

THE CORPORATION OF THE TOWN OF GEORGINA

SPECIAL COUNCIL MINUTES

(Thursday) January 29, 2009
(7:04 p.m.)

1. MOMENT OF MEDITATION:

A moment of meditation was observed.

2. ROLL CALL:

The Clerk gave the roll call and the following Council Members were present:

Mayor Grossi

Councillor Jamieson

Councillor Hackenbrook

Councillor Jordan Clark

Councillor Szollosy

Councillor Smockum

3. COMMUNITY SERVICE ANNOUNCEMENTS:

The Council Members were made aware of a number of community events taking place.

4. APPROVAL OF AGENDA:

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. SC-2009-0037

THAT THE AGENDA, WITH THE FOLLOWING ADDENDUM ITEMS, BE APPROVED:

- 4.1 CORRESPONDENCE DATED JANUARY 26, 2009 FROM MICHAEL SMITH PLANNING CONSULTANTS REGARDING THE SOUTH LIMIT OF WILLOWVIEW ROAD, PARTS 9,10 AND 11, 65R-481, PART LOT 9, CONC. 9 (NG)
- 4.2 CORRESPONDENCE DATED JANUARY 26, 2009 FROM MICHAEL SMITH PLANNING CONSULTANTS REGARDING THE SOUTH LIMIT OF JACKSONVILLE ROAD, PARTS 6,7 AND 8, 65R-481, PART LOT 9, CONC. 9 (NG)

4. APPROVAL OF AGENDA CONT'D:

- 4.3 CORRESPONDENCE DATED JANUARY 26, 2009 FROM MICHAEL SMITH PLANNING CONSULTANTS REGARDING THE NORTH SIDE OF MAHONEY AVENUE, EAST OF KENNEDY ROAD, PARTS 1,3,4 AND 5, 65R-481, PART LOTS 9 AND 10, CONC. 9 (NG)
- 4.4 E-MAIL MESSAGE DATED JANUARY 27, 2009 FROM WILLIAM METZLER CONCERNING 931 LAKE DRIVE NORTH, KESWICK
- 4.5 CORRESPONDENCE DATED JANUARY 28, 2009 FROM MICHAEL SMITH PLANNING CONSULTANTS REGARDING THE EAST SIDE OF METRO ROAD NORTH, NORTH OF BOUCHIER STREET AND SOUTH OF DEER PARK DRIVE, 529 DEER PARK DRIVE, PART LOT 23, CONC. 2 (NG)
- 4.6 E-MAIL MESSAGE DATED JANUARY 23, 2009 FROM MICHAEL ROSS REGARDING BALFOUR BEACH LOT CREATION
- 4.7 CORRESPONDENCE DATED JANUARY 29, 2009 FROM BOB ROKNIC REGARDING PART LOTS 11 AND 12, PLAN 392, WILLOW BEACH
- 4.8 CORRESPONDENCE DATED JANUARY 29, 2009 FROM MICHAEL SMITH PLANNING CONSULTANTS REGARDING THE SOUTH SIDE OF LAKE DRIVE EAST, PART OF LOTS 3,4 AND 5, CONC. 9 (NG), 2111250 ONTARIO INC., INGOGLIA PROPERTY
- 4.9 CORRESPONDENCE DATED JANUARY 29, 2009 FROM WILLIAM METZLER REGARDING 931 LAKE DRIVE NORTH, KESWICK

Carried.....

5. DECLARATION OF PECUNIARY INTEREST:

None.

6. PUBLIC MEETINGS:

6.1 Statutory Public Meeting:

(7:10 p.m.)

- 6.1.1 Planning Study Related to Interim Control By-law 2007-0028 (PL-3), Proposed Official Plan Amendments
Lands Within and Abutting the Willow Beach Servicing Area
AGENT: Town of Georgina / HBR Planning Consultants
(Howard Friedman)

Report No. PB-2009-0008

Mayor Grossi explained the procedure for a public meeting at this time.

