

Town of Whitby Public Meeting Report

whitby.ca/CouncilCalendar



Report Title: **DEV-06-24: Zoning By-law Amendment Application (Z-01-24), 1000091294 Ontario Ltd. and Fortress Management and Financial Corp., 700 Rossland Road East and 3115 & 3125 Garden Street**

Date of meeting: March 25, 2024

Report Number: **PDP 13-24**

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

Planning Report PDP 13-24 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](http://whitby.ca).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

1. Highlights:

- A Zoning By-law Amendment Application has been submitted to change the zoning from R2 – Second Density Residential to an appropriate zone category to permit an 18-storey mixed use building with 184 residential units and non-residential uses at grade, and a separate 4-storey building with 26 residential units.
- The proponent will be required to submit a Site Plan Application and Draft Plan of Condominium at a later date.

2. Purpose:

The Planning and Development Department is in receipt of an application for a Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the application at a statutory public meeting, as required by the Ontario Planning Act.

3. Background:

3.1. Site and Area Description

The subject land is located at the northeast corner of Rossland Road East and Garden Street, municipally known as 700 Rossland Road East, 3115 Garden Street and 3125 Garden Street (refer to Attachment #1). Single detached dwellings that were located at 700 Rossland Road East and 3115 Garden Street have been removed. A remaining single detached dwelling at 3125 Garden Street is proposed to be removed to accommodate the proposed development. The subject land is approximately 0.92 hectares (2.27 acres) in size.

Surrounding land uses include:

- single detached dwellings to the north;
- a 12-storey apartment building and 1-storey commercial building (bank) to the east;
- a 12-storey apartment building and commercial plaza to the south;
- the Region of Durham headquarters to the southwest; and,
- a commercial plaza to the west.

3.2. Applications and Proposed Development

A Zoning By-law Amendment Application has been submitted by Evans Planning on behalf of 1000091294 Ontario Ltd. and Fortress Management and Financial Corp. to change the zoning from R2 in By-law 1784 to an appropriate zone category to permit the use of an 18-storey mixed use building with 184 residential dwelling units and 1,085 square metres

(11,679 square feet) of non-residential floor area at grade, and 26 residential units in a 4-storey building for a total of 210 residential units.

A Site Plan Application will be required and will be approved through the Commissioner of Planning and Development.

A Plan of Condominium Application will also be brought forward to Council for consideration at a later date.

3.3. Documents Submitted in Support

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

- A Concept Plan prepared by KLMA, dated February 21, 2024 (refer to Attachment #3);
- Conceptual Renderings prepared by KLMA, dated February 21, 2024 (refer to Attachment #4);
- An Arborist Report prepared by Landscape Planning Landscape Architects, dated June 6, 2022, provides a tree inventory and preservation plan, a summary of tree removals and recommendations for pre-construction, construction and post-construction;
- An Aviation Study prepared by Cormier Aviation Consultation dated May 4, 2023, provides an analysis of aviation aspects related to the Oshawa Airport, which concludes that the buildings will be vertically clear of the Outer Surface established by the Airport Zoning Regulations, but that the use of cranes during construction will require careful planning;
- A Functional Servicing and Stormwater Report prepared by GKD Designs Consulting Inc. dated October 28, 2023, provides an analysis of municipal water and sanitary servicing and stormwater management and concludes that the subject development can be serviced by the existing municipal services;
- A Geotechnical Investigation prepared by SOLA Engineering dated September 29, 2023, provides an analysis of the soil and groundwater and provides recommendations for construction;
- A Hydrogeological Assessment prepared by Harden Environmental Services Limited dated March 1, 2023, provides a summary of the groundwater and water balance and makes recommendations for construction;
- A Noise Impact Study prepared by J.E. Coulter Associates Limited dated February 21, 2024, provides an analysis of noise generated by the adjacent road network and stationary noise sources and includes

recommendations for air conditioning for all residential units and noise warning clauses to be registered on title;

- A Phase 1 Environmental Site Assessment (ESA) prepared by Fortis Environmental dated January 10, 2023, concludes that there are no areas of potential concern on the subject land and that a Phase 2 ESA is not required.
- A Planning Justification Report prepared by Evans Planning dated November 2023, provides an analysis of the provincial, regional and local planning policies and concludes that the proposed development is appropriate and reflects good planning principles;
- A Stage 1-2 Archaeological Assessment prepared by ASI dated November 5, 2021 and May 26, 2022, notes that no archaeological resources were encountered during test pit surveys and that no further archaeological assessment is required; and,
- A Transportation Study prepared by CGE Transportation Consulting dated October 4, 2023, which concludes that the incremental traffic generated by the development can be accommodated by the existing transportation network and the proposed parking supply is adequate to support the development.

The above documents have been 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 subject land is designated as Community Areas in the new Regional Official Plan adopted by Regional Council in May 2023. Community Areas are intended to develop as complete communities, providing a range of housing, transportation and lifestyle choices, and creating opportunities for residents to live, shop, work and access services and amenities within their community.

4.2. Whitby Official Plan

The subject land is designated Mixed Use on Schedule 'J' – Rossland/Garden Urban Central Area Secondary Plan (refer to Attachment #5).

The Mixed Use designation is intended to provide an integrated mixture of land use activities, including high density residential, offices, retail and personal service uses (11.4.5.1).

Building height within the Rossland/Garden Urban Central Area are required to be a minimum of 2-storeys and a maximum of 18-storeys (4.3.3.4.4.2b).

4.3. Zoning By-law

The subject land is zoned R2 – Second Density Residential Zone in By-law 1784 (refer to Attachment #6). The R2 zone permits single detached dwellings, reflecting the current and former uses of the properties.

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

5. Communication and Public Engagement:

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on the Rossland Road East and Garden Street frontages of the subject land in accordance with the Town's notification procedures.

6. Consultation with other Departments/Sources:

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

7. Conclusion:

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

8. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Concept Plan

Attachment #4: Proponent's Conceptual Renderings

Attachment #5: Excerpt from Secondary Plan Schedule J

Attachment #6: Excerpt from Zoning By-law 1784