



**TOWN OF WHITCHURCH-STOUFFVILLE  
COUNCIL PUBLIC HEARING MINUTES  
TUESDAY, SEPTEMBER 18, 2007**

**COUNCIL CHAMBERS  
37 SANDIFORD DRIVE, 4TH FLOOR  
7:00 P.M.**

A Council Public Hearing was held at the municipal offices on the above date and time. All members of Council were present with the exception of Councillors Hilton and Bannon.

Mayor Emmerson was in the Chair.

**CONFIRMATION OF AGENDA**

MOVED by Councillor Smith  
SECONDED by Councillor Hargrave

THAT the agenda be confirmed as circulated.

CARRIED.

**DECLARATIONS**

There were no declarations from members of Council.

**ADOPTION OF MINUTES**

MOVED by Councillor Ferdinands  
SECONDED by Councillor Bartley

THAT the minutes of the Council Public Hearing held on June 19, 2007 be adopted as circulated.

CARRIED.



The Chair advised that a Public Hearing with respect to a proposed Zoning By-law Amendment for Sandra and Clifford Whiffin will now commence.

**1. SANDRA AND CLIFFORD WHIFFIN – PROPOSED ZONING BY-LAW AMENDMENT – Part Lot 20, Concession 5, 3151 Aurora Road File No. ZBA07.023 (C10-DV & D14)**

**NOTICE GIVEN:**

The Deputy Clerk advised the procedure by which notice was given, and confirmation as to the dates that the notices were given.

The Chair advised that any persons wishing to speak to any of the items on the agenda were to complete a Public Delegation Form, clearly noting their name, address and postal code and submit the form to the Deputy Clerk prior to addressing Council.

Any persons wishing to receive further notice were also asked to complete the Public Delegation Form and submit to the Deputy Clerk.

**REQUEST FOR FURTHER NOTICE:**

- Fred Robbins
- Jim Andrew
- Bruce Roseblade
- Mr. & Mrs. A. Berry
- Kathleen D'Souza/Evan Rodricks

**PURPOSE:**

The Planner advised that the purpose of the Public Meeting is to fulfil the Statutory Public Meeting obligations required by the Planning Act to introduce the proposed Zoning By-law Amendment as submitted and to solicit comments from interested members of the community and public agencies.

The subject property, located in Part Lot 20, Concession 5, comprises approximately 8 ha (19.72 acres) with frontage of 195.4 metres (641 feet) on the south side of Aurora Road, as shown on Attachment No. 1 of the Planner's report. The property is rectangular in shape and a detached dwelling and an accessory building are currently located on the subject property. The northeastern corner and southern half of the property are characterized by a significant treed area. No alterations are proposed for the treed area of the property. The existing buildings are within a cleared area of the subject property.

An application was submitted to amend the by-law to permit the following in a rural zone:

1. a kennel as an additional use on the property; and
2. a garden suite, as a separate residential unit for a senior member of the family, as a temporary use, for a period of up to ten (10) years.

The property is presently zoned Rural (RU) and would remain as such. The proposed kennel operation will consist of a 465 square metre (5000 sq. ft) structure as well as an addition to the existing barn on the property with an approximate size of 74 square metres (800 sq. ft.) for the sale of dogs associated with the kennel operation.

A garden suite of 130 square metres (1404 sq. ft.) has also been proposed to be situated east of the existing dwelling, existing barn and proposed kennel. A garden suite is defined as a separate, self-contained residential structure that is ancillary to an existing principle residence and is designed to provide accommodation appropriate for a senior member of the family who is capable of a high degree of independent living, but who may require some support and care from the occupants of the principle dwelling.

The subject property is designated Rural Area and Significant Environmental Area with the Town Official Plan. Section 4.4.2.3.2 states that Kennels may be permitted in the Rural area designation subject to a zoning amendment and provided that:

- 1) the site has a minimum lot area of 2 hectares (5 acres);
- 2) the proposed location of the kennel is on a secluded site which is not adjacent to or in close proximity to any significant residential development including estate residential subdivisions, rural residential clusters and hamlet areas;
- 3) the proposed kennel has a minimum building setback of 30 metres (100 feet) from any property line;
- 4) any outside run is setback 60 metres (200 feet) from any property line; and
- 5) any additional buffering and screening which is required by the Town to reduce noise is provided.

