

SEVENTEENTH Meeting - Regular Session

The Town of Oakville Council met in regular session to consider planning matters on this 10th day of July, 2017 in the Council Chamber of the Oakville Municipal Building, 1225 Trafalgar Road, Oakville, commencing at 7:00 p.m.

- Present: Mayor - Rob Burton
- Councillors - Tom Adams
- Ray Chisholm
- Allan Elgar
- Dave Gittings
- Marc Grant
- Nick Hutchins
- Jeff Knoll
- Roger Lapworth
- Natalia Lishchyna
- Sean O'Meara
- Ralph Robinson
- Staff - J. Clohec, Commissioner of Community Development
- M. Simeoni, Director of Planning Services
- D. Cozzi, Director of Engineering and Construction
- D. Lambert, Director of Development Engineering
- D. Carr, Town Solicitor
- J. Huctwith, Assistant Town Solicitor
- E. Scalera, Director of Roads and Works Operations
- J. Tutert, Director of Building Services
- G. Charles, Senior Manager, Current Planning and Urban Design
- J. Stephen, Senior Manager, Transportation Strategy
- D. Childs, Manager of Policy Planning and Heritage
- H. Hecht, Manager of Current Planning – East District
- C. McConnell, Manager of Current Planning – West District
- T. Collingwood, Senior Planner, Current Planning – East District
- L. Gill Woods, Senior Planner, Policy Planning
- R. Thun, Senior Planner, Current Planning – West District
- C. Clapham, Sustainable Transportation Program Coordinator
- S. Schappert, Heritage Planner
- K. Patrick, Acting Town Clerk
- J. Marcovecchio, Council and Committee Coordinator
- Regrets: Councillor - Cathy Duddeck

Declarations of Pecuniary Interest

No declarations of pecuniary interest were declared.

Committee of the Whole

Moved by Councillor O'Meara Seconded by Councillor Robinson

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

CARRIED

AGENDA ITEM(S)

In accordance with Section 3.2(1) of the Procedure By-law, the items were considered out of order.

1. **Mattamy Preserve Phase 3B Subdivision Agreement - North of Dundas Street East of Neyagawa Blvd.**
- **Report from Development Engineering Department, June 19, 2017**

Moved by Councillor Lishchyna

1. That the Subdivision Agreement between the Town and Pendent Developments Limited and Lower Fourth Limited be approved and the Town Solicitor be authorized to make minor changes to the Agreement, which do not affect the substance of the Agreement; and
2. That the agreement with Pendent Developments Limited and Lower Fourth Limited be executed in accordance with By-law 2013-057.

CARRIED

2. **Release of Easements HR1344582 and HR1384729 - Plans 20M-1173 and 20M-1176 - Fowley Drive and Wheat Boom Drive - north of Dundas Street and east of Post Road**
- **Report from Legal Department, May 30, 2017**

Moved by Councillor Lishchyna

That a Release of Easements HR1344582 and HR1384729 be executed in accordance with By-law 2013-057.

CARRIED

3. **Traffic By-law Amendment 2017-062 to By-law 1984-1 (Traffic By-law)**
- **Report from Engineering and Construction Department, June 10, 2017**

Moved by Councillor Lishchyna

That By-law 2017-062, a by-law to amend By-law 1984-1 (The Traffic By-law), be approved.

CARRIED

4. **Extension to Draft Plan of Subdivision Approval and Partial Assumption - Silwell Development Limited (Metrontario Group) Uptown Core - 24T-92005/O**
- **Report from Planning Services Department, June 19, 2017**
- **Confidential Memorandum from Legal Department, July 10, 2017 (Distributed at meeting.)**

Moved by Councillor Lishchyna

1. That the Director of Planning Services be authorized to grant a six month extension to the Draft Plan of Subdivision (24T92005/O) submitted by Silwell Development Limited.
2. That the recommendations contained in the confidential memorandum dated July 10, 2017, from the Legal department, which was distributed at the meeting this evening, be approved.

