## COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING APPLICATION NO. A-066-2023

TAKE NOTICE that an application has been received by the Town of Innisfil from Jessica Kwan, Applicant, on behalf of Innisfil Beach Park GP Inc., Owner, for a minor variance from Zoning By-law 08013, pursuant to Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended.

The subject properties are described legally as INNISFIL CON 7 PT LOT 6 RP 51 R20977 PART 2 PT PARTS 13 and INNISFIL CON 7 PT LOT 6 RP 51R20977 PT PART 7, are known municipally as 3575 Innisfil Beach Rd and $72675^{\text {th }}$ Sideroad, and are zoned as "Industrial Business Park (IBP)".

The applicant is proposing to construct an industrial building with 12 accessible parking spaces. The applicant is seeking relief from Section 3.35.3 (a)(vi) of the Zoning By-law which requires 25 accessible parking spaces.

The Committee of Adjustment for the Town of Innisfil will consider this application in person at Town Hall and virtually through Zoom on Thursday, November 16, at 6:30 PM.

To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code: https://innisfil.ca/en/building-and-development/committee-of-adjustment-hearings.aspx

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to planning@innisfil.ca.

If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed minor variance, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Ontario Lands Tribunal.


Additional information relating to the proposed application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at planning@innisfil.ca.

Dated: November 1, 2023
Toomaj Haghshenas,
Secretary-Treasurer thaghshenas@innisfil.ca
705-436-3710 ext. 3316






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October 16, 2023
Committee of Adjustment
Town of Innisfil
2101 Innisfil Beach Road, Innisfil, ON
L9TS 1A1
Attn: Mr. Toomaj Haghshenas
Secretary Treasurer
Dear Mr. Haghshenas,
Re: Planning Justification Brief - Application for Minor Variance $72675^{\text {th }}$ Sideroad \& 3575 Innisfil Beach Road, Town of Innisfil Southwest corner of Innisfil Beach Road (County Road 21) and Highway 400 Part of the North Half of Lot 6, Concession 7

### 1.0 Introduction

On behalf of Innisfil Beach Park GP Inc. (the "Owner"), Broccolini Real Estate Group ("Broccolini") is pleased to submit this Application for Minor Variance in respect of the lands municipally known 7267 $5^{\text {th }}$ Sideroad \& 3575 Innisfil Beach Road in the Town of Innisfil and legally described as Part of the North Half Of Lot 6, Concession 7, in the Geographic Township of Innisfil, County of Simcoe (the "Subject Lands").

This letter provides the planning analysis and justification in support of an Application for Minor Variance to facilitate the development of a $116,665 \mathrm{~m}^{2}\left(1,255,776 \mathrm{ft}^{2}\right)$ industrial warehouse and logistics facility (the "proposed industrial facility") on the Subject Lands - refer to Figure 1 or Attachment 1 -Site Plan. A Site Plan Application for this facility will be submitted to the Town for review by or before the end of October 2023.

To facilitate the proposed industrial facility, a public local road and a stormwater management (SWM) pond located immediately south of the Subject Lands, as shown on Figure 1, will be transferred to the Town through a separate process. Vehicular access for both lots will be provided through the new local road.

A concurrent Application for Consent has been submitted to the Town to allow for the creation of two industrial lots, of which the proposed industrial facility will be located on the severed lot (Lot A). No development has been proposed for the retained lot (Lot B) at this time and will be subject to a future site plan application for future development.

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Figure 1 - Proposed Site Plan


### 2.0 Requested Variances

The following minor variances to the Town of Innisfil Zoning By-law 080-13, as amended, are being requested:
a. To increase the maximum permitted building height from 11 m to 16 m (Table 6.2 F )
b. To reduce the minimum landscaped open space requirements from $20 \%$ to $13 \%$ (Table 6.2)
c. To permit outdoor storage whereas Section 3.34 f) i) prohibits outside storage
d. To permit loading spaces in the yards facing, 5th Side Road, Highway 400 and County Road No. 21 (Sections 3.34 f) iii), 3.28.6, 3.28.8)
e. To reduce the minimum rear yard setback from 20 m to 19 m (Table 6.2 E )
f. To reduce the minimum number of required parking spaces from 816 spaces to 375 spaces (Section 3.35.1.1)
g. To reduce to minimum number of required accessible parking spaces from 25 spaces to 12 spaces (Section 3.35.3 a) iv))
h. To reduce the minimum lot frontage from 50 m (for exterior lots) to 32 m on Lot B (retained Parcel) as a result of the proposed severance (Table 6.2 A)

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### 3.0 Justification

Pursuant to Section 45(1) of the Planning Act, the following four (4) tests are prescribed to determined if a minor variance should be approved:

- Is the application in keeping with the general intent and purpose of the Official Plan?
- Is the application in keeping with the general intent and purpose of the Zoning By-law?
- Is the application desirable and appropriate for the development or use of the land, building or structure?
- Is the application minor in nature?


