



INCORPORATED 1855

TOWN OF WHITBY REPORT

RECOMMENDATION REPORT

REPORT TO: Planning and Development Committee	REPORT NO: PL 30-08
DATE OF MEETING: March 10, 2008	FILE NO(S): Z-02-08
PREPARED BY: Planning Department	LOCATION: Concession 5, Part Lot 24
REPORT TITLE/SUBJECT: Zoning Amendment Application, 2112094 Ontario Limited	

1.0 RECOMMENDATION:

1. That Council approve zoning amendment application Z-02-08, to amend Zoning By-law 1784, subject to the comments and conditions contained in Planning Report, Item PL 30-08;
2. That the by-law to amend Zoning By-law No. 1784 be brought forward for consideration by Council;
3. If Council recommends approval of zoning amendment application Z-02-08, that condition of draft approval number 1 for plan of subdivision SW-2004-05 be amended to reflect the smaller parcel to be dedicated to the municipality for stormwater management purposes; and,
4. That the Region of Durham be advised of Council's decision.

2.0 EXECUTIVE SUMMARY:

N/A

3.0 ORIGIN:

The Planning Department is in receipt of a zoning amendment application for the above-captioned property.

4.0 BACKGROUND:

The subject property is part of a draft approved plan of subdivision known as Roybrook Farms (our file SW-2004-05). The plan of subdivision includes 105 condominium

townhouse units, a tot lot, open space associated with valley lands to the east, and a stormwater management block that was intended to serve the proposed townhouse units as well as the designated prestige industrial lands to the south. The designated industrial lands to the south were sold to Madison Properties by the previous owners of the lands. Madison Properties were to contribute to the cost of the lands associated with the stormwater management pond and for their proportionate share of the construction and design costs associated with enlarging the pond. A detailed review by Madison Properties engineering consultant determined that it would be in their best interest to provide their own stormwater management solution on their property (see Attachment # 3). The engineering review determined that in order to use the stormwater management pond on Roybrook Farm, excessive amounts of fill would be required to bring the site's grading to an appropriate level, which would be cost prohibitive.

As a result of Madison Properties decision to provide their own on site stormwater management system, the lands identified on the Roybrook Farm draft approved plan of subdivision for a stormwater pond are in excess of the technical requirements. The lands originally set aside for the pond were in the order of 4.5 acres, whereas, only 2.6 acres for the pond are now required to serve the Roybrook Subdivision. The applicant had completed the design for the larger pond, however, with Madison properties providing their own stormwater solution, the existing pond on site is adequate to provide stormwater management services to the residential plan of subdivision.

5.0 DISCUSSION/OPTIONS:

Site Location	:	Part of Lot 24, Concession 5, Block 5 (.765 ha) on draft 40M-plan (See Attachment # 1)
Present Use	:	Stormwater management pond and open space
Proposed Use(s)	:	Institutional uses
Present Zone Category	:	'G' – Greenbelt Zone, Zoning By-law 1784, as amended
Proposed Zone Category	:	'H-I*' – Holding Institutional

6.0 COMMUNICATION ISSUES/PLAN:

Notice of this meeting was mailed to all property owners within 120 metres (400 feet) of the subject property as well as all known purchasers of units within the Roybrook plan of subdivision. The applicant provided the Town with a list of all of their purchasers to date (none of the purchasers have closed). It should also be noted that the applicant's marketing information notes that the subject property "may" be

developed in the future and notification of the same is provided in their offer of purchase and sale.

In addition, a public notice sign was erected on the site in accordance the sign notification procedures prior to the public meeting date.

7.0 CONSIDERATIONS:

A. PUBLIC

N/A

B. FINANCIAL

N/A

C. IMPACT ON & INPUT FROM OTHER DEPARTMENTS/SOURCES

Whitby Hydro

Whitby Hydro has no objection to the proposed zoning amendment application. The applicant has entered into an Offer to Connect with Whitby Hydro regarding the residential hydro servicing.

Durham Regional Planning Department

General

The Region of Durham Works Department has no objection to amending the zoning of the subject property.

Municipal Water Supply

There is an existing 300mm watermain located at the intersection of Roybrook Avenue and Chelmsford Drive. The Region would require the applicant to construct a new 300mm watermain from this point, southeasterly along the full frontage of the subject site; with the full cost to be borne by the applicant.