CARRIED

5. **Public Hearing Report - Official Plan Amendment and Zoning By-law Amendment - Cortel Group/Trafalgar Heights Inc. Z. 1413.30 - 278 Dundas Street East**

- **Report from Planning Services Department, June 19, 2017**

For the purposes of Planning Act requirements, the following person(s) made an oral submission:

- Malcom Fernandes, re: concerns with respect to the change in landscape, traffic, gridlock, environmental impact, recycling, safety of nearby buildings, wind patterns, aesthetics; and suggesting that the height be reduced from a 25 storey building to 10 to 15 storeys.

The following communication(s) were distributed at the meeting:

- (July 10, 2017) from Yung Lau for Yan Lau and Marco Castro
- (July 10, 2017) from Nikolina Petkova
- (July 10, 2017) from Callum McAllister Duncan
- (July 9, 2017) from Victoria Tang
- (July 8, 2017) from Yiqiang Jin
- (July 5, 2017) from Debbie Mancini
- (July 4, 2017) from Doug Reynolds
- (June 27, 2017) from John R. Neilson
- (June 26, 2017) from Susan Carey
- (June 25, 2017) from Young and Susan Lee
- (June 24, 2017) from Colin Macfarlane

Moved by Councillor Knoll

That comments from the public with respect to the Official Plan Amendment and Zoning By-law Amendment application by the Cortel Group/Trafalgar Heights Inc. (File Z. 1413.30), be received.

CARRIED

6. **Public Meeting Report - Zoning By-law Amendment Dundas-Trafalgar Inc. (Minto Communities) Z.1312.07-3075 Trafalgar Road Blocks 7B, 8B, 10B, 12B to 14B and 24B n Plan 24T-12013/1312**

- **Report from Planning Services Department, June 19, 2017**

For the purposes of Planning Act requirements, the following person(s) made an oral submission:

- Malcom Fernandes, re: questioning future transit upgrades, such as high speed bus lanes and light rail transit (LRT), and how increased traffic load patterns will be dealt with for the development.

Moved by Councillor Adams

That comments from the public with respect to the Zoning By-law Amendment application by Dundas-Trafalgar Inc. (File No. Z.1312.07), be received.

CARRIED

7. **Public Meeting Report - Town-initiated Official Plan
Amendment: Midtown Oakville and Transportation Network
Updates (Livable Oakville) - File No. 42.25.004**

- **Report from Planning Services Department,
June 19, 2017**

For the purposes of Planning Act requirements, the following person(s) made an oral submission:

- Peter Browne, on behalf of Rustic Fence Farms Limited, owner of the property at 364 Davis Road, agreement in principle with the plan, indicating possible encroachment and potential impact that could negatively affect their landholdings; and look forward to working with the Town on the community improvement plans and the brownfield remediation in the area.
- Stephen Waqué, BLG Borden Ladner Gervais LLP, on behalf of Oak-Lane Park Investments Inc., property owner on Trafalgar Road in the urban core area, re: concerns with respect to the proposed land uses and building heights leading to a vigorous and vibrant urban center; expressing support for the transportation master plan implementation, and bringing forward a healthy road network to support future development; and requesting that they be part of the municipal comprehensive review process to study land uses and their distribution.
- Daniel Coutts, Barrister, Solicitor, Brechin & Huffman, on behalf of Assured Automotive (Assured Group of companies), property owner on 359 Davis Road, re: opposed to the proposed official plan amendment and believe it is not in accordance with good planning principles and will be a loss of capital dollars and revenue source for his client, and not in the best interests of the local business owners.
- Robert Miller, Scargall Owen-King LLP, on behalf of Algonquin Power & Utilities Corp., and Davis Road L.P, owner of a new office building

located on 354 Davis Road, re: opposed to the current proposed road network, indicating the building impact of the road patterns on the property and business are devastating, property will be landlocked, access to property an issue and the impact of losing 20% of their parking; and filed a submission.

