



**TOWN OF WHITCHURCH-STOUFFVILLE
COUNCIL PUBLIC HEARING MINUTES
TUESDAY, SEPTEMBER 17, 2002**

**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. Mayor Emmerson was in the Chair.

CONFIRMATION OF AGENDA

MOVED by Councillor Dobrich
SECONDED by Councillor Bowes

THAT the agenda be confirmed as circulated.

CARRIED.

DECLARATIONS

Mayor Emmerson declared a conflict of interest for Item #2
Councillor Dunkeld declared a conflict of interest for Item #4

ADOPTION OF MINUTES

MOVED by Councillor Sherban
SECONDED by Councillor Pliakes

THAT the minutes of the Council Public Hearing held on August 20, 2002 be adopted as circulated.

CARRIED.

**1. RONALD and MIRIAM BURTCH - PROPOSED ZONING BY-LAW AMENDMENT
Part of Lot 20, Concession 7- 4543 Aurora Road
Planning File No.: ZBA02.010 (C10-DV & D14)**

NOTICE GIVEN:

The Clerk advised the procedure by which notice was given.

PURPOSE:

The Planner advised that the purpose of the Public Meeting is to obtain public and agency comments with respect to an application for a Zoning By-law Amendment to change the zoning in General Zoning By-law No. 87-34 on the subject property from "Rural (RU)" to "Rural Residential 2 (RR2)" to facilitate the severance of the property into two Estate Residential lots.

The property is located in part of Lot 20, Concession 7, on the southeast corner of Aurora Road and McCowan Road, in the Community of Ballantrae and is municipally known as 4543 Aurora Road. The property has an area of approximately 5.16 acres. A detached dwelling and three accessory buildings are located on the east half of the property.

The zoning amendment, if approved, would facilitate the future division of the property into two parcels through the land consent process. The new lot would be eligible for a building permit for a detached dwelling unit. Both the retained and severed lots are proposed to be serviced by municipal water and private septic systems. The retained (easterly) lot would maintain the existing driveway access onto Aurora Road while the entrance to the severed (westerly) lot onto McCowan Road is proposed to be located close to the southerly limits of the property.

The amendment, as proposed, also recognizes an existing setback of 3.39 feet for an existing accessory building built in proximity to the southerly property line.

A special policy provision was established in the Ballantrae-Musselman Lake Secondary Plan that affects the subject lands, and properties situated to the immediate east and south. The policy recognizes a significant hedgerow that is established along the eastern perimeter of the subject lands. It is recommended that an environmental audit and impact study be completed which will demonstrate the limits of the feature and any associated buffer requirements. This hedgerow forms a connecting link between the Regional Forest blocks situated to the north and south of the subject lands. Further, to fully comply with the relevant sections of the *Oak Ridges Moraine Conservation Act, 2001*, the Owner would be required to submit a hydrological analysis that demonstrates that further residential intensification on the property will not impact upon the aquifer.

Correspondence has been received from the Lake Simcoe Region Conservation Authority where they have advised that a permit will be required prior to any on-site works being undertaken (ie:

grading, placement of fill, construction) Further, the LSRCA have advised that they wish to see a report which demonstrates that the relevant sections of the Oak Ridges Moraine Conservation Plan have been considered and assessed.

The Region of York has advised that they have no objections with the proposal.

No public comments have been received on the application.

FURTHER NOTICE:

The Mayor advised that any persons wishing further notice must write their name, address, postal code and telephone number on the sheets provided in the lobby.

Requests for further notification:

William Brunow, 4912 Vandorf Road, Stouffville, L4A 7X3
Frank Sagebiel, 14947 McCowan Road, Stouffville, L4A 7X5
Fred Robbins, 12392 Ninth Line, Stouffville, L4A 1C1

GENERAL QUESTIONS:

Jim Doble, 4312 Aurora Road, R. R. #3, Newmarket, L3Y 4W1 questioned whether all five acre parcels could be divided. (The subject property is designated in the "Ballantrae Future Residential Area II" in the OPA Amendment #90. This designation is intended to allow future residential developments, subject to stringent controls with respect to negative impact on natural systems; features, and site servicing).

