

Town of Whitby Public Meeting Report

whitby.ca/CouncilCalendar



Report Title: **DEV-40-24: Zoning By-law Amendment Application, Whitby Brock Estates Ltd., 423, 425, 427, and 435 Brock Street North, File No. Z-21-24**

Date of meeting: February 10, 2025

Report Number: **PDP 08-25**

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, 905-444-2908

L. England, Planner I, 905-444-2822

Planning Report PDP 08-25 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. 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:

A Zoning By-law Amendment Application has been submitted by The Planning Partnership on behalf of Whitby Brock Estates Ltd. for the lands municipally known as 423, 425, 427, and 435 Brock Street North.

The Zoning By-law Amendment Application proposes to change the existing zoning from H-R4-DT (Holding – Residential Type 4 – Downtown Zone) to an appropriate zone category to permit a proposed 6-storey mixed-use development.

2. Purpose:

The Planning and Development Department is in receipt of an application for a Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the application 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 on the east side of Brock Street North, south of Chestnut Street East (refer to Attachment #1).

The surrounding land uses include:

- Detached dwellings to the east;
- A detached dwelling and a mixed-use building to the north;
- Townhouse dwellings to the west; and,
- A detached dwelling and Church to the south.

Currently, each parcel contains a detached dwelling, all of which are to be removed (refer to Attachment #2).

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by the Planning Partnership on behalf of Whitby Brock Estates Ltd. to permit a 6-storey mixed-use development consisting of 112 residential dwelling units and one 72 square-metre at-grade commercial unit fronting Brock Street North.

3.3. Previous Applications

A Zoning By-law Amendment (Z-19-19) and Official Plan Amendment (OPA-2019-W/05) were previously submitted in October 2019 to permit a 7-storey residential building. The applications were deemed to be premature at that time as the Town was undertaking an update to the Downtown Whitby Secondary Plan and updated policies were not in force at the time of the applications. The applicant filed an appeal on the basis of a non-decision to the Local Planning Appeal Tribunal (now the Ontario Land Tribunal). The Tribunal ruled in favour of the Town of Whitby to not recommend approval of the Zoning By-law Amendment and Official Plan Amendment for the proposed 7-storey residential development. The Downtown Whitby Secondary Plan has since been updated and is in full force and effect for the majority of the affected lands.

3.4. Documents Submitted in Support

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

- An Architectural Set including a Concept Plan (refer to Attachment #3) and Building Elevations (refer to Attachment #4), prepared by Giovanni A. Tassone Architect Inc., dated October 2024.
- A Construction Management Plan, prepared by MLM Management Group, dated September 2024.
- A Functional Servicing Report and Stormwater Management Report, prepared by Valdor Engineering Inc., dated September 2024.
- A Geotechnical Investigation Report, prepared by Soil-Mat Engineers & Consultants Ltd., dated August 16, 2019.
- A Hydrogeological Investigation Report, prepared by Hydrogeology Consulting Services, dated December 5, 2019.
- A Landscape Plan, prepared by The Planning Partnership, dated October 8, 2024.
- A Long-Term Dewatering Assessment, prepared by Hydrogeology Consulting Services, dated September 9, 2024.
- A Noise Impact Study, prepared by Howe Gastmeier Chapnik Limited, dated September 29, 2024.
- A Phase 1 Environmental Site Assessment Update, prepared by Soil-Mat Engineers & Consultants Ltd., dated September 16, 2024.
- A Phase 2 Environmental Site Assessment, prepared by Soil-Mat Engineers & Consultants Ltd., dated August 30, 2019.

- A Plan of Survey, prepared by IBW Surveyors, dated August 29, 2019.
- A Panning Rationale Report and Urban Design Report, prepared by The Planning Partnership, dated October 21, 2024.
- A Shadow Study, prepared by Giovanni A. Tassone Architect Inc., dated October 2024.
- A Site Servicing Plan, prepared by Valdor Engineering Inc., dated September 16, 2024.
- A Stage 1 and 2 Archaeological Assessment, prepared Amick Consultants Limited, dated September 3, 2019.
- A Transportation Impact Study, prepared by Paradigm Transportation Solutions Limited, dated September 2024.

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

4. Discussion:

4.1. Whitby Official Plan

The subject land is designated as “Mixed Use” in the Town of Whitby Official Plan. Mixed Use areas are intended to provide new opportunities for housing and employment. Redevelopment in these areas are intended to be accessible, transit-supportive, and pedestrian-oriented.

Downtown Whitby Community Secondary Plan

Although OPA 126 (Downtown Whitby Secondary Plan update) is in full force and effect for the majority of the lands, there is an outstanding appeal to the Ontario Land Tribunal for the subject land (Case No: OLT-24-000115), by Whitby Brock Estates Inc. As such, the following Official Plan policies will not apply to the subject lands until or unless the appeal has been withdrawn or resolved.

The subject land is intended to be designated as “Corridor Mixed Use Area” in the Downtown Whitby Community Secondary Plan (refer to Attachment #5). The intent of the Corridor Mixed Use designation is to accommodate a mix of uses along the Dundas Street and Brock Street Intensification Corridors, providing an extension of the commercial, office and residential uses of the Downtown core.

As per Section 11.3.7.8.8, new development and redevelopment shall enhance the pedestrian comfort along Brock Street and Dundas Street by locating new buildings close to the street, activating the street frontage and enhancing the public realm in front of buildings.

As per the updated Secondary Plan, the maximum permitted building height for the lands to the north and south of the subject lands is 6 storeys. That would apply to the subject lands as well upon resolution of the appeal.

4.2. Zoning By-law

The subject land is Zoned H-R4-DT (Holding – Residential Type 4 – Downtown Zone) in Zoning By-law 2585 (refer to attachment #6). The H-R4-DT Zone does not permit the proposed uses.

A Zoning By-law Amendment is required to rezone the subject land to an appropriate Zone category to permit a proposed mixed-use development.

5. Communication and Public Engagement:

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected Brock Street North 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 Proponent's Proposed Concept Plan
- Attachment #4 Proponent's Proposed Elevations Plan
- Attachment #5 Excerpt from Town of Whitby Official Plan Schedule 'H' –
Downtown Community Secondary Plan
- Attachment #6 Excerpt from Zoning By-law 2585