Please be aware that there is currently no water supply available to service the subject site. This proposal is dependent upon:

- Completion and successful commissioning of the Zone 3 Reservoir.
- Conversion of the Interim Zone 3 water pressure zone; to the Zone 4 water pressure one.
- These works are expected to be completed in 2008.

Sanitary Sewer Servicing

Sanitary sewer servicing is not currently available to the subject site. However, there is an existing 375mm sanitary sewer located at the intersection of Roybrook Avenue and Chelmsford Drive. The Region would require the applicant to construct a new 375mm / 450mm sanitary sewer from this point, southeasterly along the full frontage of the subject site; and then continue easterly to connect into the existing 1200mm trunk sanitary sewer.

An Environmental Assessment would be required to determine the alignment for the necessary sanitary sewer. The Region has not identified these works within our 2008 Capital Budget and Four Year Forecast; nor in our 20-Year Projection. Therefore, the applicant and/or other benefitting landowners would be responsible for the full cost of the required works.

Summary

All Region of Durham concerns, financial and otherwise, will be covered through a Servicing Agreement.

The Region of Durham Works Department has no objection to further processing of the submitted Zoning By-law Amendment Application, subject to the applicant satisfying all Regional requirements with respect to the provision of services to the site.

Ministry of Transportation

The Ministry has reviewed the application and does not object to the zoning change of Block 5 on the draft 40M-plan (0.765 ha) from 'G' Greenbelt to 'I*' Institutional. As the subject property is within close proximity to the technically recommended route for Highway 407, the Ministry would like to be advised of any future plans/proposal concerning the property.

Town of Whitby Public Works Department

The Town of Whitby Public Works Department have no objection to the application. The applicant will be responsible to construct and extend Chelmsford Drive across the frontage of the subject lands and be responsible to enter into a separate agreement with benefitting parties, to which the Town is not a party, to address any cost sharing of the road.

The applicant shall also control the on site post development flows to pre-development flows as per the subdivision Stormwater Management report. The grading shall conform to subdivision drawing L-102 in order to drain the subject lands to the existing pond (this item can be addressed at the design stage).

CLOCA

Authority staff has reviewed the subject application and is satisfied that the area under consideration was excluded from the proposed stormwater management pond in the latest report reviewed and approved by staff. On this basis, the Authority has no objections to the requested zoning change.

The prestige industrial lands to the south are intending to provide their own stormwater management facility as opposed to a combined facility. To date however, a plan has not been approved.

Whitby Marketing and Community Services

There are no objections to changing the zoning on the subject property from 'G' – Greenbelt to 'H-I*' - Holding Institutional.

Whitby Fire and Emergency Services

Whitby Fire and Emergency Services have no concerns for the subject application.

Whitby Planning Department

The subject property is in excess of the technical requirements for the stormwater management pond as originally envisioned. The request to change the zoning on the excess lands by the applicant is reasonable, given that Town staff are not interested in the lands as part of the applicant's parkland dedication for the subdivision. The applicant has had several meetings with Town staff to determine an appropriate land use on the property. Given that the subject property is part of a buffer area between the residential subdivision to the north and future prestige industrial uses to the south, it was determined that institutional uses could act as an appropriate transition between the two uses. The Planning Department recommends that Council approve the zoning application (Z-02-08), subject to the following by-law format;

By-law format

- That the subject property be placed in an 'H-I*' – Holding, Institutional Zone. The holding provision would be placed on the property as a result of the property not having any public road frontage or direct municipal services at this time. The Institutional uses would be limited to a church, a community centre, a daycare centre, a Montessori school, and a fraternal lodge.

Revised Conditions of Draft Approval

Staff recommend that condition number 1 of draft approval for the plan of subdivision SW-2004-05 be amended to reflect the reduced size of the required stormwater management pond for the residential subdivision.

A Notice of Decision, amending the draft condition, will be issued by the Director of Planning once the zoning by-law amendment under Zoning Application Z-02-08 becomes final and binding. The draft plan will require amendment approval by the Director of Planning once the Notice of Decision appeal period has lapsed without appeal by the Subdivider and the Region of Durham. All other conditions of the draft approval as adopted by Council previously for the plan of subdivision shall apply. The subdivision agreement for the subdivision will not be issued until the zoning amendment is final and binding and the Notice of Decision is complete.

