

**Present:** Mayor Mitchell  
Councillor Alexander  
Councillor Leahy  
Councillor Lee  
Councillor Mulcahy  
Councillor Newman  
Councillor Roy  
Councillor Shahid  
Councillor Yamada

**Also Present:** M. Gaskell, Chief Administrative Officer  
S. Beale, Commissioner of Public Works  
W. Mar, Commissioner of Legal and Enforcement Services/Town Solicitor  
K. Nix, Commissioner of Corporate Services/Treasurer  
J. Romano, Acting Commissioner of Community Services  
R. Saunders, Commissioner of Planning and Development  
S. Klein, Director of Strategic Initiatives  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

**Regrets:** None noted

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Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

## **Planning and Development**

## **Councillor Roy assumed the Chair.**

### **1. Presentations**

#### **1.1 There were no presentations.**

### **2. Delegations**

#### **2.1 Dave Kelly**

Re: Planning and Development Department Report, PL 96-19  
Zoning By-law Amendment Application, 143 Garrard Road, Toronto-  
Guild Investments Ltd., File DEV-01-18 (Z-02-18)

#### **Refer to Item 4.1, PL 96-19**

Dave Kelly, 153 Garrard Road, appeared before Committee and advised that his objection to the application was related to the entrance to the proposed development. He stated that the layout of the complex would allow for a connection onto the future extension to Manning Road at the east end of the subject property. He inquired whether it would be better for the Town, the Region, and the developer to construct the first portion of the Manning Road extension and make an intersection at Garrard Road and Manning Road. He further inquired about the cost of the temporary interim access road in comparison to the cost associated with property damage or personal injury.

A question and answer period ensued between Members of Committee and Mr. Kelly regarding:

- clarification on the construction of the Manning Road extension; and,
- whether the primary concerns of the delegate were access and traffic.

#### **2.2 Steve Konoby**

Re: Planning and Development Department Report, PL 96-19  
Zoning By-law Amendment Application, 143 Garrard Road, Toronto-  
Guild Investments Ltd., File DEV-01-18 (Z-02-18)

#### **Refer to Item 4.1, PL 96-19**

Steve Konoby, 151 Garrard Road, appeared before Committee and raised concerns regarding traffic and safety. He advised that he had reviewed the Traffic Impact Study, and noted that the study meets the criteria for this type of development and that Garrard Road could handle the increase of traffic. He stated that the study did not mention the flow

of traffic during certain times of the day or the crosswalks located on Manning Road and Garrard Road for Dr. Robert Thornton Public School and St. Paul Catholic School. He noted that a by-law prohibiting on-street parking near Dr. Robert Thornton Public School was passed a couple of years ago which has resulted in more students walking to school. He referenced photographs, previously submitted to the Office of the Town Clerk, that he took from his driveway after children were in school, noting the number of vehicles that were backed up from the intersection of Garrard Road and Manning Road. Mr. Konoby raised concerns about the traffic impact of an additional 20 to 40 cars exiting from the proposed development and the safety of pedestrians walking to and from school. He stated that the report indicated that the proposed development would not set a precedent and would exist in harmony with the existing neighbourhood, and inquired when and where in Whitby homes have been permitted to be built sideways beside existing houses. He expressed concerns about the lack of communication and engagement by the developer with the neighbours and Members of Council. He stated that many of the residents were not opposed to development, but that they wanted less density and less intensification in order for the development to be compatible with the neighbourhood. He noted that the original proposal and subsequent revisions to the proposal were all recommended for approval by staff, and that this has led residents to believe that development would occur and that the only question was about the number of units that would be built. He urged the Committee not to approve the development in its current form.

A question and answer period ensued between Members of Committee and Mr. Konoby regarding:

- the timing of the Traffic Impact Study;
- whether there had been engagement by the applicant with residents in the area;
- environmental concerns and the impact to wildlife in the area;
- the possibility of an alternate entry and exit to and from the proposed development to reduce traffic congestion;
- the compatibility of the development with the current neighbourhood; and,
- traffic and pedestrian safety concerns.