- Marek Waszczuk, on behalf of Marmar Investments Ltd., property owner of 1090 South Service Road East, re: concerns with proposed road pattern making his building unusable for any future employment, loss of jobs, impact on the tax base, and lack of public notification of development for the property.
- Bruce Thom, on behalf of Embee Argus Limited, property owner of 587 to 595 Argus Road, re: opposed to the proposed official plan amendment and transportation network updates, indicating that the revised road pattern has obliterated the property and will render the existing buildings unusable and undevelopable in the future; requesting that the local road matter be resolved; and filed a submission.
- Michael Hepworth, on behalf of Hepworth and Damas Endodontics, tenant at 165 Cross Avenue, re: questioning the widening of Cross Avenue, access to businesses during road construction, road closures, and traffic movement.

The following communication(s) were distributed at the meeting:

- (July 10, 2017) from Karen Bennett, Glen Schnarr & Associates Inc., on behalf of Algonquin Power & Utilities Corp., and Davis Road L.P.
- (July 10, 2017) from Stephen F. Waqué, Borden Ladner Gervais LLP, on behalf of Oak-Lane Park Investments Inc.
- (July 10, 2017) from Simon Fung, O'Connor MacLeod Hanna LLP, on behalf of 526874 Ontario Limited o/a Carpet Warehouse
- (July 10, 2017) from Michael Baker, Embee Argus Limited
- (July 10, 2017) from Scott Henderson, Brechin & Huffman, on behalf of the Assured Group of Companies – 2 letters
- (July 10, 2017) from David McKay, MHBC, on behalf of Centre City Capital Limited and Home Depot Holdings Inc.
- (July 9, 2017) from Michael Lipkus, IBI Group, on behalf of McDonald's Restaurants of Canada Limited (Darcie Lee, Director, National Property Tax & Asset Management)
- (July 7, 2017) from Doug Campbell, MVL Leasing Limited
- (July 7, 2017) from Letter from Michael S. Polowin, Gowling WLG, on behalf of General Electric Canada/GE Lighting Canada
- (July 7, 2017) from John Piper, McDonald's Restaurants Oakville
- (July 4, 2017) from Barry Peddie, Halton Lift Truck

Moved by Councillor Hutchins

1. That comments from the public with respect to the town-initiated official plan amendment to the Livable Oakville Plan to implement Midtown Oakville and transportation network updates (File No. 42.25.004) be received.
2.
 - a. That all detailed maps of Midtown area show the Wyecroft Road and Kerr Street side of 16 Mile Creek;
 - b. That all proposed Midtown infrastructure intersections, not have the intersections automatically marked with signalized traffic intersections, but have a symbol for either roundabouts or signalized traffic intersections;
 - c. That the Trafalgar Road/Cornwall Road intersection be added to the mix of intersections to be reviewed as part of the Midtown infrastructure development; and
 - d. That a possible connection between Cross Avenue and Wyecroft Road be added or further explored.

CARRIED

8. **Recommendation Report, Draft Plan of Condominium (Common Element), Crystal Homes (Oakville) Corporation, File No. 24CDM-17002/1430 - 2400 to 2408 Baronwood Drive**
- **Report from Planning Services Department, June 19, 2017**

Moved by Councillor Elgar

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-17002/1430) submitted by Crystal Homes (Oakville) Corporation, prepared by Ashenurst Nouwens and Associates Inc., dated February 17, 2017, subject to the conditions contained in Appendix 'A' of the staff report dated June 19, 2017, from Planning Services department.

CARRIED

9. **Recommendation Report, Draft Plan of Condominium (Common Element), Bronte Community Developments Corporation, File No. 24CDM-17003/1430 - 2280 Baronwood Drive**
- **Report from Planning Services Department, June 19, 2017**

Moved by Councillor Elgar

That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-17003/1430) submitted by Bronte Community Developments Corporation, prepared by Ashenhurst Nouwens and Associates Inc., dated January 19, 2017, subject to the conditions contained in Appendix 'A' of the staff report dated June 19, 2017, from Planning Services department.

