

Town of Whitby

Staff 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)**

Report to: Committee of the Whole

Date of meeting: January 15, 2024

Report Number: PDP 02-24

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

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2023-02), subject to the comments included in Planning Report PDP 02-24 and the conditions of draft plan approval included in Attachment #11;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision, including the Region of Durham's Commissioner of Planning and Economic Development;
4. That Council approve the amendment to Zoning By-law No. 2585 (File No. Z-07-23), as outlined in Planning Report No. PDP 02-24; and,
5. That a By-law to amend Zoning By-law No. 2585 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval and the Commissioner of Planning and Development has issued Site Plan Approval.

2. 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.

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 land.

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:

- A Proposed 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.
- A Proposed Active Transportation Plan prepared by Candevcon East Limited, dated October 13, 2023 (refer to Attachment #5).

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' on Schedule 'A' Map 'A4' of the Regional Official Plan (ROP).

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.

The proposed development conforms to the (ROP).

4.2. Whitby Official Plan

The subject land is designated Residential on Schedule 'A' of the Whitby Official Plan (refer to Attachment #6), 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 #7).

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 land is 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. The OPA is currently under appeal, however, the proposed development conforms to the Council adopted criteria.

The proposed development conforms to the Whitby Official Plan.

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, consisting of Block 1 of the proposed draft plan of subdivision (refer to Attachment #3).

A Notice of Intention to Designate, which applies to the portion of the subject land occupied by the existing single-detached dwelling, was issued to the property owner and was posted on the Town's website. The objection period to Council ended at 4:00pm on January 3rd, 2024.

4.5. Whitby Green Standards

The submitted Whitby Green Standard Draft Plan Application Checklist was reviewed by Sustainability staff. The Checklist states that the proposed development is committed to achieve the Tier 1 Performance category.

4.6. Conclusion

The subject land is designated Residential on Schedule 'A' of the Whitby Official Plan. The proposed development represents an intensification opportunity within the built-up area of the Town of Whitby located within the 'Built Boundary', as defined by the Province. The proposed development provides an appropriate range and mix of housing types and densities to meet the needs of current and future residents. The development of the subject land for block townhouse dwellings is appropriate as it is situated within the built-up area, and it is along arterial roads with access to transit facilities.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 6.

Based on the detailed review of the applications and consideration of public and agency comments and requirements, it is concluded that the proposed development is consistent with the Provincial Policy Statement, and is in conformity with the Growth Plan, the Region's Official Plan, and the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications.

5. Communication and Public Engagement:

The consultant overseeing the applications held a Public Information Centre on June 6th, 2023 at the Whitby Curling Club. The consultant notified stakeholders within 120m of the subject land.

A Public Meeting was held on December 6th, 2023, in accordance with the Town of Whitby Official Plan and the Planning Act. This Public Meeting provided the public, interested persons, and agencies the opportunity to make representation in respect of the Draft Plan of Subdivision and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #9. There were some members of the public who spoke at the Public Meeting. The concerns raised at the Public Meeting included the following:

- how the proposed development and the increase in density will impact local traffic; and,
- details regarding attendance of the Public Information Centre held on June 6th, 2023.

No written comments were received following the Statutory Public Meeting.

In response to the question related to the impacts on traffic, it is noted that the proponent has provided a Traffic Management Plan and Traffic Impact Brief, neither of which have identified any concerns related to significant traffic impacts in the area as a result of the proposed development. These reports have been reviewed and accepted by Transportation staff.

All individuals who registered as an interested party at the statutory public meeting and any individual who provided written correspondence to the Town have been provided notice of the January 15th, 2024 Committee of the Whole Meeting.

The oral submissions by the public have been considered in determining the recommendation for approval of the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications.

6. Input from Departments/Sources:

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

- Whitby Landscaping;
- Whitby Strategic Initiatives;
- Whitby Financial Services - Tax;
- Whitby Planning and Development;
- Bell Canada;
- Rogers Communications;
- Enbridge Gas Inc.;
- Durham Catholic District School Board;

Refer to Attachment #10 for Agency and Stakeholder Detailed Comments.

Refer to Attachment #11 for Conditions of Draft Plan Approval.

Internal Departments

Whitby Financial Services

The comments provided by Financial Services staff outline the requirements for the payment of development charges and cash-in-lieu of parkland. Refer to Attachment #10 for detailed comments.

Whitby Fire and Emergency Services

The comments provided by Whitby Fire and Emergency Services staff outline the requirement of designating fire access routes, that the location of fire hydrants be shown on the site plan, and that the location of firebreaks be shown on the site plan for review and approval. Refer to Attachment #10 for detailed comments.

Whitby Engineering Services

The comments provided by Whitby Engineering Services staff outline that there is no objection to the applications, subject to the Conditions of Draft Approval (refer to Attachment #11). Refer to Attachment #10 for detailed comments.

External Agencies

Region of Durham Planning and Economic Development

The comments provided by the Region of Durham Planning and Economic Development Department state that there is no objection to the applications, subject to the Conditions of Draft Approval (refer to Attachment #11). Refer to Attachment #10 for detailed comments.

CLOCA

The Central Lake Ontario Conservation Authority has no objection to the proposed development proceeding, subject to their requested Conditions of Draft Plan Approval being implemented (refer to Attachment #11). Refer to Attachment #10 for detailed comments.

7. Financial Considerations:

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Financial Services Asset Management annual report.

Asset	Quantity
Roads	N/A
Sidewalks	0.19 km
Storm Sewers	N/A
Ponds	N/A
District Park	N/A
Local Parks	N/A

8. Strategic Priorities:

The development of a residential subdivision contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing a variety of housing options.

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: 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 A

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

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

Attachment #9: Public Meeting Minutes

Attachment #10: Agency and Stakeholder Detailed Comments

Attachment #11: Conditions of Draft Plan – Subdivision Approval