

Town of Whitby

Staff Report

whitby.civicweb.net



Report Title: Draft Plan of Subdivision Application – Stylux Whitby Ventures Inc. – 201 Hopkins Street, File No. DEV-38-21 (SW-2021-13)

Report to: Committee of the Whole

Date of meeting: May 1, 2023

Report Number: PDP 24-23

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:

Justin Malfara, Planner II, x.2930

Planning and Development Department

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-13), subject to the comments included in Planning Report PDP 24-23 and the Conditions of Draft Approval included in Attachment #11;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
5. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

2. Highlights:

- An application for a Draft Plan of Subdivision was submitted by Stylux Whitby Ventures Inc. for land situated on the southeast corner of Nichol Avenue and Hopkins Street, municipally addressed as 201 Hopkins Street (refer to Attachment #1).

- The proposed development will be located on a single block within a plan of subdivision and will include 52, 3-storey townhouse units on a private internal roadway (refer to Attachments #3 and #4). The proposed internal site configuration is subject to Site Plan approval (under review) and any parcels of tied land will be established through a future Draft Plan of Condominium application.
- Since the initial Public Meeting held on March 21, 2022, revisions have been incorporated to address comments received during the review process, including minor amendments to the proposed private road geometry and to the elevations of the proposed townhouses. Matters pertaining to the site design (i.e., private roads, building typology, site programming, etc.) will be considered through the ongoing Site Plan application review process.
- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions being addressed as part of the proponent's Site Plan Application.

3. Background:

3.1 Site and Area Description

The subject land is municipally addressed as 201 Hopkins Street and is situated on the southeast corner of Nichol Avenue and Hopkins Street (refer to Attachment #1).

The subject land is approximately 1.28 hectares (3.16 acres) in size and is currently vacant.

Surrounding land uses include:

- a car dealership to the north;
- residential uses to the east;
- a Canadian Pacific Rail corridor to the south; and,
- a car wash to the west (refer to Attachment #2).

3.2 Applications and Proposed Development

An application for a Draft Plan of Subdivision was submitted by Stylux Whitby Ventures Inc. for land situated on the southeast corner of Nichol Avenue and Hopkins Street, municipally addressed as 201 Hopkins Street (refer to Attachment #4).

The proposed development will be located on a single block within a plan of subdivision and will include 52, 3-storey townhouse units on an internal private (refer to Attachments #3 and #4).

A Site Plan application has been submitted and is under review.

Any parcels of tied land will be established through a future Draft Plan of Condominium application.

A Zoning By-law Amendment (Z-02-16) was approved by the Local Planning Appeal Tribunal (now OLT) on September 18, 2018, which zoned the subject land as Residential (R4A*-7). No further amendment to Zoning By-law 1784 is being sought at this time.

3.3 Documents Submitted in Support

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

- A Draft Plan of Subdivision, prepared by Bousfields Inc., dated October 2021 (refer to Attachment #4), which illustrates the configuration of the proposed subdivision;
- A Concept Site Plan, prepared by FBP Architects Inc., dated January 2023 (refer to Attachment #3), which illustrates the configuration of the townhouse development and additional internal site characteristics;
- A Servicing/Grading/Storm Drainage Plan, Stormwater Management Report, and a Sediment and Erosion Control Plan/Report, prepared by SCS Consulting Group Ltd., dated February 2023. The reports and plans identify how the proposed development can be graded and serviced (storm, sanitary, water). The submitted materials also provided a summary of the stormwater management criteria. Detailed erosion and sediment control protocols will be completed during the detailed design stage of the development, in accordance with municipal requirements;
- A Noise Study/Addendum, prepared by Valcoustics Canada Ltd., dated November 2021 and December 2022. The study outlined noise abatement measures that will be included in a future Site Plan Agreement for the proposed development;
- A Stage 1 Archaeological Assessment, prepared by Archaeological Consultants & Contractors, dated May 2022. The assessment included archaeological fieldwork and inspection and concluded that any pre-contact archaeological potential that may have been present on the subject lands has been completely removed through past site activity. It concludes that further investigation is not warranted;
- A Tree Inventory and Preservation Plan (Addendum), prepared by Kuntz Forestry Consulting Inc., dated October 2022. The findings of the study indicate a total of 37 trees on and within six metres of the subject property. The removal of 23 trees will be required to accommodate the proposed

development. All other trees can be saved provided appropriate tree protection measures are maintained and/or installed prior to construction;

