

Town of Whitby

Staff Report

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Report Title: Draft Plan of Subdivision and Zoning By-law Amendment Applications – Brooklin (AD) Limited Partnership – 7362 & 7432 Ashburn Road – File # DEV-31-21 (SW-2021-12, Z-21-21)

Report to: Committee of the Whole

Date of meeting: June 3, 2024

Report Number: PDP 31-24

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:

B. Anderson, Principal Planner, x. 2821

1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-12), subject to the comments included in Planning Report PDP 31-24 and the Conditions of Draft Plan Approval included in Attachment #9;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That Council approve the amendment to Zoning By-law #1784, (File No. Z-21-21), and that a Zoning By-law Amendment be brought forward for consideration by Council;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision; and,
5. 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 have been submitted by Brooklin (AD) Limited Partnership for a Draft Plan of Subdivision and a Zoning By-law Amendment on lands municipally known as 7362 & 7432 Ashburn Road.
- The proposed draft plan of subdivision includes 104 single detached dwelling units, 148 townhouse dwelling units, a local park block, a stormwater management pond block, an open space block, a natural heritage system block, two walkway blocks, a future development block, a road widening block, and roads.
- All of the commenting departments and external agencies have indicated support for the proposed development, subject to their comments being addressed.

3. Background:

3.1. Site and Area Description

The subject land is located at 7362 and 7432 Ashburn Road, on the west side of Ashburn Road, north of Columbus Road West (refer to Attachment #1). The subject land is approximately 16.4 hectares (40.53 ac.) in size. Each property is currently occupied by a single detached dwelling.

The subject land is within the transitional development area of the Brooklin Secondary Plan. Land uses currently surrounding the subject land include rural residential and agricultural (future development) to the north, east and west, and agricultural (future development) to the south (refer to Attachment #2).

3.2. Application and Proposed Development

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by Brooklin (AD) Limited Partnership to permit a proposed residential Plan of Subdivision. Key components of the proposed Draft Plan of Subdivision include:

- 104 single detached dwelling units;
- 148 townhouse dwelling units;
- a local park block;
- a stormwater management pond block;
- an open space block;
- a natural heritage system block;
- two walkway blocks;
- a future development block;
- a road widening block; and,
- roads.

The subject lands are bisected by a north-south tributary of the Lynde Creek. The draft plan of subdivision has been designed to accommodate the Lynde Creek Tributary and associated environmental features and setbacks, which will be conveyed to the Town and appropriately zoned to ensure their long term protection. A stormwater management block, park block, and open space block have been sited adjacent to the Lynde Creek.

Access to the internal road system for the proposed draft plan of subdivision will be provided via Ashburn Road - a Type B Arterial Road, Street 'A' – a future east west Collector Road located along the southern edge of the site, and a future north south Local Road which will boarder the western edge of the site on lands owned by others and under separate application (SW-2022-07).

The Zoning By-law Amendment application proposes to change the existing zoning from the Agricultural Zone (A) to appropriate Zone categories to implement the proposed draft plan of subdivision. If approved, the Zoning By-law Amendment would implement the Zoning categories and provisions of the Brooklin Secondary Plan Expansion Area Zoning By-law (9758-23), which was approved by Council in January 2023.

3.3. Documents Submitted in Support

The following reports and studies were submitted in support of the development applications:

- A Draft Plan of Subdivision, prepared by MGP, dated March 2024 (refer to Attachment #3) which illustrates the configuration of the proposed plan of subdivision;
- A Density Sketch, prepared by MGP, dated November 2023, demonstrating that the proposed plan of subdivision meets the density requirements of the Town of Whitby Official Plan;
- An Active Transportation Plan, prepared by BA Group as part of the Transportation Impact Study, dated November 2023, which shows the location of multi-use paths, trails, sidewalks, and pedestrian connections;
- A Sustainability Report and Whitby Green Standard Draft Plan of Subdivision Checklist, prepared by MGP, dated December 2023, which demonstrates Tier 1 performance measures are met;
- A Planning Opinion Report, prepared by MGP, dated October 2021, which provides the opinion that the proposal represents good planning and complies with all applicable Provincial, Regional, and Municipal planning documents;
- A Local Park Demonstration Facility Fit Options Plan, prepared by The MBTW Group, dated November 27, 2023, which shows potential layout options for the Park Block;
- An Environmental Impact Study (EIS), prepared by Beacon Environmental, dated November 2023 which inventories the environmental features and areas, assesses potential impacts to threatened and endangered species, and evaluates applicable policies. The EIS concludes that sufficient buffer setbacks have been incorporated and that the proposed development conforms with Provincial, Regional, and Town policies;

