

Monday, February 11, 2013 at 1:30 p.m.
Council Chambers
395 Mulock Drive

For confirmation by Council
on March 4, 2013

The meeting of the Special Committee of the Whole was held on Monday, February 11, 2013 at 1:30 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Di Muccio (1:36 to 5:24 p.m.)
Councillor Emanuel (1:31 to 4:34; 5:09 to 5:24 p.m.)
Councillor Hempen
Councillor Kerwin
Councillor Sponga
Councillor Twinney
Councillor Vegh

Staff: R. N. Shelton, Chief Administrative Officer
I. McDougall, Commissioner of Community Services
A. Moore, Commissioner of Corporate Services
R. Prentice, Commissioner of Development and Infrastructure Services
E. Armchuk-Ball, Director of Legal Services/Municipal Solicitor
A. Brouwer, Director of Legislative Services/Town Clerk
J. Unger, Assistant Director of Planning
M. Plaunt, Senior Planner – Policy
L. Moor, Council/Committee Coordinator

The meeting was called to order at 1:31 p.m.

Mayor Van Bynen in the Chair.

**Moved by Councillor Twinney
Seconded by Councillor Kerwin**

THAT the order of the agenda be altered by including the following items for consideration:

DISTRIBUTION

Item 1 Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 dated February 11, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision – 17645 Yonge Street –Dwight Slessor Holdings Limited.

- Item 2 **Development and Infrastructure Services Report – Planning and Building Services Report 2013-09 dated February 11, 2013 regarding the Use of Holding (H) By-laws, the Secondary Plan and Section 37 (Bonusing) By-laws.**
- Item 3 **Replacement Pages Document to Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10.**

CARRIED

DECLARATIONS

None.

Councillor Di Muccio joined the meeting.

1. **SPECIAL COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 11, 2013 – ITEM 1
DEVELOPMENT AND INFRASTRUCTURE SERVICES AND CORPORATE
SERVICES/PLANNING AND BUILDING SERVICES AND LEGAL SERVICES JOINT
REPORT 2013-10
APPLICATION FOR ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF
SUBDIVISION – 17645 YONGE STREET – DWIGHT SLESSOR HOLDINGS LIMITED
PART LOT 96, CONCESSION 1, EAST SIDE OF YONGE STREET**

Deputations:

a) **Mr. Bill Chadwick**

Mr. Bill Chadwick, on behalf of the Shrink Slessor Square Resident's Group, addressed the Committee with a PowerPoint presentation outlining specific concerns related to the proposed development of the property known as 17645 Yonge Street.

**Moved by Councillor Vegh
Seconded by Councillor Emanuel**

THAT the PowerPoint presentation by Mr. Bill Chadwick, on behalf of the Shrink the Slessor Square Residents' Group regarding specific concerns related to the proposed development of the property known at 17645 Yonge Street be received.

CARRIED

b) **Mr. Gordon Prentice**

Mr. Gordon Prentice, resident, addressed the Committee with specific concerns associated with the application of proposed development of the property known as 17645 Yonge Street.

**Moved by Councillor Di Muccio
Seconded by Councillor Emanuel**

THAT the deputation by Mr. Gordon Prentice, resident, with specific concerns associated with the application of proposed development of the property known as 17645 Yonge Street be received.

CARRIED

The Senior Planner – Policy addressed the Committee providing details of the distributed replacement pages document of Development and Infrastructure Services/Planning and Building Services and Legal Services Report – Planning 2013-10 dated February 11, 2013 with respect to the Proposed Zoning By-law and Plan of Subdivision for the property known as 17645 Yonge Street.

The following is a summary of the discussion that ensued with respect to the proposed development of the property known as 17645 Yonge Street.