## **2.3 Tracy Murray**

Re: Planning and Development Department Report, PL 96-19  
Zoning By-law Amendment Application, 143 Garrard Road, Toronto-Guild Investments Ltd., File DEV-01-18 (Z-02-18)

**Refer to Item 4.1, PL 96-19**

Tracy Murray, 151 Garrard Road, appeared before Committee and advised that her property was located adjacent to the proposed development. She stated that she and residents in the area were opposed to the proposed development and requested that the Committee deny the application. She further stated that over 100 residents attended previous meetings, that there were 34 written submissions, as well as a petition with 147 signatures submitted to the Town. She commented on the developer not listening to the community's request for detached homes or concerns about traffic and over intensification, noting that the number of townhouses had only been reduced by two. She noted that a number of residents were not in attendance at this meeting as they felt the concerns raised by the public were not being taken seriously by the developer. Ms. Murray advised that she would still like to see an alternate entrance and exit to and from the development. She suggested that the developer should be responsible for creating an alternate entrance/exit at the intersection of Manning Road and Garrard Road, noting that constructing a temporary road would increase public safety and reduce traffic concerns. She commented on the over intensification of land regulated by the Central Lake Ontario Conservation Authority and designated by Whitby's Official Plan as major open space, and stated that development should not take place on these lands. Ms. Murray advised that she had previously requested that a wooden fence be installed on the north side of the subject property, but that she had not heard or seen any documentation about a timeline associated with the construction of the fence. She requested that either staff or the developer contact her and her adjoining neighbours directly regarding the installation of the fence. She further advised that 50 trees and shrubs would be removed from the property and requested that tree replacement be required. Ms. Murray inquired about garbage disposal, storage and collection, the type and style of street lighting that would be used, whether the lights would be on all the time, and mitigation of light pollution for surrounding neighbours. She mentioned the wildlife in her back yard and in the neighbourhood, noting that a representative for the development previously spoke about minimizing environmental impact, but failed to mention the barn swallows and bats found in the Environmental Impact Study.

A question and answer period ensued between Members of Committee and Ms. Murray regarding:

- whether a second access point would be acceptable should the application be approved; and,
- traffic and safety concerns.

## **2.4 Peter VanderZwet**

Re: Planning and Development Department Report, PL 96-19  
Zoning By-law Amendment Application, 143 Garrard Road, Toronto-  
Guild Investments Ltd., File DEV-01-18 (Z-02-18)

**Refer to Item 4.1, PL 96-19**

Peter VanderZwet, 184 Garrard Street, appeared before Committee and stated that the Committee should not permit development on the property. He advised that he had to widen his driveway in order to turn his vehicle around to access Garrard Road as it was impossible to back out of his driveway due to traffic congestion. He stated that he has witnessed as many as 50 vehicles backed up on Garrard Road and has counted as many as 100 vehicles pass by his property in a 15 minute period. Mr. VanderZwet inquired about the time of day the Traffic Impact Study was undertaken. He stated that future development at the northwest corner of Taunton Road and Garrard Road as well as this development would exacerbate traffic congestion on Garrard Road.

A brief question and answer period ensued between Members of Committee and Mr. VanderZwet regarding whether the extension of Manning Road to Adelaide Avenue would improve traffic congestion and the impact that the noise from air conditioners would have on neighbours.

**2.5 Kevin and Sheila Lees**

Re: Planning and Development Department Report, PL 96-19  
Zoning By-law Amendment Application, 143 Garrard Road, Toronto-  
Guild Investments Ltd., File DEV-01-18 (Z-02-18)

**Refer to Item 4.1, PL 96-19**

Kevin and Sheila Lees, 18 Burnage Lane, appeared before Committee and stated that the extension of Manning Road to Adelaide Avenue should be completed for the purpose of emergency vehicle access, but that there should not be development on the extension. Mr. Lees stated that there was enough intensification occurring in Whitby and that the subject property should not be developed.

