

# Town of Whitby

## Staff Report

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**Report Title: Temporary Zoning By-law Amendment – Nordeagle Developments Ltd., File # DEV-10-24 (Z-06-24)**

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**Report to:** Committee of the Whole

**Date of meeting:** June 3, 2024

**Report Number:** PDP 29-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

Roger Saunders, Commissioner of  
Planning and Development

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

L. England, Planner I, x.2822

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### 1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (Z-06-24) as outlined in Planning Report PDP 29-24; and,
2. That a Temporary Zoning By-law Amendment be brought forward for consideration by Council.

### 2. Highlights:

- An application for a Temporary Zoning By-law Amendment has been submitted by Nordeagle Developments Ltd., for the parcel of land located at the northeast corner of Victoria Street and Montecorte Street.
- The proposal is to amend Zoning By-law # 2585 to permit the use of a temporary sales office on the subject land.

### 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 and 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.

The temporary sales office will be used for the sale of units from the first phase of the Nordeagle development. The proponent must receive draft plan of subdivision approval for the first phase prior to selling any units at the sales office.

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

The following documents were submitted in support of the application:

- 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.

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**

Existing Region of Durham Official Plan:

- The subject land is designated Employment Areas on Schedule 'A' Map 'A4' of the Regional Official Plan (ROP).
- The proposed temporary sales office is not a permitted use in the Employment Areas designation.

New Region of Durham Official Plan (Envision Durham):

- The subject land is designated Protected Major Transit Station Area (PMTSA) on Map 1. Regional Structure – Urban & Rural Systems.

- The proposed temporary development will facilitate the sale of new housing units and is permitted by the policies of the newly adopted 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.

#### **4.4. Conclusion**

Considering the nature of the proposed temporary use, it is concluded that the site can adequately accommodate a temporary sales office. Therefore, it is recommended that Council approve an amendment Zoning By-law #2585 to permit the use of a temporary sales office located on the subject land.

All the commenting departments and external agencies have indicated support for, or no objection to, the proposed application subject to their comments, as outlined in Section 7.

#### **5. Financial Considerations:**

Not applicable.

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

A Public Meeting was held on April 22, 2024, 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

Zoning By-law Amendment Application. The meeting minutes are included in Attachment #8. No members of the public spoke at the public meeting.

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

### **Internal Departments**

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

- Town of Whitby Urban Design Division;
- Town of Whitby Fire and Emergency Services; and,
- Town of Whitby Engineering Services.

### **External Agencies**

Region of Durham Planning + Works Departments:

- The proposed temporary sales office conforms and is consistent with Regional and Provincial planning policies. However, a resubmission is required to address municipal servicing comments.

Refer to Attachment #9 for additional detailed comments.

## **8. Strategic Priorities:**

The dwelling units to be sold at the temporary sales office are a part of a future mixed-use development which will contribute 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.

## **9. Attachments:**

- Attachment #1: Location Sketch
- Attachment #2: Aerial Context Map
- Attachment #3: Proponent's Proposed Site Plan
- Attachment #4: Proponent's Proposed Landscape Plan
- Attachment #5: Proponent's Proposed Exterior Elevations
- Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'A'
- Attachment #7: Excerpt from Zoning By-law #2585
- Attachment #8: Public Meeting Minutes
- Attachment #9: Agency & Stakeholder Detailed Comments