



Committee of the Whole Minutes

June 3, 2024, 7:00 p.m.
Council Chambers
Whitby Town Hall

Present: Mayor Roy
Councillor Bozinovski
Councillor Cardwell
Councillor Leahy
Councillor Lee
Councillor Lundquist
Councillor Mulcahy
Councillor Shahid
Councillor Yamada

Also Present: M. Gaskell, Chief Administrative Officer
M. Hickey, Fire Chief
S. Klein, Director of Strategic Initiatives
J. Romano, Commissioner of Community Services
F. Santaguida, Commissioner of Legal and Enforcement
Services/Town Solicitor
R. Saunders, Commissioner of Planning and Development
F. Wong, Commissioner of Financial Services/Treasurer
M. Dodge, Executive Advisor to the Mayor
C. Harris, Town Clerk
K. Narraway, Sr. Manager of Legislative Services/Deputy Clerk
L. MacDougall, Council and Committee Coordinator (Recording
Secretary)

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1. Call To Order: The Mayor
 2. Call of the Roll: The Clerk
 3. Declarations of Conflict of Interest

Councillor Lundquist declared a conflict of interest regarding Item 5.4.2, PDP 25-24, noting that she her property was listed on the Municipal Heritage Register. Councillor Lundquist did not take part in the discussion or voting regarding this item.

4. Consent Agenda
5. Planning and Development

Councillor Mulcahy assumed the Chair.

5.1 Presentations

- 5.1.1 Ben Holthof, Senior Heritage Planner, LHC Heritage Planning and Archaeology Inc. (In-Person Attendance)

Re: PDP 25-24, Planning and Development (Planning Services)
Department Report
Review of the Municipal Heritage Register

Refer to Item 5.4.2, PDP 25-24

Ben Holthof, Senior Heritage Planner, LHC Heritage Planning and Archaeology Inc., appeared before the Committee and provided a PowerPoint presentation regarding the review of the Municipal Heritage Register. Highlights of the presentation included.

- the focus and intent of LHC Heritage Planning and Archaeology Inc. (LHC) in the review of the Municipal Heritage Register;
- detailed information about the changes to and impact of Bill 23 and the Ontario Heritage Act related to heritage properties listed on the Municipal Heritage Register;
- the premise of and methodology used for the review of the listed properties on the Municipal Heritage Register; and,
- the results and various recommendations of LHC.

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

- clarification on the status of a priority candidate property where the owner opposes the designation of the property under the Ontario Heritage Act;

- whether all properties on the Municipal Heritage Register (MHR) were reviewed; and,
- whether the priority properties identified for investigation/pursual of designation would be a sufficient number of properties of importance within the Town.

5.2 Delegations

5.2.1 Chris Gillis representing Rousseau's Ltd. (Virtual Attendance)

Re: PDP 25-24, Planning and Development (Planning Services)
Department Report
Review of the Municipal Heritage Register

Refer to Item 5.4.2, PDP 25-24

Chris Gillis representing Rousseau's Ltd., stated that he was speaking on behalf of his wife who was the owner of Rousseau's Ltd. located at 216 Mary Street East. He advised that he was not aware of whether the property was or was not one of the priority properties identified through the review. Mr. Gillis noted that the property was on the MHR, but that a formal assessment of the property has never taken place. He advised that he recently submitted photographs (ranging from 1942 to the early 2000's) to Staff that reflect significant modifications to the exterior and multiple interior renovations that have taken place. Mr. Gillis stated that he realized there was certain criteria for properties to be designated, noting that, in his opinion, the building did not have any physical, historical, and/or architectural value due to the renovations. He advised that returning the building to its original state would be too costly and was not an option. Mr. Gillis requested that additional requirements not be placed on the building as a result of the MHR review. He stated that he preferred not to designate the property and to remove it from the MHR.

5.2.2 Tim Ralph representing All Saints Anglican Church

Re: PDP 25-24, Planning and Development (Planning Services)
Department Report
Review of the Municipal Heritage Register

Refer to Item 5.4.2, PDP 25-24

Tim Ralph, representing All Saints Anglican Church and St. Thomas' Anglican Church, Brooklin, appeared before the Committee and stated that he was in support of the Staff recommendation. He noted his appreciation for the consideration to designate the churches as historic properties under the Ontario Heritage Act, but that they were not amenable to the designation. He noted that flexibility to modify the buildings was essential to accommodate congregation growth and to expand programs. Mr. Ralph raised concerns about the financial burden of adhering to historic materials and design to maintain the historic look of the churches, and the impact a heritage designation would have on insurance premiums. He noted that the restrictions of the Ontario Heritage Act may impact the ability to grow the Anglican communities and to provide accessible access for use of community programs.