A brief question and answer period ensued between Members of Committee and Mr. and Mrs. Lees regarding traffic on Garrard Road.

**2.6 Natalie Afonso**

Re: Planning and Development Department Report, PL 96-19  
Zoning By-law Amendment Application, 143 Garrard Road, Toronto-  
Guild Investments Ltd., File DEV-01-18 (Z-02-18)

**Refer to Item 4.1, PL 96-19**

When called upon, Ms. Afonso was not in attendance to make a delegation to the Committee.

**2.7 Mark Janzen and Joe Costa representing Toronto-Guild Investments Limited**

Re: Planning and Development Department Report, PL 96-19  
Zoning By-law Amendment Application, 143 Garrard Road, Toronto-Guild Investments Ltd., File DEV-01-18 (Z-02-18)

**Refer to Item 4.1, PL 96-19**

Mark Janzen and Joe Costa, representing Toronto-Guild Investments Limited, appeared before Committee to answer questions regarding:

- the rationale for not holding a community meeting;
- revisions made to the proposal including increasing the number of semi-detached dwelling units and reducing the number of block townhouse dwelling units;
- fencing and the berm on the north side of the property;
- mitigation measures to address environmental and wildlife impacts;
- the timing and results of the Traffic Signal Warrant Study at Garrard Road and Manning Road;
- the results of the Traffic Impact Study, the Environmental Impact Study, and the Noise Assessment;
- details related to right-in/right-out access to the development as part of the Manning Road to Adelaide Avenue connection;
- whether there was a willingness to meet with area residents to address their concerns; and,
- whether the proponent was in support of the interim temporary access road.

It was the consensus of the Committee to hear Item 4.1, PL 96-19, at this time.

**2.8 Marilyn Oates**

Re: Planning and Development Department Report, PL 91-19  
DEV-04-17, Draft Plan of Subdivision Application SW-2017-08 and  
Zoning By-law Amendment Application Z-19-17, Winash Developments Limited, 5550 Baldwin Street South and a Portion of 145 Winchester Road West

**Refer to Item 4.2, PL 91-19**

Marilyn Oates, 27 Watford Street, appeared before Committee and raised concerns regarding the spruce trees on the Ministry of Transportation (MTO) land located at the southwest corner of Winchester Road and Baldwin Street. She advised that the spruce trees were planted in the 1940s by children who were members of the 4-H Club. She stated that the trees were a heritage feature in Brooklin. She further stated that she wanted to ensure that the trees were inventoried and preserved. Ms. Oates suggested incorporating the trees into the development by way of a path through the trees and to include a historical plaque explaining their significance. She commented on the opportunity for the MTO, the developer and the Town to promote the history of the Town and their dedication to the natural environment by recognizing that trees, as well as buildings, have historical and heritage significance.

A brief question and answer period ensued between Members of Committee and Ms. Oates regarding the type, location, and number of trees.

**2.9 Jason Naagel**

Re: Planning and Development Department Report, PL 91-19  
DEV-04-17, Draft Plan of Subdivision Application SW-2017-08 and  
Zoning By-law Amendment Application Z-19-17, Winash Developments  
Limited, 5550 Baldwin Street South and a Portion of 145 Winchester  
Road West

**Refer to Item 4.2, PL 91-19**

Jason Naagel, 23 Ferguson Avenue, appeared before Committee and stated that he was not opposed to the development, but that he was concerned about the traffic impact that the development would have on Ferguson Avenue. He provided detailed information regarding communication over the past year with Members of Council and Town Staff with respect to the 2016 Environmental Assessment (EA) for Ferguson Avenue. He stated that the EA would ultimately inform the design of the intersection of Ferguson Avenue and Highway 7. Mr. Naagel noted that his purpose in attending Committee meetings was to try to influence the design so that there were fewer vehicles travelling on Ferguson Avenue, and to request measures to restrict cut-through traffic. He advised that correspondence from the Town regarding this matter described a restricted signalization which would prevent southbound and northbound movements through the intersection, but that it did not mention the prevention of left-hand turns from southbound traffic on Ferguson Avenue. He further advised that the correspondence