CARRIED

10. **Recommendation Report - Draft Plan of Condominium BEC Trafalgar GP Inc. - 3075 Trafalgar Road, Blocks 10 & 11 of Plan 20M-1185 - File No.: 24CDM-17005/1312**
- **Report from Planning Services Department, June 19, 2017**

Moved by Councillor Adams

1. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Condominium (24CDM-17005/1312) submitted by BEC Trafalgar GP Inc., prepared by Rady-Pentek & Edward Surveying Ltd., dated May 24, 2017, subject to the conditions contained in Appendix 'A' of the Planning Services report dated June 19, 2017; and
2. That notice of Council's decision reflect that no comments were received from the public, or if comments are received, that they have been appropriately addressed.

CARRIED

11. **Notice of Intention to Demolish - 3451 Tremaine Road**
- **Report from Planning Services Department,
June 28, 2017**

For the purposes of Planning Act requirements, the following person(s) made an oral submission:

- John Robinson, expressing support for the notice of intention to demolish the buildings on the property, and opposed to the staff recommendation to issue a notice of intention to designate for the property, advising that the property is impacted by power grid lines, Highway 407 noise and pollution, the adjacent shale quarry, a large transformer station to the south-west and is not suitable for farming; requesting that the property be removed from the heritage list to allow for the sale of the property; and filed a submission.

Moved by Councillor Hutchins

That a notice of intention to designate be issued for the property at 3451 Tremaine Road.

CARRIED

12. **Active Transportation Master Plan Update**
- **Report from Engineering and Construction Department,
June 13, 2017**

BEYOND THE HOUR

Moved by Councillor O'Meara

That this meeting proceed past the hour of 10:00 p.m., but no later than 10:30 p.m.

CARRIED

For the purposes of Planning Act requirements, the following person(s) made an oral submission:

- Fraser Damoff, Executive Director, Cycle Oakville, concerns with respect to the danger of riding a bike in Oakville, lack of "smart" cycling infrastructure, heavy use of sharrows instead of dedicated bike lanes, placing bike lanes in the middle of the roadway with parking against the curb, relationship between cyclists and drivers is worsening, and lack of

attention and outreach to youth to ride to school; suggesting improvements to cycling on trails and roads, fixing problem areas, connecting existing routes and trails; and making a number of cycling recommendations for consideration.

- Dane Morrison and Markus Herten, Livable Oakville Cycling, expressing concerns with respect to providing safe and continuous cycling routes, the implementation of sharrows, linking key destinations, decisions need to be data driven, suggesting two key gaps; the need to get residents from the north across Sixteen Mile Creek to complete the north/south connection and a complete street for Lakeshore Road East, which would provide an east/west cycling spine.

WAIVING OF PROCEDURE

Moved by Councillor Elgar

That, in accordance with Section 1.2(2) of the Procedure By-law, the rules of procedure established in Section 4.2(2) be waived to permit the meeting to proceed beyond the hour of 10:30 p.m.

CARRIED

Moved by Councillor Elgar

That this meeting proceed past the hour of 10:30 p.m., but no later than 11:00 p.m.

CARRIED

- Pam Damoff resident, cyclist, former Oakville Councillor, founder of Cycle Oakville, and MP Oakville North Burlington, expressing concerns with cycling safety and putting cyclists first, cycling connections to the GO Station, use of bollards, dooring zones and sharrows, and the need for increased cycling signs and pathways; enhancing by-law enforcement, encouraging residents to call in complaints, increasing budget and staffing to deal with the master plan and acknowledging the work that has been done and Council's vision on the master plan; and requesting that the federal government be recognized in the plan as a partner, and that the town continue to call upon the federal government with respect to cycling opportunities.

- Ann Herten, resident, expressing concerns with respect to cycling safety and providing examples of lagging and leading safety indicators in Oakville on streets and trails; requesting a safer cycling infrastructure including continuous cycling routes, accountability and responsibility for creating conditions that uphold the safety of residents; and expressing support for the proposed amendment to the master plan.

