

# Town of Whitby

## Staff Report

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**Report Title: Draft Plan of Subdivision and Zoning By-Law Amendment Application for 430-440 Winchester Road East. File No. DEV-16-21 (Z-10-21, SW-2021-05).**

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**Report to:** Committee of the Whole

**Date of meeting:** October 21, 2024

**Report Number:** PDP 48-24

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

Roger Saunders, Commissioner of  
Planning and Development

**Acknowledged by M. Gaskell,  
Chief Administrative Officer**

**For additional information, contact:**

L. England, Planner I, x.2822

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### 1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2021-05) and approve an amendment to Zoning By-law # 1784 (File No. Z-10-21), subject to the comments included in Planning Report PDP-48-24 and the Conditions of Draft Approval included in Attachment #12;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That a Zoning By-law Amendment be brought forward for consideration by Council; 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 a Draft Plan of Subdivision and Zoning By-law Amendment have been submitted by D.G. Biddle and Associates Limited on behalf of R & R Developments.
- The applications are for lands located on the north side of Winchester Road East, east of Anderson Street, municipally addressed as 430 and 440 Winchester Road East.

- The proposed Draft Plan of Subdivision includes medium density residential block townhouses for a total of 16 units.
- The existing zoning on the property is R2-BP (Second Density Residential – Brooklin Secondary Plan). An amendment to the Zoning By-law is required to permit the proposed block townhouse development.

### **3. Background:**

#### **3.1. Site and Area Background**

The subject land is municipally known as 430 and 440 Winchester Road East and is situated approximately 50 metres east of Anderson Street on the north side of Winchester Road East (refer to Attachment #1).

The subject land is approximately 3,582.74 square metres (0.89 acres) in area and currently occupied by two single-detached dwellings which are to be demolished.

The surrounding land uses include:

- A veterinary clinic to the east;
- Commercial uses to the south; and
- Low density residential uses to the north and west (refer to Attachment #2).

#### **3.2. Applications and Proposed Development**

A Draft Plan of Subdivision Application has been submitted to create a Plan of Subdivision consisting of a single block to accommodate the proposed condominium townhouse development (refer to Attachment #3). The development proposes 16, 3-storey townhouse units, with access onto Knox Crescent (refer to Attachment #4).

A Zoning By-law Amendment Application has been submitted to change the zoning from R2-BP (Second Density Residential – Brooklin Secondary Plan) to an appropriate zone category to accommodate the proposed development.

A Site Plan Application and Draft Plan of Condominium Application will be required at a later date. A vehicular and pedestrian easement will be required at the Site Plan Agreement stage to provide future connections to the west and east lands.

#### **3.3. Documents Submitted in Support**

The applications were submitted with the following documents in support of the development:

- A Conceptual Site Plan prepared by D.G. Biddle & Associates Limited, dated December 18, 2023 (refer to Attachment #4).
- Proposed Building Elevations prepared by One Riser Designs, dated November 16, 2022 (refer to Attachment #5).
- An Arborist Report prepared by New Leaf Landscape Architecture Ltd., dated September 16, 2020. The report concluded a total of 72 trees and shrubs were inventoried on the existing properties. Recommendations are made for tree

preservation and protection throughout construction, transplanting, removal and replacement planting to minimize and compensate for development impacts and loss of vegetation.

- An Archaeological Report prepared by ASI, dated May 29, 2018. The report concluded that no further archaeological assessment of the property be required based on the findings of the report.
- A Concept Block Floor Plan package, prepared by One Riser Designs, dated January 29, 2021.
- A Concept Grading Plan prepared by D.G. Biddle & Associates Limited, dated March 31, 2022.
- A Concept Site Servicing Plan, prepared by D.G. Biddle & Associates Limited, dated March 31, 2022.
- A Draft Plan of Subdivision prepared by D.G. Biddle & Associates Limited, dated April 15, 2021 (refer to Attachment #3).
- An Erosion and Sediment Control Plan prepared by D.G. Biddle & Associates Limited, dated January 4, 2023.
- A Functional Servicing Report and Stormwater Management Report prepared by D.G. Biddle & Associates Limited, dated January 2023. The report identified the stormwater requirements to proceed with the development.
- A Noise Impact Study prepared by D.G. Biddle & Associates Limited, dated April 2021. The report concluded that with the implementation of noise abatement measures such as air conditioning systems and enhanced building construction materials, outdoor, and indoor noise levels are anticipated to be within the Ministry of Environment, Conservation, and Parks Guidelines.
- A Planning Justification Report prepared by D.G. Biddle & Associates Limited, dated March 2021. The report concludes that the proposed Zoning By-law Amendment is consistent with the Provincial Policy initiatives and current Regional and Municipal Planning policy and represents good planning.
- A Tree Preservation Plan prepared by D.G. Biddle & Associates Limited, dated June 25, 2018.
- A Sustainability Report prepared by D.G. Biddle & Associates Limited, dated February 2023. The report has identified specific measures on how the sites development will mitigate stormwater run-off, improve water quality, and conserve energy.
- The Whitby Green Standard Checklist prepared by D.G. Biddle & Associates Limited.

