

**Summary of Comments**  
B-001-2024 – 1335 Killarney  
Beach Rd



## COMMITTEE OF ADJUSTMENT MEMORANDUM

**APPLICATION NUMBER:** B-001-2024  
**ASSOCIATED FILE:** N/A  
**MEETING DATE:** April 18, 2024  
**TO:** Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment  
**FROM:** Keirsten Morris, Senior Planner  
**SUBJECT:** Consent to sever 1335 Killarney Beach Road to create one new lot by separating the commercial/mixed use zoned (severed) portion of the lands from the residential zoned (retained) portion of the lands which are part of the approved and registered 'LSAMI P3' Plan of Subdivision (Plan 51M-1240).

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### PROPERTY INFORMATION:

<b>Municipal Address</b>	1335 Killarney Beach Road
<b>Legal Description</b>	Concession 3, Part Lot 22, Block 39, Registered Plan 51M-1240
<b>Official Plan</b>	Downtown Commercial Area, Residential Medium Density (Schedule B3)
<b>Zoning By-law</b>	Mixed Use 4 (MU4), Residential Townhouse Exception with Hold (RT-32(H)) and Open Space (OS) Zones

### RECOMMENDATION:

The Planning Department recommends approval of application B-001-2024.

### REASON FOR APPLICATION:

The applicant is proposing to sever the subject property at 1335 Killarney Beach Road to create one new commercial/mixed use lot. The severed lands with existing restaurant would have an area of 0.16 ha (0.41 ac) with a frontage of 32m (106 ft) on Killarney Beach Road. The currently vacant retained lands would have an area of 1.25 ha (3 ac) with 138m (452 ft) of frontage on Ardill Street.

The purpose of the application is to separate the existing commercial/mixed use portion of the lands from the residential portion of the lands. The subject lands are part of the approved and registered LSAMI P3 subdivision, which was originally draft approved in February 2014 and registered in November 2022 as Plan 51M-1240. The proposed severed lands are shown as an existing commercial block on the LSAMI P3 Subdivision, separate from the residential Block 139, and therefore the applicant is requesting that the commercial block be separated through the subject consent application. The proposed residentially zoned retained lands (Block 139) are

currently subject to site plan control and condominium exemption applications to facilitate a 60-unit townhouse development.

**SURROUNDING LANDS:**

<b>North</b>	Killarney Beach Road and residential and commercial uses zoned Mixed Use 4 (MU4)
<b>East</b>	Residential and commercial lots zoned Mixed Use 4 (MU4), Ardil Street and an approved park and open space
<b>South</b>	Residential lots part of LSAMI P3
<b>West</b>	Residential and commercial lots zoned Mixed Use 4 (MU4), Metrolinx rail corridor

**ANALYSIS:**

<b>Site Inspection Date</b>	April 10, 2024
<b>Consistent with the Provincial Policy Statement (PPS):</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the Settlement Area of Lefroy-Belle Ewart as recognized by the Provincial Policy Statement (PPS). Section 1.1.3.1 states that settlement areas shall be the focus and growth of development.</p> <p>Section 1.1.3.2 states that land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomic expansion, and also states that land use patterns shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with Section 1.1.3.3.</p> <p>The proposed consent application would separate the existing commercial use from the remainder of the residentially zoned lands on existing municipal services within a settlement area. This would allow the residential portion of the lands to be developed for townhouses and the existing commercial use to continue on a separate lot. As such, the proposal is consistent with the PPS.</p>
<b>Consistent with the Provincial Growth Plan:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within a settlement area as per the Growth Plan. Section 2.2.1.2(a) states the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. The subject lands are within a settlement area, have existing or planned water and wastewater systems and will support the achievement of a complete community.</p> <p>Considering the above, Staff are of the opinion the proposal is consistent with the Growth Plan.</p>
<b>Consistent with the Lake Simcoe Protection Plan (LSPP):</b> <input checked="" type="checkbox"/> Yes	<p>The subject lands are located within a settlement area, therefore settlement area policies 6.32 to 6.34 of the LSPP apply. As the proposed consent does not result in any site alteration and subject to any conditions recommended by the Lake Simcoe Region</p>

