

THE CORPORATION OF THE TOWNSHIP OF BROCK

MUNICIPAL ADMINISTRATION BUILDING

PLANNING COMMITTEE

SESSION FIVE

MONDAY, MARCH 6, 2006

The Fifth Meeting of the Planning Committee of the Corporation of the Township of Brock, in the Regional Municipality of Durham, was held on Monday, March 6, 2006, in the Municipal Administration Building Council Chamber.

Members present:	Mayor:	Keith Shier
	Regional Councillor:	Larry O'Connor
	Councillors:	Karen Windatt
		John Grant
		Reg Starr
		Debbie Bath
		Allan Simpson

Staff Members present:	Clerk-Administrator George S. Graham (recording the minutes) Clerk-Stenographer Susan Creighton
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I. CALL TO ORDER

Chair Larry O'Connor called the meeting to order at 7:03 p.m.

II. PURPOSE

TO HOLD A FURTHER PUBLIC MEETING TO CONSIDER AN APPLICATION FOR AMENDMENT TO RESTRICTED AREA BY-LAW 287-78-PL AS FOLLOWS:

RE: Sunpark Developments Inc.
File Number 7-2003-RA
Part Lot 10, Concession 5 (Thorah)
B1415 Regional Road No. 15
Township of Brock

CHAIR LARRY O'CONNOR OUTLINED THE FOLLOWING POINTS FOR THE BENEFIT OF THOSE IN ATTENDANCE:

1. Planning Committee, at their meeting held December 19, 2005, resolved to permit an eating establishment (Tim Horton's/Wendy's) on the subject land. The purpose of this public meeting is to obtain public input to consider permitting the following additional commercial uses: business/professional office, motor vehicle gasoline bar, and veterinary clinic. All of the proposed uses are subject to the approval of an official plan amendment by the Region of Durham.
2. There will be no decision made in respect of the subject application at this meeting.
3. The Township of Brock Planning Committee will consider the merits of the application at a later date, taking into consideration all input received on the subject application.
4. Persons who wish to be notified of further meetings of Township Planning Committee and/or Council dealing with this rezoning application must request to be notified in writing. Persons who speak to the application tonight and/or make written submissions to the Township will automatically receive notice of future meetings dealing with this application.
5. If a person or public body files an appeal of a decision of the Township in respect of the proposed by-law (if adopted) AND does not make oral or written submissions to the Township prior to adoption of the by-law, the Ontario Municipal Board may dismiss the appeal.

6. In the event that the actual by-law is passed by Council, it will be circulated in a formal manner under the provisions of the *Planning Act* and at that time, if objections are received, a hearing will be held before the Ontario Municipal Board, at which time the objectors will be informed of a hearing date.
7. CHAIR LARRY O'CONNOR CALLED UPON THE APPLICANT AND/OR REPRESENTATIVE TO OUTLINE THE PROPOSAL FOR THE BENEFIT OF THOSE IN ATTENDANCE.

The proponent, Mr. Domenic DiBernardo and Mr. Scott Arbuckle, Planning Consultant for Sunpark Developments Inc. were present. Mr. Arbuckle provided some background information advising that this proposal has been in the making for three years, with a C4 zoning designation having been requested which allows for a number of uses, their first intended use being for a combination Wendy's/Tim Horton's, a resolution having been passed by the Township of Brock to allow an eating establishment under a C4 exception zone however, this zoning by-law is still pending. In hindsight the C4 zoning proved to be a prudent move in that Wendy's has restructured and are closing 45 Canadian outlets with a view to permit only 1-2 new outlets yearly. This particular proposal has been dropped by Wendy's, although Tim Horton's is still interested. Mr. Arbuckle advised that in terms of the concept and their intent for additional uses they considered what uses would be most complimentary and could be contained on the land size, thus the conceptual plan for a Tim Horton's and gas bar with kiosk and pumps. The purpose of the conceptual plan is to be up front with the public and to indicate how the proposed uses can be contained on the site. This concept reduces the sewage/effluent management by 1/3 as compared to the original proposal. Traffic generation is reduced by 30% as well with the gas bar/Tim Horton's proposal vs. the Wendy's/Tim Horton combination proposal, as restaurants are considered to be a greater traffic generator. Landscaping plans and grading require further work. Mr. Arbuckle advised he is receptive to any questions.

