

# Town of Whitby Staff Report

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**Report Title: Temporary Use Zoning By-law Amendment Application, 300 Water Street. File No. DEV-01-25 (Z-01-25)**

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**Report to:** Committee of the Whole

**Date of meeting:** April 7, 2025

**Report Number:** PDP 18-25

**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:**

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## 1. Recommendation:

1. That Council approve an amendment to Zoning By-law 2585 for a temporary use (Z-01-25) as outlined in Planning Report PDP 18-25; and,
2. That the amending By-law be brought forward for Council's consideration.

## 2. Highlights:

- An application for a temporary use Zoning By-law Amendment has been submitted by RAI Architect Inc. c/o Charles McVety for land municipally known as 300 Water Street;
- The proposal is to amend Zoning By-law 2585 to permit a private elementary and secondary school within the existing building located on the subject land.

### **3. Background:**

#### **3.1 Site and Area Description**

The subject land is located on the north side of Water Street, west of South Blair Street (refer to Attachment #1). It is municipally known as 300 Water Street and is approximately 4.45 hectares (10.99 acres) in size. The Canada Christian College and School of Graduate Theology Studies is a post secondary institution which operates out of the existing building on the subject property.

Surrounding land uses include:

- a warehouse to the north;
- open space and a municipal parking lot to the east;
- a Water Supply Plant and open space/parkland, including the Waterfront Trail to the south; and,
- vacant (Town owned) and industrial uses to the west (refer to Attachment #2).

#### **3.2 Application and Proposed Development**

A Temporary Use Zoning By-law Amendment Application has been submitted by RAI Architect Inc. on behalf of Charles McVety to permit elementary and secondary school uses as additional uses within the existing Canada Christian College and School of Graduate Theological Studies facility.

#### **3.3 Documents Submitted in Support**

A Proposed Concept Plan, prepared by RAI Architect Inc., dated December 17<sup>th</sup>, 2024, was submitted in support of the application (refer to Attachment #3).

### **4. Discussion:**

#### **4.1 Whitby Official Plan**

The subject land is designated Prestige Industrial on Schedule A – Land Use of the Town of Whitby Official Plan (refer to Attachment #4).

The use of land in Prestige Industrial areas generally 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, provided such floor space is identified in Zoning By-law and is compatible with adjacent uses (4.7.3.2.2).

The existing post-secondary education facilities conform to the policies of the OP, however, elementary and secondary school uses are not permitted in the Prestige Industrial designation. As outlined within Section 10.1.9.1 of the Town's Official Plan, 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.

Upon the expiry of the time period(s) authorized by the Temporary Use By-law, the use of land, buildings, or structures that were permitted under such By-law shall cease to exist and cannot be considered as non-conforming uses (10.1.9.6).

Further, Section 10.1.9.3 of the Official Plan states that Council may pass a temporary use by-law subject to Council being 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 as set out in this Plan; and,
- d) No new building or expansion of existing buildings, except for temporary moveable structures, shall be permitted.

The proposal to include private elementary and secondary school uses within a building that accommodates similar post-secondary education facilities conforms to the above criteria.

## **4.2 Zoning By-law**

The subject land is currently zoned Select Industrial (M1A) and Preferred Industrial (M1) within Zoning By-law No. 2585 (refer to Attachment #5). The Select Industrial (M1A) and Preferred Industrial (M1) Zones do not permit elementary or secondary school uses. Therefore, a successful Temporary Use Zoning By-law Amendment is required to permit the proposed use for a period of up to three years, in accordance with Section 10.1.9.1 of the Town's Official Plan.

## **5. Financial Considerations:**

Not applicable.

## **6. Communication and Public Engagement:**

A Statutory Public Meeting was held on February 10, 2025, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public and interested persons and agencies an opportunity to comment on the Temporary Use Zoning By-law Amendment application.

The meeting minutes are included in Attachment #6. Three members of the public spoke at the public meeting. The public were in support of the existing private elementary and secondary school as the school provided an environment for their children to thrive academically and socially.

Correspondence was received expressing concerns related to the increased traffic and the shuttle bus which the College operates between it and the Whitby GO Station. In response the applicant has indicated that they have trained and qualified drivers that adhere to the safety and traffic regulations when driving the shuttle bus. Furthermore, the applicant noted that the existing use of a private elementary and secondary school reduces the traffic activity in comparison to the previous office use.

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 April 7th, 2025, Committee of the Whole Meeting.

The submissions by the public have been considered in determining the recommendation for approval of the proposed Temporary Zoning By-law Amendment application.

## **7. Input from Departments/Sources:**

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

- Whitby Financial Services;
- Whitby Fire and Emergency Services;
- Whitby Engineering Services; and,
- Durham Region Planning and Economic Development Department

Refer to Attachment #7 for detailed comments.

## **8. Strategic Priorities:**

The recommendations contained in the staff report will support Strategic Pillar 1 in the Community Strategic Plan to provide increased opportunities to acknowledge and celebrate the diversity of the community.

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

Attachment #4 – Excerpt from the Town of Whitby Official Plan – Schedule 'A'

Attachment #5 – Excerpt from Zoning By-law No. 2585

Attachment #6 – February 10, 2025, Public Meeting Minutes

Attachment #7 – Agency and Stakeholder Detailed Comments