

### **TWENTY-FIFTH Meeting - Regular Session**

The Town of Oakville Council met in regular session to consider Planning matters on this 26th day of June, 2006 in the Council Chambers 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 (arrived at 7:34 p.m.)
- Staff - P. Cheatley, Acting Co-Commissioner of Planning,  
Development and Building Services  
- D. Carr, Town Solicitor  
- J. Kwast, Director of Development Services  
- D. Baker, Assistant Town Solicitor  
- C. McConnell, Manager of Current Planning and Urban  
Design (North Oakville)  
- A. Ramsay, Manager of Long Range Planning  
- H. Hecht, Manager of Development Services  
- B. Koopmans, Manager of Current Planning and Urban  
Design (South Oakville)  
- L. Musson, Senior Planner, Current Planning  
- S. Galloway, Senior Urban Planner  
- D. Capper, Planner  
- D. Doyle, Planner  
- M. Innocente, Planner  
- D. de Groot, Planning Technician  
- C. Best, Town Clerk  
- C. Tino, Committee Assistant

### **Declarations of Pecuniary Interest**

Councillor Knoll declared a pecuniary interest with respect to Item #6 as he is a majority shareholder and C.E.O. of a company that controls a theatre complex in Halton.

### **Committee of the Whole**

Moved by Councillor Duddeck                      Seconded by Councillor Oliver

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

CARRIED

**AGENDA ITEMS**

1. **By-law 2006-140 – A by-law to assume certain land as part of a public highway (Block 212, Plan 20M-833 – Calloway Drive)**

**By-law 2006-141 – A by-law to repeal By-law 2006-087 – A by-law to assume certain land as part of a public highway – (Block 212, Plan 20M-961 – Calloway Drive)**

- Report from Legal Department, May 5, 2006

Moved by Councillor Duddeck

1. That By-law 2006-140 – A by-law to assume certain land as part of a public highway (Block 212, Plan 20M-833 – Calloway Drive), be passed; and
2. That By-law 2006-141; A by-law to repeal By-law 2006-087 – A by-law to assume certain land as part of a public highway (Block 212, Plan 20M-961 – Calloway Drive), be passed.

CARRIED

2. **Exemption for Part Lot Control, By-law 2006-143 Pineberry Estates Inc.**

- Report from Planning Services, May 31, 2006

Moved by Councillor Duddeck

That By-law 2006-143 (File PLC 01/06: Pineberry Estates), a by-law to exempt from part lot control Block 143 on Plan 20M-930, be passed.

CARRIED

3. **Assumption of Hamount Investments Ltd. Subdivisions – Eastoak Meadows – SD461 Phase 1 – 20M-775 - By-law 2006-112 and Phase 2-20M-799 – By-law 2006-113**

- Report from Development Services, June 5, 2006

Moved by Councillor Duddeck

1. That the assumption of Registered Plan 20M-775 be approved.
2. That By-law 2006-112, a by-law to assume the works and streets within Plan 20M-775 be approved.
3. That security in the amount of \$5,000.00 be retained by the Town for Plan 20M-775 to ensure the identified landscape issues within the Dundas Street buffer block are resolved to the satisfaction of the Parks & Open Space Department.
4. That the assumption of Registered Plan 20M-799 be approved.
5. That By-law 2006-113, a by-law to assume the works and streets within Plan 20M-799 be approved.
6. That security in the amount of \$5,000.00 be retained by the Town for plan 20M-799, to ensure the identified landscape issues within the Dundas Street buffer block are resolved to the satisfaction of the Parks & Open Space Department.

CARRIED

4. **Assumption of Subdivision Plan 20M-827 – Argo Development –  
By-law 2006-111; SD.501**

- Report from Development Services, June 1, 2006

Moved by Councillor Duddeck

1. That the assumption of Registered Plan 20M-827 be approved.
2. That By-law 2006-111, a by-law to assume the works and streets within Plan 20M-827 be approved.
3. That security in the amount of \$15,000.00 be retained by the Town to ensure minor settlement repairs and re-establishment of grass cover to the satisfaction of the Parks & Open Space Department and the Development Services Department.

