

**THE CORPORATION OF THE TOWNSHIP OF TAY  
PUBLIC MEETING OF MUNICIPAL COUNCIL  
PROPOSED ZONING BY-LAW AMENDMENT – 510 PARK STREET  
FEBRUARY 11, 2009  
7:00 P.M.**

**OAKWOOD PARK COMMUNITY CENTRE  
MINUTES**

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**PRESENT:** Mayor Scott Warnock  
Deputy Mayor Michael Ladouceur (Chair)  
Councillor James Pearsall  
Councillor Rick Black  
Councillor Bill Rawson

**STAFF PRESENT:** Simone Latham, C.A.O.  
Alison Thomas, Clerk  
Mara Burton, Director of Planning & Development  
Joanne Sanders, Director of Finance  
Brian Thomas, Fire Chief

**REGRETS:** Councillor Nelson Baumgardner  
Councillor Axel Frandsen

**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**2. MOMENT OF SILENT REFLECTION**

Mayor Warnock called for a moment of silent reflection.

**3. DECLARATIONS OF PECUNIARY INTEREST**

None were presented.

At this point, Mayor Warnock turned the meeting over to the Deputy Mayor Ladouceur, Chair of the Planning & Development Committee.

The Chair of the Planning & Development Committee announced that this is a Public Meeting of Council held in compliance with By-law No. 98-75 and Section 34 of the *Planning Act*. He noted that there is one application this evening regarding an Amendment to the General Zoning By-law No. 2000-57 proposed by 1735149 Ontario Inc., for Part of Lot 7, Concession 12 and addressed as 510 Park Street.

The Chair noted that all persons present will be given the opportunity to ask questions and comment on the proposed amendment. Any person who requires further notice of the passage of a By-law and were not circulated the notice of public meeting, should give their name and address to staff prior to leaving the meeting.

The Chair announced that tonight's meeting is the opportunity for Council to hear from residents who wish to express their comments and/or concerns on the proposed change in land use. Everyone who wishes to speak and ask a question or comment on the applications will be given the opportunity. In addition the Chair requested that comments be restricted to the specific proposal.

The Chair noted that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final Council decision the Ontario Municipal Board may, on an appeal; dismiss the appeal on the basis that no concerns were raised during the public process. The public was advised that should they have a concern or comment regarding the Application that it should be expressed this evening.

#### **4. STATEMENT OF PUBLIC NOTICE**

The Chair then called on the Director of Planning & Development to describe the method by which notice of this meeting was given.

The Director of Planning and Development reviewed the process of notice and advised that notices were circulated to all assessed property owners within 120 metres of the subject properties, any agencies that may have an interest and was posted on the property on January 21, 2009.

#### **5. STATEMENT OF CORRESPONDENCE RECEIVED**

The Director of Planning and Development advised that to date the following correspondence has been received on this application:

1. Lorne and Janice Cofell of 414808 Highway 12 stating that they refuse to co-operate with any consideration of this application as they are concerned with the safety of the entrance off Highway 12.
2. Andy Genis of 500 Park Street stating that after review of the site plan he concludes there are many un-answered questions to the Official Plan and the General Objectives laid out by the Township.
3. Ministry of Transportation stating that they have had the opportunity to review the proposed rezoning amendment and have no objections to permit the development. They further advise that the Ministry is currently reviewing the Site Plan, Traffic Impact Study and Stormwater Management Report and comments on these submissions will be forwarded under separate cover.
4. Enbridge Consumers Gas advising they have no objections to the development as proposed. They request the Developer contact their office as soon as possible if they wish to service the development with natural gas.

#### **6. PRESENTATION OF A REPORT BY TOWNSHIP STAFF**

- 6.1 Verbal Report from the Director of Planning and Development – Proposed Zoning By-law Amendment – 510 Park Street.

