

### **THIRTY-SECOND Meeting - Regular Session**

The Town of Oakville Council met in regular session to consider Planning matters on this 25th day of September, 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 – arrived at 7:35 p.m.  
- Mike Lansdown  
- Fred Oliver  
- Ralph Robinson – arrived at 7:33 p.m.  
- Renee Sandelowsky  
- Chris Stoate  
- Janice Wright
- Staff - R. Green, Chief Administrative Officer  
- J. Clohecy, Commissioner, Planning, Development & Building Commission  
- D. Bloomer, Acting Commissioner, Infrastructure & Transportation Services  
- P. Cheatley, Director, Planning Services  
- J. Huctwith, Assistant Town Solicitor  
- J. Kwast, Director of Development Services  
- P. Elliot-Spencer, Director of Finance  
- C. McConnell, Manager of Current Planning and Urban Design (North Oakville)  
- A. Ramsay, Manager of Long Range Planning  
- H. Hecht, Manager of Development Services  
- P. Adamson, Manager, Long Term Financing & Development Services  
- D. Childs, Senior Planner  
- D. Capper, Planner  
- D. Doyle, Planner  
- K. Biggar, Planner  
- V. Tytaneck, Assistant Clerk  
- C. Tino, Committee Assistant

### **Declarations of Pecuniary Interest**

Councillor Knoll declared a pecuniary interest with respect to Consent Item #4 as he operates a business that is in competition with one of the tenants on the subject site.

### **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. **Assumption of Subdivision Plan 20M-853 – Brookstone-Manor Hill Properties – By-law 2006-154; File SD.511**  
- **Report from Development Services, August 31, 2006**

Moved by Councillor Elgar

1. That the assumption of Registered Plan 20M-853 be approved.
2. That By-law 2006-154, a by-law to assume the works and streets within Plan 20M-853 be approved.

CARRIED

2. **By-law 2006-183 – A by-law to assume certain land as part of a public highway – (Block 173, Plan 20M-808 – Clearwater Crescent; Blocks 175, 176 and 177, Plan 20M-808 – Arrowhead Road; Blocks 180 and 181, Plan 20M-808 – Pinery Crescent; Blocks 112 and 113, 20M-859 – Craigleith Drive; Block 114, Plan 20M-859 – Presquile Drive; Block 115, Plan 20-859 – Rideau Drive; Block 116, Plan 20M-859 – Meadowridge Drive)**  
- **Report from Legal Department, August 16, 2006**

Moved by Councillor Elgar

That By-law 2006-183 – A by-law to assume certain land as part of a public highway – (Block 173, Plan 20M-808 – Clearwater Crescent; Blocks 175, 176 and 177, Plan 20M-808 – Arrowhead Road; Blocks 180 and 181, Plan 20M-808 – Pinery Crescent; Blocks 112 and 113, 20M-859 – Craigleith Drive; Block 114, Plan 20M-859 – Presquile Drive; Block 115, Plan 20M-859 – Rideau Drive; Block 116, Plan 20M-859 – Meadowridge Drive); be passed.

CARRIED

3. **Subdivision Agreement – Genstar Development Company – Westmount Phase II – File: 24T-05024 (SD.560)**  
- **Report from Development Services, August 25, 2006**

Moved by Councillor Elgar

1. That the Subdivision Agreement between the Town and Genstar Development Company (File: 24T-05024) 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 Genstar Development Company.
3. That the Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement.

CARRIED

4. **RRL Burloak Inc. – Subdivision Agreement – Burloak/Wyecroft Road –  
File: 24T-03008;**  
- **Report from Development Services Department, September 8, 2006**

Moved by Councillor Elgar

1. That the Subdivision Agreement between the Town and RRL Burloak Inc., (File: 24T-03008) be approved.
2. That the QEW Interchange Agreement between the Town, RRL Burloak Inc., and the Ministry of Transportation be approved, attached as Schedule "P" of the subdivision agreement.
3. That the Mayor and Clerk be authorized to execute the Subdivision Agreement with RRL Burloak Inc.
4. That the Mayor and Clerk be authorized to execute the QEW Interchange Agreement with the Ministry of Transportation, RRL Burloak Inc., and the Town.
5. That the Solicitor be authorized to make minor changes to the Agreements, which do not affect the substance of the agreements.

CARRIED

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

5. **OPA 259 – Alison Property (3113 Upper Middle Road West)**  
- **Report from Planning Services Department, September 5, 2006**

Moved by Councillor Elgar

That the Town initiated Official Plan Amendment Number 259 be adopted by passing By-law 2006-178 as amended.