CARRIED

5. **Amendments to Site Plan By-law**

- Report from the Legal Department, June 14, 2006

Moved by Councillor Duddeck

That By-law 2006-162, a by-law to amend By-law 2006-062, being a by-law to establish site plan control and delegate authority with respect to the approval of site Plans within the Town of Oakville, be passed.

CARRIED

6. **Temporary Use By-law Extension Premier Operating Corporation  
(5 Drive In) File Z.1405.08 (By-law 2006-158)**

- Report from Planning Services, June 6, 2006

Moved by Councillor Wright

That the Temporary Use By-law application submitted by Premier Operating Corporation (The 5 Drive In), File Z.1405.08, be approved, as amended, and By-law 2006-158 which allows for the continued operation of a third movie screen, parking for 195 cars and ancillary uses including two (2) beach volleyball courts and a miniature remote controlled car circuit, as a temporary use for a period of three years, from the date of passage, be passed.

CARRIED

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

7. **Urban Core Road Builders – Official Plan Amendment – 42.14.262 (Former File Number Z.1635.05)**  
- Report from Planning Services Department, June 2, 2006

Moved by Councillor Lansdown

That the Official Plan Amendment and subsequent Zoning Amendment application filed on June 2, 2006 by Urban Core Road Builders, pertaining to File 42.14.262 be denied.

CARRIED

8. **Official Plan Amendment 266 Proposed Official Plan Amendment – Maurice Drive Area Land Use and Phasing Policies File No. 42.14.266**  
- Report from Planning Services Department, June 5, 2006

Moved by Councillor Duddeck

That By-law 2006-129 to adopt Official Plan Amendment (OPA) 266 be passed.

CARRIED

9. **NHD Developments (Sam-Sor/Tanglewood) Zoning By-law Amendment File No. Z.1428.05**  
- Report from Planning Services Department, May 30, 2006

Moved by Councillor Elgar

That Zoning Amendment application (Z.1428.05) by NHD Developments Limited (Sam-Sor/Tanglewood), as amended, be approved and that By-law 2006-134 be passed.

CARRIED

10. **Battenway Developments (Tribute Communities & Metrontario) Z.1414.05 & 24CDM 05011/1414**  
- Report from Planning Services Department, June 9, 2006

Moved by Councillor Knoll

1. That Official Plan Amendment Number 265 be adopted and that By-law 2006-135 be passed;
2. That Zoning Amendment application be approved and that By-law 2006-136, as amended in Section 11 to delete the words “for the apartments” be passed; and
3. That Council direct the Director of Planning Services to approve the Condominium Plan through the Condominium Exemption process following the approval of a Site Plan application.

CARRIED

11. **Proposed Draft Plan of Condominium (24CDM-05009/1430), Draft Plan of Subdivision (24T-05027/1430, Official Plan and Zoning By-law Amendment (Z.1430.21) Bronte Community Developments**  
- Report from Planning Services Department, May 30, 2006

Moved by Councillor Elgar

That consideration of this matter be deferred to a subsequent meeting in accordance with the request of the applicant.

CARRIED

### **BEYOND THE HOUR**

Moved by Councillor Knoll

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

CARRIED

12. **Silwell Developments Limited (Halton Regional Police Services No. 2 District Police Station) Z.1415.12 & 24T-92005/0**  
- Report from Planning Services Department, June 6, 2006

Moved by Councillor Wright

That this Public Hearing be adjourned to be continued at the July 11<sup>th</sup>, 2006 Planning and Development Council meeting and that no further notice be required.

CARRIED

13. **Updated Standard Site Plan Agreement Template**  
- Report from Planning Services, May 15, 2006

Moved by Councillor Robinson

That consideration of this matter be deferred to the July 11, 2006 Planning and Development Council meeting.

