

Town of Whitby

Staff Report

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Report Title: DEV-28-23: Draft Plan of Subdivision Application (SW-2023-04), Zoning By-law Amendment Application (Z-10-23), Icon Taunton Limited, 945 Taunton Road East

Report to: Committee of the Whole

Date of meeting: March 4, 2024

Report Number: PDP 12-24

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:

L. Taylor, Planner II, x2902

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2023-04), subject to the comments included in Planning Report PDP 12-24 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 #1784, (File No. Z-10-23), as outlined in Planning Report No. PDP 12-24; and,
5. That a by-law to amend Zoning By-law #1784 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval and Site Plan Approval is issued by the Commissioner of Planning and Development.

2. Highlights:

- A Draft Plan of Subdivision Application has been submitted by Icon Taunton Limited to create a Plan of Subdivision consisting of three blocks, including one block to accommodate the proposed mixed-use condominium development and two blocks for road widenings.

- The proposed mixed-use condominium development consists of four blocks of 4-storey stacked townhouses, including 520m² of commercial floor space and 4 blocks of 3-storey condominium townhouses for a total of 158 residential units.
- A Zoning By-law Amendment Application has been submitted to change the zoning from R2A* and H-C2-S to an appropriate zone category to accommodate the proposed mixed-use development.
- The proponent will be required to submit a Site Plan Application and Draft Plan of Condominium at a later date.
- All of the 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 Description

The subject land is located on the south side of Taunton Road East, between Garrard Road and Sebastian Street (refer to Attachment #1). The subject land is currently occupied by a single detached dwelling at 3557 Garrard Road and single detached dwelling and outbuildings at 945 Taunton Road East (refer to Attachment #2). All buildings are proposed to be removed to accommodate the proposed development. The subject land is approximately 1.54 hectares (3.8acres) in size.

Surrounding land uses include:

- commercial businesses located to the north;
- vacant mixed-use land and townhouses to the east;
- single detached dwellings to the south and west; and
- a restaurant adjacent to the subject land to the northwest and a seniors apartment and retirement home further to the northwest.

3.2. Applications and Proposed Development

A Draft Plan of Subdivision Application has been submitted by Icon Taunton Limited to create a Plan of Subdivision consisting of three blocks, including one block to accommodate the proposed mixed-use condominium development and two blocks for road widenings along Taunton and Garrard Roads (refer to Attachment #3). The proposed mixed-use condominium development consists of four blocks of 4-storey stacked townhouses, including 520m² of commercial floor space and 4 blocks of 3-storey condominium townhouses for a total of 158 residential units.

A Zoning By-law Amendment Application has been submitted to change the zoning from R2A* and H-C2-S to an appropriate zone category to accommodate the proposed mixed-use development.

A Site Plan Application will be required and will be approved through the Commissioner of Planning and Development. The proposed joint vehicular access at Taunton Road East will be further reviewed with the Region of Durham Works Department.

A Draft Plan of Condominium Application will be required and will be brought forward to Council at a later date.

3.3. Documents Submitted in Support

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

- A Draft Plan of Subdivision prepared by Evans Planning, dated November 20, 2022 (refer to Attachment #3);
- A Concept Site Plan prepared by GMB Architecture, dated October 2023 (refer to Attachment #4);
- An Active Transportation Plan prepared by GHD, dated October 12, 2023 (refer to Attachment #5);
- An Arborist Report prepared by Stantec Consulting Ltd., dated September 22, 2023, provides an inventory of the trees on the subject land. The majority of the trees are proposed to be removed as they are within the limit of construction, however some trees are proposed to be retained and protected during construction. The report notes that compensation planting will be completed off-site;
- An Aviation Report prepared by Charles Cormier Aviation Consultant, dated November 18, 2022, concludes that the buildings and mobile cranes to construct the buildings will remain below the Obstacle Limitation and Clearance Surfaces requirements of the Oshawa Airport;
- An Environmental Impact Study prepared by Stantec Consulting Ltd., dated October 6, 2023, provides a summary of the geographical setting and relevant policies. The Study notes that the proposed development will result in the loss of 1.46 hectares of terrestrial habitat, but that these losses will be compensated on lands connected to existing natural heritage system to provide a greater benefit to local wildlife populations, for an overall net benefit;
- A Functional Servicing and Stormwater Management Report prepared by TYLin, dated October 2023, provides recommendations for stormwater servicing, sanitary servicing and water servicing and concludes that the site can be adequately serviced;
- A Geotechnical Report prepared by Soil Engineers Ltd., dated August 13, 2021, provides a summary of subsurface conditions and recommends excavation and construction methods;

