

TWENTY-EIGHTH Meeting - Regular Session

The Town of Oakville Council met in regular session to consider Planning matters on this 9th day of August, 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 – (arrived at 7:33 p.m.)
- Keith Bird
- Cathy Duddeck
- Allan Elgar
- Marc Grant
- Jeff Knoll
- Mike Lansdown
- Fred Oliver
- Ralph Robinson
- Renee Sandelowsky
- Chris Stoate
- Staff - R. Green, Chief Administrative Officer
- D. Lunardo, Commissioner, Community Services
- G. Lalonde, Commissioner, Corporate Services
- 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
- C. Mark, Director, Parks and Open Space
- P. Elliott-Spencer, Director of Finance and Treasurer
- J. Kwast, Director of Development Services
- B. Koopmans, Manager of Planning Projects
- A. Ramsay, Manager of Long Range Planning
- B. Ebbs, Manager of Permit and Zoning Administration
- D. Childs, Long Range Planner
- D. Parsons, Development Co-ordinator
- K. Bigger, Planner
- J. Ivings, Acting Media & Issues Co-ordinator
- V. Tytaneck, Assistant Clerk
- C. Tino, Committee Assistant

Regrets: Councillor - Janice Wright

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Committee of the Whole

Moved by Councillor Duddeck Seconded by Councillor Grant

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

CARRIED

AGENDA ITEMS

**1. Committee of Adjustment/Variance and Consent Committee/Severance
- Report from Building Services Department, July 17, 2006**

Moved by Councillor Duddeck

1. That effective January 1, 2007 the stipend paid to each Committee member of the Committee of Adjustment be increased from \$60.00 per meeting to \$80.00 per meeting;
2. That effective January 1, 2007, the number of Committee members be reduced from the current seven members to five members; and
3. That the Committee of Adjustment Terms of Reference attached as Appendix B to the subject report be approved as amended.

CARRIED

**2. Extension of Draft Approval – Silwell Developments Limited – Uptown Core – 24T-92005
- Report from Planning Services Department, July 11, 2006**

Moved by Councillor Duddeck

1. That the Commissioner of Planning and Public Works for the Regional Municipality of Halton be advised that the Town of Oakville has no objection to a one-year extension to the draft approval for draft plan of subdivision file 24T-92005 (Silwell Developments Limited); and
2. That the Commissioner of Planning and Public Works for the Regional Municipality of Halton be advised that the Town of Oakville supports the revision to the draft approved plan, as amended by staff and shown in Appendix 'A', regarding road widths subject to Official Plan Amendment No. 268 coming into effect.

CARRIED

**3. By-law 2006-120 – A By-law to amend By-law 2005-034 – A by-law to appoint a Chief Building Official and Inspectors, and to establish a Code of Conduct pursuant to the Building Code Act.
- Report from Building Services Department, July 17, 2006**

Moved by Councillor Duddeck

That By-law 2006-120, A By-law to amend By-law 2005-034 – A by-law to appoint a Chief Building Official and Inspectors, and to establish a Code of Conduct pursuant to the Building Code Act, be passed.

CARRIED

4. **By-law 2006-121 – A By-law to amend By-law 2005-033 – A by-law under the Building Code Act, 1992, respecting construction, demolition and change of use or transfer of permits, inspections and related matters.**
- Report from Building Services Department, July 7, 2006

Moved by Councillor Duddeck

That By-law 2006-121, A By-law to amend By-law 2005-033 – A by-law under the Building Code Act, 1992, respecting construction, demolition and change of use or transfer of permits, inspections and related matters, be passed.

CARRIED

5. **Exemption from Part Lot Control, By-law 2006-172 Mattamy (Upper Middle) Ltd.**
- Report from Planning Services Department, July 11, 2006

Moved by Councillor Duddeck

That By-law 2006-172 (File PLC 09/06: Mattamy (Upper Middle) Ltd.), a By-law to exempt from part lot control Blocks 112 to 116 & 142 on Plan 20M-930 and Blocks 3 to 7 on Plan 20M-947, be passed.

CARRIED

6. **Exemption from Part Lot Control, By-law 2006-175 Pineberry Estates Ltd.**
- Report from Planning Services Department, June 20, 2006

Moved by Councillor Duddeck

That By-law 2006-175 (File PLC 07/06: Pineberry Estates Inc.), a By-law to exempt from part lot control Blocks 1 & 2 on Plan 20M-947 and part of Block 143 on Plan 20M-930, be passed.

CARRIED

7. **Subdivision Agreement – 1312200 Ontario Ltd. File: 24T-99013 (SD.491.8)**
- Report from Development Services, July 17, 2006

Moved by Councillor Duddeck

1. That the Subdivision Agreement between the Town and 1312200 Ontario Ltd. (File: 24T-99013) 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 1312200 Ontario Ltd.
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.

CARRIED

8. Subdivision Agreement – Mattamy (Upper Middle) Ltd. File: 24T-99013 (SD.491.7)

- Report from Development Services, July 17, 2006

Moved by Councillor Duddeck

1. That the Subdivision Agreement between the Town and Mattamy (Upper Middle) Ltd. & 1312200 Ontario Ltd. (File: 24T-99013) 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) Ltd. & 1312200 Ontario Ltd.
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.

