

Town of Whitby Staff Report

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Report Title: Municipally owned lands at the Southwest corner of Winchester Road West and Baldwin Street South

Report to: Committee of the Whole

Date of meeting: April 7, 2025

Report Number: PDP 21-25

Department(s) Responsible:

Planning and Development Department
(Planning Services)

Financial Services Department

Submitted by:

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and Development

F. Wong, Commissioner Financial
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Acknowledged by M. Gaskell, Chief Administrative Officer

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1. Recommendation:

1. That Council endorse the gateway/entrance feature concept as proposed by Fieldgate Developments and illustrated on Attachment #4;
2. That the land at the south-west corner of Baldwin Street and Winchester Road, legally described as Part of the North Half Lot 25, Concession 5 and Part of the Road Allowance between Lots 24 and 25, Concession 5, being Part 1, Plan 40R-31677 (P-1410-0164, P-1771-0110, P-5120-0354) being part of PIN 26573-0002 (LT), in the Town of Whitby, Regional Municipality of Durham as shown in Attachment 1, be declared surplus;
3. That the requirement, in Town Policy F-190, for the Town to provide public notice of its intention to declare the Property surplus and report back to Council on any written objections received be waived;
4. That Staff provide a future report for Council's consideration and approval of an Agreement of Purchase and Sale between the Town and Fieldgate Developments (or related company) following receipt of a land appraisal and conclusion of agreement negotiations.

2. Highlights:

- The Town has acquired lands located at the Southwest corner of Baldwin Street South and Winchester Road West from the Ontario Ministry of Transportation.
- A concept plan has been prepared by Fieldgate Developments which demonstrates how a publicly accessible gateway/entrance feature can be provided as part of the proposed retail plaza expansion on adjacent vacant lands under their ownership.
- Under this proposal, the gateway/entrance feature would be established on privately owned lands. The final design, construction and ongoing maintenance of the gateway/entrance features would be the responsibility of Fieldgate. A mechanism to secure public access to this area and its features will be part of future negotiations with Fieldgate Developments.
- Subject to Council's approval of the gateway/entrance feature concept and declaring the lands to be surplus, next steps would include:
 - Obtaining an updated appraisal;
 - Negotiation of an Agreement of Purchase and Sale between the Town and Fieldgate Developments on the purchase price, future obligations (such as on-going maintenance), and other terms; and,
 - A future report to Council regarding the proposed land disposition to Fieldgate Developments (or a related company) including details of the Agreement of Purchase and Sale.
- A successful Zoning By-law Amendment and Site Plan Application would be required to permit the proposed development.

3. Background:

3.1 Background and Discussion

The subject land is located at the Southwest corner of Winchester Road West and Baldwin Street South and consists of an approximately 0.74 hectare (1.82 acres) triangular shaped parcel (refer to Attachment #1).

The Baldwin Street and Winchester Road intersection is located at the southern edge of Downtown Brooklin. South of Winchester, the area is characterized by a cluster of commercial uses such as grocery stores, restaurants, as well as other personal service and retail uses that serve the broader Brooklin community. North of Winchester are residential neighbourhoods along with mixed use development that transition to the north into historic Downtown Brooklin.

In recent years, Town staff have made inquiries and held discussions with Ontario Ministry of Transportation (MTO) staff about acquiring the subject land. The purpose of the Town acquiring the land is to create an entrance/gateway feature and to compliment and mirror the existing entrance/gateway feature at the Southeast corner, located between the Piper Arms and Scotia Bank. While the MTO agreed to transfer the lands to the Town, discussions with Park staff concluded that as a result of other priorities, the Town did not have available funding or resources to purchase and construct/maintain new park features on the property. At the same time, Fieldgate Developments indicated an interest in a portion of the subject lands to extend its proposed commercial/retail development into the area. Fieldgate was prepared to purchase the lands from the Town and construct and maintain an entrance/gateway feature at the corner in exchange for the ability to extend its commercial uses into the subject land from the west. As a result, the subject land was acquired by the Town in 2024 from the MTO.