<input type="checkbox"/> No	Conservation Authority, the proposed severance is consistent with the LSPP.
<p><b>Conforms to the County of Simcoe Official Plan:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The subject lands are designated ‘Settlements’ on Schedule 5.1 of the Simcoe County Official Plan. Section 3.5 of the County Official Plan applies to the Settlements designation and includes policies that focus population and employment growth within settlements, support development of a compact urban form that promotes the efficient use of land and provision of municipal services, promotes development forms and patterns that minimize land consumption and promotes healthy, complete and accessible communities that are in proximity to amenities, support services and transit. Section 3.3.2 of the County OP states that subdivision of land by plan of subdivision or consent are permitted for the land uses permitted in the designation or that maintain the intent of the Plan’s objectives and policies.</p> <p>As noted, the application would separate the existing commercial use from the remainder of the residentially zoned lands on existing municipal services within a settlement area. This would assist in facilitating the full development of the residential portion of the lands for a townhouse development within the LSAMI P3 subdivision in accordance with existing approved zoning and Official Plan policies. The application would also facilitate the continued commercial use of the severed lot in accordance with the Downtown Commercial Area designation of the Town’s Official Plan and Mixed Use (MU4) zoning applicable to the subject lands.</p> <p>Staff are of the opinion that the application conforms to the policies of the County of Simcoe Official Plan.</p>
<p><b>Conforms to the Town of Innisfil Official Plan:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The proposed severed lot is designated Downtown Commercial Area, and the proposed retained lot is designated Residential Medium Density on Schedule B3 to the Town Official Plan.</p> <p>The Residential Medium Density designation was recently applied to the proposed retained lands through Council adoption and County approval of an Official Plan Amendment (D09-2022-003) which came into effect on February 20, 2024, in order to facilitate a 60-unit townhouse development within the LSAMI P3 subdivision. No changes were made to the Downtown Commercial Area designation applying to the proposed severed lands through the Official Plan Amendment. Permitted uses in the Downtown Commercial Area designation include mixed residential/commercial uses and commercial uses.</p> <p>Staff have reviewed the criteria outlined in Section 22.8.1 to consider when evaluating consent applications. With respect to servicing, the Planning Opinion Report submitted with the application indicates that the existing restaurant was historically serviced by well, however the well was recently decommissioned, and the restaurant is now connected to municipal water. Planning Staff have confirmed with InnServices that there is a water service lateral at the property line and a building permit was issued in January 2024 to connect the</p>

	<p>existing restaurant to municipal water. The consent application conforms to the criteria of Section 22.8.1 in the opinion of Staff. There are no cash-in-lieu, servicing or other requirements necessary to allow the severance and no physical development is being proposed at this time on the severed lands, therefore there are no Planning conditions proposed. Conditions and requirements for the development of the retained lands (townhouses) are administered through the existing Site Plan process.</p> <p>Considering the above, Staff are of the opinion the application conforms to the Town of Innisfil Official Plan.</p>
<p><b>Complies with the Town Zoning By-law:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>The proposed severed lands are zoned Mixed Use 4 (MU4) by the Zoning By-law 080-13 and contain an existing restaurant, which is permitted in the MU4 zone. The proposed retained lands were subject to a recent Zoning By-law Amendment (D14-2022-019) which was approved by Council to rezone the lands to the Residential Townhouse Exception Hold (RT-32(H)) and Open Space (OS) Zones to facilitate development of a 60-unit townhouse development. The by-law came into effect February 20, 2024.</p> <p>The MU4 zone requires a minimum lot area of 1000m<sup>2</sup> and a minimum frontage of 15m. The proposed severed lot complies with these standards. The RT-32 (H) zone requires a minimum lot area of 120m<sup>2</sup> and minimum frontage of 6m. The proposed retained lot complies with these standards.</p> <p>Staff note that the existing restaurant has a legal non-complying maximum front yard setback of 6.2m where the standard is 5m and has a less than 1m landscaped strip adjacent to the front lot line where the standard is 1m. As the building is existing and the proposed severance will not increase any situation of non-compliance, the front yard setback and landscaped strip is grandfathered and permitted to exist under the legal non-complying provisions of Section 3.27 of the by-law.</p> <p>In consideration of the above, the subject application maintains the purpose and intent the Town's Zoning By-law.</p>
<p><b>Conforms to Section 2, 51(24) and 53(12) of the Planning Act:</b>  <input checked="" type="checkbox"/> Yes  <input type="checkbox"/> No</p>	<p>Staff have reviewed the matters under Sections 2, 51(24) and 53(12) of the Planning Act, and are of the opinion the proposed development conforms to these sections.</p>

**CONCLUSION:**

The Planning Department recommends approval of application B-001-2024.

