

Present: Mayor Mitchell
Councillor Drumm
Councillor Emm
Councillor Gleed
Councillor Leahy
Councillor Mulcahy
Councillor Roy (arrived at 7:04 pm)
Councillor Yamada

Also Present: R. Petrie, Chief Administrative Officer
W. Mar, Commissioner of Legal and By-law Services/Town Solicitor
T. Painchaud, Manager of Transportation & Parking Services
R. Short, Commissioner of Planning
C. Harris, Town Clerk
C.Bantock, Acting Legislative Coordinator

Regrets: None noted

1. Declarations of Pecuniary Interest

1.1 There were no declarations of pecuniary interest.

Resolution # 380-16

Moved By Councillor Gleed
Seconded By Councillor Mulcahy

That Council alter the order of the agenda for the purpose of hearing
Item 3.2 at this time

Carried

Council heard item 3.2 at this juncture.

2. Delegations/Presentations

- 2.1** Brian Moss representing Heathwood Homes
Re: Planning and Development Department
Report, PL 84-16 and West Whitby Zoning By-law # 7168-16

Brian Moss, representing Heathwood Homes, appeared before Council with respect to the West Whitby Zoning By-law. Mr. Moss stated that he was satisfied with all aspects of the residential area zoning but was making one recommendation as noted in his correspondence submitted to Council, to adjust the By-law to increase the square footage gross leasable retail and personal service floor space.

Discussion ensued with respect to retail/personal service floor space and the necessary parcel size.

- 2.2** Bryce Jordan representing West Whitby Land Owners Group
Re: Planning and Development Department
Report, PL 84-16 and West Whitby Zoning By-law # 7168-16

Bryce Jordan, representing West Whitby Land Owners Group, appeared before Council with respect to comments and request for modification to the West Whitby Zoning By-law. Mr. Jordan stated that he was pleased to see the By-law come forward. After having reviewed the final draft of the By-law, the West Whitby Landowners Group identified some modifications they would like Council to consider, however, there is an interest in the by-law being enacted at this meeting. Mr. Jordan's letter provided as correspondence to Council, and the requested changes to the By-law summarized therein, were reviewed by Mr. Jordan.

Discussion ensued with respect to:

- the changes requested in the letter from Mr. Jordan, and whether the proposed changes would ensure more flexibility in unit types for customers;
- the width of the road not being impacted as a result of an adjusted front yard setback;
- deferral of the By-law for further clarification and understanding; and,
- the front yard setback adjustment being set only as a minimum and not the standard.

3. Items for Consideration

- 3.1** Planning and Development Department Report, PL 84-16
Re: West Whitby Zoning By-law Amendment Implementing Five (5)
Draft Approved Plans of Subdivision (Heathwood Homes Whitby
Limited, SW-2011-01, Z-03-11; TFP Whitby Developments Inc. SW-

2013-02, Z-06-13; Lazy Dolphin Developments Inc., SW-2013-03, Z-12-13; West Whitby Holdings Inc., SW-2013-04, Z-11-13; and Chelseahill Development Inc., SW-2013-05, Z-13-13)

A discussion ensued with respect to:

- deferring parts of the by-law for further discussion between staff and developers, and the impact of amending sections of a comprehensive by-law;
- adjusting the residential portion of the by-law, generally dealing with setbacks, and referring the mixed use provisions to staff;
- the requirement for zoning by-laws to conform with the Official Plan before being enacted;
- increasing the square footage gross leasable retail and personal service floor space to 2,000m² from 1,500m²;
- safety concerns regarding the 3m setback and difficulty seeing beyond the house when entering or exiting driveways;
- setting a precedent for future requests for reduced setbacks if this by-law is passed; and,
- the the location of driveways in the rear and the front of units and the associated impact to required setbacks.

Resolution # 381-16

Moved By Councillor Emm
Seconded By Councillor Leahy

1. That Planning Report PL 84-16 be received for information

Carried later in the meeting [See following motion]

Resolution # 382-16

Moved By Councillor Roy
Seconded By Councillor Gleed

That the main motion be amended to include the following items:

2. That the final by-law be amended to include revisions as identified in attachments 1 to 6 of the correspondence from Bryce Jordan representing the West Whitby Landowners Group dated July 20/16; and,
3. That the mixed use and prestige employment zone regulations, being sections 14.5 and 14.6 of the by-law, be referred to staff for further discussions with the developers to report back in September, 2016.

The amended motion Carried on a recorded vote as follows:

	For	Against	Abstained
Councillor Joe Drumm	x		
Councillor Michael Emm	x		
Councillor Derrick Gleed	x		
Councillor Chris Leahy	x		
Councillor Elizabeth Roy	x		
Councillor Steve Yamada	x		
Mayor Don Mitchell		x	
Councillor Rhonda Mulcahy		x	
	6	2	0

The main motion as amended was then carried.

- 3.2** Planning and Development Department Report, PL 85-16
Re: Heritage Permit HP-01-16 - Demolition 95 Baldwin Street (HP-01-16)

Resolution # 383-16

Moved By Councillor Gleed
Seconded By Councillor Leahy

That Council approve Heritage Permit HP-01-16 for the demolition of both the single detached building and accessory garage at 95 Baldwin Street.

Carried

After hearing Item 3.2 Council returned to item 2.1 and considered the remainder of the agenda in the order listed.

4. By-laws
That the following by-law be passed:

- 4.1** By-law # 7168-16, being a by-law to amend By-law # 1784, as amended, being the Zoning By-law of the Town of Whitby. (Heathwood Homes Whitby Limited, SW-2011-01, Z-03-11; TFP Whitby Developments Inc. SW-2013-02, Z-06-13; Lazy Dolphin Developments Inc., SW-2013-03, Z-12-13; West Whitby Holdings Inc., SW-2013-04, Z-

11-13; and Chelseahill Development Inc., SW-2013-05, Z-13-13)
Refer to PL 57-15, PL 84-15, PL 82-15, PL 83-15 and PL 94-15

Resolution # 384-16

Moved By Councillor Emm
Seconded By Councillor Leahy

That leave be granted to introduce By-law # 7168-16, as amended, and to dispense with the reading of the by-law by the Clerk and that the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

5. Confirmatory By-law

5.1 Confirmatory By-law

Resolution # 385-16

Moved By Councillor Leahy
Seconded By Councillor Emm

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 July 21, 2016 and the same be considered read and passed and that the Mayor and the Clerk sign the same and the Seal of the Corporation be thereto affixed.

Carried

6. Adjournment

6.1 Motion to Adjourn

Resolution # 386-16

Moved By Councillor Leahy
Seconded By Councillor Gleed

That the meeting adjourn.

Carried

The meeting adjourned at 8:22 p.m.

Christopher Harris, Town Clerk

Don Mitchell, Mayor