## Town of Innisfil Official Plan

The Subject Lands are identified as being located within "Strategic Settlement Employment Area" on Schedule A: Municipal Strategy pursuant to the Town of Innisfil Official Plan 2018 (the "OP"). The OP further designates the Subject Lands as "Employment Area" on Schedule B6: Land Use: Innisfil Heights. Permitted uses within the Employment Area, include but are not limited to, industrial operations in enclosed buildings, including manufacturing, processing, assembling, repairing, warehousing and distribution and office uses.
The OP identifies policy objectives for development in Employment Areas under Section 12 including:

1. To create a clear identity for Innisfil Heights through unique design, signage, landscaping, etc.
2. To encourage a diversity of employment uses, activities and sizes of development.
3. To permit a wide range of employment and employment-supportive uses, in the right locations and with policies that are supportive and flexible.
4. To ensure that new development occurs in an orderly manner in conjunction with appropriate water and wastewater services
5. To encourage streetscape, façade improvements and improvements to the public realm that will revitalize and enhance the physical character of the area
6. To establish a gateway around the Highway 400 and Innisfil Beach Road interchange to the Town of Innisfil and to employment, commercial recreational and tourism uses in the area

Section 12.1 also provides the following related to employment/industrial developments within Innisfil Heights:
12.1.1 Innisfil Heights, as shown on Schedule B6, must be planned to ensure the availability of large lots that support permitted uses. Unless shown otherwise, compromised by design limitations associated with environmental features, property configurations, the provision of new roads or existing development, the minimum lot size on the remaining undeveloped lands shall be 5 hectares with larger lot sizes encouraged.

An "Employment Area Supportive Commercial Area Overlay" applies to the northern portion of the Subject Lands, while a "Primary Visual Impact Area Overlay" applies to the westerly half of the Subject Lands on Schedule B6. An "Enhanced Streetscape Area Overlay" applies to only the area of the Subject Lands fronting along Innisfil Beach Road. Within the Enhanced Streetscape Area, the Subject Lands are also identified as Primary and Secondary Gateways into Innisfil Heights.

The Employment Supportive Commercial Overlay policies under Section 12.6 provides flexibility in terms of permitted uses, including restaurants and retail stores. This policy does not apply to the proposed development as industrial uses are proposed on the Subject Lands.

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Section 12.7.2 - Primary Visual Impact Area Overlay outlines design policies and criteria for developments subject to this overlay. These design policies include:
a) On lots adjacent to either Highway 400 or Innisfil Beach Road the buildings close to either road shall front toward that road
b) Outdoor storage and ancillary outdoor storage uses shall not be permitted, except where it exists at this time this Plan came into effect
c) Notwithstanding sub-section b) above, ancillary outdoor storages may be permitted on lands within the Primary Visual Impact Area Overlay that are outside of the Employment Supportive Commercial Area overlay in the southwest quadrant of Innisfil Heights, provided such ancillary outdoor storage is not located between the building and Highway 400 and is screened from view from Highway 400.
d) Parking and loading areas, service areas and large parking areas shall be suitably screened and locating such areas in any yard abutting or visible from Highway 400 is strongly discouraged.

Section 12.8 - Enhanced Streetscape Area Overlay of the OP requires developments located within this overlay to have a high level of building architecture, along with enhanced landscaping and gateway features and are more specified on the following design policies:
12.8.2 Buildings located within the Enhanced Streetscape as shown on Schedule B6 shall be given special treatment through the use of massing and building articulation strategies, such as added height, special roof treatments, and use of special cladding materials. In addition, the Enhanced Streetscape shall consist of decorative streetscape elements such as lighting, banners, street trees, enhancing landscaping and gateway features.

