

Summary of Comments

B-027-2021 – 775 20th Sideroad



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-027-2021

MEETING DATE: June 16, 2022

TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment

FROM: Vanessa Witt, Senior Planner

SUBJECT: Consent to sever 775 20th Sideroad and 833 20th Sideroad for the creation of a new lot for an elementary school site with an associated childcare facility.

PROPERTY INFORMATION:

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| Municipal Address | 775 20 th Sideroad & 833 20 th Sideroad |
| Legal Description | INNISFIL CON 3 PT LOT 21 RP 51R36101 PART 1 & CON 3 N PT LOT 21 PLAN 1363 PT LOT 26 PT CEDAR ST RP |
| Official Plan | Community Space (Schedule B3) |
| Zoning By-law | Community Service Exception (CS-15 Zone) |

RECOMMENDATION:

The Planning Department recommends approval of application B-027-2021, subject to the following conditions:

CONDITIONS:

- 1.) The Applicant/Owner shall convey to the Town, in fee simple, free and clear of all encumbrances and for nominal consideration, the lands shown as Part 3 on the Severance Sketch prepared by KLM Planning Partners Inc. dated November 4, 2021, for a public road. The Owner's solicitor shall submit a title opinion on the Town's form for such transfer. The title opinion is to be reviewed and approved by the Town prior to registration of the Transfer.
- 2.) The Applicant/Owner shall convey to the Town, a temporary turning circle easement, free and clear of all encumbrances and for nominal consideration, shown as Parts 4, 5, 6 and 12 on the Severance Sketch prepared by KLM Planning Partners Inc. dated November 4, 2021. The Owner's solicitor shall submit a title opinion on the Town's form for such transfer of easement. The title opinion is to be reviewed and approved by the Town prior to registration of the Transfer.
- 3.) The Applicant/Owner shall obtain a Right-of-Way Activity Permit for the lands shown as Part 3 on the Severance Sketch prepared by KLM Planning Partners Inc. dated November 4, 2021 and enter into a Pre-Servicing Agreement for the retained lands for the construction of the works required to service the severed Lot, such

as but not limited to, the installation of sanitary sewer mains, watermains, storm sewers, stormwater management pond, utilities, a roadway and sidewalk connection from 20th Sideroad, and trail connection to the existing 20th Sideroad trail to provide an unbroken pedestrian link to the severed lands. All works shall be completed in accordance with Town Standards and to the satisfaction of the Town and/or InnServices.

- 4.) The Applicant/Owner shall obtain a Certificate of Substantial Completion from the Town, for the works constructed within the Right-of-Way Activity Permit noted above. The Certificate of Substantial Completion will not be issued until the works contained in the Pre-Servicing Agreement have been constructed and certified to the satisfaction of the Town and InnServices.
- 5.) The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town for the transfers set out in the above-noted conditions. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.

REASON FOR APPLICATION:

The applicant is proposing to sever a portion of the subject lands for the purpose of building an elementary school with an associated childcare facility. The severed lands are proposed to have an approximate lot area of 2.22 hectares (5.49 acres) and a frontage of 120 metres provided along the proposed McMaster Avenue right-of-way.

Staff note the subject lands are subject to an existing draft approved plan of subdivision, LSAMI P4, and the severed lands (school block) will ultimately be surrounded by residential development. The severance of the school site is required in advance of the subdivision being final approved and registered, due to the timing of the school board for the opening of the school (September 2023). Creation of a public road and temporary turning circle and servicing requirements are required conditions as a result.

SURROUNDING LANDS: 775 20th Sideroad

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| North | Draft Approved LSAMI P4 Subdivision (833 20 th Sideroad) |
| East | Draft Approved LSAMI P4 Subdivision & railway line |
| South | Agricultural lands |
| West | 20 th Sideroad |

SURROUNDING LANDS: 833 20th Sideroad

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| North | Killarney Beach Road |
| East | Single detached dwellings |
| South | Draft Approved LSAMI P4 Subdivision (775 20 th Sideroad) |
| West | 20 th Sideroad |

ANALYSIS:

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| Site Inspection Date | November 19, 2021 |
| Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | The subject lands are within a settlement area as defined in the PPS. Section 1.1.3.1 states settlement areas shall be the focus of growth and development. |