8. CHAIR LARRY O'CONNOR OPENED THE MEETING TO THE PUBLIC TO RECEIVE INPUT CONCERNING THE SUBJECT APPLICATION.

Mr. Joachim Haecker, B1565 Regional Road 15, R.R. #2, Beaverton, expressed his concern with regard to safety at this corner, commenting that even the municipal planning consultant had stated that this is not a corner suited to this type of development, especially when there are lands suitably zoned for development across the road. Mr. Haecker commented he does not feel that traffic into the development will be decreased as the result of Wendy's pulling out of the proposal and that gas is currently available at the A1 Truck Stop and in the near future will also be available at the Loblaw's store and gas bar to be constructed. Mr. Haecker commented that due to the location of the bridges and the cemetery at the intersection of Hwy. 12 and Regional Road 15, road widening cannot take place and further that this is a very busy intersection for truck traffic. Mr. Haecker referenced comments made by the municipal planning consultant Valerie Cranmer which stated that the proposal although technically feasible, the official plan amendment and zoning applications cannot be supported on a planning basis as it does not represent good planning. He cannot understand why the committee would vote in favour of the proposal.

Councillor Karen Windatt requested that the action of the Planning Committee to date, insofar as this proposal, be explained for the benefit of the public.

Chair/Regional Councillor Larry O'Connor advised that the Planning Committee approved the original Wendy's/Tim Horton's proposal, however following this the applicant approached the municipality to expand the application to include other C4 uses in light of the fact that Wendy's would no longer be part of the proposal, thus the purpose of this public meeting. A decision will be contingent on the input received this evening.

Mr. Gerhard (Gerry) Schroeder, B28050, R.R. #2, Beaverton, thanked the committee for the clarification provided, advising he was not aware of the proposal being anything other than an eating establishment until this evening. He advised that he has noticed a second driveway from the subject lands which will have to merge into the left turn lane and will be virtually impossible in heavy traffic.

Mr. Chris Wilson, Box 764, Beaverton, commented that he was present at the meeting when the Planning Committee made the decision to approve the original proposal and that part of the rationale for approving the application was because of the 30-40 jobs that the proposal would provide. With Wendy's no longer being part of the proposal the numbers of jobs will be less. He enquired how many jobs are proposed under this scenario?

Mr. Scott Arbuckle addressed Mr. Wilson's question advising that the Tim Horton's proposal is larger than the average stores and that it will generate 20-30 jobs with the gas station generating 5-10 jobs.

Mr. Joachim Haecker, B1565 Regional Road 15, R.R. #2, Beaverton, enquired respecting the two entrances proposed onto Regional Road 15 and was advised by Mr. Arbuckle that the additional driveway proposed will be reviewed by Durham Region and has yet to be approved. He advised further that the MTO is planning upgrades to Hwy. 12 as well as intersection improvements which although, because of the change to this proposal less traffic will be generated, the road/intersection improvements planned will provide for the handling of more traffic.

Mr. Haecker enquired as to the number of cars per hour expected in and out of the property and was advised by Mr. Arbuckle that during peak morning hours, 457 gross trips are expected.

Mr. Haecker enquired whether an island will be installed between the lanes so left hand turns will not be permitted and was advised by Mr. Arbuckle that there will be no island installed with the eastern entrance being a full driveway and the second being restricted.

Mr. Haecker commented a left turn from the east driveway is possible and was advised this is a possibility subject to regional approval. He reiterated that traffic backs up especially during the summer months from the intersection of Hwy. 12 and Regional Road 15 back to the Terrace Restaurant and sometimes further.

Mr. Scott Creighton, B1574 Region Road 15, R.R. #2, Beaverton, advised that he has four children for which he is concerned from a safety point of view as this stretch of road is very busy with traffic backing up during the summer months. By approving this proposal he feels we will only be adding to the problems already being experienced at this intersection. He mentioned that there are 6 school buses traveling in this vicinity and that the safety of our children could be at risk.

Mr. Creighton enquired whether an environmental issue could be created by permitting gas pumps so close to the river. He advised his main concern is the extra traffic in the area.

Mr. Creighton enquired of the applicant the amount of water that will be used and has consideration been given to any possible impact on the neighbouring water supply as the neighbours in this area are on private well and septic systems.

Mr. Domenic DiBernardo advised that the tile system remains unchanged from the original submission and that 9800 litres of water are expected to be used daily in the restaurant at peak use.

Chair/Regional Councillor Larry O'Connor advised that based on the numbers stated in conjunction with the original proposal, homeowners were assured their water supply would not be impacted. Numbers respecting water consumption are less now than before.

Mr. Creighton enquired what can be expected if neighbours were to run out of water to which Mr. Arbuckle advised that the neighbour two doors east of the proposal has been assured that he will experience no adverse draw down on his well and that this assurance will be extended to the neighbours as well.

Mr. Arbuckle advised that the gas tanks that would be installed are designed to TSSA regulations and are actually an engineering marvel being of a double wall fiberglass construction. He advised that their company works closed with one of the large gas companies and that in the last 5 years there have been no gas tank failures. Mr. Arbuckle further advised that these tanks are highly regulated, and monitored daily.

Chair/Regional Councillor Larry O'Connor commented that the LSRCA had no negative comments concerning the revised proposal to include a gas bar. Mr. Arbuckle confirmed that this was so advising further that gas bars are located adjacent greenbelt areas in other jurisdictions and that it is up to the TSSA to monitor and regulate these locations.

Mr. Joachim Haecker, B1565 Regional Road 15, R.R. #2, Beaverton, commented again that he cannot understand consideration being given to the development of this corner when lands located across the road are available and more suited to development, especially with the installation of the stop lights proposed at Beaver Avenue. Based on the traffic movement quoted by Mr. Arbuckle, Mr. Haecker advised this translates into 7 cars per minute accessing this property. He cannot understand developing this location based on existing traffic problems and the fact that big trucks currently run the stoplights at Hwy. 12 and Regional Road 15. He commented that the jobs are not high paying jobs and that the only reason he can see for permitting the development is to clean up the corner.

Mr. Gerhard (Gerry) Schroeder, B28050, R.R. #2, Beaverton, commented that he lives adjacent to MacDonald's and that problems with the septic system at that location have been experienced exposing him to rather unpleasant smells. It is his hope that the reduction in the size of the septic system associated with this development will not cause similar problems. Mr. Arbuckle responded to this comment, advising that the new building is 3100 square feet as compared to the previous building size of 5400 square feet. In terms of traffic and affluent, a reduction and use will be noted.

Chair/Regional Councillor Larry O'Connor advised that water consumption formula is based on the seating in the restaurant and that this formula has been successfully used in other areas.

Mr. Scott Creighton, B1574 Region Road 15, R.R. #2, Beaverton, enquired respecting the possible impact on water and traffic that other uses could pose, commenting further that there does not appear to be enough room on the property to accommodate the trains (large fuel tankers) used to delivery fuel. Mr. Arbuckle assured those present that the driveways have been designed to accommodate the deliver trucks, and that with respect to the veterinary clinic and professional office component of the application, the concept of a gas station and Tim Horton's would be the worse case scenario in terms of water and septic, with any other concept requiring less.

Mr. Joachim Haecker, B1565 Regional Road 15, R.R. #2, Beaverton, enquired how many more traffic movements professional offices on the property would create and was advised there would be less than the 457 previously quoted, although exact numbers for that scenario were not run. Mr. Haecker commented that once the land is zoned that the applicant will be able to put in any combination he chooses and was assured that the gas bar/Tim Horton's combination would generate the highest traffic movement.

Dr. Rick Doner, B1380 Regional Road 15, R.R. #2, Beaverton, enquired of the committee what is the logic in permitting the lands to be zoned for a veterinary clinic when one currently exists across the road. He enquired when common sense will prevail? Mr. Arbuckle responded by advising that he does not have an answer better than a veterinary clinic is a standard C4 use and that it would be an appropriate use for the property size.

Mr. Scott Creighton, B1574 Region Road 15, R.R. #2, Beaverton, enquired whether the proposal will be a Tim Horton's and gas bar or Tim Horton's and office and was advised it will be one or the other and not all of the possible uses in that it would not be practical to have a Tim Horton's, gas bar and professional offices on the subject site.

Mrs. Anne MacDermid, 151 River Street, Sunderland enquired as to the distance from the river that the subject lands are and was advised there is a major highway between the subject lands and the site. She enquired whether any type of landscaping would be undertaken on the property to mitigate air pollution and was advised that this would form part of the site plan agreement. Mr. Arbuckle advised that at the last meeting there had been some discussion concerning a gateway to Beaverton being created. Further consideration could be given to landscaping and a contribution to the gateway plan.

Ms. Barb Smith, B3675 Mara Road, Beaverton, commented that it is her opinion that the traffic at this corner already exists and that although the proposal may bring more traffic, it will also divert it by times. The proposed development will service travelers in the area. Ms. Smith commented that with the development taking place on Beaver Avenue it is evitable that this corner will also be developed and that the development interest should be acted upon. Although in her opinion the use of the property for a veterinary clinic

would not be sensible, she feels that the developer has the common sense to consider those uses that would be profitable. She commented that the corner needs improving and that approval for Tim Horton's has already been approved.

Chair/Regional Councillor Larry O'Connor clarified that any approvals concerning this site will be held pending the input received at this evening's meeting. He further explained that due to the Greenbelt legislation and the fact that this application had been submitted prior to the enactment of the Greenbelt legislation, that it remains the only current opportunity for the development of the lands. The expanded uses requested by the applicant are the cause for this evening's public meeting.

Ms. Smith enquired whether the original proposal had been approved and was advised in the affirmative. She commented that the developer will want to protect his interests and that the new proposal is still providing much needed jobs for the area. She agrees that water supply in the area needs to be protected, however if the proposal is approved it will benefit travelers and create less congestion at Beaver Avenue.

Mr. Joachim Haecker, B1565 Regional Road 15, R.R. #2, Beaverton, again reiterated his traffic concerns and the fact that the trucks on Hwy. 12 already run the stop lights. Approval of this proposal will only push the traffic envelope further.

Ms. Marion Saunders, B2120 Regional Road 15, Beaverton, commented that it is difficult to cross Regional Road 15 at this location now, especially on weekends, and that approval of this development will make the situation worse.

Mr. Gerhard (Gerry) Schroeder, B28050, R.R. #2, Beaverton enquired concerning access from Hwy. 12 and was advised there will be no access from Hwy. 12. Mr. Schroeder commented that he is of the impression that the proponent does not have any firm client for his development proposal, thus the request for multi uses. He requested an iron clad agreement that if the proposal is accepted that there will be no odors from the septic system, to which Chair Larry O'Connor advised that the septic system would be under the jurisdiction of the Regional Health Department. Mr. Schroeder advised that the Ontario Environmental Protection Act exists which makes it illegal to impact neighbouring properties. An example of a septic system impacting a neighbour's quality of life is the MacDonald's on Beaver Avenue in that Mr. Schroeder is subjected to the odors emanating from the septic system on that property.

Ms. Jay Yerema Weafer, 100 River Street, Sunderland, advised she is part of the Concerned Citizens of Sunderland group and was at the meeting when the municipal planning consultant provided her report to the committee and stated that approval of this plan would not be good planning. She acknowledged that the committee approved the application at that time because of the jobs it would bring to the area and the fact that if the proposal is not approved now, the lands would be undevelopable for at least nine years. She enquired whether the applicant would develop a Tim Horton's only if the additional uses are not approved and was advised by the proponent that he cannot currently answer this question.