It was the consensus of the Committee to hear Item 5.4.2, PDP 25-24, at this time.

5.2.3 Ronald King, Resident (In-Person Attendance)

Re: PDP 28-24, Planning and Development (Planning Services)
Department Report
Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)

Refer to Item 5.4.4, PDP 28-24

Ronald King, Resident, appeared before the Committee and stated that he was not opposed to development but that he was opposed to the proposed development on Charles Street. He stated that he was appearing before Committee because he has provided insight into the development of Port Whitby for many years, noting an article from December 2012 in Whitby this Week. Mr. King cited quotes from the article by various long-term residents of Port Whitby including himself. He advised that the plans that the consultants and residents of Port Whitby voiced at the community meeting that took place in December 2012 were disregarded and that Council failed the citizens of Port Whitby by not promoting the vision of Port Whitby expressed by the consultants and attendees.

Mr. King stated that necessary action needed to take place including budgeting for hiring independent consultants to conduct studies on developments, addressing the need for suitable population density considering the Port Whitby residential area, and engaging in proactive planning for Port Whitby for the benefit of the entire town.

5.2.4 Wenda Abel, Resident (In-Person Attendance)

Re: PDP 28-24, Planning and Development (Planning Services) Department Report
Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)

Refer to Item 5.4.4, PDP 28-24

Wenda Abel, Resident, appeared before the Committee and stated that she was speaking on behalf of the residents of Port Whitby who signed the petition submitted to the Town in April 2024 and the individuals who have worked over the last month to prevent the approval of the proposed development. She provided details about the information learned about legislation and policy that was driving decision-making in Ontario municipalities, specifically with respect to Major Transit Station Areas (MTSAs). Ms. Abel noted that limited recent provincial legislation and planning policy has been passed, and that draft policy was dictating municipal decision making out of fear that refusal to approve a project would result in a successful appeal by developers at the Ontario Land Tribunal (OLT). She noted that the draft policy sets minimum densities in MTSAs but not maximum densities, and that developments from 30 to 60-storey towers in MTSAs have been approved all over the Region of Durham. Ms. Abel inquired about when such high density would be considered too much. Ms. Abel cited a portion of the Envision Durham Regional Official Plan that sets policy and instructs municipalities about how appropriate density may be determined with respect to MTSAs. Ms. Abel stated that it did not appear that policy was taken into consideration with respect to the height and density of the proposed development and Staff recommendation for approval. She inquired about why Durham Region policies and guidelines were not applied to the proposal while the Whitby Official

Plan and Port Whitby Secondary Official Plans were under review. She raised concerns that most of the proposed units were under 700 square feet, noting they would likely be sold in mass to investors for future rentals. Ms. Abel advised that Port Whitby residents were not opposed to development, but they were opposed to poor planning and bad design. She requested that Council defer approval of the proposed development and have the developer work with all stakeholders to design a project that balances people with profit, enhances Port Whitby, and brings pleasure and pride to all of Whitby.

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

- whether information provided at the Public Meeting contradicted information provided at the recent meeting with Staff; and,
- clarification about the meeting with Staff with respect to potential policy direction from the Region.

5.2.5 Kassandra Cruciano, Resident (In-Person Attendance)

Re: PDP 28-24, Planning and Development (Planning Services)
Department Report

Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)

Refer to Item 5.4.4, PDP 28-24

Kassandra Cruciano, Resident, appeared before the Committee and stated that she was in favour of the proposed development. She noted that local municipalities were being tasked to create housing for a growing population, noting that increasing the housing supply through a development like this would assist in ensuring that property ownership would be reality for the soon-to-be and existing residents of Whitby and Durham Region. Ms. Cruciano stated that Council has to make decisions like this that permits the development of dense homes within walking distance to a GO Station to prepare for the next 10, 20, 30 or more years. Ms. Cruciano stated that the development must include businesses for

shopping without requiring vehicles, that it must have easy access to public transportation other than just the GO Train, and that there must be clean and safe recreational and outdoor spaces where people can gather. She stated that Council and staff should encourage developers like Tribute Communities to construct units with 2 and 3 bedrooms to allow for more families.