- A Hydrogeological Report prepared by Soil Engineers Ltd., dated December 22, 2022, provides information on groundwater conditions and concludes that temporary groundwater control is not anticipated for earthworks or construction for site development;
- A Noise Impact Feasibility Study prepared by J.E. Coulter Associates Limited, dated November 16, 2022, which concludes that aircraft and roadway traffic are expected to generate modest noise impact on the proposed development and recommends mitigation measures including a 1.8m high noise barrier, mandatory air conditioning for certain blocks, provision for future air conditioners for the other blocks, enhanced roof/ceiling and wall construction to address airport noise, and noise warning clauses for all units;
- A Phase 1 Environmental Site Assessment prepared by Soil Engineers Ltd., dated August 23, 2022, which recommends a Phase 2 Environmental Site Assessment;
- A Phase 2 Environmental Site Assessment prepared by Soil Engineers Ltd., dated August 23, 2022, which concludes that the property is suitable for the proposed residential development and no further environmental investigation is recommended;
- A Planning Justification Report prepared by Evans Planning, dated December 2022, provides a review of the proposed development in the context of the applicable planning policies. The Report concludes that the proposed development is consistent with provincial policies and conforms with the Region and Town Official Plans and represents good planning;
- A Stage 1 & 2 Archaeological Assessment prepared by The Archaeologists Inc., dated October 6, 2021, which notes that a systematic test pit survey did not result in the identification of any archaeological resources;
- A Sustainability Report prepared by Evans Planning, dated December 2022, which provides a summary of the sustainable practices that will be incorporated into the design of the development, and confirms the development will meet and exceed Tier 1 performance measures of the Whitby Green Standard; and,
- A Traffic Impact Study prepared by GHD, dated October 12, 2023, provides a review of the traffic related impacts on the adjacent road network based on projected future background traffic and concludes that the overall impact would be negligible to the operation of the adjacent road network. The Study also includes justification for reduced parking, based on the location on public transit routes and connection to cycling and pedestrian routes.

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). Living Areas are intended to be used predominantly for housing purposes, however commercial/retail uses may also be permitted in accordance with area municipal official plans.

The proposed development conforms to the ROP.

4.2. Whitby Official Plan

The subject land is designated Mixed Use on Schedule 'A' – Land Use of the Whitby Official Plan (refer to Attachment #6).

The subject land is also within the Intensification Corridor as shown on Schedule 'B' – Intensification (refer to Attachment #7).

The Mixed Use designation is intended to provide a mix of residential and commercial development and redevelopment in an intensive, transit-supportive and efficient manner (4.6.1.1).

Intensification Corridors permit residential and mixed-use buildings with a minimum height of 2-storeys and maximum height of 8-storeys (4.2.7.3).

The proposed development of a mixed-use condominium development including 4-storey stacked townhouses and 3-storey condominium townhouses conforms to the Official Plan policies.

4.3. Zoning By-law

The subject land is zoned R2A* - Residential R2A* Zone under By-law 1784 on the west portion and H-C2-S – Holding – Special Purpose Commercial under By-law 1784 on the east portion (refer to Attachment #8). The R2A* zone permits a single detached dwelling and the H-C2-S zone permits a variety of non-residential uses.

An amendment to the Zoning By-law is required to permit the proposed mixed-use development.

4.4. Vehicular and Pedestrian Easement

The proponent shall provide a permanent vehicular and pedestrian access easement for the sole purpose of providing continuous vehicular and pedestrian access to the lands at 915 Taunton Road East in the future.

4.5. Compensation Planting

As compensation for the removal of the existing trees on the subject land, the proponent will be required to install planting on Town-owned land. The Town, in consultation with CLOCA, has chosen a parcel of land on the north side of Consumers Drive, east of Garden Street within the Pringle Creek watershed.

4.6. Conclusion

The subject land is designated for mixed use. Mixed Use areas are intended to support a variety of residential and non-residential uses.

The proposed development will serve to increase the range of dwelling types and businesses available within the community. The proposed development represents an urban form that is efficient and cost effective for servicing, storm water, transportation, and public transit systems.

The development will be reviewed and approved through the Site Plan Approval process.

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. It provides an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Development of the subject land for block (condominium) townhouse dwellings and stacked townhouse dwellings and non-residential uses is appropriate as it is situated within the built-up area, along arterial roads with access to transit facilities.

The proposed development of 3-storey block townhouse dwellings along the south portion of the property provides transition to the existing low density residential neighbourhood.

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 7.

Based on the detailed review of the applications and consideration of public and agency comments and requirements (refer to Section 6), 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. The proposed development will also assist the Town to achieve its Municipal Housing Target of 18,000 new homes in Whitby by 2031. Therefore, it is recommended that Council approve the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications.

