

Town of Whitby

Staff Report

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Report Title: **Zoning By-law Amendment Application to Remove the Holding (H) Symbol, Menkes Champlain Inc., Champlain Avenue, File No. DEV-33-21 (Z-23-21)**

Report to: **Committee of the Whole**

Date of meeting: April 3, 2023

Report Number: **PDP 13-23**

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 # 1784 (File No. Z-23-21) for the removal of the Holding (H) Symbol, as outlined in Planning Report PDP 13-23; and,
2. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Menkes Developments Ltd. on behalf of Menkes Champlain Inc. for the land located on the south side of Stellar Drive, east of Thickson Road South.
- The proposal is to remove the 'H' Holding Provision from the Holding - Prestige Industrial Zone - Exception 2 (H-M1A-2) zoned portion of the property.
- A Site Plan Application has been submitted to construct a 15,144 square metre (163,013 square foot) warehouse along the Stellar Drive frontage (Phase 1).

3. Background:

3.1. Site and Area Description

The subject land includes land on the south side of Stellar Drive, east of Thickson Road South (refer to Attachment #1). The subject land is approximately 9.52 hectares (23.51 acres) in size.

Surrounding land uses include future industrial uses to the north and east, Highway 401 to the south and Durham College (Whitby Campus) to the west (refer to Attachment #2).

3.2. Applications and Proposed Development

A Zoning By-law Amendment Application (Z-23-21) has been submitted to remove the Holding (H) Symbol from the property.

A Site Plan Application has been submitted to permit the development of a 15,144 square metre (163,013 square foot) warehouse containing three (3) units along the Stellar Drive frontage (Phase 1) (refer to Attachment #3). The Site Plan Application will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

A future Site Plan Application will be required for future phases of the industrial development south of Stellar Drive.

The proponent also owns land north of Stellar Drive which will be subject to separate development applications.

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 Turner Fleisher Architects Inc., dated May 2, 2022 latest revision date December 18, 2022 (refer to Attachment #3);
- An Environmental Impact Study prepared by Stantec Consulting Ltd., dated October 25, 2021, revised December 19, 2022, which proposes to remove existing wetlands and associated buffers on the lands south and north of Stellar Drive and create a new wetland in the Open Space area on the lands south of Stellar Drive. The proposed wetland compensations result in a net gain of 0.10 ha in wetland with a corresponding net loss of 0.41 ha in buffer area;

- A Functional Servicing and Stormwater Management Report prepared by Stantec Consulting Ltd., dated October 25, 2021, revised December 13, 2022 which provides recommendations on site servicing, grading, floodplain, stormwater management and drainage. The hydraulic analysis and cut-fill balance demonstrates that there will be no impacts to the floodplain;
- A Hydrogeological Report prepared by DS Consultants Ltd., dated March 9, 2021, which provides an overview of the existing geological and hydrogeological conditions, provides an estimate of construction dewatering and associated impact assessment, as well as discharge permit requirements;
- A Noise Feasibility Study prepared by HGC Engineering, dated October 26, 2021, which concludes that no noise mitigation is required;
- A Phase 1 Environmental Impact Study (ESA) prepared by DS Consultants Ltd., dated March 3, 2021, which concludes that a Record of Site Condition is not required but that a Phase 2 ESA is required;
- A Phase 2 ESA prepared by DS Consultants Ltd., dated April 6, 2021, which concludes that applicable Site Condition Standards have been met and that any excess soils generated by the future development will be subject to O.Reg. 406/19;
- A Stormwater Management Pond and Rain Garden Operation and Maintenance Report prepared by Stantec Consulting Ltd., dated December 9, 2022 which outlines the maintenance responsibilities and procedures required to maintain the stormwater management pond and rain garden;
- A Sustainability Brief prepared by GHD, dated October 22, 2021, outlines how the proposed development meets the mandatory Tier 1 sustainability criteria of the Whitby Green Standard;
- A Transportation Impact Study prepared by LEA Consulting Ltd., dated November 11, 2021, concludes that the traffic associated with the planned development maintains acceptable conditions for the road network in the surrounding area, with minor optimizations for the network.

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.

The proposed development conforms to the ROP.

4.2. Whitby Official Plan

The majority of the subject land is designated Prestige Industrial on Schedule ‘A’ – Land Use and a portion of land along the west side is designated Major Open Space (refer to Attachment #4).

Lands designated Prestige Industrial permit uses including but not limited to light industrial uses within enclosed buildings, office uses, data processing centres, commercial or technical school, research, and development facilities. (4.7.3.2.2)

Official Plan Section 4.7.3.2.3 states: “Warehousing and wholesale distribution uses may be permitted on lands designated as Prestige Industrial, with the exception of Business Parks, subject to the following criteria:

- a) located in proximity to Highways 401, 407, or 412;
- b) separated from residential areas;
- c) does not create additional traffic through residential areas; and
- d) wholly enclosed in buildings with no outdoor storage.”

The proposed warehouse located in proximity to Highway 401 conforms to the policies of the Official Plan.

4.3. Zoning By-law

The subject land is zoned Holding – Prestige Industrial – Exception 2 Zone (H-M1A-2) and G – Greenbelt under By-law # 1784, which permits a variety of industrial uses, subject to removing the ‘H’ Holding Provision (refer to Attachment #5).

A Zoning By-law Amendment is required to lift the ‘H’ Holding Provision which was applied through site-specific By-law # 6893-14 until such time as a Noise Impact Study has been prepared and the Consumers Drive extension (now called Stellar Drive) has been constructed. The required Noise Impact Study has been completed and concluded that no noise mitigation is required. Stellar Drive has also been constructed.

A successful Minor Variance Application will be required to address the proposed parking in the front yard, along with any other non-compliance to By-law # 1784, as part of the Site Plan Application for Phase 1.

4.4. Conclusion

The majority of the subject land is designated for Prestige Industrial and a portion is designated for Major Open Space uses. Prestige Industrial areas are intended to support a variety of industrial uses.

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;
- Canadian Pacific (CP) Railway;
- Central Lake Ontario Conservation Authority (CLOCA);
- Ministry of Transportation (MTO); and,
- Region of Durham.

Refer to Attachment #6 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.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Site Plan

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

Attachment #5: Excerpt from Zoning By-law # 1784

Attachment #6: Agency & Stakeholder Detailed Comments