CARRIED

9. Subdivision Agreement – Basingstoke Enterprises Limited File: 24T-040005 (SD.552)

- Report from Development Services, July 16, 2006

Moved by Councillor Duddeck

1. That the Subdivision Agreement between the Town and Basingstoke Enterprises Limited (File: 24T-04005) 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 Basingstoke Enterprises Limited.
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.

CARRIED

10. Subdivision Agreement – Moldenhauer Developments File: 24T-040003 (SD.557)

- Report from Development Services, July 17, 2006

Moved by Councillor Duddeck

1. That the Subdivision Agreement between the Town and Memoirs Estates Inc. (File: 24T-04003) 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 Memoirs 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

**11. Delegation of Approval for Applications for Exemption from Part Lot Control
- Report from Planning Services Department, July 21, 2006**

Moved by Councillor Duddeck

That By-law 2006-125, being a by-law to amend By-law 1998-272, as amended, to delegate to the Director of Planning Services the authority of Council to approve applications for exemption from part lot control pursuant to Section 50 of *The Planning Act* be approved.

CARRIED

**12. Assumption of Genstar Development Ltd. Subdivisions – Westmount Community - SD427 – Phase 4 – 20M-762 – By-law 2006-098
- Report from Development Services, July 18, 2006**

Moved by Councillor Duddeck

1. That the assumption of Registered Plan 20M-762 be approved.
2. That By-law 2006-098, a by-law to assume the works and streets within Plan 20M-762 be approved.
3. That for Plan 20M-762 security in the amount of \$5,000.00 be retained by the Town of provide a future crossing of Springdale Road at the channel.

CARRIED

**13. Subdivision Agreement – West Maroak Developments Inc. – File: 24T-002008 (SD.529.1)
- Report from Development Services, July 17, 2006**

Moved by Councillor Elgar

1. That the Subdivision Agreement between the Town and West Maroak Developments Inc., (File: 24T-002008) 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 West Maroak Developments Inc.
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.

CARRIED

14. Subdivision Agreement – North Maroak Developments Inc. File: 24T-002008 (SD.529.2)

- Report from Development Services, July 17, 2006

Moved by Councillor Duddeck

1. That the Subdivision Agreement between the Town and North Maroak Developments Inc., (File: 24T-002008) 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 North Maroak Developments Inc.
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.

CARRIED

C-1. OMB Appeal 2197 Stratus Drive

- Confidential Report from the Legal Department, July 19, 2006

Moved by Councillor Elgar

That the confidential report from the Legal Department, dated July 19, 2006 be received.

CARRIED

15. Ontario Municipal Board (OMB) Reform

- Report from the Town Clerk, July 19, 2006

Moved by Councillor Knoll

That the Premier of Ontario and the Minister of Municipal Affairs and Housing be advised that the Town of Oakville continues to support OMB Reform as per its endorsement of the Report of the GTA Task Force on OMB Reform, dated March 7, 2003 and its endorsement of the February, 2006 Joint Submission on Bill 51 by resolution on February 20, 2006;

That the Town of Oakville strongly request that the Province of Ontario prioritize the passage of Bill 51, *Planning and Conservation Land Statute Law Amendment Act, 2006* and schedule the Bill's review by the Legislature's Standing Committee on General Government expeditiously;

That MPP's Flynn and Chudleigh be requested to support the Town of Oakville by advocating for the expeditious adoption of OMB reform in the Legislature; and

That the July 6, 2006 correspondence from MPP Flynn be received.

CARRIED

**16. Proposed Bill 51 Implementing Regulations
- Report from Planning Services, July 21, 2006**

Moved by Councillor Elgar

That Planning Services Report LRP 016/06 regarding the proposed implementing regulations for Bill 51 be received.

CARRIED

**17. Heritage Permit Applications from the July 11, 2006 Meeting of the Heritage Oakville Committee
- Report from Heritage Oakville Committee, July 13, 2006**

Moved by Councillor Knoll

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

A) 7 West River Street

That the application (File HP37/06-42.20W) by the Bronte Historical Society to install a new wood/glass screen door of a Victorian design (as outlined in the Planning Services Department staff report dated June 29, 2006) to the Annex section of the building at 7 West River Street be approved as submitted subject to the screening of the door being of a metal screening type.

B) 287 MacDonald Road

That the revised elevation drawings dated July 11, 2006 regarding 287 MacDonald Road be approved and that the application as submitted be approved to include:

- Pre-finished smooth wood siding in colonial yellow;
- Wood trim in white;
- A roof consisting of asphalt shingles in cedar type;
- Wood windows with mullions between the glass;
- Decorative shutter brackets of wood type brackets; and

That the applicant be advised of the requirement to submit a landscape and pool installation plan in the future.

