



## Public Meetings Revised Agenda

Monday, February 13, 2023, 7:00 p.m.

Council Chambers

Whitby Town Hall

### Statutory Public Meetings under the Planning Act, R.S.O. 1990, c. P.13

This meeting will be held in a hybrid in-person and virtual format. The meeting will be available for live viewing through the Town's **live stream feed**. The live stream will appear in the top right corner of the HTML agenda while the meeting is in progress. Please visit our [website](#) for more information or contact [clerk@whitby.ca](mailto:clerk@whitby.ca).

Should you wish to provide comments regarding a matter being considered below, please submit written correspondence and/or a Delegation Request Form.

- **To submit written correspondence**, please email the Office of the Town Clerk at [clerk@whitby.ca](mailto:clerk@whitby.ca) by noon on the day of the meeting. Written correspondence must include your full name, address, and the item on the agenda that your correspondence is related to.
- **To speak during the Public Meetings meeting**, please submit a [Delegation Request Form](#) online to the Office of the Town Clerk by 10 a.m. on the day of the meeting. Should you be unable to access a computer, please call 905.430.4315 to speak with a Staff Member in the Office of the Town Clerk.

A Revised Agenda may be published on a later date. Late items added or a change to an item will appear with an asterisk beside them.

### Format of Public Meetings

Public meetings are chaired by a Member of Council appointed as the Planning Chair by the Mayor and will proceed as follows:

1. Town Staff will provide a brief overview of the application;
2. The applicant or their representative may provide information regarding the application;
3. Members of the public wishing to provide input may do so via written submission sent to [clerk@whitby.ca](mailto:clerk@whitby.ca) or by oral submission; and,
4. The Chair may call on the applicant and/or staff to provide clarification on matters raised by members of the public.

The Office of the Town Clerk captures all feedback received during a public meeting in minutes to provide a written record for Staff and Council of the public meeting.

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## **Public Meetings - 7:00 p.m.**

- \*1. PDP 03-23, Planning and Development (Planning Services) Department Report  
Re: Zoning By-law Amendment Application, Inuka Developer Inc., 1 Ferguson Avenue, File Number: DEV-25-22, (Z-17-22)

### **Delegations**

- 1. Dave Meredith, representing Inuka Developer Inc. (In-Person Attendance) \*
- 2. Brenda Balment, Resident (In-Person Attendance)
- 3. Dean Holtby, Resident (In-Person Attendance) \*
- 4. Marie Richardson, Resident (In-Person Attendance) \*
- 5. Andy Barrington, Resident (In-Person Attendance) \*

- \*2. PDP 05-23, Planning and Development (Planning Services) Department Report  
Re: Zoning By-law Amendment Application, 1351789 Ontario Limited, 1621 McEwen Drive, File Number: DEV-01-23 (Z-01-23)

### **Delegations**

- 1. Paul Demczak, representing 1351789 Ontario Limited (Virtual Attendance) \*

- \*3. PDP 06-23, Planning and Development (Planning Services) Department Report  
Re: Official Plan Amendment and Zoning By-law Amendment Applications, 2738183 Ontario Inc., 3 Cassels Road East, File Number: DEV-36-22 (OPA-2022-W/05, Z-23-22)

### **Delegations**

- 1. Brayden Libawski, representing 2738183 Ontario Inc., (In-Person Attendance) \*
- 2. Rick Sidler, Resident (In-Person Attendance) \*

# Town of Whitby Public Meeting Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title:**    **DEV-25-22: Zoning By-law Amendment Application (Z-17-22), Inuka Developer Inc., 1 Ferguson Avenue**

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**Date of meeting:**    February 13, 2023

**Report Number:**    **PDP 03-23**

**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:**

Lauren Taylor, Planner II, ext. 2902

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Planning Report PDP 03-23 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](http://whitby.ca).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

## **1. Highlights:**

- An Application for Zoning By-law Amendment has been submitted by Meredith Consulting Services on behalf of Inuka Developer Inc.
- The proposal is to change the zoning to an appropriate zone category to accommodate a proposed four-storey mixed use condominium development with 60 residential apartment units and 1,408 square metres (15,156 square feet) of commercial space, as well as eight semi-detached dwellings.

## **2. Purpose:**

The Planning and Development Department is in receipt of an application for Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the application at a statutory public meeting, as required by the Ontario Planning Act

## **3. Background:**

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

The subject land is located on the north side of Winchester Road West, east of Ferguson Avenue and south of Heber Down Crescent, municipally known as 1 Ferguson Avenue (refer to Attachment #1). The subject land is approximately 0.84 hectares (2.08 acres) in size.

There is an existing one-storey commercial building on the subject land which is to be removed.

Surrounding land uses include:

- single detached dwellings to the west and north,
- townhouse dwellings and three-storey apartment buildings to the east,
- an existing gas station, vet clinic and car wash to the south, as well as a future mixed-use development to the south (refer to Attachment #2).

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

A Zoning By-law Amendment Application has been submitted by Meredith Consulting Services on behalf of Inuka Developer Inc. to change the zoning to an appropriate zone category to accommodate a proposed four-storey mixed use condominium development with 60 residential apartment units and 1,408 square metres (15,156 square feet) of commercial space fronting onto Winchester Road West, as well as eight semi-detached dwellings fronting onto Heber Down Crescent.



A Site Plan Application has also been submitted. The Site Plan Application will proceed through the Commissioner of Planning and Development once all agency comments have been received and addressed.

Land Division Applications through the Region of Durham Land Division Committee will be required to create the proposed eight semi-detached dwelling lots fronting onto Heber Down Crescent.

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

A number of documents were submitted in support of the application, including the following:

- A Site Plan prepared by NIA Architects Inc., dated July 20, 2022 (refer to Attachment #3);
- A Rendering – Mixed Use Building prepared by NIA Architects (refer to Attachment #4);
- A Rendering – Semi-Detached Dwellings prepared by NIA Architects (refer to Attachment #5);
- An Arborist Report prepared by D. Andrew White, dated April 1, 2022, provides a summary of trees located on the subject land which are to be removed to accommodate the development. The Report also provides a summary of trees located on the adjacent municipal boulevards, some of which are proposed to be removed to accommodate the proposed development. The Report also provides a summary of trees on the adjacent private property and recommends tree preservation barriers during demolition and construction;
- A Noise Impact Study prepared by J.E. Coulter Associates Limited, dated December 3, 2021, which provides an assessment of traffic noise and recommends central air conditioning and noise warning clauses for the residential apartment units and noise warning clauses for the semi-detached dwellings;
- A Phase One Environmental Site Assessment (ESA) prepared by PGL Environmental Consultants, dated May 2022, which identifies onsite and offsite potentially contaminating activities and notes that a Phase Two ESA is required prior to filing a Record of Site Condition (RSC);
- A Phase Two ESA prepared by PGL Environmental Consultants, dated May 2022, which summarizes the groundwater and soil sample analysis and notes that remediation will be required before an RSC can be submitted;
- A Planning Justification Report prepared by Meredith Consulting Services which concludes that the proposed development is

consistent with and conforms to all applicable Provincial, Regional and Local policies and that the proposed development represents good land use planning and is based on sound urban design principles;

- A Sustainability Rationale Report prepared by Meredith Consulting Services which concludes that the proposed development will achieve a Tier 1 or Tier 2 performance, depending upon the Whitby Green Standard Principle and associated development features;
- A Servicing & Stormwater Management Report prepared by Jain Infrastructure Consultants Ltd., dated March 16, 2022, which provides the recommended stormwater management and servicing measures for the proposed development; and,
- A Traffic Impact Study Report prepared by Traffmobility, dated June 22, 2022, which provides an analysis of existing and future traffic conditions, noting that all intersections are expected to operate with acceptable level of service, with the exception of future eastbound movements at Winchester/Ferguson, which is proposed to be mitigated with increased light cycle length. The Report also notes that the proposed development will meet the parking requirements for the residential and office uses. However, a deficiency of 5 parking spaces for the retail component is expected to be accommodated using shared parking between residential visitors and retail users.

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

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

##### **4.1. Region of Durham Official Plan**

The subject land is designated “Regional Centre” on Schedule ‘A’ Map ‘A4’ of the Regional Official Plan (ROP). Regional Centres permit a wide range of land uses including residential and commercial uses.

##### **4.2. Whitby Official Plan**

The subject land is designated Mixed-Use 3 and is within the Major Central Area on Schedule ‘K’ – Brooklin Community Secondary Plan (refer to Attachment #6).

The Mixed-Use 3 designation permits integrated mixed-use development and redevelopment which includes residential, office, retail, restaurant, personal service, and community and/or institutional uses (4.6.3.1). The commercial uses outlined in Section 4.5.3.1 – Major Commercial are also permitted within the Downtown Brooklin Major Central Area outside of the Heritage Conservation District (HCD) (11.5.14.3). The minimum permitted

density in the Mixed-Use 3 designation is 60 units per net hectare and the maximum density is 85 units per net hectare (11.5.14.4). The minimum height in the Mixed-Use 3 designation is 2-storeys and the maximum height is 4-storeys (11.5.14.5).

The Downtown Brooklin Major Central Area is to be planned as a vibrant mixed-use core of Brooklin (11.5.4.2). Mixed-use development comprised of ground level commercial uses with residential units located above, is also encouraged to support the vitality of the Downtown Brooklin Major Central Area (11.5.4.6).

#### **4.3. Zoning By-law**

The subject land is zoned Special Purpose Commercial – Brooklin Secondary Plan (C2-S-BP) under By-law # 1784 (refer to Attachment #7). The C2-S-BP Zone prohibits residential uses and permits a variety of commercial uses.

An amendment to the Zoning By-law is required to permit the proposed development.

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

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on the Winchester Road West and Heber Down Crescent frontages of the subject land in accordance with the Town's notification procedures.