5. 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/Multi-use paths	0.27 km
Storm Sewers	N/A
Ponds	N/A
District Park	N/A
Local Parks	N/A

6. Communication and Public Engagement:

A Public Meeting was held on January 22, 2024, 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 Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #9a. There were no members of the public in attendance to speak at the public meeting.

Written correspondence included correspondence from the adjacent property owner who is working with the proponent to coordinate shared access and services as part of the future redevelopment of 915 Taunton Rd E (refer to Attachment #9b).

Further written correspondence outlined concerns regarding:

- Pedestrian and cyclist safety and lack of cycling infrastructure;
- existing and additional traffic and speeding;
- conflicts with construction vehicles; and,
- light pollution and loss of privacy from four storey units.

The oral and written 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. As previously noted, the proposed development conforms to the Official Plan policies of the Region's and Town's OP. The following concerns raised above have been considered as follows:

- the proponent will be required to provide a construction management plan for approval that will consider bicycle safety;
- the proponent is required to ensure roads and sidewalks are kept clear during construction;

- the proponent is encouraged to include secure bicycle storage as part of the development; and,
- transition of height is provided as the 4-storey stacked dwellings are proposed on the north portion of the site and the 3-storey units are proposed adjacent to existing 2-storey single detached dwelling units.

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 March 4, 2024, Committee of the Whole Meeting.

7. Input from Departments/Sources:

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

- Bell Canada;
- Durham Catholic District School Board;
- Durham District School Board;
- Elexicon Energy;
- Enbridge Gas; and,
- Rogers Communications.

Refer to Attachment #10 for additional detailed comments.

Internal Departments

Engineering Services

Comments provided by Engineering Services state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval.

Refer to Attachment #10 for additional detailed comments and Attachment #11 for Conditions of Draft Plan Approval.

Fire and Emergency Services

Comments provided by Fire staff include requirements for fire hydrants, fire routes, signage, and fire alarm systems in accordance with the Ontario Building Code, and that a firebreak plan is required.

Refer to Attachment #10 for additional detailed comments.

Strategic Initiatives

Comments provided by Strategic Initiatives staff state that the Whitby Green Standards Subdivision checklist and Sustainability Rationale requires revision. The proponent is encouraged to consider advanced sustainability criteria through the uptake of voluntary Tiers 2-4.

Refer to Attachment #10 for additional detailed comments.

External Agencies

Central Lake Ontario Conservation Authority (CLOCA)

Comments provided by CLOCA state that there is no objection to the approval of the applications subject to the Conditions of Draft Approval.

Refer to Attachment #10 for additional detailed comments and Attachment #11 for Conditions of Draft Plan Approval.

Oshawa Airport

Comments provided by Oshawa Airport outlines their requirements, including applications to Transport Canada, NAV Canada and Oshawa Airport for land use, lighting, and construction. The noise warning clauses and mitigation measures identified in the Noise Study will be registered on title through the future Site Plan Agreement.

Refer to Attachment #10 for additional detailed comments.

Region of Durham

Comments provided by the Region of Durham include:

- The proposed right-in/right-out access to Taunton Road East does not provide for intersection spacing on a Type 'A' Arterial Road and is not supported by the Region and must be removed;
- the Region has no objection to draft approval of the subdivision application subject to the removal of the right-in/right-out access onto Taunton Road East;
- The proposed Subdivision and Zoning Applications conform to the current Regional Official Plan (2020 Consolidation) and the Council Adopted Regional Official Plan, Envision Durham (May 2023);
- Noise control measures as identified in the Noise Impact Feasibility Study are to be included in the Town of Whitby Subdivision Agreement;
- A road widening and sight triangle on Taunton Road East are to be provided to the Region of Durham;
- An easement is required to provide access to 915 Taunton Road East; and,
- A bus stop is required to be included behind the sidewalk on Garrard Road in accordance with Regional standards.

Refer to Attachment #10 for additional detailed comments and Attachment #11 for Conditions of Draft Plan Approval.

8. Strategic Priorities:

The development of a mixed-use condominium development including 4-storey stacked townhouses and 3-storey condominium townhouses 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 future Site Plan Application will be circulated to Accessibility staff for review.

The proposed mixed 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 Subdivision Plan

Attachment #4: Proponent's Proposed Concept Plan

Attachment #5: Proponent's Active Transportation Plan

Attachment #6: Excerpt from Official Plan Schedule A – Land Use

Attachment #7: Excerpt from Official Plan Schedule B – Intensification

Attachment #8: Excerpt from Zoning By-law 1784

Attachment #9a: Public Meeting Minutes

Attachment #9b: Summary of Written Public Comments

Attachment #10: Agency & Stakeholder Detailed Comments

Attachment #11: Conditions of Draft Plan of Subdivision Approval