

Town of Whitby

Staff Report

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Report Title: DEV-09-24: Official Plan Amendment Application, Zoning By-law Amendment Application, The DK Royal Stars Group Inc., Des Newman Boulevard and Woodrow Court, File No. OPA-2024-W/03, Z-05-24

Report to: Committee of the Whole

Date of meeting: June 3, 2024

Report Number: PDP 33-24

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:

K. Afante, Planner I, x. 2836

1. Recommendation:

1. That Council approve Amendment Number 136 to the Whitby Official Plan (File: OPA-2024-W/03), as shown on Attachment #8, and that a By-law to adopt Official Plan Amendment Number 136 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 33-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 136 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. That Council approve an amendment to Zoning By-law # 1784, (File: Z-05-24), as outlined in Planning Report No. PDP 33-24; and,
4. 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.

2. Highlights:

- Applications for Official Plan Amendment and Zoning By-law Amendment have been submitted by the DK Royal Stars Group Inc. for the unaddressed parcel of land located on Woodrow Court, approximately 100 metres west of Des Newman Boulevard.
- The applications seek to increase the maximum permitted building height in the Official Plan from four (4) storeys to six (6) storeys and to change the Zoning to permit the development of a six (6) storey hotel with a reduction in the required parking spaces, loading spaces, and minimum landscape buffer on the subject land.
- Commenting internal departments/divisions and external agencies have indicated no objection to the proposed development, subject to their comments and requested conditions being addressed.
- The proponent will be required to submit a Site Plan Application at a later date.
- It is recommended that the applications for Official Plan Amendment and Zoning By-law Amendment be approved, as the proposed increase in building height is minor in nature, and the proposed development would support the growth and economic goals along the Highway 412 corridor by providing an employment opportunity and accommodation near a major transit corridor.

3. Background:

3.1. Site and Area Description

The subject land is located at the southwest corner of Woodrow Court, approximately 100 metres west of Des Newman Boulevard (refer to Attachment #1). The site has an approximate area of 0.52 hectares (1.3 acres).

The surrounding land uses include:

- Future prestige industrial to the east,
- A future industrial warehouse and employment uses to the north,
- A stormwater management pond to the west; and
- An Elexicon Hydro substation to the south.

The subject site is currently vacant (refer to Attachment #2).

3.2. Applications and Proposed Development

The subject land is proposed to be developed with a six (6) storey hotel with 104 guest suites.

An Official Plan Amendment application has been submitted by The DK Royal Stars Group Inc., to increase the maximum permitted building height on the subject land, from four (4) storeys to six (6) storeys.

A Zoning By-law Amendment application has also been submitted to change the zoning on the property to an appropriate zoning category to permit the development of a six (6) storey hotel with a reduction in the required parking spaces, loading spaces, and minimum landscape buffer.

3.3. Documents Submitted in Support

The application was submitted with the following supporting documents:

- Architecture Plans prepared by Saplys Architects Incorporated, dated March 13, 2024.
- Concept Plans prepared by Saplys Architects Incorporated, dated March 13, 2024. (refer to Attachment #3).
- Visual Impact Analysis of a 6 Storey Hotel prepared by Saplys Architects Incorporated, dated August 25, 2023.
- Pavement Marking and Signage Plan prepared by Saplys Architects Incorporated, dated March 3, 2024.
- Plan of Survey prepared by J.D. Barnes Limited, dated March 27, 2019.
- Grading Plan prepared by J+B Engineering Inc., dated December 14, 2023.
- Servicing Plan prepared by J+B Engineering Inc., dated December 14, 2023.
- Erosion and Sediment Control Plan prepared by J+B Engineering Inc., dated December 14, 2023.
- Construction Management Plan prepared by J+B Engineering Inc., dated December 14, 2023.
- Pre and Post Drainage Plan prepared by J+B Engineering Inc., dated December 14, 2023.
- Site Lighting Plan prepared by J+B Engineering Inc., dated December 14, 2023.
- Landscape Plan prepared by Marton Smith Landscape Architects, dated January 24, 2024.
- Planning Justification Report prepared by Arcadis Professional Services (Canada) Inc., dated January 29, 2024, which concludes that the proposed development is consistent with Provincial, Regional, and Municipal policies.
- Stormwater Management Report prepared by J+B Engineering Inc., dated November 2023, which concludes that there is no increase in Stormwater flow from the site and that the existing stormwater management facilities provide enhanced level of protection.
- Construction Management Report prepared by J+B Engineering Inc., dated November 2023 which has been prepared in accordance with the requirements of the Town of Whitby Construction Management Report Guidelines for Developers, Consultants, and General Contactor for non-subdivision applications.
- Transportation Study Update prepared by Trans-Plan Transportation Engineering, dated January 2024, which concludes that the proposed development can be accommodated on the existing road network and that the proposed parking rate for the subject site is expected to be sufficient.