### **6. Consultation with other Departments/Sources:**

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

### **7. Conclusion:**

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

### **8. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Proponent's Proposed Site Plan

Attachment #4: Proponent's Proposed Rendering – Mixed Use Building

Attachment #5: Proponent's Proposed Rendering – Semi-detached Dwellings

Attachment #6: Excerpt from the Town of Whitby Secondary Plan Schedule 'K'

Attachment #7: Excerpt from Zoning By-law # 1784

# Attachment #1 Location Sketch

PDP-03-23



## Town of Whitby Planning and Development Department

Proponent:  
**Inuka Developer Inc.**

File Number:  
**DEV-25-22 (Z-17-22)**

Date:  
**February 2023**

External Data Sources:  
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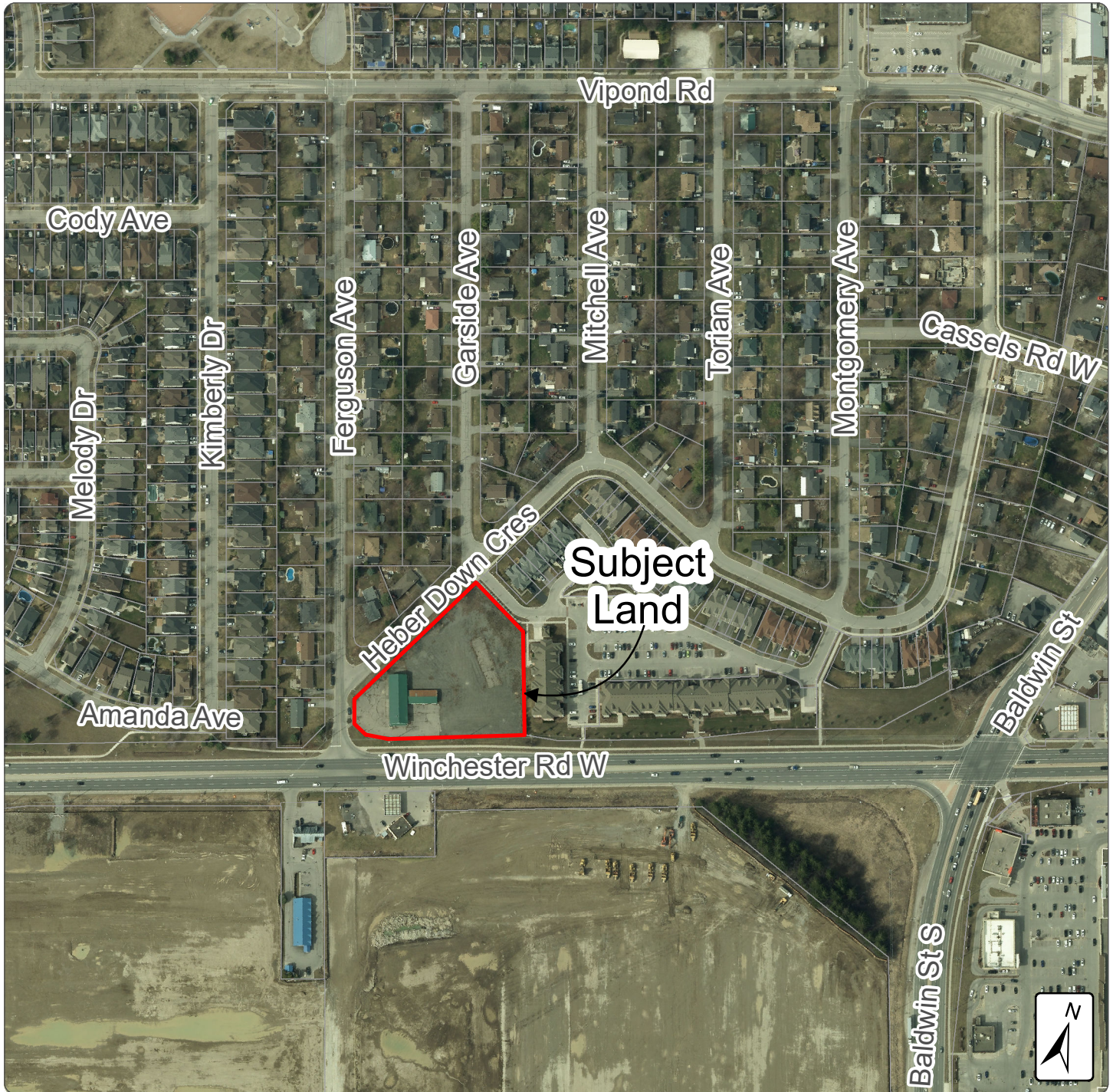
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# Attachment #2 Aerial Context Map

PDP-03-23



## Town of Whitby Planning and Development Department

Proponent:  
Inuka Developer Inc.

File Number:  
DEV-25-22 (Z-17-22)

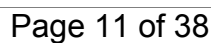
Date:  
February 2023

External Data Sources:  
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Proponent's Proposed Rendering – Mixed Use Building

MIXED USE APARTMENT BUILDING  
1 FERGUSON AVENUE, WHITBY, ONTARIO



THE KING'S HIGHWAY No 7, STREET VIEW

**NIA Architects Inc.**  
10 MARKET SQUARE COURT, SUITE 700  
TORONTO, ONTARIO M5X 1C5  
www.niaarchitects.com  
T: 416-270-7810 F: 416-900-5434



Proponent's Proposed Rendering – Semi-Detached Dwellings

SEMI-DETACHED DWELLING  
LOT NO 2

1 FERGUSON AVENUE, WHITBY, ONTARIO

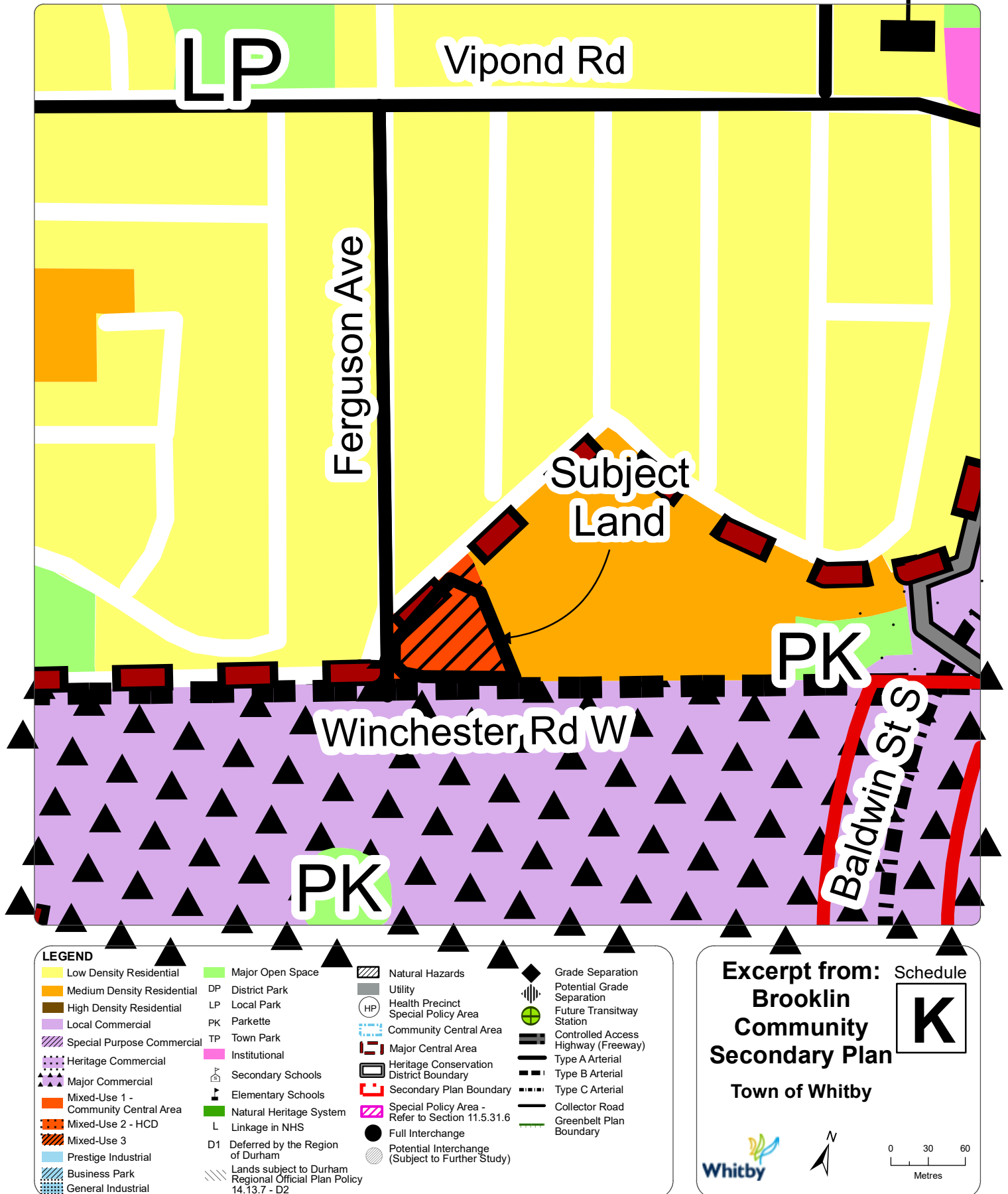


STATISTICS		Lot Area		Basement Floor		Ground Floor		2nd Floor		3rd Floor		Garage		GTA		Coverage		Notes		SHEET LIST	
	SQM	SQF	SQM	SQF	SQM	SQF	SQM	SQF	SQM	SQF	SQM	SQF	SQM	SQF	SQM	SQF	%			NO	SHEET NAME
LOT NO 1	477.91	5,144.22	133.06	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	39.68	427.12	483.62	483.62	5,265.72	174.65	36.54		A2.2	BASEMENT FLOOR PLAN
LOT NO 2	433.12	4,662.11	133.06	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	39.68	427.12	483.62	483.62	5,265.72	174.65	40.32		A2.3	BASEMENT FLOOR PLAN
LOT NO 3	433.12	4,662.11	133.06	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	39.68	427.12	483.62	483.62	5,265.72	174.65	40.32		A2.4	SECOND FLOOR PLAN
LOT NO 4	485.35	5,224.95	133.06	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	1,432.89	39.68	427.12	483.62	483.62	5,265.72	174.65	35.98		A2.5	THIRD FLOOR PLAN
																				A2.6	POOF PLAN
																				A2.7	WEST ELEVATION
TOTAL	1,829.51	19,692.88												1,924.49	18,822.87	696.40	38.18				