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

- whether the delegate rented or owned her own home; and,
- the delegate's perspective on high density in the whole of the MTSA.

5.2.6 James Dorey, Resident (Virtual Attendance)

Re: PDP 28-24, Planning and Development (Planning Services)
Department Report

Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24

Refer to Item 5.4.4, PDP 28-24

James Dorey, Resident, stated that he signed the petition that was submitted in April 2024. He raised concerns regarding the process for review of the Official Plan, noting that the MTSA component would proceed ahead of the Official Plan review. He raised concerns about the height, density, and distance between the high-rises. Mr. Dorey stated that Official Plan review was the appropriate way to address the issue of the density and height of new development near the GO Station. Mr. Dorey commented on the refund of the application fees should a decision not be made within the legislated timeframe and stated that Council could defer their decision regarding the proposed development and refund the application fees. Mr. Dorey cited the objective in Whitby's current Official Plan in existing and well-established residential communities, noting the minimum target density of 150 people and jobs per hectare in MTSA's in comparison to the density of the proposed development at 1025 units per hectare. He stated that the

Town must complete the transit station area component of the Official Plan review prior to making decisions on these applications.

5.2.7 Karl Foehner, Resident (In-Person Attendance)

Re: PDP 28-24, Planning and Development (Planning Services) Department Report
Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)

Refer to Item 5.4.4, PDP 28-24

Karl Foehner, Resident, appeared before the Committee and stated that he has lived in Whitby since 1978. He advised that he purchased a unit at the Landing Condos three years ago and frequents the site to follow the progress on his unit, noting the construction noise and mud everywhere each time he visits. He raised concerns about the duration of the construction, the noise, mud, and construction traffic associated with the proposed project should the development proceed. He stated that his goal was to spend his autumn years peacefully near Whitby Harbour and the waterfront trails, noting that his autumn years would be spent in a construction site. Mr. Foehner asked Council to consider whether it was appropriate to have back to back projects at this location which denies old and new residents of their right to the peace and tranquility of an established neighbourhood.

5.2.8 Michael Testaguzza, Peter Jakovcic, Alex Alpoim representing Tribute (Charles Street) Limited (In-Person Attendance)

Re: PDP 28-24, Planning and Development (Planning Services) Department Report
Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)

Refer to Item 5.4.4, PDP 28-24

Michael Testaguzza and Peter Jakovcic, representing Tribute (Charles Street) Limited, appeared before the Committee and stated they have read and were generally in agreement with the

Staff recommendation. Mr. Testaguzza advised that the proposed plan indicated public parkland located at the southeast corner of the site from the beginning of the process. He requested that the parkland conveyance provisions of the Planning Act be satisfied through conveyance of physical parkland located at the southeast corner of the site and not cash-in-lieu and that it be reflected in the Staff recommendation. Mr. Testaguzza stated the public parkland was an important element of the project and would be a benefit to the community. He advised that they were available to answer questions.

A detailed question and answer period ensued between Members of Committee, Mr. Testaguzza and Mr. Jakovic regarding:

- how the community would benefit from a physical park versus cash-in-lieu given the number of existing parks in the area;
- concerns about the ownership and responsibility for ongoing maintenance of the strata park, and confirmation that there would not be any tax implication to the public;
- whether the developer would maintain the strata park if it was not a public park, and the opportunity to negotiate an agreement with the Town for the maintenance of the park;
- clarification on the reference to the proposed development being a complete community;
- whether CLOCA or other agencies were satisfied or have concerns about the size and height of the towers in relation to floodwater and migratory birds;
- concerns about the height of the towers and whether there were opportunities for wider separation and lower heights;
- whether any significant changes were made to the proposed plan following engagement with the community;
- whether there would be two and three bedroom units, and whether there would be a provision for affordable housing;
- confirmation that 28 units would be included in the project for Habitat for Humanity GTA affordable ownership;

- mitigating concerns about ongoing construction over several years through a construction management plan;
- how the commercial space would be utilized, and whether the developer would be amenable to providing an ice rink in the parkland portion;
- the number of parking spaces available for use for the towers and mitigating concerns about parking and traffic flow;
- the potential for a negotiated site plan agreement between the Town and Tribute Communities; and,
- whether the developer was aware of a program that would give preference to first time homebuyers before investors.