Policy 12.8 .5 provides policies to plan and design Gateways to:
i) Encourage a high quality design in the built form which is distinctive and which contributes to the identify of the particular gateway;
ii) Orient the most active and architecturally detailed building façade to the public street by use of main entrances and a large percentage of fenestration addressing the streetscape

Section 12.9.4 provides design additional design criteria within the private realm of development sites in Innisfil Heights and should be characterized by the following:
i) Building entries that front onto the street
ii) Consistent building setbacks within minimum setbacks
iii) Visually interesting façade treatments through materials, articulation and form
iv) Articulated and varied wall treatments, visible from the public right-of-way
v) Superior building design and quality in priority / prestige locations
vi) Screening of outdoor storage, loading areas and industrial activities
vii) Consolidated access points / driveways
viii) Siting parking lots to the side and/or rear of buildings
ix) High quality landscaping and landscape buffers along the street

The proposed minor variances maintain the purpose and intent of the Employment Area land use designation, and the intended design policy criteria of the Employment Supportive Commercial and Enhanced Streetscape Area Overlays.

At a proposed height at approximately 50 feet tall, the proposed industrial facility at over 1,200,000 square feet is poised to become one of the largest buildings within the region and is appropriate to anchor this gateway location at the intersection of Highway 400 and Innisfil Beach Road into Innisfil

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Heights. The proposed increase will contribute to achieving the OP's vision of providing "added height" to emphasize the important the gateway function of this site.

The building will be designed with high quality and distinctive treatments and materiality, which will create a visually aesthetic building at this important gateway location. The building elevations, as shown on Attachment 2 - Elevations, are comprised of metal panels of various colours, concrete precast panels, aluminium panels, architectural fins, as well as vision, spandrel and tempered glass. A large amount of high-quality glazing will be used throughout the building to provide a variation of wall treatments. In particular, the main office area of the building is proposed to be facing Highway 400 as shown on Attachment 3 - Coloured Rendering. The massing of the office facing Highway 400 is approximately two thirds in height of the main building height and includes balconies and terraces with high quality glass railings that will be visible from Highway 400 and Innisfil Beach Road. Secondary office areas are also proposed along $5^{\text {th }}$ Sideroad which will provide breaks to the building façade and fenestration to address the $5^{\text {th }}$ Sideroad streetscape. An Elevation set will be provided as part of the formal Site Plan Application package that will be reviewed by staff to ensure that the proposed design and materiality of the building are appropriate. The proposed design, massing and siting and functionality of the proposed industrial facility would achieve the intended design objectives of the $O P$.

## Zoning By-law

The Subject Lands are zoned IBP Industrial Business Park in the Town of Innisfil Zoning By-law 08013 , as amended (the "ZBL"). The ZBL is intended to implement the policies and objectives of the Town's Official Plan.

## Variance a. To increase the maximum permitted building height from 11 m to 16 m (Table 6.2 F)

The current proposed height of the building from the finished floor elevation to the top of the parapet is 14.4 metres as shown on the Elevations (Attachment 2). The requested maximum height of 16 metres is to allow additional flexibility for operational needs of the proposed facility as the building design is currently undergoing final finishes. The proposed request for an increase in 5 metres of building height will not have an impact on surrounding uses. The surrounding lands are mostly vacant and planned for industrial uses, save and except the property to the west which currently contains residential dwellings and agricultural lands. The proposed building is setback from the $5^{\text {th }}$ Sideroad property line by at minimum of 9 m as required by the Town's ZBL. Furthermore, $5^{\text {th }}$ Sideroad has a right-of-way width of over 30 m , furthering the buffer between the residential dwellings and the proposed industrial facility. The proposed industrial will contribute to achieving the OP's vision of providing "added height" to emphasize the important the gateway function of this site. As such, the request to increase the maximum permitted building height from 11 m to 16 m maintains the general intent and purpose of the ZBL.

Variance b. To reduce the minimum landscaped open space requirements from 20\% to 13\% (Table 6.2)

The intent of minimum landscaped open space requirements is to maintain an aesthetically attractive streetscape and business park and to assist with on-site stormwater management. The proposed reduction in minimum landscape open space will not impact the physical appearance of the industrial facility. A mix of deciduous and coniferous trees of varying maturity of up to 30 metres in height are proposed along the perimeters of the site along with variety of shrubs. In terms of stormwater management, the proposed industrial building will drain to a stormwater management pond located immediately south of the Subject Lands and will not require on-site stormwater control through soft landscaping. This stormwater management pond will be owned by the Town of Innisfil and will be conveyed to the Town through a separate process and legal agreement, to the satisfaction of the Town

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of Innisfil. In this regard, the request to decrease the minimum landscape open requirements from $20 \%$ to $13 \%$ maintains the general intent and purpose of the ZBL.