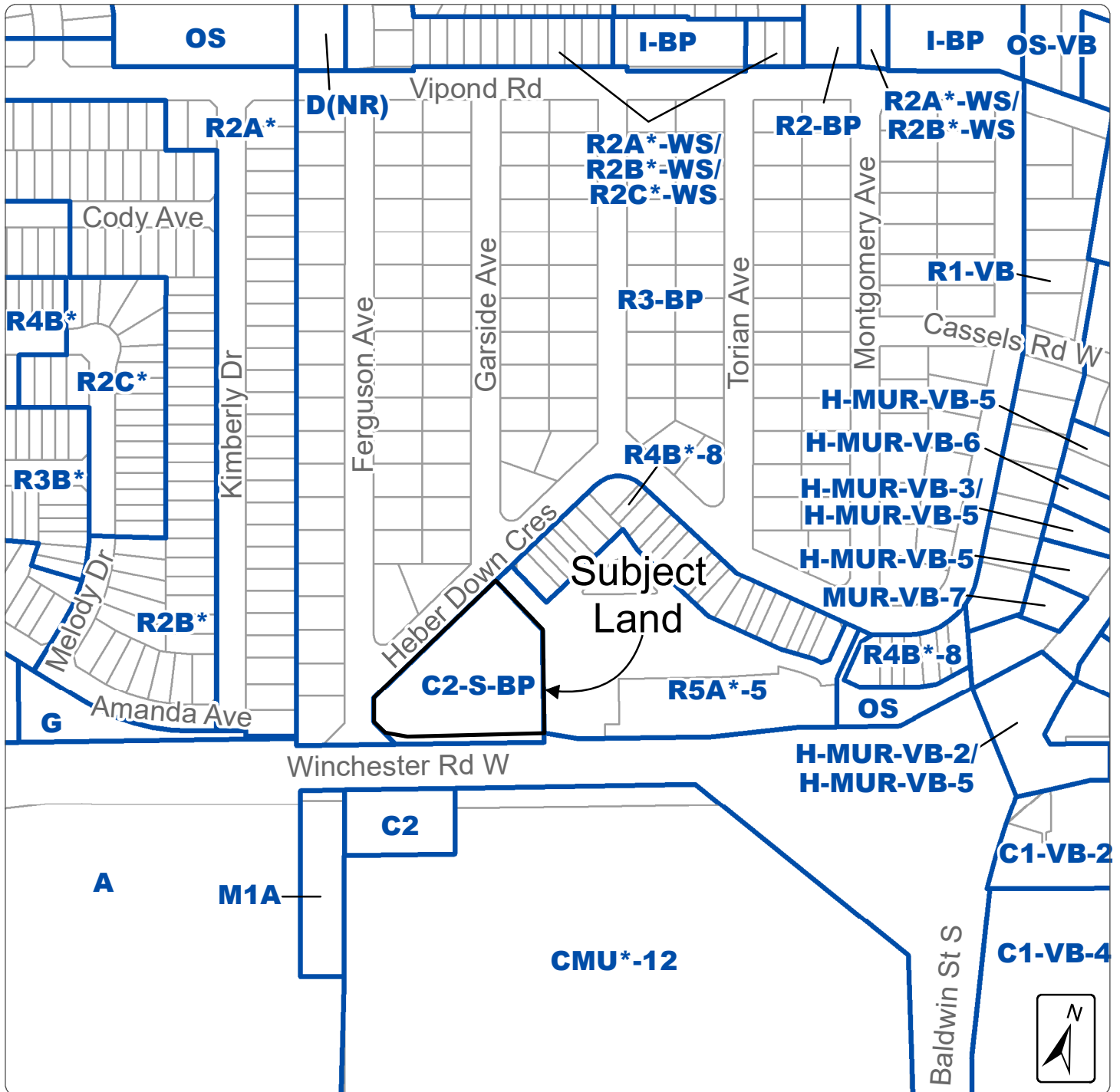
**NIA Architects Inc.**  
1000 KENNEDY AVENUE, SUITE 110  
MARKHAM, ONTARIO L3R 9W7  
T 416 225 8610 F 416 800 5544  
www.niaarchitects.com

## Excerpt from the Town of Whitby Secondary Plan Schedule K



# Attachment #7 Excerpt from Zoning By-Law 1784

PDP-03-23



## Town of Whitby Planning and Development Department

Proponent:  
Inuka Developer Inc.

File Number:  
DEV-25-22 (Z-17-22)

Date:  
February 2023

External Data Sources:  
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# Town of Whitby Public Meeting Report

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**Report Title:**    **DEV-01-23: Zoning By-law Amendment Application,  
1621 McEwen Drive  
File No. Z-01-23**

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**Date of meeting:**    February 13, 2023

**Report Number:**    **PDP 05-23**

**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:**

M. Wiannecki, Planner II, x. 2932

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## **1. Highlights:**

- An Application for a Zoning By-law Amendment has been submitted by 1351789 ONTARIO LIMITED for land municipally known as 1621 McEwen Drive.
- The proposal is to amend Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing unit located on the subject land.

## **2. Purpose:**

The Planning and Development Department is in receipt of an application for a Zoning By-law Amendment for the subject land. The purpose of this report is to present information related to the application at a statutory public meeting, as required by the Ontario Planning Act.

## **3. Background:**

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

The subject land is located at 1621 McEwen Drive (refer to Attachment #1). The subject land is approximately 1.61 hectares (3.99 acres) in size.

Surrounding land uses include industrial uses to the north and west, and open space and vacant land to the south and east (refer to Attachment #2).

The subject land currently consists of five (5) single-storey industrial buildings (refer to Attachment #3).

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

A Zoning By-law Amendment Application has been submitted by 1351789 ONTARIO LIMITED to amend Zoning By-law # 1784 to permit and operate a hydrolysis facility within an existing unit located on the subject land.

The hydrolysis facility will utilize aquamation, which is a flameless type of cremation. Hydrolysis facilities are generally associated with funeral home facilities. However, the applicant has confirmed that there will be no funeral home or funeral home services operating out of the proposed unit.

The proposal does not involve any external alterations or other site development. The proposed use will be contained within Unit #1 of Building A (refer to Attachment #3). Unit #1 includes a reception area, three (3) offices, a board room, a kitchen, a washroom, a utility room and a loading bay/storage area (refer to Attachment #4). The hydrolysis machine will be located within the loading bay/storage area. The minimum space requirements for the hydrolysis machine are 9 feet in height, 8.3 feet in width, and 19 feet in length (refer to Attachment #5).

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

The application was submitted with the following supporting documents:

- A Planning Rationale Report prepared by Batory: Urban Planning & Project Management, dated December 2022, which contains an overview of the subject land, the proposed development, and provides a detailed rationale regarding the application.
- A formerly approved Site Plan (1988), which illustrates the location of the unit associated with the application (refer to Attachment #3).
- A Floor Plan, which displays the proposed internal layout of the unit associated with the application (refer to Attachment #4).
- Minimum Space Requirements associated with the hydrolysis machine (refer to Attachment #5).

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

## **4. Discussion:**

### **4.1. Region of Durham Official Plan**

The subject land is designated as “Employment Areas” in the Regional Official Plan (ROP). Employment Areas permit a variety of industrial, manufacturing, processing and service industry related uses.

### **4.2. Whitby Official Plan**

The subject land is designated as “General Industrial” on Schedule A of the Whitby Official Plan (refer to Attachment #6). General Industrial areas permit a variety of manufacturing, processing, servicing and storage related activities. Because there are no funeral home activities associated with the hydrolysis facility, the use is considered to be an acceptable permitted use in the General Industrial designation.

### **4.3. Zoning By-law**

The subject land is zoned Prestige Industrial (M1A) Zone within Zoning By-law # 1784 (refer to Attachment #7). The M1A Zone permits manufacturing, assembly and warehousing type uses, but does not permit uses such as a hydrolysis facility. Therefore, a Zoning By-law Amendment is required to permit and operate a hydrolysis facility within an existing industrial unit located on the subject land.



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

Notice of the statutory public meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on the McEwen Drive frontage of the subject land in accordance with the Town's notification procedures.