#### **4. Discussion:**

##### **4.1. Region of Durham Official Plan**

The Minister of Municipal Affairs and Housing approved the Region's new Official Plan on September 3, 2024. The subject lands are designated as Community Areas on Map 1 – Regional Structure in the new Regional Official Plan (ROP). Lands located within the Community Areas designation are to be developed to include a range of housing types, sizes and tenures.

Winchester Road East is also designated as a Regional Corridor on Map 1- Regional Structure in the new ROP. Regional Corridors are appropriate locations for higher density, mixed-use developments. The built forms along Regional Corridors should include multi-storey, compact, pedestrian-friendly, and transit supportive developments.

##### **4.2. Whitby Official Plan**

The subject land is designated Medium Density Residential in accordance with Schedule 'K' of the Brooklin Community Secondary Plan (refer to Attachment #6).

The Medium Density Residential designation is intended to provide for residential development at increased densities along arterial and collector roads and within and surrounding Community Central Areas to support future transit and active transportation, support commercial and mixed-use nodes, create walkable higher density nodes and function as a transition in density and intensity of uses between Low Density Residential Areas and higher density mixed-use and commercial areas (11.5.10.2).

##### **4.3. Zoning By-law**

The subject land is zoned R2-BP (Second Density Residential – Brooklin Secondary Plan) under Zoning By-law 1784 (refer to Attachment #7). The R2-BP zoning does not permit the proposed use.

A Zoning By-law Amendment is required to rezone the subject land to implement the townhouse development.

A Zoning By-law Amendment will be brought forward for Council consideration once the Site Plan receives approval by the Commissioner of Planning and Development.

#### **4.4. Other Applications**

A Site Plan application will be required at a later date for the proposed townhouse development.

A Draft Plan of Condominium application will also be required at a later date to establish any necessary parcels of tied land for the townhouse blocks.

#### **5. Financial Considerations:**

Not applicable.

#### **6. Communication and Public Engagement:**

##### **6.1. Community Meeting**

D.G. Biddle & Associates Limited held a community information meeting on August 24, 2021. The invitation was mailed to all persons within 120 metres of the proposed development.

Concerns raised at the community meeting include safety on Knox Crescent, sightline concerns from the access onto Knox Crescent, Parking concerns on Knox Crescent, increased vehicular traffic through the existing neighbourhood, and impact on existing trees.

##### **6.2. Public Meeting**

A Statutory Public Meeting was held on November 8, 2021, 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 Plan of Subdivision and Zoning By-law Amendment Applications. Refer to Attachment #8 for the Minutes of the Public Meeting.

Many of the concerns raised at the August 24, 2021, community meeting were also raised at the Town initiated Public Meeting, including increased vehicular traffic through the existing neighbourhood; parking concerns on Knox Crescent; and that there was no access to Winchester Road East.

The original Conceptual Site Plan from 2021 was presented at the Public Meeting, with one access located on Knox Crescent in response to comments from the Region of Durham related to restrictions for access onto Winchester Road East (refer to Attachment #9). At the Public Meeting, there was discussion regarding the potential for an entrance and exit onto Winchester Road.

##### **6.3. Revised Concept Plan**

In response to the concerns raised at the Statutory Public Meeting, staff requested the Applicant to design a right-out only exit onto Winchester Road East in addition to the entrance at Knox Crescent, for the consideration of the Region. The Owner subsequently prepared a revised Conceptual Site Plan in

October 2023 with a right-out exit onto Winchester Road East (refer to Attachment #10).

The Region of Durham was not supportive of the right-out exit onto Winchester Road East due to safety concerns over the proximity to the Winchester Road/Watford Street/Anderson Street intersection and has denied any direct access onto Winchester Road East. Further details are outlined in Section 7 below.

All individuals who registered as an interested party at the statutory public meeting and any individuals who provided written correspondence to the Town have been provided notice of the October 21, 2024, Committee of the Whole Meeting.

