

Town of Whitby

Staff Report

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Report Title: Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment Applications – Frontdoor Developments (Palmerston) Inc. – 400 Palmerston Avenue – File # DEV-25-23 (OPA-2023-W/03, SW-2023-03 & Z-09-23)

Report to: Committee of the Whole

Date of meeting: March 4, 2024

Report Number: PDP 11-24

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:

L. Taylor, Planner II, x.2902

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2023-03), subject to the comments included in Planning Report PDP 11-24 and the conditions of draft plan approval included in Attachment #12;
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 #2585, (File No. Z-09-23), as outlined in Planning Report No. PDP 11-24; and,
5. That a by-law to amend Zoning By-law #2585 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval.

2. Highlights:

- Applications have been submitted by Frontdoor Developments (Palmerston) Inc. for an Official Plan Amendment, a Draft Plan of Subdivision and a Zoning By-law Amendment on land fronting the south side of Palmerston Avenue, municipally known as 400 Palmerston Avenue (former Palmerston Avenue Public School).
- The original proposed concept plan did not conform to the requirements of the Official Plan. Therefore, an Official Plan Amendment Application was submitted.
- The plan has been revised to meet the criteria of the existing Official Plan and OPA 130 regarding Mature Neighbourhoods.
- The revised Draft Plan of Subdivision includes 68 residential units comprised of 2 lots for single detached dwellings, 33 lots for 66 semi-detached units, a walkway block, and a new public road. The Zoning By-law Amendment is necessary to implement the proposed draft plan.
- All of the commenting departments and external agencies have indicated support for the proposed development, subject to their comments and requested conditions.

3. Background:

3.1 Site and Area Description

The subject land is located on the south side of Palmerston Avenue, east of Sugar Maple Crescent and municipally known as 400 Palmerston Avenue (refer to Attachment #1). The 2.28 hectare (5.6 ac) parcel was a former school site (Palmerston Avenue Public School) until it was closed in 2011 following an accommodation review. The site was deemed surplus to the Durham District School Board's needs in 2018 and was later sold.

The surrounding land uses include existing residential dwellings to the north, south and west. Palmerston Park is located to the east of the subject land (refer to Attachment #2).

3.2 Applications and Proposed Development

The original proposed Draft Plan of Subdivision Application included:

- 3 lots for single detached dwellings;
- 34 lots for 68 common-wall semi-detached units;
- a walkway block; and,
- a new public road (cul-de-sac).

A total of 71 residential units were proposed, with lotting that did not match the existing adjacent lots on White Ash Drive and Sugar Maple Crescent (refer to Attachment #3).

After hearing concerns raised by residents at the public meeting and further conversations with staff, the proponent has provided a revised Draft Plan of Subdivision (refer to Attachment #4) which reduces the number of proposed units to 68 and includes the following:

- 2 lots for single detached dwellings;
- 33 lots for 66 semi-detached units (linked underground adjacent to existing single detached dwellings, common-wall adjacent to existing semi-detached dwellings and adjacent to Palmerston Park);
- a walkway block; and,
- a new public road (cul-de-sac).

The two single detached dwellings are identified as Lots 17 and 35 on the Concept Plan (refer to Attachment #5). The revised lotting of each pair of semi-detached dwellings on the west side of the proposed new road generally line up with the lot lines of the existing lots on White Ash Drive and Sugar Maple Crescent. The revised concept includes semi-detached dwellings which are linked underground (Lots 1 to 11) which back onto existing single detached dwellings on White Ash Drive and Sugar Maple Crescent. The remainder of the semi-detached lots are proposed to be common-wall semi-detached dwellings (Lots 12-16 and Lots 18-34). Common-wall Lots 12-16 will be adjacent to existing semi-detached dwellings (linked underground) on Sugar Maple Crescent and a common-wall semi-detached (Lot 16) and a single detached dwelling (Lot 17) will be adjacent to the existing semi-detached dwellings (linked underground) on Honey Tree Crescent.

The single and semi-detached dwellings are proposed to be 2 storeys in height with an option for 2.5 storeys. For purchasers who choose the 2.5 storey option, the storey above the second floor would be constructed within the roofline (refer to Attachment #6). Attachment #6 also demonstrates the appearance of the semi-detached units linked underground and common-wall semi-detached units. Sidewalks and pedestrian connections will be required as shown on Attachment #7.

The proposed concept has been revised to meet the requirements of the Official Plan and the Zoning By-law Amendment Application is being considered under the criteria of the existing Official Plan as well as OPA 130 regarding Mature Neighbourhoods.

The Zoning By-law Amendment application proposes to change the existing zone category from Institutional 'I' Zone in By-law 2585 to appropriate zone categories to implement the proposed draft plan of subdivision.