## **6. Consultation with other Departments/Sources:**

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

## **7. Conclusion:**

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

## **8. Attachments:**

Attachment #1: Location Sketch

Attachment #2: Aerial Context Map

Attachment #3: Site Plan – Unit Location

Attachment #4: Unit #1 Floor Plan

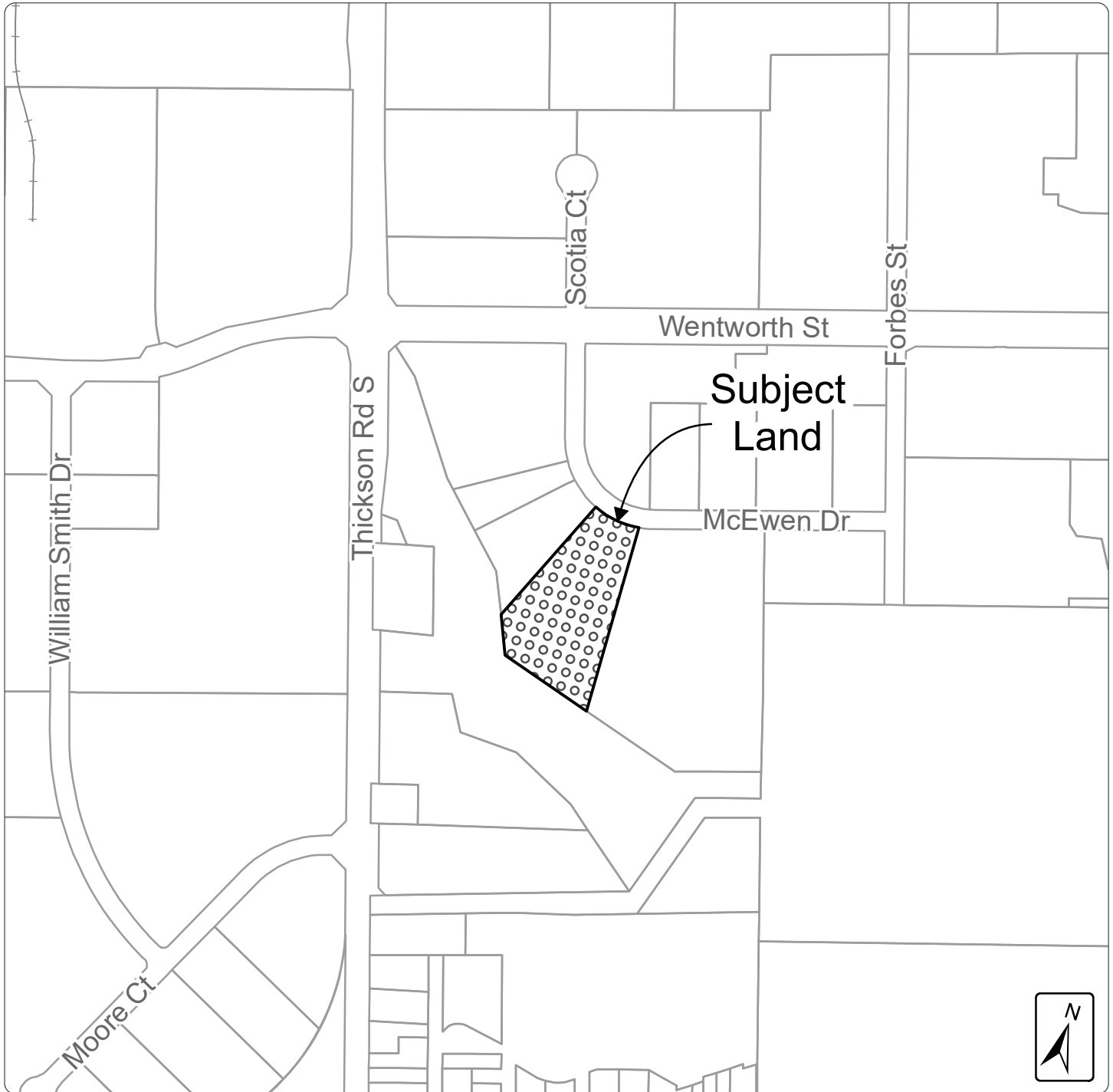
Attachment #5: Hydrolysis Facility – Minimum Space Requirements

Attachment #6: Excerpt from the Town of Whitby Official Plan – Schedule A

Attachment #7: Excerpt from Zoning By-law # 1784

# Attachment #1 Location Sketch

PDP 05-23



## Town of Whitby Planning and Development Department

Proponent:

1351789 ONTARIO LIMITED

File Number:

DEV-01-23 / Z-01-23

Date:

February 2023

External Data Sources:

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# Attachment #2 Aerial Context Map

PDP -05-23



## Town of Whitby Planning and Development Department

Proponent:  
**1351789 ONTARIO LIMITED**

File Number:  
**DEV-01-23 / Z-01-23**

Date:  
**February 2023**

External Data Sources:  
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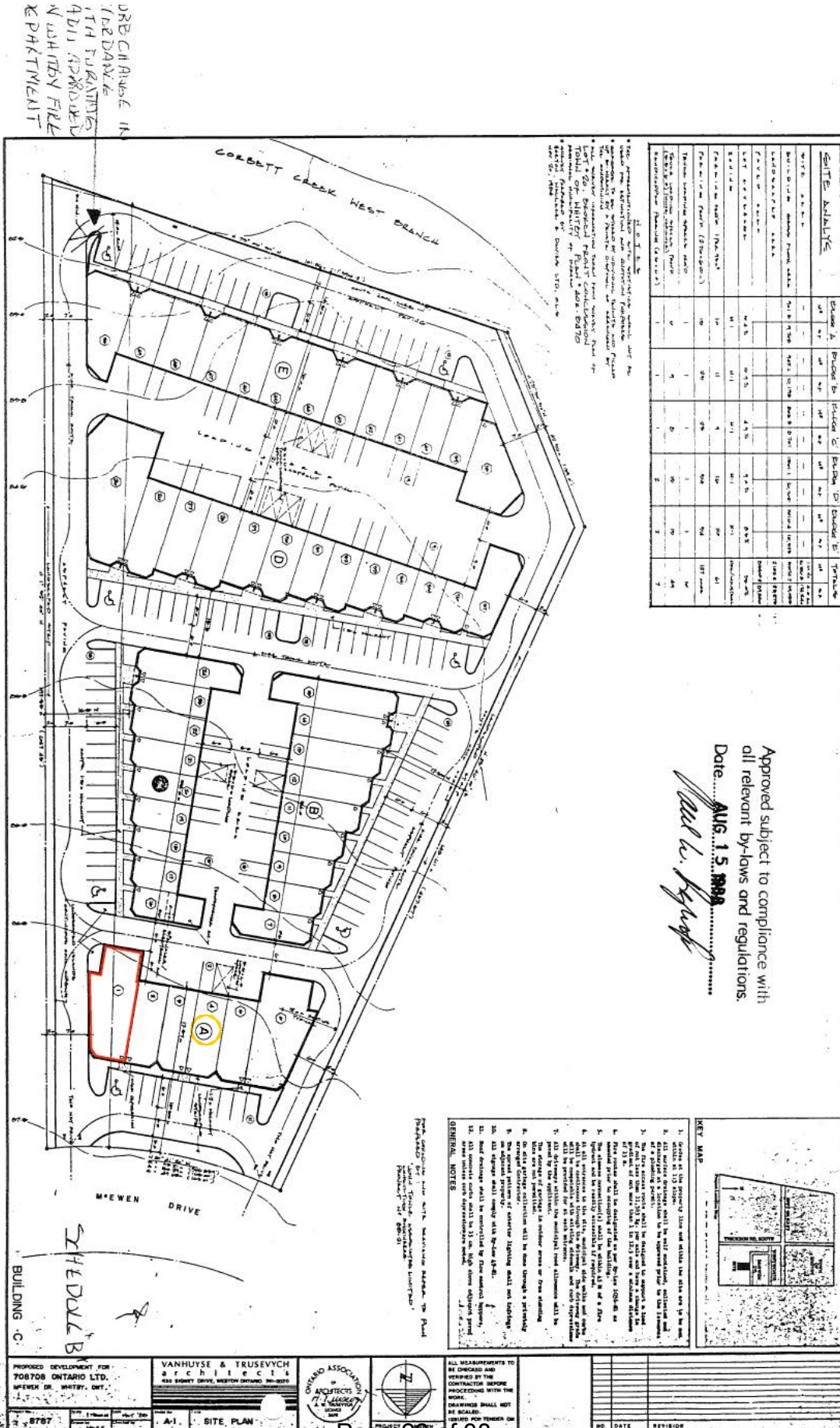
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# Attachment #3 Site Plan - Unit Location