Garden Suites may be permitted on the same lot as an existing single detached dwelling, subject to an amendment to the zoning, provided that:

- 1) the lot meets the requirements of the zoning with respect to an appropriate size for the accommodation of such a unit;
- 2) adequate water supply and waste disposal facilities are available to the satisfaction of the Town and Region of York Health Services Department;



- 3) The use is permitted on a temporary basis through a site specific temporary use ;
- 4) Such a use may be subject to site plan approval
- 5) Adequate parking can be provided; and,
- 6) There is a signed agreement between the applicant and the Town which addresses issues related to installation/removal and maintenance.

**REPRESENTATION FROM THE PROPONENT:**

Sandra Whiffen, provided a drawing of the proposed changes to the property and explained where the kennel and the garden suite would be situated on the property as well as the methods by which noise etc. would be diminished.

**CITIZENS IN SUPPORT:**

- There were no citizens present who addressed Council to express their support of the application.

**CITIZENS IN OPPOSITION:**

- Jim Andrew
- Bruce Roseblade
- Mr. & Mrs. A. Berry
- Kathleen D'Souza/Evan Rodricks

**INQUIRIES/COMMENTS FROM THE PUBLIC:**

**Inquiries/comments were received from:**

- Fred Robbins
- Jim Andrew
- Bruce Roseblade
- Mr. & Mrs. A. Berry
- Kathleen D'Souza/Evan Rodricks

**Inquiries/comments related to:**

- damage to creek from kennel activities
- retail business of buying and selling puppies
- parking issues
- signage to prevent incorrect entry to other properties
- noise from barking dogs
- devalue property in resale
- limit on number of dogs being housed
- method of disposal of waste



Town of  
Whitchurch-Stouffville

Council Public Hearing Minutes

Tuesday, Sept. 18, 2007

- continuance of if current owner sells property
- new buildings too close to property line/noise carries
- garden suite – water/hydro/septic
- garden suite – 3 bedrooms – large unit for senior citizen

MOVED by Councillor Ferdinands

SECONDED by Councillor Smith

- 1) THAT all public, staff and agency comments be referred back to staff for a further report regarding the disposition of this matter.

CARRIED.



The Chair advised that a Public Hearing with respect to a proposed Zoning Amendment for 2054889 ONTARIO LIMITED will now commence.

**2. 2054889 ONTARIO LIMITED – PROPOSED OFFICIAL PLAN  
AMENDMENT & ZONING AMENDMENT, Part of Lot 1, Concession 3,  
12332 Woodbine Avenue, Community of Gormley, File Nos. OPA07.001  
& ZBA07.019 (C10-DV & D14)**

**NOTICE GIVEN:**

The Deputy Clerk advised the procedure by which notice was given, and confirmation as to the dates that the notices were given.

The Chair advised that any persons wishing to speak to any of the items on the agenda were to complete a Public Delegation Form, clearly noting their name, address and postal code and submit the form to the Deputy Clerk prior to addressing Council.

Any persons wishing to receive further notice were also asked to complete the Public Delegation Form and submit to the Deputy Clerk.

**REQUEST FOR FURTHER NOTICE:**

- Fred Robbins
- Nick Klanis

**PURPOSE:**

The Planner advised that the purpose of the Public Meeting is to introduce proposed Amendments to the Gormley Secondary Plan and Zoning 87-34 to redesignate a small parcel of land at the intersection of Woodbine Ave./Stouffville Rd. to permit a restaurant and drive-thru restaurant; to identify planning issues associated with the development proposal ; and to identify any comments received from members of the Public or Agencies related to the development proposal.

The subject lands are located in Part of Lot 1, Concession 3, within the Community of Gormley. The property is identified with the civic address of 12332 Woodbine Avenue. The subject lands are located on the west side of Woodbine Avenue, north of Stouffville Road. The area of the property is 29.54 ha (73.1 acres) and is described as being rectangular in configuration. The proposed zoning amendment will only affect a 3.885 sq. metre (0.96 acre) parcel at the northwest corner of Stouffville Road and Woodbine Avenue, immediately north of the Sunoco Gas Bar which has recently opened. It is proposed that a restaurant and drive-thru



restaurant (identified to be a Tim Horton's) would be constructed to the immediate north of the Sunoco Gas Bar. The proposed Tim Horton's restaurant is designed as a 55 seat restaurant with an associated drive-thru order window.

Development is proposed to be on the basis of private well and septic systems. The proponent contemplates access to the site to be achieved in the following manner:

- Access through the Sunoco Gas Bar and onto Woodbine Ave. via the right in/right out driveway;
- A full movement driveway at the north end of the property onto Woodbine Ave. opposite the driveway into Ratcliffe Lumber; and,
- A full movement driveway via Gordon Collins Drive.

The Amendment is required to construct a proposed Tim Horton's restaurant and drive-thru restaurant.