Mrs. Karyn Stone, Planner, stated that HBR Planning Consultants was retained in November of 2007 to conduct a planning study for the lands within and adjacent to the Willow Beach Servicing Area. She noted that an interim control by-law was

6. PUBLIC MEETINGS cont'd:

passed to restrict lot creation during this study and that this by-law will expire on April 16, 2009. The purpose of the study was to review the land use, severance and servicing policies of the Lakeshore Residential area designation and to review the appropriateness for providing for lot creation within the study. In addition, it was to review the limits of the Lakeshore Residential Area Designation and Service Area boundary.

Mrs. Stone provided a brief history with regard to the servicing boundary, indicating that in 2002, the government finalized a funding program to offset costs of providing municipal services to this area. The Town was required to establish a servicing area boundary in order to meet the requirements of the funding application. In this regard, the Town amended the Official Plan to establish a servicing area boundary and introduce policies to recognize that services would eventually be available to existing lots of record and existing dwellings within the service area. The provision of municipal services was to provide safe drinking water and reduce groundwater contamination. In order to meet the funding application requirements in a timely fashion, a comprehensive review of the service area boundary and limits of Lakeshore Residential area designation was not undertaken. It is now appropriate to review the land use designations of lands within and abutting the service area boundary and the limits of the Service Area boundary.

Mrs. Stone stated that this meeting provides the public with an opportunity to ask questions or make comment on the proposed amendments now being considered. She stated that property owners may have additional information that staff is not aware of. It is important to note that the draft policies being presented at this meeting have not yet been reviewed for conformity with the recently released draft Lake Simcoe Protection Plan. A review of the Lake Simcoe Protection Plan must be undertaken before the Town can move forward with the proposed policies. Staff recommends that the report be received for information and staff will report back after all of the information has been reviewed.

Mrs. Stone explained that the proposed Official Plan Amendment No. 1 allows for a limited number of severances within the 'Serviced Lakeshore Residential Area' designation subject to a number of criteria, while the proposed Official Plan Amendment No. 2 proposes to change the land use designation of specific properties or remove specific properties from the Service Area boundary. This will require further analysis and may be considered at a later date.

Mr. Howard Friedman of HBR Planning Centre Inc. reviewed the Lakeshore Residential Area Interim Control By-law Study and outlined the Draft Official Plan Amendments via a power point presentation (presentation attached).

6. PUBLIC MEETINGS cont'd:

Gord Mahoney stated that he is here tonight on behalf of several clients, one of which is Arnold C. Matthews estate, Part Lot 23, Concession 2 (NG), comprised of 7 acres at the southeast corner of Metro Road North and Deer Park Drive and municipally known as 529 Deer Park Drive. The land is designated Rural and Environmental Protection Area 1 and 3 in the Official Plan. According to Schedule "J" of the Official Plan the subject lands are within the Willow Beach and Surrounding Lakeshore Residential Service Area Boundary. The land is zoned Rural according to the Town's zoning by-law and would be considered "Rural Undersized" and a zoning by-law amendment would be required prior to a single family dwelling being permitted. Removal from the service area boundary is a concern to the trustee.

Mr. Mahoney explained that when this process commenced, the subject land was within the area to be serviced and because of this, water and sewer laterals were installed at cost to the trustee. He stated that there seems to be no provision in the proposed amendments that would permit any future dwelling constructed on the subject lands to connect to the existing services and therefore, the trustee is requesting a site specific policy be inserted into OPA #1 that would permit any future single family dwellings constructed on the subject lands to connect to municipal services.

