

MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITBY HELD FOLLOWING THE CONCLUSION OF THE PLANNING AND DEVELOPMENT COMMITTEE MEETING WHICH COMMENCED ON TUESDAY, SEPTEMBER 2, 2008 IN THE MEETING HALL OF THE WHITBY MUNICIPAL BUILDING AS CALLED BY THE HEAD OF COUNCIL

PRESENT: Mayor Perkins

Councillors Coe, Drumm, Emm, Mitchell, Pitchforth, Roy and Scott

Mayor Perkins in the Chair

ALSO PRESENT: R. S. Petrie, Chief Administrative Officer
R. Short, Director of Planning
S. Beale, Director of Public Works
P. LeBel, Director of Community & Marketing Services
S. Pohjola, Town Solicitor
P. Jones, Town Clerk
M. Pettit, Deputy Clerk

Mayor Perkins called the meeting to order at 12:15 a.m. on Wednesday, September 3, 2008.

1. DISCLOSURES OF INTEREST

Councillor Coe declared a pecuniary interest. He noted that the Ontario Realty Corporation (ORC) has a principle interest in the development application that is the subject of Planning Director's Report, Item 124-08, that ORC is an agency of the Ontario Government and he is an employee of the Ontario Government. He left the Chair and the Meeting Hall and did not take a part during the discussion or voting on Planning Director's Report, Item 124-08.

RESOLUTION 218-08

MOVED by Councillor Emm
Seconded by Councillor Coe

That Council meet after 11:30 p.m.

CARRIED BY A TWO THIRDS VOTE

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2. PLANNING AND DEVELOPMENT COMMITTEE

- 2.1 NORDEAGLE DEVELOPMENT LTD. (ECOPLACE Phase 1)
Whitby Official Plan Amendment (File OPA 2008-W/04) and Zoning Amendment Application (Z-05-08) – North East Corner of Victoria Street West and Montecorte Street (Refer to Planning Report, Item PL 121-08)
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RESOLUTION 219-08

MOVED by Councillor Coe
Seconded by Councillor Emm

COUNCIL DECISION

1. That Planning Report Item PL 121-08 be received for information;
2. That Council recommend approval by the Ontario Municipal Board of the Official Plan and Zoning By-law Amendment applications as submitted by Bousfields Inc. on behalf of Nordeagle Developments Ltd. (Ecoplace), to increase the maximum building height from 8 storeys to 20 storeys, for an office building complex with ancillary retail and personal service commercial uses located on lands immediate to the northeast corner of Montecorte Street and Victoria Street West, with appropriate zone provisions to permit the proposed development, subject to the comments and conditions outlined in Planning Report Item No. PL 121-08;
3. That the proposed Amendment No. 78 to the Whitby Official Plan as shown on Attachment #7 to Planning Report PL 121-08 be recommended for approval by the Ontario Municipal Board;
4. That a proposed Zoning By-law amendment be recommended for approval by the Ontario Municipal Board, subject to the comments and conditions outlined in Planning Report PL 121-08, and include:
 - i) permission for ancillary ground floor retail and personal service uses up to 10% of the total gross floor area to a maximum of 4,000 sq. m.;
 - ii) a 'H' – Holding provision pending execution of necessary agreement(s) required to secure any off-site improvements resulting from and arising strictly as a consequence of this specific zoning application Z-05-08 and required by the Town of Whitby and/or Region of Durham ;

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5. That the Clerk forward: the proposed Official Plan amendment; all Planning Reports; copies of the proposed by-law; minutes of all public meetings; written submissions; list of interested parties; and, other relevant materials and documentation to the Ontario Municipal Board and the Region of Durham; and
6. That the Clerk forward a copy of this resolution to the Region of Durham, the Ontario Municipal Board and those persons and agencies who had requested to be notified of Council's determination.