The location of the proposed Amendments to accommodate the gas bar and ancillary uses are sufficiently removed from area Key Natural Heritage Features that they do not apply in the consideration of this development proposal.

In reviewing the nature of the proposed Amendments and the proposed concept plan which illustrates the layout of the development, Staff would offer the following comments in terms of matters requiring further assessment before a future Report is submitted to Council on the merits of the two Amendments. The issues include:

- i) traffic circulation through the site and to the adjacent street system;
- ii) site servicing in recognition that development is proposed on the basis of private well and septic systems
- iii) conversion of lands from an industrial to commercial designation.

As of the date of filing this Report for inclusion in the September 18<sup>th</sup>, 2007 Public Meeting Agenda, no correspondence has been received from members of the Public. Correspondence was received from Bell Canada and the Region of York advising that they have no conditions/objections to the proposed Amendments.

#### **REPRESENTATION FROM THE PROPONENT:**

John McGovern, Rice Commercial Group advised that septic has been approved.

#### **CITIZENS IN SUPPORT:**

Fred Robbins



**CITIZENS IN OPPOSITION:**

Nick Kladis

**INQUIRIES/COMMENTS FROM THE PUBLIC:**

**Inquiries/comments were received from:**

Fred Robbins  
Nick Kladis

**Inquiries/comments related to:**

- concerns about traffic flow
- Town unconcerned about small businesses across from this location.

MOVED by Councillor Smith  
SECONDED by Councillor Hargrave

- 1) THAT all comments and correspondence received be returned to Staff for a future Report regarding the disposition of this matter.

CARRIED.



**3. 1386146 ONTARIO INC. – PROPOSED OFFICIAL PLAN AMENDMENT & ZONING AMENDMENT, Part of Lots 9 & 10, Concession 5, 13545 & 13639 Warden Avenue, File Nos. OPA06.004 & ZBA06.020 (C10-DV & D14)**

The Deputy Clerk advised of a typographical error on the Agenda regarding the spelling of the applicant's name.

**NOTICE GIVEN:**

The Deputy Clerk advised the procedure by which notice was given, and confirmation as to the dates that the notices were given.

The Chair advised that any persons wishing to speak to any of the items on the agenda were to complete a Public Delegation Form, clearly noting their name, address and postal code and submit the form to the Deputy Clerk prior to addressing Council.

Any persons wishing to receive further notice were also asked to complete the Public Delegation Form and submit to the Deputy Clerk.

**REQUEST FOR FURTHER NOTICE:**

- Fred Robbins
- Hugo Kroon
- Tim Pettifer

**PURPOSE:**

The purpose of this Report is to make recommendations to Council with respect to:

- a) Introduce proposed Amendments to the Town's Official Plan and Zoning 87-34 to permit an extractive industrial use to occur on the subject lands;
- b) Identify planning issues associated with the development proposal; and,
- c) Identify any comments received from members of the Public or Agencies related to the development proposal.

The subject lands are located in Part of Lots 9&10, Concession 5, on the east side of Warden Avenue, south of Bloomington Road. The development area is comprised of two separate properties, but for the purposes of the planning review is being considered as one comprehensive parcel. The properties are identified with the civic address of 13545 and 13639 Warden Avenue.



The property is approximately 44 ha (110 acres) in area with the aggregate extraction area being limited to approximately 31 ha (77 acres).

Approximately 31 ha (77 acres) of the 44 ha (110 acres) property is proposed to be licensed for the removal of aggregates. The Owner through the licensing process is seeking permission from the Ministry of Natural Resources to extract up to a maximum of 950,000 tonnes per year from the site. Aggregate extraction is proposed to occur above the ground water table with a minimum coverage of 1.5 metres (5 ft.).

Contemplated land use activities associated with the business operation would include: the extraction of aggregate products; the temporary storage of product extracted on-site; and, administrative offices and weigh scales associated with site operations

Washrooms, lunch room facilities or similar activities would be serviced by private well and septic systems. Access to the site is proposed from Warden Avenue via the existing driveway that serves the clean-fill operation that is located to the immediate south. This adjoining property represents a separate landholding that is owned by the applicant.

The owner, if approved, proposes to initiate the removal of aggregate product in the eastern third of the landholding and progressively moving westerly toward Warden Avenue with the later phases of development. As phases wind down and new areas of aggregate products are opened up, the Owner proposes to initiate progressive rehabilitation practices to restore the property.

The woodlots and an associated buffer located adjacent to the east and northeast property limits are proposed to be preserved by the applicant. A 30 metre (100 ft) setback from the edge of extraction to the Warden Ave. road allowance is also proposed. The Owner has concurrently applied to the Ministry of Natural Resources for a license to establish the aggregate operation.