## **7. Input from Departments/Sources:**

The following agencies have no objection to the application:

- Accessibility;
- Building Services;
- Engineering;
- Landscape;
- Development Charges;
- Taxes;
- Fire and Emergency Services;
- Strategic Initiatives – Sustainability;
- Regional Municipality of Durham;
- Bell;
- Central Lake Ontario Conservation Authority;
- CS Viamonde (French Public School Board);
- Durham District School Board;
- Durham Catholic District School Board;
- Elexicon Energy Inc.;
- Enbridge Gas Inc.; and
- Rogers

The following section provides a summary of key comments provided by Town of Whitby departments and external agencies. Refer to Attachment #11 for a summary of all detailed comments and Attachment #12 for Conditions of Draft Plan approval.

### **Internal Departments**

#### **Town of Whitby Development – Engineering**

Engineering Services does not object to the Proposed Draft Plan to create the subdivision block for the townhouse development. Engineering Services does not object to the Zoning By-law Amendment to permit the land use.

### **Town of Whitby Financial Services – Development Charges**

Development charges will be due in full prior to the issuance of the building permit(s).

### **External Agencies**

#### **Regional Municipality of Durham**

Subject to the requested conditions, the Region has no objection to draft approval of this plan with the access from Knox Crescent only. The conditions of approval must be complied with prior to clearance by the Region for registration of this plan.

The proponent must provide a land use table prepared by an Ontario Land Surveyor to the satisfaction of the Region. The land use table should provide lot area calculations for the proposed land use(s) allocated within the draft plan of subdivision.

Regarding the proposed right-out access, the Region has noted that it is located within the functional area of the Winchester Road/Watford Street/Anderson Street intersection. It is within the limits of the westbound left and right turn lanes and within an area likely to be affected by queuing extending back from the traffic signal at the intersection. Drivers exiting from the proposed access would need to identify safe gaps in at least two lanes of traffic, which would often be moving at different speeds, and potentially manoeuvre through queued traffic. This would be even more difficult for any drivers exiting the access and going into the left turn lane at the intersection to go south on Anderson Street, since they would have to deal with three lanes of traffic. All of this creates a heightened risk of right-angle collisions – a safety concern with the proposed access that does not exist at the previously approved right-out access west of Thickson Road.

Given the safety concerns noted above, the open-ended nature of the proposed “temporary” access in the absence of any plans for the redevelopment of 450 Winchester Road East, and the availability of access via Knox Crescent, the Region does not support the proposed access to Winchester Road. However, the Region is willing to accept a temporary construction access and would also accept an appropriately designed and gated permanent emergency access should that be required by the Fire Department.

#### **Central Lake Ontario Conservation Authority**

No known natural hazard lands are located on or adjacent to these properties. As such, the subject lands are not regulated through Ontario Regulation 41/24 of the Conservation Authorities Act and a permit from CLOCA will not be required prior to the development of these lands.

#### **Elexicon Energy Inc.**

Elexicon Energy Inc. has no objection to the proposed Site Plan Application to permit the development of 16 townhouse units.

The proponent or its authorized representative shall consult with Elexicon Energy Inc. concerning the availability of supply voltage, service location, metering, costs, and any other details. These requirements are separate from and in addition to those of the ESA. Elexicon Energy Inc. will confirm the characteristics of the available electrical supply and will designate the location of the supply point to the proponent. Elexicon Energy Inc. will also identify the costs that the proponent will be responsible for.

**8. Strategic Priorities:**

The development of medium density residential buildings contribute 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.

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

The proposed residential development increases the density on the subject land which provides a better use of existing infrastructure, which implements the Town's strategic priority of sustainability.

**9. Attachments:**

Attachment 1 – Location Sketch

Attachment 2 – Aerial Context Map

Attachment 3 – Proponent's Proposed Draft Plan of Subdivision

Attachment 4 – Proponent's Proposed Conceptual Site Plan

Attachment 5 – Proponent's Proposed Building Elevations

Attachment 6 – Excerpt from Whitby Official Plan Schedule 'K' Brooklin  
Community Secondary Plan

Attachment 7 – Excerpt from Zoning By-law 1784

Attachment 8 – Excerpt from Public Meeting Minutes, November 8, 2021

Attachment 9 – Original 2021 Conceptual Site Plan

Attachment 10 – Revised 2023 Conceptual Site Plan with Right-out Exit onto  
Winchester Road East

Attachment 11 – Detailed Agency and Department comments

Attachment 12 – Proposed Conditions of Draft Approval