

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: DEV-34-24: Zoning By-law Amendment Application, MHBC Planning Limited on behalf of 5515 Garrard Real Estate Inc., 5515 Garrard Road, File No. Z-16-24.

Report to: Committee of the Whole

Date of meeting: June 2, 2025

Report Number: PDP 28-25

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 Services,
905-444-2908

M. Guinto, Planner I, 905-444-1936

1. Recommendation:

1. That Council approve an amendment to Zoning By-law No. 1784 (Z-16-24), subject to the comments included in Report PDP 28-25 and,
2. That a By-law to amend Zoning By-law #1784 be brought forward for consideration by Council at a future date.

2. Highlights:

- A Zoning By-law Amendment Application has been submitted by MHBC Planning Limited on behalf of 5515 Garrard Real Estate Inc for the land municipally known as 5515 Garrard Road.
- The Zoning By-law Amendment Application proposes to change the current zoning from Agricultural (A) Zone to an appropriate industrial zone category to permit the proposed development of two industrial warehouse buildings with a total gross floor area of 48,742 square metres (524,671 square feet).

3. Background:**3.1. Site and Area Description**

The subject land is located on the east side of Garrard Road, south of Highway 407. The subject land is municipally known as 5515 Garrard Road (refer to Attachment #1). The subject land is approximately 16.55 hectares (40.89 acres) in size. Approximately 11.27 hectares (27.84 acres) is proposed to be developed. The subject land currently contains a 2-storey single-detached dwelling, an outbuilding, and a barn, which are proposed to be removed. The lands to the north, east, and west are vacant, while the lands to the south contain two residential uses fronting Garrard Road. (refer to Attachment #2).

3.2. Application and Proposed Development

A Zoning By-law Amendment Application has been submitted by MHBC Planning Limited on behalf of 5515 Garrard Real Estate Inc to accommodate the development of two industrial buildings (refer to Attachment #3).

The Zoning By-law Amendment Application proposes to change the current zoning from Agricultural (A) Zone within Zoning By-law No. 1784, to an appropriate industrial zone category to accommodate the proposed industrial uses.

A future Site Plan Application will be required prior to development.

3.3. Documents Submitted in Support

The following documents were submitted in support of the proposed development:

- A Boundary and Topographic Survey, prepared by Speight, Van Nostrant & Gibson Limited, dated October 2023.
- A proposed Site Plan prepared by Ware Malcomb, dated October 2024 (refer to Attachment #3).
- A set of Architectural Plans prepared by Ware Malcomb, dated October 2024.
- An Arborist Report, prepared by MHBC Planning Limited, dated October 2024.
- A set of Landscape Plans including a Landscape Cost Estimate prepared by MHB Landscape, dated October 2024.
- A set of Building Elevations prepared by Ware Malcomb, dated October 2024 (refer to Attachment #4).

- A set of Archaeological Reports (Stages 1, 2, and 3), prepared by Lincoln Environmental Consulting, dated September 2024.
- A Functional Servicing & Stormwater Management Report including Civil Engineering Drawings, prepared by Crozier & Associates Inc., dated October 2024.
- A Construction Management Report, prepared by Leeswood Construction.
- A Compatibility Mitigation Study, Air Quality Report, prepared by SLR Consulting Ltd., dated October 2024.
- A Documentation & Salvage Report, prepared by MHBC Planning Limited, dated October 2024.
- An Environmental Impact Study, prepared by GHD, dated October 2024.
- A Hydrogeology Assessment, prepared by Pinchin, dated October 2024.
- An Initial Noise Impact Assessment prepared by SLR Consulting Ltd., dated October 2024.
- A Planning Justification Report, prepared by MHBC Planning Limited, dated November 2024.
- A Phase 1 Environmental Site Assessment Report, prepared by Pinchin, dated June 2023.
- A Photometric Site Plan & Exterior Lighting Specifications set, prepared by Inviro Engineered Systems, dated October 2024.
- A Transportation Impact Study prepared by Crozier & Associates Inc., dated October 2024

The above documents were distributed to relevant internal departments and external agencies for review and comment.

4. Discussion:

4.1. Whitby Official Plan

The subject land is designated “Prestige Industrial”, “General Industrial”, and “Natural Heritage System” on Schedule ‘J’ – Brooklin Community Secondary Plan (refer to Attachment #5).

Prestige Industrial

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, postsecondary education facilities, research and development facilities, and incidental sales outlets within industrial buildings, provided such floor space is identified in the Zoning By-law and is compatible with adjacent land uses (4.7.3.2.2).

