

Town of Whitby Public Meeting Report

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Report Title: **DEV-36-22: Official Plan Amendment Application OPA-2022-W/05, Zoning By-law Amendment Application Z-23-22 – 3 Cassels Road East, Brooklin**

Date of meeting: February 13, 2023

Report Number: **PDP-06-23**

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell, Chief
Administrative Officer**

For additional information, contact:

Dave Johnson, Planner II – Heritage, x.
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Planning Report PDP-06-23 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13.

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](#).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

1. Highlights:

- Applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted by Biglieri Group. on behalf of 2738183 Ontario Inc for lands municipally known as 3 Cassels Road East.
- The proposal is to change the land use designation from Mixed Use to Residential and change the zoning to an appropriate residential zone category to permit the construction of a single detached dwelling on a new, severed lot.
- The property is located within the Brooklin Heritage Conservation District (HCD) Plan area. The existing building at 3 Cassels Road East would be maintained as a commercial use, and the proposed construction of the new dwelling on the severed lot would require a Heritage Permit.

2. Purpose:

The Planning and Development Department is in receipt of applications for an Official Plan Amendment and a Zoning By-law Amendment for the subject land at 3 Cassels Road East. The purpose of this report is to present information related to the applications at a statutory public meeting, as required by the *Ontario Planning Act*.

3. Background:

3.1. Site and Area Description

The subject land is located at the southeast corner of Cassels Road East and Durham Street (refer to Attachment #1). The subject land is approximately 0.18 hectares in size. The subject land currently has one 2-storey building situated on the northern section of the property that fronts onto Cassels Road East, with driveway access on both Cassels Road East and Durham Street. The existing building was constructed in 1890 as a residence and has since been converted to commercial use.

Surrounding land uses include commercial to the east; residential to the south and west; and a public park to the north (refer to attachment #2).

3.2. Applications and Proposed Development

An Official Plan Amendment Application has been submitted to change the Mixed-Use designation in the Official Plan and Brooklin Community Secondary Plan. A Zoning By-law Amendment Application has been submitted to change the zoning to an appropriate zone category. The applications seek to permit the construction of a single detached dwelling on a proposed severed lot.

3.3. Documents Submitted in Support

A number of documents were submitted in support of the applications, including the following:

- A proposed conceptual severance plan, dated September 26, 2022 (refer to attachment #3);
- An Arborist Report, dated August 19, 2022, prepared by DAWhiteTreecare.com, which identifies the health of existing trees on the subject land and provides recommendations for preservation and/or removal;
- An Archaeological Assessment (Stage 1-2) prepared by WSP, dated August 17, 2022, which concludes that the location meets the requirements for a Stage 3 Assessment;
- A Cultural Heritage Impact Assessment prepared by WSP, dated August 2022, which provides a summary of the historic context of the subject land and the surrounding area. The Assessment concludes that both Municipal and Provincial policies have been met with respect to the proposed development. The Assessment provides alternative and mitigative strategies and recommendations regarding alternative placement of a new proposed driveway;
- A Functional Servicing and Stormwater Management Report prepared by T.Y.LIN International Canada Inc., dated September 2022, which concludes that the proposed development can be serviced by existing and future external infrastructure and internal proposed infrastructure. The report also concludes that a hydrogeology study is required to determine the infiltration rates of soils to confirm if the proposed stormwater management strategy will be adequate;
- A Noise Impact Study prepared by Sonair Environmental, dated August 22, 2022, which recommends that no noise attenuation or clauses are needed as both transportation and stationary noise both fall within guideline limits;
- A Phase 1 Environmental Assessment prepared by Palmer, dated September 7, 2022, which concludes that potentially contaminating activities were not identified and based on the findings no further assessment or remediation is required;
- A Planning Rationale Report prepared by Biglieri Group, dated October 2022, which concludes that the proposed applications are consistent with Provincial, Regional and Local policies and that the proposed infill development represents appropriate and desirable development;

- A Sustainability Rationale Report prepared by the Biglieri Group, dated October 2022, which states that the infill development will achieve and commit to Tier 1 of the Whitby Green Standard; and,
- A Traffic Impact Brief, prepared by Paradigm, dated September 7, 2022, which concludes that the subject land is forecast to generate no more than 4 trips in both the AM and PM peak hours. The report also concludes that the infill development may proceed without any requirements for off-site transportation improvements.

The above documents have been circulated to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is located within a “Regional Centre” and within the Urban System, as depicted on Schedule ‘A’ Map A4 of the Durham Regional Official Plan. Regional Centres are focal points of urban activities. They are to provide a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment and major office uses.

4.2. Whitby Official Plan

The subject land is designated Mixed-Use in the Town of Whitby Official Plan (refer to Attachment #4). The goal of a Mixed-Use area is to encourage mixed residential and commercial development and redevelopment to ensure an intensive, transit-supportive and efficient use of land (Policy 4.6.1.1) and to provide new opportunities for housing and employment that support the redevelopment of Mixed-Use areas (Policy 4.6.2.1). Lands designated Mixed-Use permit integrated mixed-use development and redevelopment that include residential, office, retail, restaurant, personal service and community and/or institutional uses.

The subject land is designated as Mixed-Use 2-HCD (refer to Attachment #5) and is located within the Major Central Area of the Brooklin Community Secondary Plan. Lands designated as Mixed-Use 2-HCD recognize the unique heritage character of the Brooklin Heritage Conservation District Plan area.

Within Mixed-Use areas, lands are to contain two or more of the permitted uses. An Official Plan Amendment is required to permit the development of the single detached dwelling on the proposed severed lot.

4.3. Zoning By-law

The subject land is zoned Mixed-Use Residential – Village of Brooklin (H MUR-VB) - Exception 5 under Zoning By-law # 1784. The H MUR-VB-Exception 5 zone permits a variety of uses including a Bed and Breakfast establishment in an existing dwelling, converted dwelling, boarding or lodging house in an existing dwelling, bakeshop or confectionary shop, personal service establishment, photocopy shop and a retail store.

A Zoning By-law Amendment is required to change the zoning to permit the proposed infill development of a single detached dwelling on the severed lot.

4.4. Heritage

The subject land is designated under Part V of the Ontario Heritage Act, as it is located within the Brooklin Heritage Conservation District (HCD) Plan area. The proposed infill development will be required to follow the policies of the HCD, specifically Section 6 for guidance on design and construction of new development. In general, the policies of the Brooklin HCD Plan seek to allow new compact redevelopment between heritage buildings, where the orientation of new buildings matches the dominant orientation of the street and require that front and side yard setbacks must comply with the zoning by-law.

Should the applications be approved, the Cultural Heritage Impact Assessment would have to be updated to address the Brooklin HCD Plan requirements once there is a design for the proposed single detached dwelling. This would need to be submitted with a Heritage Permit Application.

5. Communication and Public Engagement:

Notice of the Statutory Public Meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on both the Cassels Road East frontage and the Durham Street frontage of the subject land in accordance with the Town's notification procedures.

6. Consultation with other Departments/Sources:

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

7. Conclusion:

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development

applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

8. Attachments:

Attachment 1 - Location Sketch

Attachment 2 - Aerial Context Map

Attachment 3 - Proponent's Conceptual Severance Plan

Attachment 4 - Excerpt from the Town of Whitby Official Plan Schedule 'A'

Attachment 5 - Excerpt from the Town of Whitby Secondary Plan Schedule 'K1'

Attachment 6 - Excerpt from Zoning By-law # 1784