

Town of Whitby

Staff Report

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Report Title: Draft Plan of Subdivision Application and Zoning By-law Amendment Application for 5035 Anderson Street, by Whitby Anderson Estates Inc. File No. DEV-14-21 (SW-2021-04, Z-09-21)

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 08-24

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:

Justin Malfara, Principle Planner, Zoning
& Administration x2930

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-04) and approve an amendment to Zoning By-law #1784 (Z-09-21), subject to the comments included in Planning Report PDP-08-24 and the Conditions of Draft Approval included in Attachment #10;
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 Humphries Planning Group Inc. on behalf of Whitby Anderson Estates Inc. for the land located at the northeast corner of Anderson Street and Colin Road, otherwise municipally known as 5035 Anderson Street.
- The proposed Draft Plan of Subdivision includes 30 street townhouses, 88 common element townhouses, 43 stacked townhouse dwellings, and a 3 storey, 20 unit apartment building with at grade commercial.
- 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 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 known as 5035 Anderson Street and is situated on the northeast corner of Conlin Road and Anderson Street (refer to Attachment #1). The subject land is approximately 4.05 hectares (10.0 ac.) in area and is currently occupied by a vacant one storey detached residential dwelling and a detached garage.

The subject land is located within the southern limits of the Brooklin urban boundary and is surrounded by vacant future development lands to the north, low density residential uses (single detached dwellings) to the west, a hydro corridor to the east, and agricultural lands to the south. (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 Humphries Planning Group Inc. on behalf of Whitby Anderson Estates Inc. to permit a proposed Plan of Subdivision on the subject land (refer to Attachment #3).

3.2.1 Draft Plan of Subdivision

The proposed Draft Plan of Subdivision is comprised of:

- 4 street townhouse blocks, which include 29 street townhouse dwellings;
- a common element condominium block, which includes 82 common element townhouse dwellings;
- a mixed use block, which is anticipated to include 43 stacked townhouse dwellings and a 3 storey 20 unit apartment building with

approximately 929.0 sq.m (10,000 sq.ft) of at grade commercial floor space (refer to Attachment #4).

Access to the land is proposed by way of a proposed public roadway connected to Conlin Road and Anderson Street. These roads identified as Street “A” and Street “B” on the Draft Plan of Subdivision will provide access to the proposed mixed-use block (Block 6) and street townhouse dwellings (Blocks 1-4). Three additional private streets extending south from Street “B” will provide access to the proposed common element townhouse dwellings located within the central area of the property (Block 5).

3.2.2 Zoning By-law Amendment

The Zoning By-law Amendment Application proposes to change the existing zoning from Agricultural (A) to appropriate residential and commercial 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. The proponent is seeking to rezone the land from Agricultural (A) to Medium Density (MD-B) for the proposed street and block townhouses, and Mixed Use (MX1-B) for the proposed mixed use block.

A Zoning By-law will be brought forward for Council consideration at a future meeting upon draft approval.

3.3 Documents Submitted in Support

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

- A proposed Draft Plan of Subdivision, dated August 2023, prepared by Humphries Planning Group Inc. which illustrates the configuration of the proposed subdivision (refer to Attachment #3);
- A proposed Concept Plan, dated November 2020, prepared by Humphries Planning Group Inc. provides additional details related to the proposed development of the Blocks (refer to Attachment #4);
- A Sustainability Rationale Report, prepared by Humphries Planning Group Inc, dated November 2023. Sustainability measures identified will be addressed within the future Subdivision and Site Plan Agreements;
- A Land Use Compatibility Assessment, prepared by Cambium Inc., dated May 2023. This report assessed the potential influence of surrounding land uses on the subject land;

- An Arborist Report and Addendum, prepared by Beacon Environmental, dated, March 2021 and July 2023. The report confirms removal of approximately 22 trees;
- A Functional Servicing and Stormwater Management Report, Sanitary Trunk Sewer Alignment Plan, Grading and Servicing Plan, Sediment and Erosion Control Plan, and Drainage Plan dated March 2021, prepared by Candevcon East Limited. 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 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 land and surrounding area;
- 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 Stage 1-3 Archaeological Assessment, dated November 2019, prepared by Irvin Heritage Inc. A clearance letter was also received from the Ministry of Tourism, Culture, and Sport dated September 13, 2021 confirming that the subject land holds no further Cultural Heritage Value or Interest and the report has been entered into the Ontario Public Register of Archeological Reports;
- A Species at Risk Screening Assessment, dated March 2021, prepared by Beacon Environmental;
- An Urban Design Brief for the Mixed Use Block, dated March 2021, prepared by the Biglieri Group Ltd.;
- A Planning Rationale Report, dated April 2021, prepared by Humphries Planning Group Inc. This report provided an overview of how the proposal confirms with the Town of Whitby Official Plan, as well as the Durham Region Official Plan, and other guiding policy documents; and,
- A Noise Impact Study, dated March 2021, prepared by the Sonair Environmental. The study outlined noise abatement measures that will be included in a future Subdivision Agreement for the proposed development;

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 (ROP)

The ROP designates the subject land as “Living Areas” within the Urban System. The subject lands are also situated within the built boundary of the Whitby Urban Area.

