

Town of Whitby Public Meeting Report

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Report Title: **DEV-10-24: Zoning By-law Amendment, Nordeagle Developments Ltd., File No. Z-06-24.**

Date of meeting: April 22, 2024

Report Number: **PDP 17-24**

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:

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Planning Report PDP 17-24 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](#).

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:

Nordeagle Developments Ltd. has submitted an application for a Temporary Zoning By-law Amendment for the parcel of land located at the northeast corner of Victoria Street West and Montecorte Street for the purpose of a sales office.

2. Purpose:

The Planning and Development Department is in receipt of an application for a Temporary 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 Montecorte Street and Victoria Street West (refer to Attachment #1). The subject land is currently vacant.

The surrounding land uses include:

- Low density residential to the south;
- Vacant land to the east;
- Vacant land to the north; and
- A gas bar to the west (refer to Attachment #2).

3.2. Application and Proposed Development

A Zoning By-law Amendment application has been submitted by Nordeagle Developments Ltd., to amend Zoning By-law 2585 to allow for the use of a temporary sales office.

3.3. Documents Submitted in Support

The application was submitted with the following supporting documents:

- A Concept Site Plan prepared by BDP Quadrangle, dated March 5, 2024 (refer to Attachment #3).
- A Landscape Plan and Details prepared by Studio tla., dated March 5, 2024 (refer to Attachment #4).
- Proposed Exterior Elevations prepared by BDP Quadrangle, dated March 5, 2024 (refer to Attachment #5).
- A Construction Plan prepared by BDP Quadrangle, dated March 5, 2024.
- A Lighting Plan and details prepared by BDP Quadrangle, dated March 5, 2024.
- An Electrical Plan prepared by Quasar Consulting Group, dated March 6, 2024.

- A Grading and Drainage Plan prepared by Valdor Engineering Inc., dated March 6, 2024.
- A Site Servicing Plan prepared by Valdor Engineering Inc., dated March 6, 2024.
- A Topographic Plan prepared by J.D. Barnes Limited, dated October 6, 2016.

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated Employment Areas on Schedule 'A' Map 'A4' of the Regional Official Plan (ROP).

4.2. Whitby Official Plan

The subject land is designated Prestige Industrial on Schedule 'A' of the Town of Whitby Official Plan (refer to Attachment #6). The subject land is also subject to a special policy (4.7.5.2), which allows for the development of an integrated, higher density, mixed-use development including residential, office, commercial and business park uses, in accordance with certain provisions.

The Prestige Industrial designation does not permit a sales office use. However, Council may pass a by-law to permit the temporary use of land(s), building(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this Plan for a period of up to three years (10.1.9.1).

A by-law to permit the temporary use of any land, buildings, or structures, may be considered when a use is intended to exist for only a limited period of time (10.1.9.2).

Council may extend a Temporary Use By-law beyond the initial time period as set out in the Planning Act, for additional periods of not more than three years each, provided such extension does not jeopardize the long-term development intention for the subject lands/ area as specified in the Official Plan (10.1.9.5).

4.3. Zoning By-law

The subject land is zoned M1A-LS-N-1 and M1A-LS-N (Prestige Industrial – Lynde Shores (Business Park) under Zoning By-law 2585 (refer to Attachment 7), which does not permit the proposed temporary use.

An amendment to the Zoning By-law is required to permit the temporary sales office.

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 Montecorte Street and Victoria Street West 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 application 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 application. 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 Proposed Concept Plan

Attachment #4 – Proponent's Proposed Landscape Plan

Attachment #5 – Proponent's Proposed Building Elevations

Attachment #6 – Excerpt from Official Plan Schedule A

Attachment #7 – Excerpt from Zoning By-Law 2585