- Clarification regarding the process of site plan review and lifting of the holding provisions for the property.
- Clarification regarding transportation demand management issues and gridlock concerns; phased traffic impact studies; projected growth horizon numbers; traffic mitigation measures for Yonge Street corridor; traffic engineering practices; parameters associated with holding provision by-laws; and measures to address traffic congestion.
- Regional Municipality of York's role associated with the implementation of the Application.
- Phasing process of the proposed blocks of development; notification process; and implications associated with possible phasing changes within the application.
- Specifics surrounding construction of the retirement residence component of the proposed development.
- Ontario Municipal Board role and responsibilities.
- Ontario Municipal Board Chair should receive a complete and final copy document encompassing all amendments, revisions, corrections.

**Moved by Councillor Di Muccio
Seconded by Councillor Twinney**

THAT the Committee recess.

CARRIED

The Committee recessed at 3:11 p.m.

The Committee reconvened at 3:39 p.m.

The Municipal Solicitor addressed the Committee with proposed wording of Paragraph i) contained within the draft zoning by-law being “despite any phasing change, all requirements for the lifting of the ‘H’ provision remain applicable”; further, Regional Councillor Taylor requested further clarification.

Mr. Bill Chadwick requested another opportunity to speak to the Committee.

The Committee Members agreed to allow Mr. Chadwick another opportunity to speak.

Mr. Bill Chadwick

Mr. Chadwick requested that the Committee of the Whole postpone the decision on the Slessor Square application.

**Moved by Councillor Twinney
Seconded by Councillor Di Muccio**

THAT Item 2 on page 3 of the Replacement Pages Document to Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

“THAT prior to the lifting of the “H” for each phase, an Updated Traffic Impact Study and Parking Analysis, including Transportation Demand Management measures shall be submitted outlining which, if any, transportation improvements and/or modifications to density (addressed through the Site Plan process) are required to permit that phase to proceed, and to ensure parking is acceptable and Transportation Demand Management measures are implemented;”

AND THAT Section 11b) contained on Page 17 of Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

“THAT prior to the lifting of the “H” for each phase, an Updated Traffic Impact Study and Parking Analysis, including Transportation Demand Management measures shall be submitted outlining which, if any, transportation improvements and/or modifications to density (addressed through the Site Plan process) are required to permit that phase to proceed, and to ensure parking is acceptable and Transportation Demand Management measures are implemented all to the satisfaction of the Town and Region.”

CARRIED

**Moved by Councillor Kerwin
Seconded by Councillor Vegh**

THAT the paragraph contained under “Public Comment” on Page 6 of Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 regarding the projected growth rate be replaced with the following:

“With respect to Mr. Chadwick’s comment regarding the 0.5% projected growth rate, the Region has confirmed through the meeting of the traffic experts, that this is an appropriate rate at this time. The rate will be required to be tested with each Updated Traffic Impact Study, as required by the recommended Holding provisions.”

CARRIED

**Moved by Regional Councillor Taylor
Seconded by Councillor Sponga**

THAT Committee of the Whole recess.

CARRIED

The Committee recessed at 4:34 p.m.

The Committee reconvened at 5:03 p.m. with Councillor Emanuel absent.

The Municipal Solicitor addressed the Committee with proposed wording for Section 11i) contained within the draft zoning by-law by adding the word “Council” after the word “Town”.

**Moved by Regional Councillor Taylor
Seconded by Councillor Sponga**

THAT Section 11i) contained on Page 19 of Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

“No amendment to this By-law is required should it be determined, to the satisfaction of the Town Council and/or Region, as the case may be, that the timing of any of the transportation improvements or their linkage to certain Blocks of the development should be revised, provided such changes are supported by the appropriate studies also prepared to the satisfaction of the Town, and where applicable the Region.”

CARRIED

**Moved by Councillor Vegh
Seconded by Councillor Kerwin**

THAT Section e) contained on Page 18 of the Replacement Pages Document be deleted in its entirety.