CARRIED WITHOUT AMENDMENT
ON A RECORDED VOTE AS FOLLOWS

YEAS

Councillor Coe
Councillor Drumm
Councillor Emm
Councillor Mitchell
Councillor Pitchforth
Councillor Scott
Mayor Perkins

NAYS

Councillor Roy

MOVED by Councillor Roy
Seconded by Councillor Mitchell

That the above motion be amended by adding the following:

That Council endorse the alternative conceptual development plan as shown on Attachment #10 to be reflected in the provisions of the recommended Zoning By-law amendment and any subsequent site plan application considerations;

MOTION LOST

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2.2 WHITBY BY THE LAKE INC.

Whitby Official Plan Amendment, Zoning By-Law and Proposed Plan of Subdivision (OPA 2006W/1, Z-16-08, SW-2006-01), Part of Lots 29 & 30, BFC
(Refer to Planning Report, Item PL 124-08)

Having declared a pecuniary interest, Councillor Coe left the Meeting Hall and did not take part during the discussion or voting on Planning Director's Report, Item 124-08.

RESOLUTION 220-08

MOVED by Councillor Emm
Seconded by Councillor Drumm

COUNCIL DECISION

1. That Council recommend approval by the Ontario Municipal Board of the application to amend the Town's Official Plan for File No. OPA-2006-W/1 in the form attached to Planning Report Item No. PL 124-08 as Attachment #10;
2. That Council recommend approval by the Ontario Municipal Board of the draft plan of subdivision for File No. SW-2006-01 in the form attached to Planning Report Item No. PL 124-08 and subject to the draft plan conditions attached as Attachments #7 and #11;
3. That Council recommend approval by the Ontario Municipal Board of the application to amend the Town's Zoning By-law 2585 for File No. Z-16-06 and that an appropriate by-law implementing the draft plan of subdivision for File No. SW-2006-01 be brought forward to the Ontario Municipal Board for approval;
4. That the Town's solicitor be directed to attend before the Ontario Municipal Board on the hearing of the appeals of the above matters in support of the applications;
5. That staff be authorized to prepare a subdivision agreement; and,
6. That the Mayor and Clerk be authorized to execute the subdivision agreement.

CARRIED

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3. NEW AND UNFINISHED BUSINESS

RESOLUTION NO. 221-08

MOVED by Mayor Perkins
Seconded by Councillor Coe

That Town staff through the Chief Administrative Office bring forward for Council's consideration and decision a report recommending a list of projects that might be undertaken in order to take advantage of the provincial government's recently announced \$4,952,416 infrastructure funding for Whitby, the report to include advice as to the opportunity for this money to alleviate pressure on the Town's budget and reduce the tax rate.

CARRIED

4. BY-LAWS

6096-08 By-law to designate the property composed of Block 1 on Registered Plan 40M-2335, Town of Whitby, as not being subject to part lot control.

RESOLUTION NO. 222-08

MOVED by Councillor Emm, Seconded by Councillor Drumm, that leave be granted to introduce By-law No. 6096-08, and to dispense with the reading of the by-law by the Clerk and that the same be considered read a first, second and third time and finally passed and that the Mayor and Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

By-law No. 6096-08, considered read a first, second and third time and finally passed.

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5. CONFIRMATORY BY-LAW NO 6097-08

RESOLUTION NO. 223-08

MOVED by Councillor Emm, seconded by Councillor Coe, that leave be granted to introduce a by-law and to dispense with the reading of the by-law by the Clerk to confirm the proceedings of the Council of the Town of Whitby at its special meeting held on September 3rd 2008, and that the same be considered read a first, second and third time and finally passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

CARRIED

6. ADJOURNMENT

RESOLUTION NO. 224-08

MOVED by Councillor Emm at 12:26 a.m., Wednesday, September 3, 2008
Seconded by Councillor Coe

That this September 3rd, 2008 Special Meeting of the Council of The Corporation of the Town of Whitby adjourn.

CARRIED

Paul Jones, Clerk

Patricia Perkins, Mayor