The subject lands are currently designated ORM Natural Linkage Area as approved by the Minister of Municipal Affairs (OPA 112).

The Town's designation and the associated policies essentially mirror the applicable provisions of the Oak Ridges Moraine Conservation Plan (ORMCP) in terms of the assessment of aggregate proposals. Aggregate activities have to occur above the groundwater table, and, development cannot occur within key natural heritage features or hydrologically sensitive features. Aggregate development may occur within the influence area of these referenced features if it can be demonstrated that there will be no adverse effects on the features.



As there are Key Natural Heritage Features and Hydrologically Features within the boundaries of the property and within 120 metres of the property, the applicant will be required to complete the appropriate environmental studies to demonstrate conformity with the town's Official Plan and the ORMCP.

Restrictions that will be factored into the design/operation of the proposed aggregate operation include:

- Extraction will have to occur above the groundwater table;
- Development cannot occur within key natural heritage features or hydrologically sensitive features;
- Aggregate development may occur within the influence area of these referenced features if it can be demonstrated that there will be no adverse effects on the features;
- Maintain and enhance connectivity between features; and,
- Progressive rehabilitation and property restoration

The subject lands are currently zoned Rural (RU) in the Town's General Zoning . Permitted uses within this zone classification are limited to agriculture, agriculturally related uses, and, a single detached dwelling.. It is proposed that the subject lands be zoned Rural Extractive (RE). Activities permitted within this zone classification would include; the extraction of aggregate materials; the temporary storage of products extracted on-site; and administrative offices and weigh scales associated with the site development. During the course of assessing the technical studies associated with the proposal, further refinements to the may occur which could include:

- Rezoning the adjacent natural features (i.e.: woodlots and buffer area) to the Open Space Environmental (OSE) Zone. No development can occur within this Zone classification;
- Establishing prescribed setbacks for the extraction operation in relationship to the property boundaries;
- Establishing prescribed setbacks for the extraction operation in relationship to the adjacent natural features.

The Applicant has completed the following studies:

- Naylor/Forman Gravel Pit – Noise Impact Study
- Proposed Naylor/Forman Pit Traffic Impact Study
- Archaeological Assessment of the Naylor Property
- Archaeological Assessment (Stages 1 and 2)
- Natural Environment Assessment
- Hydrogeological Study, Category 3 Pit Application



Each of these studies will be reviewed by the Town and relevant Government Agencies and the conclusions/recommendations arising will be accounted for in the future Report to Council on this matter.

Key issues to be addressed by Staff will include:

- Traffic impact assessment;
- Noise and dust;
- Mitigation practices to protect adjacent residential uses;
- Impact on the aquifer and area well supplies;
- Protection of Key Natural Heritage Features and Hydrologic Features; and,
- Rehabilitation practices and future property restoration

The residence that is sited at 13639 Warden Avenue is contained within the Town's Built Heritage Inventory. It is the objective of the Town to protect and preserve where practical these period dwellings as they are symbolic of the Town's past. Staff will work with the applicant to determine whether the existing dwelling can be incorporated into the development through an adaptive reuse opportunity, or alternatively, the feasibility of relocating the dwelling to another property.

**REPRESENTATION FROM THE PROPONENT:**

Brian Zenan, Planner, Hicks/Kilgore

**CITIZENS IN SUPPORT:**

Fred Robbins

**CITIZENS IN OPPOSITION:**

There were no citizens present who addressed Council to express their opposition to the application.

**INQUIRIES/COMMENTS FROM THE PUBLIC:**

**Inquiries/comments were received from:**

Fred Robbins  
Hugo Kroon  
Tim Pettifer

**Inquiries/comments related to:**

- Size of pit
- Heritage home to be removed
- Heritage Committee has not been consulted
- Truck traffic southbound
- Noise impact on neighbours
- Impact on water/wells

MOVED by Councillor Smith

SECONDED by Councillor Hargrave

- 1) THAT all comments and correspondence received be returned to Staff for a future Report regarding the disposition of this matter.

CARRIED.



**CONFIRMATORY**

MOVED by Councillor Bartley  
SECONDED by Councillor Ferdinands

THAT Confirmatory 2007-195-MS read a first, second and third time.

CARRIED.

**ADJOURNMENT**

MOVED by Councillor Smith  
SECONDED by Councillor Hargrave

THAT there being no further business, the Council Public Hearing be adjourned at 9:25 p.m.

CARRIED.

DATED at the Town of Whitchurch-Stouffville this      day of      , 2007.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk