



## Town of Whitby

# Staff Report

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**Report Title: Draft Plan of Subdivision Application and Zoning By-law Amendment Application for 5095, 5125, and 5245 Anderson Street, by Conland Development Corporation. File No. DEV-13-21 (SW-2021-03, Z-08-21)**

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**Report to:** Committee of the Whole

**Date of meeting:** June 5, 2023

**Report Number:** PDP-30-23

**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:**

Justin Malfara, Planner II, x.2930

Planning and Development Department

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### 1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-03) and approve an amendment to Zoning By-law # 1784 (Z-08-21), subject to the comments included in Planning Report PDP-30-23 and the Conditions of Draft Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council.
4. That the Region of Durham Commissioner of Planning and Economic Development be advised of Council's decision;
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
6. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision.

## 2. Highlights:

- Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Conland Development Corporation for the lands located on the east side of Anderson Street and north of Colin Road, municipally addressed as 5095, 5125 and 5245 Anderson Street.
- The proposed Draft Plan of Subdivision includes 163 single detached residential dwellings, 74 rear lane townhouse dwellings, 141 street townhouse dwellings, a future development block, stormwater management blocks, a school block, a parkette block, a road widening block, and a hydro corridor block.
- The existing zoning on the property is Agricultural (A) in Zoning By-law 1784. An amendment to the Zoning By-law is required to permit the proposed residential Draft Plan of Subdivision.
- All commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions of Draft Plan Approval.

## 3. Background:

### 3.1 Site and Area Description

The subject land is municipally addressed as 5095, 5125, and 5245 Anderson Street, and is situated on the east side of Anderson Street, north of Colin Road (refer to Attachment #1).

The subject land is approximately 20.3 hectares (50.2 ac) in area and is currently vacant. The proponent is currently undertaking earthworks, which includes preliminary grading and servicing activities.

The subject land is surrounded by future residential development lands to the west, south and north, with limited existing low density residential uses to the west. Future industrial development lands are located to the east, existing industrial uses to the southeast, and hydro corridors to the east and north (refer to Attachment #2).

### 3.2 Applications and Proposed Development

Applications for a Draft Plan of Subdivision and Zoning By-Law Amendment have been submitted by Conland Development Corporation to permit a proposed residential Plan of Subdivision on the subject land (refer to Attachment #3). Key components of the proposed Draft Plan of Subdivision include:

- 163 single detached residential dwellings;
- 74 rear lane townhouse dwellings;

- 141 street townhouse dwellings;
- a future development block;
- a stormwater management block;
- a school block;
- a park block;
- a road widening block; and,
- a hydro utility block.

Access to the subject land is proposed by way of two local public roadways extending east from Anderson Street as well as north from Conlin Road through the adjacent property (owned by others) to the south.

The future Mid-Block Arterial Road traverses through the northern portion of the subject land (identified as Street A). The subject land will not have direct access to the Mid-Block Arterial Road.

The Zoning By-law Amendment Application proposes to change the existing zoning from Agricultural (A) to appropriate zone categories to implement the proposed Draft Plan of Subdivision.

On January 30, 2023 the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) was approved by Council. This new Zoning By-law serves to implement the Brooklin Community Secondary Plan. As part of the submitted Zoning By-law Amendment Application, the proponent is seeking to rezone the land from Agricultural (A) to Low Density (LD-B) for the proposed single detached dwellings and street townhouses, and Medium Density (MD-B) for the proposed rear lane townhouse dwellings.