3.3 Documents Submitted in Support

In support of the subject development proposal, the following reports and studies have been prepared and submitted for staff and agency review:

- Original proposed Draft Plan of Subdivision, prepared by David B. Searles Surveying Ltd., dated October 10, 2023 (refer to Attachment #3);
- A revised Draft Plan of Subdivision, prepared by David B. Searles Surveying Ltd., dated February 1, 2024 (refer to Attachment #4);
- A Concept Plan, prepared by GHD, dated January 2024 (refer to Attachment #5);
- Front Elevation Massing / Streetscape Drawing, prepared by Vincent J. Santamaura Architect Inc., revised January 30, 2024 (refer to Attachment #6);
- A Composite Transportation Component Plan (CTCP), prepared by GHD Limited, revised January 2024 (refer to Attachment #7)
- A Planning Justification Report, prepared by GHD Limited, dated December 2022;
- A Sustainability Report, prepared by GHD Limited including the Whitby Green Standard Checklist, dated December 2022, revised June 2023;
- An Arborist Report, including Tree Evaluation, prepared by Kuntz Forestry Consulting Inc., dated June 2022, revised May 2023;
- Tree Preservation, Protection and Removal Plans, prepared by Kuntz Forestry Consulting Inc., dated October 2023;
- A Lighting/Photometric Plan, prepared by RTG Systems inc., dated October 2023;
- Landscape Plans and Cost Estimates, prepared by Landscape Planning Limited, dated October 2023;
- A Functional Servicing and Stormwater Management Report, prepared by GHD Limited, dated October 2023;
- A Geotechnical Investigation Report, prepared by Soil Engineers Limited, dated May 2023;
- A Stage 1 and 2 Archaeology Assessment, prepared by Irving Heritage Inc., dated May 2022;
- A Ministry Clearance Letter re Stage 1 and 2 Archaeological Assessment, dated June 2022;
- A Hydrogeological Study, prepared by Soil Engineers Limited, dated May 2023;
- A Noise Impact and Vibration Study, prepared by Valcoustics, dated October 2022;
- A Phase 1 & Limited Phase 2 Environmental Site Assessment, prepared by Spice Environmental Inc., dated September 2023, along with Reliance Letter and Certificate of Insurance for the Region of Durham; and,
- A Traffic Impact Study, prepared by GHD Limited, dated November 2022, revised June 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 property is designated as “Living Areas” in the Regional Official Plan (ROP). Lands within the Living Areas designation are intended to be used predominantly for housing purposes consisting of a mix of housing types, sizes, and tenure to satisfy the diverse housing needs of residents of Durham Region.

4.2 Whitby Official Plan

The subject land is designated as ‘Residential’ on Schedule ‘A’ – Land Use on the Town’s Official Plan (refer to Attachment #8). Lands designated as Residential in the Official Plan are intended to:

- provide opportunities for a range of housing types, densities, tenure, and affordability to meet the needs of the Municipality;
- encourage residential intensification in appropriate locations while maintaining and enhancing the character and identity of established residential neighbourhoods; and,
- require that new residential development and redevelopment is transit-supportive, pedestrian-oriented, compatible with surrounding uses, and reflects a high standard of urban design.

The subject land is not within a specific Secondary Plan, Intensification Area, or Intensification Corridor, therefore any proposals for new residential development or redevelopment must consider the policies and locational criteria, identified in Sections 4.4.3.4 (Low Density Residential) to 4.4.3.6 (High Density Residential), and the additional criteria in Section 4.4.3.9.2 (Redevelopment and Intensification) in the case of Medium Density and High Density Residential development.

In April 2023, Council adopted Official Plan Amendment No. 130 (OPA 130) – the Town’s Mature Neighborhood Study. The Town-initiated Official Plan Amendment introduced additional policies to aid in managing residential infill and intensification within certain areas of the Town, including the subject land.

The Mature Neighbourhood policies require that development within the interior of Mature Neighbourhoods be subject to Low Density Residential policies, with appropriate transition and that building heights shall generally be 2 storeys but includes consideration for a third storey within the roofline. (4.4.3.13.10)

Draft Proposed OPA 133, the Technical Amendment for Secondary Plans update, is being brought forward for Council approval, which includes revisions to allow up to 35 units per net hectare in a Low Density Residential area, consistent with low density permissions in Secondary Plan areas.

Proposals for increased residential density must meet criteria outlined in Section 4.4.3.9.2 of the Official Plan, which includes provision for servicing capacity, roads, proximity to community services, transitional height and density, and lot sizes and setbacks.

The net density on the western portion of the proposed development, adjacent to the existing single and semi-detached dwellings, is 32.85 units per net hectare. The net density on the eastern portion of the proposed development, adjacent to Palmerston Park, is 44.83 units per net hectare. Furthermore, the single and semi-detached dwellings are proposed to be a maximum of 2.5 storeys. The proposed revised plan meets the criteria outlined in the existing Official Plan as well as the adopted OPA 130 policies regarding Mature Neighbourhoods and the proposed OPA 133 Technical Amendment. Accordingly, an Official Plan Amendment is no longer required.