## Variances c. To permit outdoor storage whereas Section 3.34 f) i) prohibits outside storage; and d. To permit loading spaces in the yards facing, 5th Sideroad, Highway 400 and County Road No. 21 (Sections 3.34 f) iii), 3.28.6, 3.28.8)

Variances c and d are to seek permissions to permit outdoor storage (in the form of trailer parking) and to prohibit loading spaces in any yards facing 5th Sideroad, Highway 400 and County Road No. 21 (also known as Innisfil Beach Road) to facilitate the proposed industrial development.

The Subject lands are currently bounded by 3 public rights-of-way (Highway 400, Innisfil Beach Road and $5^{\text {th }}$ Sideroad) and will be bounded by a $4^{\text {th }}$ public local road at the southerly boundary (Projected Street) once the road is constructed in 2024.

Due to the nature, depth and magnitude of the proposed industrial facility, and the fact that the Subject Lands will be bounded by public frontages in their entirety, it would be impossible to situate vehicular and trailer parking, loading and/or servicing areas away from any public rights-of-ways. Large warehouses of this nature typically require a number of trailer parking which will be frequently packed with goods and moved for shipment to a final destination. In this regard, the storage of these trailers will not be permanently stored on-site and will be frequently moved for shipment. To mitigate the views of these servicing elements, an enhanced landscaping strategy is proposed along the perimeters of the site to buffer and screen any industrial activities, including loading, vehicle and trailer parking from public view. As mentioned above, the landscape plan will propose a variety of trees and shrubs of which certain tree species would be up to 30 metres in height and will appropriately provide screening from public view. Through the Site Plan Application, staff will review the submitted landscape plans and to ensure the views of these servicing elements are mitigated as much as possible. As such, the requested variances to permit outdoor storage (in the form of trailers) on the Subject Lands and loading spaces in the yards facing 5th Sideroad, Highway 400 and County Road No. 21 meets the general intent and purpose of the ZBL.

## Variance e. To reduce the minimum rear yard setback from 20m to 19m (Table 6.2 E )

The property line of the Subject Lands along Innisfil Beach Road concaves towards Highway 400 and $5^{\text {th }}$ Sideroad. The proposed industrial facility is generally rectangular in shape that is conducive for a warehouse. The facility is massed and sited to strategically be situated as close as possible to the Innisfil Beach Road, $5^{\text {th }}$ Sideroad intersection as envisioned by Section 12.7 Primary Visual Impact Area Overlay policies of the OP. Due to the nature of the property line whereby Innisfil Beach Road tapers towards $5^{\text {th }}$ Side Road, the setback of the building is naturally reduced at that tapered pinch point where the 20 m rear yard setback could not be achieved. Furthermore, the requested variance to reduce the rear yard (Innisfil Beach Road) setback from 20 m to 19 m would be more desirable from a built form perspective as it would frame the intersection and enhance the prominence of the building thereby promoting an activated street edge. As such, the requested reduction to rear yard setback from 20 m to 19 m meets the general intent and purpose of the ZBL.

## Variances f. To reduce the minimum number of required parking spaces from 816 spaces to 375 spaces (Section 3.35.1.1); and g. To reduce the minimum number of required accessible parking spaces from 25 spaces to 12 spaces (Section 3.35.3 a) iv))

Section 3.35.1.1 of the ZBL provides minimum parking rates based on specific uses. The parking rate for warehouses is 1 space per 100 square metres for the first 7,000 square metres and 0.6 spaces per 100 square metres in excess of 7,000 square metres. The parking rate for office uses is 1 space per 28 square metres on the first $1^{\text {st }}$ floor plus 1 space for per 37 square metres above the

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first floor. Based on these rates, 816 parking spaces are required for the proposed industrial facility.

The user and purchaser for this proposed industrial facility requires no more than 275 spaces for employees and visitors. The facility is proposed to have a maximum of 200 employees, whereby employees will have 2 staggered shifts arriving between 7:00-9:00 am and departing between 3:00-5:00 pm. Therefore, the provision of 375 parking spaces exceeds the demands of the user.

However, should this user choose to sell or lease the facility to another industrial user that requires more than 375 spaces, the Subject lands are able to accommodate 974 parking spaces, well over and in excess of the required 816 spaces. The additional parking spaces would be situated on the northeast corner of the site where 147 trailer parking are currently proposed. A Conceptual Alternate Site Plan shown on Attachment 5 demonstrates how the additional parking can be accommodated to meet the minimum 816 parking spaces.

