

# Town of Whitby

## Staff Report

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**Report Title: DEV-31-24: Official Plan Amendment Application, Draft Plan of Subdivision Application, and Zoning By-law Amendment Application, Anatolia Investments Corp., 975 Conlin Road, 961 Conlin Road, 4605 and 4625 Garrard Road, File No: DEV-31-24 (OPA-2024-W/10, SW-2024-04, Z-15-24)**

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**Report to:** Committee of the Whole

**Date of meeting:** June 2, 2025

**Report Number:** PDP 26-25

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

<b>Acknowledged by M. Gaskell, Chief Administrative Officer</b>
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**For additional information, contact:**

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Services – 905-444-2908

Kerstin Afante, Planner II – x. 2836

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### 1. Recommendation:

1. That Council approve Official Plan Amendment Number 145 to the Whitby Official Plan (File: OPA-2024-W/10), as shown on Attachment #9, and that a By-law to adopt Official Plan Amendment Number 145 be brought forward for consideration by Council;
2. That Council approve the Draft Plan of Subdivision (File: SW-2024-04), subject to the comments included in Planning Report PDP 26-25 and the conditions of draft plan approval included in Attachment #13;
3. That Staff be authorized to prepare a Subdivision Agreement;
4. That Council approve an amendment to Zoning By-law 1784 (File: Z-15-24), and that a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council; and,

**5. That the Clerk forward a Notice to those parties and agencies who requested to be notified of Council's decision.**

**2. Highlights:**

- The Biglieri Group on behalf of Anatolia Investments Corp. has submitted Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications to the Town of Whitby for the lands municipally known as 961 Conlin Road, 975 Conlin Road, 4605 Garrard Road and 4625 Garrard Road.
- The Official Plan Amendment application proposes to delete the future Type C Arterial Road (east of Thickson Road North) in Schedule D – Transportation and Schedule L – Taunton North Community Secondary Plan.
- The Official Plan Amendment application also proposes to delete the future Type C Arterial Road (east of Thickson Road North) in Map 3b – Regional Network in Envision Durham.
- The Draft Plan of Subdivision application proposes to create various blocks consisting of two (2) employment blocks, two (2) open space blocks, and three (3) road widening blocks.
- The Zoning By-law Amendment Application proposes to change the current zone category from an Agricultural Zone (A) to appropriate zone categories to permit the proposed development of industrial warehouses.
- The applicant has also submitted a Site Plan Application which will be processed through the Commissioner of Planning and Development. The Site Plan materials will provide more detail on the proposed site layout including grading and servicing, lighting, landscaping and details of the building design. 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.

**3. Background:**

**3.1. Site and Area Description**

The subject lands are located at the southeast corner of Conlin Road and Garrard Road, municipally known as 961 Conlin Road, 975 Conlin Road, 4605 Garrard Road, and 4625 Garrard Road (refer to Attachment #1). The Subject Site has a site area of 43.2 hectares (106.75 acres).

The surrounding land uses include:

- An Amazon distribution centre to the north;

- A new industrial warehouse and the Region of Durham recycling and waste facility to the west, and surrounds existing residential uses at 4785 and 4725 Garrard Road;
- A self-storage facility, open space, and future industrial uses within the City of Oshawa to the east; and
- Commercial uses along Taunton Road to the south.

The property at 4625 Garrard Road (which also includes the lands municipally known as 4635 and 4655 Garrard Road) is currently vacant. The property at 961 Conlin Road has one single detached dwelling. The properties at 975 Conlin Road and 4605 Garrard Road are currently being used for agricultural purposes (refer to Attachment #2).

### **3.2. Applications and Proposed Development**

An Official Plan Amendment application has been submitted to delete the future Type C Arterial Road (east of Thickson Road North) on Schedule D – Transportation, and Schedule L – Taunton North Community Secondary Plan of the Town of Whitby Official Plan, and on Envision Durham Map 3b – Regional Network.

A Draft Plan of Subdivision application has been submitted to create various blocks consisting of two (2) employment blocks, two (2) open space blocks, and three (3) road widening blocks (refer to Attachment #3).

A Zoning By-law Amendment Application has been submitted to change the current zone category from Agricultural (A) to appropriate zone categories to permit the proposed development of industrial warehouses.

