

**Present:** Mayor Mitchell  
Councillor Drumm  
Councillor Leahy  
Councillor Lee (participating electronically)  
Councillor Mulcahy (participating electronically)  
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  
J. Romano, Commissioner of Community Services  
R. Saunders, Commissioner of Planning and Development  
D. Speed, Fire Chief  
H. Ellis, Executive Advisor to the Mayor (participating electronically)  
S. Klein, Director of Strategic Initiatives (participating electronically)  
A. McCullough, Director of Finance/Deputy Treasurer  
C. Harris, Director of Legislative Services/Town Clerk  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
H. Oerlemans,, Council and Committee Coordinator (Recording Secretary)

**Regrets:** None noted

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C. Harris, Town Clerk, advised that due to the ongoing COVID-19 pandemic, the Committee of the Whole meeting is being held in a hybrid meeting format, with a limited number of people attending in person and others attending virtually. Mr. Harris noted that written correspondence was submitted by the public regarding items on the agenda. He provided Members of Council with an overview of meeting etiquette and procedures with respect to conducting the meeting electronically.

## Call to Order

The meeting was called to Order at 7:30 p.m.

Call of the Roll: The Clerk

## Declarations of Pecuniary Interest

Councillor Leahy declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 4.5, Planning and Development Department Report, PL 41-20, Zoning By-law Amendment Application – 198 Des Newman Blvd., as his wife is a partner and part owner of Clinic Buildings (1979) Ltd.

Councillor Shahid declared a pecuniary interest under the Municipal Conflict of Interest Act regarding Item 4.4, Planning and Development Department Report, PL 40-20, Temporary Use Zoning By-law Amendment Application, 4618 Country Lane, Durham Islamic Centre, as her husband is a Board Member of Durham Islamic Centre.

## **Planning and Development** **Councillor Mulcahy assumed the Chair.**

### 1. Presentations

1.1 There were no presentations.

### 2. Delegations

2.1 Dr. Michael Pellegrino, Owner, Ray Abott, Architect, and Peter Cane, Municipal Design Engineer  
Re: Planning and Development Department Report, PL 38-20  
Zoning By-law Amendment Application, Dr. Michael Pellegrino, 121 Kendalwood Road, File: DEV-23-19 (Z-14-19)

Refer to Item 4.2, PL 28-20

Dr. Michael Pellegrino, Owner, Ray Abott, Architect, and Peter Cane, Municipal Design Engineer, addressed the Committee and advised that the Zoning By-law Amendment application requested an amendment of an R2 zoning designation to a designation that would allow for a one-storey mixed-use building with four non-residential units comprised of office and personal service space. He noted that the building had been designed in conjunction with Planning and Development Staff and that

residents had raised concerns regarding the amount of traffic, the speed of vehicular traffic along Hunter Street, and parking issues generated by the proposal. He further advised that the site would have an easement for traffic from Hunter Street to the north to alleviate exiting traffic concerns at a future date.

A question and answer period ensued between Members of Committee, Mr. Pellegrino, Mr. Abott, and Mr. Cane regarding:

- whether access from Kendalwood Road was possible;
- the number of parking spaces provided and the amount of anticipated trip traffic in and out of the parking lot;
- concerns related to the internal traffic flow through the site, particularly at night, and whether they were working to mitigate residents' concerns;
- implementing measures to designate the space as office and personal service use only;
- whether measures were being taken to reduce or restrict street parking on Hunter Street; and,
- whether alternatives had been considered to address concerns from residents about driveway access/congestion.

## **2.2 Alison and Brian Jimmo**

Re: Planning and Development Department Report, PL 38-20  
Zoning By-law Amendment Application, Dr. Michael Pellegrino, 121  
Kendalwood Road, File: DEV-23-19 (Z-14-19)

Refer to Item 4.2, PL 38-20

Alison and Brian Jimmo, 112 Hunter Street, appeared before the Committee and stated that the proposed Zoning By-law Amendment would not be consistent with the Official Plan which designated the subject land as a living area predominantly for housing purposes. Ms. Jimmo requested that a traffic study be conducted to address residents' concerns related to street parking, trip traffic, and traffic congestion on Hunter Street and that parking lot exits be reconsidered. She stated that the amendment application indicated a change in designation for the entire block rather than the subject land. Ms. Jimmo raised concerns regarding the storage and removal of garbage for the commercial sites.

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

- the amount of traffic experienced on Hunter Street;
- reducing the number of units within the proposed development;
- whether the proponent addressed residents' concerns after the September 30, 2019 Public Meeting; and,

- implementing measures to restrict hours for parking.

It was the consensus of the Committee to hear Item 4.2, PL 28-20, at this time.

