

THIRTY-FOURTH Meeting - Regular Session

The Town of Oakville Council met in regular session to consider Planning matters on this 28th day of September 2009 in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville commencing at 7:00 p.m.

- Present: Mayor - Rob Burton
- Councillors - Keith Bird
- Mary Chapin
- Cathy Duddeck
- Allan Elgar
- Marc Grant
- Alan Johnston
- Jeff Knoll (*left at 8:04 p.m.*)
- Fred Oliver
- Ralph Robinson
- Staff - R. Green, Chief Administrative Officer
- J. Clohecy, Commissioner of Planning and Development
- D. Anderson, Director, Planning Services
- D. Baker, Assistant Town Solicitor
- C. McConnell, Manager of Current Planning and Urban Design
- H. Hecht, Manager of Development Services
- R. Boddington, Planner
- D. Capper, Planner
- L. Musson, Planner
- V. Tytaneck, Assistant Clerk
- A. Zampieri, Committee Assistant
- Regrets: Councillors - Tom Adams
- Max Khan
- Roger Lapworth

Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

Committee of the Whole

Moved by Councillor Johnston Seconded by Councillor Chapin

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

CARRIED

AGENDA ITEMS

2. **Drive Through Facilities Study and Proposed Direction**
- **Report from Planning Services, August 10, 2009**

(Clerk's Note: This item was initially considered at the September 14, 2009 meeting and was subsequently deferred to the Planning and Development Council meeting of September 28, 2009).

For the purposes of Planning Act requirements, the following persons made oral submissions:

- Mr. Gordon Jermane, re: opposition to drive through facilities;
- Mr. Victor Labreche, re: referred to correspondence submitted;
- Mr. Mark Brown, Oakville Chamber of Commerce, re: need for further consultation;
- Mr. Stefan Gyorgyjakab, re: opposition to drive through facilities;
- Mr. Nick Javor, Tim Horton's, re: in support of drive through facilities;
- Mr. John Piper, re: in support of drive through facilities and the need for further public consultation.

Moved by Councillor Duddeck

1. That Planning Services Report # PD-072-09, entitled "Drive Through Facilities Study and Proposed Direction" be received.
2. That Planning Services be requested to review the setback requirements from residential zones taking into consideration the comments received at the public meeting and the setback requirements of other municipalities.
3. That Planning Services be requested to undertake further consultation and prepare a draft Zoning by-law for consideration at a future Planning and Development Council meeting.

CARRIED

3. **Extension of Interim Control By-law 2008-177 for Drive Through Facilities**

- **Report from Planning Services, September 21, 2009**

Moved by Councillor Duddeck

That By-law 2009-142, a by-law to extend Interim Control By-law 2008-177 respecting drive-through facilities in Oakville be passed.

CARRIED

4. **Heritage Oakville Advisory Committee (September 8, 2009)**

Moved by Councillor Duddeck

That the following recommendations pertaining to Items 5a to 5e - Heritage Permit Applications of the Heritage Oakville Advisory Committee meeting of September 8, 2009, be approved and the remainder of the minutes be received:

5a. **Heritage Permit Application HP28/09-42.20T**
213 Trafalgar Road - Detached Garage

1. That Heritage Permit Application HP28/09-42.20T, as submitted by owners Blake and Daniela Hampton-Davies for a detached garage at 213 Trafalgar Road, be approved;

2. That this heritage permit expire two years from the date of final approval by Council; and
3. That the applicant be required to reapply to the Heritage Oakville Advisory Committee for any additional renovations in the future including the previously approved rear addition.

**5b. Heritage Permit Application HP31/09-42.20T
289 Trafalgar Road - Alterations to House**

1. That Heritage Permit Application HP31/09-42.20T, as submitted by owners Gina Cambone and David Mannell for the restoration of the house, construction of new porches and construction of a new addition at 289 Trafalgar Road, be approved according to the submitted drawings dated August 14, 2009, subject to:
 - a. all historic wood windows and doors on the north, south and west elevations of the original house being restored and maintained in place;
 - b. the three remaining upper storey wood windows on the rear elevation of the original house being re-used in the new addition and/or the south elevation of the main house;
 - c. all new doors having multi-paned windows; and
 - d. all final details being submitted to the Manager of Heritage Planning for final approval; and
2. That this heritage permit expire two years from the date of final approval by Council.

