

Town of Whitby Public Meeting Report

whitby.ca/CouncilCalendar



Report Title: Draft Plan of Subdivision Application & Zoning By-law
Amendment Application
780 Garden Street
File No. DEV-23-23 (SW-2023-02, Z-07-23)

Date of meeting: December 6, 2023

Report Number: PDP 43-23

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:

M. Wianecki, Planner II, x. 2932

Planning Report PDP 43-23 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](#).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

1. Highlights:

- Draft Plan of Subdivision and Zoning By-law Amendment Applications have been submitted by Miller Planning Services on behalf of See Path Group Inc. c/o Sakmet Developments Inc. for land municipally known as 780 Garden Street.
- The Draft Plan of Subdivision Application proposes to create three (3) blocks. Block 1 encompasses the existing single-detached dwelling, which is proposed to be retained and utilized as residential and professional office space. Block 2 is to accommodate 7 townhouse blocks comprising 41 common element townhouse units. Block 3 is to accommodate a site triangle.
- The Zoning By-law Amendment Application proposes to change the current zoning from Institutional Zone (I) and Development Zone – Residential D(R), to appropriate Zone categories to accommodate the proposed development.

2. Purpose:

The Planning and Development Department is in receipt of applications for a Draft Plan of Subdivision and a Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the applications at a statutory public meeting, as required by the Ontario Planning Act.

3. Background:

3.1. Site and Area Description

The subject land is located at the northwest corner of Garden Street and Manning Road. The subject land is municipally known as 780 Garden Street (refer to Attachment #1). The subject land is approximately 1.46 hectares (3.61 acres) in size.

The subject land is Zoned Institutional Zone (I) and Development Zone – Residential D(R) within Zoning By-law No. 2585. The surrounding land uses include residential uses to the north, south, east, and west (refer to Attachment #2).

Currently, the subject land contains a single-detached dwelling and a detached garage in the northwest portion of the site.

3.2. Applications and Proposed Development

Draft Plan of Subdivision and Zoning By-law Amendment Applications have been submitted by Miller Planning Services on behalf of See Path Group Inc. c/o Sakmet Developments Inc. to accommodate the proposed development of the subject lands. The Draft Plan of Subdivision application proposes to divide the subject property into three blocks (refer

to Attachment #3). Block 1 encompasses the existing single-detached dwelling, which is proposed to be retained and utilized as residential and professional office space. Block 2 is to accommodate 7 townhouse blocks comprised of 41 common element townhouse units on an internal private road (refer to Attachment #4). Block 3 is to accommodate a site triangle at the corner of Manning Road and Garden Street.

The Zoning By-law Amendment Application proposes to change the current zoning from Institutional Zone (I) and Development Zone – Residential D(R) within Zoning By-law No. 2585, to appropriate Zone categories to accommodate the proposed development. There will be a total of 95 parking spaces on the subject land, which complies with the requirements of the Zoning By-law.

3.3. Documents Submitted in Support

The following documents were submitted in support of the applications:

- An Architectural Site Plan (SP-01) prepared by P Del Design, dated June 13, 2023 (refer to Attachment #4);
- An Architectural Grading Plan (GP-01) prepared by P Del Design, dated June 13, 2023;
- Building Elevations and Floor Plans prepared by P Del Design, dated July 18, 2023;
- A Functional Design & Line Painting & Signage Plan (FDP-2) prepared by Candevcon East Limited, dated June 15, 2023;
- A Removals, New Construction Line Painting and Signage Plan (FDP-1) prepared by Candevcon East Limited, dated February 28, 2023;
- A Site Grading Plan (SG) prepared by Candevcon East Limited, dated September 26, 2023;
- A Site Servicing Plan (SS) prepared by Candevcon East Limited, dated September 26, 2023;
- A Site Servicing and Stormwater Management Report prepared by Candevcon East Limited, dated April 2023, Revised September 2023;
- A Construction Management & Erosion Sedimentation Plan (CMP) prepared by Candevcon East Limited, dated September 26, 2023;
- A Construction Management Report prepared by Candevcon East Limited, dated April 2023, Revised September 2023;
- Landscape Plans (L1.1, L2.1, L2.2, L2.3) prepared by Trophic Design, dated August 29, 2023;