4.3 Zoning By-law

The subject land is currently zoned Institutional Zone (I) and Open Space (OS) Zone in By-law 2585, as amended (refer to Attachment #9).

The Institutional Zone permits a range of institutional uses including a school, a community centre, a church, a long-term care home, a hospital, an arena, and other non-residential institutional uses.

A 3.5m wide Open Space Zone extends the length of the west property line and permits both public and private park space and a public use. Residential uses within the 'OS' zone are prohibited. The OS zone is to remain where there are existing trees.

A Zoning By-law Amendment is required to change the Institutional-zoned portion of the subject land to appropriate zone categories to implement the proposed Draft Plan of Subdivision.

4.4 Conclusion

The subject land is designated for residential use. Residential areas are intended to support a variety of residential uses.

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

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.

The proposed development of 2 or 2.5-storey single detached and semi-detached dwellings with lotting along the west portion of the property, to generally match adjacent existing lots, 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 meets the overall intent of the Town's Official Plan including OPA 130 and OPA 133. 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	0.488 lane-km
Sidewalks/Multi-use paths	0.527 km
Storm Sewers	0.530 km

6. Communication and Public Engagement:

A Public Meeting was held on December 6, 2023, 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 #10a. Members of the public were in attendance to speak at the public meeting. Concerns raised included:

- impact on residential property values;
- existing on-street parking and traffic issues;

- loss of sunlight and shadow impacts;
- installation of privacy fencing;
- capacity of existing electrical grid and other infrastructure to accommodate additional homes;
- density, building heights and unit types and disruption to the character of the existing neighbourhood;
- safety including on-street parking and sidewalks;
- impact on park land; and,
- noise pollution and dust control during construction.

Written correspondence is included in Attachment #10b which includes concerns regarding:

- loss of green space;
- increased traffic, speeding and parking issues;
- lack of space in schools to accommodate new students from the development;
- construction impacts;
- the density and building height are too high;
- request that no pedestrian connection from the new development to the existing neighbourhood;
- development does not fit into existing character of the neighbourhood;
- environmental impact;
- impacts on existing water and sanitary sewer infrastructure and electrical grid;
- safety of pedestrians and children, including during construction;
- lotting should match existing lot widths;
- drainage and flooding;
- loss of sunlight and shadow impacts on existing homes and yards; and,
- potential loss or damage to existing trees during construction or by future homeowners.

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.

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. The following concerns raised above have been considered as follows:

- Generous rear yards for the proposed lots on the west side of the new road will limit any shadow impacts;
- On-street parking for visitors can be accommodated on the proposed new road;
- Sidewalks are required on both sides of the public road;

- Existing trees along the western edge of the subject land shall remain within the Open Space zone;
- Lotting on the west portion of the development has been revised to generally match the existing lots of the single detached dwellings on White Ash Drive and Sugar Maple Crescent; and,
- The proponent will be required to satisfy the requirements of the Region of Durham, Town of Whitby and Elexicon with respect to provision of sanitary, water, storm, and electrical infrastructure.

7. Input from Departments/Sources:

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

- Fire and Emergency Services
- Strategic Initiatives

Refer to Attachment #11 for additional detailed comments.

Internal Departments

Community Services – Parks Planning and Development Division

Parks staff have provided Conditions of Draft Approval which includes:

- a requirement for cash-in-lieu of parkland;
- a requirement that the walkway block be conveyed to the Town of Whitby;
- that compensation be provided to the Town for installation of storm sewer infrastructure within Palmerston Park; and
- conditions related to tree preservation, installation of fencing adjacent to Palmerston Park, and construction approvals.

Refer to Attachment #11 for additional detailed comments and Attachment #12 for Conditions of Draft Plan Approval.

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 #11 for additional detailed comments and Attachment #12 for Conditions of Draft Plan Approval.

Financial Services

Comments provided by Financial Services staff outline the requirements for the payment of development charges and cash-in-lieu of parkland.

Refer to Attachment #11 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 #11 for additional detailed comments and Attachment #12 for Conditions of Draft Plan Approval.

Region of Durham

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

Refer to Attachment #11 for additional detailed comments and Attachment #12 for Conditions of Draft Plan Approval.

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 Original Proposed Draft Plan of Subdivision
- Attachment #4: Proponent's Proposed Revised Draft Plan of Subdivision
- Attachment #5: Proponent's Proposed Concept Plan
- Attachment #6: Proponent's Proposed Front Elevations / Massing Streetscape
- Attachment #7: Composite Transportation Component Plan
- Attachment #8: Excerpt from Official Plan Schedule A – Land Use
- Attachment #9: Excerpt from Zoning By-law 2585
- Attachment #10a: Public Meeting Minutes
- Attachment #10b: Summary of Written Public Comments
- Attachment #11: Agency & Stakeholder Detailed Comments
- Attachment #12: Conditions of Draft Plan of Subdivision Approval