The revised condition number 1 is highlighted with bold text under the heading of Revised Conditions of Draft Plan Approval.

Revised Conditions of Draft Plan Approval SW-2004-05

1. The Owner shall prepare the final plan on the basis of the approved draft plan of subdivision prepared by Sernas Associates, dated _____ **2008**, project no. 00115, which illustrates a block for 105 condominium townhouse units, a commercial block, an open space block, a storm water management block, **an institutional block**, and roadways.
2. The Owner shall name road allowances included in this draft plan to the satisfaction of the Regional Municipality of Durham and the Town of Whitby.
3. The Owner shall submit plans showing the proposed phasing to the Regional Municipality of Durham for review and approval if this subdivision is to be developed by more than one registration.
4. The Owner shall convey sufficient road allowance widening to the Regional Municipality of Durham to provide a minimum of 15.0 metres measured from the centreline of Winchester Road to the south street line of Winchester Road.
5. The Owner shall grant such easements as may be required for utilities, drainage and servicing purposes to the appropriate authorities.
6. The Owner shall agree in the local municipal subdivision agreement to implement the recommendation of the report, entitled "Noise Impact

Study”, prepared by Sernas Associates dated September 22, 2004, which specifies noise attenuation measures for the development. The measures shall be included in the subdivision agreement and must also contain a full and complete reference to the noise report (i.e. author, title, date and any revisions/addenda) and shall include any required warning clauses identified in the study.

7. Prior to final approval, the proponent shall engage a qualified professional to carry out, to the satisfaction of the Ministry of Culture, an archaeological assessment of the entire development property, and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Culture confirming that all archaeological resource concerns have been met including licensing and resource conservation requirements.
8. The Owner shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Owner shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Regional Municipality of Durham, and are to be completed prior to final approval of this plan.
9. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
10. The Owner shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Regional Municipality of Durham concerning the provision and installation of sanitary sewers, water supply, roads and other regional services.
11. That prior to any on-site grading or construction or final approval of the plan, the Owner shall submit to, and obtain approval from, the Town of Whitby and the Conservation Authority for reports describing the following:
 - a) the intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in

accordance with provincial guidelines; Stormwater management measures shall generally conform with the revised Functional Servicing Report prepared for the site (Sernas Associates, December 2005), and details will be provided demonstrating the suitability of overland flow outlets into the valley.

- b) the anticipated impact of the development on water quality, as it relates to fish and wildlife habitat once adequate protective measures have been undertaken; and,
 - c) the means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works, to comply with the Canada Fisheries Act.
 - d) an open space naturalization plan for Block 1 on lands within 5 metres of the drip line associated with the forest located in Block 3.
12. The owner shall demonstrate to the satisfaction of the Central Lake Ontario Conservation Authority that fencing along the east limit of Block 1 can be constructed without significantly impacting on the abutting valleyland forest. The plan shall be revised where necessary to protect the existing forest edge.
13. Prior to on-site grading or construction, the Owner shall provide written confirmation from abutting property owners accepting changes in stormwater flows and any works required for the conveyance of these flows to the Lynde Creek.
14. Blocks 3 and 4 shall be dedicated to an appropriate public agency, and zoned appropriately to prohibit buildings or structures with the exception of those to be used for flood and erosion control.
15. Block 1 shall be zoned appropriately to prohibit buildings or structures within 5 metres of the eastern property line, with the exception of any fencing requirements imposed by the Municipality.
16. The Owner shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
17. The subdivision agreement between the Owner and the Town of Whitby shall contain, among other matters, the following provisions:

- a) The Owner agrees to carry out the works referred to in Conditions 11 & 12 to the satisfaction of the Central Lake Ontario Conservation Authority.
- b) The Owner agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
- c) The Owner agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

In order to expedite clearance of CLOC's conditions a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

- 18. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for the relocation of such facilities or easements.
- 19. The Owner shall be required to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the arrangement made for such servicing.
- 20. That the owner shall obtain MTO permits prior to any construction taking place.
- 21. That the owner shall grade all streets to final elevation prior to the installation of the gas lines and provide the necessary field survey information for the installation of the gas lines to the satisfaction of Enbridge Gas Distribution.
- 22. The Owner shall prepare and implement the following reports in accordance with the applicable guidelines and to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA	MTO
(a) Functional Servicing	X	X		
(b) Soil	X			
(c) Noise Report	X	X		
(d) Stormwater Management	X		X	X

