

Minutes of the SEVENTH meeting of the Development Services Committee for 2004 held in the Committee Meeting Room, Second Floor, Rundle Tower, at 3:35 p.m., and in the Council Chamber, Second Floor, Oshawa Civic Administration Complex at 7:50 p.m., and minutes of a Planning Act Public Meeting held in the Council Chamber, Second Floor, Oshawa Civic Administration Complex on Monday, March 22, 2004, at 7:25 p.m.

Present: Councillor B. Nicholson, Chair
Councillor Lutczyk, Member
Councillor Parkes, Member
Councillor Pidwerbecki, Member
Mayor Gray, Member, Ex-Officio (entered at 3:39 p.m., left at 7:47 p.m.)

Also

Present: Councillor Clarke (entered at 6:47 p.m.)
T. Goodchild, Commissioner, Department of Development Services
D. Potts, Director, Legal Services
D. Pearce, Real Estate and Business Development Manager
B. Hunt, Director, Planning Services
E. Rogers, Manager, Policy and Special Projects
P. Ralph, Acting Manager, Development and Urban Design
M. Leonard, Director, Building Services
J. Conlin, Manager, By-law Enforcement Services
P. Stewart, Senior Planner, Policy and Special Projects
N. Breitner, Principal Planner, Development and Urban Design
J. Shestowsky, Supervisor, Technical Services
P. Lee, Manager, Development and Water Resources
D. Crawford, Construction Manager
L. Rooks, Committee Co-ordinator
M. Pettit, Assisting Committee Co-ordinator

Absent Councillor Cullen, Vice-Chair

Moved by Councillor Pidwerbecki,
“That this meeting be closed to the public in order to discuss property matters.” CARRIED

Mayor Gray (entered at 3:39 p.m.) and Councillors B. Nicholson, Clarke, Lutczyk, Parkes, and Pidwerbecki were present for closed meeting discussion. Also present were the Commissioner of Development Services; Director of Planning Services; Director of Legal Services; Real Estate and Business Development Manager; Manager, Policy and Special Projects; and the Committee Co-ordinators.

There were no members of the public in attendance.

The Committee discussed a property matter during a closed meeting.

A delegation related to a confidential property matter, Item DS-04-115, entered the meeting.

The Committee discussed a property matter with the delegation during a closed meeting.

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The delegation left the meeting.

The Committee held further closed meeting discussion regarding property matters.

Moved by Councillor Lutczyk,
“That the closed meeting recess.” CARRIED

The closed meeting recessed at 4:50 p.m. and reconvened at 5:15 p.m. with the following in attendance: Mayor Gray (entered at 5:20 p.m.), Councillors B. Nicholson, Lutczyk, Parkes, and Pidwerbecki; the Commissioner of Development Services; Director of Planning Services; Manager, Policy and Special Projects; Acting Manager, Development and Urban Design; Manager, By-Law Enforcement Services; Principal Planner, Development and Urban Design; Supervisor, Technical Services; and Committee Co-ordinators. A delegation concerning a property matter was also in attendance.

Further closed meeting discussion took place with a delegation.

The delegation left the meeting.

Moved by Councillor Pidwerbecki,
“That the Committee rise from the closed meeting and report.” CARRIED

Councillor Lutczyk assumed the Chair.

Moved by Councillor Parkes,
“That the Development Services Committee adopt the following closed meeting items:

DS-04-115 Property Matter

That the Development Services Committee recommend to City Council that the recommendation contained in Confidential Report DS-04-115 dated March 15, 2004, from the Commissioner of Development Services be adopted as amended.

DS-04-49 Property Matter

That the Development Services Committee recommend to City Council that the recommendation contained in Confidential Report DS-04-49 dated February 4, 2004, from the Commissioner of Development Services be adopted as amended.

DS-04-123 Property Matter

That the Development Services Committee recommend to City Council that the recommendation contained in Confidential Report DS-04-123 dated March 17, 2004, from the Commissioner of Development Services be adopted as amended.”
CARRIED

Councillor B. Nicholson resumed the Chair.

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The meeting recessed at 6:43 p.m. and reconvened at 6:47 p.m. with the following in attendance: Mayor Gray; Councillors B. Nicholson, Lutczyk, Parkes, Pidwerbecki, and Clarke; the Commissioner of Development Services; Director of Planning Services; Acting Manager, Development and Urban Design; Director of Building Services; Manager, By-Law Enforcement Services; Manager, Development and Water Resources; Construction Manager; and Committee Co-ordinators.

