

Town of Whitby

Staff Report

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Report Title: DEV-19-24: Zoning By-law Amendment Application, Brookfield Residential (Ontario) Brock St Limited, 1615 Brock Street South, File No. Z-08-24.

Report to: Committee of the Whole

Date of meeting: October 21, 2024

Report Number: PDP 49-24

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:

L. England, Planner I, x. 2822

1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 2585 (File No. Z-08-24) as outlined in Planning Report PDP 49-24; and,
2. That a By-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Brookfield Residential (Ontario) Brock St Limited for the land municipally known as 1615 Brock Street South.
- The Zoning By-law Amendment Application proposes to change the current zoning from R4C (Residential Type 4C Zone) to an appropriate zoning category to permit the proposed mixed-use development of 55 back-to-back stacked townhouse units and approximately 260 square metres of commercial space.
- All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments/requirements being adhered to.

3. Background:

3.1. Site and Area Description

The subject land is located approximately 30 metres north of Watson Street East on the east side of Brock Street South, municipally known as 1615 Brock Street (refer to Attachment #1).

The subject land is currently vacant. The surrounding land uses include: a 3-storey residential apartment dwelling to the east; single-detached residential dwellings to the north and west; and townhouse residential dwellings and a single detached residential dwelling to the south (refer to Attachment #2).

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by Brookfield Residential (Ontario) Brock St Limited to accommodate a mixed-use development consisting of 55 back-to-back stacked townhouse dwellings with two at-grade commercial units totaling approximately 260 square metres of commercial space (refer to Attachment #3).

The Zoning By-law Amendment Application proposes to change the current zoning from R4C (Residential Type 4C Zone) within Zoning By-law No. 2585 to an appropriate zone category.

3.3 Documents Submitted in Support

The following documents were submitted in support of the application:

- Cover Letter, prepared by Brookfield Residential (Ontario) Brock St. Limited, dated May 7, 2024.
- Geotechnical Report, prepared by DS Consultants LTD., dated August 31, 2022.
- Hydrogeological Report, prepared by DS Consultants LTD., dated October 5, 2022.
- Archaeological Report Registers, prepared for the Ontario Ministry of Tourism, Culture, and Sport, dated November 10, 2015, and November 12, 2015. The report concluded that based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licenses.
- Architectural Drawing Package, prepared by RAW Design Inc., dated March 14, 2023.

- Building Elevations, prepared by RAW Design Inc., dated March 14, 2023. (refer to Attachment #4).
- Planning Opinion Letter, prepared by Malone Given Parsons Ltd., dated March 22, 2024. The letter concluded that the proposed development conforms to the policy requirements of the Official Plan.
- Sustainability Report, prepared by Malone Given Parsons Ltd., dated March 22, 2024. The report concluded the proposed development will attain the applicable Tier 1 performance measures, as defined in the Whitby Green Standards.
- Record of Site Condition dated June 26, 2023.
- Erosion & Sediment Control Plan, prepared by TYLin Group, dated September 2022.
- Grading Plan, prepared by TYLin Group, dated September 2022.
- Servicing Plan, prepared by TYLin Group, dated September 2022.
- Functional Servicing and Stormwater Management Report, prepared by TYLin Group, dated May 2023. The report concluded the site can be adequately serviced with respect to sanitary drainage, stormwater drainage, and stormwater management and the scheduled hydrant flow test will confirm whether the site can be adequately serviced with respect to water supply.
- Servicing Plan, prepared by TYLin Group, dated September 2022.
- Traffic Comment Response, prepared by TYLin Group, dated March 21, 2024.
- Response Matrix, prepared by Brookfield Residential (Ontario) Brock St. Limited.

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

On September 3, 2024, the Ministry of Municipal Affairs and Housing approved Envision Durham – the new Regional Official Plan, with modifications. The subject site is within a designated Protected Major Transit Station Area (PMTSA), which is also a Strategic Growth Area (SGA).

PMTSAs are to be planned as communities centered around higher order transit services. Permitted uses include medium and high density residential, mixed-use development, compatible employment generating uses including but not limited to office and major office, cultural and entertainment uses, commercial and retail

uses, institutional and educational uses including post-secondary facilities, recreational and community amenities such as parks, urban squares, and trail systems.

The proposed development would provide new higher-density townhouse dwelling units in a mid-rise built form, which is consistent with the requirements for residential development within the PMTSA.