The Director advised that the Zoning By-law Amendment proposes to rezone the subject property from the Village Residential Holding “R2(H)” Zone to a site specific Highway/Service Commercial “C4-6” Zone to permit the development of the subject lands for a commercial development. She reported that the proposed development will consist of various commercial uses and the Proposed Zoning for development may include the following: Automobile sales, Automobile rental establishment, Automobile service station, Accessory Retail store not exceeding 120 square metres in area, Building supply centre, Business and professional office, Clinic, Commercial garage, Convenience store, Club, Custom workshop, Day nursery, Department Store, Equipment rental, Fitness or sports centre, Financial Institution, Funeral Home, Garden Centre, Gas bar, Hotel, Marine sales and service, Motel, Place of entertainment, Personal Service shop, Public use, Recreation vehicle sales, Restaurant, Service repair shop, Tavern, Theatre, Veterinary establishment. A Grocery store is not proposed to be a permitted use.

The Director reported that the application for Zoning By-law Amendment also proposes the following site specific zone regulations:

1. That the maximum building height for a look-out tower/lighthouse be 24.25 metres;
2. 1 parking space per 20.6 square metres of gross floor area, therefore 312 parking spaces are proposed.

She further noted that all other zone regulations on the Highway/Service Commercial “C4” Zone will apply.

The Chair then called on Mrs. Angela Rudy of Rudy & Associates to provide a presentation outlining the proposed site plan and zoning by-law amendment.

Mrs. Rudy reported that the property is within the current settlement area and is proposed to be a commercial development. She outlined the structures planned for the site and highlighted the proposed access off of Park Street. In addition, Mrs. Rudy reported that all planned stores will conform with the zoning by-law requirements and which will prevent the development of large ‘boxed stores’. She further highlighted the “lighthouse-like” 6-storey lookout tower proposed for the site and other accessory structures, noting that the buildings are designed to blend with the existing area.

Mrs. Rudy reported that the parking would be distributed throughout the site and outlined how the access to the site would function. In addition, she commented on the numerous green spaces and tree preservation plan conducted to ensure that a natural buffer remains between the property’s boundaries and existing residential development. Mrs. Rudy noted that an Official Plan Amendment is not required as the planned uses conform to existing Official Plan designation; however, it is required that the zoning be amended to reflect the change of designation from residential to commercial use.

Ms. Michele Tremblay, of Richardson Foster, provided an overview of anticipated servicing and drainage for the site. In addition, she outlined the proposed changes to the stormwater management plan that will allow for drainage and enhanced quality control.

Mr. Josh Morgan, of Richardson Foster, outlined the results of the Traffic Study conducted noting that their study does anticipate and plan the increased traffic resulting from the development. In addition, he outlined what access and traffic control issues will have to be dealt with over the long-term to manage the proposed additional volume.

**7. QUESTION & CLARIFICATION PERIOD – PUBLIC**

The Chair inquired if there were any questions from the audience in regards to this matter.

None were presented.

**8. SPEAKERS IN SUPPORT & OPPOSITION**

The Chair inquired if there were any speakers in support or opposition in regards to this matter.

Mr. Andy Genis, 500 Park Street, expressed his opposition to aspects of the proposed development. He inquired as to whether or not the required entrance permits have been obtained for the site. In addition, he questioned the depth of the ‘buffer zone’ between the development and his property as he is concerned about security of his property, garbage, etc. Mr. Genis also expressed concerns regarding lighting on the site as he is concerned about the increase in artificial light affecting his property. In addition, he requested that a Noise Study be done by the developer and requested a copy of the submitted Stormwater Management Plan. Mr. Genis inquired as to whether or not homeowners along the pipe extension will be required to connect and if not, that the homeowners be provided with a letter to that effect. In addition, he indicated that there is a natural drainage course through his property and expressed concerns regarding the drainage from the site. He further requested a copy of the drainage study completed to determine the impact of the development on the adjacent property. In addition, he requested a copy of any other studies completed which relate to the proposed development (i.e. environmental impact study, economic impact study, etc.).

Mr. Lorne Cofell, 14808 Highway 12, expressed concerns regarding the impact of the development on traffic flows along Highway 12, safety, noise, garbage and submitted a letter outlining their concerns. He also indicated his support for Mr. Genis’ comments on the application.

Mr. Glen Mitchell, 4 Lions Court, expressed concerns regarding the potential traffic flows to and from the site and the plans to address the increases in traffic. In addition, he inquired as to the proposed tower and objects to the planned height as it impacts the 'line-of-sight' from his property. Mr. Mitchell also expressed concerns regarding the size of the buffer zone proposed for the site.