Dave Probert, 14377 McCowan Road, R. R. #4, Stouffville, L4A 7X5 noted that this location is at a very dangerous intersection. (The Region of York did not state concerns with proposed driveway location).

IN SUPPORT:

There were no persons present who wished to speak in support.

IN OPPOSITION:

Dave Probert, 14377 McCowan Road, R. R. #4, Stouffville, L4A 7X5 is opposed to the small lot size of 1.97 acres and also to a driveway being built in this dangerous location.

Frank Sagebiel, 14947 McCowan Road, R.R. #4, Stouffville, L4A 7X5 is opposed to the lot being severed and considers this a precedent for future requests to divide lots.

RESPONSE FROM THE APPLICANT:

Donald Hindson, agent for the proponent, advised that concerns have been noted and that York Regional Roads Department have given their approval for an entrance on McCowan Road. Environmental concerns have been addressed. A precedent is not being set on lot division as it is allowed in the Official Plan for Musselman Lake/Ballantrae area.

MOVED by Councillor Carroll
SECONDED by Councillor Pliakes

THAT the owner submit to the Town and to The Lake Simcoe Region Conservation Authority a report demonstrating how the application conforms to policies of the Oak Ridges Moraine Conservation Plan, as outlined in the LSRCA letter dated July 18, 2002;

AND THAT the owner submit to the Town a plan showing the location and extent of the existing hedge row vegetation which is situated at the easterly limits of the property;

AND THAT the owner submit a plan designed by a qualified septic system designer demonstrating that a septic system can be located on the lot to be severed;

AND THAT all comments received from members of the public and government agencies, be referred back to Staff for a further report regarding the disposition of this application.

CARRIED.

Mayor Emmerson declared a pecuniary interest with respect to Item #2 (Schell Lumber - Proposed Zoning By-law Amendment) due to the fact that he is an employee of Schell Lumber. In accordance with Procedural By-law No. 2002-132-MS, section 3.26, Mayor Emmerson left the meeting and Councillor Dobrich assumed the Chair.

**2. SCHELL LUMBER - PROPOSED ZONING BY-LAW AMENDMENT
SITE PLAN CONTROL AGREEMENT EXEMPTION REQUEST - Part Lots 2 and 3,
Plan 59 - 92 Schell Street, Stouffville, File No. ZBA02.012 (C10-DV & D14)**

NOTICE GIVEN:

The Clerk advised the procedure by which notice was given.

PURPOSE:

The Planner advised that the purpose of the public meeting is to obtain public and agency comments with respect to a Zoning By-law Amendment. The lands are located at 92 Schell Street, Stouffville. The site is approximately 3.5 acres in area and the subject lands have frontage on the north and east side of Schell Street.

The proposed Amendment has three components:

- (a) to amend the present Industrial Light (IL) zone within the property boundaries to allow a "building supply depot" as an additional permitted use;
- (b) to change the Residential One (R1) classification for a portion of the property abutting the northern edge of Schell Street to the Industrial Light (IL) Zone, and, to allow a "building supply depot" as an additional permitted use;
- (c) to provide relief for side and rear yard setbacks for a proposed storage building to allow the structure to be built within 6.56 feet of the property line where the zoning by-law would presently require a setback of 32 feet.

The Amendment, in part, recognizes the existing uses that have historically occurred on the property for many years, and, to facilitate the construction of a new 4,478 sq. ft. storage building that is proposed to be constructed at the northern end of the property.

The Owner has also requested that the Town exempt the proposed storage building from Site Plan Control. At present there is no Site Plan for the property, and in recognition of the proposed location of the storage building in relation to two residences to the immediate west, it is Staff's opinion that the exemption requested be denied. Every effort to ensure the appropriate buffering between the two uses, as well as surface treatment to alleviate dust, external lighting, overland surface drainage, etc. should be assessed and incorporated into the agreement.

