material
- Repairs to lighting rods to fix grounding
- Parking lot resurfacing following oil tank remediation

at 250 Lakeshore Road East be approved as submitted; and

That the repointing be done in a specialized manner consistent with the Historic pointing style on the existing building.

CARRIED

7. **Heritage Permit Applications from the April 18th, 2006 Special Meeting of the Heritage Oakville Committee**
- Report from Heritage Oakville Committee, April 20, 2006

Moved by Councillor Lansdown

That consideration of this item be referred to the in-camera portion of this evening's meeting.

CARRIED

IN-CAMERA

Moved by Councillor Lansdown

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 relating to Items 7 and C-2.

CARRIED

Committee resolved in-camera at 8:20 p.m.

While in-camera the following motion was passed:

BEYOND THE HOUR

Moved by Councillor Duddeck

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

CARRIED

Committee resolved out of camera at 11:07 p.m.

7. **Heritage Permit Applications from the April 18th, 2006 Special Meeting of the Heritage Oakville Committee**
- Report from Heritage Oakville Committee, April 20, 2006

Moved by Councillor Duddeck

That the minutes of the April 18, 2006 Heritage Oakville Committee be received, and the following Heritage Oakville recommendations be approved:

A) **2401-2405 Ontario Street (Glendella Property)**

That the application (File HP07/06-42.20T) by Birchgrove Estates Inc. to:

1. Relocate the building to a new site on Jones Street
2. Remove interior partitions to accommodate new partitions and conversion of the building into 3 dwellings
3. Demolish and rebuild the existing rear addition on the north side of the building
4. Construct a new single storey addition with roof deck
5. Remove upper hip roof
6. Restoration of the flat roof with replicated widow's walk
7. Construct a new end dormer at current east end of building to match the existing current dormer at the west end of the building
8. Construct a shed dormer on existing north side of roof
9. Construct 2 dormer windows similar to those shown in archival photos, on existing south side of roof

(continued)

Item 7 - Heritage Permit Applications from the April 18th, 2006 Special Meeting of the Heritage Oakville Committee-continued

10. Relocate or remove existing and insert new windows on existing east, north, and west elevations, and insert new doors on existing north elevation as indicated on the drawings
 11. Repair, re-glaze and reinstate windows glazed with double glazed sealed units
 12. Generally conserve building components and exterior cladding to match existing
 13. Dismantle and reconstruct the front verandah with bell cast roof using salvaged brackets and replicated paired columns
 14. Repaint exterior in historically appropriate colour scheme based on paint analysis
 15. Construct deck at rear of building leading from ground floor kitchen
 16. Demolish existing foundation, with new foundation walls to be constructed of salvaged stone above grade from the current foundation, supported by the structure of the parking garage below
- at 2401-2405 Ontario Street be denied as it significantly undermines the historic significance and heritage attributes of the property.

B) 45 Bronte Road (Old Post Office)

That the application (File HP08/06-42.20B) by Birchgrove Estates Inc. to:

1. Relocate the building to a new site on Marine Drive
2. Repaint exterior in historically appropriate colour scheme
3. Remove plywood signboard from current north elevation of the building and repair siding
4. Repair, re-glaze and reinstate existing wood windows with double glazed sealed units
5. Undertake general repair of building components
6. Demolish existing basement level
7. Reconstruct foundation in concrete block below grade with salvaged stone from Glendella foundation above grade

at 45 Bronte Road be denied as the relocation of the building would be a loss to the heritage streetscape and a significant alteration to the cultural landscape of the area.

CARRIED

C-2 **OMB Hearing – Bronte Quadrangle Update**
- Confidential Report from the Legal Department, April 13, 2006

Moved by Councillor Stoate

1. That the report from the Legal Department dated April 13, 2006 be received;
2. That Legal Counsel be directed to bring a motion, if necessary, for the consolidation of hearings under the *Planning Act* and the *Ontario Heritage Act* in appeals which are before, or anticipated to be before, the Ontario Municipal Board in relation to the Bronte Quadrangle, and for the appointment of a member of the Heritage Review Board to sit on a panel hearing these appeals; and
3. That a report from the Legal Department be brought before Council on Monday May 1, 2006 in accordance with direction given in-camera and that the meeting commence at 6:30 p.m. and that this item be the first matter of business.

CARRIED

RISE AND REPORT TO COUNCIL

Moved by Councillor Knoll

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 various items as noted by the Clerk.

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 on the recommendation pertaining to Item 4 -1312200 Ontario Inc. (Mattamy Homes) Official Plan Amendment, Zoning By-law Amendment, and Revision to Draft Plan of Subdivision, Files Z.1430.19, 24T-99013/1429 (Revised)

The Mayor transferred the Chair to Councillor Grant as she was not present and did not participate in any discussion with respect to this item.

Recorded Vote

Yeas

Councillor Oliver
Councillor Lansdown
Councillor Stoate
Councillor Grant
Councillor Knoll

Nays

Councillor Sandelowsky
Councillor Adams
Councillor Duddeck
Councillor Elgar

CARRIED on a recorded vote
Council voting as follows:
(Mayor Mulvale and Councillors Bird and Robinson were not present for earlier discussions and were not part of the recorded vote. Councillor Wright had left the meeting).

Councillor Grant transferred the Chair back to the Mayor.

CONSIDERATION AND READING OF BY-LAWS

Moved by Councillor Knoll

Seconded by Councillor Grant

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

- 2006-074 A by-law to adopt an amendment to the Official Plan of the Oakville Planning Area (Official Plan Amendment OPA 256). Part Lots 29 and 30 Concession 1, S.D.S. (Mattamy Development Company), as revised and distributed at the meeting.
- 2006-066 A by-law to amend the Town of Oakville's Comprehensive Zoning By-law 1984-63, as amended to permit the development of lands described as Part of Lots 29 & 30, Concession 1, S.D.S. for residential uses (Mattamy Development Company – Z1430.19) as revised and distributed at the meeting.
- 2006-069 A by-law to amend the Town of Oakville's Comprehensive Zoning By-Law 1984-63, as amended to permit the development of lands municipally known as 2012 Dundas Street West for commercial uses. (Part of Lot 26, Concession 1 S.D.S) (1480219 Ontario Limited.)-Z.1426.11.
- 2006-080 A by-law to assume certain land as part of a public highway (Blocks 122, 136 and 141, Plan 20M-931 – Lyndhurst Drive and Ferncrest Road).

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CONSIDERATION AND READING OF BY-LAWS continued

- 2006-085 A by-law to permit an encroachment onto Morning Dove Drive (Parts 1 and 2, 20R-16491).
- 2006-087 A by-law to assume certain land as part of a public highway –(Block 212, Plan 20M-961 – Calloway Drive).
- 2006-102 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 11:15 p.m.

ANN MULVALE
MAYOR

PHILLIP BOUILLON
ASSISTANT CLERK