**PREPARED BY:**

Keirsten Morris, Senior Planner

**REVIEWED BY:**

Steven Montgomery, MCIP, RPP, Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: April 12, 2024

FROM/CONTACT: Jocelyn Penfold ex 3506 jpenfold@innisfil.ca

FILE/APPLICATION: B-001-2024

SUBJECT: 1335 Killarney Beach Road

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**Comments to applicant/owner for information purposes** (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. No comments

**Condition of Approval** (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comments.



Engineering

MEMORANDUM TO FILE

**DATE:** April 12, 2024

**FROM/CONTACT:** Adil Khan ex 3244 akhan@innisfil.ca

**FILE/APPLICATION:** B-001-2024

**SUBJECT:** 1335 Killarney Beach Road

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**Comments to applicant/owner for information purposes** (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. Should any development occur, it will be subject to site plan control.

**Condition of Approval** (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. No comment.

## MEMORANDUM TO FILE

**DATE:** April 8, 2024  
**FROM/CONTACT:** Tony Mendicino, [tonym@innpower.ca](mailto:tonym@innpower.ca)  
**FILE/APPLICATION:** B-001-2024  
**SUBJECT:** 1335 KILLARNEY BEACH RD

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**Comments to applicant/owner for information purposes** (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

**NO OBJECTIONS TO THE SEVERANCE OF THE PROPERTY. HOWEVER, WE ASK THAT THE DEVELOPER CONTACTS INNPOWER TO START TO PROCESS OF IDENTIFYING CAPACITY ON OUR EXISTING CIRCUITS.**

**Condition of Approval** (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)





**To:** Town of Innisfil Committee of Adjustment - April 18<sup>th</sup>, 2024, Hearing  
**From:** *Adjacent Developments GO Expansion & LRT - Third Party Projects Review - Metrolinx*  
**Date:** April 15<sup>th</sup>, 2024  
**Re:** B-001-2024 - 1335 Killarney Beach Rd (also known as 970 Ardil St), Innisfil

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Metrolinx is in receipt of the Consent application for 1335 Killarney Beach Rd (also known as 970 Ardil St) to facilitate the severance of the lands to support the development of the lands to the south (retained lands) for a 60-unit townhouse development with access provided by an internal private condominium road with two accesses onto Ardill St. Metrolinx's comments on the subject application are noted below:

- The subject property is located immediately adjacent to the Metrolinx Newmarket Subdivision which carries Metrolinx's Barrie GO Train service.

Advisory Comments:

- Metrolinx is a stakeholder that is currently engaged in, and has provided comments on, the comprehensive application of the development including the Official Plan Amendment, Zoning By-law Amendment and Site Plan application (comments dated November 11, 2023).
- Any previous comments/requirements provided by Metrolinx and/or our Technical Advisor are still applicable.

Advisory Comments (Conditions to be Fulfilled Prior to Site Plan Approval):

The following are items to address the current severance application. The applicant is advised that all other conditions/requirements/agreements related to the comprehensive application must also be fulfilled prior to approval of the Site Plan. Additionally, the Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

- The proponent shall satisfy all Metrolinx rail safety requirements and the Owner shall enter into an "Adjacent Development Agreement" (ADA) with Metrolinx stipulating how applicable concerns will be addressed. The agreement will include an environmental easement for operational emissions, to be registered on title against all residential dwellings within 300 metres of the rail corridor and in favour of Metrolinx.
  - As part of the ADA, the Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement that is contained in the ADA for the Proponent's information. Registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
  - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the



possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,  
Farah Faroque  
Project Analyst, Third Party Projects Review  
Metrolinx  
10 Bay Street | Toronto | Ontario | M5J 2N8

### Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the “**Easement Lands**”).

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.