Report	Town	Region	CLOCA	MTO
(e) Traffic Report	X	X		X
(f) Environmental Site Assessment	X		X	

23. The developer shall pay the Brooklin Special Levy financial requirements prior to the issuance of a building permit.
24. That the developer shall install a 1.83 metre acoustical fence along the northern portion of block 1.
25. Financial and Other Requirements of the Town
 - i) That the developer shall pay development levies to the Town of Whitby at the rate which is in effect at the time of registration of the plan or portion thereof. The developer shall be given credit for the existing dwelling on site.
 - ii) That the standard requirements for sidewalks, fencing, landscaping and architectural control be those in force at the time of subdivision agreement negotiations;
 - iii) That all plans shall be prepared and be related to the Universal Transverse Mercator and be provided in a form appropriate for use in the Town's Geographic information system;
 - iv) That the availability of full municipal services is a precondition to development, the construction of any building or structure.
 - v) That the subdivider's Consulting Engineer shall demonstrate how drainage during the Major Storm Event will be temporarily conveyed.
 - vi) That the actual lot frontages be established and reflected upon a draft 40M plan prior to approval of engineering drawings or opening of a sales office.
 - vii) Architectural control, the appointment of a control architect and the approval of the building elevations, streetscapes, colour packages and sitings at the cost of the developer and in accordance with the Town's established practice.
26. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:

- a) The Regional Municipality of Durham, how Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 have been satisfied
- b) The Central Lake Ontario Conservation Authority, how Conditions 11, 12, 13, 14, 15, 16 and 17 have been satisfied
- c) Bell Canada, how Conditions 18 and 19 have been satisfied
- d) MTO, how Condition 20 has been satisfied
- e) Enbridge Gas, how Condition 21 has been satisfied

D. CORPORATE AND/OR DEPARTMENT STRATEGIC PRIORITIES

N/A

8.0 SUMMARY AND CONCLUSION

The subject property is in excess of the applicants requirements for a stormwater management pond and is not suitable for municipal park purposes, therefore, Planning Staff recommend that Council approve the zoning application (Z-02-08) to change the zoning on the property from G-Greenbelt to 'H-I*' Holding limited Institutional uses.

9.0 ATTACHMENTS

- Attachment #1: Location Sketch
- Attachment #2: Approved Roybrook Plan of Subdivision
- Attachment #3: E-mail from Madison Properties engineering consultant

