

Town of Whitby Public Meeting Report

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Report Title: DEV-24-24: Official Plan Amendment Application
Zoning By-law Amendment Application – Baldwin
Street Holdings Inc. (Ollie Switch Corporation), 91, 95
& 99 Baldwin Street, File No.: OPA-2024-W/08; Z-11-24

Date of meeting: December 9, 2024

Report Number: PDP 59-24

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**

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Planning Report PDP 59-24 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 an Official Plan Amendment and a Zoning By-law Amendment have been submitted by Weston Consulting, on behalf of Baldwin Street Holdings Inc. (Ollie Switch Corporation) for lands municipally known as 91, 95 & 99 Baldwin Street.
- The applications seek to: increase the maximum permitted residential density from 85 units per net hectare to 233 units per net hectare; increase the maximum permitted building height from 4 storeys to 5 storeys; and, change the zoning to an appropriate zone category to permit a proposed mixed-use development consisting of two, 5-storey apartment buildings consisting of a total of 216 residential dwelling units, together with 473 square metres of non-residential floor space.
- If approved, a future Site Plan Application will be required to facilitate the proposed development.

2. Purpose:

The Planning and Development Department is in receipt of applications for an Official Plan Amendment and Zoning By-law Amendment for the subject lands located at 91, 95 & 99 Baldwin St. 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 is located at the south-east corner of Baldwin Street and George Street, municipally known as 91, 95 & 99 Baldwin Street (refer to Attachment #1). The subject land is currently vacant.

The subject land is approximately 1.1 hectares (2.8 acres) in size. Surrounding land uses include: residential uses (single detached dwellings) to the north and east; an institutional use to the west (Renascent Centre); and Lynde Creek and residential uses (single detached dwellings) to the south (refer to Attachment #2).

Previous Applications

In 2017, the subject land was subject to a previously approved Zoning By-law Amendment application (File: Z-17-15) as well as a Site Plan application (File: SP-17-15). The proposal at that time was for a three (3) storey mixed use building fronting onto Baldwin Street with commercial uses at grade for a total of 88 apartment dwelling units and 8 townhouse dwelling units. In May 2017, Council approved a site specific Zoning By-law Amendment, however, Site Plan Approval did not proceed to registration.

Current Applications and Proposed Development

The applicant is proposing a revised concept plan that proposes a mixed-use development consisting of two (2) 5-storey apartment buildings, containing 216 dwelling units together with 473 square metres of non-residential floor space (refer to Attachments #3 and #4). From the Baldwin Street frontage, the proposed buildings would be 4 storeys in height; however, due to a change in grade internal to the site and along the southerly lot line, the buildings would be 5 storeys.

An Official Plan Amendment Application (OPA-2024-W/08) has been submitted by the proponent to increase the maximum permitted net residential density from 85 units per net hectare to 233 units per net hectare, and to also increase the maximum permitted height of a mixed-use building from 4 storeys to 5 storeys.

A Zoning By-law Amendment application (Z-11-24) has also been submitted by the proponent to amend the existing site-specific zoning from Commercial Type 1 – Village of Brooklin Zone – Exception 3 (C1-VB-3) and Greenbelt (G) to appropriate zone categories to permit the proposed mixed-use development.

3.2. Documents Submitted in Support

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

- An Arborist Report & Tree Inventory, and Tree Preservation Plan, prepared by Baker, Turner Inc. Landscape Architecture/Site Design, dated May & June, 2024;
- An Architectural Package prepared by Ollie Switch Developments dated June 11, 2024;
- A Cross Section Details prepared by Husson Engineering & Management, dated May, 10, 2024;
- A Cultural Heritage Impact Assessment Conformity to HCD Plan (Addendum No.1) prepared by Vincent J. Santamaura, Architect Inc., dated May, 15, 2024;
- A Draft Proposed Official Plan Amendment, prepared by Weston Consulting;
- A Draft Proposed Zoning By-law Amendment, prepared by Weston Consulting;
- An Environmental Impact Study, prepared by Beacon Environmental Ltd., dated May, 15, 2023;

