

Town of Whitby Staff Report

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Report Title: DEV-36-24: Temporary Use By-law Extension Application, Gordon Scadding Seniors Developments Ltd.

Report to: Committee of the Whole

Date of meeting: February 24, 2025

Report Number: PDP 14-25

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

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1. Recommendation:

- 1. That Council approve a Zoning By-law Amendment to Extend a Temporary Use (Z-18-24) for a period of three (3) years, as set out in Planning Report PDP 14-25; and,**
- 2. That the amending By-law be brought forward for Council's consideration.**

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by Gordon Scadding Seniors Developments Limited (Fieldgate Properties) to extend the existing temporary use of a residential sales office for an additional three (3) years on the Town-owned land at the northwest corner of Scadding Avenue and Gordon Street.

3. Background:

3.1. Site and Area Description

The subject land is a Town owned parcel which is approximately 0.37 hectares (0.91 acres) in size and is located at the northwest corner of Scadding Avenue and Gordon Street, municipally known as 402 Gordon Street (refer to Attachment #1). The subject land is currently occupied by a residential sales office and associated parking lot.

Surrounding land uses include:

- The Lynde Shores Community stormwater management pond to the north;
- Iroquois Beach Park to the east;
- Medium and high-density residential land to the south;
- Existing single detached dwellings to the west (refer to Attachment #2).

3.2. Application

The purpose of the proposed Zoning By-law Amendment is to permit the extension of an existing temporary residential sales office and associated parking area on the subject land to serve the approved residential development proposed by Fieldgate Developments immediately to the south of Scadding Avenue.

The residential sales office is 166.85 m² in size. The temporary sales office is accessed from Gordon Street via the existing stormwater pond access road. The temporary residential sales office will be used to showcase seniors' apartments on an additional phase of the residential development to the south of the subject land.

3.3. Documents Submitted in Support

A previously approved Site Plan as well as a letter outlining the need for the extension have been submitted in support of the application (refer to Attachments #3 and 4).

4. Discussion:

4.1. Whitby Official Plan

The subject land is designated as Institutional on Schedule 'G' – Lynde Shores Secondary Plan of the Town of Whitby Official Plan (OP) (refer to Attachment #5). The Institutional designation permits facilities for the health, education, religious and cultural needs of the community such as schools, libraries, hospitals, government facilities, etc. A temporary residential sales office is not a permitted use.

However, Section 10.1.9 of the Official Plan states that, "Council may pass a by-law to permit the temporary use of land(s), building(s), or structure(s), for any purpose which is otherwise prohibited by the Zoning By-law, without an amendment to this plan for a period of up to three years".

Further, Section 10.1.9.3 requires that, “In considering whether to enact a Temporary Use By-law, Council must be satisfied that:

- a) The site can adequately accommodate the proposed use, considering such matters as site layout, parking, traffic circulation, access, landscaping, and servicing;
- b) The use will be compatible with, and not adversely affect, any surrounding land uses, roads, or the natural environment that currently exists;
- c) The use will not prejudice the future development or redevelopment of the subject lands and the surrounding area set out in this Plan; and,
- d) No new building or expansion of existing buildings, except for temporary moveable structures, shall be permitted”.

In considering Section 10.1.9.3 above, it is concluded that:

- the site can continue to adequately accommodate the temporary residential sales office using the existing access to Gordon Street and will maintain existing parking and landscaping. Municipal services are not required for a sales office;
- The continued use of a temporary residential sales office is compatible with the surrounding residential uses and the adjacent roads and stormwater management pond;
- The sales office will be a temporary structure to be used during the marketing of the residential units to the south.

4.2. Zoning By-law

On March 4, 2019, Council approved a Zoning By-law Amendment (Z-19-18) to permit the temporary use of a residential sales office on the subject land. On March 7, 2022, Council approved a Zoning By-law Amendment (Z-24-21) to extend this temporary use for a period of three years. The current Open Space – Exception 1 Zone (OS-1) permits the use of a marina or yacht club, private park, public parking, public use, and a parking lot, as well as the temporary use of a residential sales office, which is set to expire on April 15, 2025 (refer to Attachment #6).

Under Section 39 of the Planning Act, and as outlined in Official Plan Section 10.1.9 above, the Council of a local municipality may authorize the temporary use of land for a purpose that is otherwise prohibited by the by-law for a maximum period of three years. Council may grant extensions to the authorization of a temporary use for a maximum period of three years at a time.

4.3. Site Plan Application and Lease Agreement

Site Plan Application SP-04-19 was approved on May 7, 2019, by the Commissioner of Planning and Development which considered the site details, including a complete set of development plans.

A lease agreement with the Town was entered into in 2019 and amended in 2022. A further revision to the lease agreement will be required if the extension is granted.

5. Financial Considerations:

A letter of credit in the amount of \$50,000.00 is currently being held to ensure that the applicant fully restores the site to its original condition, once the residential sales office is no longer required. The applicant will be responsible for any legal fees incurred to amend the lease agreement.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

The following agencies have reviewed the application and have no objection:

- Central Lake Ontario Conservation Authority (CLOCA);
- Engineering Services; and,
- Region of Durham.

Refer to Attachment #7 for additional detailed comments.

8. Strategic Priorities:

The recommendations contained in the staff report will support Strategic Pillar 1 in the Community Strategic Plan. More specifically the proposed development will assist in the creation of affordability and diversity of housing.

This report is in a fully accessible format, and the previous Site Plan Application was reviewed by Accessibility staff, which addresses the Town's strategic priority of accessibility.

The extension of the temporary use for the existing residential sales office is an efficient and effective utilization of existing resources, which implements the Town's strategic priority of sustainability.

9. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Approved Site Plan

Attachment #4: Letter from Proponent

Attachment #5: Excerpt from Lynde Shores Secondary Plan Schedule 'G'

Attachment #6: Excerpt from Zoning By-law 2585

Attachment #7: Agency & Stakeholder Detailed Comments