DS-04-127 Frank Reher, Commodore, Oshawa Yacht Club, requesting to address Committee regarding the Oshawa Harbour Commission (OHC) terminating the License Agreement between the OHC and the Oshawa Yacht Club (Ward 1)

Sharon Reher addressed Committee on behalf of the Oshawa Yacht Club. She provided a brief history of the Club which was originally formed in 1931 and included notable events leading up to present day. Sharon Reher stated the Oshawa Yacht Club received notice from the Oshawa Harbour Commission that they were in violation of their lease and were essentially being evicted with minimal notice. Sharon Reher stated members of the Oshawa Yacht Club were distressed that the City's appointee, Michael Clarke, condoned this action without first meeting with the membership. Oshawa Yacht Club members were given to understand that the Council of the City of Oshawa wanted to have a viable waterfront including the Yacht Club, and the members cannot understand why the City's appointee would condone the termination when the City itself expressed its interest in maintaining a viable waterfront. Sharon Reher stated the membership would like the Committee to provide them with answers as to why the termination of their lease would be supported by the City's appointee and to advise what Council's position is on the future of the Oshawa Yacht Club in the Oshawa Harbour.

The Committee indicated their concern regarding the security of the area and that of the clubhouse if the eviction notice stands. The Chair enquired if members of the Oshawa Yacht Club had ever received any written notification of security concerns from the Oshawa Harbour Commission prior to the eviction notice being served. Sharon Reher replied no. The Chair enquired if the Oshawa Yacht Club Executive had ever requested a meeting to discuss concerns with the OHC. Sharon Reher replied that in all instances the OHC commanded that the Oshawa Yacht Club provide a fully detailed outline of what the discussion would entail before such a meeting would be confirmed. Sharon Reher, in conclusion, asked the City to contact the OHC on their behalf to request the Oshawa Yacht Club be allowed to leave their chattels in the Club beyond the March 31, 2004, deadline for vacating the building.

This matter is further discussed later in the meeting.

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DS-04-125 Marina Users Committee, Larry Ladd, requesting a copy of Transport Canada's Non-binding Oshawa Harbour Mediator's proposal (Ward 1)

Larry Ladd addressed the Committee advising that he would like a copy of the non-binding mediation report. He also wanted assurances that the City of Oshawa would be putting forth funds toward the clean up of the waterfront lands.

This matter is further discussed later in the meeting.

Moved by Councillor Lutczyk,
"That the meeting recess." CARRIED

The meeting recessed at 7:16 p.m. and reconvened at 7:25 p.m. in the Council Chamber for the purpose of holding a Planning Act Public Meeting with the following in attendance: Mayor Gray (entered at 7:30 p.m.); Councillors B. Nicholson, Lutczyk, Parkes, and Pidwerbecki; the Commissioner of Development Services the Director of Planning Services; the Acting Manager, Development and Urban Design; the Director of Building Services; the Manager, Development and Water Resources; the Construction Manager; and the Committee Co-ordinators.

The Chair outlined the purpose and format of the Public Meeting.

DS-04-44 Applications to Amend Zoning By-law 60-94 and for Approval of Draft Plan of Subdivision S-O-2004-01, Britannia Avenue, 290572 Ontario Ltd. (Jeffery Homes)
(Ward 7)

The Committee reviewed Report DS-04-44 dated March 17, 2004, from the Commissioner of Development Services regarding applications submitted by 290572 Ontario Ltd. (Jeffery Homes) to amend Zoning By-law 60-94 and for approval of draft plan of subdivision S-O-2004-01 comprising of 180 lots for single detached dwellings, a stormwater management facility, and an expansion to Kedron Park on certain lands located west of Ritson Road North, north of Conlin Road East.

Councillor Parkes made a declaration of pecuniary interest concerning Item DS-04-44 as her husband's family owns property in the identified area. Councillor Parkes advised the land had been sold but was not sure the sale had been finalized, and temporarily left the meeting.

Glenn Genge, D.G. Biddle & Associates Limited, representing Jeffery Homes, addressed the Committee and outlined in detail the plans for the subdivision. Glenn Genge reviewed the land use considerations and designations, as outlined in Report DS-04-44 and, using plans on display, he reviewed access to the proposed development and the location of the future east-west Type "C" arterial road, Britannia Avenue.

Mayor Gray entered the meeting.

The Chair asked if there were any members of the audience who wished to speak on this item.