### **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, dated April 24, 2023 (refer to Attachment #3), which illustrates the configuration of the proposed subdivision;
- A proposed Active Transportation Plan, prepared by Bousfields Inc., dated March 30, 2022, which illustrates the location of multi-use paths, trails, sidewalks, and pedestrian connections;
- An Environmental Impact Study, prepared by Cambium Inc., dated January 2021. This study concluded that the proposed development can be carried out in a way that will not adversely impact natural heritage and hydrologic features identified on the subject lands;
- A Functional Servicing & Stormwater Management Report (FSSR), prepared by Candevcon East Ltd, dated March 2021. 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 Green Standards Checklist, prepared by Conland Development Corporation, dated January 2021. Sustainability measures identified will be addressed within the future Subdivision Agreement;
- A Geotechnical Investigation, prepared by Golder Associates Ltd., dated January 2021. The report highlighted the results of geotechnical investigations conducted on the subject land to determine the existing subsurface soil and groundwater conditions;
- A Hydrogeological Assessment Report, prepared by GHD Ltd., dated January 22, 2021. This report concluded that the site's development infiltration values will be less than the pre-development values, and the proposed subdivision is suitable from a hydrogeological perspective;
- A Land Use Compatibility Assessment, prepared by Cambium Inc., dated January 2021. This report assessed the potential influence of surrounding land uses on the subject lands;
- A Master Transportation Study, prepared by BA Group, dated March 2021. This study concluded that the proposed development can be acceptably accommodated on the planned future road network in the area;
- A Noise Feasibility Study, prepared by HGC Engineering, dated January 2021. The study outlined noise abatement measures that will be included in a future Subdivision Agreement for the proposed development;
- A Phase One Environmental Site Assessment, prepared by GHD Ltd., dated October 2021. It was found that the lands are suitable from an environmental site assessment perspective and has a low risk of environmental concern. No further assessment of the environmental conditions is warranted;
- A Planning Rationale Report, prepared by Bousfields, dated March 2021. This report provided an overview of how the proposal conforms with the Town of Whitby Official Plan, as well as the Durham Region Official Plan, and other guiding policy documents;
- A Sub-Area Study (SAS), prepared by Candevcon East Ltd., dated March 2021. The study outlined stormwater drainage and management practices, as well as hydraulic modeling for the subject lands and surrounding area;
- A Stage 1 and 2 Archaeological Assessment, prepared by This Land Archaeology Inc., dated January 2018 and a Stage 3 Archaeological Assessment prepared by This Land Archaeology Inc., dated August 21, 2018. A clearance letter was also received from the Ministry of Tourism,

Culture, and Sport dated October 15, 2018 confirming that based on the Stage 1-3 assessments, the subject lands hold no further Cultural Heritage Value or Interest;

- A Tree Inventory Plan and Details, prepared by Cosburn Nauboris, dated, April 6, 2022. The majority of the trees observed on the lands will be removed, save and except for 26 trees that will be unimpacted by development activities.

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 ROP designates the subject land as “Living Areas” within the Urban System. Approximately half of the subject lands (10.12 ha) are also situated within the Built Boundary of Whitby’s Urban Area, whereas the remaining land (10.21 ha) are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare.

Living Areas are intended to accommodate a full range of housing options at higher densities.

The proposed Draft Plan will increase the residential density on the subject lands within the Built Boundary to approximately 110 units per gross hectare and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare.

The proposed development will contribute to the allocation of units for intensification within Whitby’s built boundary and conforms with the policy directions of the ROP.

##### **4.2 Whitby Official Plan**

The subject land is comprised of a number of land use designations in accordance with Schedule ‘K’ of the Brooklin Community Secondary Plan, including:

- Low Density Residential;
- Medium Density Residential; and,
- Natural Hazards (refer to Attachment #4).

Schedule ‘K’ of the Brooklin Community Secondary Plan also includes symbols for a Parkette and an Elementary School on the subject land.

Lands designated Low Density Residential are primarily intended for single, semi-detached, and duplex dwellings not exceeding 3-storeys in height, at a density of 25 to 35 units per net hectare (upnh).

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads and within and surrounding Community Central Areas to support future transit and active transportation, support commercial and mixed-use nodes, create walkable higher density nodes and function as a transition in density and intensity of uses between Low Density Residential Areas and higher density mixed-use and commercial areas.

Street and block townhouses, apartments, and other forms of multiple dwellings, not exceeding a height of 4-storeys, are permitted with a density range of greater than 30 and up to 65 dwelling upnh. The minimum building height is 3-storeys abutting arterial roads outside of mature residential neighbourhoods.

Lands designated Natural Hazard include areas that are unstable, prone to flooding conditions, poor soils, steep slopes, and erosion hazards.

Detailed environmental studies are required to determine the boundary of the Natural Hazard designation and site alteration may be permitted without amendment to this Plan, in consultation with the Conservation Authority.

The proposed development conforms to the policy directions of the Brooklin Community Secondary Plan.

