



Town of Whitby Staff Report

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Report Title: Zoning By-law Amendment Application to Remove the Holding (H) Symbol, NF Hopkins Ltd., 901 Hopkins Street, File No. DEV-29-22 (Z-20-22)

Report to: Committee of the Whole

Date of meeting: February 27, 2023

Report Number: PDP 07-23

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:

L. Taylor, Planner II, x. 2902

1. Recommendation:

1. That Council approve an Amendment to Zoning By-law # 2585 (File No. Z-20-22) for the removal of the Holding (H) Symbol, as outlined in Planning Report PDP 07-23; and,
2. That a by-law to amend Zoning By-law # 2585 be brought forward for consideration by Council.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by GHD on behalf of NF Hopkins Ltd. for the land municipally known as 901 Hopkins Street.
- The proposal is to remove the Holding (H) Symbol in order to permit the development of a 27,244 square metre (293,252 square foot) industrial warehouse and associated parking lot.

- The existing wetland area is to be conveyed to the Town through the Site Plan Application.

3. Background:

3.1. Site and Area Description

The subject land includes land east of Hopkins Street, north of the future Burns Street extension, municipally known as 901 Hopkins Street (refer to Attachment #1). The subject land is approximately 8.16 hectares (20.17 acres) in size.

Surrounding land uses include industrial uses to the west and north, the CP Railway to the northeast and east, and vacant industrial land to the south (refer to Attachment #2).

3.2. Applications and Proposed Development

A Zoning By-law Amendment Application (Z-20-22) has been submitted to remove the Holding (H) Symbol in order to permit the development of a 27,244 square metre (293,252 square foot) industrial warehouse and associated parking lot (refer to Attachment #3).

A Site Plan Application has been submitted and will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

3.3. Documents Submitted in Support

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

- A Site Plan prepared by JRI Architects, dated August 2022 (refer to Attachment #3);
- Building Elevations prepared by JRI Architects, dated August 2022 (refer to Attachment #4);
- A Functional Servicing and Stormwater Management Report prepared by Husson, dated July 2022, which outlines the design of the stormwater management to meet the Town, Ministry of Environment, Climate and Parks (MECP) Guidelines and the Corbett Creek Master Drainage Plan (MDP);
- A Geotechnical Investigation prepared by GHD, dated December 2, 2021, which provides a summary of subsurface soil and groundwater conditions and provides recommendations for the design and construction of foundations, pavement and site servicing as well as excavation and backfilling;

- A Phase I Environmental Site Assessment (ESA) prepared by Pinchin, dated August 4, 2021, which concludes that there are no identified potential subsurface impacts, therefore subsurface investigation work (a Phase II ESA) is not recommended;
- A Planning Brief prepared by GHD, dated September 8, 2022, which concludes that the proposed development conforms to the policies of the Whitby Official Plan;
- A Sustainability Report and Whitby Green Standards Checklist prepared by GHD, dated July 29, 2022, which summarizes how the proposed development meets and exceeds the mandatory Tier 1 sustainability practices; and,
- A Transportation Study prepared by R.J. Burnside & Associates Limited, dated July 2022, which summarizes roadway improvements including a southbound left-turn lane, site circulation, parking and loading, and transportation demand management.

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

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated as “Employment Areas” on Schedule ‘A’ Map ‘A4” of the Regional Official Plan (ROP). Employment Areas are intended for manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities.

4.2. Whitby Official Plan

The west portion of the subject land is designated General Industrial on Schedule ‘A’ – Land Use and the east portion is designated Major Open Space (refer to Attachment #5).

Lands designated General Industrial permit “the manufacturing, processing, assembly, servicing, storing of goods and raw materials, warehousing, and uses for similar and related purposes such as utility yards and functions, and transportation terminals. Truck, equipment and machinery service shops, building and contracting yards, commercial self-storage facilities, and landscape industry uses are permitted on lands designated as General Industrial.” (4.7.3.1.1)

Lands designated “Major Open Space” permit “active and/or passive recreational and conservation uses, forest, wildlife and fisheries management, community gardens, and private recreation uses that have minimal negative impacts on the

environment.” (4.9.3.5) The proponent will be required to convey the Major Open Space land to the Town of Whitby as a condition of the Site Plan Application.

4.3. Zoning By-law

The subject land is zoned Holding – Restricted Industrial – Exception 1 Zone (H-M2-1) under By-law # 2585, which permits a variety of industrial uses, subject to removing the ‘H’ Holding Provision (refer to Attachment #6).

A Zoning By-law Amendment is required to lift the ‘H’ Holding Provision which was applied through site-specific By-law # 7362-18 until such time as the land had been floodproofed and that soil conditions have been stabilized to the satisfaction of the Central Lake Ontario Conservation Authority (CLOCA). The proposed development has been circulated to CLOCA and they have confirmed their conditions have been met.

Minor Variances will be required to address the proposed increase in building height and reduction in parking, along with any other non-compliance to By-law # 2585 through the detailed review of the final Site Plan Application.

4.4. Conclusion

The subject land is designated for General Industrial and Major Open Space uses. General Industrial areas are intended to support a variety of industrial uses. The portion of the subject land that is designated Major Open Space contains a wetland and is to be conveyed to the Town of Whitby.

The proposed development will serve to increase the range of employment opportunities available within the community.

The proposed building design and articulation will be dealt with through the Site Plan approval process and will be designed to be appropriate within the existing and planned built form context.

Development of the subject land for an industrial building is appropriate as it is situated within the built-up area, along an arterial road with access to transit facilities.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 7.

Based on the detailed review of the applications and consideration of public and agency comments and requirements (refer to Section 6), it is concluded that the proposed development is in conformity with the Region and Town Official Plans. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment to lift the ‘H’ Holding Provision.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A statutory public meeting is not required for the removal of an 'H' Holding Provision, as per the *Planning Act*.

7. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Town of Whitby Engineering Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes;
- Town of Whitby Fire and Emergency Services;
- Town of Whitby Strategic Initiatives;
- Canadian Pacific (CP) Railway;
- Elexicon Energy;
- Enbridge Gas Inc.;
- Hydro One Networks Inc.; and,
- Rogers Communications.

External Agencies

Central Lake Ontario Conservation Authority (CLOCA)

Comments provided by CLOCA state that the previously established development area was 0.3 metres above the regulatory floodplain elevation and as such would meet the criteria of dry floodproofing. Given this, the Zoning By-law Amendment Holding condition related to floodproofing the development area of the site has been fulfilled.

Refer to Attachment #7 for additional detailed comments.

8. Strategic Priorities:

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility. The application has been circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met.

The proposal is to include additional uses within the existing building using existing infrastructure, which implements the Town's strategic priority of sustainability.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Site Plan

Attachment #4: Proponent's Proposed Building Elevations

Attachment #5: Excerpt from the Town of Whitby Official Plan Schedule 'A'

Attachment #6: Excerpt from Zoning By-law # 2585

Attachment #7: Agency and Stakeholder Detailed Comments