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Rick Kerr, 356 Meadow Street, questioned the proposed grading of the area behind Maine Street. His concern was that the new homes would be two-storied and on a higher grade than the existing homes and, therefore, the newer subdivision would be towering over the others. Rick Kerr questioned whether there had been any consideration to the proposed homes abutting Meadow Street being bungalows rather than two-storey homes. Glenn Genge replied that no site specifications had been confirmed as of this date, but his comments would be taken into consideration when the site plan is drafted.

Robert Brown, General Manager and owner of Kedron Dells Golf Club, addressed the Committee regarding concerns about the proposed subdivision. Currently the golf course is receiving complaints regarding stray golf balls entering the existing subdivision created by Jeffery Homes and he would like assurances that Jeffery Homes would take steps to lessen the impact of the proposed subdivision. As the golf course has been there for more than thirty years he would appreciate responsibility being accepted by the subdivision builder in providing a six-foot chain link fence to prevent golfers from trespassing on private properties and persons from the subdivision trespassing on Golf Course property, with the fence erected and paid for by the developer. Robert Brown also requested the purchase agreement between the developer and home owners have a clear statement exempting the Kedron Golf Course from any and all liability or responsibility from wayward golf balls penetrating or accessing the property of individual owners. Robert Brown proposed the builder could mitigate the circumstances of wayward golf balls by providing deeper lots particularly in areas of greatest vulnerability and provide protection through the use of netting and tree planting. Robert Brown advised Kedron Golf Club has started a tree-planting program near their property line to mitigate the opportunities for stray golf balls leaving the property.

A resident questioned the timelines of the project. Glenn Genge advised the process usually took at least six months to a year for final approvals to pass.

Moved by Councillor Lutczyk,

“That Report DS-04-44 dated March 17, 2004, from the Commissioner of Development Services, concerning applications to amend the Zoning By-law 60-94 (File Z-1/2004) and for approval of draft plan of subdivision S-O-2004-01 submitted by 290572 Ontario Limited (Jeffery Homes) for lands located west of Ritson Road North, north of Conlin Road East, be referred back to the Department of Development Services for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.” CARRIED

Councillor Parkes returned to the meeting.

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DS-04-119 Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, south side of Bruce Street, between Albert and Court Streets, 1513158 Ontario Ltd.

(Ward 5)

The Committee reviewed Report DS-04-119 dated March 17, 2004 from the Commissioner of Development Services regarding applications submitted by 1513158 Ontario Ltd. to amend the Oshawa Official Plan and Zoning By-law 60-94 to permit a parking lot on the south side of Bruce Street between Albert Street and Court Street. The applicant proposes to develop the parking lot to serve tenants in the former Bell Building located at the southeast corner of Albert Street and Athol Street. The applicant has advised that a major tenant has been secured to occupy the building, subject to the provision of adequate parking.

Councillor B. Nicholson made a declaration of pecuniary interest concerning Report DS-04-119 as he has a business relationship with the applicant, and did not take part in discussion or voting.

Councillor Lutczyk assumed the Chair.

Glenn Genge, D.G. Biddle & Associates Limited, addressed Committee on behalf of the applicant, describing the need for the parking lot as a major tenant, the Ontario Finance Ministry, requires sufficient parking for staff, and he outlined in detail the plans for the construction of the parking lot. Glenn Genge advised that the owners require the completion of the parking lot as quickly as possible as they have already set up operations in the building. Glenn Genge, in response to an inquiry from Councillor Pidwerbecki, advised construction of the parking lot would not have a negative effect on the Michael Starr Trail.

The Chair asked if there were any members of the audience who wished to speak on this item. No one from the audience wished to comment on this matter.

Moved by Mayor Gray,
“That Report DS-04-119 dated March 17, 2004, from the Commissioner of Development Services concerning applications to amend the Oshawa Official Plan (File B3100 0070) and Zoning By-law 60-94 (File Z-14/2003) submitted by 1513158 Ontario Ltd. to permit a parking lot on the south side of Bruce Street between Court and Albert Streets, be referred back to the Department of Development Services for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval.” CARRIED

Councillor B. Nicholson resumed the Chair.

Moved by Mayor Gray,
“That the Planning Act Public Meeting adjourn.” CARRIED

Mayor Gray left the meeting.

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The Planning Act Public Meeting adjourned at 7:47 p.m. and the regular meeting reconvened at 7:50 p.m. in the Council Chamber with the following in attendance: Councillors B. Nicholson, Lutczyk, Parkes, and Pidwerbecki; the Commissioner of Development Services; Director of Planning Services; Director of Building Services; Manager, By-Law Enforcement Services; Acting Manager, Development and Urban Design; Manager, Development and Water Resources; Construction Manager; and Committee Co-ordinators.