- 2.3** Leticia Avanse representing Shared Tower Corp.  
Re: Planning and Development Department Report, PL 39-20  
Site Plan Approval Application, Shared Tower Corp., 855 Myrtle Road West, File: DEV-15-20 (SP-05-20)

Refer to Item 4.3, PL 39-20

Leticia Avanse, representing Shared Tower Corp., appeared before the Committee and advised that the proposal included a 65 metre self-support tower situated on the southeast side of the property. Ms. Avanse stated that the existing entrance located on Myrtle Road West would be used to access the tower. She further advised that the tower would increase cellular coverage in the rural area and the adjacent community to the northeast, and provided a coalition opportunity for cellular carriers to utilize a singular tower. Ms. Avanse stated that Shared Tower Corp. did not send out public notifications as there were no private properties within the 195 metre notification radius.

It was the consensus of the Committee to hear Item 4.3, PL 39-20, at this time.

- 2.4** Bryce Jordan representing Durham Islamic Centre Inc.  
Re: Planning and Development Department Report, PL 40-20  
Temporary Use Zoning By-law Amendment Application, 4618 Country Lane, Durham Islamic Centre, File DEV-25-19 (Z-16-19) [Revised]

Refer to Item 4.4, PL 40-20

Bryce Jordan, representing Durham Islamic Centre Inc., appeared before the Committee and advised that he had presented an application for a Temporary Use Zoning By-law Amendment at the November 4, 2019 Public Meeting. Mr. Jordon stated that he worked with Town Staff to address concerns regarding parking, water supply for fire, and septic. He further advised that staggered prayer times, monitoring the parking area, and providing shuttles could be used to prevent overloading of the parking area. He further stated that measures were being taken to minimize environmental impacts and site alterations in order to return the site to its original state following the three year temporary use zoning.

A question and answer period ensued between Mr. Bryce and Members

of the Committee regarding:

- locating a permanent site for the Durham Islamic Centre;
- measures that would be taken to prevent vehicles from becoming stuck in ditches and to manage on-street parking;
- returning the property back to its original state;
- the estimated trip generation for a congregation of this size;
- whether large events would be held on the property or at an off-site venue; and,
- staggering and increasing the number of prayer times to accommodate parking concerns and space limitations of the building.

**2.5** Matt Richard

Re: Planning and Development Department Report, PL 40-20  
Temporary Use Zoning By-law Amendment Application, 4618 Country Lane, Durham Islamic Centre, File DEV-25-19 (Z-16-19) [Revised]

Refer to Item 4.4, PL 40-20

Matt Richard, 4760 Country Lane, appeared before the Committee and stated concerns regarding the structural ability of the road handle the increased volume of vehicles and two lane traffic. Mr. Richard advised that the road presented safety concerns due to a lack of lane markings, street lights, and the blind spot at the entrance of the driveway. He stated that the interior space of the structure was inadequate to support the number of people using the building. Mr. Richard expressed concerns regarding meeting fire codes, emergency vehicle access, and whether the proposed parking spaces would accommodate the number of vehicles anticipated. He stated that the estimate of 1.6 persons per car would necessitate 86 parking spaces and requested that a traffic study be completed. Mr. Richard advised that the surrounding properties consisted of agricultural land and single-use family dwellings and expressed concerns regarding adverse effects of this proposal on surrounding properties.

A brief question and answer period ensued between Mr. Richard and Members of the Committee regarding whether placing limitations on the number of people that may visit the site at the same time would be an acceptable solution.

It was the consensus of the Committee to hear Item 4.4, PL 40-20, at this time.

**2.6** Steve Edwards and Jeff Warford representing Clinic Buildings (1979) Ltd.

Re: Planning and Development Department Report, PL 41-20  
Zoning By-law Amendment Application – 198 Des Newman Blvd., Clinic Buildings (1979) Ltd., File: DEV-08-20 (Z-07-20)

Refer to Item 4.5, PL 41-20

Steve Edwards and Jeff Warford, representing Clinic Buildings (1979) Ltd., appeared before the Committee and advised that they had reviewed the Staff Report and agreed with the recommendations. Mr. Edwards stated that the subject lands had been purchased from the Ministry of Transportation Ontario (MTO) and that they were now in the site plan review process and responding to comments.

3. Correspondence

**3.1** There was no correspondence.

4. Staff Reports

**4.1** Planning and Development Department Report, PL 37-20  
Re: Permanent Sign By-law Review and Van Horne Outdoor Proposal

Note: This report has been withdrawn and will be considered at the September 21, 2020 Committee of the Whole meeting.

**4.2** Planning and Development Department Report, PL 38-20  
Re: Zoning By-law Amendment Application, Dr. Michael Pellegrino, 121 Kendalwood Road, File: DEV-23-19 (Z-14-19)

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

- the amount of trip generation that could be expected from this size of development;
- the number of trips per hour required to warrant a traffic study;
- traffic calming measures that could be implemented in the broader community and along the Kendalwood Road corridor;
- whether the entrance for the commercial space could be reconsidered so that it would not negatively impact the residents living on Hunter Street;
- the safety concerns regarding an entrance on Kendalwood Road and the future provisions for an easement to the north; and,
- limiting street parking, and implementing time restrictions and no stopping along Hunter Street.

Recommendation:

Moved By Mayor Mitchell

1. That Council approve the amendment to Zoning By-law 1784, (File Z-14-19) as outlined in Planning Report No. PL 38-20; and,
2. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council.

