

Town of Whitby

Staff Report

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Report Title: **DEV-04-23: Draft Plan Condominium Application CW-2023-02, The Inverlynn Estate Ltd., 1300 Giffard Street**

Report to: **Committee of the Whole**

Date of meeting: May 1, 2023

Report Number: **PDP 23-23**

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. England, Planner I, x. 2822

1. Recommendation:

1. That Council approve the Draft Plan of Condominium (File No. CW-2023-02) subject to the comments included in Planning Report PDP 23-23 and the Conditions of Approval, included in Attachment #4;
2. That the Mayor and Clerk be authorized to execute the Condominium Agreement and any other necessary documents; and,
3. That the Clerk advise the Commissioner of Planning and Economic Development at the Region of Durham, of Council's decision.

2. Highlights:

- A Condominium Application has been submitted by the Inverlynn Estate Ltd. For the land municipally known as 1300 Giffard Street.
- The Draft Plan of Condominium is required to enable the transfer of title to the future property owners and create a Condominium Corporation to adhere to the conditions of Site Plan Approval (SP-03-17) and the Subdivision Agreement (SW-2017-03).
- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions being addressed.

3. Background:

3.1 Site and Area

The subject land is located at the northwest corner of Raglan Street and Giffard Street, municipally known as 1300 Giffard Street (refer to Attachment #1). The subject land is approximately 1.10 hectares (2.71 acres) in size.

Surrounding land uses to the Draft Plan of Condominium, include Lynde Creek to the north and west, and residential uses to the east and south (refer to Attachment #2).

3.2 Application and Proposed Development

A Zoning By-law Amendment Application (Z-04-17), a Site Plan Application (SP-03-17), and a Subdivision Application (SW-2017-03) were previously submitted to construct fourteen (14) single detached dwellings on a common element condominium road, and to retain the existing heritage "Inverlynn" dwelling (refer to Attachment #3). The applications were appealed to the Local Planning Appeal Tribunal (LPAT).

On May 28, 2019, LPAT approved the terms of a Settlement Agreement between the Town and The Inverlynn Estate Ltd., regarding the Draft Plan of Subdivision, Zoning By-law Amendment, and Site Plan Applications for the proposed development.

4. Discussion:

4.1 Planning Conformity

The Subject Land has previously been considered through a number of planning applications, specifically a Zoning By-law Amendment Application (Z-04-17), a Site Plan Application (SP-03-17), and a Subdivision Application (SW-2017-03). These applications were circulated to the appropriate internal departments and external agencies and all comments and concerns have since been addressed through the relevant Subdivision and Site Plan Agreements, as approved by the LPAT.

The proposed development conforms to the Region of Durham Official Plan, Zoning By-law # 2585, as amended, and the Town's policies for Site Plan Approval.

Therefore, it is recommended that the proposed Draft Plan of Condominium be approved, subject to the comments included in this report and the Conditions of Draft Plan of Condominium Approval included in Attachment #4.

5. Financial Considerations:

Not Applicable.

6. Communication and Public Engagement:

Not Applicable.

7. Input from Departments/Sources:

External Agencies

Central Lake Ontario Conservation Authority (CLOCA)

Comments provided by the CLOCA include:

Landscape Plans by MSLA approved by the Town and CLOCA through the plan of subdivision and site plan applications must be implemented and maintained within the condominium common element lands.

No new buildings will be permitted within any hazard lands including the regulatory floodplain of Lynde Creek.

A permit from CLOCA will be required prior to any site alteration and/or development within lands regulated through Ontario Regulation 42/06 of the Conservation Authorities Act or any subsequent and related Regulation.

Refer to Attachment #5 for additional detailed comments.

Region of Durham

Comments provided by the Region of Durham include:

The proposed common element application supports compact development through infilling and contributes to mix of housing for the residents of Durham Region and conforms with the Regional Official Plan.

Based on the foregoing, the Region has no objection to the draft approval of this condominium application. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

The Owner must also provide a land use table prepared by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of condominium.

Refer to Attachment #5 for additional detailed comments.

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 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: Proponents Proposed Common Element Condominium Plan

Attachment #4: Conditions of Draft Plan of Condominium Approval

Attachment #5: Agency & Stakeholder Detailed Comments