Mr. Mahoney explained that his next clients, Mr. and Mrs. Di Blasi and their daughter Vita Dimanno, own Part of Lot 9, Concession 9. The easterly of the two lots is described as Parts 6-8, on 65R-481, while the westerly of the two lots is described as Parts 9 & 11 on the same plan. The easterly lot is 10.4 hectares or 25.75 acres, and the westerly lot is 16.3 hectares of 40.3 acres. The subject lands are designated Lakeshore Residential and Environmental Protection Area 1 and 3 of the Official Plan and are outside the Willow Beach and Surrounding Lakeshore Residential Service Area Boundary. Both lots are zoned Rural and considered Rural Undersized and in that regard a zoning by-law amendment would be required prior to a single family dwelling being permitted on either of the properties.

Mr. Mahoney explained that the area of the subject lands designated Lakeshore Residential Area is to be re-designated to EPA 3, but this designation would not prohibit a single family dwelling on either property, subject to a zoning amendment, which makes this re-designation a concern to the property owners. In addition, during the installation of municipal services to this area, water and sewer laterals were installed to the subject lands subject to the necessary zoning amendment.

Further, any single family dwelling to be constructed on either of the properties would be permitted to connect to municipal services.

6. PUBLIC MEETINGS cont'd:

Mr. Mahoney explained that the remaining three properties are located along the north side of Mahoney Avenue in between Churchill Lane and Third Avenue and are comprised of three separate parcels of land, created as a result of the Town purchasing the extension of Third Avenue and Rockaway Road from the property owners during the Willow Beach Servicing project. He stated that each of the parcels has a municipal water and sewer connection. Parcel A is designated Lakeshore Residential Area, Rural and EPA 1 & 3 in the Town's Official Plan, while Parcels B and C are designated Lakeshore Residential Area only.

Mr. Mahoney explained that Parcels B and C are located within the Willow Beach and Surrounding Lakeshore Residential Service Area Boundary, but the portion of Parcel A designated Lakeshore Residential is located outside the Service Area Boundary. He explained that an application to amend the By-law was submitted and is now before the Ontario Municipal Board. The draft OPA No. 1 shows that a portion of Parcel A is to be included in the proposed Service Lakeshore Residential Area and the property owners are in agreement with this proposal. However, a policy provides that "all lots to be created by Consent shall have a minimum lot frontage equal to or greater than the average of all exiting residential lots on both sides of the same street, within 60 metres of the proposed severance, and shall have a minimum lot area equal to or greater than any abutting residential lots." This proposed policy could affect the future severance of Parcel C.

Mr. Mahoney explained that abutting Parcel C to the east is a similar sized residential property. As these lots are abutting and according to the policy, any severance of either of these properties must have a lot area equal to or greater than the other. In other words, for severances to occur on the two lots, they must happen simultaneously, but it is not likely that severances will happen simultaneously and the applicant is requesting a wording change, which has been forwarded to the Planning Department. However, the intent of the change would be that a new lot must have a lot area equal to or greater than an abutting lot on the same side of the street

Mr. Mahoney also indicated that another client, Tony Ingoglia, owns property on the south side of Lake Drive East, known as Lots 3, 4 and 5, Concession 9 (NG). The property consists of 80 acres with frontage on three roads; Civic Centre Road, Trivett's Road and Lake Drive. The property owner has concerns and would like to resolve these concerns with staff and noted that correspondence was forwarded to staff earlier today outlining these concerns.

Mr. Sergio Venditti stated that he owns property along Metro Road North, west of Woodbine Avenue which he purchased with the intention of severing it for family members if desired. It has been zoned Residential and he has kept the municipal taxes up to date since he purchased the property in 1992. He stated that since he

6. PUBLIC MEETINGS cont'd:

purchased the property, he has endured construction and a Sewage Pumping Station located across the road on Woodbine Avenue. There are residential dwellings across the road on Metro Road, many of which were severed recently, as well as homes on either side on Metro Road. He inquired clarification as to what 'limited local access to abutting property' means as noted on page 44 of the consultant's report. He stated that he is opposed to the proposed amendment to remove the Lakeshore Residential Area designation and replace it with a Rural designation.

Howard Friedman explained that Metro Road has an arterial road function and arterial roads are not designed to have driveways accessing them. It is intended that access points be limited, and so don't want severances occurring and the Region is not in support of strip development along arterial roads.

