

Town of Whitby Staff Report

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Report Title: **DEV-35-22: Draft Plan of Condominium Application
CW-2022-02 and CW-2022-03, Garden Street
Developments Inc., 4335 Garden Street.**

Report to: **Committee of the Whole**

Date of meeting: March 6, 2023

Report Number: **PDP 09-23**

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:

C. Robertson, Planner I, x 1936

1. Recommendation:

1. That Council approve a Draft Plan of Condominium – Common Element (File No. CW-2022- 02) subject to the comments included in Planning Report PDP 09-23 and the Conditions of Approval, included in Attachment #5;
2. That Council approve a Draft Plan of Condominium - Standard (File No. CW-2022-03) subject to the comments included in Planning Report PDP 09-23 and the Conditions of Approval, included in Attachment #5;
3. That the Mayor and Clerk be authorized to execute the Condominium Agreements and any other necessary documents; and,
4. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

2. Highlights:

- The Garden Street Developments Inc. Draft Plan of Subdivision (SW-2018-06) is approved and registered as 40M2728, including the creation of Block 1. A Site Plan was subsequently approved for the development of Block 1 on August 24, 2021.
- The purpose of the Condominium Applications is to enable the transfer of title to the future townhouse owners, create a Condominium Corporation that will be responsible for the common elements and to require the Condominium Corporation to adhere to the conditions of site plan approval (SP-04-20).

3. Background:

3.1 Site and Area

The subject land is comprised of Block 1 (medium density) of approved Draft Plan of Subdivision SW-2018-06, municipally known as 4335 Garden Street (refer to Attachment #1). The subject land is approximately 4.0 hectares (10.0 acres) in size.

Surrounding land uses to the approved Draft Plan of Subdivision, include:

- single detached dwellings to the southeast and southwest;
- a proposed residential development to the northwest;
- residential development to the south; and,
- environmentally sensitive lands to the north and east (refer to Attachment #2)

3.2 Applications and Development Proposal

The subject land is a development block (Block 1) that was created through the approval of Garden Street Developments Inc. Draft Plan of Subdivision SW-2018-06.

A Site Plan Application (SP-04-20) for the development of 38 common element street townhouses fronting on a private (condominium) road was approved by the Commissioner of Planning and Development on August 24, 2021 (refer to Attachments # 1 and 2 in red). Each townhouse has a minimum of 2 dedicated parking spaces. The common or shared elements of the condominium development include the private road and related infrastructure (i.e. water, storm and sanitary sewers), the community mailbox, fencing, landscaping, and visitor parking (refer to Attachment #3).

A Site Plan Application (SP-04-20) for the development of 36 standard stacked townhouses fronting on a private (condominium) road was also approved by the Commissioner of Planning and Development on August 24, 2021 (refer to

Attachments # 1 and 2 in blue). Each townhouse has a minimum of 2 dedicated parking spaces (refer to Attachment #4).

The intent of the Draft Plan of Condominium applications (CW-2022-02 and CW-2022-03) is to facilitate the transfer of title from the Subdivider (Garden Street Developments Inc.) to the future condominium purchasers and to have the future condominium corporation assume responsibility for administering the conditions of site plan approval.

4. Discussion:

4.1. Planning Conformity

The subject land has previously been considered through a number of planning applications, including a Draft Plan of Subdivision (SW-2018-06), a Zoning By-law Amendment (Z-23-18) and a Site Plan Application (SP-04-20). These applications were circulated to the appropriate departments and agencies and all comments and concerns have since been addressed.

The proposed development conforms to the Region of Durham Official Plan, the Town of Whitby Official Plan and Zoning By-law # 1784.

Therefore, it is recommended that the proposed Draft Plans of Condominium be approved, subject to the comments included in this report and the Conditions of Draft Plan of Condominium Approval included in Attachment #5.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

Internal Departments

Engineering Services

Engineering Services has no objection to the above application, provided that the conditions of the executed Site Plan Agreement for file SP-04-20 be included in the Condominium Agreement with the Developer's responsibilities and obligations transferred to the Condominium Corporation where appropriate. Refer to Attachment #6 for additional detailed comments.

External Agencies

Central Lake Ontario Conservation Authority (CLOCA)

CLOCA has requested that the following provision be included in the Condominium Agreement,

“That all new and existing landowners are provided with the Homeowners Brochure that was created for this Plan of Subdivision having regard to the environmental buffer Block 2”.

Durham Region Planning

The Region has no objection, subject to the conditions of draft approval being complied with prior to clearance by the Region for registration of the plan.

8. Strategic Priorities:

The development review process has provided opportunity for 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 Site Plan Application was circulated to the Accessibility Advisory Committee for review and comment to ensure all accessibility requirements are met.

The proposed residential development increases the density on the subject land which provides a better use of 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 Common Element Condominium Plan

Attachment #4: Proponent’s Proposed Standard Condominium Plan

Attachment #5: Conditions of Draft Plan of Condominium Approval

Attachment #6: Agency & Stakeholder Detailed Comments