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

The applications were submitted with the following supporting documents:

- Draft Plan of Subdivision, prepared by The Biglieri Group Ltd., dated April 25, 2025 (Refer to Attachment #3);
- Planning Addendum Letter (including Weston Consulting Planning Justification Report as an Appendix), prepared by The Biglieri Group Ltd., dated September 27, 2024;
- Draft Official Plan Amendment, prepared by The Biglieri Group Ltd., dated March 21, 2025;
- Draft Zoning By-law Amendment, prepared by The Biglieri Group Ltd., dated April 21, 2025;

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- Sustainability Rationale Report, prepared by The Biglieri Group Ltd., dated September 27, 2024;
  - Whitby Green Standard – for DPS and SPA, prepared by The Biglieri Group Ltd., dated September 27, 2024;
  - Architectural Drawing Package prepared by Powers Brown Architecture, dated September 18, 2024;
  - Updated Conceptual Site Plan prepared by Powers Brown Architecture, dated March 17, 2025 (Refer to Attachment #4);
  - Civil Drawing Package, prepared by WSP, dated September 6, 2024;
  - Functional Servicing Report, prepared by WSP, dated September 6, 2024;
  - Stormwater Management Report, prepared by WSP, dated September 6, 2024;
  - Hydrogeological Assessment and Water Balance Study, prepared by WSP, dated June 3, 2024;
  - Geotechnical Investigation Report, prepared by WSP, dated April 22, 2024;
  - Environmental Impact Study, prepared by Beacon Environmental, dated March 2023;
  - EIS Addendum Letter, prepared by Dillon Consulting Limited, dated May 2, 2025;
  - Arborist Reports and Tree Preservation Plans, prepared by Dillon Consulting Limited, dated 2023/2024;
  - Landscape Package, prepared by Dillon Consulting Limited, dated September 20, 2024;
  - Storm Pond Drawings Package, prepared by Dillon Consulting Limited, dated September 20, 2024;
  - Wetland Drawings Package, prepared by Dillon Consulting Limited, dated September 20, 2024;
  - Compensation Area Drawings Package, prepared by Dillon Consulting Limited, dated September 20, 2024;
  - Traffic Impact Study (TIS), and Addendum prepared by TYLin, dated April 2023 and September 25, 2024; which concluded that the future

arterial road is not necessary for the study network to operate and would play a significant role in providing an overall improvement to traffic operations within the study area;

- Pavement Marking and Signage Plan, prepared by TYLin, dated September 2024;
- Vehicle Maneuvering Drawings, prepared by TYLin, dated September 2024;
- Garrard Road Southbound Left-Turn Lane Design, prepared by TYLin, dated September 2024;
- Proposed Arterial Deletion Memo, prepared by TYLin, dated September 25, 2024;
- Lighting and Photometrics Plan, prepared by Design Works Engineering, dated September 11, 2024;
- Electrical Brief, prepared by Design Works Engineering, dated February 18, 2024;
- Mechanical Brief, prepared by Design Works Engineering, dated February 18, 2024;
- Energy Performance Study, prepared by Design Works Engineering, dated September 12, 2024;
- Construction Vibration Zone of Influence Study & Monitoring Plan, prepared by Aeroustics, dated September 12, 2023;
- Noise Impact Study, prepared by Aeroustics, dated September 24, 2024;
- Electrical Site Plan, prepared by Lapas Engineering, dated September 23, 2024;
- Stage 1 & 2 Archaeological Assessment, prepared by The Archaeologists Inc., dated July 17, 2022;
- Letter to Oshawa Executive Airport, prepared by Anatolia Investments Inc., dated September 24, 2024;
- Urban Design Brief, prepared by Weston Consulting, dated April 2023;
- Aeronautical Impact Assessment, prepared by WSP, dated June 13, 2023;
- Water Well Survey Summary, and Sampling Results, prepared by WSP, dated February 27, 2023;

- Plan of Survey and Topography, prepared by WSP, dated August 13, 2024;
- Phase 1 ESA, prepared by WSP, dated August 1, 2022;
- Phase 2 ESA, prepared by WSP, dated October 2022;
- ESA Reliance Letter, prepared by WSP, dated July 7, 2023; and
- Comment Response Matrix, prepared by The Biglieri Group Ltd., dated April 25, 2025.

