

# Town of Whitby

## Staff Report

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**Report Title:**     **DEV-01-23: Zoning By-law Amendment Application,  
1621 McEwen Drive  
File No. Z-01-23**

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**Report to:**     **Committee of the Whole**

**Date of meeting:**   April 3, 2023

**Report Number:**   **PDP 14-23**

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

M. Wianecki, Planner II, x. 2932

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### 1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 1784 (Z-01-23) as outlined in Planning Report PDP 14-23; and,
2. That a Zoning By-law Amendment be brought forward for consideration by Council.

### 2. Highlights:

- An Application for a Zoning By-law Amendment has been submitted by 1351789 Ontario Limited for land municipally known as 1621 McEwen Drive;
- The proposal is to amend Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing unit located on the subject land.

### 3. Background:

#### 3.1. Site and Area Description

The subject land is located at 1621 McEwen Drive (refer to Attachment #1). The subject land is approximately 1.61 hectares (3.99 acres) in size.

Surrounding land uses include industrial uses to the north and west, and open space and vacant land to the south and east (refer to Attachment #2). The subject land currently consists of five (5) single-storey industrial buildings.

### **3.2. Application and Proposed Development**

A Zoning By-law Amendment Application has been submitted by 1351789 Ontario Limited to amend Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing unit located on the subject land.

The hydrolysis facility will utilize aquamation, which is a flameless type of cremation. Hydrolysis facilities are generally associated with funeral home facilities. However, the applicant has confirmed that there will be no funeral home or funeral home services operating out of the proposed unit.

The proposal does not involve any external alterations or site development. The proposed use will be contained within Unit #1 of Building A (refer to Attachment #3). Unit #1 of Building A includes a reception area, three (3) offices, a board room, a kitchen, a washroom, a utility room, and a loading bay/storage area (refer to Attachment #4). The hydrolysis machine will be located within the loading bay/storage area. The minimum space requirements for the hydrolysis machine are 9 feet in height, 8.3 feet in width, and 19 feet in length (refer to Attachment #5).

### **3.3. Documents Submitted in Support**

The following documents were submitted in support of the application:

- A Planning Rationale Report prepared by Batory: Urban Planning & Project Management, dated December 2022, which contains an overview of the subject land, the proposed development, and provides a detailed rationale regarding the application.
- A formerly approved Site Plan (1988), which illustrates the location of the unit associated with the application.
- A Floor Plan, which displays the proposed internal layout of the unit associated with the application.
- Minimum Space Requirements associated with the hydrolysis machine.

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” in the Regional Official Plan (ROP). Employment Areas permit a variety of industrial, manufacturing, processing, and service industry related uses.

The proposed use conforms to the ROP.

## **4.2. Whitby Official Plan**

The subject land is designated as “General Industrial” on Schedule A of the Whitby Official Plan (refer to Attachment #6). General Industrial areas permit a variety of manufacturing, processing, servicing, and storage related activities. Because there are no funeral home activities associated with the hydrolysis facility, the use is considered to be an acceptable permitted use in the General Industrial designation.

## **4.3. Zoning By-law**

The subject land is zoned Prestige Industrial (M1A) Zone within Zoning By-law # 1784 (refer to Attachment #7). The M1A Zone permits manufacturing, assembly and warehousing type uses, but does not permit uses such as a hydrolysis facility.

Therefore, a Zoning By-law Amendment is required to permit and operate a hydrolysis facility within an existing industrial unit located on the subject land.

## **4.4. Conclusion**

Considering the nature of the proposed use within a designated employment/industrial area, it is concluded that the site can adequately accommodate the hydrolysis facility. Therefore, it is recommended that Council approve an amendment to Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing industrial unit located on the subject land.

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

## **5. Financial Considerations:**

Not applicable.

## **6. Communication and Public Engagement:**

A Statutory Public Meeting was held on February 13, 2023 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies an opportunity to comment on the Zoning By-law Amendment application. No public submissions were received at the Public Meeting regarding this zoning application (refer to Attachment #8).

Enquiries received via email prior to the Public Meeting related to the nature of the aquamation use, including the number of units proposed on the site, clientele, potential pollutants and/or byproducts and noise.

Responses provided by the applicant’s agent confirmed the following:

- There will only be one (1) machine within the unit;

- The hydrolysis facility will utilize aquamation, which is a flameless type of cremation. The applicant has confirmed that there will be no funeral home or funeral home services operating out of the proposed unit;
- The facility is intended to service the clients of Newcastle Funeral Home and specifically Whitby families that request this service;
- The equipment will be approved by the Ministry of Government and Consumer Services, there are no emissions produced, and the facility renders a completely sterile by-product; and,
- No noise will be emitted outside of the existing unit.

## **7. Input from Departments/Sources:**

The following internal departments/divisions have reviewed the application and have no objection:

- Whitby Engineering Services;
- Whitby Fire and Emergency Services;
- Whitby Policy and Heritage Planning;
- Whitby Planning and Development; and,
- Whitby Building Division.

Refer to Attachment #9 for detailed comments.

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

- Region of Durham Planning and Economic Development;
- Region of Durham Works Department; and,
- City of Oshawa.

Refer to Attachment #9 for detailed comments.

## **8. Strategic Priorities:**

The development review process is a public process that has provided the opportunity for input on the proposed application, which aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized, and positive customer service experience.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

## **9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Site Plan – Unit Location

Attachment #4: Unit #1 Floor Plan

Attachment #5: Hydrolysis Facility – Minimum Space Requirements

Attachment #6: Excerpt from the Town of Whitby Official Plan – Schedule A

Attachment #7: Excerpt from Zoning By-law # 1784

Attachment #8: Public Meeting Minutes – February 13, 2023

Attachment #9: Internal and External Agency Comments