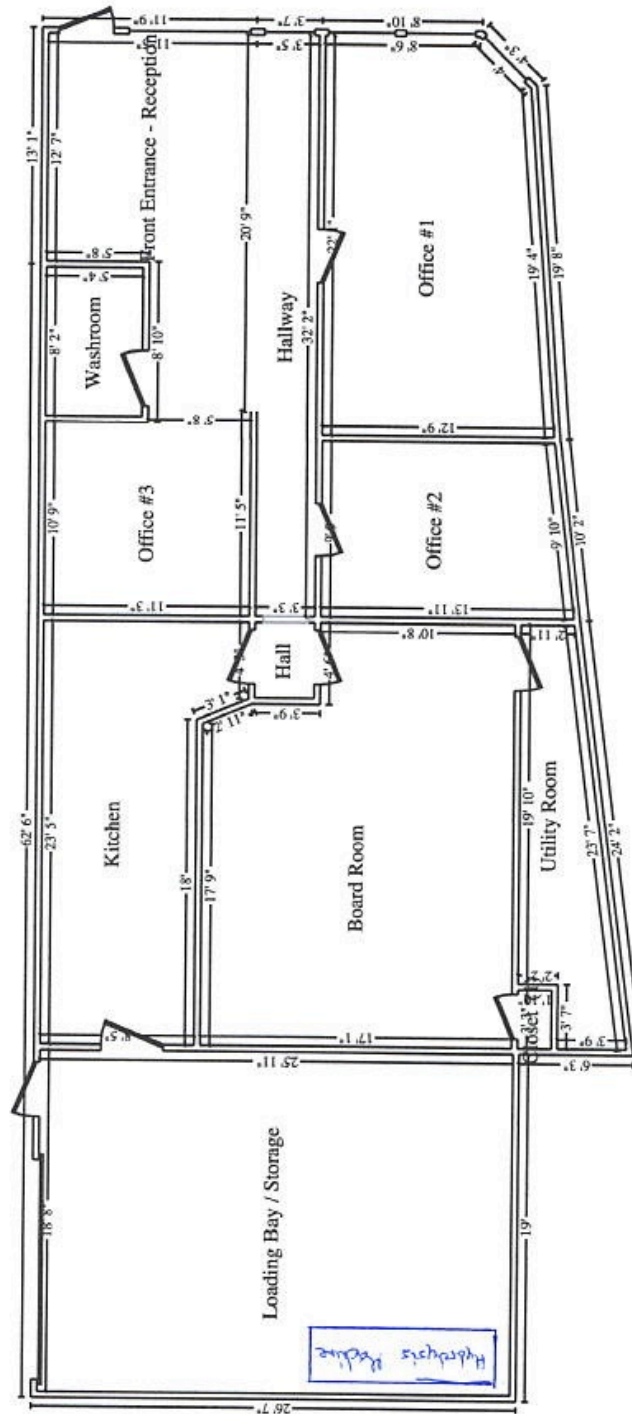
PDP 05-23



# Attachment #4 Unit #1 Floor Plan

PDP 05-23

1621 McEwen Dr. - Unit #1

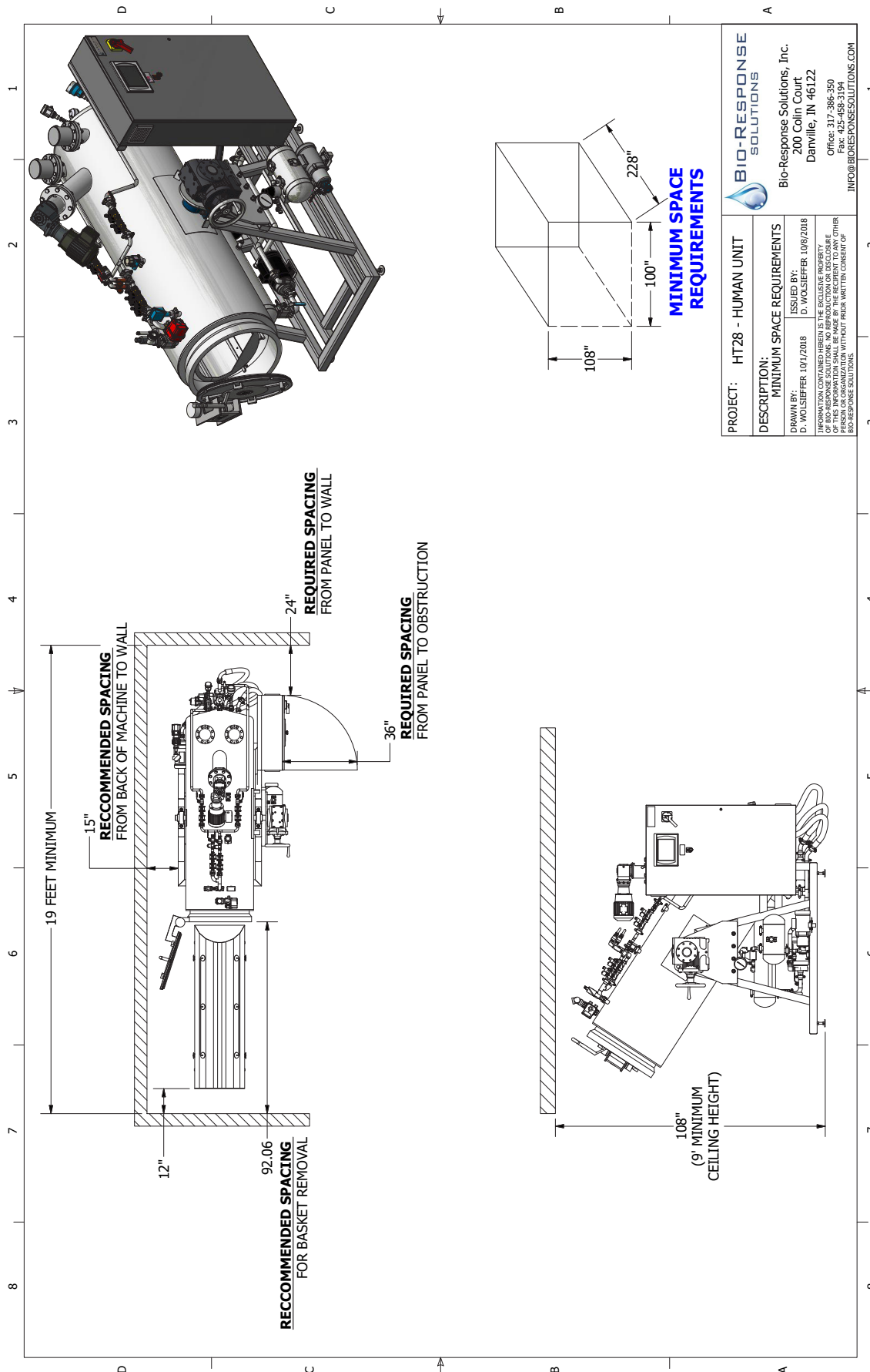


1621 McEwen Dr. - Unit #1

2020-05-22 Page: 11

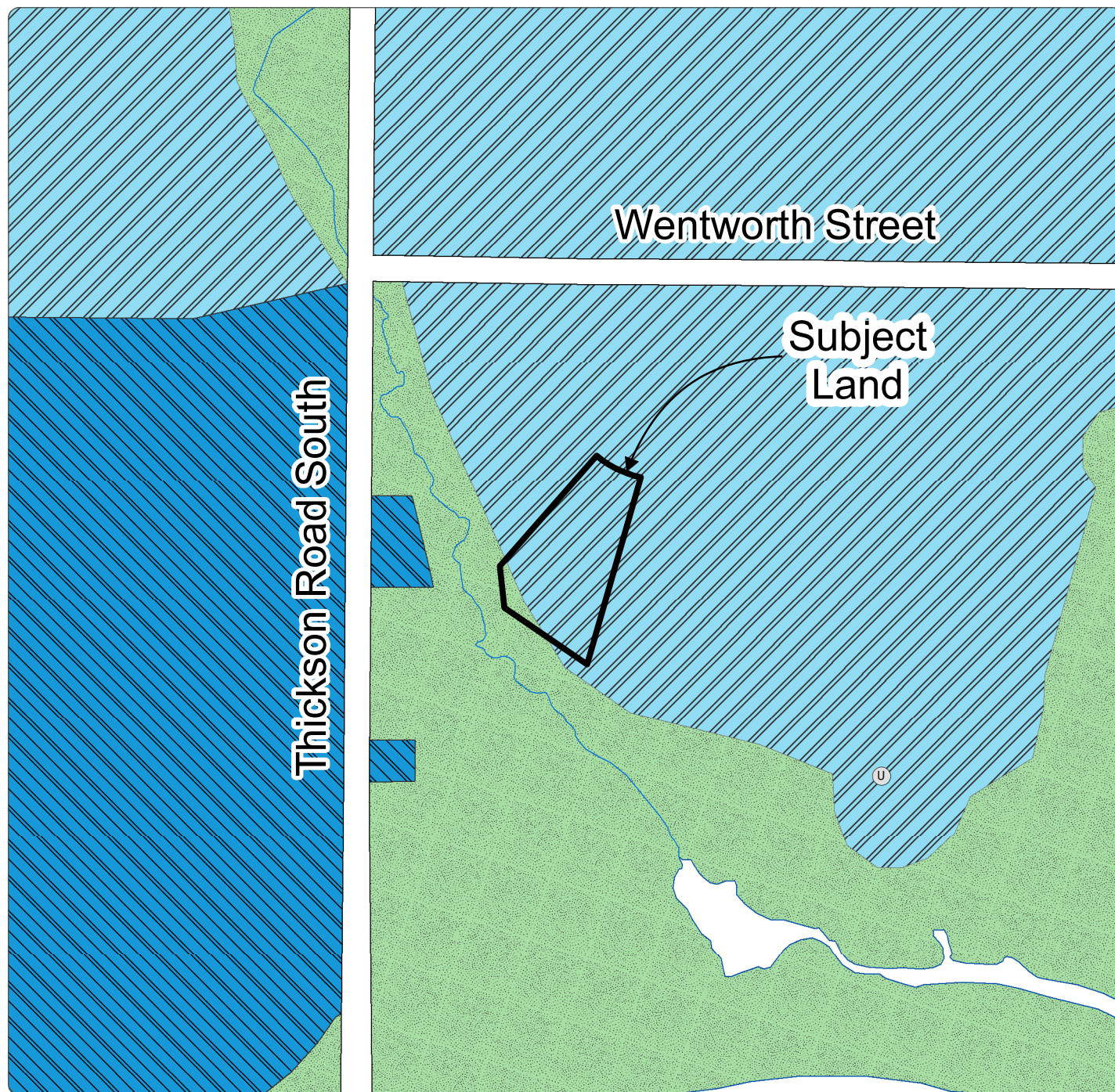
1351789-UNIT#1

## Hydrolysis Facility - Minimum Space Requirements





## Excerpt from the Town of Whitby Official Plan - Schedule 'A'

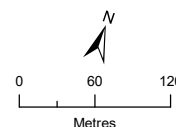
**Legend**

- |                            |   |                                   |
|----------------------------|---|-----------------------------------|
| Residential                | Lands Subject to Durham Regional Official Plan Policy 14.13.7 | D3 (Deferred by Region of Durham) |
| Major Commercial           | D Deferred by the Region of Durham                            |                                   |
| Community Commercial       | Local Central Area  |                                   |
| Special Purpose Commercial | Resource Extraction Area (See Section 4.12)                   |                                   |
| Mixed Use                  | Utility   |                                   |
| Prestige Industrial        | 2031 Urban Area Boundary                                      |                                   |
| General Industrial         | Community Central Area Boundary                               |                                   |
| Special Activity Node      | Future Urban Development Area Boundary                        |                                   |
| Institutional              | Greenbelt Protected Countryside Boundary                      |                                   |
| Major Open Space           | Hamlet Boundary   |                                   |
| Agricultural               | Major Central Area Boundary                                   |                                   |
| Hamlet                     | Municipal Boundary  |                                   |
| Estate Residential         | Southern Boundary of Oak Ridges Moraine                       |                                   |
| Special Policy Area        | Urban Central Area Boundary                                   |                                   |
| Refer to section 11.5.31.6 |   |                                   |