DS-04-127 Frank Reher, Commodore, Oshawa Yacht Club, requesting to address Committee regarding the Oshawa Harbour Commission (OHC) terminating the License Agreement between the OHC and the Oshawa Yacht Club (Ward 1)

This matter was discussed earlier in the meeting, when Sharon Reher addressed Committee on behalf of the Oshawa Yacht Club.

The Committee now reviewed correspondence dated March 16, 2004, from Frank Reher, Commodore, Oshawa Yacht Club, requesting to address Committee regarding the Oshawa Harbour Commission (OHC) terminating the License Agreement between the OHC and the Oshawa Yacht Club, and the conduct of the City's appointee to the Oshawa Harbour Commission.

The Committee also reviewed correspondence dated March 12, 2004, from the Oshawa Harbour Commission, addressed to Mr. Frank Reher, Oshawa Yacht Club, outlining the reason for terminating their License Agreement with the Oshawa Yacht Club, effective March 31, 2004.

Moved by Councillor Lutczyk,

“That the Development Services Committee recommend to City Council that correspondence dated March 16, 2004, from Frank Reher, Commodore, Oshawa Yacht Club, regarding the Oshawa Harbour Commission (OHC) terminating the License Agreement between the OHC and the Oshawa Yacht Club be received for information.” CARRIED

This matter is further discussed later in the meeting.

DS-04-75 Evans Planning, on behalf of Imperial Oil Limited, requesting the reserve requirements under the site plan approval process for the southeast corner of Taunton Road East and Harmony Road North be waived (Ward 6)

This matter was last discussed at the Development Services Committee meeting held March 1, 2004, when the Committee tabled the matter.

The Committee now reviewed correspondence dated February 6, 2004, from Murray Evans, Evans Planning, on behalf of Imperial Oil Limited, requesting the conveyance of a one-foot reserve along the south and east lot lines of the commercial development located at the southeast corner of Taunton Road East and Harmony Road North be waived.

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The Committee discussed the one-foot reserve with the Commissioner of Development Services and Director of Planning Services.

Moved by Councillor Lutczyk,
“That Murray Evans be heard.” CARRIED

Murray Evans, Evans Planning, addressed Committee on behalf of Imperial Oil Limited advising that since Committee and Council reversed their decision regarding the Aidan lands commercial use in the Taunton-Harmony Corridor Study area that Imperial Oil would like to have the decision regarding the one-foot reserve removed from the conditions. Murray Evans advised the one-foot reserve was complicating their financial transactions and land use considerations, and creating difficulty for access to the Imperial Oil property.

The Committee questioned Murray Evans, who reviewed details of the proposed gas station development on the southeast corner of Taunton Road East and Harmony Road North. On July 21, 2003, Council approved applications submitted by Imperial Oil (Esso) to amend the Oshawa Official Plan, the Pinecrest Part II Plan and Zoning By-law 60-94 to permit a car wash, fuel bar, and convenience store on a two-acre site, and tabled the decision on the land use for the southerly portion of the property. Murray Evans advised he was agreeable to a landscaped strip between the properties and that he was willing to meet with residents of the community.

Moved by Councillor Pidwerbecki,
“That the Development Services Committee recommend to City Council that correspondence dated February 6, 2004, from Murray Evans, Evans Planning, on behalf of Imperial Oil Limited, requesting the conveyance of a one-foot reserve along the south and east lot lines of the commercial development located at the southeast corner of Taunton Road East and Harmony Road North be waived, be received for information.” CARRIED

DS-04-114 Application for Site Plan Approval, Request to delete one-foot reserve condition, southeast corner of Harmony Road North and Taunton Road East, Imperial Oil Limited (Esso) (Ward 6)

Moved by Councillor Pidwerbecki,
“That the Development Services Committee recommend to City Council:

Whereas on July 21, 2003, City Council approved, subject to conditions, applications to amend the Oshawa Official Plan, the Pinecrest Part II Plan and Zoning By-law 60-94, to permit a car wash, fuel bar and convenience store on a two acre site, at the southeast corner of Harmony Road North and Taunton Road East;

Whereas condition 4.(p) of City Council’s July 21, 2003 approval requires the owner to convey to the City a one-foot reserve along the south and east lot lines of the commercial development during the site plan approval process;

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Whereas Esso has applied for site plan approval for the proposed development;

Whereas by letter dated February 6, 2004, the owner's agent (Murray Evans of Evans Planning) has requested that the City's requirement for a one-foot reserve to be dedicated to the City be waived for a number of reasons;

Whereas there is no authority in the Planning Act for the City to require the owner to convey a one-foot reserve to the City under a site plan agreement;

Whereas the limits of the commercial land use can be controlled through Zoning By-law 60-94;

Therefore, the City's condition of approval dated July 21, 2003, be amended by deleting condition 4 (p).” WITHDRAWN LATER IN THE MEETING

The Committee further discussed the matter of the one-foot reserve.

