

Town of Whitby

Staff Report

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Report Title: DEV-18-24: Official Plan Amendment Application OPA-2024-W/07, Zoning By-law Amendment Z-07-24 – Unaddressed Parcel North side of Stellar Drive, East of Thickson Road South

Report to: Committee of the Whole

Date of meeting: November 25, 2024

Report Number: PDP-53-24

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:

John Taylor, Director of Planning
Services, 905-444-2908

K. Afante, Planner II, x 2836

1. Recommendation:

1. That Council approve Amendment Number 141 to the Whitby Official Plan (File: OPA-2024-W/07), as shown on Attachment #6, and that a By-law to adopt Official Plan Amendment Number 141 be brought forward for consideration by Council;
2. That the Clerk forward a copy of Planning Report PDP 53-24, two (2) copies of the adopted Amendment, and a copy of the by-law to adopt Amendment Number 141 to the Whitby Official Plan, to the Region of Durham's Commissioner of Planning and Economic Development;
3. 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; and
4. That Council approve an amendment to Zoning By-law # 1784, (File: Z-07-24), as outlined in Planning Report No. PDP 53-24.

2. Highlights:

- Applications for an 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.
- If approved, the proponent will be required to submit a Site Plan application at a later date.
- All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions being addressed.

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, warehouse buildings under construction 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 a new automobile sales dealership, as an additional permitted use within the Prestige Industrial designation (refer to Attachment #3).

A Zoning By-law Amendment Application has been submitted to permit an automobile sales dealership on the western portion of the subject land and a warehouse distribution facility on the eastern portion of the subject land.

The Zoning By-law Amendment application also seeks to remove the holding symbol applicable to the portion of the property zoned H-M1A-2 (refer to Attachment #5).

If approved, a Site Plan Application will be submitted at a later date.

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 there are no environmental concerns on that portion of 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, includes 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;
- 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 were 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 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 – Land Use of the Town’s Official Plan (refer to Attachment #4).

Prestige Industrial areas 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 allows dealerships for new automobiles and trucks in the Prestige Industrial designation by amendment to the Zoning By-law where lands abut Highway 401 east of Pringle Creek, Highway 407 or Highway 412, or where they a service road adjacent to one of these Provincial highways, provided such uses are compatible with the surrounding area.

Since the subject land does not abut Highway 401 nor a service road adjacent to Highway 401, 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 Holding provision applies to restrict development until a Noise Impact Study has been completed and the extension of Consumers Drive is constructed. Since the extension of Consumers Drive (now named Stellar Drive) and a Noise Study has been completed, the H symbol may be removed.

However, an automobile dealership use is not a permitted use in the M1A-2 zone. Therefore, a Zoning By-law Amendment is required to permit the new automobile dealership.

4.4. Conclusion

Most of the subject land is designated “Prestige Industrial,” and a small portion along the westerly property line is designated “Major Open Space” in the Whitby Official Plan. Prestige Industrial areas are intended to support a variety of industrial uses.

Development of the subject land, outside of the “Major Open Space” designation, for a new automobile sales dealership is appropriate as it in proximity to Highway 401. The subject lands are suitable for the proposed use and are compatible with surrounding land uses.

Development of the subject land for a warehouse distribution centre is appropriate as it is situated along an arterial road with access to Highway 401 and associated interchanges.

The proposed development will serve to increase the range of employment opportunities available within the community.

All the commenting departments and external agencies have indicated support for, or no objection to, the proposed development subject to their comments and conditions, as outlined in Section 7. Based on the detailed review of the applications and consideration of agency comments and requirements (refer to Section 7), it is concluded that the proposed development is in conformity with the Region’s Official Plan and exempt from Regional approval and in keeping with the intent of the Town’s Official Plan. Therefore, it is recommended that Council approve the Draft Proposed Official Plan Amendment (refer to Attachment #6) and Zoning By-law Amendment.

The proposed design and articulation of the buildings will be dealt with through the Site Plan approval process and will be designed to be appropriate within the existing and planned built form context.

5. Financial Considerations:

Not applicable.

6. Communication and Public Engagement:

A Public Meeting was held on September 9, 2024, 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 Official Plan Amendment and Zoning By-law Amendment Applications. The meeting minutes are included in Attachment #7. There were no delegations from members of the public.

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 November 25, 2024, Committee of the Whole Meeting.

7. Input from Departments/Sources:

7.1 Internal Departments

The following departments have reviewed the application and have no objection subject to their comments and/or conditions:

- Whitby Engineering Services;
- Whitby Planning Services;
- Whitby Fire and Emergency Services;
- Whitby Financial Services;
- Whitby Strategic Initiatives; and,
- Whitby Building Division.

7.2 External Agencies

The following agencies have reviewed the application and have no objection subject to their comments and/or conditions:

- Canadian Pacific Kansas City Railway (CPKC);
- Central Lake Ontario Conservation Authority (CLOCA);
- Durham Region Planning and Economic Department;
- Durham Region Works Department;
- City of Oshawa Planning Services;
- Rogers;
- Bell; and,
- Enbridge Gas.

The following agencies were circulated the application; however, did not provide a response:

- Superior Propane.

Refer to Attachment #8 for Agency and Stakeholder Detailed Comments.

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 Corporate Strategic Plan.

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

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Concept Plan

Attachment #4: Excerpt from Whitby Official Plan Schedule A – Land Use

Attachment #5: Excerpt from Zoning By-law 1784

Attachment #6: Draft Proposed Official Plan Amendment #141

Attachment #7: Public Meeting Minutes

Attachment #8: Agency and Stakeholder Detailed Comments