CARRIED

**Moved by Regional Councillor Taylor
Seconded by Councillor Twinney**

THAT Section 9 of the draft Zoning By-law Holding Provisions as contained within Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

“THAT prior to lifting the “H” on each phase, a site plan for the applicable phase is required demonstrating to the Town’s satisfaction how the density, Development Standards of the Zoning By-law, urban design policies and principles, including demonstration of how best practices in effect at that time are met; and a Site Plan Agreement shall be entered into between the Owner of the lands and the Town of Newmarket, and the performance security contemplated therein posted”.

CARRIED

**Moved by Councillor Sponga
Seconded by Councillor Twinney**

THAT Paragraph 21 contained on Page 25 of the Replacement Pages Document be replaced with the following:

- 21. The owner acknowledges that the Town intends to provide public notice in the normal manner at the time Council considers the lifting of the Holding provision(s). The Town and owner do not intend to create a right of appeal where one does not exist under the *Planning Act*.**

CARRIED

**Moved by Regional Councillor Taylor
Seconded by Councillor Vegh**

THAT all the amendments to the holding provisions of the draft zoning by-law be incorporated into Appendix B – Part 2 of the Minutes of Settlement.

CARRIED

FOR CLARIFICATION PURPOSES, AMENDMENTS TO INFRASTRUCTURE SERVICES AND CORPORATE SERVICES/PLANNING AND BUILDING SERVICES AND LEGAL SERVICES JOINT REPORT 2013-10 READ AS FOLLOWS:

THAT Item 2 on page 3 of the Replacement Pages Document to Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

THAT prior to the lifting of the “H” for each phase, an Updated Traffic Impact Study and Parking Analysis, including Transportation Demand Management measures shall be submitted outlining which, if any, transportation improvements and/or modifications to density (addressed through the Site Plan process) are required to permit that phase to proceed, and to ensure parking is acceptable and Transportation Demand Management measures are implemented.

AND THAT Section 11b) contained on Page 17 of Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

THAT prior to the lifting of the “H” for each phase, an Updated Traffic Impact Study and Parking Analysis, including Transportation Demand Management measures shall be submitted outlining which, if any, transportation improvements and/or modifications to density (addressed through the Site Plan process) are required to permit that phase to proceed, and to ensure parking is acceptable and Transportation Demand Management measures are implemented all to the satisfaction of the Town and Region.

THAT the paragraph contained under “Public Comment” on Page 6 of Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 regarding the projected growth rate be replaced with the following:

With respect to Mr. Chadwick’s comment regarding the 0.5% projected growth rate, the Region has confirmed through the meeting of the traffic experts, that this is an appropriate rate at this time. The rate will be required to be tested with each Updated Traffic Impact Study, as required by the recommended Holding provisions.

THAT Section 11i) contained on Page 19 of Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

No amendment to this By-law is required should it be determined, to the satisfaction of the Town Council and/or Region, as the case may be, that the timing of any of the transportation improvements or their linkage to certain Blocks of the development should be revised, provided such changes are supported by the appropriate studies also prepared to the satisfaction of the Town, and where applicable the Region.

THAT Section e) contained on Page 18 of the Replacement Pages Document be deleted in its entirety.

THAT Section 9 of the draft Zoning By-law Holding Provisions as contained within Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report 2013-10 be replaced with the following:

THAT prior to lifting the “H” on each phase, a site plan for the applicable phase is required demonstrating to the Town’s satisfaction how the density, Development Standards of the Zoning By-law, urban design policies and principles, including demonstration of how best practices in effect at that time are met; and a Site Plan Agreement shall be entered into between the Owner of the lands and the Town of Newmarket, and the performance security contemplated therein posted.

THAT Paragraph 21 contained on Page 25 of the Replacement Pages Document be replaced with the following:

21. The owner acknowledges that the Town intends to provide public notice in the normal manner at the time Council considers the lifting of the Holding provision(s). The Town and owner do not intend to create a right of appeal where one does not exist under the *Planning Act*.

THAT all the amendments to the holding provisions of the draft zoning by-law be incorporated into Appendix B – Part 2 of the Minutes of Settlement.

Councillor Emanuel arrived at 5:09 p.m.