**5c. Heritage Permit Application HP27/09-42.20B
144 Bronte Road - Refurbishment Plan**

1. That Heritage Permit Application HP27/09-42.20B, as submitted by Amica (Oakville South) Inc., c/o Mady Contract Division Ltd. and David Eckler, Architects Rasch Eckler Associates Ltd., for the refurbishment plan for 144 Bronte Road, be approved according to the submitted Revision 2 drawings AR-1.0, AR-2.1 AR-2.2, AR-2.3, AR-2.4 and AR-3.1 dated August 26, 2009, subject to:
 - a. final product and manufacturer details for all new doors and windows being provided to the Manager of Heritage Planning for final approval;
 - b. final details on any paint colours being provided to the Manager of Heritage Planning for approval; and
 - c. final details on any alterations to the side door on the north elevation, which is to become inoperable, being submitted to the Manager of Heritage Planning for final approval; and
2. That this heritage permit expire two years from the date of final approval by Council.

**5d. Heritage Permit Application HP29/09-42.20P
365 Palmer - New Fence and Alterations to House**

That Heritage Permit Application HP 29/09-42.20P, submitted by Pierre and Sanet Burger, for a new fence and alterations to the house at 365 Palmer Avenue, be denied.

**5e. Heritage Permit Application HP30/09-42.20F
144 Front Street - New Foundation on Post Office**

1. That Heritage Permit Application HP30/09-42.20F, as submitted by owners Town of Oakville for construction of a new foundation, raising the grade of the property and construction of a new accessibility ramp at 144 Front Street (Old Post Office), be approved subject to final approval of the design of the ramp by the Manager of Heritage Planning; and
2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

1. **Proposed Zoning By-law Amendment**
2112623 Ontario Inc. and 2068897 Ontario Inc.
(Moldenhauer Developments)
File: Z.1729.56
- **Report from Planning Services, September 10, 2009**

Moved by Councillor Johnston

That the appeals with respect to the application submitted by 2112623 Ontario Inc. and 2068897 Ontario Inc. (Moldenhauer Developments - File Number Z.1729.56) for the lands located at 2355, 2359, 2357, 2361, 2369, 2371 and 2379 Lakeshore Road West be opposed.

CARRIED

CLOSED SESSION

Moved by Councillor Bird

That Council resolve into a closed meeting session to deal with matters pertaining to advice that is subject to litigation or potential litigation, including matters before administrative tribunals affecting the municipality relating to Item C-1.

CARRIED

Council resolved into closed session at 8:08 p.m.

(Clerk's Note: While in closed session, a motion to proceed beyond the hour was approved).

Council resolved back into open session at 10:17 p.m.

- C-1. **OMB Hearing – 1502 Lakeshore Road East**
- **Confidential Report from Legal Department,**
September 10, 2009

The Mayor reported that while in closed session, staff direction on matters relating to litigation or potential litigation before the Ontario Municipal Board, with regard to Item C-1 was provided.

RISE AND REPORT TO COUNCIL

Moved by Councillor Elgar

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 Public Hearing Item 2, Discussion Items 1 and 3, Confidential Discussion Item C-1, and Advisory Committee Minutes Item 4, as noted by the Clerk.

Moved by Councillor Grant

Seconded by Councillor Johnston

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

CARRIED

CONSIDERATION AND READING OF BY-LAWS

Moved by Councillor Duddeck

Seconded by Councillor Johnston

That the following by-laws be passed:

2009-142 A by-law to amend By-law 2008-177 (Extension of Interim Control of drive-through facilities)

2009-139 A by-law to confirm the proceedings of a meeting of Council.

CARRIED

ADJOURNMENT

The meeting adjourned at 10:19 p.m.

ROB BURTON
MAYOR

VICKI TYTANECK
ASSISTANT CLERK