Ms. Yerema Weafer advised she has reservations concerning the approval of this proposal, the trucks on Hwy. 12 being a major concern and the fact that if the proposal is approved truck parking problems on Hwy. 12 and Regional Road 15 could become an issue. She acknowledged that the proponent previously advised that such issues would be dealt with through enforcement. She enquired whether anyone has investigated this problem further to which Chair Larry O'Connor advised that the MTO does not share this concern.

Ms. Yerema Weafer enquired if only a Tim Horton's is approved, would the developer consider redesigning the proposal to accommodate a truck traffic rest area, which would assist in making the area safer?

Mr. Scott Creighton, B1574 Regional Road 15, R.R. #2, Beaverton, enquired whether when Hwy. 12 is made into 4 lanes, is it the intent of the MTO to install a centre median, to which Chair O'Connor advised that there will be no centre median even though the MTO has been encouraged to install same in this area. Mr. Creighton commented that the installation of No Parking signs along Hwy. 12 in the area of the proposed development will not prevent the truck traffic from stopping. He noted further that the trucks pass the school buses in the 60 km zone on Hwy. 12 at the Thorah Central Public

School and that the OPP advise they do not have time to patrol and enforce this speed zone.

Mrs. Tammy Creighton, B1574 Region Road 15, R.R. #2, Beaverton, enquired whether there would be road shoulder in the vicinity of the proposed development, as she and her children like to walk and ride their bicycles in this area. She further enquired as to the possibility of having the speed limit in this area reduced to below 70km, to which the Chair advised that this will be noted and Durham Region apprised of the request.

Mr. Scott Creighton, B1574 Region Road 15, R.R. #2, Beaverton, requested a copy of any municipal report which will be submitted to Durham Region with respect to this application, and was advised that those in attendance this evening will have the opportunity to speak to the issue when it is again dealt with by the Planning Committee.

Mrs. Anne MacDermid, 151 River Street, Sunderland, enquired whether the public will be apprised of the final plan and was advised that the purpose of this meeting is to obtain public input and that it is up to the developer on how he will proceed.

Mr. Scott Creighton, B1574 Region Road 15, R.R. #2, Beaverton, commented it would make better business sense to develop across the road or possibly purchase the A1 Truck Stop where gas is already available and trucks can be accommodated safely.

Clerk-Administrator George Graham advised those in attendance that further to this evening's meeting, they will have an opportunity to speak to the issue as a deputation when it is dealt with by the Planning Committee, and if at that time the application is approved, a by-law will be circulated which can be appealed to the OMB. This same process stands with respect to the OPA.

Ms. Beatrice Samis, C22770 Region Road 2, Cannington, expressed her concern respecting safety at this intersection based on traffic movements at this corner. She enquired how many seats are proposed in the Tim Horton's commenting that the numbers of workers are dependant on the numbers of seats. She advised further that she works at a Tim Horton's that has 36 seats which provides 20 jobs.

Ms. Jay Yerema Weafer, 100 River Street, Sunderland, requested confirmation as to who is responsible if water problems are experienced by the neighbours if the development is approved and was advised that it would be between the developer and the affected neighbours, however that some form of assurance/guarantee would be encouraged within the site plan agreement. She enquired if the additional uses are denied whether Tim Horton's will proceed and was advised that an eating establishment is an approved recommended use at this time.

9. There being no further input received concerning the subject application, Chair Larry O'Connor requested a motion to close the meeting.

III. ADJOURNMENT

Resolution No. 1-5

MOVED BY Allan Simpson that the Public Meeting of the Planning Committee as held concerning Zoning Application File Number 7-2003-RA – Sunpark Developments Inc., now be closed at 8:13 p.m.

MOTION CARRIED

CHAIR

SECRETARY