Correspondence has been received from the TRCA and the Region of York advising that they have no objections. No public comments have been received on the application. The Fire Department have noted that the access to the building must conform with the Ontario Building Code regulations.

FURTHER NOTICE:

The Acting Mayor advised that any persons wishing further notice must write their name, address, postal code and telephone number on the sheets provided in the lobby.

Requests for further notification:

Randy Mole, 128 Rose Avenue, Stouffville L4A 8A4
Fred Robbins, 12392 Ninth Line, Stouffville L4A 1C1

GENERAL QUESTIONS:

There were no persons with general questions.

IN SUPPORT:

There were no persons present who wished to speak in support.

IN OPPOSITION:

There were no persons present who wished to speak in opposition.

RESPONSE FROM THE APPLICANT:

Bruce Arrowsmith, agent for the Proponent noted that this property has had a building supply depot for many years, and that the two homes abutting the property are owned by the Schell family. One purpose of the application is to correct the Zoning By-law which did not recognize a building supply centre at this property. The construction of a new storage site is required to hold supplies that cannot be left outdoors. An exemption from a Site Plan Control Agreement is requested in order to proceed with construction prior to the winter weather.

MOVED by Councillor Carroll
SECONDED by Councillor Sherban

THAT the subject property (92 Schell Street) not be exempted from Site Plan Control.

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

CARRIED.

Mayor Emmerson, having left the meeting in accordance with Procedural By-law No. 2002-132-MS, section 3.26, returned to the meeting and assumed the Chair.

**3. ANNA & ANDRE WOJCICKI - ZONING BY-LAW AMENDMENT APPLICATION
Part Lot 31, Concession 9, 6165 Vivian Road
Planning File No. ZBA 02.015 (C10-DV & D14)**

NOTICE GIVEN:

The Clerk advised the procedure by which notice was given.

PURPOSE:

The Planner advised that the purpose of the public hearing is to consider an application for a Zoning By-law amendment for lands municipally known as 6165 Vivian Road. The application is to permit a medical assessment facility in the Rural (RU) zone as an additional permitted use on the subject property, subject to certain site specific restrictions. The facility would specialize in the physical and mental assessment of handicapped individuals, including seniors. The assessment would evaluate client's cognitive awareness and ability to function in a home environment. Assessments would be conducted for the most part within the building structure and no overnight accommodation would be provided.

The Facility requires a large home like environment so that the daily activity of patients can be simulated. The proposal is to convert the main floor of an existing dwelling into a medical assessment facility. The plans call for the addition of an indoor pool at the rear of the structure. The second floor would provide residential accommodation for one of the practitioners or for a staff member. It is proposed that the residential character and appearance of the dwelling be retained.

As a privately operated facility, the anticipated number of clients per day per practitioner, would be between 3 to 5 with an average assessment time of 1.5 hours per patient. With two practitioners operating from the property, the monthly total patient load is estimated to be 75 persons. The Medical Assessment Office will employ six staff in addition to the 2 practitioners. The facility is proposed to operate only on a daily appointment basis from 9:00 a.m. to 6:00 p.m. Monday to Friday. There will, on occasion, be limited week-end appointments.

Correspondence has been received from the Lake Simcoe Conservation Authority noting that the applicant must demonstrate that the proposal will not adversely affect the ecological and hydrological integrity of the Oak Ridges Moraine.

The Road and Design Branch of the Region of York have advised that they have no objections with the proposal.

The York Region Health Department have advised that because the pool will be used for public treatment use, approval from the Health Department will be required.

No correspondence has been received from members of the public.

FURTHER NOTICE:

The Mayor advised that any persons wishing further notice must write their name, address, postal code and telephone number on the sheets provided in the lobby.

Requests for further notification:

Fred Robbins, 12392 Ninth Line, Stouffville, L4A 1C1
Robert Prince, 15 Spruce Tree Lane, Stouffville, L4A 7X4
W. Hartshorne, 16495 Ninth Line, Stouffville, L4A 7X4
Bob & Barb Goddard, 6247 Vivian Road, R.R.#3, Mount Albert, L0G 1M0
Darlene Andrew, 16496 Durham Road 30, Stouffville, L4A 7X4

GENERAL QUESTIONS:

Andrew Currie has concerns with the location of the driveway (visibility) and road conditions of Vivian Road. It would be a dangerous area for public access.