CARRIED

14. **Heritage Permit Applications from the June 13, 2006 Meeting of the Heritage Oakville Committee**  
- Report from the Heritage Oakville Committee, June 22, 2006

Moved by Councillor Bird

That the minutes of the June 13, 2006 Heritage Oakville Committee be received, and the following Heritage Oakville recommendations be approved:

(continued)

**Heritage Permit Applications from the June 13, 2006 Meeting of the Heritage Oakville Committee continued**

A) 40 First Street

That the application (File HP25/06-42.20F) by Mr. and Mrs. Vickerman to install a door on the west building elevation and to build a landing for the proposed door at 40 First Street be approved in accordance with the drawings dated May 30, 2006 prepared by ATA Architects.

B) 1086 Burnhamthorpe Road

That the application (File HP23/06-42.20B) by Sybil Rampen to construct a:

- a) rear addition between the kitchen and the winter garden
- b) new entrance to the winter garden from the east side
- c) single car garage addition to the existing studio

and to install new wood windows and replace/repair to match existing windows at 1086 Burnhamthorpe Road be approved as submitted.

C) Oakville Museum at Erchless

That a new handrail be approved to be installed at the Oakville Museum at Erchless.

D) 65 Park Avenue

That the application (File HP30/06-42.20P) by Mr. and Mrs. Sanchez to paint the exterior of the house as follows:

- a) siding – Bleeker Beige
- b) trim – Oxford White
- c) front and side doors – Toucan Black
- d) garage door – Bleeker Beige
- e) foundation walls – Bleeker Beige

at 65 Park Avenue be approved as submitted.

E) 177 King Street

That the application (File HP29/06-42.20P) by Mr. and Mrs. Widman to paint the exterior of the house as follows:

- a) trim – Abingdon Putty – HC99 Benjamin Moore
- b) door – Gloucester Sage – HC100 Benjamin Moore
- c) shutters and fence gate door – Copely Gray – HC104 Benjamin Moore

at 177 King Street in the Old Oakville Heritage Conservation District be approved as submitted.

(continued)

**Heritage Permit Applications from the June 13, 2006 Meeting of the Heritage Oakville Committee continued**

F) 312 King Street

That the application (File HP32/06-42.20N) by Kathleen New to paint the exterior of the house as follows:

- a) siding – Beige Benjamin Moore – HC-21
- b) trim – Greenmount Silk in Benjamin Moore – HC-3
- c) shutters – Greenish-black similar to Soapstone Benjamin Moore TH-20
- d) pillars – Greenmount Silk in Benjamin Moore – HC-3

at 312 King Street in the Old Oakville Heritage Conservation District be approved as submitted.

G) 213 Allan Street

That the application (File HP29/06) – 42.20A) by Mr. and Mrs. Pehar to:

Expand the driveway from single to a two-car driveway

- a) Add new landscaping to the front yard
- b) Construct a decorative wood privacy fence along the north property line adjacent to the house in the rear yard.
- c) Paint the new fence in white stain to match the existing house

at 213 Allan Street in the Trafalgar Road Heritage Conservation District be approved in accordance with the landscape drawing prepared by Garden Grove Landscaping as submitted.

H) 323 William Street

That the application (File HP21/06-42.20W) by Mr and Mrs. Enns to construct, along the west property line adjacent to Reynolds Street, a low wood picket fence painted in the off-white colour matching the existing wood trim on the house, at 323 William Street in the Old Oakville Heritage Conservation District be approved as submitted.

CARRIED

C-1. **Bronte Quadrangle – Joint Board Hearing**

- **Confidential Report from the Legal Department, June 13, 2006**

Moved by Councillor Robinson

**WHEREAS** the Province of Ontario gave Royal Assent to Bill 60, *An Act to Amend the Heritage Act*, on April 28, 2005, to give added priority and protection to Ontario's significant heritage resources;

**AND WHEREAS** Bill 60 amends Part III of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("*OHA*"), to permit members of the Conservation Review Board ("*CRB*") to sit on a panel of the Ontario Municipal Board ("*Board*") at the Board's request when the Board is conducting an appeal under the *OHA*;

(continued)