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

#### **4. Discussion:**

##### **4.1. Envision Durham**

Pursuant to Bill 23, as of January 1, 2025, the Region of Durham is defined by the Province as an "upper-tier municipality without planning responsibilities". As such, the Town of Whitby has assumed approval authority for all Planning Act decisions, except as prescribed by the Ministry of Municipal Affairs and Housing (Ontario Regulation 525/97). Envision Durham, the former Regional Official Plan (ROP), has now become part of the Town of Whitby's Official Plan until such time that the Town has completed its Official Plan Review, currently underway. The Town has assumed responsibility for Envision Durham as it pertains to the area within its jurisdiction.

The subject lands are designated as Employment Areas and Major Open Space Areas on Map 1 - Regional Structure of Envision Durham. Employment Areas are intended for manufacturing, warehousing, storage, assembly and processing. Employment Areas are typically situated along or near major transportation corridors with separation and buffering from adjacent Community Areas. Major Open Space Areas are intended for environmental protection and conservation, while allowing for a range of agricultural uses and recreational uses, where appropriate. Envision Durham Map 3b – Road Network identifies a future Type C Arterial Road on the subject lands that would allow for a connection from Thickson Road North in Whitby to Stevenson Road North in Oshawa (refer to Attachment #5).

An Amendment to Envision Durham, as it relates to the Town of Whitby, is required to delete the future Type C Arterial Road.

##### **4.2. Oshawa Official Plan Amendment 208**

The proposed deletion of the arterial road in Whitby would be consistent with recent planning decision in the City of Oshawa. Oshawa adopted Official Plan Amendment 208 (OPA 208) in May 2022, which includes the removal of

the corresponding future Type C arterial road from the City of Oshawa Official Plan and was forwarded to the Region of Durham for approval (prior to removal of Regional Planning authority). At that time, the Region had requested that additional information regarding potential impacts of the road deletion on the road network, be provided and addressed through the ongoing Stevenson Road Environmental Assessment.

#### **4.3. Stevenson Road Environmental Assessment**

The Stevenson Road Environmental Assessment (EA) determined that the proposed arterial road would provide only minor relief to adjacent corridors and negligible travel time improvements, while posing potentially significant environmental impacts. It concluded that an arterial road connection between Stevenson Road North in Oshawa and Thickson Road in Whitby is not required from a transportation network or capacity perspective.

The conclusions of the EA reinforce that there is no functional need for a future road connection through this corridor, supporting the request to delete the subject road segment in Oshawa, as well as in Whitby.

#### **4.4. Whitby Official Plan**

The subject lands are designated as General Industrial on Schedule A – Land Use (refer to Attachment #6) and Schedule L – Taunton North Community Secondary Plan (refer to Attachment #7). Lands designated as General Industrial permit the manufacturing, processing, assembly, servicing, storing of goods and raw materials, warehousing, and uses for similar and related purposes such as utility yards and functions, and transportation terminals (4.7.3.1.1).

Small portions of the property near the eastern and southern limits are designated Natural Hazards and Natural Heritage System on Schedule C – Environment Management and Environmental Protection/Conservation Land on Schedule L – Taunton North Community Secondary Plan. Development is generally prohibited within the Natural Heritage System (Section 5.3.7.4) or Natural Hazards (Section 5.3.10.4). The boundaries of a Natural Hazard designation are to be determined through an Environmental Impact Study, in consultation with the Conservation Authority.

Schedule D – Transportation of the Whitby Official Plan, as well as Schedule L – Taunton North Community Secondary Plan, identify a future east-west Type C arterial road on the subject lands, south of Conlin Road, north of Taunton Road East, which would connect Thickson Road in Whitby to Stevenson Road in Oshawa (refer to Attachment #8).

An amendment to the Town of Whitby Official Plan is required to delete the future Type C Arterial Road (refer to Attachment #9). It is recommended that the application for Official Plan Amendment to delete the proposed Type 'C' Arterial Road be approved.

The applicant's detailed Transportation Impact Study, prepared by TYLin and reviewed by both the Town and Region, demonstrates that the future arterial road is not needed from a transportation or capacity perspective. The proposed industrial and warehousing development can be adequately served by the existing and planned road network, including Conlin Road, Taunton Road, and nearby Highway 407 access.