Barb Goddard, 6247 Vivian Road, would not want an over night facility for patients. Also, the road becomes a real problem in the winter and is a concern with the steep hills and valley areas.

Nicki Patterson, 6131 Vivian Road, noted concerns with the road, the driveway being at the bottom of a hill and that vehicles travel much too fast.

Bob Goddard, 6247 Vivian Road, questioned future use of the property and impact on farming and hunting that is now allowed in the area.

Gary Andrews, 16930 Durham Road 30, requested clarification on the type of patients that would visit the facility.

IN SUPPORT:

There were no persons present who wished to speak in support.

IN OPPOSITION:

Darlene Currie, 16496 Durham Road 30, in opposition due to road conditions, location of driveway and security requirements at facility.

Andrew Currie, 16496 Durham Road 30, objects to the driveway site location due to the surface of the road and the shoulders being in terrible condition.

Nicki Patterson, opposed any development due to the road conditions.

Mrs. Goddard, 6247 Vivian Road, questioned the location for such a facility.

RESPONSE FROM THE APPLICANT:

Robert D. Johnson, RDJ Planning Consultants Inc., agent for the Owner noted that the lot was chosen due to the need to build a large facility that would not be feasible in the urban area. The building will provide requirements to allow for full patient assessments specific to the individual needs. This location provides a natural rural setting for part of the treatment process. Security will be more than adequate with only one to two clients at a time and staffing of up to eight. It was noted that the facility is by appointment only and would not have more than approximately 75 patients per month. Also, the driveway concerns should not become a problem with the low volume of traffic visiting the area.

Road access approvals were obtained from the Region of York. The Vivian Road conditions are a separate issue. The driveway width meets all requirements.

Any future uses for the property would require Site Plan Control and feasibility would be determined at that time.

MOVED by Councillor Carroll
SECONDED by Councillor Bowes

THAT the owner submit to the Town and The Lake Simcoe Region Conservation authority a report demonstrating how the application conforms to the policies of the Oak Ridges Moraine Conservation Plan, as outlined in the LSRCA letter dated September 5, 2002;

AND THAT the applicant be advised to contact the York Region Health Department in regard to the swimming pool usage;

AND THAT all comments received from members of the public and government agencies be referred back to staff for a further report regarding the disposition of the application {Anna & Andre Wojcicki (ZBA 02.015)};

AND THAT staff contact the York Region Road Department requesting that they provide information on the conditions of Vivian Road between York/Durham Line 30 and Highway #48 and the expected timeline for improvements.

CARRIED AS AMENDED.

Councillor Dunkeld declared a pecuniary interest with respect to Item #4 (Stouffville Stockyards Ltd. - Application to Amend Zoning By-law & Secondary Plan) due to the fact that he is a member of the Stouffville Missionary Church. In accordance with Procedural By-law No. 2002-132-MS, section 3.26, Councillor Dunkeld left the meeting.

**4. STOUFFVILLE STOCKYARDS LTD.
APPLICATION TO AMEND ZONING BY-LAW & SECONDARY PLAN
Part of Lots 2 & 3, Concession 10 - 12555 Tenth Line
Planning File Nos. OPA02.002 & ZBA02.011 (C10-DV & D14)**

NOTICE GIVEN:

The Clerk advised the procedure by which notice was given.

PURPOSE:

The Planner advised that the purpose of the Public Meeting is to obtain public and agency comments with respect to an application for amendments to the Stouffville Secondary Plan and General Zoning By-law 87-34. This proposal would reclassify approximately 17 acres of the approximate 37 acres of the Stouffville Stockyard Ltd. property, identified as the area south of the elevated water storage facility. The property is municipally known as 12555 Tenth Line.