**Notes:** Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

Official Plan - Town of WhitbySchedule

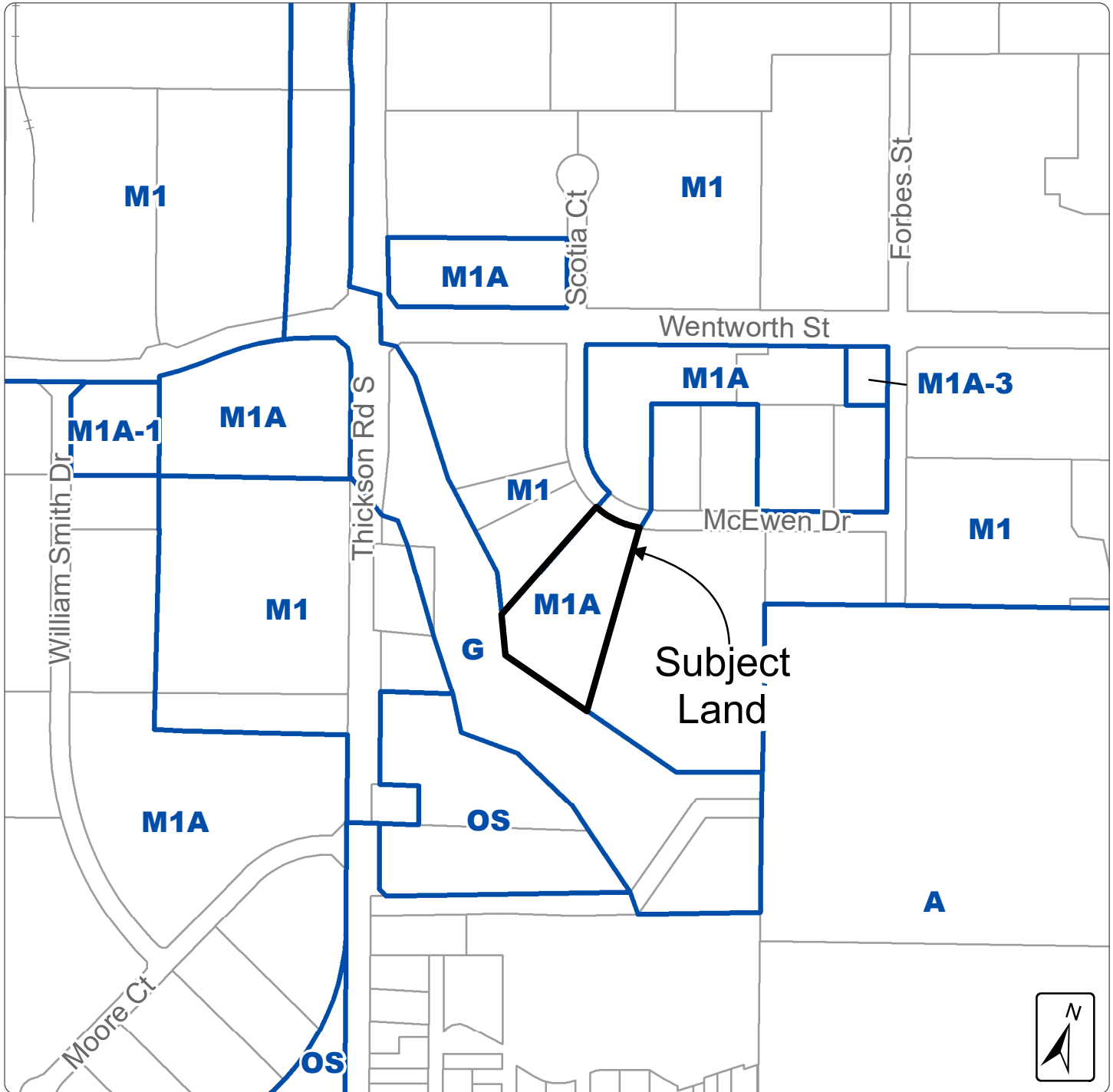
## Excerpt from Schedule 'A' Land Use



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.

# Attachment #7 Excerpt from Zoning By-Law 1784

PDP 05-23



## Town of Whitby Planning and Development Department

Proponent:  
1351789 ONTARIO LIMITED

File Number:  
DEV-01-23 / Z-01-23

Date:  
February 2023

External Data Sources:  
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# Town of Whitby Public Meeting Report

[whitby.ca/CouncilCalendar](http://whitby.ca/CouncilCalendar)



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**Report Title:**    **DEV-36-22: Official Plan Amendment Application OPA-2022-W/05, Zoning By-law Amendment Application Z-23-22 – 3 Cassels Road East, Brooklin**

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**Date of meeting:**    February 13, 2023

**Report Number:**    **PDP-06-23**

**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:**

Dave Johnson, Planner II – Heritage, x.  
3166

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Planning Report PDP-06-23 is presented for information purposes only, in accordance with the statutory public meeting requirements of the Planning Act R.S.O. 1990, c.P.13.

Anyone who attends the public meeting may present an oral submission, and/or provide a written submission to the Planning and Development Department on the proposed application(s). Also, any person may make written submissions at any time before Council makes a decision.

Additional information regarding statutory public meetings under the Planning Act can be found on the [Town's website](#).

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Whitby before the by-law is passed, the person or public body is not entitled to appeal the decision of Whitby Council to the Ontario Land Tribunal (OLT) and may not be added as a party to the hearing of an appeal before the OLT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

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## 1. Highlights:

- Applications for an Official Plan Amendment and a Zoning By-law Amendment have been submitted by Biglieri Group. on behalf of 2738183 Ontario Inc for lands municipally known as 3 Cassels Road East.
- The proposal is to change the land use designation from Mixed Use to Residential and change the zoning to an appropriate residential zone category to permit the construction of a single detached dwelling on a new, severed lot.
- The property is located within the Brooklin Heritage Conservation District (HCD) Plan area. The existing building at 3 Cassels Road East would be maintained as a commercial use, and the proposed construction of the new dwelling on the severed lot would require a Heritage Permit.

## 2. Purpose:

The Planning and Development Department is in receipt of applications for an Official Plan Amendment and a Zoning By-law Amendment for the subject land at 3 Cassels Road East. The purpose of this report is to present information related to the applications at a statutory public meeting, as required by the *Ontario Planning Act*.

## 3. Background:

### 3.1. Site and Area Description

The subject land is located at the southeast corner of Cassels Road East and Durham Street (refer to Attachment #1). The subject land is approximately 0.18 hectares in size. The subject land currently has one 2-storey building situated on the northern section of the property that fronts onto Cassels Road East, with driveway access on both Cassels Road East and Durham Street. The existing building was constructed in 1890 as a residence and has since been converted to commercial use.

Surrounding land uses include commercial to the east; residential to the south and west; and a public park to the north (refer to attachment #2).

### 3.2. Applications and Proposed Development

An Official Plan Amendment Application has been submitted to change the Mixed-Use designation in the Official Plan and Brooklin Community Secondary Plan. A Zoning By-law Amendment Application has been submitted to change the zoning to an appropriate zone category. The applications seek to permit the construction of a single detached dwelling on a proposed severed lot.



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### 3.3. Documents Submitted in Support

A number of documents were submitted in support of the applications, including the following:

- A proposed conceptual severance plan, dated September 26, 2022 (refer to attachment #3);
- An Arborist Report, dated August 19, 2022, prepared by DAWhiteTreecare.com, which identifies the health of existing trees on the subject land and provides recommendations for preservation and/or removal;
- An Archaeological Assessment (Stage 1-2) prepared by WSP, dated August 17, 2022, which concludes that the location meets the requirements for a Stage 3 Assessment;
- A Cultural Heritage Impact Assessment prepared by WSP, dated August 2022, which provides a summary of the historic context of the subject land and the surrounding area. The Assessment concludes that both Municipal and Provincial policies have been met with respect to the proposed development. The Assessment provides alternative and mitigative strategies and recommendations regarding alternative placement of a new proposed driveway;
- A Functional Servicing and Stormwater Management Report prepared by T.Y.LIN International Canada Inc., dated September 2022, which concludes that the proposed development can be serviced by existing and future external infrastructure and internal proposed infrastructure. The report also concludes that a hydrogeology study is required to determine the infiltration rates of soils to confirm if the proposed stormwater management strategy will be adequate;
- A Noise Impact Study prepared by Sonair Environmental, dated August 22, 2022, which recommends that no noise attenuation or clauses are needed as both transportation and stationary noise both fall within guideline limits;
- A Phase 1 Environmental Assessment prepared by Palmer, dated September 7, 2022, which concludes that potentially contaminating activities were not identified and based on the findings no further assessment or remediation is required;
- A Planning Rationale Report prepared by Biglieri Group, dated October 2022, which concludes that the proposed applications are consistent with Provincial, Regional and Local policies and that the proposed infill development represents appropriate and desirable development;

- A Sustainability Rationale Report prepared by the Biglieri Group, dated October 2022, which states that the infill development will achieve and commit to Tier 1 of the Whitby Green Standard; and,
- A Traffic Impact Brief, prepared by Paradigm, dated September 7, 2022, which concludes that the subject land is forecast to generate no more than 4 trips in both the AM and PM peak hours. The report also concludes that the infill development may proceed without any requirements for off-site transportation improvements.

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

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

##### **4.1. Region of Durham Official Plan**

The subject land is located within a “Regional Centre” and within the Urban System, as depicted on Schedule ‘A’ Map A4 of the Durham Regional Official Plan. Regional Centres are focal points of urban activities. They are to provide a fully integrated array of institutional, commercial, major retail, residential, recreational, cultural, entertainment and major office uses.

##### **4.2. Whitby Official Plan**

The subject land is designated Mixed-Use in the Town of Whitby Official Plan (refer to Attachment #4). The goal of a Mixed-Use area is to encourage mixed residential and commercial development and redevelopment to ensure an intensive, transit-supportive and efficient use of land (Policy 4.6.1.1) and to provide new opportunities for housing and employment that support the redevelopment of Mixed-Use areas (Policy 4.6.2.1). Lands designated Mixed-Use permit integrated mixed-use development and redevelopment that include residential, office, retail, restaurant, personal service and community and/or institutional uses.

The subject land is designated as Mixed-Use 2-HCD (refer to Attachment #5) and is located within the Major Central Area of the Brooklin Community Secondary Plan. Lands designated as Mixed-Use 2-HCD recognize the unique heritage character of the Brooklin Heritage Conservation District Plan area.

Within Mixed-Use areas, lands are to contain two or more of the permitted uses. An Official Plan Amendment is required to permit the development of the single detached dwelling on the proposed severed lot.

#### **4.3. Zoning By-law**

The subject land is zoned Mixed-Use Residential – Village of Brooklin (H MUR-VB) - Exception 5 under Zoning By-law # 1784. The H MUR-VB-Exception 5 zone permits a variety of uses including a Bed and Breakfast establishment in an existing dwelling, converted dwelling, boarding or lodging house in an existing dwelling, bakeshop or confectionary shop, personal service establishment, photocopy shop and a retail store.

A Zoning By-law Amendment is required to change the zoning to permit the proposed infill development of a single detached dwelling on the severed lot.