CARRIED

6. **887718 Ontario Inc. (Ashley Oak Homes) Official Plan Amendment, Zoning  
By-law Amendment, and Plan of Condominium Exemption Files Z.1409.013 &  
24CDM 05008/1409**  
- **Report from Planning Services Department, September 5, 2006**

*Mayor Mulvale transferred the Chair to Councillor Sandelowsky in order to speak  
to this issue.*

*Councillor Sandelowsky transferred the Chair back to the Mayor.*

Moved by Councillor Adams

1. That the Supplementary Report – 887718 Ontario Inc. (Ashley Oak Homes) Official Plan Amendment, Zoning By-law Amendment, and Plan of Condominium Exemption, dated August 30, 2006 be received; and

(continued)

**Item 6 -887718 Ontario Inc. (Ashley Oak Homes) Official Plan Amendment, Zoning By-law Amendment, and Plan of Condominium Exemption Files Z.1409.013 & 24CDM 05008/1409 - continued**

2. That the Official Plan Amendment Number 260 and the Zoning Amendment application (Z.1409.013) by 887718 Ontario Inc. (Ashley Oaks Homes Ltd.) be denied.

A recorded vote was requested on Item 6 – 887718 Ontario Inc. (Ashley Oaks Homes Ltd.) Official Plan Amendment, Zoning By-law Amendment, and Plan of Condominium Exemption Files Z.1409.013 & 24CDM-05008/1409.

Moved by Councillor Elgar

That this Committee resolve out of Committee of the Whole and into a Council session for the purpose of a recorded vote.

CARRIED

**Recorded Vote**

**Yeas**

**Nays**

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

MOTION CARRIED  
UNANIMOUSLY

**Committee of the Whole**

Moved by Councillor Elgar

Seconded by Councillor Duddeck

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

CARRIED

7. **Ryan Lee Investments and By-Ways Construction - Summary**  
(a) **- Report from Legal Department, September 11, 2006**

Moved by Councillor Duddeck

That consideration of this matter be deferred to the October 2, 2006  
Council meeting.

CARRIED

(b) **Ryan Lee Investments and By-Ways Construction – Planning Issues**  
**- Report from Planning Services Department, September 18, 2006**

Moved by Councillor Duddeck

That consideration of this matter be deferred to the October 2, 2006  
Council meeting.

CARRIED

8. **Amendment to the 2006 Capital Budget (Ryan Lee Investment and  
By-Ways Construction)**  
**- Report from Finance Department, September 8, 2006**

Moved by Councillor Duddeck

1. That the budget for the capital project for oversizing of the roadway from Eighth Line to Royal Windsor Drive be increased by \$90,900 with the funding to come from Development Charges;
2. That a budget of \$1,431,500 for the purchase of land at the corner of Eighth Line and Iroquois Shore Road be established with funding to come from debenture financing;
3. That the Town increase the 2006 Capital Budget by \$1,522,400, bringing the total budgeted capital expenditures from \$59,396,000 to \$60,918,400; and
4. That By-law 2006-193 be approved authorizing debenture debt for the purchase of land at Eighth Line and Iroquois Shore Road.

CARRIED

**BEYOND THE HOUR**

Moved by Councillor Adams

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

CARRIED

**IN-CAMERA**

Moved by Councillor Adams

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.

CARRIED

Committee resolved in-camera at 10:31p.m.

Committee resolved out of camera at 11:00 p.m.

**C-1 Ryan Lee Investments Inc. and By-Ways Construction Inc.  
- Confidential Report from Legal Department, September 18, 2006**

Moved by Councillor Duddeck

That consideration of this matter be deferred to the October 2, 2006 Council meeting.

CARRIED

**9. Heritage Permit Applications from the September 12, 2006 Meeting of the Heritage Oakville Committee  
- Report from Heritage Oakville Committee, September 14, 2006**

Moved by Councillor Sandelowsky

That the minutes of the September 12, 2006 Heritage Oakville Committee be received, and the following Heritage Oakville recommendations, as noted in the minutes be approved:

**a) 467 Chartwell Road – Fell Day Nursery**

That the application (File HP44/05-42.20C) by Alexandra Fell and Derek Parent for:

1. Alterations to the screened porch and south elevation as per Heritage Application Elevation drawings (South, West and East) with revision dates of November 15, 2005;
2. Construction of a new barrier free ramp and garden wall stair access to the south entry as per Heritage Application Elevation drawings (South, West and East) with revision dates of November 15, 2005 and the option for the alternative handrail as per the South Elevation (railing alternative) with a revision date of August 21, 2006;
3. Alterations to the parking and driveway as per drawing A1D with a revision date of August 8, 2006;
4. Installation of landscaping as per drawing LP-1 with a revision date of July 28, 2006; and

(continued)

**Item 9 - Heritage Permit Applications from the September 12, 2006 Meeting of the Heritage Oakville Committee - continued**

5. Installation of a metal fence as per drawing LP-1 with a revision date of July 28 and the photograph provided in the application of August 8, 2006

be approved as submitted, subject to the following condition:

The north driveway entry off of Chartwell Road will be constructed of the same interlocking pavers as specified at the south driveway entry, rather than the proposed asphalt.