Ms. Belinda Marion, 8 Lions Court, expressed concerns regarding the plans to deal with the increased traffic flow and lack of privacy for her property which backs onto Highway 12. In addition, she objects to any plans to make residents 'hook-up' to Township sewer and water.

Mr. Edward Brabant, 14870 Highway 12, requested to be kept informed on the development as it progresses and inquired as to how far the planned turning lanes will extend on Highway 12 east and west of the site.

**9. QUESTION & CLARIFICATION PERIOD - COUNCIL**

The Chair inquired if there were any questions from Council in regards to this matter.

In response to a question regarding potential phasing for the site, Mrs. Rudy advised that the site would be developed as commercial agreements are reached.

In addition, Council requested that staff examine the traffic study results to ensure that the comments and concerns received are addressed.

**10. FINAL STATEMENT BY THE MAYOR**

The Chair advised that in accordance with the *Planning Act*, if a person does not provide comments at the Public Meeting or a written submission prior to the final decision, the Ontario Municipal Board may, on an appeal, dismiss the appeal on the basis that no concerns were raised during the public process.

**11. ADJOURNMENT**

**MOVED BY: MAYOR SCOTT WARNOCK**

**SECONDED BY: COUNCILLOR JIM PEARSALL.**

**THAT THIS PUBLIC MEETING PER PLANNING ACT ADJOURNED  
AT 8:10 P.M.**

**CARRIED.**

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**MAYOR**

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**CLERK**

**THE CORPORATION OF THE TOWNSHIP OF TAY  
PUBLIC MEETING OF MUNICIPAL COUNCIL  
PROPOSED DEVELOPMENT CHARGES  
FEBRUARY 11, 2009  
6:00 P.M.**

**OAKWOOD PARK COMMUNITY CENTRE  
MINUTES**

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**PRESENT:** Mayor Scott Warnock  
Deputy Mayor Michael Ladouceur  
Councillor James Pearsall  
Councillor Rick Black

**STAFF PRESENT:** Simone Latham, C.A.O./Deputy Clerk  
Alison Thomas, Clerk  
Mara Burton, Director of Planning & Development  
Joanne Sanders, Director of Finance  
Nick Colucci, Director of Public Works  
Brian Thomas, Fire Chief

**REGRETS:** Councillor Axel Frandsen  
Councillor Nelson Baumgardner  
Councillor Bill Rawson

**1. CALL TO ORDER**

The Mayor called the meeting to order at 6:00 p.m.

In addition, he announced that this is a public meeting held in compliance with the *Development Charges Act, 1997* regarding proposed updates to Township-wide development charges. The purpose of the meeting is to provide the public with an opportunity to comment on the 2008 Development Charges Background Study and proposed Development Charges By-law.

**2. DECLARATIONS OF PECUNIARY INTEREST**

There were no declarations of interest.

**3. STATEMENT OF PUBLIC NOTICE**

The Clerk advised that notice of this meeting was published in the Midland Mirror for two successive weeks on January 15<sup>th</sup> and 23<sup>rd</sup>, 2009. Further, the notice was posted on the Township's website with the 2008 Background Study.

#### **4. STATEMENT OF CORRESPONDENCE RECEIVED**

The Mayor inquired to the Clerk as to whether or not any correspondence has been received.

The Clerk advised that the following correspondence has been received:

1. Correspondence from Forest Green Homes expressing concerns regarding the proposed increase in rates given the current economic climate.
2. Correspondence from Skyline Development Inc. expressing concerns regarding the proposed increase in residential and commercial development charges. In addition, they are requesting that the following concerns be considered:
  - a. Ensure study reflects growth anticipated in Skyline Master Plan or allow mechanism for re-evaluation should development impacts of their project exceed assumptions in the report.
  - b. Ensure there is flexibility in the report for re-examination should infrastructure funding become available through developer or government initiatives.
  - c. That the updated charges not take effect until date of passage and that consideration be given to the phasing in of the increase over a period of time.
  - d. That consideration be given to freezing development charges for a reasonable time in cases where registration has occurred and 25% of fees have been paid prior to adoption of the by-law. The remaining 75% permit portion of the fee would remain at the current rate for a period of time to allow design and processing of building permits.
  - e. The study be re-evaluated to avoid any increases if at all possible.