- Infiltration Testing Program prepared by Toronto Inspection LTD., dated October 30, 2023, which concludes that the infiltration rates through fill material in similar sites could vary dramatically and that extra caution is needed when designing a Low Impact Development on the subject site.
- Preliminary Hydrogeological Investigation prepared by Toronto Inspection LTD., dated December 21, 2023, which concludes that where well designed and implemented environmental management plans are in place, short-term impacts to the groundwater system and the surface water system are not expected.
- Noise Feasibility Assessment prepared by SoftDB, dated December 2023, which recommends the installation of non-operable thermal double-glazing windows and that the noise generated by the rooftop mechanical equipment and the window/wall construction is evaluated as part of a Noise Impact Study, conducted by a qualified acoustic consultant, to be completed prior to the approval of the finalized construction drawings.

The above documents have been distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Current Region of Durham Official Plan

The subject land is designated Employment Areas on Schedule 'A' Map 'A4' of the Regional Official Plan (ROP). Employment Areas permit land uses such as hotels, service industries, and limited retail and ancillary facilities, subject to compatibility.

4.2. New Region of Durham Official Plan

A new Envision Durham ROP was adopted by Regional Council in May 2023 and forwarded to the Ministry of Municipal Affairs and Housing for approval. The new ROP maintains the "Employment Areas" designation. The proposed hotel is permitted by the policies of the new ROP.

4.3. Whitby Official Plan

The subject land is designated Prestige Industrial on Schedule 'V' of the West Whitby Secondary Plan (refer to Attachment #4).

The following secondary uses may be permitted in the Prestige Industrial designation:

- limited ancillary, commercial and personal service uses such as take-out or full-service restaurants, financial institutions, and commercial fitness centres;
- commercial or trade school facilities; and,
- hotels and associated convention/banquet facilities (Policy 11.12.2.6.3).

Policy 11.12.2.6.4 permits building heights of 12 storeys in Gateway Areas and 4 storeys outside of Gateway areas.

As the site is not within a Gateway Area, the maximum height permitted on the site is limited to four (4) storeys. Therefore, an amendment to the Official Plan is required to increase the maximum permitted building height on the subject lands as a site-specific exception in the West Whitby Secondary Plan, to permit the proposed development of a six (6) storey hotel use.

It is recommended that the proposed draft Official Plan Amendment (refer to Attachment #8) be approved as the proposed increase in building height is minor in nature, and the proposed hotel use is already permitted as a secondary use within the Prestige Industrial designation.

4.4. Zoning By-law

The subject land is zoned Prestige Employment (PE) under Zoning By-law 1784 (refer to Attachment #5), which permits a maximum building height of 4 storeys.

Section 4A-4 of the Zoning By-law requires parking to be provided at a rate of 1 space per 1 room, and 1 space per 10 m² of accessory uses. Based on the parking requirements for the site, a total of 110 spaces are required, wherein 97 spaces are provided.

The number of loading spaces required are dependant on the total Gross Floor Area (GFA) of the use. As the proposed GFA for the hotel is 6,060 m², a total of three (3) loading spaces are required, whereas 1 loading space is proposed.

Section 14.7 of the Zoning By-law requires a minimum 3.0 metre landscape buffer, whereas a 1.5 metre landscape buffer is proposed.

An amendment to the Zoning By-law is required to permit the proposed six (6) storey hotel, a reduction in the required parking spaces, loading space, and minimum landscape buffer.

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 Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #6. There were no delegations from members of the public.

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 June 2, 2024, Committee of the Whole Meeting.

7. Input from Departments/Sources:

7.1. Internal Departments:

The following internal departments have reviewed the applications and have no objection to the proposed Draft Proposed Official Plan and Zoning By-law Amendment, but will provide detailed comments at the future Site Plan Application stage:

- Town of Whitby Financial Services – Development Finance;
- Town of Whitby Planning Services - Urban Design;
- Town of Whitby Fire and Emergency Services;
- Town of Whitby Strategic Initiatives Division; and,
- Town of Whitby Engineering Services.

7.2. External Agencies:

The following external agencies have reviewed the application and have no objection to the proposed Draft Proposed Official Plan and Zoning By-law Amendment, but will provide detailed comments at the future Site Plan Application stage:

- Durham Region Planning Department;
- The Ministry of Transportation;
- Town of Ajax – Planning and Development Services; and,
- Durham Regional Police Services.

Refer to Attachment #7 for additional detailed comments.

8. Strategic Priorities:

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility, and any future Site Plan approval will ensure proper accessible standards are implemented.

The proposed development provides a more efficient use of existing infrastructure, which implements the Town's strategic priority of sustainability.

The development of a 6-storey hotel contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 3.2.1 under Pillar 3: Attract investment for hotel and convention centre.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Concept Plan

Attachment #4: Excerpt from Secondary Plan Schedule V

Attachment #5: Excerpt from Zoning By-Law 1784

Attachment #6: Public Meeting Minutes

Attachment #7: Agency and Stakeholder Detailed Comments

Attachment #8: Draft Proposed Official Plan Amendment #136