#### **4.4. Heritage**

The subject land is designated under Part V of the Ontario Heritage Act, as it is located within the Brooklin Heritage Conservation District (HCD) Plan area. The proposed infill development will be required to follow the policies of the HCD, specifically Section 6 for guidance on design and construction of new development. In general, the policies of the Brooklin HCD Plan seek to allow new compact redevelopment between heritage buildings, where the orientation of new buildings matches the dominant orientation of the street and require that front and side yard setbacks must comply with the zoning by-law.

Should the applications be approved, the Cultural Heritage Impact Assessment would have to be updated to address the Brooklin HCD Plan requirements once there is a design for the proposed single detached dwelling. This would need to be submitted with a Heritage Permit Application.

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

Notice of the Statutory Public Meeting was mailed to all property owners within 120 metres of the subject land at least 20 days prior to the meeting date. Furthermore, a public notice sign has been erected on both the Cassels Road East frontage and the Durham Street frontage of the subject land in accordance with the Town's notification procedures.

### **6. Consultation with other Departments/Sources:**

The applicable agencies and departments have been circulated the applications and copies of the associated supporting materials for their review and comment.

### **7. Conclusion:**

All comments received at this statutory public meeting, as well as any subsequent written submissions, will be considered by the Planning and Development Department as part of its review and analysis of the development

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applications. A recommendation report will be brought forward to the Committee of the Whole at such time as input from the commenting agencies, departments and the public have been received and assessed.

All persons who make oral submissions, or have requested notification in writing, will be given written notice of the future meeting of the Committee of the Whole at which the applications will be considered.

**8. Attachments:**

Attachment 1 - Location Sketch

Attachment 2 - Aerial Context Map

Attachment 3 - Proponent's Conceptual Severance Plan

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

Attachment 5 - Excerpt from the Town of Whitby Secondary Plan Schedule 'K1'

Attachment 6 - Excerpt from Zoning By-law # 1784

# Attachment #1 Location Sketch

PDP-06-23



## Town of Whitby Planning and Development Department

Proponent:  
2738183 Ontario Inc.

File Number:  
DEV-36-22  
(OPA-2022-W/05, Z-23-22)

Date:  
January 2023

External Data Sources:  
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# Attachment #2 Aerial Context Map

PDP-06-23



## Town of Whitby Planning and Development Department

Proponent:  
2738183 Ontario Inc.

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(OPA-2022-W/05, Z-23-22)

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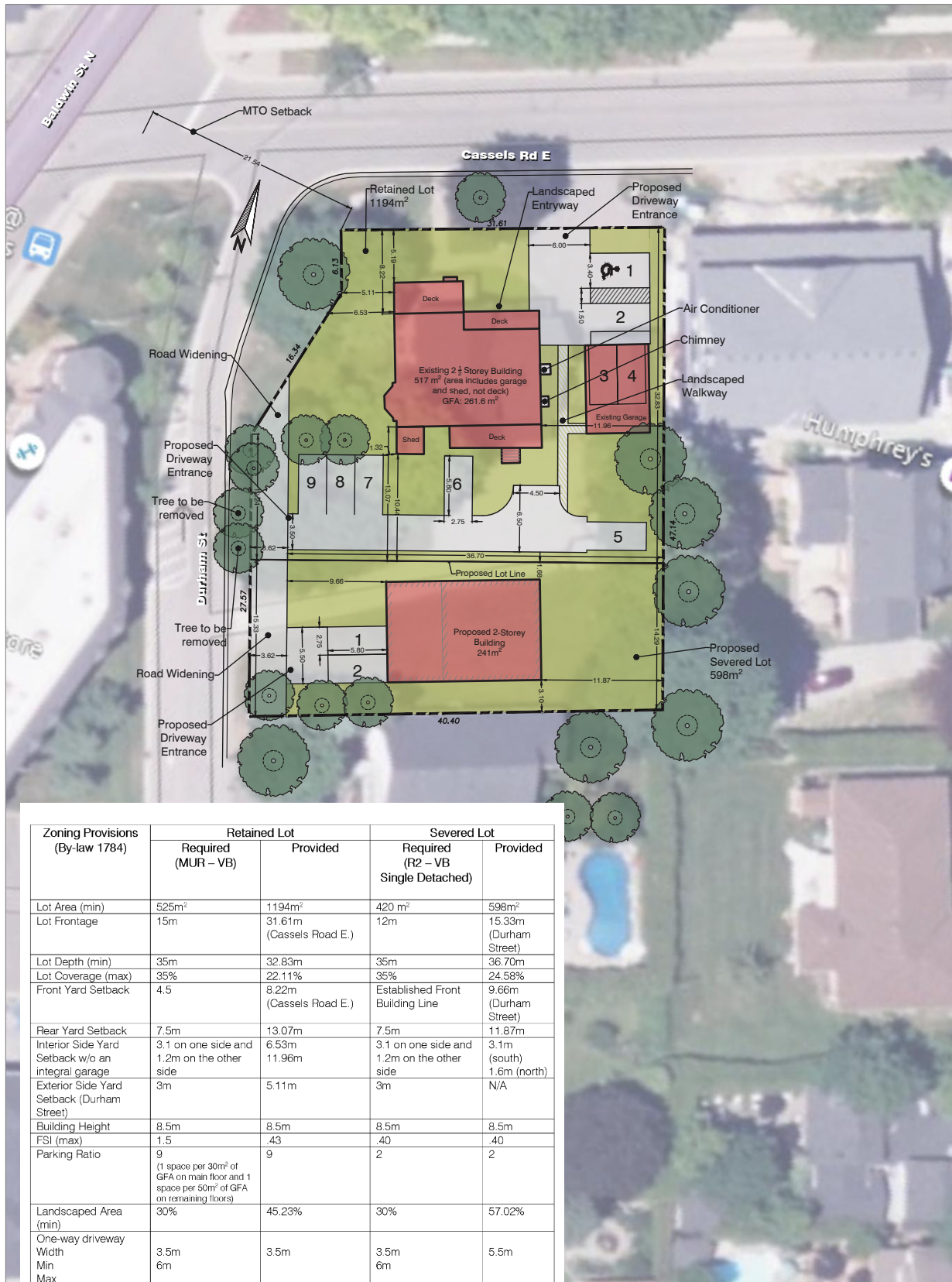
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# Attachment #3

## Proponent's Concept Severance Plan

PDP-06-23



**Conceptual  
Severance  
Plan 02**

ADDRESS:  
3 Cassels Rd E, Whitby

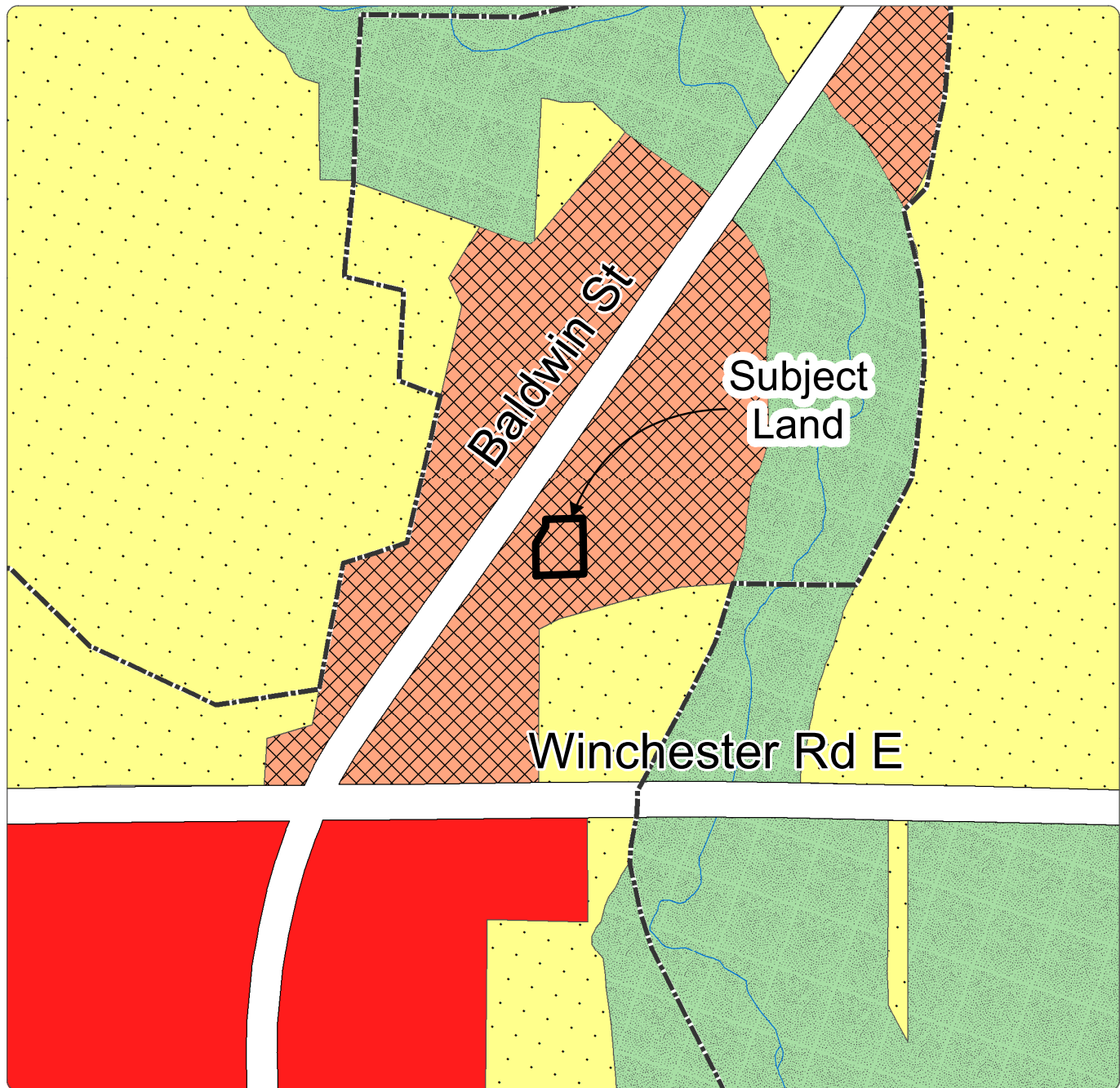
Project No:  
21788

September 26, 2022  
Scale: 1:300

Designed By: EC

**BIGLIERI  
GROUP**

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

**Legend**

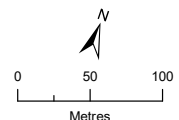
- |                            |   |                                   |
|----------------------------|---|-----------------------------------|
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| Agricultural               | Major Central Area Boundary                                   |                                   |
| Hamlet                     | Municipal Boundary  |                                   |
| Estate Residential         | Southern Boundary of Oak Ridges Moraine                       |                                   |
| Special Policy Area        | Urban Central Area Boundary                                   |                                   |
| Refer to section 11.5.31.6 |   |                                   |

Notes: Refer to the applicable Secondary Plan for more detailed land use designations. Secondary Plan boundaries can be found on Schedule 'E', including the Oak Ridges Moraine Secondary Plan. Some legend items may not appear on the displayed figure extent.