Councillor Pidwerbecki withdrew his recommendation to delete condition 4 (p).

Moved by Councillor Parkes,

“That Item DS-04-114 be referred back to staff for further investigation.”
CARRIED

DS-04-109 City of Pickering, Discussion Papers, Durham Regional Official Plan Review

The Committee reviewed correspondence dated March 5, 2004, from Bruce Taylor, City Clerk, City of Pickering, forwarding Pickering's resolution commenting on the “Proposed Directions” of the Durham Regional Official Plan Review: Phase 2 Discussion Papers.

Moved by Councillor Parkes,

“That the Development Services Committee recommend to City Council that correspondence dated March 5, 2004, from the City of Pickering regarding Durham Regional Official Plan Review: Phase 2 Discussion Papers be received for information.” CARRIED

DS-04-124 Town of Ajax, Discussion Papers, Durham Regional Official Plan Review

The Committee reviewed correspondence dated March 11, 2004, from Madonna Chow, Compliance Associate, Policy Planning, Town of Ajax, forwarding copies of reports providing comments on the discussion papers released by the Region of Durham Planning Department with respect to the Regional Official Plan review.

Moved by Councillor Parkes,

“That the Development Services Committee recommend to City Council that correspondence dated March 11, 2004, from the Town of Ajax regarding Durham Regional Official Plan Review: Phase 2 Discussion Papers be received for information.” CARRIED

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DS-04-110 Heritage Oshawa, 2003 Annual Report

The Committee reviewed correspondence dated February 27, 2004, from Jennifer Mutton, Secretary-Treasurer, Heritage Oshawa, forwarding their 2003 Annual Report. The Report identifies the work undertaken in 2003 in three key activity areas: (a) property designations and evaluations; (b) heritage property inventory; and (c) public awareness initiatives, and outlines planned activities for 2004

Moved by Councillor Parkes,

“That the Development Services Committee recommend to City Council that correspondence dated February 27, 2004, from Heritage Oshawa and the Heritage Oshawa 2003 Annual Report be received for information; and that the volunteer Board and Members be thanked for their commitment to the City of Oshawa.”
CARRIED

DS-04-125 Marina Users Committee, Larry Ladd, requesting a copy of Transport Canada’s Non-binding Oshawa Harbour Mediator’s proposal (Ward 1)

This matter was discussed earlier in the meeting, when Larry Ladd, Marina Users Committee, addressed Committee.

The Committee now reviewed correspondence dated March 15, 2004, from Larry Ladd, Marina Users Committee, requesting Council provide a copy, at no charge, of the Non-binding Oshawa Harbour Mediator proposal.

Moved by Councillor Pidwerbecki,

“That the correspondence from Larry Ladd, Marina Users Committee, dated March 15, 2004, requesting a copy of the non-binding Oshawa Harbour Mediator’s Report be referred to the Oshawa Harbour Negotiating Committee for report back to the Development Services Committee.” CARRIED

DS-04-129 Evans Planning, on behalf of Imperial Oil Limited, requesting Council reconsider the commercial use of the remaining 1.0 acre ± of Imperial Oil’s land at the southeast corner of Taunton Road East and Harmony Road North (Ward 6)

This issue was discussed earlier during Murray Evans’ address to the Committee.

The Committee now reviewed correspondence dated March 19, 2004, from Murray Evans, Evans Planning, on behalf of Imperial Oil Limited, requesting Council reconsider the commercial use of the remaining 1.0 acre ± of Imperial Oil’s land at the southeast corner of Taunton Road East and Harmony Road North. Copies of the correspondence had been distributed to Committee at the start of the meeting.

Moved by Councillor Parkes,

“That correspondence from Evans Planning dated March 19, 2004, regarding the commercial use of 1.0 ± acre of land owned by Imperial Oil, be referred to staff for further investigation and report back to Committee.” CARRIED

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DS-04-66 Application for the Removal of Part Lot Control, Plan 62, west limit of Capreol Court, Ihor Lysyk (Ward 2)

This matter was last discussed at the Development Services Committee meeting held February 9, 2004, (Item DS-04-64) when the Committee referred correspondence and an application to remove part lot control from his vacant site located at the end of Capreol Court together with a request for Council to reconsider its decision of July 22, 2002.

