

Town of Whitby

Staff Report

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Report Title: Zoning By-law Amendment Application – Halls-Lake Ridge Limited Partnership – 1650 Halls Road North DEV-24-23 (Z-08-23)

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 05-24

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Submitted by:

Roger 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 an amendment to Zoning By-law No. 1784 (File No. Z-08-23), as outlined in Planning Report PDP 05-24; and,
2. That a By-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council at the March 18, 2024 Council Meeting.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Halls-Lake Ridge Limited Partnership for land municipally known as 1650 Halls Road North.
- The Zoning By-law Amendment Application proposes to change the current zoning from Third Density Residential (R3) Zone and Agricultural (A) Zone to appropriate Zone categories to facilitate the proposed development of a warehouse distribution centre.
- All commenting departments and external agencies have reviewed the proposed development and have indicated their support for or no objection to the proposed development, subject to their comments being addressed through the future Site Plan Approval process.

3. Background:

3.1. Site and Area Description

The subject land is located at the northwest corner of Halls Road North and Dundas Street West (refer to Attachment #1). The subject land is municipally known as 1650 Halls Road North. The subject land is approximately 12.54 hectares (30.99 ac) in size and consists of vacant land which was formerly used for agricultural purposes (refer to Attachment #2).

Surrounding land uses include:

- agricultural lands to the north and west (future Prestige Industrial);
- commercial uses to the south; and,
- agricultural lands and residential uses to the east and southeast.

There are several existing residential lots fronting the west side of Halls Road North, immediately north of Dundas Street West, that abut the subject land. There are several existing residential lots fronting the east side of Halls Road North, immediately north of Dundas Street West, that are located within the Provincial Greenbelt.

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by Halls-Lake Ridge Limited Partnership to change the current zoning from Third Density Residential (R3) Zone and Agricultural (A) Zone within Zoning By-law No. 1784, to appropriate Zone categories to facilitate the development of a warehouse distribution centre.

A future Site Plan application will also be required to facilitate the proposed development.

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- A Concept Site Plan, prepared by Ware Malcomb, dated September 9, 2022, revised June 14th, 2023 (refer to Attachment #3).
- A Planning Rationale Report, prepared by GHD Limited, dated December 2022.
- A Functional Servicing and Stormwater Management Report, prepared by MGM Consulting Inc., dated June 2023.
- An Environmental Impact Study, prepared by Beacon Environmental Limited, dated December 2022.
- A Geotechnical Report, prepared by EXP Services Inc., dated June 2022.

- A Hydrogeological Report, prepared by EXP Services Inc., dated October 2022, revised June 2023.
- A Noise Impact Study, prepared by GHD Limited, dated October 2022.
- A Stage 1-2 Archaeological Assessment, prepared by Lincoln Environmental Consulting Corporation, dated July 2022.
- A Phase I Environmental Site Assessment, prepared by GHD Limited, dated July 2023.
- A Phase II Environmental Site Assessment, prepared by GHD Limited, dated August 2023.
- A Transportation Impact Study, prepared by GHD Limited, dated December 2022.
- An Urban Design Brief, prepared by GHD Limited, dated July 2023.

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 “Employment Areas” and is located on a “Regional Corridor” as identified on Schedule ‘A’ Map ‘A4’ of the Regional Official Plan (ROP).

The Regional Official Plan (8C.2.1) states that “permitted uses within Employment Areas may include manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, hotels, storage of goods and materials, freight transfer and transportation facilities.

Regional Corridors are intended to be developed as high-density mixed-use areas supporting higher order transit services and pedestrian oriented urban environment. Prestige employment uses with high employment generating capacity are encouraged to locate along Regional Corridors.

The proposed development conforms to the policy directions of the ROP.

4.2. Whitby Official Plan

The majority of the subject land is designated Prestige Industrial on Schedule ‘V’ of the West Whitby Secondary Plan, with a portion of land located along the southern boundary being designated Environmental Protection Area. Furthermore, the subject land is subject to a Flood Policy Area and has been identified as a Gateway Area (refer to Attachment #4).

Prestige Industrial

The Official Plan (4.7.3.2.1) notes that areas designated as Prestige Industrial are comprised of lands in strategic locations that have prime exposure to Highways 401, 407, and 412.

Prestige Industrial areas generally include light industrial uses within enclosed buildings, professional, corporate, and industrial oriented office buildings, major office uses within Business Parks, data processing centres, commercial or technical schools, post secondary educational facilities, research and development facilities, and incidental sales outlets within industrial buildings (4.7.3.2.2).