Moved by Councillor Elgar

1. That the *Oakville Active Transportation Master Plan Update (July 2017)*, as detailed in the report from the Engineering and Construction department, dated June 13, 2017, be approved;
2. That a Notice of Study Completion be issued to initiate a thirty (30) day period for public review;
3. That the financial strategy contained within the *Oakville Active Transportation Master Plan Update (July 2017)*, be referred to the Capital Forecast and the 2018 Development Charges Update Study, and that Council acknowledge the funding already received from the federal and provincial governments, and request staff to explore opportunities for further funding from all levels of government; and
4. That staff make the necessary official plan amendments to *Livable Oakville* in order to implement the *Oakville Active Transportation Master Plan Update (July 2017)*.

CARRIED

13. OMB Appeals Update - Updated First and Second Street Heritage Conservation District Plan & Guidelines
- Report from Legal Department, June 27, 2017

Moved by Councillor Gittings

1. That Town Council approve the proposed "List of Changes" to the Updated First and Second Street Heritage Conservation District Plan and Guidelines attached as Appendix "A" to the report dated June 27, 2017, from the Legal department, and authorize staff to present these to the OMB for approval at the Hearing for the First and Second Street Heritage conservation District Plan and Guidelines;

2. That the Town Solicitor or his designate be authorized to defend the position of the Town refusing the requested Heritage Permit for the proposed additions to and severance of 49 First Street at the OMB should that decision be appealed to the OMB; and
3. That the Town Solicitor or his designate and the Director of Planning or his designate be authorized to negotiate a settlement of the matters under dispute at the OMB provided that such settlement is in keeping with the substantive position of the town is established by Town Council.

CARRIED

15. Pedestrian Crossover - Linbrook Road

- **Report from Engineering and Construction Department and Roads and Works Operations Department, June 23, 2017**

Moved by Councillor Gittings

1. That the Pedestrian Crossover – Linbrook Road, as detailed in the staff report from the Engineering and Construction department and Roads and Works department, dated June 23, 2017, be received; and
2. That staff be directed to enter into an agreement with Linbrook School and St. Mildred's-Lightbourn School, based on the principles outlined in the report dated June 23, 2017, from the Engineering and Construction department and Roads and Works department and the agreement be executed in accordance with By-law 2013-057.

CARRIED

14. Building Staff Complement

- **Report from Building Services Department, June 23, 2017**

Moved by Councillor Gittings

1. That the information presented in the June 23, 2017 report from Building Services regarding a request for additional staff resources be received;
2. That four full time equivalents (FTE's) be recruited to improve compliance with mandatory provincial timelines and regulations; and

3. That the cost for funding the additional staff resources will be from Building Permit Fees and the Building Reserve Fund.

CARRIED

16. Livable Oakville (Official Plan Review) Council Sub-committee (June 12, 2017)

Moved by Councillor Knoll

That the minutes of the Livable Oakville (Official Plan Review) Council Sub-committee meeting of June 12, 2017, be received.

CARRIED

WAIVING OF PROCEDURE

Moved by Councillor Elgar

That, in accordance with Section 1.2(2) of the Procedure By-law, the rules of procedure established in Section 4.2(2) be waived to permit the meeting to proceed beyond the hour of 10:30 p.m.

CARRIED

Moved by Councillor Elgar

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

CARRIED

17. **Heritage Oakville Advisory Committee (June 27, 2017)**

For the purposes of Planning Act requirements, the following person(s) made an oral submission:

- Matthew Clarke and Bahareh Ghadaki, re: concerns with respect to the refusal of the heritage permit application pertaining to Item 6a – 326 Reynolds Street – Proposed Window Replacement, advising of the benefits of replacing the windows in the home with new energy efficient windows that would be consistent in design and style with the existing windows; and asking that consideration be given to the location of the property within the heritage district, the recommendation of the Heritage Oakville Advisory Committee be reconsidered, and that the committee mandate be reviewed to incorporate a more holistic approach in considerations of their restoration recommendations.