Section 3.35 .3 a) of the ZBL provides the rate at which accessible parking spaces are required. In particular, if more than 100 parking spaces are required, the ZBL requires that $3 \%$ of the total number of required parking spaces are required to be designated for accessible parking. At 816 parking spaces, a minimum of 25 parking spaces are required to be designated for accessible parking. However, as mentioned above, the user of the proposed industrial facility only requires a maximum of 275 spaces but a total number of 375 spaces are proposed. Hence, at $3 \%$ of the proposed 375 parking spaces, 12 accessible parking spaces that are proposed would more than sufficiently to accommodate the proposed facility given the user's needs for employment and visitors parking. The Conceptual Alternate Site Plan on Attachment 5 also demonstrates that 25 accessible parking spaces could be accommodated should the demand for the overall parking spaces change.

As such, the requested variances seeking a reduction in the overall number of parking spaces and accessible parking spaces will facilitate the development of a permitted use that meets the general intent and purpose of the ZBL.

## Variance h. To reduce the minimum lot frontage from 50 m (for exterior lots) to 32 m on Lot $B$ (retained Parcel) as a result of the proposed severance (Table 6.2 A)

The requested variance to allow the reduction of the minimum lot frontage for an exterior lot from 50 m to 32 m for Lot B is a result of a concurrent Consent to Sever Application for the purposes of creating two industrial lots (Lot A - Severed Lot \& Lot B - Retained Lot).

The purpose of the Consent is to facilitate a real estate transaction for the proposed industrial facility on Lot A . No development is currently proposed on Lot B .

Lot $B$ cannot meet the minimum 50 m lot frontage requirement which is attributable to the alignment of the Projected Road, and will serve as the point of access for both lots. As envisioned by Schedule B6 of the OP, the projected road will have a 90 -degree bend / curve, resulting in a reduced lot frontage for Lot B. Based on a traffic analysis reviewed between staff and the Owner's Traffic consultant (Novatech), it was determined that the proposed access for Lot B would be appropriate to serve a future industrial development on Lot B . As such, the requested reduction in the minimum lot frontage for Lot $B$ is appropriate and meets the purpose and intent of the ZBL.

## Desirable and Appropriate for the Development of the Land

The Subject Lands are envisioned for employment uses and municipal services are available and planned for the area. The variances will facilitate the development of one of the largest industrial

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buildings in the region which would generate approximately 200 jobs at this facility. The proposed facility is strategically designed, massed and sited that would reflect the gateway prominence into Innisfil Heights and will not result in any detrimental impacts to the surrounding lands. As such, the requested variances are desirable and appropriate for the development of the Subject Lands.

## Minor in Nature

The requested variances are considered minor. The requested variance for the increased height is consistent with the OP's vision to emphasize the gateway importance of this location. The variances related to permitting outdoor storage and loading spaces within the yards abutting public rights-of-way is unavoidable since the Subject Lands are completely bounded by public roads. All outdoor storage and loading spaces will be appropriately screened with high quality landscaping. The variance for a reduction in landscape open space will not pose any issues in terms of screening or stormwater management purposes. The rear setback of the building is minor as it deviates by only 1 metre (from 20 metres to 19 metres). The requested reduction to both the overall parking supply and accessible parking spaces is appropriate as it sufficiently serves the need of the user / purchaser. Should a new user take over the proposed building, it has been demonstrated that sufficient parking could be provided on-site to meet the ZBL minimum requirements. Finally, the proposed reduction in the minimum lot frontage for an exterior lot is a result of the Consent Application to facilitate the proposed industrial development on the Severed Lot, and as a result of the alignment of the new local public street as envisioned by the Town's OP.

Through the site plan application, the development is proposed to achieve high urban design standards through quality designs and materiality and enhanced landscaping to contribute to attractive streetscapes. We will continue to work with staff through the site plan approval process and ensure that the vision of the Official Plan for this gateway location is achieved through this industrial development.

### 3.0 Conclusion

Based on the foregoing, it is our opinion that the requested minor variances the four tests under Section 45(1) of the Planning Act, represents good planning and should be approved to facilitate the ultimate approval of the associated Site Plan Application that will be submitted before the end of October.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Sincerely,
Broccolini Real Estate Group


Jessica Kwan, MCIP, RPP
Planning Manager

Enc.
Attachment 1 - Site Plan
Attachment 2 - Elevations

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Attachment 3 - Colour Rendering - View from South East
Attachment 4 - Landscape Plan
Attachment 5 - Alternate Site Plan with Excess Parking
c.c. Ms. Andria Leigh, Director of Planning \& Growth, Town of Innisfil Brandon Correia, Manager of Planning, Town of Innisfil Steven Montgomery, Supervisor of Development Planning, Town of Innisfil Russell Beach, Director, Real Estate Development, Broccolini Patrick Buenbrazo, Development Manager, Broccolini