The Committee now reviewed Report DS-04-66 dated March 17, 2004, from the Commissioner of Development Services recommending the application for removal of part lot control submitted by Ihor Lysyk for certain lands west of Capreol Court be denied and that the lands be developed via a land division process consistent with the July 22, 2002, direction of City Council. The Report also recommends staff of Economic Development and Real Estate Services be directed to investigate purchasing a small part of the rear of 159 Tresane Avenue for the purposes of facilitating the proper extension of Capreol Court and report back to Council.

Ihor Lysyk, 71 Southwood Street, addressed Committee advising he was opposed to the recommendation contained in Report DS-04-66 and he felt that the legal opinions provided by the City's Legal Services staff are somewhat condensed. Ihor Lysyk stated this proposal was no different than that of Alan Pushman's project on Robson Avenue in which Council gave every indication they would approve the removal of part lot control. Ihor Lysyk plans to build a court at his cost, build five brand new homes and turn scrub property into assessment building properties for the City, and take on the responsibility of the liability of this area. He was concerned that the process he was being forced to follow would result in extensive fees paid to the Region when he was really doing the City a favour and cleaning up this area and providing increased tax assessment for City's coffer.

The Committee questioned Ihor Lysyk. Councillor Lutczyk enquired if Ihor Lysyk was objecting to Part 2 of the recommended action in the report as well, or if just Part 1 was in contention. Ihor Lysyk was not opposed to Part 2 and advised he had approached the owner of the property in question without success. Councillor Pidwerbecki questioned if Ihor Lysyk was in favour of public input prior to proceeding. Ihor Lysyk stated he would welcome a public information meeting to discuss the issue, possibly held at Storie Park. The Committee questioned staff to determine how long it would take to advertise and set up a public meeting regarding this matter. Ihor Lysyk questioned staff whether there was a requirement for advertisement for part lot control removal. There was discussion regarding notification of the public, whether there should be an advertisement or written notification mailed to the area residents. The Commissioner of Development Services advised staff would provide written notification to the area residents. Councillor Pidwerbecki asked if Ihor Lysyk was planning to build five brand new dwellings. Ihor Lysyk concurred the buildings would be five brand new buildings.

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Moved by Councillor Lutczyk,

- “1. That the application for Removal of Part Lot Control submitted by I. Lysyk for certain lands west of Capreol Court be approved and referred to the Department of Development Services for appropriate conditions and report back to Committee; and,
2. That Economic Development and Real Estate Services staff be directed to investigate the purchase of a small part of the rear of 159 Tresane Avenue for the purposes of facilitating the proper extension of Capreol Court and report back to Committee.” CARRIED

Councillor Clarke entered the meeting.

DS-04-105 Changes to the Region of Durham Planning Application Processing Fees
(All Wards)

This matter was last discussed at the Development Services Committee meeting held January 19, 2004, (Item DS-04-26) when the Committee referred correspondence dated December 18, 2003, from the Region of Durham regarding their proposed 2004 fee schedule for processing planning applications to staff for comment and review with the Building Industry Liaison Team (BILT).

The Committee now reviewed Report DS-04-105 dated March 17, 2004, from the Commissioner of Development Services providing additional information on the rationale for the changes to the Regional fees.

Moved by Councillor Pidwerbecki,

“That the Development Services Committee recommend to City Council:

1. That correspondence dated December 18, 2003, from the Regional Clerk regarding proposed changes to the Region’s planning application processing fees be received for information.
2. That the Region of Durham be requested to consult with the Durham Region Home Builders Association, the Urban Development Institute, and the City’s Building Industry Liaison Team (BILT) on any future changes to planning fees before they are considered by Regional Council.” CARRIED

DS-04-118 Class Environmental Assessment, Phase 2 Report (Second Draft), Additional Water Supply Plant Capacity for the Oshawa/Whitby/Courtice Urban Area

This matter was last discussed on January 19, 2004, when the Committee considered Report DS-04-22, dated January 14, 2004, from the Commissioner of Development Services, regarding the Region of Durham’s Class Environmental Assessment (Class EA) process to identify the preferred method of providing additional water supply plant capacity to service future growth in the Whitby/Oshawa/Courtice urban areas. At the January 19, 2004, meeting, the Committee raised concerns that some South Oshawa residents have complained

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about water supply issues and that expansion of the Whitby plant would result in a loss of needed investment to the Oshawa plant, and referred Report DS-04-22 back to staff for further investigation.