The Official Plan (4.7.3.2.3) further notes that warehousing and wholesale distribution uses may be permitted on lands designated as Prestige Industrial, subject to the following criteria:

- a) located in proximity to Highways 401, 407, or 412;
- b) separated from residential areas;
- c) does not create additional traffic through residential areas; and,
- d) wholly enclosed in buildings with no outdoor storage.

The proposed development is situated on an Arterial Road near interchanges to provincial Highway 401 and Highway 412, which allows for further access to Highway 407.

The land use designation of the subject land as well as the adjacent properties on the west side of Halls Road North is Prestige Industrial. The land use designation for this area was changed to Prestige Industrial in 2014 through the approval of the West Whitby Secondary Plan. The residential dwellings located on the west side of Halls Road North were constructed in the 1930s, 1960s, 1970s, and 1980s. The West Whitby Secondary Plan (11.12.2.6.10) recognizes the existing single detached dwellings along the west side of Halls Road North as permitted uses to be continued into the future. However, Policy 11.12.2.6.10 also notes that over the long term, the integration of these lots with the remainder of the Prestige Industrial area shall be encouraged.

In support of this application, a Transportation Impact Study was completed. The Transportation Impact Study concluded that the traffic generated by the proposed development will not add adverse impacts on the nearby road network and no road improvements are required as a result of the proposed development.

The concept site plan illustrates that the future warehouse will be fully enclosed with no outdoor storage. Any refuse storage will be stored internally within the building.

Environmental Protection Area

The Official Plan (11.12.2.8.2) states that lands within the Environmental Protection Area designation include those lands having hazard land/floodplain, valley lands, woodlands, stream, and wetland characteristics, including all Provincially Significant Wetlands.

The Central Lake Ontario Conservation Authority (CLOCA) was circulated the development application and have no objection to the proposed development subject to all hazard lands being zoned such that no building and/or development is permitted on those lands without permission from the Conservation Authority.

Flood Policy Area

The Official Plan (11.12.7.4) recognizes that as a result of background work completed in support of the West Whitby Secondary Plan, an opportunity exists to reduce the size of the floodplain as a consequence of the upgrading of infrastructure in the surrounding area. Policy 11.12.7.4 further notes that the landowner must complete the work required and must secure the appropriate approvals from the Town of Whitby and the Central Lake Ontario Conservation Authority (CLOCA).

In addition to grading changes across the entirety of the subject land, the proposed development includes an on-site stormwater management pond to collect surface run-off generated by this development. In consultation with CLOCA, Whitby Engineering Services will review the proposed infrastructure in greater detail through the Site Plan Approval process to ensure compliance with policies and guidelines.

Gateway Areas

The Official Plan (11.12.2.6.8) states that lands within the Prestige Industrial designation in the immediate vicinity of Taunton Road, Rossland Road and Dundas Street are intended to function as gateway areas into the Town of Whitby. These areas shall establish visually attractive points of entry into the Town and shall also provide a location for services that are important to the support of the primary employment function of the Prestige Industrial area (11.12.2.6.8).

The proposed development complies with and meets the above objectives. Further design elements will be considered through the Site Plan Approval process.

4.3. Zoning By-law

The subject land is currently zoned Third Density Residential (R3) Zone and Agricultural (A) Zone within Zoning By-law No. 1784 (refer to Attachment #5), which does not permit the proposed use of a warehouse distribution centre.

Therefore, a Zoning By-law Amendment is required to rezone the subject land to a Prestige Employment (PE) Zone which would facilitate the proposed development of a warehouse distribution centre and provide conformity with the West Whitby Secondary Plan. The hazard lands located within the Environmental Protection Area will be rezoned Greenbelt (G) to ensure continued protection.

An implementing By-law will be brought forward for consideration by Council at the March 18th, 2024 Council Meeting.

4.4. Conclusion

The subject land is designated Prestige Industrial on Schedule 'V' of the West Whitby Secondary Plan, with a portion of land located along the southern boundary being designated Environmental Protection Area. Furthermore, the subject land is subject to a Flood Policy Area and has been identified as a Gateway Area.

The proposed development would meet the requirements of the Official Plan regarding warehousing and wholesale distribution uses within a Prestige Industrial designation. The Zoning By-law Amendment would implement the current land use designation of the subject land.

All commenting department and external agencies have reviewed the proposed development and have indicated their support for or no objection to the proposed development subject to their comments being addressed through the future Site Plan Approval process, as outlined in Section 7.