For further information contact:
John Taylor, Ext. 2275

Robert B. Short, Director of Planning, Ext. 4309

Kenneth Nix, Acting Chief Administrative Officer, Ext. 4314

WINCHESTER RD E

APPLICANTS' TOTAL
LAND HOLDINGS

**SUBJECT
LANDS**

BALDWIN ST S

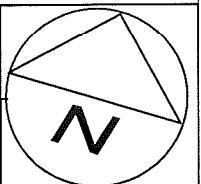
Town of Whitby Planning Department

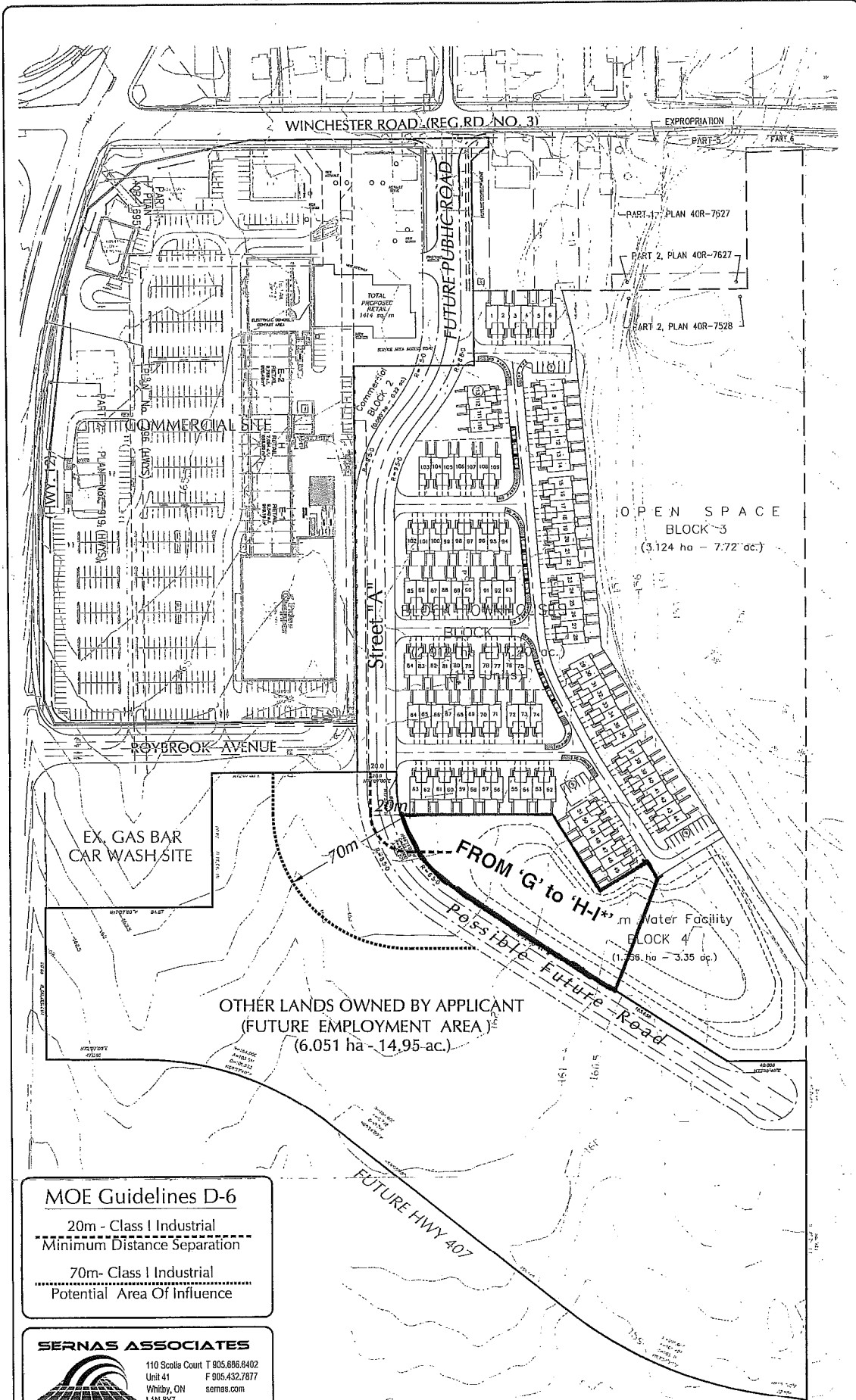
APPLICANT
2112094 ONTARIO LTD.

FILE NO.
Z-02-08

DATE
FEBRUARY 2008

SCALE
N.T.S.





MOE Guidelines D-6
 20m - Class I Industrial
 Minimum Distance Separation
 70m- Class I Industrial
 Potential Area Of Influence

SERNAS ASSOCIATES
 110 Scote Court T 905.886.8402
 Unit 41 F 905.432.7877
 Whitby, ON semas.com
 L1N 8Y7

Roybrook Farm
 NOVEMBER, 2004
 DRAWN BY: D.H.
 DESIGNED BY: W.H.
 CHECKED BY: B.J.
 SCALE: 1:1000
 0 10 20 30 40 50
 PROJECT No. 00115
 DRAWING No. MOE-1

PROPOSED SITE PLAN
 PART OF LOT 24
 CONCESSION 5
 TOWN OF WHITBY
 REGIONAL MUNICIPALITY OF DURHAM

ATTACHMENT #3

PL 30-08

Taylor, John

From: Parker, Trevor [tparker@scsconsultinggroup.com]
Sent: Tuesday, December 04, 2007 9:56 AM
To: Taylor, John
Cc: wayneh@alliancehomesinc.com; Stephen Ng; Schaefer, Steve
Subject: Madison Property at Roybrook Farms

Good morning John,

Further to our phone conversation this morning, Madison Properties has no intention of using the stormwater management facility currently located on the Oxnard lands. Madison Properties plans to utilize stormwater management techniques via pond or on-site controls (with a separate private stormwater outlet) that does not accept drainage or provide any control for external lands owned by any other party (i.e. MTO or other private land owners).

If you require anything further, please do not hesitate to call.

Trevor Parker, P. Eng.

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12/04/2007