- An Arborist Report, prepared by Beacon Environmental, dated November 2023 which inventories the trees on or within 6m of the subject lands. The majority of trees on the property are recommended for removal in order to accommodate the proposed development;
- A Hydrogeological Assessment and Water Balance, prepared by R.J. Burnside & Associates Limited, dated November 2023. This study provides detailed site-specific soil and groundwater information for the subject land, identifies potential impacts on local surface water and groundwater resources, and recommends Low Impact Development measures to support post development infiltration levels;
- A Supplementary Geotechnical Investigation, prepared by Golder Associates Ltd., dated September 2019, which discusses the soil composition as a result of borehole testing and which provides recommendations for excavation and construction activities;
- An Archaeological Assessment, prepared by Archeoworks Inc., dated December 2014, which found that the site had Archaeological Potential and recommended a Stage 2 Assessment;
- A Stage 2 Archaeological Assessment, prepared by Archeoworks Inc., dated September 30, 2022, which detailed the results of test pit surveys and found that no further archaeological assessment was required. A letter was also received from the Ministry of Citizenship and Multiculturalism indicating that the report had been entered into the Ontario Public Register of Archaeological Reports.
- A Functional Servicing Report, prepared by SCS Consulting Group Ltd., dated November 2023, demonstrating how the site will be provided with regional water, regional sanitary, and municipal stormwater services;
- A Phase I Environmental Site Assessment Update for the eastern portion of the site, prepared by Soil Engineers Ltd., dated December 2023 which recommends that a Phase 2 Environmental Assessment be undertaken;
- A Phase I Environmental Site Assessment Update for the western portion of the site, prepared by Soil Engineers Ltd., dated December 2023 which recommends that a Phase 2 Environmental Assessment be undertaken;
- A Transportation Impact Study, prepared by BA Group, dated November 2023 which assesses how the proposed draft plan of subdivision can be accommodated within the future road network for the broader area;
- A Sub-Area Study (SAS) 2B, prepared by SCS Consulting Group Ltd., dated November 2023. The SAS evaluates stormwater drainage and management requirements for the subject site in the context of the broader Study Area;
- A Topographic Plan, prepared J.D. Barnes, dated December 2020, which illustrates the contour elevations of the subject land; and,

- An Environmental Noise Assessment, YCA Engineering Limited, dated November 2023, which assesses potential transportation related noise impacts on the proposed development. The Noise Study outlines the required noise abatement measures and warning clauses that will be required as part of a future Subdivision Agreement;

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

The subject land is designated “Living Areas” in the Durham Regional Official Plan (ROP). Living Areas are primarily intended to be used for housing purposes.

A portion of the subject land contains Key Natural Heritage and Key Hydrologic Features (KNHF/KHF) as identified on Schedule ‘B’ – Map ‘B1d’. The ROP allows the extent of KNHF and KHF to be confirmed/refined through the submission of an Environmental Impact Study.

4.2. Whitby Official Plan

The subject land is comprised of several land use designations as shown on Schedule ‘K’ of the Brooklin Community Secondary Plan (BCSP). This includes Low Density Residential, Medium Density Residential, and Natural Heritage System with Natural Hazards. A District Park symbol is also identified on the subject land (refer to Attachment #4).

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

The Medium Density Residential designation is intended to provide for increased densities along arterial and collector roads to support future transit and active transportation. Lands designated Medium Density Residential permit street and block townhouses, apartments and other forms of multiple residential dwellings not exceeding 4 storeys in height with a permitted density range of 30 to 65 upnh. The minimum building height is 3-storeys abutting arterial roads outside of mature residential neighbourhoods.

The Natural Heritage System designation is comprised of an interconnected system of key natural heritage and hydrologic features. The extent and boundary of the Natural Heritage System is conceptual and the exact boundary shall be determined through an Environmental Impact Study. The boundary of the Natural Heritage System may be refined with additions and deletions without an amendment to the Whitby Official Plan.

Lands designated Natural Hazard include areas that are unstable, prone to flooding conditions, poor soils, steep slopes, and erosion hazards. Detailed study in support of a draft plan of subdivision may confirm and refine the boundary of the Natural Hazard designation.

Schedule K includes a symbol identifying the general location of a District Park within the subject land. The location and boundaries of the district Park has been developed in accordance with the policies of the Brooklin Secondary Plan and in consultation with Town staff.

4.3. Zoning By-law

The subject land is zoned Agricultural (A) in Zoning By-law 1784, as amended (refer to Attachment #5). The A Zone permits limited residential uses and traditional farming related activities.