Based on the detailed review of the application 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 Zoning By-law Amendment application.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

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 Zoning By-law Amendment Application. The meeting minutes are included in Attachment #6. There were several members of the public who spoke at the Public Meeting. The concerns raised at the Public Meeting included the following:

- increased traffic and site access concerns;
- increased flooding risks and environmental concerns; and,
- noise pollution.

Following the Public Meeting, the proponent was requested to further investigate the concerns that were raised. and the following provides a summary of the proponent's responses to the concerns that were raised.

Traffic / Site Access Concerns:

- In support of this application, a Transportation Impact Study was completed. The Transportation Impact Study concluded that the traffic generated by the proposed development will not add adverse impacts on the nearby road network and no road improvements are triggered as a result of the proposed development.
- The re-routing of truck traffic to Lakeridge Road through an exit located on the north side of the property is not a feasible option given the extensive grade change of approximately 10.5m from Lakeridge Road North to Halls Road North. An internal vehicle truck access connecting these two right of ways would require extensive retaining walls with a height of approximately 8m or 3:1 grading buffers of approximately 56m.
- The extension of Bonacord Avenue to Halls Road North and Lakeridge Road is not feasible at this time.
- The reduction of truck entrances is not feasible, as a minimum of two (2) truck entrances will be required for proper truck circulation on the site.

Environmental Concerns:

- In support of this application, a Functional Servicing and Stormwater Management Report, an Environmental Impact Study, a Geotechnical Report, a Hydrogeological Report, a Phase I Environmental Site Assessment, as well as a Phase II Environmental Site Assessment were completed.
- The Functional Servicing and Stormwater Management Report concluded that the subject land can be adequately serviced with storm,

water, sanitary servicing and can meet the necessary stormwater management and servicing requirements of the Town of Whitby and other approval agencies.

- The Environmental Impact Study noted that buffers, in accordance with policies and guidelines of the Official Plan and the Central Lake Ontario Conservation Authority, have been applied and are sufficient to protect the natural heritage features and their ecological functions from impacts of the proposed development.
- The Geotechnical Report concluded that the site will be suitable for the proposed industrial development.
- The Hydrogeological Report concluded that the temporary and localized construction dewatering activities (short-term) are not expected to have an effect on any of the potential receptors including surrounding residential wells, if still active, and existing residential and commercial developments surrounding the site. Furthermore, the Hydrogeological Report concluded that no change in regional groundwater flow direction is anticipated.
- The Phase I and Phase II Environmental Site Assessment concluded that no remediation at the site is required.
- The potential risks associated with flooding have been mitigated through technical review and design of the proposed stormwater management facility. The proposed stormwater management facility has been designed to control all post development flows to predevelopment levels. Furthermore, the site grading of the subject property has also been designed to direct flows to the proposed stormwater management facility which will improve the overall site drainage and mitigate potential flooding to neighbouring properties.
- The potential risks associated with septic system failure have been mitigated through coordinated technical review and design of proposed infrastructure with the Central Lake Ontario Conservation Authority. The proposed stormwater management pond and septic field are located well outside of the floodplain area. The interim septic system conforms to required setbacks to adjacent properties and site infrastructure. In addition, high water level alarms have been incorporated into the design which will provide a secondary level of protection in the event of blockage. The proposed septic system is an interim solution until such time that the Region of Durham extends sanitary services to the property. At that time, the septic field will be decommissioned, and the property will be connected to regional sanitary services. The interim septic system has been designed to meet standards of the Ministry of Environment, Conservation and Parks.

Noise Pollution:

- In support of this application, a Noise Impact Study was completed. The Noise Impact Study recommended that a 4.5m high noise attenuation barrier be installed to mitigate noise emissions. The location of the noise attenuation barrier has been proposed along the southern and eastern property line of the subject land that abuts 128 Halls Road North. The Noise Impact Study concluded that the proposed development is feasible and is not anticipated to result in land use compatibility issues with respect to noise emissions, provided that the recommended noise attenuation barrier measures are followed and implemented.

Written correspondence was also received regarding the Phase I and Phase II Environmental Site Assessments. The correspondence was forwarded to the Region, as the Region of Durham is responsible for the review of Environmental Site Assessments through the planning review process. The correspondence was also forwarded to the proponent's environmental consultant for review and response.