5.2.9 James Black, Resident (In-Person Attendance)

Re: PDP 29-24, Planning and Development (Planning Services)
Department Report
Temporary Zoning By-law Amendment, Nordeagle Developments Ltd., File Number: DEV-10-24 (Z-06-24)

Refer to Item 5.4.5, PDP 29-24

James Black was not in attendance when called upon to provide a delegation.

It was the consensus of the Committee to hear Item 5.4.4, PDP 28-24, at this time.

5.2.10 Jack Wong representing Brooklin (AD) Limited Partnership, (In-Person Attendance)

Re: PDP 31-24, Planning and Development (Planning Services)
Department Report
Draft Plan of Subdivision and Zoning By-law Amendment
Applications, Brooklin (AD) Limited Partnership, 7362 and 7432 Ashburn Road, File Numbers: DEV-31-21 (SW-2021-12, Z-21-21)

Refer to Item 5.4.7, PDP 31-24

Jack Wong was in attendance however, he did not provide a delegation due to Item 5.4.7, Report PDP 31-24, being approved during the consent agenda portion of the meeting.

5.2.11 Catriona Moggach representing The DK Royal Stars Group Inc.
(Virtual Attendance)

Re: PDP 33-24, Planning and Development (Planning Services)
Department Report
Official Plan Amendment and Zoning By-law Amendment
Applications, The DK Royal Stars Group Inc., Des Newman
Boulevard and Woodrow Court, File Numbers: DEV-09-24 (OPA-
2024-W/03, Z-05-24)

Refer to Item 5.4.8, PDP 33-24

Catriona Moggach was in attendance however, she did not provide a delegation due to Item 5.4.8, Report PDP 33-24, being approved during the consent agenda portion of the meeting.

5.3 Correspondence

There was no correspondence.

5.4 Staff Reports

5.4.1 PDE 04-24, Planning and Development (Engineering Services)
Department Report

Re: St Thomas Street at Winchester Road Signalization
Consideration

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

- the Region of Durham's rationale for the traffic signalization at the intersection of St Thomas Street and Winchester Road being considered unwarranted;
- whether the proposed traffic signalization at the intersection of St Thomas Street and Winchester Road would be too close to other intersections with traffic signalization;
- potential options for the intersection of St Thomas Steet and Winchester Road including a pedestrian crosswalk;
- the number of unwarranted traffic signalizations approved by Council in the last five years and the rationale for the number of intersections in Brooklin with unwarranted traffic signalization;

- whether there was a pedestrian crosswalk on Simcoe Street to enter Luther Vipond Memorial Arena and Community Park;
- deferring Report PDE 04-24 until further discussion takes place with Regional Staff and the exploration of options for the intersection; and,
- the timeline for the installation of traffic signalization at the intersection of St Thomas Street and Winchester Road given that the construction of Winchester Road would commence this summer.

Note: Further consideration of this item, including consideration of the recommendation did not occur as the meeting adjourned at 11:00 p.m. in accordance with Section 11.44 of Procedure By-law # 8081-24. This item will be deferred to a future meeting.

At this point, the meeting adjourned at 11:00 p.m. in accordance with Section 11.44 of Procedure By-law # 8081-24.

5.4.2 PDP 25-24, Planning and Development (Planning Services) Department Report

Re: Review of the Municipal Heritage Register

Having previously declared a conflict of interest, Councillor Lundquist did not take part in the discussion or voting regarding this item.

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

- clarification on the status of and process for priority candidate properties listed in Report PDP 25-24 where consultation was noted as still in discussion; and,
- concerns about the number of potential designations of heritage properties should owners decide not to designate, and confirmation that the Heritage Tax Rebate Program was a benefit to owners of designated property to assist in offsetting potential designation impacts.

Recommendation:

Moved by Mayor Roy

1. That:
 - a. Council authorize staff to undertake Cultural Heritage Evaluation Reports and issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where the owner is amenable to designation; and,
 - b. After the 30-day Objection period has passed per Section 29 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the properties referred to in Recommendation 1(a), under Part IV, Section 29 of the Ontario Heritage Act;
2. That:
 - a. Council authorize staff to undertake a Cultural Heritage Evaluation Report, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where staff remain in discussions with the owner, or the owner has not yet responded, and the property meets three or more criteria for designation Ontario Regulation 9/06;
 - b. pending the outcome of the Cultural Heritage Evaluation Reports and further discussions with the owners for properties referred to in Recommendation 2(a), staff report back to Council for a decision to authorize staff to issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act;
3. That, subject to Council approving Recommendation #2 in Staff Report PDP 25-24, capital project # 81237201 - Designations for Municipal Heritage Register be increased by \$45,000 (from \$60,000 to \$105,000), funded from the Long-Term Finance Reserve, to undertake Cultural Heritage Evaluation Reports for the respective properties; and,
4. That Council authorize the immediate removal of all remaining properties from the Municipal Heritage Register prior to December 31, 2024, save and except those that are the subject of on-going development applications, so that

they are not subject to a five-year moratorium under Bill 23, the More Homes Built Faster Act (2022), and so that they can be further researched and brought forward for Council's consideration for designation at a later date, where appropriate.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Mayor Roy

