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**Report Title: Draft Plan of Subdivision and Zoning By-law Amendment Applications – 1631057 Ontario Inc. – Northwest and Southwest corners of Conlin Road at Anderson Street, File Nos. DEV-17-21 (SW-2021-06, Z-11-21)**

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**Report to:** Committee of the Whole

**Date of meeting:** May 6, 2024

**Report Number:** PDP 24-24

**Department(s) Responsible:**  
Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning and Development

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| <b>Acknowledged by M. Gaskell,<br/>Chief Administrative Officer</b> |
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**For additional information, contact:**

J. Malfara, MCIP RPP

(Acting) Supervisor, Zoning and Regulation, Principal Planner

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**1. Recommendation:**

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-06) and approve an amendment to Zoning By-law #1784 (Z-11-21) subject to the comments included in Planning Report PDP 24-24 and the conditions of draft plan approval included in Attachment #9;
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 a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council at such time as the subdivision receives Draft Approval; and,
5. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision.

## 2. Highlights:

- Applications have been received by 1631057 Ontario Inc. o/a Highmark Homes for a Draft Plan of Subdivision and a Zoning By-law Amendment on the lands located within the Brooklin Community Secondary Plan at the northwest and southwest corner of Conlin Road at Anderson Street (Refer to Attachment #1).
- The development proposal is comprised of 941 residential units, including 252 lots for single detached dwellings, 44 lots for semi-detached dwellings, two blocks of block townhouses (10 units), three blocks of medium density residential (382 units), two mixed-use blocks (253 units), two stormwater management blocks, four natural heritage system blocks, a district park, trail/walkway blocks and roads.
- The subject concept was included as part of the Comprehensive Block Plan by the Conlin Anderson Landowners Group, endorsed by Council in June of 2019.
- 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 located at the northwest and southwest corners of Conlin Road at Anderson Street in the Brooklin Community Secondary Plan. The parcel is 55.92 hectares in size and is predominately vacant, while formerly used for agricultural purposes (refer to Attachment #2).

Surrounding land uses include vacant land (future residential and mixed use) to the east, existing utility corridors to the north and south and predominantly major open space to the west. Three existing residential lots abut the development proposal at the western terminus of Conlin Road, while a fourth existing dwelling is located at the southwest corner of the Conlin Road at Anderson Street intersection.

### 3.2. Application and Proposed Development

Applications have been received for a Draft Plan of Subdivision and a Zoning By-law Amendment for the subject land. The draft plan consists of the following elements (refer to Attachment #3):

- 252 lots for single detached dwellings;
- 44 lots for semi-detached dwellings;

- two townhouse blocks (10 units);
- three medium density residential blocks (382 units);
- two mixed-use blocks (253 units);
- two stormwater management blocks;
- four natural heritage system blocks;
- one district park block;
- trail/walkway blocks; and
- public street and road widenings.

The proponent is seeking to rezone the land from Agricultural (A) to Low Density (LD-B), Medium Density (MD-B), and Mixed Use (MX3-B) in accordance with the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23).

### **3.3. Documents Submitted in Support**

A number of materials have been submitted for staff and agency review in support of the applications, as follows:

- Draft plan of subdivision, prepared by The Biglieri Group Ltd., dated April 10, 2024 (refer to Attachment #3);
- Planning Rationale Report, prepared by The Biglieri Group Ltd., dated April 2021;
- Urban Design Brief, prepared by The Biglieri Group Ltd., dated April 2021;
- Active Transportation Plan, prepared by The Biglieri Group Ltd., dated October 11, 2023;
- Functional Servicing and Stormwater Management Report, prepared by Sabourin Kimble and Associates Ltd., dated March 2021;
- Site Grading Plan (North and South), prepared by Sabourin Kimble and Associates Ltd., dated February 28, 2024;
- Site Servicing Plan (North and South), prepared by Sabourin Kimble and Associates Ltd., dated October 2023;
- Hydrogeological Assessment and Water Balance Report, prepared by RJ Burnside and Associates Ltd., dated September 2023;
- Noise Impact Study by Sonair Environmental Ltd., dated April 20, 2021;
- Environmental Impact Study, prepared by Beacon Environmental Ltd., dated April 2021;
- Environmental Impact Study (Addendum), prepared by Palmer TM., dated September 30, 2023 ;
- Master Transportation Study, prepared by BA Group, dated March 2021;

- Sub-Area Study prepared by Candevcon East Ltd., dated November 2022;
- Geotechnical Report by Haddad Geotechnical Inc., dated April 19, 2016 (South), dated April 1, 2016 (North);
- Phase I Environmental Site Assessments, prepared by Haddad Geotechnical Inc., dated April 20, 2016 (North), April 22, 2016 (South);
- Phase II Environmental Site Assessments, prepared by Haddad Geotechnical Inc., dated November 15, 2016;
- Archaeological Assessment - Stage 2, prepared by Archeoworks Inc., dated. January 8, 2016;
- Archaeological Assessment - Stage 3, prepared by AECOM Canada Ltd., dated. September 22, 2017; and,
- Whitby Green Standard Checklist and Sustainability Rationale, prepared by the Biglieri Group, dated March 15, 2023.