The Amendments contemplate changing the designations in the Stouffville Secondary Plan from "Special Commercial Area" to "Activity Node Area" and "Residential Area", and, changing the zone classifications in General Zoning By-law 87-34 from General Commercial (GC) to Institutional (I) and Residential Medium Density Four Holding (R4-d).

Adjacent to the elevated water tower and the Tenth Line property frontage, it is proposed that an area of approximately 4.83 acres would be rezoned to Institutional (I). The uses permitted within this zone classification would be restricted to a place of worship and ancillary uses.

The balance of the lands subject to the Zoning By-law Amendment application are proposed to be reclassified to the Residential Medium Density Four Holding (R4-D) Zone. This zone classification would facilitate the construction of the approximate 104 clustered residential units and ancillary uses (ie: recreation and/or resource facilities) that are proposed as part of the development of the subject lands.

The residential portion of the development proposal will be served by a private internal road system. All development occurring on the subject lands will be serviced by municipal water and sanitary sewers.

The subject lands are presently designated "Special Commercial Area" in the Stouffville Secondary Plan. This designation is a site specific classification that was tailored exclusively to regulate existing and future development opportunities on the Stouffville Stockyards Ltd. property.

For the northern half of the property (deemed to be north of the elevated water tower), the range of permitted uses includes: retail sales; amusements; restaurants; snack bars; an auction barn; flea market; trade shows; and, banquet functions. Concerts are prohibited on the subject lands.

For the southern half of the property (deemed to be south of the elevated water tower), the range of permitted uses is restricted to: retail uses; restaurants; snack bars; an auction barn; flea market; trade shows; and, banquet functions. Concerts and other sources of amplified sound and residential uses are prohibited.

The Holding (-D) Symbol affixed to the proposed Residential Medium Density Four (R4) Zone classification is designed to prevent development on the subject lands until such time as municipal servicing capacity has been allocated to the lands, and, a site plan control agreement has been approved by Town Council.

The balance of the subject lands, that being generally described as the portion of the property north of the elevated water storage facility, is not subject to the Amendment and will remain zoned General Commercial (GC).

Correspondence has been received from Enbridge Gas advising that they have no objections.

The Toronto Region Conservation Authority have advised that the property is outside of the regulated area and the stream corridor associated with Reesor Creek which is located further to the east adjacent to Regional Road 30. The TRCA has advised that because the development site is greater than 12 acres in area, they wish to comment upon the management of stormwater related issues.

The Development Technologist advised that design requirements for internal services and road networks are to meet the requirements of the Town's Engineering Standards document. Additionally, a traffic study may be required to assess turning movements and traffic volumes at the proposed driveway and its intersection with the Tenth Line & Hemlock Drive.

The Fire Department has advised that they will require at least one additional entrance/exit be provided for this development in recognition of the number of dwelling units being proposed and the church use. Further, the Fire Department requires that the internal road widths, turning radii, and parking & driveway lengths, should be in accordance with Town Standards to ensure Emergency Service vehicle access.

A letter was received from Deborah and Joseph Sutherland, 467 Aintree Drive, noting concern with the intention of the developer to remove the sound wall and build on top of the berm where the wall sits.

A letter from Peter Guinane, 584 Cam Fella Blvd. requests no exterior amplified sound and that exterior lighting deflectors away from residential properties be required.

In accordance with the provisions of the Secondary Plan attributed to this property, Town Staff in co-operation with the applicant, convened an Information Meeting on the evening of July 30th, 2002. The meeting served the purpose of advising interested members of the public of the nature of the development proposal, and, of soliciting comments with respect to concerns or issues related to the development of the site. Nine area residents attended the meeting.