The response prepared by the proponent's environmental consultant outlined that the Phase I Environmental Site Assessment was completed in accordance with O. Reg. 153/04. The completion of the Phase I Environmental Site Assessment adhered to established protocols, ensuring that environmental considerations are appropriately addressed and that the project aligns with regulatory requirements. Furthermore, the proponent's environmental consultant outlined that the Phase II Environmental Site Assessment field investigation activities were completed in accordance with MECP protocols, GHD's standard operating procedures (SOPs), and industry standard practices. The proponent's environmental consultant concluded that the proposed foundation walls are not anticipated to act as a barrier to groundwater flow. The proponent's response has been forwarded directly to the interested party.

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 February 26th, 2024 Committee of the Whole Meeting.

The submissions made by the public have been considered in determining the recommendation for approval of the proposed Zoning By-law Amendment Application.

7. Input from Departments/Sources:

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

- Whitby Finance Services – Tax; and,
- Town of Ajax Planning and Development Services.

Refer to Attachment #7 for Agency and Stakeholder Detailed Comments.

Internal Departments

Whitby Fire and Emergency Services

No comments or objections on the Zoning By-law Amendment Application. The comments provided by Whitby Fire and Emergency Services outline site plan design requirements such as designating fire access routes and displaying the location of fire hydrants on the site plan. Refer to Attachment #7 for detailed comments. These comments will be addressed through the Site Plan Approval process.

Whitby Engineering Services

No objections on the proposed Zoning By-law Amendment Application, detailed comments will be provided through the Site Plan Approval process. Refer to Attachment #7 for detailed comments.

Whitby Financial Services – Development Charges

No objections on the Zoning By-law Amendment Application. Development Charges will be owing for the non-residential development. Parkland Dedication / Cash-in-Lieu shall be applicable as per the Planning Act and Town of Whitby By-Law for the non-residential development. The Parkland Dedication / Cash-in-Lieu will be determined through the Site Plan Approval process.

External Agencies

Region of Durham Planning and Economic Development Department & Works Department

The proposed warehouse facility supports mixed-use developments and compact built form along the Dundas Street West Regional Corridor. The development proposal also contributes to the diversification of the Region's economic base and increases employment opportunities for the residents of the community. The proposed application conforms with the Regional Official Plan and the new Regional Official Plan.

The Provincial Policy Statement (PPS) encourages urban areas consist of an appropriate mix of employment uses that offer a wide range of employment opportunities. The proposed application will facilitate a warehouse facility and contribute to the growth of the economy in Durham Region. The proposed application is consistent with the PPS.

The Growth Plan promotes economic development and competitiveness by efficiently using employment areas and vacant and underutilized employment lands. The proposed application makes efficient use of a vacant and underutilised

employment site, supports employment opportunities, and promotes compact built form. The proposed application conforms with the Growth Plan.

The Region of Durham has no objection to the Zoning By-law Amendment Application. As a condition of approval, the Region recommends a holding provision be implemented. Prior to lifting the holding symbol, the applicant shall enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other Regional municipal infrastructure required for the development of these lands.

Alternatively, we would support the Town imposing a condition of site plan approval requiring the applicant to enter into a financially secured agreement with the Region of Durham for the extension of the sanitary sewer and any other regional municipal infrastructure required for the development of these lands prior to the Town issuing a full permit for occupancy for the proposed warehouse building/ distribution centre.

The applicant will be required to satisfy the Region's comments concerning site contamination, noise, and transit requirements. The Region will also require the applicant to enter into a financially secured agreement with the Region for the extension of the sanitary sewer and any other Regional municipal infrastructure. Refer to Attachment #7 for detailed comments.

Region of Durham Health Department

The private sewage system would not fall under the jurisdiction of the Region of Durham's Health Department. The Total Daily Sewage Flow would be greater than 10 000 litres/day and approval would be required from the Ministry of the Environment, Conservation and Parks.

Central Lake Ontario Conservation Authority

The Central Lake Ontario Conservation Authority has no objection to the proposed development proposal, subject to all hazard lands being zoned such that no building and / or development is permitted on those lands without permission from the Conservation Authority. Refer to Attachment #7 for detailed comments.

8. Strategic Priorities:

The development of a warehouse distribution centre contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 3.1 under Pillar 3: Whitby's Economy by driving local economic growth.

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.

9. Attachments:

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3 – Applicant's Proposed Site Plan

Attachment #4 – Excerpt from Town of Whitby Official Plan - West Whitby
Secondary Plan

Attachment #5 – Excerpt from Zoning By-law No. 1784

Attachment #6 – Public Meeting Minutes

Attachment #7 – Agency and Stakeholder Detailed Comments