**Carried**

It was the consensus of the Committee to hear Item 2.3, Delegation by Leticia Avanse representing Shared Tower Corp., at this time.

- 4.3** Planning and Development Department Report, PL 39-20  
Re: Site Plan Approval Application, Shared Tower Corp., 855 Myrtle Road West, File: DEV-15-20 (SP-05-20)

Recommendation:

Moved By Councillor Yamada

1. That Council approve the Site Plan Approval Application (File No. SP05-20) for a telecommunication tower at 855 Myrtle Road West, subject to the comments included in Planning Report PL 39-20; and,
2. That the proponent enter into a Letter of Undertaking with the Town and be responsible for the related fee.

**Carried**

It was the consensus of the Committee to hear Item 2.4, Delegation by Bryce Jordan representing Durham Islamic Centre Inc., at this time.

- 4.4** Planning and Development Department Report, PL 40-20  
Re: Temporary Use Zoning By-law Amendment Application, 4618 Country Lane, Durham Islamic Centre, File DEV-25-19 (Z-16-19)  
[Revised]

Having previously declared a conflict of interest, Councillor Shahid did not take part in the discussion or vote on the matter.

A question and answer period ensued between Members of the

Committee and Staff regarding:

- how the concerns regarding public health, fire safety, and the number of people attending the site would be resolved;
- whether consideration was given to overflow parking requirements;
- whether the safety concerns raised regarding traffic, parking, and environmental impacts had been considered;
- confirmation that conditions were in place to ensure that the site could function appropriately for the limited time that it would be in place; and,
- continuing to seek out a permanent location for the congregation.

Recommendation:

Moved By Councillor Newman

1. That Council approve an amendment to Zoning By-law #1784 to permit the temporary use of a place of worship, subject to the conditions contained in Report PL 40-20; and,
2. That a Zoning By-law Amendment be brought forward for consideration by Council.

**Carried**

It was the consensus of the Committee to hear Item 2.6, Delegation by Steve Edwards and Jeff Warford representing Clinic Buildings (1979) Ltd., at this time.

**4.5** Planning and Development Department Report, PL 41-20  
Re: Zoning By-law Amendment Application – 198 Des Newman Blvd.,  
Clinic Buildings (1979) Ltd., File: DEV-08-20 (Z-07-20)

Recommendation:

Moved By Councillor Roy

1. That Council approve an amendment to Zoning By-law 1784 (File No. Z-07-20) in accordance with Report PL 41-20; and,
2. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council.

**Carried**



5. New and Unfinished Business - Planning and Development

5.1 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

**General Government**

**Councillor Leahy assumed the Chair.**

6. Presentations

6.1 There were no presentations.

7. Delegations

7.1 There were no delegations.

8. Correspondence

8.1 There was no correspondence.

9. Staff Reports

9.1 Fire and Emergency Services Department Report, FR 02-20  
Re: Adoption of Two New Cost Recovery Programs – Motor Vehicle  
Collisions, Contaminated Equipment

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

- whether the at-fault designation of the non-resident driver would be determined at the time of arrest or court disposition;
- whether an acquittal of a non-resident driver would provide an opportunity to relieve them of the fees associated with the cost recovery program;
- the exclusion of costs for minor accidents with no injuries;
- the cost recovery practices of other municipalities located in the Region of Durham and the jurisdiction allowing for the cost recovery program;
- whether the owner of the vehicle or the at-fault driver would be held accountable for the cost recovery expenses; and,
- whether there was a process in place for the owner of the vehicle to dispute fees associated with cost recovery program.

Recommendation:

Moved By Councillor Drumm

1. That Whitby Fire and Emergency Services' motor vehicle collision (MVC) cost recovery program for municipal roadways (both Town and Regional Roads) be approved as outlined in Section 5 of this report;
2. That the cost recovery language from Section 5 of this report to require property and business owners to pay for the cost to replace equipment damaged or contaminated during an emergency response involving their property/business, be approved as outlined in Section 5 of this report;
3. That Schedule E of the Town's Fees and Charges by-law be amended to add several existing fees that were inadvertently omitted during the last cycle of updates to the bylaw; and,
4. That the Clerk be directed to bring forward a by-law to amend the Fees and Charges By-law # 7220-17 to give effect to the proposed changes contained in Report FR 02-20.

**Carried**

**9.2** Public Works Department Report, PW 23-20  
Re: Tire Recycling and Changes to Whitby's Curbside Special Collections Program

A brief question and answer period ensued between Members of the Committee and Staff regarding linking the 55 tire recycling locations to the Waste App.

Recommendation:

Moved By Councillor Drumm

That Public Works report PW 23-20 be received as information.

**Carried**

**10.** New and Unfinished Business - General Government

**10.1** New and Unfinished Business - General Government

There was no new and unfinished business.

## **Adjournment**

Motion to Adjourn

Recommendation:

Moved By Councillor Yamada

That the meeting adjourn.

**Carried**

The meeting adjourned at 9:40 p.m.