- A Sightline Analysis, prepared by Trans-Plan, dated June 2022. A driver sight distance review was conducted to measure the available sight distance for the proposed driveway on Nichol Avenue;
- A Phase One & Phase 2– Environmental Site Assessment, prepared by Fortis Environmental Inc., dated September 2021 and October 2021. The report assessed the site for potential environmental contaminants based upon the site history and the adjacent properties. A Record of Site Condition (RSC) was required, and has since been issued;
- A Whitby Green Standard Checklist and Sustainability Report, prepared by Ecovert, dated November 2021. Sustainability measures will be addressed at the detailed design stage and Site Plan application;
- A Geotechnical Investigation Report, prepared by Sola Engineering, dated April 2022. The report highlighted the results of geotechnical investigations conducted on the subject land to determine the existing subsurface soil and groundwater conditions; and,
- A Hydrogeological Study, prepared by SLR Consulting (Canada) Ltd., dated July 2022. The report assessed the existing hydrogeological conditions of the subject land and provided recommendations to mitigate potential impacts resulting from the water table (3.1-3.8 below grade). These matters will be addressed as part of the detailed engineering design.

The above documents were 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 “Living Areas” in the Durham Regional Official Plan (ROP), which is primarily intended to provide a wide variety of residential types and tenures. Living Areas are to be developed in a compact urban form with higher densities focused along the major arterial roads.

4.2 Whitby Official Plan

The subject land is designated “Mixed Use” on Schedule ‘A’ of the Town of Whitby Official Plan and is within the southern portion of the Dundas East Urban Central Area, as shown on Schedule ‘A’ (refer to Attachment #5).

The property is also within the Dundas East Intensification Area, as identified on Schedule ‘B’ of the Official Plan (refer to Attachment #6).

Lands designated “Mixed Use” are intended to provide a combination of residential and non-residential uses on the same lands or within the same

building. However, the intent of the proposal is to implement the current zoning provisions that were previously approved by the Local Planning Appeal Tribunal (LPAT) in 2018, which permits the use of townhouses on the subject land, without any commercial or retail uses.

4.3 Zoning By-law

A Zoning By-law Amendment (Z-02-16) was approved by the Local Planning Appeal Tribunal (now OLT) on September 18, 2018, which zoned the subject land as Residential (R4A*-7) in Zoning By-law 1784 (refer to Attachment #7).

The R4A*7 zone permits block townhouse dwellings. The proposed site configuration and townhouse blocks comply with the site specific zone provisions.

4.4 Other Applications

A Site Plan application (SP-15-21) has also been submitted to consider site details and implement the proposed development. The Site Plan application is currently under review.

Furthermore, a Draft Plan of Condominium application will also be required to be submitted at a later date. The Draft Plan of Condominium application will be required to establish any necessary parcels of tied land, which includes but is not limited to private streets, townhouse blocks, amenity space, etc.

4.5 Control Architect

A Control Architect will be required to oversee the design of the subdivision's built form, in accordance with the Urban Design policies of the Official Plan. It is recommended that Williams and Stewart be appointed as the Control Architect for the proposed Draft Plan of Subdivision

4.6 Fire Break Lots

The proponent must submit a Firebreak Lot Plan for review and approval by the Town of Whitby Fire and Emergency Services Department. The plan must demonstrate which blocks will remain unbuilt to serve as firebreaks within the development during the construction period.

4.7 Composite Transportation Component Plan

The Engineering Services Division has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic infrastructure, including sidewalks, multi-use paths and road right-of-way dimensions (refer to Attachment #8). These elements will be further refined and implemented through the future detailed engineering design process.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Public Meeting was held on March 21, 2022 in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies the opportunity to make representation in respect of the Plan of Subdivision Application. Refer to Attachment #9 for the Minutes of the Public Meeting.

Attendees of the March 21st Public Meeting provided input to the proposed development. The following matters were discussed:

- concerns about the height of the proposed three-storey townhouses being one storey taller than the existing two-storey detached houses located on Gallimere Court;
- the proposed development having the potential to block the sunlight and create shadows in abutting yards;
- concerns about the location of the snow storage area, noting the potential of flooding of yards on Gallimere Court during the spring snowmelt;
- concerns about additional traffic, traffic congestion, and the potential for accidents on side streets that were already busy due to the at-grade railway crossing on Hopkins Street and the nearby car wash;
- considerations and efforts made to protect the existing neighbourhood from the impact of the proposed development; and,
- concerns about the impact of dirt and debris that would be created from the construction of the proposed townhouses.

As it relates to the proposed building height of the townhouse dwellings, the current zoning permits the proposed building heights as approved through the Tribunal. Notwithstanding, as part of the Site Plan application, the proponent is required to seek approval of the proposed building elevations, materials, as part of the architectural review.

With regards to traffic related concerns, the proponent has submitted a traffic study/sight line analysis for review. No concerns were raised in the submission material.