**Official Plan - Town of Whitby****Schedule**

# Excerpt from Schedule 'A' Land Use

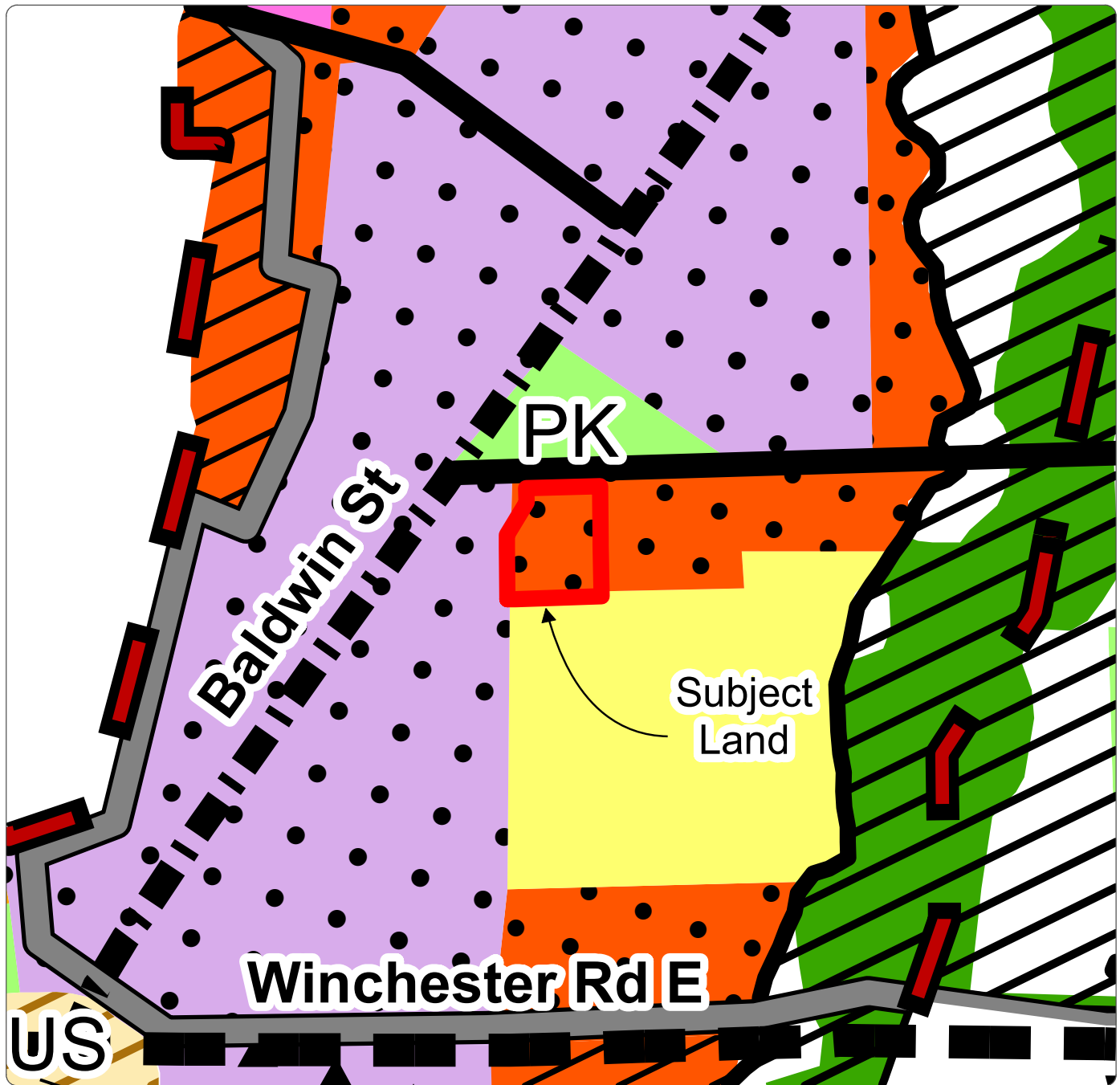
# A



This schedule forms part of the Official Plan of the Town of Whitby and must be read in conjunction with the written text. For all intents and purposes, the elements within this schedule are to be considered conceptual.



Excerpt from the Town of Whitby Secondary Plan Schedule 'K1'



**Legend**

Low Density Residential	Natural Heritage System	Controlled Access Highway (Freeway)
Medium Density Residential	Natural Hazards	Type B Arterial
High Density Residential	PK Parkette	Type C Arterial
Heritage Commercial	Urban Square	Collector Road
Major Commercial	Institutional	Full Interchange
Mixed-Use 2 - HCD	Major Central Area	Grade Separation
Mixed-Use 3	Heritage Conservation District Boundary	Future Transitway Station
Major Open Space	Pedestrian Promenade with Ground Floor Animation	

Excerpt from:  
Downtown Brooklin  
Major Central Area  
Brooklin  
Community  
Secondary Plan

Town of Whitby



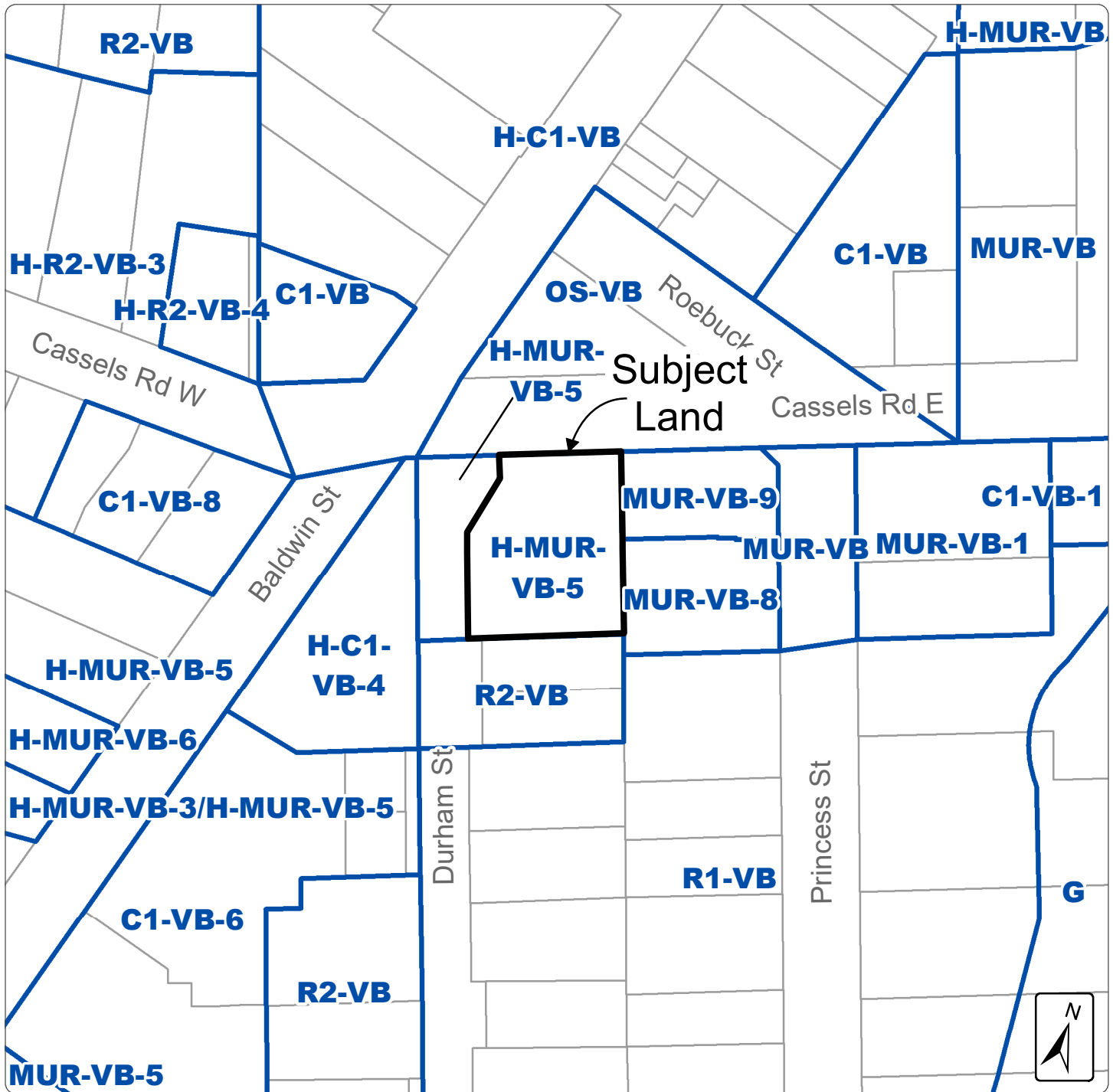
Schedule

**K1**



Attachment #6  
Excerpt from Zoning By-Law 1784

PDP-06-23



## Town of Whitby Planning and Development Department

Proponent:  
2738183 Ontario Inc.

File Number:  
DEV-36-22  
(OPA-2022-W/05, Z-23-22)

Date:  
January 2023

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