**Moved by Councillor Vegh
Seconded by Councillor Twinney**

THAT Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report – Planning – 2013-10 dated February 11, 2013 regarding the Application for Zoning By-law Amendment and Draft Plan of Subdivision submitted by Dwight Slessor Holdings Limited for lands located at 17645 Yonge Street, as amended, be received and the following recommendations, as amended, be adopted:

1. THAT Development and Infrastructure Services and Corporate Services/Planning and Building Services and Legal Services Joint Report – Planning – 2013-07 dated February 4, 2013 regarding the Application for Zoning By-law Amendment and Draft Plan of Subdivision submitted by Dwight Slessor Holdings Limited for lands located at 17645 Yonge Street be received;
2. AND THAT Council not support the original Zoning By-law Application filed, as amended, in September 2011;
3. AND THAT Council support the Application for Zoning By-law Amendment as amended, in accordance with the Zoning By-law and the applicable Holding provisions as set out in Appendix A – Recommended Zoning By-law; as amended at the Special Committee of the Whole meeting of February 11, 2013;

4. **AND THAT Council support in principle the Draft Plan of Subdivision, subject to a final Plan of Subdivision being provided to the Town for approval and subject to the applicable Conditions of Draft Plan Approval;**
5. **AND THAT Council direct legal counsel and staff to enter into Minutes of Settlement addressing applicable outstanding issues generally as outlined, but not limited to those identified in Appendix B to be communicated to the Ontario Municipal Board at the Settlement hearing scheduled for February 19, 2013;**
6. **AND THAT Council direct staff and legal counsel to continue to work with the proponent, the commenting agencies and the residents toward the resolution of any outstanding issues remaining in advance of the OMB hearing scheduled for February 19, 2013 and/or April 11, 2013 with a view to resolving such issues. Any changes to the issues will be reported to Council, and the parties and participants;**
7. **AND THAT the parties and the participants to the Ontario Municipal Board hearing be notified of this position.**

CARRIED

**2. SPECIAL COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 11, 2013 – ITEM 2
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
PLANNING AND BUILDING SERVICES 2013-09
HOLDING BY-LAWS, SECONDARY PLAN AND SECTION 37 (BONUSING) BY-LAWS**

Development and Infrastructure Services Report – Planning and Building Services 2013-09 dated February 11, 2013 regarding Holding By-laws, Secondary Plan and Section 37 (Bonusing) By-laws.

**Moved by Councillor Sponga
Seconded by Councillor Emanuel**

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-09 dated February 11, 2013 regarding the use of Holding (H) by-laws, the Secondary Plan and Section 37 (Bonusing) by-laws be received.

CARRIED

**Moved by Councillor Kerwin
Seconded by Councillor Twinney**

THAT Committee of the Whole resolve into a closed session for the purpose of discussing personal matters about an identifiable individual, including municipal employees or local board employees.

CARRIED

The Committee resolved into a Closed Session at 5:11 p.m.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee resumed into public session at 5:23 p.m.

**3. SPECIAL COMMITTEE OF THE WHOLE MINUTES – FEBRUARY 11, 2013 – ITEM 3
MEMORANDUM – RECRUITMENT FOR COMMITTEE VACANCY
ITEM 1 OF SPORTS HALL OF FAME COMMITTEE MINUTES OF FEBRUARY 5, 2013**

Memorandum dated February 6, 2013 from the Deputy Clerk regarding Recruitment for Committee Vacancy and Item 1 of the Sports Hall of Fame Committee Minutes of February 5, 2013 regarding Replacement Committee Member.

**Moved by Councillor Emanuel
Seconded by Councillor Kerwin**

THAT an additional committee member from the current roster of applicants be selected and brought forward to Council for approval on February 11, 2013.

CARRIED

**Moved by Councillor Sponga
Seconded by Councillor Hempen**

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 5:24 p.m.

Mayor Van Bynen, Chair

Andrew Brouwer, Town Clerk