indicated that the intersection proposal was to be incorporated into the evaluation options for Ferguson Avenue and would be presented for discussion at a Public Information Centre (PIC) in the fall of 2019. Mr. Naagel advised that since he had not received notification for the PIC, he contacted Town Staff who advised that it had been postponed until 2020. He stated that he received the notice for the Staff Report PL 91-19, and noted that report referenced right-in/right-out access on Ferguson Avenue, as well as noting that the distances between intersections and the spacing of intersections would not be consistent with policy. He stated that he believed that the proposal for the restricted signalization at Ferguson Avenue and Highway 7 should be rejected. The report also indicated that the EA for Ferguson Avenue was ongoing and that there was still a potential for a partial or full closure of Ferguson Avenue. Mr. Naagel further inquired whether an alternate proposal for the closure of Ferguson Avenue could be submitted should the proposal for restricted signalization be rejected.

**2.10** Andy Barrington

Re: Planning and Development Department Report, PL 91-19  
DEV-04-17, Draft Plan of Subdivision Application SW-2017-08 and  
Zoning By-law Amendment Application Z-19-17, Winash Developments  
Limited, 5550 Baldwin Street South and a Portion of 145 Winchester  
Road West

**Refer to Item 4.2, PL 91-19**

Andy Barrington, 25 Ferguson Avenue, appeared before Committee and stated that his concerns were similar to those expressed by the previous delegate. He advised that he was opposed to the approval of the Draft Plan of Subdivision because the plan failed to address traffic concerns on Ferguson Avenue. He noted that the report did not mention how southbound traffic on Ferguson Avenue would be addressed and that the MTO has only agreed in principle to reduced access from Winchester Road for northbound traffic on Ferguson Avenue. Mr. Barrington further noted that the restricted signalization was not referenced within the report, that the Ferguson Avenue EA was not complete, and that it appeared as though the Town was relying on the MTO to develop a solution. He requested that the Committee deny the approval of the Draft Plan of Subdivision.

**2.11** Bryce Jordan representing Winash Developments (Fieldgate)

Re: Planning and Development Department Report, PL 91-19  
DEV-04-17, Draft Plan of Subdivision Application SW-2017-08 and  
Zoning By-law Amendment Application Z-19-17, Winash Developments  
Limited, 5550 Baldwin Street South and a Portion of 145 Winchester



Road West

**Refer to Item 4.2, PL 91-19**

Bryce Jordan, representing Winash Developments (Fieldgate), appeared before Committee and commented on working with the MTO, noting that the MTO had indicated that any communication from the developer should take place via the Planning and Development Department. He advised that the proponent and Town Staff have been able to coordinate efforts to deal with matters of drainage which were necessary prior to zoning by-law amendment approval and that they would continue to work with staff. He noted that the trees mentioned by a previous delegate belong to the MTO and that decisions could not be made with respect to those trees at this time. Mr. Jordan advised that obtaining draft approval was essential to continue to move forward with this project. He further advised that the MTO has verbally agreed to restricted access with signalization at Ferguson Avenue and Winchester Road, noting that his clients road would align with Ferguson Avenue, but would not contribute to traffic going north/south on Ferguson Avenue should that option be selected through the EA. Mr. Jordan requested the Committee approve the Draft Plan of Subdivision.

