

Town of Whitby Public Meeting Report

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Report Title: **DEV-18-24: Official Plan Amendment Application, Zoning By-law Amendment Application, Menkes Champlain Inc., Unaddressed Parcel North side of Stellar Drive, East of Thickson Road South, File No. OPA-2024-W/07, Z-07-24.**

Date of meeting: September 9, 2024

Report Number: **PDP-39-24**

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

Planning Report PDP 39-24 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 specified 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 specified 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 specified person or public body as a party.

1. Highlights:

- Applications for Official Plan Amendment and Zoning By-law Amendment have been submitted by Menkes Champlain Inc. for the unaddressed land located north of Stellar Drive.
- The proposal is for a new automobile dealership as an additional permitted use on a portion of the subject land.
- The proponent will be required to submit a Site Plan application at a later date.

2. Purpose:

The Planning and Development Department is in receipt of applications for Official Plan Amendment and Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the applications at a statutory public meeting, as required by the Ontario Planning Act.

3. Background:

3.1. Site and Area Description

The subject land includes the unaddressed parcel on the north side of Stellar Drive, approximately 500 metres east of Thickson Road South (refer to Attachment #1). The subject land is currently vacant and approximately 5.4 hectares (13.5 acres) in size.

Surrounding land uses include: automobile dealerships to the west, the Canadian Pacific Railway to the north, vacant future Prestige Industrial lands to the south, and vacant future Prestige Industrial lands to the east (refer to Attachment #2).

3.2. Applications and Proposed Development

An Official Plan Amendment Application has been submitted to permit the proposed new automobile dealership, as an additional permitted use within the Prestige Industrial designation, on a portion of the subject land, as the site is not located on lands abutting Highway 401, nor abutting a service road adjacent to Highway 401 (refer to Attachment #3).

A Zoning By-law Amendment Application has been submitted to permit the additional use of an automobile sales dealership and apply appropriate development standards in the Prestige Industrial – Exception 2 Zone (M1A-2).

In addition, the Zoning By-law Amendment application seeks to change the zoning on eastern portion of the property to match the western portion of the property to permit a warehouse distribution facility.

The Zoning By-law Amendment application also seeks to remove the holding symbol applicable to the portion of the property zoned H-M1A-2.

A Site Plan Application will be submitted at a later date and will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

3.3. Documents Submitted in Support

Several documents were submitted in support of the applications, including the following:

- A Concept Site Plan prepared by Turner Fleischer Architects Inc., latest revision date May 15, 2024 (refer to Attachment #3);
- An Arborist Report prepared by Strybos Barron King Ltd, dated May 27, 2022, which summarizes the trees inventoried immediately adjacent to the site and provides recommendations for retention in context with the proposed industrial development;
- An Environmental Impact Study and Addendum Letter prepared by Stantec Consulting Ltd, dated June 10, 2024, which provides recommendations to protect the natural features including measures to mitigate potential impacts and enhance the natural heritage system where appropriate;
- A Geotechnical and Hydrogeology Report prepared by Terrapex Environmental Ltd, dated June 8, 2022, which provides an evaluation of the subsurface conditions and recommends specific construction methods for the building foundations;
- A Conceptual Drainage Plan prepared by Stantec Consulting Ltd;
- A Land Use Compatibility Study prepared by prepared by GHD, dated February 17, 2023, which concludes that the development is not a significant source of air quality, dust or vibration, emissions. Based on the proposed operations, there is a potential for noise impacts and minor odour impacts if paint spraying is used as part of the automobile dealership use. The Land Use Compatibility Study includes mitigation recommendations if paint spraying is part of the automobile dealership use;
- A Phase One Environmental Site Assessment (ESA), prepared by Terrapex Environmental Ltd, dated October 3, 2022, for the East portion of the site which concludes no areas of potential environmental concern have been identified at the Site. As such, a Phase Two ESA is not required for the east portion of the subject site;