#### **4. Discussion:**

##### **4.1. Region of Durham Official Plan**

On May 17, 2023, Regional Council adopted the new Regional Official Plan (Envision Durham). The new ROP is currently with the Ministry of Municipal Affairs and Housing for approval.

The subject land is designated as Community Areas and Major Open Space Areas on Map 1 – Regional Structure in the new ROP. Community Areas are intended for a variety of housing types, sizes and tenures within connected neighbourhoods that include population-serving uses such as commercial, retail (including major retail), personal service uses, home businesses, recreational uses, public service facilities, institutional uses and office uses, provided such uses are appropriately located and compatible with their surroundings.

The westerly portion of the subject land is designated as Regional Natural Heritage System on Map 2a – Regional Natural Heritage System. Regional Natural Heritage System is a system made up of natural heritage features and areas, and linkages intended to provide connectivity which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.

##### **4.2. Whitby Official Plan**

The subject land is comprised of a number of land use designations in accordance with Schedule 'K' of the Brooklin Community Secondary Plan, including Low Density Residential, Medium Density Residential, Mixed Use 3, Natural Heritage System with Natural Hazards, and a District Park (refer to Attachment #4).

### **Low Density Residential**

Lands designated Low Density Residential are primarily intended for single, semi-detached, duplex dwellings and other ground related built forms not exceeding 3 storeys in height and at a density of 25 to 35 units per net hectare (upnh).

### **Medium Density Residential**

Medium Density Residential areas permit a variety of townhouses, small apartments and other forms of multiple residential dwellings not exceeding 4 storeys in height and maintain a residential density between 30 to 65 upnh.

### **Mixed Use 3**

Lands designated Mixed Use 3 are intended as a mix of two or more land uses on a site either within the same building or on the same site and permit a range of commercial uses including those permitted in the Local Commercial designation.

The residential density within a Mixed Use 3 designation is between 60-85 upnh, with building heights of 2 to 4 storeys.

### **Natural Heritage System & Natural Hazards**

The Natural Heritage System designation is comprised of an interconnected system of key natural heritage and hydrologic features. The extent and exact location of the component natural heritage and hydrologic features of the Natural Heritage System are to be determined through appropriate environmental studies.

Lands designated Natural Hazard include areas that are unstable or prone to flooding conditions, poor soils, steep slopes, and erosion hazards.

### **Park Symbol**

Within the subject land, Schedule K includes a symbol identifying the general location of a district park. This symbol is to be implemented within the draft plan in accordance with the prescribed policies regarding the size and location.

### **Roads**

The subject land abuts Anderson Street along the eastern limit of the site. Anderson is identified as a Type 'B' arterial road within the Brooklin Community Secondary Plan with a right-of-way width of 30-36 metres. The subject land also abuts Conlin Road. Road widenings are proposed along Anderson Street and it's expected that the existing Conlin Road right-of-way segment west of Anderson Road will be urbanized to a local road standard. This will be reviewed as part of the future detailed engineering design phase.

With respect to the above listed land uses, the proposed development conforms to the policy directions of the Brooklin Community Secondary Plan.

#### **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 #5).

The proponent is seeking to rezone the land from Agricultural (A) to Low Density (LD-B), Medium Density (MD-B), and Mixed Use (MX3-B).

A Zoning By-law will be brought forward for Council consideration at a future meeting following the approval of the draft plan of subdivision.

#### **4.4 Other Applications**

Site Plan applications will be required to be submitted at a later date for the proposed medium density 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 (if applicable).

#### **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 #6). These elements will be further refined and implemented through the future detailed engineering design process.

### **5. 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.

| <b>Asset</b>              | <b>Quantity</b> |
|---------------------------|-----------------|
| Roads                     | 0.52 lane-km    |
| Sidewalks/Multi-Use paths | 6.4 km          |
| Storm Sewers              | 4.1 km          |
| Ponds                     | 2.8 ha          |
| Park                      | 1.6 ha          |

## 6. **Communication and Public Engagement:**

A Public Meeting was held on September 13, 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 #7 for the Minutes of the Public Meeting.

There were two interested parties pertaining to the subject applications.

Correspondence was received from Vicki and George Pettigrew (4680 Anderson Street), who questioned the potential area of development, and also raised concerns about impacts on a pond situated at the southeast corner of the subject land as well as potential flooding and impacts to their well system.