Warehousing and wholesale distribution uses may be permitted on lands designated as Prestige Industrial, with the exception of Business Parks, subject to the following criteria:

- a) located in proximity to Highway 401, 407 or 412;
- b) separated from residential areas;
- c) does not create additional traffic through residential areas; and
- d) wholly enclosed in buildings with no outdoor storage.

General Industrial

Lands designated as General Industrial are to be used for 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).

The proposed Industrial uses conform to the policies of the Official Plan related to the Prestige and General Industrial designations.

Natural Heritage System

The Natural Heritage System is comprised of an interconnected system of key natural heritage and hydrologic features (5.3.7.1). The extent and exact location of the component natural heritage and hydrologic features of the Natural Heritage System are to be determined through appropriate environmental studies and in consultation with the local conservation authority (5.3.7.3).

The boundary of the Natural Heritage System may be refined with additions and deletions without an amendment to the Plan (11.4.25.3).

4.2. Zoning By-law

The subject land is currently zoned Agricultural (A) Zone within Zoning Bylaw 1784 (refer to Attachment #7). The Agricultural (A) Zone does not permit the proposed use. Therefore, a Zoning By-law Amendment is required to permit the proposed development.

As the subject land is located within the Brooklin Secondary Plan Area, the site-specific By-law for the subject property will be premised upon applicable zoning provisions outlined within the Brooklin Community Secondary Plan Area By-law (# 7959-23).

4.3. Conclusion

Considering the nature of the proposed Zoning By-law Amendment, it is concluded that the site can adequately accommodate the development of two industrial buildings. Therefore, it is recommended that Council approve an amendment to Zoning By-law No. 1784 to permit two industrial buildings on the subject land.

All of the commenting departments and external agencies have indicated support for, or no objection to, the proposed application subject to their comments and conditions, as outlined in Section 7.

5. Financial Considerations:

Not applicable

6. Communication and Public Engagement:

A Statutory Public Meeting was held on February 10th, 2025, in accordance with the Town of Whitby Official Plan and the Planning Act. This meeting provided the public, interested persons, and agencies the opportunity to make representation in respect of the Zoning By-law Amendment Application. The meeting minutes are included in Attachment #7. There were no public comments or submissions made at the Public Meeting. 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 2nd, 2025, Committee of the Whole Meeting.

The proponent is a participating member and is in good standing of the Conlin Employment Landowner's Group. As part of the site plan approval process, the proponent will be required to provide a clearance letter from the Conlin Employment Landowner's Group prior to the issuance of a building permit.

7. Input from Departments/Sources:

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

- Elexicon Energy Inc.; and,
- Enbridge.

Refer to Attachment #8 for full detailed comments.

Internal Departments

Whitby Planning and Development Department

EXP was retained to complete a peer review of the proponent's Noise Study as the Town does not have the expertise in-house to complete the review.

The comments provided by EXP state that there is no objection the application, subject to verification of the noise calculations. Refer to Attachment #8 for full detailed comments.

Whitby Fire and Emergency Services

The comments provided by Whitby Fire and Emergency Services request minor revisions that can be addressed through the future Site Plan application. Refer to Attachment #8 for full detailed comments.

Whitby Engineering Services

The comments provided by Whitby Engineering Services state there is no objection to the proposed application. Certain comments that were provided were informational and can be addressed through the future Site Plan application process. Refer to Attachment #8 for full detailed comments.

Whitby Financial Services

The comments provided by Whitby Financial Services state that there is no objection to the application, subject to submitting development charges and cash-in-lieu of parkland. Refer to Attachment #8 for full detailed comments.

External Agencies

Region of Durham Community Growth and Economic Development Department

The comments provided by the Region of Durham Community Growth and Economic Development Department state that there is no objection to the application, subject to the servicing and transportation comments being addressed through the future Site Plan application process. Refer to Attachment #8 for full detailed comments.

Central Lake Ontario Conservation Authority (CLOCA)

The comments provided by the Central Lake Ontario Conservation Authority (CLOCA) state that there is no objection to the application, subject to comments from their Environmental Engineering and Natural Heritage divisions being addressed through the future Site Plan Application process. Refer to Attachment #8 for full detailed comments.

8. Strategic Priorities:

The zoning application will permit the development of two industrial buildings subject to full services. The recommendations contained in this report align with Pillar 3 of the Community Strategic Plan to create jobs and drive local economic growth.

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 Site Plan

Attachment #4: Proponent's Proposed Building Elevations

Attachment #5: Excerpt from the Town of Whitby Secondary Plan Schedule 'J'

Attachment #6: Excerpt from Zoning By-law 1784

Attachment #7: Public Meeting Minutes

Attachment #8: Agency & Stakeholder Detailed Comments