3. Correspondence

**3.1** There was no correspondence.

4. Staff Reports

**4.1** Planning and Development Department Report, PL 96-19  
Re: Zoning By-law Amendment Application, 143 Garrard Road, Toronto-Guild Investments Ltd., File DEV-01-18 (Z-02-18)

A detailed question and answer period ensued between Members of Committee and Staff regarding:

- whether staff recommend a temporary interim access road via the Region's right-of-way connecting to the intersection of Manning Road and Garrard Road and whether the cost of the temporary interim access road would be considered significant relative to the profitability of the project;
- the timeline associated with the Manning Road to Adelaide Avenue extension;
- how the Region would monitor the need for traffic signals at the intersection of Garrard Road and Manning Road and the timeline for the installation of traffic signals once the need was established;

- the timeline for construction of the wooden fence along the north side of the site;
- whether the Town has control over design elements associated with the proposed development;
- whether trees removed from the site would be replaced;
- the type of street lighting;
- existing developments in Whitby similar to the proposed development and whether the proposed development would set a precedent for future development in the area;
- details surrounding the construction of the right-in/right-out access to the site from Garrard Road and the possibility of creating a turning lane into the site;
- whether an increase in traffic was anticipated on Garrard Road and on Thornton Road following the Dryden Boulevard connection and whether this was considered as part of the Traffic Impact Study;
- the timing for completion of the proposed development and timing of the Manning Road to Adelaide Avenue extension;
- the possibility of U-turns occurring on Garrard Road and nearby streets due to the future right-in/right-out access on Garrard Road; and,
- clarification about warranted versus unwarranted traffic signalization at the intersection of Manning Road and Garrard Road.

Recommendation:

Moved By Councillor Alexander

1. That Council approve an amendment to Zoning By-law # 1784 (application Z-02-18) subject to the conditions contained in Report PL 96-19;
2. That a Zoning By-law Amendment be brought forward for consideration by Council;
3. That a future right-in/right-out access to the Manning Road-Adelaide Avenue extension be required in conjunction with the design and construction of the new Regional road; and,
4. That item MD-4834 be removed from the New and Unfinished Business List.

**Motion Lost**

**Note: Further to Item 5.1, the disposition of this matter was determined through the following motion.**

Recommendation:

Moved By Councillor Shahid

That the amendment to Zoning By-law # 1784 for 143 Garrard Road be denied.

**Carried**

It was the consensus of the Committee to take a short recess.

The Committee recessed at 8:25 p.m. and reconvened at 8:36 p.m.

It was the consensus of the Committee to hear Item 2.8, Delegation by Marilyn Oates, at this time.

- 4.2** Planning and Development Department Report, PL 91-19  
Re: DEV-04-17, Draft Plan of Subdivision Application SW-2017-08 and Zoning By-law Amendment Application Z-19-17, Winash Developments Limited, 5550 Baldwin Street South and a Portion of 145 Winchester Road West

Discussion ensued between Members of the Committee regarding:

- rescinding delegated authority for site plan approval;
- the importance of residential and employment growth in Brooklin to achieve a balanced community;
- the location of the development and access to transit; and,
- clarification regarding the status of Ferguson Avenue, noting that it was a separate issue from the Staff Report and that the EA and design details were ongoing.

Recommendation:

Moved By Councillor Lee

1. That Council approve the Draft Plan of Subdivision (File SW-2017-08) subject to the comments included in Planning Report PL 91-19 and the conditions of draft plan approval included in Attachment #8;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
4. That the Clerk forward a Notice to those parties and agencies

- who requested to be notified of Council's decision;
5. That Council approve the amendment to Zoning By-law 1784, (File Z-19-17) as outlined in Planning Report No. PL 91-19; and,
  6. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council at such time as the conditions outlined in Attachment #9 have been met.

**Carried**

**4.3** Planning and Development Department Report, PL 92-19  
Re: Sign By-law Variance to Permanent Sign By-law for 516 Brock Street North (Tim Hortons), File No. SB-04-19

Discussion ensued between Members of the Committee and Staff regarding:

- prohibiting digital signs within the boundaries of Downtown Whitby through the Permanent Sign By-law;
- the subject property being within the boundary of Downtown Whitby;
- the replacement of a menu board sign and pre-sell board with digital signs;
- clarification on the prohibition of digital signs within the downtown boundaries and the definition of projecting signs; and,
- clarification on the type and location of the sign to be replaced.