Lastly, with regards to snow storage, flooding, waste management, and construction related concerns, these matters are to be addressed as part of the

Site Plan approval and detailed engineering design phase of the approval process. The proponent will be required to submit the appropriate plans/reports to the satisfaction of the Engineering Services Division that demonstrate where/how snow and waste will be stored. In addition, a Construction Management Plan will be required to address matters such as dust mitigation, mud tracking, noise and other matters associated with the construction process.

All individuals who registered as an interested party at the statutory public meeting and any individuals who provided written correspondence to the Town have been provided notice of the May 1, 2023 Committee of the Whole Meeting.

7. Input from Departments/Sources:

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

- Town of Whitby Building Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes;
- CS Viamonde (French Public School Board);
- Durham Catholic District School Board;
- Enbridge;
- Hydro One;
- Elexicon Energy Inc.;
- Bell; and,
- Rogers.

The following provides a summary of key comments provided by Town of Whitby departments/divisions, as well as external agencies. Refer to Attachment #10 for a summary of all detailed comments and Attachment #11 for Conditions of Draft Plan of Subdivision Approval.

7.1 Internal Departments

Community Services – Parks Development

Cash-in-lieu of parkland dedication will be at the rate established in the Planning Act.

Engineering Services

Engineering Services has no objection to the subdivision application and no conditions of Draft Plan Approval.

Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment #8 highlighting the anticipated locations of sidewalks, multi-use trails, and multi-use paths for reference. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

Strategic Initiatives (Sustainability)

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and provides the Sustainability Rationale report. We can confirm that this meets the Towns requirements.

Matters pertaining to sustainability measures, including mandatory and voluntary measures will be addressed as part of the Site Plan approval process and any required commitments will be outlined in the Site Plan Agreement.

7.2 External Agencies

Region of Durham – Planning

The proposed plan of subdivision application will implement a decision of the Local Planning Appeal Tribunal regarding the related zoning by-law application that is intended to facilitate the development of up to 52 townhouse units. This development proposal and the studies/reports submitted in support of the applications have demonstrated that the proposed plan of subdivision generally complies to the applicable Regional and Provincial Plans and Policies.

Based on the foregoing and subject to our conditions provided, the Region has no objections to draft approval of this plan of subdivision.

The conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan. Please note that if further revisions are required/proposed to this plan prior to draft approval, the revised plan should be recirculated to the Region to confirm compliance with applicable Regional standards/requirements.

Region of Durham – Works

The Development shall only be permitted a single set of municipal service connections.

The subject lands are located within the Zone 1 water supply system for the Town of Whitby. The estimated static water pressure for this area ranges between 553 kilopascals (kpa) or 80 pounds per square inch (psi) to 592 kpa (85 psi).

The proposed development must have a water meter room, which complies with Regional Standards.

The Region prefers that the proponent use the existing 100-millimetre diameter (mm dia.) domestic water service and the existing 200 mm dia. fire line that has been extended from the existing 300 mm dia. polyvinyl chloride (PVC) watermain within the Nichol Avenue right-of-way (R.O.W.) to the property line of the subject lands. The proposed water services must be extended first directly to the meter room before distribution throughout the subject lands.

The proponent shall enter into a Regional Servicing Agreement. A cost breakdown for all sanitary and water supply service works shall be provided, in addition to the following:

- Town approved Site Servicing Plan;
- Legal Plan (40R/40M); and
- A completed servicing agreement checklist.

Durham Region Transit

This application was reviewed from a transit perspective and notes that the proposed development provides good sidewalk connectivity and onto the abutting municipal roads.

Central Lake Ontario Conservation Authority

CLOCA staff have completed the review of the submitted materials related to the proposed subdivision and have issued conditions of draft plan approval for the proposed plan of subdivision. CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to conditions of draft plan approval on behalf of the Central Lake Ontario Conservation Authority.

CP Rail

Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.

CP recommends that the above be included as a condition of approval and be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed buildings.

8. Strategic Priorities:

This proposal supports Council's goal for environmental sustainability with the inclusion of the Sustainability Report and the corresponding Whitby Green Standard Checklist for the development to implement.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Concept Site Plan

Attachment #4: Proponent's Draft Plan of Subdivision

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

Attachment #6: Excerpt from the Town of Whitby Official Plan Schedule 'B'

Attachment #7: Excerpt from Zoning By-law 1784

Attachment #8: Composite Transportation Component Plan

Attachment #9: Public Meeting Minutes

Attachment #10: Agency & Stakeholder Detailed Comments

Attachment #11: Conditions of Draft Plan of Subdivision Approval