The Committee now reviewed Report DS-04-118 outlining the results of staff's further investigation into resident's concerns.

The Chair noted he would not support the recommendation because the issues of water quality have not been recognized by the Region. The Chair commented that the City of Oshawa requires a firm commitment from the Region that they would be committed to not only building new supply plants but also upgrading existing water supply plants such as those found in the City of Oshawa.

Moved by Councillor Parkes,

“That the Development Services Committee recommend to City Council:

1. That Council endorse the preferred solution identified in the Class Environmental Assessment Phase 2 Report (Second Draft) which consists of an expansion to the Whitby water supply plant with supplementary supply being provided in the long term from the Ajax plant (i.e. years 2024 to 2029).
2. That a copy of Report DS-04-118 dated March 17, 2004, from the Commissioner of Development Services, and related Council resolution, be forwarded to the Region of Durham and Totten Sims Hubicki Associates.”
CARRIED

DS-04-126 Council Directive – Applications to Amend the Oshawa Official Plan and Zoning By-law 60-94, north side of Bloor Street East, east of Harmony Road South, and west of the Harmony Creek, Veltri and Son Limited (Ward 3)

This item was last discussed at the Council meeting of March 15, 2004, when Council directed the matter be referred back to staff to develop conditions of approval regarding applications submitted by Veltri and Son Limited to amend the Oshawa Official Plan and Zoning By-Law 60-94 to permit two restaurants with drive-thru (Tim Hortons and Wendy's) on lands located on the north side of Bloor Street East, east of Harmony Road South.

The Committee now reviewed the Council directive of March 15, 2004.

Moved by Councillor Pidwerbecki,

“That Item DS-04-126 be referred to staff to develop conditions of approval regarding applications submitted by Veltri and Son Limited to amend the Oshawa Official Plan and Zoning By-Law 60-94 to permit two restaurants with drive-thru (Tim Hortons and Wendy's) on lands located on the north side of Bloor Street East, east of Harmony Road South.” CARRIED

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DS-04-99 Application for Variances to Sign By-law 72-96, 25 Richmond Street West,
1590822 Ontario Limited (Matteo Garritano) (Ward 5)

This matter was last discussed at Council on December 3, 2001, when Council approved an application to permit a Construction Identification Sign to remain in place for an additional two years.

Moved by Councillor Parkes,

“That the Development Services Committee recommend to City Council:

Whereas the applicant has applied for the following variances to continue to permit the existing Construction Identification Sign to:

- (a) permit a minimum setback of 0.1 metres (0.37 ft.) from the Simcoe Street North streetline where the sign by-law requires a minimum setback of 1 metre (3.3 ft.);
- (b) permit a minimum clearance between grade and the bottom of the sign of 1.37 metres (4.5 ft.) where the sign by-law requires a minimum clearance of 2.4 metres (7.8 ft.); and,
- (c) permit the sign for an additional two years until December 3, 2005, where the sign by-law only permits the sign for a maximum of two years.

Whereas in September 1998 and again in December 2001 City Council approved variances to permit the subject sign;

Whereas the 2001 variance expired on December 3, 2003;

Whereas the sign continues to represent an attempt by the owner to market and develop the site;

Therefore, the application for variances to Sign By-law 72-96 by 1590822 Ontario Limited (Matteo Garritano) (File SV-03/2004) to permit the existing construction identification sign to remain in the present location at 25 Richmond Street West until December 3, 2005, be approved.” CARRIED

DS-04-57 Election Sign By-law 80-97 (All Wards)

This matter was last discussed by the Committee on March 1, 2004, when the matter was tabled. The Committee now reviewed Report DS-04-57 seeking Council approval to have staff review Election Sign By-law 80-97 and to prepare any necessary technical amendments.

Moved by Councillor Pidwerbecki,

“That Item DS-04-57 regarding the Election Sign By-law 80-97 remain tabled.”
CARRIED

DEVELOPMENT SERVICES COMMITTEE MEETING – March 22, 2004

DS-04-106 Amendment to By-laws 101-83 and 97-83 (All Wards)

The Committee reviewed Report DS-04-106 dated March 17, 2004, from the Commissioner of Development Services requesting authorization of amendments, necessitated by staff changes, to By-laws 101-83 and 97-83 governing staff functions on behalf of the City.