Richard Klingler of 4835 Garden Street attended the public meeting and raised concerns regarding the storm management ponds and water run off being redirected into Lynde Creek. Mr. Klingler stated that previous developments and rerouting of water have caused erosion and embankment damage to Lynde Creek. He requested further information regarding how drainage from the eaves troughs of housing would be routed, whether there would be future infringement on the Natural Heritage Lands, and whether the heritage of the property would be honoured by naming a street after the Arksey family.

In response to comments and concerns raised by the interested parties, the proposed development limits have been reviewed by the Town, Region, as well as the Conservation Authority (CLOCA). Through this review, environmental features were identified and appropriate setbacks to such features have been incorporated into the proposed plan.

With regards to stormwater management, stormwater management ponds are proposed on the subject land. Further review of stormwater management practices (including erosion control and roof leader locations) will be reviewed at the detailed engineering design stage of this project.

Lastly, street names can be chosen from the Town's approved street name reserve list. Incorporating a street name associated with "Arksey" may not be permitted and may conflict with Durham Region Police and Paramedic Services as there currently exists an Arksey Street in Ajax.

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 May 6, 2024 Committee of the Whole Meeting.

## **7. Input from Departments/Sources:**

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

- Town of Whitby Building Services;
- Town of Whitby Financial Services – Development Charges;
- Town of Whitby Financial Services – Taxes;
- CS Viamonde (French Public School Board);
- Durham Catholic District School Board;
- Durham District School Board;
- Canada Post;
- Elexicon;
- 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 #8 for a summary of all detailed comments and Attachment #9 for Conditions of Draft Plan of Subdivision Approval.

### **7.1 Internal Departments**

#### **Community Services – Parks Planning and Development Division**

The Parks Division of the Community Services Department has reviewed the application for draft plan of subdivision and has no objection, subject to the conditions of draft plan approval included within Attachment #9

#### **Strategic Initiatives**

Based on our review of the checklist and the Sustainability Rationale Report it is Staff's understanding that the Applicant is aiming to achieve Tier 1 of the WGS. It is encouraged that consideration be given for advanced sustainability criteria through the uptake of voluntary Tiers 2-4. These standards support sustainable site design for development and redevelopment on public and private property,



enhancing the Municipality's natural heritage, economic vitality, cultural heritage, and social aspects.

Sustainability Staff appreciate that the WGS Checklist has been provided indicating that the applicant will achieve Tier 1 with the potential to explore and implement a few Tier 2 criteria.

As a condition of Draft Plan Approval, the applicant shall prepare an updated Sustainability Rationale Report and WGS Checklist.

### **Fire and Emergency Services**

A firebreak layout and all fire hydrants shall be indicated on applicable plans as part of detailed design.

### **Planning Services – Landscape Section**

The developer shall provide an Existing Tree Inventory, Arborist Report and Tree Preservation and Protection Plan, as well as a landscape plan and cost estimates as part of the detailed design phase of this development.

### **Engineering Services**

Engineering Services supports a favourable decision to the applications based on the following comments and conditions as outlined in Attachment #8 and Attachment #9.

To address the Town's Community Strategic Plan 2023 to 2026 and assist in providing a complete picture of the proposed subdivision's mobility provisions, Engineering Services has prepared a Composite Transportation Component Plan (CTCP) highlighting the anticipated locations of sidewalks, multi-use paths and dedicated biking facilities for reference (refer to Attachment #6). 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.

Prior to final acceptance of the Draft Plan of Subdivision, the following shall be addressed to the satisfaction of Engineering Services'.

Revise the Draft Plan (DP) as follows:

- a. Provide 8 m x 13 m visibility triangles at the Street 'B', Street 'J' and Conlin Road intersections with Anderson Street to accommodate future signalization.
- b. The Right-of-Way (ROW) width of the north leg of Street 'H' is to be increased to 20 m to accommodate a 2.5 m wide sidewalk adjacent to the Park. Transition width from 20 m to 18 m around the northern 90<sup>0</sup> bend.

- c. The Right-of-Way width of Street 'A' is to be transitioned from 20 m to 18 m south of the Street 'J' ROW between the intersections of Street 'A'/Street 'I' and Street 'A'/Street 'J'.
- d. The Street 'K' bulb is to be revised to an 18 m radius per Town Standard 408.
- e. Provide a minimum centreline radius of 115 m on Street 'A' to the south of Conlin Road.

## **7.2 External Agencies**

### **Region of Durham – Planning**

The proposed subdivision development to permit low and medium residential densities contributes to providing a full range of housing options for the residents of Durham Region. The subdivision proposal also supports mixed-use developments along arterial roadways and promotes compact built form and pedestrian-friendly urban environment. The proposed draft plan provides protection for the natural heritage system located along the north-westerly portion of the property from urban development, thereby minimizes any negative impact to the key natural features and key hydrologic features. The proposed application conforms with the current ROP and the new ROP.