Mr. Mark Bertran of 743 Third Avenue stated that the report indicates one of the severance policies that would be applicable to his property would be 'minimum lot area of a proposed lot required to be equal to or greater than the average property size'. He inquired that since all of the properties on Third Avenue have 80 foot frontages, if this requirement will be adhered to, or if there will be some flexibility.

Mrs. Karyn Stone, Planner, stated that a sample severance was undertaken using the proposed policies and 88 feet was the outcome for the lots, which could be specified in the policy.

Mr. Bertran explained that there is a small watercourse that runs along Mahoney Drive and the Lake Simcoe Region Conservation Authority requires a buffer of 30 metres from that watercourse with specified measuring parameters. He noted that this buffer was not mentioned in the report and inquired if it was still applicable. He stated that if it is applicable, it would only leave room for one additional parcel in this area which he would support.

Mrs. Stone stated that all environmental policies have to be adhered to. The lots on Third Avenue are all 80 feet in size, therefore the specific lot could be severed into 3 separate parcels subject to consideration being given to environmental policies, buffers, etc. She stated that all of the policies and requirements would be discussed and adhered to if a severance application was to be submitted.

Mr. Ross Fattori stated that he lives on Rockaway Road and abuts the middle property that is being discussed on page 24 of the consultant's report. He realized that there as been no mention of homeowner's objections of last February with regard to the possible severance of properties. He stated that he was not aware of the meeting that was held in August of last year, but he is aware that there was

6. PUBLIC MEETINGS cont'd:

considerable objection at that time. He explained that the topography at the end of Rockaway Road, Third Avenue, Churchill Lane and Sedore Avenue is identical to that at the end of Jacksonville Avenue, therefore he does not understand why both parcels are not protected, rather than only the land at the end of Jacksonville Avenue.

Mr. Michael Baskerville, Engineering Manager, stated that the two easterly parcels are within the Serviced Area Boundary and were included in order to obtain the servicing rights over them to extend the watermain. Services were also installed to these two parcels.

Mrs. Stone stated that severance applications could be submitted for all three parcels, but the zoning by-law would need to be amended to rezone the properties for residential purposes, although no severance potential has been considered on these lands.

Ms. Linda Vitulli of 795 Third Avenue stated that she enjoys going for walks at the back of Third Avenue, noting that these lands are designated as an environmental area. She has observed wild turkeys, fisher, possum, deer, mink and frogs and she is concerned that there may be some development in this location. She believes that all of this land should remain as an Environmental Protection Area unless an Environmental study is undertaken that might suggest that development on this land would have no adverse affects on the area. She stated that trees should remain in this area and she would prefer to see the land at the end of Third Avenue, Rockaway Road, Sedore Avenue and Jacksonville Road designated in the same way.

Mr. Stefanescu of 26893 Kennedy Road stated that his property is to be excluded from the Serviced Area Boundary. He inquired if this exclusion would mean that he will not be permitted to connect to the municipal services, or that he will not be permitted to sever the property, or both.

Mrs. Stone explained that Mr. Stefanescu paid for their service laterals to be installed and the Town would not withdraw his right to hook up to municipal services. The subject land would be excluded from the boundary, but the lands are designated Environmental Protection Area which will limit any potential development on the lands. Notwithstanding the EPA designation, she stated that the owner's parcel is an existing lot of record.

Mr. Harold Lenters, Director of Planning and Building, stated that the current Official Plan policies allow connections of existing development and homes outside of the Serviced Area Boundary and that would not change.

6. PUBLIC MEETINGS cont'd:

Mr. Stefanescu stated that since the frontage of his land is over 800 feet on Kennedy Road, there are homes on both sides of the street and based on the fact that his land is of sufficient size, he believes it would make sense that severances would be permitted. He would like to ensure that he will encounter no difficulties when he decides to connect to municipal services.