**b) 287 MacDonald Road – Bock Residence Pool**

That the application (File HP24/06-42.20M) by Mr. and Mrs. Bock to install an in-ground swimming pool at 287 MacDonald Road be approved, and the following minor revisions as shown on the revised drawings received September 5, 2006, be approved:

- changing the proposed location of two windows on the east elevation further back; and
- the use of windows rather than doors on the front west elevation.

**c) 71 First Street – Farncombe garage**

That the application (File HP40/06-42.20F) submitted by Mr. and Mrs. Farncombe of 71 First Street in the First and Second Heritage Conservation District be approved as follows:

- removal of the existing single car garage; and
- construction of a new 2 car garage in the rear yard.

**d) 417 Lakeshore Road – Windows and modifications from site visit**

That consideration of this item be deferred until the Heritage Oakville meeting of September 26, 2006, to provide the applicant an opportunity to provide the Committee with detailed drawings and samples of the windows and shutters at 417 Lakeshore Rd. W.

CARRIED

10. **Retail and Service Commercial Review Consultant's Final Reports**  
**- Report from Planning Services Department, September 1, 2006**

Moved by Councillor Wright

That consideration of this matter be deferred to a future Planning and Development Council meeting and notice of this future meeting be given to the Oakville Chamber of Commerce, and the Oakville B.I.A.'s and all interested parties.

CARRIED

11. **Implications of Proposed Bill 51 Implementing Regulations**  
**- Report from Planning Services Department, August 31, 2006**

Moved by Councillor Stoate

1. That the September, 2006, Joint Submission on Proposed Regulations under Bill 51 – An Act to amend the *Planning Act* and the *Conservation Land Act*, by the Region of Halton and Area Municipalities be endorsed;
2. That a copy of the Council endorsement be forwarded to the Minister of Municipal Affairs and Housing with the following additional comments:
  - a) *Prescribed Timeframe for New Information before the Board* – A minimum of 90 days turn around timeframe.
  - b) *Enhanced Public Record* – the *Planning Act* should be permissive with respect to the requirement for an open house not more than seven days prior to a public meeting.
  - c) *Transitional Matters* – The provisions of Bill 51 should apply to planning applications made on and after December 12, 2005.
  - d) *Local Appeal Bodies* – The Town of Oakville is supportive of the opportunity to create Local Appeal Bodies to hear appeals on minor planning applications as they provide the opportunity for decision-making at the local level.
  - e) *Local Appeal Bodies* – The Province should provide financial support to municipalities with respect to Local Appeal Bodies.
3. That the Town's endorsements and additional comments be forwarded, for information purposes, to the Region of Halton, City of Burlington and the Towns of Milton and Halton Hills.
4. That the Minister of Municipal Affairs and Housing be advised that Council endorses no additional costs to municipalities as a result of the implementation of Bill 51.

CARRIED

12. **Supplementary Report – Intensification Study Stakeholder Task Force**  
**- Report from Planning Services Department**

Moved by Councillor Duddeck

That the Planning Services Report LRP: 024/06 on the Intensification Study – Stakeholder Task Force be received for information purposes and

That the Striking Committee of the new Town Council established at the December 4, 2006 Council meeting appoint members to the Intensification Task Force.

CARRIED



13. **Bronte District Advisory Committee** (August 17, 2006)

Moved by Councillor Robinson

That the minutes of the Bronte District Advisory Committee meeting of August 17, 2006, be received.

CARRIED

**RISE AND REPORT TO COUNCIL**

Moved by Councillor Adams

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 Duddeck

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 Grant

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

2006-154 A by-law to assume Registered Plan 20M-853

2006-178 A by-law, as amended, to adopt an amendment to the Official Plan of the Oakville Planning Area (Official Plan Amendment OPA 259), Town of Oakville – Part of Lot 32, Concession 1, S.D.S.

2006-183 A by-law to assume certain land as part of a public highway – (Block 173, Plan 20M-808 – Clearwater Crescent; Blocks 175, 176 and 177, Plan 20M-808 – Arrowhead Road; Blocks 180 and 181, Plan 20M-808 – Pinery Crescent; Blocks 112 and 113, 20M-859 – Craigleith Drive; Block 114, Plan 20M-859 – Presquile Drive; Block 115, Plan 20M-859 – Rideau Drive; Block 116, Plan 20M-859 – Meadowridge Drive)

2006-193 A by-law to authorize the purchase of land at Eighth Line and Iroquois Shore Road at a cost of \$1,431,500 and the raising of the cost through the issuance and sale of debentures up to a maximum of \$1,431,500

2006-195 A by-law to confirm 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 11:17 p.m.

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ANN MULVALE  
MAYOR

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VICKI TYTANECK  
ASSISTANT CLERK