

Town of Whitby Public Meeting Report

whitby.ca/CouncilCalendar



Report Title: DEV-22-24: Zoning By-law Amendment Application, GHD on behalf of William Feaver, 7595 Duffs Road, File No. Z-10-24.

Date of meeting: September 9, 2024

Report Number: PDP 41-24

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:

M. Wianecki, Planner II, x. 2932

Planning Report PDP 41-24 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:

- A Zoning By-law Amendment Application has been submitted by GHD on behalf of William Feaver for land municipally known as 7595 Duffs Road.

- The Zoning By-law Amendment Application proposes to change the current zoning from Agricultural (A) Zone to appropriate zone categories to permit the proposed development of eight (8) single-detached dwellings.
- The future Draft Plan of Subdivision Application proposes to create eight (8) residential lots that will front directly onto Duffs Road as well as an open space block.

2. Purpose:

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

3. Background:

3.1. Site and Area Description

The subject land is located on the east side of Duffs Road, north of Baldwin Street. The subject land is municipally known as 7595 Duffs Road (refer to Attachment #1). The subject land is approximately 0.45 hectares (1.12 acres) in size.

The subject land currently contains a single-detached dwelling, which will be removed. The land uses to the west include agricultural uses, while land uses to the north, east, and south are vacant (future residential uses) (refer to Attachment #2).

The adjacent property that surrounds the subject land to the north, east, and south is subject to a development application (SW-2021-11) to facilitate the development of a residential plan of subdivision.

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by GHD on behalf of William Feaver to accommodate the future development of a residential plan of subdivision.

The Zoning By-law Amendment Application proposes to change the current zoning from Agricultural (A) Zone within Zoning By-law No. 1784, to appropriate zone categories to accommodate the proposed future development (refer to Attachment #3).

A future Draft Plan of Subdivision Application will be required to create eight (8) residential lots that will front directly onto Duffs Road, as well as an open space block (refer to Attachment #3).

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- A Concept Draft Plan, prepared by GHD, dated April 2024 (refer to Attachment #3);
- A Boundary and Topographic Survey, prepared by J.D. Barnes, dated June 2022;
- An Environmental Impact Study, prepared by Beacon Environmental, dated May 2023;
- An Environmental Constraints Plan, prepared by Beacon Environmental, dated January 2024;
- An Arborist Report, prepared by Beacon Environmental, dated December 2023;
- A Brooklin Secondary Plan Area Sub-Area Study Sub-Area 3C, prepared SCS Consulting Group Limited, dated March 2024;
- A Functional Servicing and Stormwater Management Report, prepared by SCS Consulting Group Limited, dated December 2023;
- A Geotechnical Investigation, prepared by GHD, dated December 2022;
- A Sustainability Report and Whitby Green Standard Checklist, prepared by GHD, dated May 2023 – revised May 2024;
- A Hydrogeological Assessment and Water Balance, prepared by R.J. Burnside & Associates Limited, dated January 2024;
- A Noise Impact Study, prepared by GHD, dated April 2023;
- A Site Screening Questionnaire, prepared by GHD, dated November 2022;
- A Stage 2 Archaeological Assessment, prepared by Archeoworks Inc., dated August 2022; and,
- An Active Transportation Plan, prepared by GHD, dated May 2024 (refer to Attachment #4).

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 'Living Areas' on Schedule 'A' Map 'A4' of the Regional Official Plan. Living Areas are primarily intended to accommodate residential uses.

4.2. New Region of Durham Official Plan

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

The subject land is designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan. Community Areas are intended for residential, commercial, retail, institutional and other public service facilities.

4.3. Whitby Official Plan

The subject land is designated Low Density Residential, Natural Heritage System, and Natural Hazards on Schedule K – Brooklin Community Secondary Plan of the Town of Whitby's Official Plan (refer to Attachment #5).

Low Density Residential

The Low Density Residential designation recognizes existing residential development, as well as future low density residential development on vacant and designated lands (11.5.9.2).

The Whitby Official Plan (11.5.9.5) requires a minimum density of 25 units per net hectare and a maximum density of 35 units per net hectare for lands designated Low Density Residential.

Natural Heritage System & Natural Hazards

The Natural Heritage System is comprised of an interconnected system of key natural heritage and hydrologic features (5.3.7.1). 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 and in consultation with the local conservation authority (5.3.7.3).

Natural Hazards are lands exhibiting poor drainage, unstable or organic soils, flood susceptibility, erosion hazards such as steep slopes or any other physical condition which could cause property damage, loss of life,

or lead to the deterioration or degradation of the environment, if developed (5.3.10.1).

4.4. Zoning By-law

The subject land is currently zoned Agricultural (A) Zone within Zoning By-law 1784 (refer to Attachment #6). The Agricultural (A) Zone does not permit the proposed use. Therefore, a Zoning By-law Amendment is required to permit the proposed development.

As the subject land is located within the Brooklin Secondary Plan Area, the site-specific By-law for the subject property will be premised upon applicable zoning provisions outlined within the Brooklin Community Secondary Plan Area By-law (# 7959-23).

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 Duffs Road 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: Proponent's Proposed Active Transportation Plan

Attachment #5: Excerpt from the Town of Whitby Official Plan – Schedule K

Attachment #6: Excerpt from Zoning By-law No. 1784