Mr. Lenters stated that a policy will be in place allowing existing properties to connect to municipal services. He noted that he will take a closer look at Mr. Stefanescu's property, but it is a wet area and environmentally protected.

Mr. Drogo stated that he owns 29 Mahoney Avenue on the south side of Mahoney. He explained that his sister and her two children have been living with him for the past 8 years, with the intention of saving money to build a home on a portion of his land that he has intended to sever for this purpose. Access to municipal services would be from Churchill Lane. He indicated that he would like to be able to retain the potential to sever a parcel of land from his landholding so that his sister can build a home for herself and her children and requested that his landholding not be rezoned to 'Environmental Protection Area 1' for this reason.

Mrs. Stone explained that Mr. Drogo's property is subject to both proposed amendments, OPA #1 and OPA #2. The first amendment proposes to bring the dwelling on the subject parcel inside the Serviced Area Boundary. In the second amendment, the balance of the frontage along Mahoney Avenue, to the west of the existing dwelling, is to be redesignated from Lakeshore Residential to Environmental Protection Area. Staff is aware that Mr. Drogo wishes to sever a building parcel off of it first.

Mrs. Lisa Fattori, 734 Rockaway Road, stated that the land just west of Third Avenue is considered an environmentally protected area, and therefore they are surrounded by environmentally protected land. All of this land is also wet in nature and in order to build, an incredible amount of fill would be required. She inquired what criteria is used to determine a protected area.

Mr. Lenters explained that the Town has not conducted an in-depth analysis, but in order to develop or sever lands, certain requirements have to be met with regard to environmental work to determine that the lands are not going to be negatively affected from an environmental standpoint. The subject area still requires analysis to determine if it would be appropriate to build. He stated that in terms of the design of the street and from a severance point of view, it would make sense, subject to meeting all environmental requirements.

6. PUBLIC MEETINGS cont'd:

Mrs. Fattori stated that the land at the end of Jacksonville Road is no different from the surrounding lands that are designated to be environmentally protected, noting that if a 30 metre buffer is required from the creek, there would only be enough room for one lot to be created.

Mr. Lenters stated that the Lake Simcoe Region Conservation Authority has certain requirements that need to be met, according to the nature of the creek and any potential setbacks. He noted that tax arrears cannot be made a condition of approval, that there are other processes through which to collect tax arrears.

Mr. Drogo's sister stated that she was widowed a few years ago and out of work and was forced to move in with her brother. She is now in a position to afford to build a house and her brother is willing to sever a piece of his property for this purpose. She stated that she would like to remain fairly close to her relatives and to nature, but have a place of their own. She does not want to adversely affect the environment.

Mr. Dino Botaro stated that he is present on behalf of Paul Gorrie who owns two 2-acre parcels and one 4 acre parcel of land on the north side of Metro Road North. The owner intends to proceed with an environmental assessment on these lands and requests that the land remain within the Serviced Area Boundary until the environmental assessment has been completed. He noted that all of the parcels are treed.

Mrs. Stone stated that these lands are forested and front on to Metro Road North, being a minor Regional arterial road. The abutting, heavily forested lands are designated Environmental Protection Area.

Mr. Lenters stated that these lands front on Metro Road which is a Regional arterial road and the related policies do not allow for strip development on Regional roads, so there is an issue respecting access.

Mr. Botaro indicated that potential access would be from side streets, i.e. Fairbank Avenue, rather than from Metro Road.

'Pauline' of 129 Lake Drive East stated that there is a large flow of water that goes across the back of the subject property towards the Lake. Portions of this land are designated Environmental Protection Area 1 and Environmental Protection Area 2 and she wants to ensure that the proper study and direction of this water is taken into account. Also, she inquired how many of the 50 lots to be created have already been spoken for at this time.

6. PUBLIC MEETINGS cont'd:

Mrs. Stone explained that allocation has not yet been assigned for this area as there are no lot creation policies in place yet. Staff does not maintain a waiting list for allocation.