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| | <p>Section 1.6.1 and 1.6.3 speak to planning for public service facilities to be available to meet current and projected needs and considering using existing public service facilities before developing new ones. Since the Simcoe Muskoka Catholic District School Board (SMCDSB) has identified a need for the proposed school, has accepted this site as appropriate for an elementary school, and has received provincial funding to construct the school, the application is consistent with these policies.</p> <p>The proposed school site is not within direct vicinity of any natural hazard lands and therefore is consistent with the policies in Section 3.1.</p> <p>In consideration of the above, the application is considered consistent with the PPS, subject to the proposed conditions.</p> |
| <p>Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>The subject lands are within a settlement area as defined in 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 proposed lot is within the delineated built boundary of the Lefroy Belle Ewart settlement area and is proposed to be on full municipal servicing. Additionally, the proposed lot will contribute to a complete community by providing a public service facility in the form of an elementary school. Staff are of the opinion the proposal is consistent with the Growth Plan.</p> |
| <p>Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>Since the subject lands are within a settlement area, settlement area policies 6.32 to 6.34 of the LSPP apply. The subject lands are approximately 1.5km from the Lake Simcoe shoreline, maintain appropriate vegetation protection zones from key natural heritage or hydrologic features, and are not in the immediate vicinity of any natural hazard lands. As such, the proposed development is consistent with the LSPP.</p> |
| <p>Conforms to the County of Simcoe Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>The subject lands are designated Settlements on Schedule 5.1 to the County of Simcoe Official Plan. Policy 3.5.7 states settlement areas shall be the focus of population and employment growth and their vitality and regeneration shall be promoted. Institutional land uses shall be developed within settlement area boundaries on land appropriately designated in a local municipal official plan for the use. Policy 3.3.2 states subdivision of land by plan of subdivision or consent are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies. Additionally, Policy 4.2.1 directs community facilities, such as schools, to settlement areas.</p> <p>Since the Town Official Plan designation for the subject lands permits schools and day nurseries, the subject lands are within a Draft Approved Plan of Subdivision (LSAMI P4), and the school is proposed to be within the Lefroy Belle Ewart settlement area, the application conforms to the County of Simcoe Official Plan.</p> |

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| <p>Conforms to the Town of Innisfil Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>The subject lands are designated Community Space on Schedule B3 to the Town of Innisfil Official Plan. Section 8.2 includes schools and day nurseries as permitted uses within the Community Space designation.</p> <p>Due to the identified need for the elementary school by September 2023, if the consent application were to be approved, the school site would very likely be developed before the remainder of the LSAMI P4 subdivision. As such, Staff will work with the applicant through the Site Plan Control process to ensure active transportation is appropriately addressed through the design of the school site and through the ultimate build out of the surrounding subdivision, as per Section 8.3.</p> <p>Within the Urban Settlement Areas (including Lefroy Belle Ewart), where full municipal services are not available, creation of new lots shall be prohibited until full municipal services are available (Section 9.3.2). The school site is proposed to be municipally serviced through easements from Killarney Beach Road through 833 20th Sideroad to the proposed lot. To address servicing requirements, Staff are recommending a Pre-Servicing Agreement and Right-of-Way Activity Permit as a condition of approval.</p> <p>Section 5.3.19 speaks to the creation of new lots directly abutting an open and maintained public road. To ensure the application is in conformity with this policy and access is provided via a public road to the proposed lot, Staff request a Pre-Servicing Agreement and Right-of-Way Activity Permit as well as the transfer of Part 3 on the submitted severance sketch to the Town for a public road as conditions of approval (and transfer of temporary turning circle at terminus of road).</p> <p>Staff have reviewed the criteria outlined in Section 22.8.1 to consider when evaluating consent applications and have no concerns with the application conforming to these criteria.</p> <p>Considering the above, Staff are of the opinion the application conforms to the Town Official Plan, subject to conditions.</p> |
| <p>Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | <p>The subject lands contain a variety of zones on Schedule A to Zoning By-law No. 080-13. More specifically, where the new lot is proposed, the lands were rezoned through application D14-2021-011 to Community Service Exception Hold (CS-15(H)) Zone to permit a school and an associated childcare facility, along with some site-specific provisions relating to the layout of the school.</p> <p>The proposed lot frontage and lot area comply with the Community Service (CS) zone requirements and the site layout details are currently being reviewed under the Site Plan Control application. In consideration of the above, the subject application complies with the Town's Zoning By-law.</p> |