The proposed amendment is consistent with the Provincial Planning Statement, 2024, which promotes efficient development patterns and the use of existing infrastructure to support employment growth. It also supports the Town of Whitby's Official Plan objectives by enabling warehousing development within the General Industrial designation without introducing unnecessary new infrastructure. As such, removal of the proposed Type 'C' Arterial Road is both justified and appropriate.

#### **4.5. Zoning By-law 1784**

The subject land is currently zoned Agricultural (A) under Zoning By-law 1784 (Refer to Attachment #10). The A Zone would not permit the proposed industrial warehouse development. An Amendment to the Zoning By-law to change the existing Agricultural Zoning to an appropriate zone category is required to permit the proposed development.

#### **4.6. Other Matters**

The property municipally known as 949 Conlin Road is a land-locked parcel owned by a third party, which currently relies on access via an existing driveway located on the subject lands. This driveway provides access to Garrard Road. The applicant is required to ensure continued access to 949 Conlin Road by providing a registered easement over the existing driveway in favour of the owners of 949 Conlin Road. Any such easement will require land division approval and must be designed to the satisfaction of the Town.

### **5. Financial Considerations:**

Not applicable.

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

A Public Meeting was held on December 9, 2024, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public, as well as interested persons and agencies, with the opportunity to make representation regarding the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications. An excerpt of the meeting minutes is included in Attachment #11.

Residents and stakeholders provided comments and raised concerns regarding such matters as:

- compatibility with surrounding land uses and impact on agricultural resources;
- long-term community benefits;
- environmental considerations;



- impact on well-water;
- construction period noise and dust; and
- potential soil contamination.

In consideration of the comments received, staff note the following:

- Although the subject land is zoned Agricultural currently, the subject land and surrounding lands have been designated in the Official Plan and intended for Industrial uses for decades. The proposed industrial development conforms to the Official Plan.
- The extent of environmental features/functions were determined through an EIS, and the limit of development will be detailed in the Zoning, including appropriate zone category(s) regarding environmental features/functions.
- The applicant has submitted Phase 1/Phase 2 Environmental Site Assessment which indicated the soil and groundwater quality meets the applicable MECP Table 1 SCS, as of the certification date, and that no additional environmental investigations are recommended.
- Two (2) stormwater management ponds will be constructed, and potential water table impacts will be monitored.
- A Construction Management Plan will be required as part of the Site Plan approval process and would include mitigative measures regarding noise, dust pollution, and privacy for adjacent properties during the construction period.

In particular, an adjacent property owner had requested several modifications, including:

- increased building setbacks;
- relocation of the snow storage area;
- privacy and trespassing measures;
- retaining wall to prevent soil erosion; and,
- a new public road through the subject property to connect their lands, in the City of Oshawa, to Garrard Road.

Staff note that building setbacks, snow storage, grading, erosion, stormwater management, and mitigation strategies will be considered through the Site Plan approval process.

As it relates to the request for a new public road, the applicant has indicated that they do not wish to construct a public road through the subject lands to connect to the private property in Oshawa, as the Traffic Impact Study and the Stevenson Road Environmental Assessment have concluded that there is no need for the east-west Arterial Road from a transportation network or capacity perspective to support the proposed development, nor a need for a [public] local road that would cross municipal boundaries to connect private properties.

Staff note that the applicant's TIS, as well as Oshawa EA materials have indicated that the proposed deletion of the future Type C Arterial Road within the Town of Whitby is acceptable and would align with Oshawa's adopted Official Plan Amendment (OPA 208) to likewise remove the future road symbol.

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 June 2, 2025, Committee of the Whole Meeting.

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

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

- Bell Canada;
- Elexicon Energy;
- Trans Northern Pipelines; and,
- Rogers Communications.

Refer to Attachment #12 for additional detailed comments.

### **Internal Departments:**

#### **Community Services – Parks Planning and Development Division**

Parks staff have no objections to the applications subject to the Conditions of Draft Approval. Parks Staff have provided Conditions of Draft Approval (refer to Attachment #13) which include a requirement for cash-in-lieu of parkland and a requirement that open space blocks 3 & 4 be conveyed to the Town of Whitby

#### **Engineering Services**

Whitby Engineering has no objections to the Official Plan and Zoning By-law Amendment applications. Whitby Engineering has no objections to the proposed Draft Plan of Subdivision subject to the Conditions of Draft Approval.