**Item C-1-Bronte Quadrangle – Joint Board Hearing- continued**

**AND WHEREAS** there have been appeals filed with the Board from a decision of the Council of the Town of Oakville refusing permission to relocate two buildings, designated under Part IV of the *OHA*, currently located on property bounded by Jones Street, Ontario Street, Bronte Road, and Marine Drive, which is referred to locally as the “Bronte Quadrangle” (Board File No. PL050679);

**AND WHEREAS** on May 10, 2006 the Board issued Decision/Order 1398, whereby the Board ordered the cross-appointment of a CRB member to the Board for the hearing of the *OHA* appeals, which are scheduled for three weeks commencing July 13, 2006;

**AND WHEREAS** on May 31, 2006 the parties to the above mentioned appeals were advised that the CRB would not provide a member to sit on the Board panel in connection with the hearing of the *OHA* appeals, notwithstanding the Board’s Order, due to a lack of resources to allocate a member to preside over a three week hearing, regardless of what date the hearing would commence;

**AND WHEREAS** it is likely that future hearings in Ontario municipalities related to the demolition or relocation of significant heritage buildings may be of similar or greater duration;

**AND WHEREAS** the inability or refusal of the CRB to provide a member for this hearing has a significant adverse impact on the ability of Heritage Oakville, the Town’s Planning Services Department, and Town Council to protect significant heritage resources in the community in accordance with the intent of the amended *OHA*;

**AND WHEREAS** the inability or refusal of the CRB to provide a member for the hearing of this appeal under the *OHA* pursuant to the Order of the Board is inconsistent with the purpose of the recent amendments to Part III of the *OHA*;

**AND WHEREAS** the inability or refusal of the CRB to provide a member for a significant hearing undermines the effectiveness and credibility of the revised system for dealing with the relocation or demolition of heritage buildings, in a manner that puts significant heritage resources throughout the Province at increased risk;

**NOW THEREFORE BE IT RESOLVED THAT:**

The Corporation of the Town of Oakville formally requests the Provincial Government to take immediate steps to protect significant heritage resources in Oakville and other municipalities throughout the Province by providing adequate resources to the Conservation Review Board to ensure that CRB members are available to sit on a panel of the Ontario Municipal Board, at the request of the Board, to hear appeals under the *Ontario Heritage Act*;

This resolution be circulated to the Premier of Ontario, the Minister of Municipal Affairs, the Minister of Culture, all Oakville MPP’s, and the Association of Municipalities of Ontario, for review and support;

Her Worship Mayor Ann Mulvale be authorized to contact the Premier of Ontario, the Minister of Municipal Affairs, the Minister of Culture, all Oakville MPP’s, the Association of Municipalities of Ontario, and all those otherwise interested in this issue, for the purposes of resolving the current lack of resources at the Conservation Review Board;

(continued)



**Item C-1-Bronte Quadrangle – Joint Board Hearing continued**

In the circumstances of the Bronte Quadrangle Board hearing, legal counsel be authorized to take all steps necessary to ensure that the right extended by law for a full and proper consideration of the type of evidence relevant to *Ontario Heritage Act* appeals be protected;

A hearing panel of the OMB comprised of such number of members and of such special expertise in heritage matters as may be consistent with the foregoing be requested;

In the alternative, legal counsel be instructed to seek an adjournment of Board File No. PL050679 until such time as the Province can make available a member of the Conservation Review Board, in accordance with the right afforded by Decision/Order No. 1398, as contemplated by the legislation; and

Legal counsel be authorized to request the Ontario Municipal Board to provide directions in respect of Decision/Order No. 1592 related to the scope of evidence allowed in the *Ontario Heritage Act* appeals, in light of the Applicant's (Birchgrove Estates Inc.) witness statements which fail to observe the focus and limitations of the first phase of the hearing, regarding the heritage issues in the file.

CARRIED

15. **Bronte District Advisory Committee** (May 18, 2006)

Moved by Councillor Duddeck

That the minutes of the Bronte District Advisory Committee meeting of May 18, 2006 be received.

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 various items as noted by the Clerk.