Mr. Friedman stated that item (b) on page 4 of the report indicates that 200 feet is the normal circulation distance in severance applications, so he started off with this number, believing it to be a reasonable distance from homes without going too far away.

Mr. Lenters stated that if residential lots are being proposed, the size of a neighbouring Rural parcel would not need to be matched. He further explained that as noted in item (e), staff reviewed the number of lots which could potentially be severed and for the most part, severance potential would include 1, 2 or 3 lots per lot. There were a few parcels that could sever 4 or more lots. Staff did not feel comfortable restricting severances to three as that may not be appropriate in some circumstances, so they created an approach that may allow another lot or two.

Mr. Lenters stated that the Town has a pool of allocation that could meet an upset limit of 50 lots, noting that properties designated Rural would not be part of this equation as they are not permitted to be developed under the Greenbelt Plan.

Mr. Michael Baskerville, Engineering Manager, stated that all of the large agricultural parcels were excluded from the Serviced Area Boundary due to the costs involved in connecting to municipal services. Unless a house existed on the parcel, anything zoned as Agricultural had no potential for severing. This particular parcel was designated Lakeshore Residential, but was not included within the Serviced Area Boundary.

Mr. Lenters answered an inquiry by Council, stating that the Sedores, owners of a large land parcel east of the Water Treatment Plant, did not wish to be included in the Serviced Area Boundary. It is not designated Lakeshore Residential and is not within the boundary, and therefore nothing can occur on their lands. He explained that it is a difficult situation for them; their land falls under the Greenbelt Plan and it is not part of the existing lakeshore area, so the land is Rural, and a policy exists that restricts the creation of new development in this area. From a servicing point of view, there is no room to service them. Future owners could potentially wish to develop the land, but there are compelling reasons not to permit development of this land.

6. PUBLIC MEETINGS cont'd:

Mrs. Stone explained that staff established a 3 acre minimum for new lot creation in the Roches Point area based on a preliminary review of the existing lots in the area which indicates that the average lot area is 3 acres, but this figure is draft at this point. These properties are serviced by municipal water only, or have the ability to connect to municipal water only. But if they were to be developed, they would have to be connected to full municipal services at the owner's expense.

Mr. Baskerville indicated that there are no sewers in the Roches Point area to connect to, so 'at the owner's expense' means that the property owners would have to build the sewer system.

Mr. Lenters explained that when the potential for severances was analyzed, only 43-44 lots had the potential for consent. Knowing the servicing capacity available, staff capped the number at 50 lots, taking into account those properties that could be severed into three lots.

Mrs. Stone stated that the property owners would have to go through the Official Plan Amendment process which is similar to the Zoning By-law Amendment process, but more onerous and more work involved. She stated that she believes that the Town and Regional application fee for this process would be in the area of \$8,000 to \$10,000, not including the cost of any studies that may be required. It is also a six to twelve month process.

Moved by Councillor Szollosy

Seconded by Councillor Jamieson

RESOLUTION NO. SC-2009-0038

- A. THAT REPORT PB-2009-0008 BE RECEIVED FOR INFORMATION.
- B. THAT STAFF REPORT FURTHER TO COUNCIL FOLLOWING THE RECEIPT AND ASSESSMENT OF ALL COMMENTS FROM COUNCIL, THE PUBLIC, INTERNAL DEPARTMENTS AND EXTERNAL AGENCIES.

Carried.....

7. CONFIRMING BY-LAW

Moved by Councillor Jordan Clark

Seconded by Councillor Hackenbrook

That the following by-law be given three readings:

By-law Number 2009-0007 (COU-2)

Being a by-law to confirm the
proceedings of Special Council.

Carried.....

8. ADJOURNMENT:

Moved by Councillor Smockum

Seconded by Councillor Jamieson

That the meeting adjourn at this time (9:05 p.m.).

Carried.....

Robert Grossi, Mayor

Roland Chenier, Town Clerk