### **Region of Durham – Works**

Based on the current proposal with the total of 941 residential units, an estimated population of 2,971 persons could be expected from the proposed low and medium density development.

The timing of this development will depend on the completion of the 600 mm zone 3 feedermain along Anderson Street currently proposed by Brooklin South (C&A) Landowners Group Inc.

The proposed 200 mm watermain within the trunk sanitary sewer easement connecting Street 'K' and Street 'B' is not required and the proposed watermain on Street 'K' will be dead ended.

The proposed development will require a new local watermain along Anderson Street South of Conlin Road to provide additional feeds on Street 'J' and Street 'I'.

A 9.0-meter storm and watermain servicing easement will be required on Street 'I' between proposed Lot 213 and 214. This will allow watermain looping from Street 'I' to Anderson Street.

The developer shall provide a new local sanitary sewer on Street 'A' north of Conlin Road, adjacent to the existing sanitary trunk sewer, to avoid having multiple new service connections into our existing 1200 mm deep trunk sanitary sewer. The new local sanitary sewer will have a single outlet to the existing 1200 mm trunk sewer.

### **Durham Region Transit**

Bus Stop Locations should be protected at the following and constructed in accordance with DRT design detail S-12:

- a. Intersection of Conlin Road and the west side of Anderson Street both nearside and farside.
- b. Street 'B' and Anderson Street nearside and farside.
- c. Street 'J' and Anderson Street nearside and farside.
- d. Mid-Block Arterial at St. Thomas Street and Anderson Street nearside and farside.

The developer shall ensure the multi-use path and sidewalk infrastructure be built in tandem with the development to ensure immediate access to area transit stops. Furthermore, pedestrian crossings should be built at Conlin Road and Anderson Street, Street 'B' and Anderson Street, and Street 'J' and Anderson Street.

### **Central Lake Ontario Conservation Authority**

CLOCA staff recommend that all blocks containing hazard lands, associated features, and their development setbacks be zoned Natural Heritage System and/or Hazards Land as per Zoning By-law Amendment no. 7959 to Zoning By-law 1784 or the equivalent. No lot lines or associated development should occur within these lands.

CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the conditions of draft plan approval issued on behalf of the Central Lake Ontario Conservation Authority.

CLOCA Natural Heritage staff have reviewed the submission, along with previous submissions, and have provided comments (refer to Attachment #8). These comments may be addressed as part of the future detailed design for the proposed development.

### **Enbridge Pipelines**

To ensure there is access to the pipeline for maintenance purposes no roads shall not be constructed over the pipeline right-of-way, including any curbs and gutters.

As Street "K" (and the adjacent residential development) is proposed within the 30m prescribed area, written consent will be required from Enbridge. Please see Enbridge Pipeline Crossing Guidelines.

The pipeline right-of-way should be fenced during construction to prevent unauthorized crossings with heavy equipment. As a result of these concerns, the following requirements and those detailed within the Enbridge Development Requirements must be adhered to for all future development. The

landowner/developer shall ensure that all contractors and subcontractors are aware of and comply with the terms and conditions.

### **Trans Northern Pipelines Inc. (TNPI)**

TNPI currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the southerly limit of the development, crossing the lands in one section of the parcel and additionally on the adjacent lands to the proposed Subdivision at the mentioned property.

After review TNPI has discovered the proposed development may be within the Prescribed Area (30m on either side of the pipeline as defined by the CER) and/or within the Right of Way. There is one section of the pipeline that travels through the mentioned parcel. A locate will need to be completed to determine the precise location of the pipeline.

Please note the following restrictions (not inclusive):

- Permanent above ground structures are not allowed.
- No vehicles, equipment or storage are allowed within the right-of-way.
- Permits are required for any activities within the Prescribed Area (30m on either side of the pipeline)
- TNPI requests a 10 m setback from the right-of-way for all permanent structures

Any development plans within the right-of-way will require a permit which can be requested by contacting TNPI.

### **Hydro One**

Please be advised that Hydro One Networks Inc. (“HONI”) has completed a preliminary review of the proposed plan of the above noted site plan application. The subject property is abutting and/or encroaching onto a HONI high voltage transmission corridor (the “transmission corridor”).

Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor or interfere with any easements in favor of HONI. During construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.

At the developer’s expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.

## **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, active/transit-supportive development within an area of the Town designated for residential and mixed use development, while also preserving existing natural heritage features.

**9. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Draft Plan of Subdivision

Attachment #4: Excerpt from the Brooklin Community Secondary Plan Schedule 'K'

Attachment #5: Excerpt from Zoning By-law # 1784

Attachment #6: Composite Transportation Component Plan

Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments

Attachment #9: Conditions of Draft Plan of Subdivision Approval.