Living Areas are intended to accommodate a full range of housing options at higher densities. Neighbourhood commercial uses such as convenience stores, home occupations, limited office uses and retailing of goods and services as components of mixed-use developments are also permitted within this designation.

The proposed draft plan provides for a range of housing types, with higher density development and a mixed-use block at the northeast corner of Anderson Street and Conlin Road in accordance with the Town of Whitby's Brooklin Community Secondary Plan. The proposed development will increase the residential density on the subject land to approximately 86 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 to the policy directions of the ROP.

4.2 Whitby Official Plan

The subject land is designated “Mixed-Use 3” and “Medium Density Residential” within Schedule ‘K’ of the Brooklin Community Secondary Plan (refer to Attachment #5).

4.2.1 Mixed-Use 3 Land Use

The intent of the Mixed-Use 3 designation is to accommodate a mix of two or more land uses on a site, as set out in Section 4.6.3.1 of the Town of Whitby Official Plan, either within the same building or integrated as separate buildings on the lot.

For lands outside of the Downtown Brooklin Major Central Area (subject land), the range of permitted commercial uses are to include those permitted in the Local Commercial designation as set out in Section 4.5.3.3 of the Official Plan.

The minimum permitted density in the Mixed-Use 3 designation is 60 units per net hectare and the maximum density is 85 units per net hectare.

The proposed mixed-use block (Block 6) is 0.94 ha in area and is proposed to include 43 stacked townhouse dwelling units, as well a 3 storey, 20 unit apartment building with 929.0 sq.m of ground floor commercial space. The

density of the mixed-use block will be approximately 67 units per net hectare.

The proposed development conforms to the policy directions of the Brooklin Community Secondary Plan, Mixed-Use 3 designation.

4.2.2 Medium Density Residential Land Use

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads 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 units per net hectare. The minimum building height is 3 storeys abutting arterial roads outside of mature residential neighbourhoods.

Blocks 1-5 of the proposed Draft Plan of Subdivision will be comprised of 29 street townhouse dwellings, and a common element condominium block with 82 common element block townhouse dwellings. The density of the land designated Medium Density Residential will be approximately 48 units per net hectare.

The proposed development conforms to the policy directions of the Brooklin Community Secondary Plan Medium Density Residential designation.

4.3 Zoning By-law

The subject land is zoned Agricultural (A) in Zoning By-law 1784. The Agricultural (A) zone does not permit residential uses (refer to Attachment #6).

A Zoning By-law Amendment is required to rezone the subject land to a variety of zone categories to conform to the Brooklin Community Secondary Plan and to implement the proposed Draft Plan of Subdivision.

4.4 Other Applications

Site Plan applications will be required to be submitted at a later date for the proposed block townhouse and mixed-use blocks.

A Draft Plan of Condominium application will also be required at a later date to establish any necessary parcels of tied land for these 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 and the Brooklin Architectural Control Guidelines. It is recommended that Williams and Stewart be appointed as the Control Architect for the proposed Draft Plan of Subdivision and future Site Plan applications.

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 #7). 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;
- Town of Whitby Accessibility Division;
- CS Viamonde (French Public School Board);
- Durham Catholic District School Board;
- Durham District School Board;
- Enbridge;
- Elexicon Energy Inc.;
- MTO;
- 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 #9 for a summary of all detailed comments and Attachment #10 for Conditions of Draft Plan of Subdivision Approval.

5.1 Internal Departments

Community Services – Parks Development

The Town of Whitby Official Plan, as amended and further delineated by the Brooklin Secondary Plan, does not identify the development of a Park within this proposed development. As such, the Parks department will be seeking Cash-in-Lieu of parkland. Refer to Attachment #9 for additional comments and Attachment #10 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 #9 and Attachment #10.

Engineering Services has attached a Composite Transportation Component Plan (CTCP) as Attachment #7 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.

Strategic Initiatives (Sustainability)

The Sustainability section acknowledges and appreciates the sustainability considerations outlined in the Whitby Green Standard Checklist and the Sustainability Rationale report. It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4 of the Whitby Green Standard. The WGS Checklist and Sustainability Rationale Report shall be updated prior to final Draft Plan approval.