- A Traffic Management Plan (TMP) prepared by Candevcon East Limited, dated September 26, 2023;
- A Utility Coordination Plan (UCP) prepared by Candevcon East Limited, dated June 1, 2023;
- An Electrical Arrangement – Hydro Design prepared by Elexicon Energy;
- Architectural Colour Boards prepared by Sakmet Developments;
- A Draft Plan of Subdivision prepared by Miller Planning Services/ DFP Surveyors, dated December 2022 (refer to Attachment #3);
- A Cultural Heritage Impact Assessment prepared by AREA Architects, dated November 7, 2022;
- An Environmental Noise Assessment prepared by YCA Engineering Limited, dated July 2022;
- A Geotechnical Investigation Report prepared by GHD Limited, dated June 17, 2022;
- A Grading Cross Sections / Functional Grading Plan, Sections A-A and B-B prepared by Candevcon East Limited, dated November 2022;
- A Hydrogeological Assessment prepared by GHD Limited, dated June 2022;
- A Phase One Environmental Site Assessment prepared by GHD Limited, dated June 17, 2022;
- A Phase One ESA, Reliance Letter & Insurance Certificate;
- A Photometric Plan (PH-1) and Street Light Details (DN-1) prepared by Colm Electrical, dated March 10, 2023;
- A Planning Rationale Report prepared by Miller Planning Services, dated November 2022;
- A Retaining Wall Design prepared by Risi Stone Inc., Updated March 20, 2023;
- A Stage 4 Archaeological Assessment prepared by Parslow Heritage Consultancy Inc., dated June 22, 2022;
- A Sustainability Rationale Report with Green Standards Checklist prepared by Miller Planning Services, Updated April 2023;
- A Traffic Impact Brief prepared by Candevcon East Limited, dated September 7, 2022;

- An Addendum Letter to the Traffic Impact Brief prepared by Candevcon East Limited, dated April 25, 2023;
- A Tree Inventory and Preservation Plan Report prepared by Kuntz Forestry Consulting Inc., Updated August 28, 2023;
- A Vibration Monitoring Plan prepared by Cambium Inc., dated April 14, 2023.
- An Active Transportation Plan prepared by Candevcon East Limited, dated October 13, 2023 (refer to Attachment #5).

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 'Living Areas' on Schedule 'A' Map 'A4' of the Regional Official Plan.

The Regional Official Plan (8B.2.1) states that 'Living Areas' are intended to be used predominantly for residential purposes. Limited office and retail/commercial uses are also permitted.

4.2. Whitby Official Plan

The subject land is designated Residential on Schedule 'A' of the Whitby Official Plan (refer to Attachment #7), which "encourages residential intensification in appropriate locations while maintaining and enhancing the character and identity of established residential neighbourhoods" (4.4.2.2).

Both Manning Road and Garden Street are also designated as Type C Arterial Roads on Schedule 'D' of the Whitby Official Plan (refer to Attachment #6).

The Official Plan (4.4.3.5.1 b) further notes that medium density residential uses "not exceeding a height of 4 storeys, shall be permitted with a density range of greater than 30 and up to 65 dwelling units per net hectare". The construction of the proposed 41 three-storey common element townhouse units on Block 2 of the Draft Plan results in a net density of 51.26 units per net hectare.

The subject lands are within the Mature Neighbourhood Boundary, as adopted through Amendment #130 to the Official Plan. Section 4.4.3.13.11 notes that Medium Density Residential development shall be directed to the edges of Mature Neighbourhoods along arterial roads. Furthermore, new Medium Density Residential development are to be

compatible with the surrounding context and provide a sensitive transition to adjacent Low Density Residential areas.

4.3. Zoning By-law

The subject land is currently zoned Institutional Zone (I) and Development Zone – Residential D(R) within Zoning By-law No. 2585 (refer to Attachment #8), which does not permit the proposed uses.

Therefore, a Zoning By-law Amendment is required to permit the proposed development.

4.4. Heritage

The subject land is listed on the Municipal Register as having cultural heritage value or interest under the Ontario Heritage Act. The Heritage Whitby Advisory Committee has recommended that 780 Garden Street be designated under Part IV of the Ontario Heritage Act.

A report (PDP 42-23) was considered by Committee of the Whole on November 13, 2023 recommending that a Notice of Intention to Designate (NOID) be published for a portion of the subject property occupied by the existing dwelling (refer to Attachments #1 and #2 for lands subject to the NOID).

5. Communication and Public Engagement:

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on the Garden Street and Manning Road frontage of the subject land in accordance with the Town's notification procedures.

In addition, the consultant overseeing the applications held an external community meeting on June 6th, 2023 at the Whitby Curling Club. The consultant notified stakeholders within 120m of the subject lands.

6. Consultation with other Departments/Sources:

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

7. Conclusion:

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

8. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Draft Plan of Subdivision

Attachment #4: Proponent's Proposed Site Plan

Attachment #5: Proponent's Proposed Active Transportation Plan

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

Attachment #7: Excerpt from the Town of Whitby Official Plan – Schedule A

Attachment #8: Excerpt from Zoning By-law No. 2585