Moved by Councillor Duddeck

Seconded by Councillor Elgar

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

CARRIED

**CONSIDERATION AND READING OF BY-LAWS**

Moved by Councillor Elgar

Seconded by Councillor Knoll

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

- 2006-111 A by-law to assume Registered Plan 20M-827
- 2006-112 A by-law to assume Registered Plan 20M-775
- 2006-113 A by-law to assume Registered Plan 20M-799
- 2006-129 A by-law, as amended, to adopt an amendment to the Official Plan of the Oakville Planning Area (Official Plan Amendment OPA 266), Town of Oakville –Parts of Lot 17, Concession 3 Trafalgar, S.D.S. and Lot 13, Pl. 522 as amended to delete references to the lands west of Garden Drive in the test of the Official Plan (Item 2(ii))
- 2006-134 A by-law to amend the Town of Oakville's Comprehensive Zoning By-law 1984-63, as amended to rezone the lands located south of Dundas Street, east of Postmaster Drive to permit the development of residential uses. The lands are described as Part of Lot 28, Concession 1 S.D.S., 20M-935, Block 143 (N.H.D. Developments Limited) – Z.1428.05.
- 2006-135 A by-law to adopt an amendment to the Official Plan of the Oakville Planning Area (Official Plan Amendment 265). CON 1 SDS PT LOT 14, RP 20R13863 PART 1 (Battenway Developments Ltd.)
- 2006-136 A by-law to amend the Town of Oakville's Comprehensive Zoning By-law 1984-63 to change the regulations for the proposed apartment, and multiple attached dwelling units on CON 1 SDS PT LOT 14, RP 20R13863 Part of PART 1 located along Central Park
- 2006-140 A by-law to assume certain land as part of a public highway – (Block 212, Plan 20M-833 – Calloway Drive)
- 2006-141 A by-law to repeal By-law 2006-087 – A by-law to assume certain land as part of a public highway – (Block 212, Plan 20M-961 – Calloway Drive)
- 2006-143 A by-law to declare that certain land is not subject to part lot control (Part of Block 143, Plan 20M-930 – (Pineberry Estates Inc.)
- 2006-158 A by-law to amend the Town of Oakville's Comprehensive Zoning By-law, By-law 1984-63, to permit the continued operation of a third drive-in theatre screen, parking for 195 cars and ancillary uses including two (2) beach volleyball courts and a miniature remote controlled car circuit as a temporary use for a period of three years at 2331 Ninth Line (Premier Operating Corporation – 5 Drive In) Z1405.08

- 2006-159 A by-law to adopt an amendment to the Official Plan of the Oakville Planning Area (Official Plan Amendment 268) (Silwell Developments Limited) Dundas Street East, Part of Lots 14 and 15, Concession 1. S.D.S.
- 2006-160 A by-law to amend the Town of Oakville's Comprehensive Zoning By-law 1984-63, as amended, to establish regulations and to remove the Holding (H) provision applicable to lands located on the south side of Dundas Street East, legally described as Part of Lots 14 and 15, Concession 1 S.D.S. in the Uptown Core (Silwell Developments Limited Z.1415.12)
- 2006-162 A by-law to amend By-law 2005-062, being a by-law to establish site plan control and delegate authority with respect to the approval of site plans within the Town of Oakville.
- 2006-165 A by-law to confirm proceedings of a meeting of Council

CARRIED

**MOTION TO RECONSIDER**

Moved by Councillor Duddeck

Seconded by Councillor Elgar

That the passing of By-law 2006-159 and By-law 2006-160 be re-considered.

CARRIED

Moved by Councillor Adams

Seconded by Councillor Stoaite

That By-law 2006-159 and By-law 2006-160 not be passed this evening recognizing that consideration of the issue has been deferred to the Planning and Development Council meeting on July 11, 2006.

CARRIED

**ADJOURNMENT**

Moved by Councillor Stoaite

Seconded by Councillor Wright

That this meeting now adjourn.

CARRIED

The meeting adjourned at 11:29 p.m.

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ANN MULVALE  
MAYOR

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CATHIE L. BEST  
TOWN CLERK