3.2 Entrance / Gateway Concept

Fieldgate has completed the first phase of their commercial development (the Longo's plaza) and intends to develop the remaining vacant lands (See Attachment #2) to the north and east for a mix of commercial and residential uses.

Through the discussions as noted above, it was determined that it would be advantageous for Fieldgate to construct the entrance/gateway feature in tandem with the development of their lands. Further, the entrance/gateway could be owned and maintained by Fieldgate (or subsequent owners) in perpetuity, while providing public access and enjoyment of the space.

Fieldgate has prepared a concept plan which illustrates the gateway/entrance in the context of the proposed development of their lands (See Attachment #3).

The gateway/entrance concept consists of a central plaza and walkway connection to the Baldwin/Winchester intersection (refer to Attachment #4). The central plaza is flanked by sodded and artificial lawn surfaces, and incorporates a variety of plantings, seating, signage (gateway feature), and a reserved location for an art installation. Moving south along Baldwin, buffer planting and walkway connections will tie into existing landscape features that were constructed as part of the Fieldgate Phase 1. A pollinator garden and the retention of a portion of the existing trees is provided between proposed Buildings E and F.

There is a row of mature trees, generally spruce trees, on the subject land. The concept plan proposes portions of the existing tree cover be retained. These trees are located to the northwest of Building G and to the south of Building F and are labelled as "selected existing trees to be retained" on Attachment #4.

3.3 Future Planning Approvals Required

Planning Approvals will be required in order to facilitate the proposed entrance/gateway and surrounding commercial development. Fieldgate will be required to submit a Zoning By-law Amendment Application in order to rezone the

subject land to an appropriate zone category. Further, a Site Plan Application will be required to approve the location and configuration of buildings, parking, exterior building design, and final landscape features, among other matters.

The Town will only accept Planning Applications that apply to the subject land once the process to deem the lands surplus and transfer them into Fieldgate's ownership has been initiated.

4. Financial Considerations:

Town Policy F 190 regarding the Acquisition, Sale or Other Disposition of Land Policy, requires public notice following the Town's declaration of lands to be surplus and reporting back to Council on any written objections received. However, given that the land was originally acquired (by the Town) from MTO June 2024 for the purpose of an entrance feature, it is recommended that the public notice provision of Town Policy F 190 be waived.

The Town's acquisition of the subject land was based on the entirety of the land being used for a gateway/entrance feature. Accordingly, the purchase price and original appraisal prepared by the MTO reflected an open space valuation of the land. Under the Town's agreement with MTO, if Town subsequently sells the property, any additional funds the Town receives for the land (above what the Town originally paid to MTO) must be provided to MTO.

The development concept prepared by Fieldgate includes commercial development (Buildings G and F along with associated parking and patio space) within the subject land. Given that portions of the subject land would be utilized for development purposes, and not entirely as open space, an updated appraisal will be required to assess the fair market value of the land, inclusive of the proposed commercial uses (assuming future planning approvals). Table 1, below, outlines the proposed use of the space based on the concept proposed in this report:

Table 1: Proposed Use of Subject Land (refer to Attachment #4)

Subject Land Use	Total Estimated Area
Gateway/Entrance Feature and Related Areas	0.26 ha (0.64 acres)
Commercial Use (Parking, Buildings, Patios, etc.)	0.48 ha (1.19 acres)

The updated appraisal will establish the fair market value for the Agreement of Purchase and Sale negotiations. The Agreement will also include terms related to the on-going maintenance of the subject property.

5. Communication and Public Engagement:

N/A

6. Input from Departments/Sources:

This report incorporates comments from the Legal and Enforcement Services Department.

7. Strategic Priorities:

A future entrance/gateway feature on the subject land will provide connectivity between existing and proposed commercial uses and the broader community and Historic Downtown Brooklin. Enhanced placemaking and accessibility in this area will attract businesses and encourage commercial/retail activity. Accordingly, this report supports Strategic Pillar 3: Whitby's Economy and Objective 3.2 – Attract and Retain Businesses and Industry of the Town's Community Strategic Plan.

8. Attachments:

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Entrance / Gateway Concept Plan including Proposed Surrounding Development

Attachment #4: Entrance / Gateway Concept – Enlarged with Site Areas Identified