#### **Financial Services**

Comments provided by Financial Services staff outline the requirements for the payment of development charges and cash-in-lieu of parkland.

#### **Fire and Emergency Services**

Comments provided by Whitby Fire and Emergency Services confirm no objection to the applications, subject to clarification of Ontario Building Code (OBC) requirements, identification of principal entrances, compliance with fire access and water supply regulations, the potential requirement for an Integrated Testing Coordinator. These matters will be addressed through Site Plan approval process.

#### **Landscape**

Landscape staff have no objections to the applications, subject to the Conditions of Draft Approval. Requirements include revisions to landscape and compensation plans, coordination with tree protection measures, and compliance

with restoration and enhancement commitments. The subdivider must provide financial securities, ensure proper implementation and monitoring of compensation plans, and obtain necessary permissions for tree removals.

**Strategic Initiatives**

Strategic Initiatives staff have no objections to the proposal, recognizing its economic benefits and alignment with Whitby's strategic goals. The proponent is encouraged to engage with the Town's Concierge Program. Sustainability staff request an updated Whitby Green Standard Checklist to confirm compliance with Tier 1 requirements.

Refer to Attachment #12 for additional detailed comments and Attachment #13 for Conditions of Draft Plan Approval.

**External Agencies:****Central Lake Ontario Conservation Authority (CLOCA)**

CLOCA has no objections to the Official Plan and Zoning By-law Amendment applications. However, prior to the approval of the Site Plan and Draft Plan of Subdivision applications, CLOCA requires that detailed technical comments be fully addressed to their satisfaction. These comments relate to stormwater management, hydrogeology, and regulated features on the site, including wetlands.

**City of Oshawa**

The City of Oshawa has no objection to the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications.

**Oshawa Airport**

Oshawa Airport has no objections to the applications, subject to Conditions of Draft Approval. Comments provided by Oshawa Airport outline their requirements related to noise warning clauses, wildlife attractants, and a wildlife risk assessment for the stormwater management pond. The noise warning clauses and mitigation measures identified in the Noise Study will be registered on title through the future Site Plan Agreement.

**Region of Durham**

Durham Region has no objection to the proposed Official Plan Amendment, Zoning By-law Amendment, or Draft Plan of Subdivision applications. Regional staff met with Town staff on May 7, 2025, to discuss transportation concerns related to the proposed deletion of the planned east-west midblock Future Type 'C' Arterial Road east of Thicksen Road. The Region confirmed that its previous transportation comments were advisory in nature and not conditions of draft approval, and it is satisfied that the Town of Whitby has adequately planned for the associated impacts.

Regional servicing and transit comments from February 2025 remain applicable

and will be addressed through future engineering submissions and the Site Plan approval process. A revised Functional Servicing Report is still required, and the applicant must provide a land use table prepared by an Ontario Land Surveyor to the satisfaction of the Region. Conditions of Draft Approval provided by the Region must be met prior to final clearance.

Refer to Attachment #12 for additional detailed comments and Attachment #13 for Conditions of Draft Plan Approval.

## **8. Strategic Priorities:**

The development review process has provided opportunity for public and agency input. The recommendations contained in this report align with the objectives of the Corporate Strategic Plan.

The proposed development supports Strategic Pillar 3 – Whitby's Economy to ensure Whitby is clearly seen by all stakeholders to be business and investment friendly by being supportive and providing effective customer service through the development approval process.

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 Draft Plan of Subdivision

Attachment #4 – Proponent's Proposed Concept Plan

Attachment #5 – Excerpt from Envision Durham – Map 3b – Regional Network

Attachment #6 – Excerpt from Town of Whitby Official Plan – Schedule A – Land Use

Attachment #7 – Excerpt from the Town of Whitby Official Plan – Schedule L – Taunton North Community Secondary Plan

Attachment #8 – Excerpt from the Town of Whitby Official Plan – Schedule D - Transportation

Attachment #9 – Draft Proposed Amendment #145 to the Town of Whitby Official Plan

Attachment #10 – Excerpt from Zoning By-law No. 1784

Attachment #11 – Excerpt from Public Meeting Minutes from December 9, 2024

Attachment #12 – Agency and Stakeholder Detailed Comments

Attachment #13 – Conditions of Draft Plan of Subdivision Approval