4.2. Whitby Official Plan

The subject land is designated Residential on Schedule 'A' – Town of Whitby Official Plan (refer to Attachment #5). Lands designated as Residential require that new residential development and redevelopment is transit supportive, pedestrian-oriented, compatible with surrounding uses, and reflects a high standard of urban design (Policy 4.4.2.3).

Port Whitby Secondary Plan

The subject land is designated Mixed Use Residential One on Schedule 'F' – Port Whitby Secondary Plan (refer to Attachment #6). Lands designated as Mixed Use Residential One permit residential uses in a multiple unit setting and a wide range of small-scale retail, cultural and small-scale service commercial and office uses (Policy 11.1.9.2).

The minimum building height is three storeys, and the maximum building height is six storeys. (Policy 11.1.9.3).

Development with frontage on Brock Street South must contain ground floor related commercial uses (Policy 11.1.9.5).

New infill development along Brock Street South should have adaptable and accessible ground floor spaces suitable for a range of uses such as galleries, professional offices, retail, community space and live/work units that can animate the public realm. (Policy 11.1.9.7)

4.3. Zoning By-law

The subject land is zoned R4C (Residential Type 4C Zone) within Zoning By-law 2585 (refer to Attachment #7). The R4C (Residential Type 4C Zone) Zone does not permit the proposed use. Therefore, a Zoning By-law Amendment is required to permit the proposed mixed-use development.

A Zoning By-law Amendment will be brought forward for Council consideration once a final site plan, landscape plan, building elevations, and lighting plan have been approved.

4.3. Conclusion

The subject land is designated Mixed Use Residential One. Lands designated as Mixed Use Residential One permit multi-storey high density residential buildings and a wide range of small-scale retail, cultural, small-scale service commercial and office uses.

The application proposes to change the current zoning to an appropriate zone category to permit the proposed mixed-use development of 55 back-to-back stacked townhouse units and approximately 260 square metres of commercial space.

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

Based on the detailed review of the application and consideration of public and agency comments and requirements, it is concluded that the proposed development is consistent with the Provincial Planning Statement, and is in conformity with the Growth Plan, the Region's Official Plan, and the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Public Meeting was held on September 9th, 2024, in accordance with Town of Whitby Official Plan and the Planning Act. This Public Meeting provided the public, 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. Two members of the public spoke at the public meeting. Questions were raised at the public meeting regarding increase in traffic and the size of the proposed residential units.

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 October 21st, 2024, Committee of the Whole Meeting.

The submissions by the public have been considered in determining the recommendation for approval of the proposed Zoning By-law Amendment application, including no concerns related to increased traffic in the area as a result of the proposed development.

7. Input from Departments/Sources:

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

- Whitby Engineering Services;
- Whitby Planning Services;
- Whitby Fire and Emergency Services;
- Whitby Financial Services;
- Durham Region Planning and Economic Department; and
- Durham Region Works Department.

The following agency was circulated the application; however, did not provide a response:

- Superior Propane.

Refer to Attachment #9 for Agency and Stakeholder Detailed Comments.

Internal Departments

Whitby Engineering Services

Engineering Services does not object to the proposed Zoning By-law Amendment application provided that the comments from Transportation Services dated June 21, 2024, are to be addressed to the Town's satisfaction.

Whitby Fire and Emergency Services

The comments provided by Whitby Financial Services state that there is no objection to the application, provided that the comments from August 2, 2024, are to be addressed to the Town's satisfaction.

Whitby Financial Services

The comments provided by Whitby Financial Services state that there is no objection to the application, subject to submitting development charges and cash-in-lieu of parkland.

External Agencies

Region of Durham Planning and Economic Development & Works Department

The Region has no objections to the further processing of the Zoning By-Law Amendment application provided that the applicant addresses the Region's comments and recommendations.

8. Strategic Priorities:

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Organization Priority of the Corporate Strategic Plan.

This report is in a fully accessible format, which addresses the Town's strategic priority of accessibility.

The future development of a mixed-use building contributes to meeting the priorities of the Community Strategic Plan, specifically Action Item 1.3.4 under Pillar 1: Whitby's Neighbourhoods by providing housing options.

9. Attachments:

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3 – Proponent's Proposed Concept

Attachment #4 – Proponent's Proposed Building Elevations

Attachment #5 – Excerpt from the Town of Whitby Official Plan – Schedule 'A'

Attachment #6 – Excerpt from Port Whitby Community Secondary Plan –
Schedule 'F'

Attachment #7 – Excerpt from Zoning By-law No. 2585

Attachment #8 – September 9, 2024, Public Meeting Minutes

Attachment #9 – Agency and Stakeholder Detailed Comments