C) 329 Palmer Street

That the amended application (File HP33/06-42.20P) by Diane Prest to paint:

- a) Doors – Black, Satin Matte Finish
- b) Windows and Trim – Cloud White
- c) Stucco – Ralph Lauren Tent Green

at 329 Palmer Avenue in the Trafalgar Road Heritage Conservation District be approved.

(continued)

Heritage Permit Applications from the July 11, 2006 Meeting of the Heritage Oakville Committee-continued

D) 373-375 Trafalgar Road

1. That the application (File HP35/06-42.20T) by Michael Prytz to:
 - a) remove existing vinyl siding and repair and restore the wood boards underneath;
 - b) paint the wood siding in taupe – Behr Canyon View ECC-20-IP;
 - c) paint trim in white Behr – ECC-45-2U;
 - d) Change windows to wood windows by Ridley shown in the drawings prepared by Ridley Windows and Doors in Options A, B or C dated July 4, 2006;
 - e) Install front yard foundation landscapingat 373-375 Trafalgar Road in the Trafalgar Road Heritage Conservation District be approved as submitted; and
2. That the applicant notify the Heritage Planner of his decision on the option to be used regarding the design and style of the windows.

E) 23 Reynolds Street

1. That the application (File HP34/05-42.20R) by Patrick Murphy to build a new house at 23 Reynolds Street in the Old Oakville Conservation District be approved as submitted; and
2. That the applicant be advised that further Heritage Permit applications will be required for exterior colour, windows and trim details and landscaping prior to construction and/or installation of these items.

F) 394 Lakeshore Road East

That the application (File HP36/06 – 42.20L) by Diane Prest to paint:

- a) exterior stucco – Para paint “Grist Mill Taupe” P2129-1
- b) door – black P2143-41

at 394 Lakeshore Road East in the First and Second Heritage Conservation District be approved as submitted.

G) Heritage Oakville Committee Membership

1. That the Heritage Oakville Committee membership include the addition of a representative member from the Trafalgar Township Historical Society; and
2. That the Heritage Oakville Committee Terms of Reference be amended to reflect the addition of the Trafalgar Township Historical Society membership.

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 pertaining to Items 18, C-2 and CA-1.

CARRIED

Committee resolved in-camera at 9:12 p.m.

Committee resolved out of camera at 10:12 p.m.

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

**18. Palm Place Lands
- Report from C.A.O. and Director, Strategy, Policy and
Communications, July 31, 2006**

Moved by Councillor Knoll

That Item 18, Palm Place Lands be referred to the August 10th, 2006 Council meeting for consideration

CARRIED

**C-2. Palm Place – Legal Issues and Land Acquisition Issues
- Confidential Report from the Legal Department, July 31, 2006**

Moved by Councillor Knoll

That, Item C-2, Palm Place – Legal Issues and Land Acquisition Issues be referred to the August 10th, 2006 Council meeting for consideration.

CARRIED

**CA-1. Prince Michael Drive
- Confidential Report from Legal Department, July 31, 2006**

Moved by Councillor Adams

That the confidential report from the Legal Department dated July 31, 2006 be received and that information contained in the report be made public.

CARRIED

19. **Bronte District Advisory Committee Minutes** (June 15, 2006)

Moved by Councillor Knoll

That Item 19, Bronte District Advisory Committee Minutes meeting of June 15, 2006, be referred to the August 10, 2006 Council meeting for consideration.

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 and that items 18, C-2, and 19 be referred to the August 10th, 2006 Council meeting that will commence at 6:30 p.m. in accordance with Section 2.2(2) of the Procedure By-law.

Moved by Councillor Elgar

Seconded by Councillor Grant

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 Adams

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

- | | |
|----------|--|
| 2006-098 | A by-law to assume Registered Plan 20M-762 |
| 2006-120 | A by-law to amend By-law 2005-034 – A by-law to appoint a Chief Building Official and Inspectors, and to establish a Code of Conduct pursuant to the Building Code Act |
| 2006-121 | A by-law to amend By-law 2005-033 – A by-law under the Building Code Act, 1992, respecting construction, demolition and change of use or transfer of permits, inspections and related matters |
| 2006-125 | A by-law to amend By-law 1998-272, as amended, being a by-law to delegate to the Director of Planning Services a portion of Council's delegated authority with respect to plans of subdivision, plans of condominium and part lot control by-laws pursuant to the Planning Act |

- 2006-172 A by-law to declare that certain land is not subject to part lot control (Blocks 112 to 116, inclusive, and Block 142, Plan 20M-930, and Blocks 3 to 7, inclusive, Plan 20M-947 – Mattamy (Upper Middle) Ltd.)
- 2006-175 A by-law to declare that certain land is not subject to part lot control (Blocks 1 and 2, Plan 20M-947, and part of Block 143, Plan 20M-930 -Pineberry Estates Inc. – PLC 07/06)
- 2006-182 A by-law to confirm proceedings of a meeting of Council

CARRIED

ADJOURNMENT

Moved by Councillor Elgar

Seconded by Councillor Grant

That this meeting now adjourn.

CARRIED

The meeting adjourned at 11:07 p.m.

ANN MULVALE
MAYOR

VICKI TYTANECK
ASSISTANT CLERK