Arising from the July 30th Information Meeting, five key issues emerged as follows:

- ▶ *Status of the Berm and Concrete Privacy Fence* which frames the southern limits of the subject lands. The area residents wanted assurances that the existing berm/fence would be maintained and accommodated within the development as per the contractual arrangements negotiated between Stouffville Stockyards and three residents from era 1991.
- ▶ *Traffic Generation*: How much traffic would be generated from the proposed development and what improvements would be required on the Tenth Line to accommodate the proposal.
- ▶ *Stormwater Management*: The residents wanted assurances that there would not be an increase in the surface water flows to be experienced through the two drainage easements that are present through Westfield Estates situated to the south.
- ▶ *Height of the proposed Residential Dwellings*: The area residents that back back onto the Stockyards Ltd. property wanted assurances that the height of the proposed residential dwellings would be restricted so as not to create an imposing appearance.
- ▶ *Sanitary Sewer Service Connection*: If the sanitary sewer drains to the south through Westfield Estates will the services then be made available to the adjacent residents.

Town Staff have previously meet with representatives of Stouffville Stockyards Ltd. and advised them of technical studies that are required to be submitted in support of the development applications. The required studies include:

- ▶ Traffic Impact Study;
- ▶ Site Servicing Study (Water Distribution; Sanitary Sewer Collection & Outfall; and Stormwater Management Collection, Treatment & Discharge); and,
- ▶ Parking Study (Assessment of the parking requirements of the Flea Market and Sales Pavilion on lands situated to the north of the development).

FURTHER NOTICE:

The Mayor advised that any persons wishing further notice must write their name, address and telephone number on the sheets provided in the lobby.

Requests for further notification:

Fred Robbins, 12392 Ninth Line, Stouffville L4A 1C1
Randy Mole, 128 Rose Avenue, Stouffville L5A 8A4
Ian Davie, 146 Cam Fella Blvd., Stouffville L4A 7J2
Girolame & Maria Montanari, 201 Geoffrey Crescent, Stouffville L4A 5B8

GENERAL QUESTIONS:

Peter Scheliga, 531 Aintree Drive, Stouffville inquired on whether the type of homes would be leasehold or owned, phased in, timing for completion and if drainage would be a problem for the present subdivision. (There will be residential phasing on the homes. The berm and concrete fence will be retained. A site service report will address any drainage issues. Surface water will be directed to a storm detention pond.)

Ian Davie, 146 Cam Fell Blvd, Stouffville questioned whether all abutting lot lines would be fenced. (Concrete fencing and berms will be part of the site plan control agreement).

Fred Robbins, 12392 Ninth Line, Stouffville questioned the egress in and out across from Hemlock Street, where parking would be and if there would be a convenience store in the area. (Entrance/exit roads and parking are being addressed. At present there is no proposal for a store in this area).

IN SUPPORT:

Peter Guinane, 584 Cam Fella Blvd. Stouffville L4A 7H2 is in support of the church and seniors home proposals.

IN OPPOSITION:

There were no persons present who wished to speak in opposition.

RESPONSE FROM THE APPLICANT:

Julius DeRuyter, PMG Planning Consultants, agent for the Norm Clements, Owner noted that all concerns that have arisen will be addressed at the Site Plan Control stage. Sidewalks on the Tenth Line will be discussed as part of the overall development.

Bruce Arrowsmith, Arrowsmith & Associates, agent for the Owner advised that the senior home will have single story cluster units with "life lease" occupancy for the owners and that the units must be sold back to the development. The development will have phasing of approximately 20 to 30 units per year.

Richard Paul, on behalf of the Stouffville Missionary Church advised that the church will have a sanctuary to hold 700 to 750 people.

MOVED by Councillor Bowes
SECONDED by Councillor Pliakes

THAT the all public and agency comments be received and forwarded to Staff for a future Report regarding the disposition of this matter.

CARRIED.

CONFIRMATORY BY-LAW

MOVED by Councillor Pliakes
SECONDED by Councillor Dobrich

THAT Confirmatory By-law 2002-151-MS read a first, second and third time.

CARRIED.

ADJOURNMENT

MOVED by Councillor Sherban
SECONDED by Councillor Carroll

THAT there being no further business, the Council Public Hearing be adjourned at 9:40 p.m.

CARRIED.

DATED at the Town of Whitchurch-Stouffville this day of OCTOBER, 2002.

Mayor

Clerk