That the main motion be amended to include the following as Item 3 and that the remaining items be renumbered accordingly:

3. That as it relates to the Municipal Heritage Register Review, and where formal opposition has been submitted by the property owner, that Staff do not advance those properties for designation at this time.

Carried

The main motion, as amended, was then carried as follows:

Recommendation:

Moved by Mayor Roy

1. That:
 - a. Council authorize staff to undertake Cultural Heritage Evaluation Reports and issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where the owner is amenable to designation; and,
 - b. After the 30-day Objection period has passed per Section 29 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the properties referred to in Recommendation 1(a), under Part IV, Section 29 of the Ontario Heritage Act;
2. That:

- a. Council authorize staff to undertake a Cultural Heritage Evaluation Report, for properties that LHC Heritage Planning & Archaeology Inc. has recommended as priority candidate properties for designation, where staff remain in discussions with the owner, or the owner has not yet responded, and the property meets three or more criteria for designation Ontario Regulation 9/06;
 - b. pending the outcome of the Cultural Heritage Evaluation Reports and further discussions with the owners for properties referred to in Recommendation 2(a), staff report back to Council for a decision to authorize staff to issue Notices of Intention to Designate under Section 29 of the Ontario Heritage Act;
3. That as it relates to the Municipal Heritage Register Review, and where formal opposition has been submitted by the property owner, that Staff do not advance those properties for designation at this time.
4. That, subject to Council approving Recommendation #2 in Staff Report PDP 25-24, capital project # 81237201 - Designations for Municipal Heritage Register be increased by \$45,000 (from \$60,000 to \$105,000), funded from the Long-Term Finance Reserve, to undertake Cultural Heritage Evaluation Reports for the respective properties; and,
5. That Council authorize the immediate removal of all remaining properties from the Municipal Heritage Register prior to December 31, 2024, save and except those that are the subject of on-going development applications, so that they are not subject to a five-year moratorium under Bill 23, the More Homes Built Faster Act (2022), and so that they can be further researched and brought forward for Council's consideration for designation at a later date, where appropriate.

Carried

It was the consensus of the Committee to hear Item 5.2.3, Delegation by Ronald King, at this time.

5.4.3 PDP 26-24, Planning and Development (Planning Services) Department Report

Re: 300 High Street – Notice of Intention to Designate Property
Under Part IV, Section 29 of the Ontario Heritage Act

Recommendation:

Moved by Councillor Mulcahy

1. That Council authorize staff to issue a Notice of Intention to Designate for the property identified as the Ontario County House of Refuge, located at 300 High Street in Whitby, to be published per section 29 (1.1) of the Ontario Heritage Act, R.S.O. 1990 c. O.18, as amended;
2. That, after the 30-day Objection period has passed per Section 29 (6) of the Ontario Heritage Act, Council consider passing a by-law designating the property under Part IV, Section 29 of the Ontario Heritage Act;
3. That, after the passing of the by-law, if no appeals to the Tribunal are received during the 30-day appeal period per Section 29 (12) of the Ontario Heritage Act, and the designation by-law comes into full force and effect under Part IV of the Ontario Heritage Act, that a commemorative plaque be installed in a form and location to the satisfaction of the Commissioner of Planning and Development or designate;
4. That Council mutually agree to the owner's request for an extension of the 90-day deadline under Section 29(8) of the Ontario Heritage Act and Section 2(1) 1. of Ontario Regulation 385/21, for passing the Part IV Heritage Designation By-law for the portion of the property containing the Ontario County House of Refuge, located at 300 High Street in Whitby; and,
5. That the extension outlined in Recommendation 4 be in effect until May 31, 2025.

Carried

5.4.4 PDP 28-24, Planning and Development (Planning Services)
Department Report

Re: Official Plan Amendment, Draft Plan of Subdivision, and Zoning By-law Amendment Applications, Tribute (Charles Street) Limited, 1636 Charles Street, File Numbers: DEV-07-24 (OPA-2024-W/02, SW-2024-01, and Z-03-24)

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

- reporting back to Council regarding a potential agreement between the Town and Tribute Communities associated with the parkland;
- clarification about the impact of Bill 185 on the Town of Whitby Official Plan review process and decisions about development applications in the MTSA;
- the potential for the proposed development to have higher height and density than currently proposed following the Official Plan Review exercise and approval;
- whether denying the applications would be defensible at the OLT, and whether the outcome of an appeal by the developer to the OLT based on refusing the approval of the development applications would result in higher density and height;
- the cost for providing a defence at the OLT should the proposed development be denied and appealed by the developer;
- the appropriate height for this development prior to the amendment to the Growth Plan for the Greater Golden Horseshoe;
- whether the height of the proposed development sets a precedence in the MTSA;
- whether there were more appropriate areas in Whitby for this type of density, and whether it was only in the MTSA where there was no limit on height;
- whether there was a planning policy or legislation that regulates when density becomes too much;

- whether the Town has planning policies related to land use compatibility, infrastructure, and urban design;
- whether Staff recommend that Town use outside consultants;
- whether there were enough zoning uses to ensure the development of complete communities in the MTSA;
- clarification on whether the proposed amendment regarding the conveyance of land for park or other recreational purposes counteracts the recommendation of Staff, confirmation that the concerns of Staff could be addressed in the agreement between the Town and Tribute Communities associated with the parkland, and the limitations on negotiations that would be placed on Staff;
- the percentage of over dedication of parkland; and,
- the amount of cash-in-lieu of parkland dedication that the Town would otherwise receive.

Recommendation:

Moved by Councillor Lee

1. That Council approve Official Plan Amendment Number 137 to the Whitby Official Plan (OPA-2024-W/02), as shown on Attachment #15, and that a By-law to adopt Official Plan Amendment Number 137 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Report PDP 28-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 137 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File Number: SW-2024- 01), subject to the comments included in Report PDP 28-24 and the conditions of draft plan approval included in Attachment #19;
4. That Staff be authorized to prepare a Subdivision Agreement;

5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the amendment to Zoning By-law # 2585, (File Number: Z-03-24), as outlined in Report PDP 28-24; and,
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council once site plan approval has been issued.

Carried later in the meeting (See following motion)

Recommendation:

Moved by Mayor Roy

That Item 3 of the main motion be amended to read as follows:

3. That Council approve the Draft Plan of Subdivision (File Number: SW-2024- 01), subject to the comments included in Report PDP 28-24 and the conditions of draft plan approval included in Attachment #19, save and except that the Subdivider will convey land totaling approximately 2,400 square metres in full satisfaction of any requirements to convey land for park or other public recreational purposes in accordance with the Planning Act. The parcel(s) of land may be encumbered and may be conveyed following registration of the plan of subdivision but no later than prior to registration of the final plan of condominium.

Carried

The main motion, as amended, was then carried as follows:

Recommendation:

Moved by Councillor Lee

1. That Council approve Official Plan Amendment Number 137 to the Whitby Official Plan (OPA-2024-W/02), as shown on Attachment #15, and that a By-law to adopt Official Plan Amendment Number 137 be brought forward for consideration by Council;

2. That the Clerk forward a copy of Report PDP 28-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 137 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve the Draft Plan of Subdivision (File Number: SW-2024- 01), subject to the comments included in Report PDP 28-24 and the conditions of draft plan approval included in Attachment #19, save and except that the Subdivider will convey land totaling approximately 2,400 square metres in full satisfaction of any requirements to convey land for park or other public recreational purposes in accordance with the Planning Act. The parcel(s) of land may be encumbered and may be conveyed following registration of the plan of subdivision but no later than prior to registration of the final plan of condominium.
4. That Staff be authorized to prepare a Subdivision Agreement;
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
6. That Council approve the amendment to Zoning By-law # 2585, (File Number: Z-03-24), as outlined in Report PDP 28-24; and,
7. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council once site plan approval has been issued.

Carried

It was the consensus of the Committee to hear Item 5.4.1, PDE 04-24, at this time.

**5.4.5 PDP 29-24, Planning and Development (Planning Services)
Department Report**

Re: Temporary Zoning By-law Amendment, Nordeagle Developments Ltd., File Number: DEV-10-24 (Z-06-24)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve an amendment to Zoning By-law # 2585 (Z-06-24) as outlined in Report PDP 29-24; and,
2. That a Temporary Zoning By-law Amendment be brought forward for consideration by Council.

Carried

5.4.6 PDP 30-24, Planning and Development (Planning Services)
Department Report

Re: Draft Plan of Condominium Application, Brookfield Residential (Ontario) Station No.3 Limited, 201 Brock Street South, File Number: DEV-12-24 (CW-2024-03)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Condominium (File Number: CW-2024-03) subject to the comments included in Report PDP 30-24 and the Conditions of Approval, included in Attachment # 4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

Carried

5.4.7 PDP 31-24, Planning and Development (Planning Services)
Department Report

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Brooklin (AD) Limited Partnership, 7362 and 7432 Ashburn Road, File Numbers: DEV-31-21 (SW-2021-12, Z-21-21)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2021-12), subject to the comments included in Report PDP 31-24 and the Conditions of Draft Plan Approval included in Attachment # 9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That Council approve the amendment to Zoning By-law # 1784, (File Number: Z-21-21), and that a Zoning By-law Amendment be brought forward for consideration by Council;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

Carried

5.4.8 PDP 33-24, Planning and Development (Planning Services)
Department Report

Re: Official Plan Amendment and Zoning By-law Amendment Applications, The DK Royal Stars Group Inc., Des Newman Boulevard and Woodrow Court, File Numbers: DEV-09-24 (OPA-2024-W/03, Z-05-24)

Recommendation:

Moved by Councillor Mulcahy

1. That Council approve Amendment Number 136 to the Whitby Official Plan (File Number: OPA-2024-W/03), as shown on Attachment # 8, and that a By-law to adopt Official Plan Amendment Number 136 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Report PDP 33-24, two (2) copies of the adopted Amendment, and a copy of the by-law

to adopt Amendment Number 136 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;

3. That Council approve an amendment to Zoning By-law # 1784, (File Number: Z-05-24), as outlined in Report PDP 33-24; and,
4. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development.

Carried

5.4.9 PDP 34-24, Planning and Development (Planning Services)
Department Report

Re: Zoning By-law Amendment Application, The Baird Team Royal Lepage Baird Real Estate, 55 Garrard Road and Block 33 on Plan 40M-1315, File Number: DEV-08-24 (Z-04-24)

Note: Consideration of this item, including consideration of the recommendation did not occur as the meeting adjourned at 11:00 p.m. in accordance with Section 11.44 of Procedure By-law # 8081-24. This item will be deferred to a future meeting.

5.5 New and Unfinished Business - Planning and Development

There was no new and unfinished business.

6. General Government

6.1 Presentations

There were no presentations.

6.2 Delegations

There were no delegations.

6.3 Correspondence

There was no correspondence.

6.4 Staff Reports

6.4.1 CMS 08-24, Community Services Department Report

Re: Update to the Ice Allocation Policy

Note: Consideration of this item, including consideration of the recommendation did not occur as the meeting adjourned at 11:00 p.m. in accordance with Section 11.44 of Procedure By-law # 8081-24. This item will be deferred to a future meeting.

6.4.2 CLK 05-24, Office of the Town Clerk Report

Re: Policy Framework Review

Note: Consideration of this item, including consideration of the recommendation did not occur as the meeting adjourned at 11:00 p.m. in accordance with Section 11.44 of Procedure By-law # 8081-24. This item will be deferred to a future meeting.

6.4.3 CLK 06-24, Office of the Town Clerk and Legal and Enforcement Services Department Joint Report

Re: Deputy Mayor Appointment and Responsibilities Policy

Note: Consideration of this item, including consideration of the recommendation did not occur as the meeting adjourned at 11:00 p.m. in accordance with Section 11.44 of Procedure By-law # 8081-24. This item will be deferred to a future meeting.

6.5 New and Unfinished Business - General Government

There was no new and unfinished business.

6.5.1 Provincial regulations needed to restrict keeping of non-native ("exotic") wild animals

Note: Consideration of this item, including consideration of the recommendation did not occur as the meeting adjourned at 11:00 p.m. in accordance with Section 11.44 of Procedure By-law # 8081-24. This item will be deferred to a future meeting.

7. Adjournment

The meeting adjourned at 11:00 p.m. in accordance with the Section 11.44 of the Procedure By-law # 8081-24.