- A Phase One Environmental Site Assessment (ESA), prepared by DS Consultants Ltd, dated March 3, 2021, for the west portion of the site identified two (2) areas of potential environmental concern which require further investigation;
- A Phase Two Environmental Site Assessment for the west portion of the site, dated April 6, 2021, prepared by DS Consultants Ltd, indicates the results of the soil and groundwater sampling completed as part of the 2021 Phase Two ESA and concludes that the Site Condition Standards had been met and no further investigation is required;
- An Environmental Conditions Letter for the West portion of the site prepared by DS Consultants Ltd, dated October 3, 2023, which identifies that there is no evidence of new potentially contaminating activities occurring on the property since the Phase One and Two ESAs were completed, and that no further environmental investigation is warranted at this time;
- A Planning Rationale prepared by GHD, dated February 2023 states that the proposed development and the Official Plan Amendment and Zoning By-law Amendment applications are consistent with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Durham Regional Official Plan. The Rationale also states that the additional automobile dealership use does not create any significant land use compatibility concerns;
- A Planning Rationale Addendum Letter prepared by GHD, dated June 10, 2024, states that the conclusions of the February 2023 Planning Rationale Report are still valid to support the Official Plan Amendment and Zoning By-law Amendment applications;
- A Site Servicing Plan prepared by Stantec Consulting Ltd;
- A Stage 1-2 Archaeological Assessment Report prepared by AMICK Consultants Limited, dated January 16, 2023, encountered no archaeological resources and recommended that no further archaeological assessment of the study area is warranted;
- A Storm Drainage Plan prepared by Stantec Consulting Ltd;
- A Stormwater Management Report prepared by Stantec Consulting Ltd, dated October 20, 2023, which concludes that the Site can be adequately serviced with storm drainage using conventional municipal engineering practices and compliance to Town Standards. The Report requires all onsite storm sewers will be designed to convey, at a minimum, runoff from the 1 in 100-year storm event to the on-site storage system;

- A Stormwater Management Addendum Letter prepared by Stantec Consulting Ltd, dated June 6, 2024, which identifies that the site has undergone minor revisions which removed direct impacts from the staked limit of wetland, resulting in minor revisions to catchment areas. The recommendations and conclusions in the Storm Water Management Report (Stantec 2023) are valid and do not require revision;
- A Traffic Impact Study and Addendum Letter prepared by LEA Consulting Ltd, dated February 2023, concludes that the traffic generated by the proposed uses are acceptable for the surrounding road network, the site is functional from a maneuverability perspective with appropriate signage, and provides sufficient vehicular parking;
- A Tree Inventory and Preservation Plan prepared by Strybos Barron King Ltd, latest revision date September 22, 2023; and,
- A Noise Impact Study prepared by Howe Gastmeier Chapnik Limited, dated October 11, 2023, which indicates that the sound emissions from the proposed facilities will be within the limits of the Ministry of Environment, Conservation and Parks (MECP) requirements under a worst case assumed operational scenario with the implementation of noise controls including an acoustic barrier and limiting the operations of Warehouse C to daytime hours only.

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

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated as “Employment Area” in the Durham Regional Official Plan (ROP). Employment Areas are intended for uses that require access to highway, rail and/or shipping facilities, such as manufacturing, assembly and processing of goods, service industries, research and development facilities, warehousing, offices and business parks, as outlined in Section 8C.2.1 of the Region of Durham Official Plan.

New Region of Durham Official Plan:

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

The subject land is designated as Employment Areas on Map 1 – Regional Structure in the new ROP. Employment Areas are intended for manufacturing, warehousing, storage, assembly and processing.

4.2. Whitby Official Plan

Most of the subject land is designated “Prestige Industrial” with a small portion of the property at the west boundary designated “Major Open Space” on Schedule A of the Town’s Official Plan (refer to Attachment #4).

Prestige Industrial areas generally include light industrial uses within enclosed buildings, professional, corporate, and industrial oriented office buildings, major office uses within Business Parks, data processing centres, commercial or technical schools, post-secondary educational facilities, research and development facilities, and incidental sales outlets within industrial buildings.

Policy 4.7.3.2.10 adds that as an exception, dealerships for new automobiles and trucks may be permitted in the Prestige Industrial designation by amendment to the Zoning By-law on lands abutting Highway 401 east of Pringle Creek, Highway 407 or Highway 412, or abutting a service road adjacent to one of these Provincial highways, provided such uses are compatible with the surrounding area.

The subject land is not abutting Highway 401 nor abutting a service road adjacent to Highway 401. As a result, an amendment to the Whitby Official Plan is required to permit the proposed dealership use.

4.3. Zoning By-law

The east portion of the subject land is zoned Restricted Industrial (M1). The west portion of the subject land is mostly zoned Holding Prestige Industrial, Exception 2 (H-M1A-2) with a small portion along the west boundary zoned Greenbelt (G) as per Zoning By-law 1784 (refer to Attachment #5).

The M1A zone permits industrial and employment related uses, including warehousing and office buildings among other uses. Exception 2 to the M1A zone permits a hotel. The ‘H’ Holding symbol can be removed once a Noise Impact Study has been prepared to the satisfaction of Durham Region.

An automobile dealership use is not a permitted use in the M1A zone. A Zoning By-law Amendment is required to permit the proposed new automobile dealership and to remove the holding symbol applicable to the portion of the property zoned H-M1A-2.

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 Stellar Drive frontage 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 applications 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 applications. 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: Excerpt from Town of Whitby Official Plan Schedule A – Land Use

Attachment #5: Excerpt from Zoning By-law 1784