Moved by Councillor Parkes,

“That the Development Services Committee recommend to City Council:

1. That By-law Number 101-83, as amended, be and the same is hereby further amended by deleting from Schedule “A” the names of Glenn Green and Jim Hale.
2. That By-law Number 97-83, as amended, be and the same is hereby further amended by deleting from Schedule “A” the names of Glenn Green and Jim Hale.” CARRIED

DS-04-111 Oshawa Building Permit Statistics for February 2004 (All Wards)

The Committee reviewed the Building Permit Statistics for February 2004.

Moved by Councillor Lutczyk,

“That the Development Services Committee recommend to City Council that the Building Permit Statistics for February 2004 be received for information.” CARRIED

DS-04-121 Ministry of Transportation, Authorized Requester/Authorized Data Transfer Agreement (All Wards)

The Committee reviewed Report DS-04-121 dated March 17, 2004, from the Commissioner of Development Services seeking City Council’s approval to enter into an Authorized Requester/Electronic Data Transfer Agreement with the Ontario Ministry of Transportation. In February 2004, the Ministry of Transportation gave their approval for Municipal Law Enforcement Officers (By-law Enforcement Services) to request the transfer of electronic vehicle information from the Ministry of Transportation. Prior to formalizing the Ministry’s agreement, Legal Services has recommended that City Council endorse this agreement.

Moved by Councillor Lutczyk,

“That the Development Services Committee recommend to City Council that Council endorse By-law Enforcement Services entering into an authorized requester/electronic data transfer agreement with the Ontario Ministry of Transportation.” CARRIED

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DS-04-117 Proposed Agreement with Oshawa Golf Club Limited, Reconstruction of Alexandra Street (Ward 5)

This matter was last discussed by Council on June 30, 2003, when By-law 74-2003 was passed to authorize construction of granular base and asphalt pavement with concrete curb and gutter as described in Engineer's Report 02-02 at an estimated cost of \$308,000. The passage of By-law 74-2003 implemented Council direction of March 17, 2003, through Item 15 of the Seventh Report of the Development Services Committee for construction on Alexandra Street under Section 2 of Ontario Regulation 119/03 filed under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.)

The Committee now reviewed Report DS-04-117 dated March 17, 2004, from the Commissioner of Development Services seeking Council approval to execute an agreement with the Oshawa Golf Club Limited to provide temporary access over their lands during the reconstruction of Alexandra Street scheduled for the fall of this year.

Councillors Parkes and Clarke indicated they wished to be invited to the public meeting with the area residents.

The Committee questioned the alternate parking arrangements during the reconstruction period. The Construction Manager outlined the temporary parking arrangements that have been made to accommodate overflow of parking during the reconstruction period.

Moved by Councillor Lutczyk,

“That the Development Services Committee recommend to City Council:

1. That staff be authorized to finalize an agreement with the Oshawa Golf Course Limited to construct a temporary access road for use during the reconstruction of Alexandra Street.
 2. That the final form of the agreement be acceptable to the Director of Legal Services.
 3. That the Mayor and Clerk be authorized to execute the agreement.”
- CARRIED

DS-04-127 Frank Reher, Commodore, Oshawa Yacht Club, requesting to address Committee regarding the Oshawa Harbour Commission (OHC) terminating the License Agreement between the OHC and the Oshawa Yacht Club (Ward 1)

This matter was discussed earlier in the meeting.

The Committee continued discussion on the concerns regarding the closure of the Oshawa Yacht Club and the notice presented to the Club from the OHC. Councillor Pidwerbecki noted that the violation cited in the eviction notice was frivolous due to the fact that the westerly portion of the area was completely accessible to anyone and to persecute the club because of a gate left open was ludicrous.

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Councillor Parkes commented she was concerned about the letter sent by the OHC and wished to have the City's appointee, Michael Clarke, attend an informal meeting with Council members to discuss the particulars of this matter.

Councillor Lutczyk commented on his dismay at the heavy-handed methods employed by the OHC to evict the Oshawa Yacht Club.

Councillor B. Nicholson stated he has heard conflicting stories from both sides and questioned whether the City's appointee, Michael Clarke, was actually receiving all relevant information from the CEO of the OHC. He also questioned whether the eviction notice was valid since there was no previous communications between the parties advising of the concerns about the unlocked gate.

Moved by Councillor Parkes,
"That the Development Services Committee recommend to Council that the Oshawa Harbour Commission be asked to reconsider its position regarding the termination of the License Agreement for the Oshawa Yacht Club, and that the parties be asked to meet in order to discuss the matter." CARRIED

The Committee requested the matter be introduced at the special Council meeting to be held March 23, 2004.

Moved by Councillor Lutczyk,
"That the meeting be adjourned." CARRIED

The meeting adjourned at 9:15 p.m.