- A Preliminary Environmental Noise Report, prepared by Jade Acoustics, dated May 23, 2023;
- An Erosion and Sediment Control Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Servicing Plan, Functional Servicing and Stormwater Management Report prepared by Husson Engineering and Management, dated May, 2024;
- A Geotechnical Investigation Report, prepared by Cambium Inc., dated May, 14, 2024;
- A Grading Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Hydrogeological Assessment, prepared by Cambium Inc., dated May, 15, 2024;
- A Phase 1 Environmental Site Assessment, prepared by Soil Engineers Ltd., dated July 13, 2024;
- A Planning Justification Report, prepared by Weston Consulting, dated May, 2023;
- A Servicing Plan, prepared by Husson Engineering and Management, dated May, 10, 2024;
- A Site Plan (concept plan), prepared by Weston Consulting, dated June 11, 2024;
- A Stage 1 Archeological Assessment, prepared by Archaeological & Cultural Heritage Services, dated June, 2015; and,
- A Transportation Study, prepared by Paradigm Transportation Solutions, dated May 2023 and March 2024.

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

4. Discussion:

4.1. Region of Durham Official Plan

The subject land is designated “Community Areas” and “Major Open Space” within the Regional Official Plan (ROP). The ROP also identifies the lands as being located along a “Regional Corridor”, and within proximity to a “High Frequency Transit Network” (Baldwin Street).

Community Areas are intended to offer a complete living environment for Durham’s residents. They are comprised of housing, commercial uses such as retail shopping and personal service uses, offices, institutional uses, community uses, and public service facilities. Transit-supportive densities are encouraged along Regional Corridors. Furthermore, for the portion of land designated as a Major Open Space Area, these areas are

to predominantly be used for environmental protection and conservation uses.

4.2. Whitby Official Plan

The subject land is designated Mixed Use, with a portion designated Natural Hazard on Schedule A – Land Use of the Whitby Official Plan (refer to Attachment #5).

The subject land is designated Mixed-Use 2-HCD, with a portion designated Natural Hazards on Schedule 'K' of the Brooklin Community Secondary Plan (refer to Attachment #6). The subject land is also located within the Major Central Area of the Brooklin Community Secondary Plan (refer to Attachment #7).

The goal of a Mixed-Use designation is to encourage mixed residential and commercial development and redevelopment to ensure an intensive, transit-supportive and efficient use of land (Policy 4.6.1.1) and to provide new opportunities for housing and employment that support the redevelopment of Mixed-Use areas (Policy 4.6.2.1). Lands designated Mixed-Use 2-HCD shall permit integrated mixed-use developments and redevelopments that include community and/or institutional uses, while recognizing the unique heritage character of the Brooklin Heritage Conservation District Plan area. Within Mixed-Use areas, lands shall contain two or more of the permitted uses.

Natural Hazards are those 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. The extent and exact location of Natural Hazards are to be determined through an Environmental Impact Study and set out in the Zoning By-law in consultation with the Conservation Authority and any other applicable agency.

The maximum permitted building height within the Mixed-Use HCD designation is 4 storeys. The maximum permitted residential density is 85 units per net hectare.

4.3. Zoning By-law

The subject land is zoned Commercial Type 1 – Village of Brooklin Zone – Exception 3 (C1-VB-3) and Greenbelt (G) within Zoning By-law 1784 (refer to Attachment #8).

The C1-VB-3 zone permits a mix of commercial and residential uses in the form of apartment dwellings in conjunction with one or more commercial uses as permitted within the C1-VB-3 zone category. The C1-VB-3 zone also permits a building(s) with a maximum height of 3 storeys.

4.4. Heritage

The subject land is designated under Part V of the Ontario Heritage Act, as the site is located within the Brooklin Heritage Conservation District (HCD) Plan area.

The applicant has submitted a Cultural Heritage Impact Assessment for review. Any proposed infill development will be required to follow the policies of the HCD, specifically Section 6 for guidance on design and construction of new development.

A Heritage Permit application, together with an updated Cultural Heritage Impact Assessment will also be required to accompany any future Site Plan Application.

5. Communication and Public Engagement:

Due to the Canada Post strike the notice of the statutory public meeting was hand delivered to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. In addition the public notice has been posted on the Town's website at <https://www.whitby.ca/en/town-hall/participation-at-public-meetings.aspx>. Furthermore, a public notice sign has been erected on Baldwin Street and George Street frontages 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: Applicant's Proposed (Conceptual) Site Plan

Attachment #4: Applicant's Proposed Building Elevations

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

Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'K' –
Brooklin Community Secondary Plan

Attachment #7: Excerpt from the Town of Whitby Secondary Plan Schedule 'K1' –
Downtown Brooklin Major Central Area

Attachment #8: Excerpt from Zoning By-law #1784