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| Conforms to Section 2, 51(24) and 53(12) of the <i>Planning Act</i>: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <p>Section 51(24) requires regard to be had for such matters as the effect of development on matters of provincial interest; the suitability of the lands for the purposes for which it is to be subdivided; the adequacy of school sites; the adequacy of utilities and municipal services; dimensions and shape of the proposed lot; and the whether the plan conforms to the Official Plan and adjacent plans of subdivision. The application conforms to the Official Plan and adjacent LSAMI P4 subdivision, proposes an educational facility which the lands are appropriately designated and zoned for, and proposes adequate utilities and municipal services.</p> <p>In Staff's opinion, the proposed development conforms to Section 2, 51(24) and 53(12) of the Planning Act, subject to the proposed conditions. A Site Plan Control application has been submitted for the development and is currently under review. Staff note cash-in-lieu of parkland is not being required as this matter will be dealt with through the Lefroy Cost-Sharing Agreement and future subdivision redline process for the balance of the lands surrounding the school site, where parkland will be calculated overall for the entire subdivision.</p> |
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CONCLUSION:

The Planning Department recommends approval of application B-027-2021, subject to the proposed conditions.

PREPARED BY:

Vanessa Witt, MCIP, RPP
Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Acceleration



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: June 8, 2022

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

FILE/APPLICATION: B-027-2021

SUBJECT: 775 20th Sideroad

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 SERVICES

MEMORANDUM TO FILE

DATE: December 8, 2021
FROM/CONTACT: Tim Gignac
FILE/APPLICATION: B-027-2021 (775 20th Sideroad)
SUBJECT: Committee of Adjustment Applications – December 2021
Engineering Services Review Comments

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):

- The Applicant/Owner shall be subject to site plan control and must go through the site plan control process to address, but may not be limited to, such matters as site layout, lot grading, Site servicing, stormwater management, tree preservation and compensation for removal, and LID measures.

Conditions 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):

- Engineering has no conditions currently. All items will be captured at the site plan application stage.



Sent via e-mail: Toomaj Haghshenas <thaghsheenas@innisfil.ca>

December 2nd, 2021

Town of Innisfil File No: B-027-2021
LSRCA File No.: CO-400030-091421

Toomaj Haghshenas
Development Coordinator – Planning Services
Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON
L9S 1A1

Dear Mr. Haghshenas:

Re: Application for Consent
Owner: Filren Corporation
Agent: KLM Planning Partners Inc.
833 & 775 20th Sideroad, Town of Innisfil

Thank you for circulating the subject application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. We understand that this consent application is for the purpose of creating a new community service lot. The severed lands will have a proposed lot area of 2.22 hectares and a proposed lot frontage of 119.97m. The retained lands will have a proposed lot area of 26.83 hectares.

Documents Received and Reviewed by Staff

Staff have received and reviewed the following documents submitted with this application:

- Notice of Hearing for Committee of Adjustment Package, dated Nov. 18th, 2021

Staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interested regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 179/06 of the *Conservation Authorities Act*. LSRCA has also provided comments per our MOUs with the County of Simcoe and the Town of Innisfil. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies. Finally, LSRCA has provided advisory comments related to policy applicability and to assist with implementation of the South Georgian Bay Lake Simcoe Source Protection Plan under the *Clean Water Act*.