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

The subject land is zoned Agricultural (A) and Agricultural Exclusive (AE) in Zoning By-law 1784 (refer to Attachment #5). The A and AE zones do not permit residential uses.

A Zoning By-law Amendment is required to rezone the subject land to implement the proposed Draft Plan of Subdivision.

On January 30, 2023 the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) was approved by Council. This new Zoning By-law serves to implement the Brooklin Community Secondary Plan. The proponent is seeking to rezone the lands from Agricultural (A) to Low Density (LD-B) for the proposed single detached dwellings and street townhouses, and Medium Density (MD-B) for the proposed rear lane townhouse dwellings, in addition to other relevant zone categories for the respective blocks.

#### **4.4 Other Applications**

Site Plan applications will be required to be submitted at a later date for the proposed townhouse blocks.

A Draft Plan of Condominium application will also be required at a later date to establish any necessary parcels of tied land for townhouse blocks.

#### **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 #6). These elements will be further refined and implemented through the future detailed engineering design process.

### **5. 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;
- Elexicon Energy Inc.;
- MTO;
- Durham Regional Police;
- Canada Post;
- Bell; and,
- Rogers.

The following section provides a summary of key comments provided by Town of Whitby departments/divisions, as well as external agencies. Refer to Attachment #8 for a summary of all detailed comments and Attachment #9 for Conditions of Draft Plan of Subdivision Approval.

## **5.1 Internal Departments**

### **Community Services – Parks Development**

This development application may or not be subject to the Parks Master Plan Agreement which is a cost sharing agreement for the provision of parks, trails, open spaces, and cash in lieu of parkland dedication within the Brooklin Landowners Group development area. Provision of parks (including but not limited to the hectares, park facilities) and cash in lieu of parkland dedication are subject to change upon the review and potential approval the Parks Master Plan Agreement.

Refer to Attachment #8 for additional comments and Attachment #9 for conditions of approval.

### **Engineering Services**

Engineering Services supports a favourable decision to the applications based on the following comments and conditions as outlined in Attachment #8 and Attachment #9.

Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment #6 highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities 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. In addition, comments from the Active Transportation and Safe Roads Advisory Committee will be provided to the Subdivider for consideration.

### **Strategic Initiatives (Sustainability)**

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and the Sustainability Rationale report. We can confirm that the applicant has provided all information possible at this stage of the development to demonstrate compliance with the Tier 1 mandatory performance.

### **Landscape Section**

In response to the proponent's Tree Preservation Plan and Arborist Report, both are acceptable.

The Arborist Report identified trees located within the Town's right-of-way to be removed. An appraisal is required to be generated by an ISA certified Tree Appraiser, for submission to the Planning and Development Department. The submitted appraisal will be considered in determining the appropriate compensation value and will be reviewed prior to providing the Town's permission for removal of these three trees. The trees that this condition applies to are identified in the Arborist Report as tree #'s 889, 886, and 867.

### **Fire and Emergency Services**

As part of the detailed design phase of the subdivision process, a fire break layout and hydrant location plan shall be submitted to the fire department for approval prior to construction.

The current proposal is showing a long dead-end for street D until the future development block (northeast corner of the plan) is constructed to connect street F. Prior to the occupancy of dwellings on Street D and Street F, north of Street C, the proponent shall seek approval of secondary emergency access points or alternative options to the satisfaction of Fire and Emergency Services for each of these dead-end streets.

## **5.2 External Agencies**

### **Region of Durham – Planning**

The ROP designates the subject lands as "Living Areas" within the Urban System. Approximately half of the subject lands are also situated within the Built Boundary of Whitby's Urban Area, whereas the remaining lands are situated within a designated Greenfield Area. Lands within the designated Greenfield Area require a minimum overall gross density of 50 residents and jobs combined per hectare.

The proposed plan of subdivision appears to increase the residential density on the subject lands to approximately 110 units per gross hectare (for lands within the Built Boundary) and achieve an overall greenfield density target of approximately 60 persons and jobs per hectare when jobs are introduced and calculated into this development. As such, the proposed development will contribute to the allocation of units for intensification within Whitby's built boundary.

The subject lands are also in proximity to (industrial) Employment Areas.