Landscape Section

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

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 location of all fire hydrants for the subdivision shall be indicated on the site plan, and fire route signs shall be provided for the Common Element Condominium (Block 5).

5.2 External Agencies

Region of Durham – Planning

The Regional Official Plan (ROP) designates the subject land as “Living Areas” within the Urban System. The subject land is also situated within the built boundary of the Whitby Urban Area.

Living Areas are intended to accommodate a full range of housing options at higher densities. Neighbourhood commercial uses such as convenience stores, home occupations, limited office uses and retailing of goods and services as components of mixed-use developments are also permitted within this designation.

The ROP classifies Anderson Street and Conlin Road as Types ‘B’ and ‘C’ Arterial Roads. Policy 11.3.35 of the ROP requires new development applications that about arterial roads where access opportunities are limited to minimize the amount of reverse lot frontages along arterial roads or promote alternatives.

The proposed development will increase the residential density on the subject lands to approximately 86 units per gross hectare, which will contribute to the allocation of units for intensification as outlined in the ROP.

The ultimate development of the proposed plan of subdivision will contribute to the Town’s residential growth targets and provide for an array of housing options in general conformity to the Living Areas permissions of the ROP.

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. In accordance with the Region of Durham Sewer Use By-Law, the Region will not permit foundation drains and/or roof leaders to connect to the sanitary sewer system. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

The subject land is located within the Zone 3 water supply system for Whitby (Brooklin). The following works must be completed for water servicing to be available:

- A 600 millimetres (mm) Zone 3 feedermain on Conlin Road from Anderson Street to the Region owned driveway, just west of Garrard Road;
- A 900 mm Zone 3 feedermain on the Region owned driveway from Conlin Road to the Garrard Road Zone 3 Pumping Station;
- Upgrades of the Garrard Road Zone 3 Water Pumping Station; and
- A 400 mm Zone 3 feedermain on Anderson Street from Conlin Road to Clair Avenue.

Sanitary servicing to the subject land will require the extension of a local sanitary sewer on Conlin Road 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 subject area is currently served by On Demand transit. The route ahead transit plan includes Anderson Street as a potential local route once the demand for transit grows within the subject area. The conceptual site plan shall be updated to protect for a northbound far side bus stop at the intersection of Anderson Street and Conlin Road. Sidewalks are to be built along Anderson Street and Street "C" in tandem with this development; and additional comments may be provided at the site plan stage for the mixed-use block regarding pedestrian connectivity and access to future transit.

Central Lake Ontario Conservation Authority

CLOCA staff have no objection to the proposed development subject to the provided Draft Plan Conditions as outlined in Attachment #10.

Hydro One

The transmission lines abutting the subject land 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, require 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 developer'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 #10.

Oshawa Airport

The proponent must ensure the maximum height of the development, all of its associated features and any cranes used do not exceed the maximum zoning as outlined in the Transport Canada Zoning Regulations for the Oshawa Executive Airport.

The proponent will be required to submit an application to the NAV Canada land use process. The proponent shall also submit an application to Transport Canada to determine the need for obstacle lighting through Transport Canada's Aeronautical Assessment Form.

If the proponent requires a temporary obstacle (i.e. crane) to be above the maximum height(s) as permitted by zoning at any time during the construction project they must complete a Transport Canada – Temporary Zoning exemption request prior to construction.

If applicable, the proponent shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace. The proponent shall ensure the new structure(s) and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.

The applicant shall also ensure that the storm water management pond (if applicable) cannot be used as habitat for waterfowl.

Lastly, the proponent shall undertake a noise impact study which determines that the location is suitable for the intended use given the proximity to the airport and its associated aircraft noise. The study must identify noise mitigation measures which should be included in the building design and same must be included in the final building design.

6. Financial Considerations:

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 Engineering Services Asset Management annual report.

Asset	Quantity
Roads	0.58 lane-km
Sidewalks/Multi-Use paths	1.0 km
Storm Sewers	0.46 km

7. 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 #8 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 February 26, 2024 Committee of the Whole Meeting.

8. 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 growth.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Draft Plan of Subdivision

Attachment #4: Proponent's Concept Plan

Attachment #5: Excerpt from the Brooklin Community Secondary Plan Schedule 'K'

Attachment #6: Excerpt from Zoning By-law # 1784

Attachment #7: Composite Transportation Component Plan

Attachment #8: Public Meeting Minutes

Attachment #9: Agency & Stakeholder Detailed Comments

Attachment #10: Conditions of Draft Plan of Subdivision Approval