

Town of Whitby

Staff Report

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

Report to: Committee of the Whole

Date of meeting: November 25, 2024

Report Number: PDP 51-24

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:

J. Taylor, Director of Planning
L. England, Planner I, x. 2822

1. Recommendation:

1. That Council approve an amendment to Zoning By-law # 1784 (File No. Z-10-24) as outlined in Planning Report PDP 51-24; 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 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 and an open space block.
- A future Draft Plan of Subdivision Application will be required to create the proposed eight (8) residential lots.
- All 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 is located on the east side of Duffs Road, north of Baldwin Street North. 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 is proposed to be removed. The land uses to the west include future development lands, currently being utilized for agricultural purposes. The land uses to the north, east, and south are the subject of a residential plan of subdivision application (SW-2021-11) and are currently vacant (refer to Attachments #2 and #3).

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by 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 #4).

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 #4).

3.3. Documents Submitted in Support

The following documents were submitted in support of the application:

- A Concept Plan, prepared by GHD, dated April 2024 (refer to Attachment #4);
- 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 #5).

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 May 17, 2023, Regional Council adopted the new Regional Official Plan. The Official Plan was approved by the Ministry of Municipal Affairs and Housing on September 4, 2024.

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

The proposal to provide additional residential uses in the Community Areas designation conforms to the policy directions of the Regional Official Plan.

4.2. 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 #6).

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.

The subject land proposes to allocate 0.32 hectares for 8 residential lots, while 0.13 hectares will be allocated for open space and road widening. As such, the minimum density of 25 units per net hectare is met.

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).

4.3. Zoning By-law

The subject land is currently zoned Agricultural (A) Zone within Zoning By-law 1784 (refer to Attachment #7). 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).

4.4. Conclusion

The proposed application would provide additional residential uses on lands designated Community Areas and conforms with the Regional Official Plan.

The subject land proposes to allocate 0.32 hectares for 8 residential lots, while 0.13 hectares will be allocated for open space and road widening. As such, the proposed development complies with the required minimum density of 25 units per net hectare associated with the Low Density Residential land use designation.

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, as outlined in Section 6.

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 Region's Official Plan, and the Town's Official Plan. Therefore, it is recommended that Council approve the proposed Zoning By-law Amendment Application.

5. 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. There were no oral submissions from the public; however, written correspondence was provided by the Brooklin Landowners Group Inc. requesting that cost sharing obligations be fulfilled in accordance with Policy 11.5.31.5 e) and f) of the Brooklin Community Secondary Plan. The cost-sharing obligations will be addressed through the review and approval of the future draft plan of subdivision application.

6. 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;
- Elexicon Energy Inc.; and,
- Ministry of Transportation.

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

Internal Departments

Whitby Fire and Emergency Services

The comments provided by Whitby Fire and Emergency Services state that there is no objection to the application, subject to submitting a proposed firebreak plan for review and approval prior to construction indicating the designated firebreak lot on site.

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 through the future subdivision application.

External Agencies

Region of Durham Planning and Economic Development & Works Department

The comments provided by the Region of Durham Planning and Economic Development Department & Works Department state that there is no objection to the application, subject to water supply and sanitary servicing comments being addressed at the time of the review of the future Draft Plan of Subdivision Application (refer to Attachment #9).

Central Lake Ontario Conservation Authority

The comments provided by the Central Lake Ontario Conservation Authority state that there is no objection to the application, subject to conditions of approval being addressed at the time of the review of the future Draft Plan of Subdivision Application (refer to Attachment #9).

7. Financial Considerations:

Not applicable.

8. Strategic Priorities:

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

The future development of a residential subdivision 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: Adjacent Draft Plan of Subdivision SW-2021-11

Attachment #4: Proponent's Proposed Concept Plan

Attachment #5: Proponent's Proposed Active Transportation Plan

Attachment #6: Excerpt from the Town of Whitby Official Plan – Schedule K

Attachment #7: Excerpt from Zoning By-law No. 1784

Attachment #8: Public Meeting Minutes

Attachment #9: Agency and Stakeholder Detailed Comments