The Ministry of the Environment, Conservation and Parks (MECP) categorizes existing and future industrial operations south and east of the subject as less

sensitive than the proposed residential uses. In accordance with provincial guidelines, the proposed residential uses must be assessed for land use compatibility. A Land Use Compatibility study was submitted prepared by Cambium, dated May 4, 2023, and Noise Study was submitted prepared by Valcoustics, dated October 25, 2022. The studies have concluded that the proposed residential development will meet applicable provincial standards and regulations.

In accordance with the Region's practices, a peer review of the submitted reports shall be conducted to confirm the findings of the studies and any mitigation/clauses to the satisfaction of the Town of Whitby and the Region of Durham. Accordingly, a condition is required to restrict any building permits from being issued for any residential lot/block until such time as the Land Use Compatibility Study and Noise Study are approved.

### **Region of Durham – Works**

All units within the proposed development shall be serviced by Regional sanitary sewer and water supply only within the standard width right-of-way. The Region will not permit the construction of sanitary sewer and water mains within the rear laneways. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

The subject lands are located within the Zone 3 water supply system for Whitby (Brooklin). The estimated static water pressure for this area ranges between 510 kilopascals (kpa) or 73 pounds per square inch (psi) to 667 kpa (96 psi). The estimated static water pressure in parts of the site exceeds the maximum allowance of 550 kpa (80 psi), therefore, private pressure reducing valves will be required within each unit fronting a centreline road elevation below 164 metres (m). Ultimately, the proposed development will require two water connections to the Zone 3 water supply system with a water feed from the east along Conlin Road and one water feed from the north along Anderson Street.

Sanitary servicing to the subject lands will require the extension of a local sanitary sewer from the existing 1,200 mm trunk sanitary sewer located within an existing easement west of Anderson Street.

As Brooklin expands, it is estimated that the sewage flows will exceed the conveyance capacity of the Corbett Creek Trunk Sanitary Sewer. Prior to the trunk sewer capacity being exceeded, the Regions conceptual plans call for a sanitary pumping station to be constructed to convey flows from Brooklin to the east via forcemain to the Conlin Road Sanitary Pumping Station, to the Courtice Trunk Sanitary Sewer, and ultimately to the Courtice WPCP. It is expected that the timing for the construction of these works will not impact the timing for development within the Brooklin Expansion Area.

### **Durham Region Transit**

The proposed development was reviewed from a Durham Region Transit (DRT) perspective, and it was determined that the proposed development does not pose any significant transit concerns. Transit stop and infrastructure planning will be addressed during the subdivision draft plan approval stage or the site plan application stage, where appropriate.

### **Central Lake Ontario Conservation Authority**

CLOCA is satisfied that all remaining outstanding comments can be addressed through the fulfillment of conditions of Draft Plan Approval.

With respect to the Zoning By-law Amendment Application, all permanent Hazard Lands should be zoned Greenbelt (G) as per Zoning By-law 1784 or the appropriate equivalent.

### **Hydro One**

The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, requires that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Hydro One does not object to the proposed development subject to conditions of draft plan approval included within Attachment #9.

### **Durham District School Board**

Based on the proponent's original concept plan, the Durham District School Board requested a reconfiguration of the proposed School Block to include dual frontage on Street 'D' to the west and north. Furthermore, frontage would no longer be needed onto Street 'C'. A facility fit plan was prepared by the DDSB and was subsequently incorporated by the proponent into the current Draft Plan of Subdivision.

**6. 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 proposal is to construct a compact, transit-supportive development within an area of the Town designated for residential grown.

**7. Financial Considerations:**

Not applicable.

**8. Communication and Public Engagement:**

A Public Meeting was held on May 31, 2021 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 and Zoning By-law Amendment Applications. Refer to Attachment #7 for the Minutes of the Public Meeting.

There were no attendees or deputations made with respect to the proposed development and associated Draft Plan of Subdivision and Zoning By-law Amendment Applications.

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 June 5, 2023 Committee of the Whole Meeting.

**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Draft Plan of Subdivision

Attachment #4: Excerpt from the Brooklin Community Secondary Plan Schedule 'K'

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

Attachment #6: Composite Transportation Component Plan

Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments

Attachment #9: Conditions of Draft Plan of Subdivision Approval