Recommendation

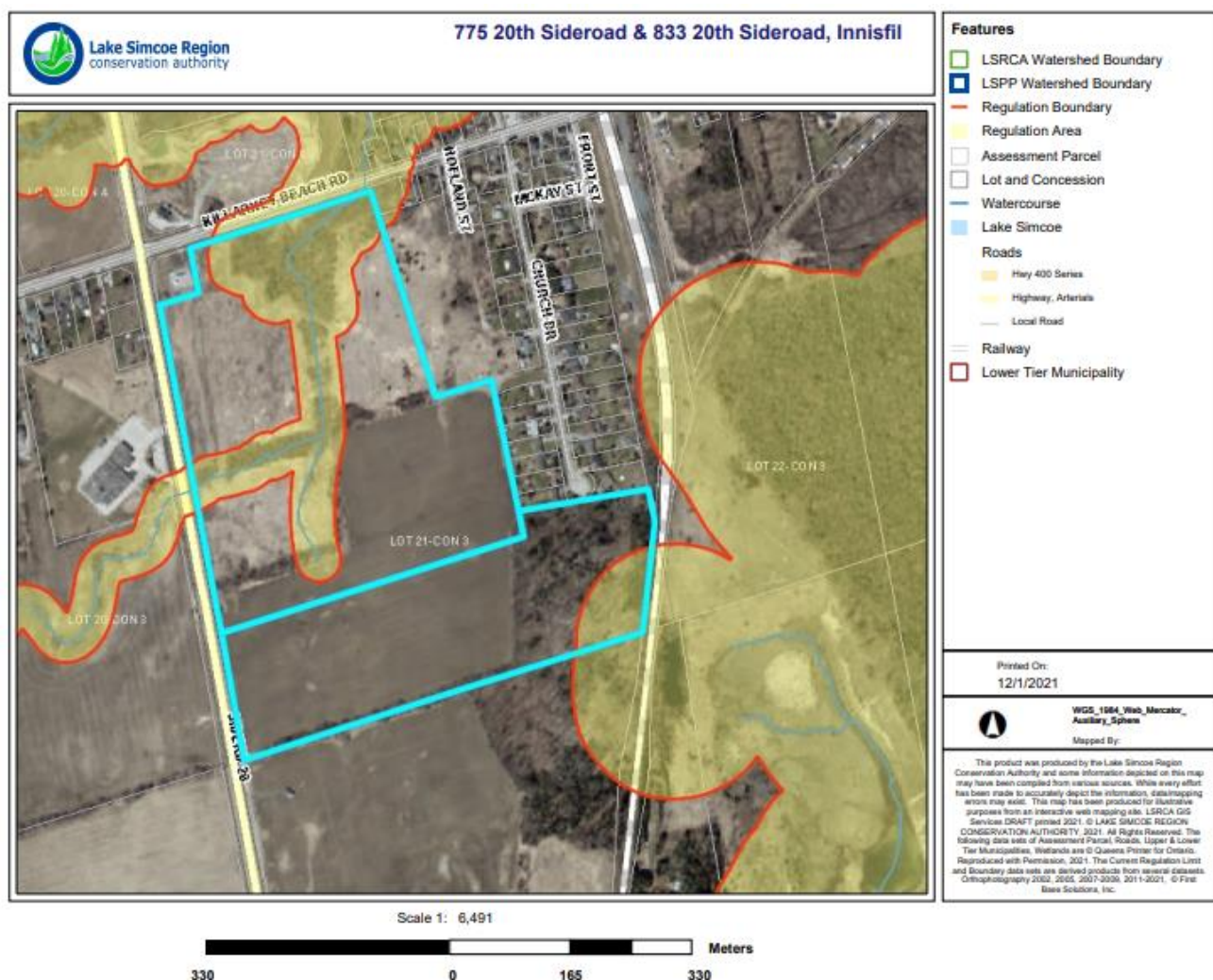
Based on our review of the submitted information, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, County, and local plans. On this basis, we recommend approval of this application.

Site Characteristics

The subject property lies partly within a regulated area, as per Ontario Regulation 179/06 of the *Conservation Authorities Act*. This is due to the presence of a watercourse (Carson Creek) and its associated meander belt and floodplain hazard areas. The area to be severed does not appear within the regulation limit.

The subject property is currently zoned as “RT-11 (H) - Residential Townhouse EXCEPTION 11 HOLDING SYMBOL”, “R2-5 (H) - Residential EXCEPTION 5 HOLDING SYMBOL”, “EP - Environmental Protection”, “OS - Open Space Public Park”, “R2-6 (H) - Residential EXCEPTION 6 HOLDING SYMBOL”, “R1-27 (H) - Residential EXCEPTION 27 HOLDING SYMBOL”, “R1-26 (H) – Residential EXCEPTION 5 HOLDING SYMBOL”, “R1-28 (H) - Residential EXCEPTION 28 HOLDING SYMBOL”, “CN-12 (H) - Commercial Neighbourhood EXCEPTION 12 HOLDING SYMBOL”, “RT-12 (H) - Residential Townhouse EXCEPTION 12 HOLDING SYMBOL”, “CS-6 (H) - Community Services EXCEPTION 6 HOLDING SYMBOL”.

This application for consent is part of a broader development plan for the subject property.



Delegated Responsibility and Statutory Comments:

1. LSRCA has reviewed the applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (2020). This proposal has demonstrated consistency with Section 3.1 of the PPS.
2. LSRCA has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 179/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LSRCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The subject property is regulated as per Ontario Regulation 179/06 of the *Conservation Authorities Act*. Any future development or site alteration will require an LSRCA permit ahead of issuance of municipal building permits. An LSRCA permit is not required as part of this consent application.

Summary

Based on our review of the submitted information, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial, County, and local plans. On this basis, we recommend approval of this application.

Given the above comments, it is the opinion of the LSRCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated.
2. Ontario Regulation 179/06 applies to the subject property. An LSRCA permit is not required as part of this consent application.

Should you have any questions concerning these comments, please do not hesitate to contact the undersigned (l.munnoch@lsrca.on.ca) referencing the above file numbers in any correspondence. Please advise our office of any decision made with regard to this matter.

Sincerely,



Liam Munnoch
Planner 1
Lake Simcoe Region Conservation Authority