Moved by Councillor Hutchins

That the following recommendation pertaining to Item 6a of the Heritage Oakville Advisory Committee minutes from its meeting on June 27, 2017, be approved:

6a. **Heritage Permit Application HP013/17-42.20R –
326 Reynolds Street - Proposed Window Replacement**
- **Report from Planning Services Department, May 16, 2017**

That Heritage Permit Application HP013/17-42.20R for window replacement at 326 Reynolds Street, as attached in Appendix B to the report dated May 16, 2017, from Planning Services, be refused.

LOST

Moved by Councillor Elgar

That Heritage Permit Application HP013/17-42.20R for window replacement at 326 Reynolds Street, as attached in Appendix B to the report dated May 16, 2017, from Planning Services, be approved.

CARRIED

Moved by Councillor Knoll

That the following recommendations pertaining to Items 6b, c, and d of the Heritage Oakville Advisory Committee minutes from its meeting on June 27, 2017, be approved and the remainder of the minutes be received:

**6b. Heritage Permit Application HP026/17-42.20R –
376 Reynolds Street - Demolition of Shed and Construction
of Detached Garage
- Report from Planning Services Department, June 14, 2017**

That Heritage Permit Application HP026/17-42.20R for the demolition of an existing shed and construction of a new detached garage at 376 Reynolds Street, as attached in Appendix B to the report dated June 14, 2017, from Planning Services, be approved.

**6c. Heritage Permit Application HP027/17-42.20U - 417 Union Street
- Demolition of Non-Historic House and Construction of House
- Report from Planning Services Department, June 14, 2017**

1. That Heritage Permit Application HP027/17-42.20U for the demolition of the existing house and the construction of a new two-storey house, as attached in Appendix B to the report dated June 14, 2017, from Planning Services, be approved subject to final details on the roofing being submitted to Heritage Planning staff for final approval; and
2. That this heritage permit expire two years from the date of final approval by Council.

**6d. Heritage Permit Application HP020/17-42.20K - 262 King Street -
Construction of New House
- Report from Planning Services Department, June 14, 2017**

1. That Heritage Permit Application HP020/17-42.20K for the construction of a new two-storey house, as attached in Appendix B to the report dated June 14, 2017, from Planning Services, be approved subject to a condition requiring that the final details on the siding, roofing, windows, and doors be submitted to Heritage Planning staff for final approval; and

2. That this heritage permit expire two years from the date of final approval by Council.

CARRIED

RISE AND REPORT TO COUNCIL

Moved by Councillor Robinson

That this committee rise and report.

CARRIED

The Mayor arose and reported that the Committee of the Whole has met and made recommendations on Consent Items 1, 2, 3 and 4, Public Hearing Items 5, 6 and 7, Discussion Items 8, 9, 10, 11, 12, 13, 14 and 15, and Advisory Committee Minutes Items 16 and 17, as noted by the Clerk.

Moved by Councillor Lapworth Seconded by Councillor Adams

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 Gittings

That the following by-law(s) be passed:

- | | |
|----------|--|
| 2017-061 | A by-law to declare that certain land is not subject to part lot control (Part of Block 3, Plan 20M-1171 - Upper Middle Road GP Inc.). |
| 2017-062 | A by-law to amend By-law 1984-1 (The Traffic By-law). (Re: Item 3) |

- 2017-065 A by-law to declare that certain land is not subject to part lot control (Blocks 270, 271, 272, 299 to 319, inclusive, 321 to 334, inclusive, 336, 337, 338, 349, 361, 362 and 363, Plan 20M-1183 – Monte Rosa Meadows (BT) Corp.), as revised.
- 2017-067 A by-law to declare that certain land is not subject to part lot control (Blocks 5, 6, 7, 8 and 9, Plan 20M-1185 – Dundas-Trafalgar Inc.).
- 2017-074 A by-law to declare that certain land is not subject to part lot control (Part of Blocks 9, 10 and 11, Plan 20M-1162 - 1319284 Ontario Inc.).
- 2017-071 A by-law to confirm the proceeding of a meeting of Council.

CARRIED

ADJOURNMENT

The Mayor adjourned the meeting at 11:28 p.m.

KATHY PATRICK
ACTING TOWN CLERK