#### **5. PRESENTATION OF BACKGROUND STUDY BY CONSULTANT**

Mr. Andrew Grunda from Watson and Associates Economists Ltd appeared before Council to review the Development Charges Study as required under the Act.

Mr. Grunda provided an overview of the background study process highlighting the growth forecasting, discussion with staff, policy review and prior Council workshop held in anticipation of the public meeting. He noted that the background study was released to the public on December 22, 2009 and notice was circulated for the public meeting in accordance with the Act.

Mr. Grunda outlined the process through which growth, related-benefits and the identification of services are brought forward for inclusion in the background study. In addition he reported that the proposed development charges have been calculated by identifying the net costs between residential and non-residential benefits which are then divided by anticipated growth rate. Mr. Grunda reported on the anticipated growth forecast for the entire municipality over the next 10 and 20 years.

Mr. Grunda further provided an overview of how the anticipated growth impacts future anticipated capital needs for the municipality. He outlined the proposed schedule of charges for residential and non-residential development noting the differences in charges depending on the type of development. In addition, he reported on the various policies that come into effect through the legislation and the by-law such as when charges may be collected (i.e. submission of building permits), mandatory exemptions, optional exemptions which would be enacted through the by-law and redevelopment credits.

Mr. Grunda commented on the differences in rates between the currently indexed by-law and the proposed rates as set out in the Background Study. In addition, he provided a comparison of current and proposed charges in relation to other area municipalities. In conclusion, Mr. Grunda outlined the next steps to be taken following the public meeting.

#### **6. QUESTION & CLARIFICATION PERIOD – PUBLIC**

The Mayor inquired as to if there are any questions of clarification from members of the public with respect to the Development Charges By-law.

Mr. Paul Ward, on behalf of Skyline Development Inc., requested clarification on the rates utilized in the study (2004 vs. 2009 current indexed rates). Mr. Grunda clarified the rates utilized and reported that the rates have been indexed annually since 2004 based on the Construction Price Index established by Statistics Canada.

#### **7. SPEAKERS IN SUPPORT & OPPOSITION**

The Mayor inquired as to if there are any speakers in support or opposition from with respect to the proposed Development Charges By-law.

No one spoke in support or opposition.

#### **8. QUESTION & CLARIFICATION PERIOD - COUNCIL**

The Mayor inquired as to if there are any questions of clarification from Council with respect to the proposed Development Charges By-law.

A question was asked as to whether or not development charges are optional. Mr. Grunda advised that development charges are optional; however, if development charges are not imposed than the funding for services must be found elsewhere. In addition, he noted that the Background Study outlines proposed charges and that Council may choose to introduce charges that are less than those in the study.

A question was asked regarding how growth projections relate to the proposed development charges. Mr. Grunda highlighted that if there are changes in growth projections, Council may elect to review the development charges prior to the mandatory five year review period if deemed necessary.

**9. FINAL STATEMENT BY THE MAYOR**

The Mayor announced that if you have not made oral or written submissions in regard to this proposal before a decision is reached, you should be aware that the Ontario Municipal Board may dismiss your appeal.

The Mayor advised that anyone wishing to be contacted regarding this matter should provide their contact information to the Clerk. Any personal information is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* and will be used for notification of future meetings and is considered public information.

In conclusion the Mayor advised that following tonight's meeting, staff will review the comments received and a final staff report will come before Council for further consideration at an upcoming Council meeting. Council will then make final determination regarding the proposed changes in Development Charges and the required by-law will be subsequently passed.

**10. ADJOURNMENT**

**MOVED BY: DEPUTY MAYOR MICHAEL LADOUCEUR**

**SECONDED BY: COUNCILLOR JIM PEARSALL**

**THAT THIS PUBLIC MEETING PER DEVELOPMENT CHARGES  
ACT ADJOURNED AT 6:45 P.M.**

**CARRIED.**

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**MAYOR**

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**CLERK**