Recommendation:

Moved By Councillor Leahy

That Council approve a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for Tim Hortons at 516 Brock Street North, to permit a digital menu board sign.

**Note: Consideration of this matter, Item 4.3, was deferred until later in the meeting to allow staff to obtain additional information, and upon resuming consideration of PL 92-19, the disposition of this matter was determined through the referral motion below.**

Recommendation:

Moved By Mayor Mitchell

That PL 92-19 be referred to staff to provide additional information about restrictions related to digital signage within the downtown boundaries.

**Carried**

- 4.4** Planning and Development Department Report, PL 93-19  
Re: Sign By-law Variance to Permanent Sign By-law for 5899 Baldwin Street South (Petro-Canada), File No. SB-05-19

A brief discussion ensued between Members of the Committee regarding the addition of a pylon sign on the property and whether two pylon signs were necessary to identify the site as a gas station.

Recommendation:

Moved By Councillor Leahy

That Council approve a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for Petro-Canada at 5899 Baldwin Street South, to permit an additional pylon sign.

**Motion Lost**

- 4.5** Planning and Development Department Report, PL 95-19  
Re: Sign By-law Variance to Permanent Sign By-law for 175 Consumers Drive (Kelseys), File No. SB-06-19

Recommendation:

Moved By Councillor Leahy

That Council approve a variance to the Town of Whitby Permanent Sign By-law # 7379-18 for Kelseys at 175 Consumers Drive, to permit sign 'A' to be 1.8 metres above grade and sign 'B' to be 1.7 metres above grade.

**Carried**

- 4.6** Planning and Development Department Report, PL 97-19  
Re: DEV-22-19, Site Plan Application SP-11-19, Rogers Communications Inc., 1801 Dundas Street East

A question and answer period ensued between Members of Committee and Staff regarding:

- the proposed location of the telecommunications tower and

- whether there were any objections to the location;
- whether public notification took place regarding the tower;
- if Rogers Communications Inc. would rent the space for the tower and the benefits of the tower at this location; and,
- how the location for the tower was determined and whether any other sites were considered.

Recommendation:

Moved By Councillor Newman

1. That Council approve the Site Plan for a Rogers telecommunication tower at 1801 Dundas Street East (Application SP-11-19), subject to the conditions of approval set out in Attachment #8 of Planning Report PL 97-19; and,
2. That the proponent and property owner enter into a Letter of Undertaking with the Town.

**Carried**

- 4.7** Planning and Development Department Report, PL 98-19  
Re: Draft Plan of Condominium, Mattamy Homes (Block 180, Plan 40M-2648, File No. CW-2019-01

Recommendation:

Moved By Councillor Shahid

1. That Council approve the application for a Draft Plan of Condominium (CW-2019-01) subject to the comments included in Planning Report PL 98-19 and the conditions of draft plan approval included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement for the subject property; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham of Council's decision.

**Carried**

It was the consensus of the Committee to resume consideration of Item 4.3, PL 92-19, at this time.

5. New and Unfinished Business - Planning and Development

- 5.1** Planning and Development Department Report, PL 96-19  
Re: Zoning By-law Amendment Application, 143 Garrard Road, Toronto-Guild Investments Ltd., File DEV-01-18 (Z-02-18)

Recommendation:

Moved By Councillor Leahy

That the rules of procedure be suspended to allow the Committee to consider an additional motion with respect to Item 4.1, PL 96-19.

**Carried**

**Note: Refer to Item 4.1, PL 96-19 for the additional motion pertaining to this matter.**

## **Adjournment**

Motion to Adjourn

Recommendation:

Moved By Councillor Alexander

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:23 p.m.

## **Advisory Committee Minutes – For Information Only**

- Whitby in Bloom Committee Minutes - November 12, 2019
- Heritage Whitby Advisory Committee Minutes - November 13, 2019