A Zoning By-law Amendment is required to implement the proposed Draft Plan of Subdivision. If approved, the subject lands will be rezoned from the Agricultural (A) Zone to the appropriate Zone categories within the Brooklin Secondary Plan Expansion Area Zoning By-law (9759-23) to implement to the proposed development.

4.4 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.

4.5 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 be provided prior to any construction activity taking place on the site.

4.6 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:

With each new subdivision development approved by the Municipality, the Town of 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.

Asset	Quantity
Roads	4.47 lane-km
Sidewalks/Multi-use paths	2.67 km
Storm Sewers	2.03 km
Ponds	0.72 ha
Local Park	1.61 ha
Open Space	3.62 ha

6. Communication and Public Engagement:

A Public Meeting was held on January 10, 2022, 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 Draft Plan of Subdivision and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #7. One representative of an adjacent property owner was in attendance to speak at the public meeting. The comments provided were in support of the proposed development and the property owner was looking forward to working with the proponent to coordinate future development.

No written public correspondence was received.

All individuals who registered as an interested party at the statutory public meeting and any individual who requested to be an interested party have been provided notice of the June 3, 2024, Committee of the Whole Meeting.

The oral and written submissions by the public have been considered in determining the recommendation for approval of the proposed Draft Plan of Subdivision and Zoning By-law Amendment Applications.

7. Input from Departments/Sources:

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

- Bell Canada;
- Canada Post;
- Conseil Scolaire Viamonde (French School Board);
- Durham Catholic District School Board;
- Durham District School Board;
- Elexicon;
- Enbridge Gas; and,
- Rogers Communication;

Refer to Attachment #8 for additional detailed comments.

7.1 Internal Departments

Community Services – Parks Planning and Development Division

Parks staff have provided supportive comments on the applications, subject to Conditions of Draft Approval and technical comments to be addressed through the detailed design.

Refer to Attachment #8 for detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

Engineering Services

Comments provided by Engineering Services support approval of the applications, subject to a number of Draft Plan Conditions and technical comments that can be addressed through the Engineering Submission and Subdivision Agreement process.

As part of their comment letter, Engineering Services have attached a Composite Transportation Component Plan (CTCP) highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference. Engineering Services expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

Financial Services

Comments provided by Financial Services staff outline the Town's standard requirements for the payment of development charges and cash-in-lieu of parkland.

Refer to Attachment #8 for additional detailed comments.

Strategic Initiatives (Sustainability)

Sustainability staff acknowledge and appreciate the sustainability considerations outlined in the Whitby Green Standard (WGS) Checklist that highlights the Applicant's intention to comply with Tier 1 standards. Sustainability staff confirm the Whitby Green Standard Checklist and Sustainability Rationale Report meet the Tier 1 requirements at this stage.

Staff request more detail be provided as the application progresses into the detailed design phase. Refer to Attachment #8 for additional detailed comments.

Whitby Fire and Emergency Services

Fire and Emergency Services have provided comments indicating a firebreak layout plan is required and also identified locations in proximity to the laneways where fire hydrants are requested. The requirement for a firebreak layout has been added as a Condition of Draft Plan Approval and hydrant locations will be reviewed and approved through detailed design.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

7.2 External Departments

Central Lake Ontario Conservation Authority (CLOCA)

Comments provided by CLOCA state that their previous outstanding comments have generally been addressed and that any outstanding details can be addressed through Conditions of Draft Plan Approval.

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

Region of Durham

Comments provided by Region of Durham state that there is no objection to the approval of the applications subject to the Conditions of Draft Plan Approval.

In their comments, the Region notes several technical and servicing requirements that will need to be addressed through detailed engineering submission(s).

Refer to Attachment #8 for additional detailed comments and Attachment #9 for Conditions of Draft Plan Approval.

8. Strategic Priorities:

The development review process has provided an opportunity for public and agency input. The development of a residential subdivision contributes 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;
- Action Item 2.1.5 under Pillar 2: Whitby's Natural & Built Environment, by meeting the Tier 1 requirements of the Whitby Green Standard; and,
- Action Item 2.2.2 under Pillar 2: Whitby's Natural & Built Environment implementing active transportation facilities including sidewalks, trails, and multi-use paths.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Applicant's proposed Draft Plan of Subdivision

Attachment #4: Excerpt from Town of Whitby Secondary Plan Schedule 'K'

Attachment #5: Excerpt from Zoning By-law 1784

Attachment #6: Preliminary Composite Transportation Component Plan

Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments

Attachment #9: Conditions of Draft Plan of Subdivision Approval