

Summary of Comments

**B-003-2024 – 7131 5th Sideroad
and 3560 7th Line**



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-003-2024
MEETING DATE: May 30, 2024
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Darren Ding, Development Planner
SUBJECT: Lot boundary adjustment between 7131 5th Sideroad and 3560 7th Line.

PROPERTY INFORMATION:

Municipal Address	7131 5 th Sideroad & 3560 7 th Line
Legal Description	INNISFIL CON 7 S PT LOT 6 RP 51R22830 PART 10 PT PART 11 CON 7 S PT LOT 6 RP 51R22830 PART 3
Official Plan	Employment Area and Key Natural Heritage Features/ Key Hydrologic Features (KNHFs/KHFs) (Schedule B6)
Zoning By-law	Industrial Business Park (IBP) Zone

RECOMMENDATION:

The Planning Department recommends approval of application B-003-2024, subject to the following conditions:

CONDITIONS:

- 1.) The Applicant/Owner shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town, for the lot boundary adjustment. Once approved, the R-Plan is to be deposited on title at the Land Registry Office.
- 2.) That the severed lands merge with the adjacent lands to the east known municipally as 3560 7th Line.

Note: 3560 7th Line is subject to Site Plan Application SP-2021-006. Any required widenings, daylighting triangles or other municipal land conveyances required for 3560 7th Line such as conveyance to the Town of Innisfil of the drainage channel / watercourse to the north of 3560 7th Line would be administered through SP-2021-006.

REASON FOR APPLICATION:

The applicant is proposing a lot boundary adjustment which will result in the transfer of 1.1 hectares from 7131 5th Sideroad to 3560 7th Line.

SURROUNDING LANDS:

North	Watercourse (designated KNHFs/KHFs); vacant employment areas
East	Vacant employment areas; Highway 400
South	7 th Line; Low density residential (3577 7 th Line & 7005 5 th Sideroad); agricultural lands
West	5 th Sideroad; agricultural lands

ANALYSIS:

<p>Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are within the Strategic Settlement Employment Area of Innisfil Heights as per the Provincial Growth Plan, which is a settlement area that the PPS recognizes is to be the focus of growth and development (1.1.3.2), and wherein sufficient land shall be made available to accommodate appropriate range and mix of land uses to meet projected needs (1.1.2). The lot boundary adjustment would facilitate development on a larger lot in accordance with PPS policies respecting economic development and competitiveness under 1.3.1. To the north of the lands proposed to be enlarged (3560 7th Line) is an existing watercourse. Staff and the Lake Simcoe Region Conservation Authority (LSRCA) are reviewing the existing site plan application SP-2021-006 with respect to other matters of the PPS relating to natural hazards (3.1) and natural heritage (2.1). Considering these matters, Staff are of the opinion the proposed lot boundary adjustment is consistent with the PPS.</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 Strategic Settlement Employment Area, as previously stated. Section 2.2.5 1 states that <i>Economic development and competitiveness in the GGH will be promoted by a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities.</i> Currently, 3560 7th Line hosts an IHL store. 7131 5th Sideroad is a vacant lot, except for the lot to be severed adjacent to 3560 7th Line, which is used by the IHL store as per a private agreement between the landowners. The boundary adjustment would support the future expansion of the IHL store and operations, as per the submitted Planning Justification Letter. Further the proposed lot boundary adjustment would enlarge 3560 7th Line, which provides additional viability by increasing the size of the existing lot from approximately 1.7 ha to 2.8 ha, which is consistent with the planning of Innisfil Heights to ensure availability of large lots in this area, as required by the Ministry of Infrastructure's directive issued February 4, 2013 under 6.4.2 of the Growth Plan, and as reinforced by the Town's Official Plan policies.</p> <p>Considering these matters, the applicant 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. No new 'lot creation' is occurring through this application, therefore the LSPP does not consider this application as 'development', however Site Plan SP-2021-006 is considered 'development', and the LSRCA is continuing</p>

	<p>to review SP-2021-006 in accordance with the LSPP. Considering this, the application 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 Strategic Settlement Employment Areas and Economic Employment Districts on Schedule 5.1 to the County of Simcoe Official Plan. Section 3.3.5 states consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in the County of Simcoe Official Plan, Provincial policies and legislation. The definition of legal or technical reasons in the County Official Plan includes minor boundary adjustments, which do not result in the creation of a new lot. The proposal would allow for a larger, more flexible and economically viable lot in accordance with County OP policies and Ministry of Infrastructure directive for this area. Applicable County road widenings such as 5th Sideroad would be taken through SP-2021-006. The proposal conforms to the County of Simcoe Official Plan.</p>
<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 mostly Employment Area and partially Key Natural Heritage Features/ Key Hydrologic Features (KNHFs/KHFs) on Schedule B6 of the Town of Innisfil Official Plan.</p> <p>Section 12.1.1 states that <i>Innisfil heights, as shown on Schedule B6, must be planned to ensure the availability of large lots that support permitted uses. Unless 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 underdeveloped lands shall be 5 hectares with larger lot sizes encouraged. This policy does not apply to properties already smaller than 5 hectares.</i> Currently, the property at 7131 5th Sideroad has a lot area of approximately 26.3 hectares. The property at 3560 7th Line has a lot area of approximately 1.7 hectares. With the lot boundary adjustment of approximately 1.1 hectares from 7131 5th Sideroad to 3560 7th Line, it will result in two appropriately sized lots that are in keeping with the Innisfil Height context (approx. 25.2 hectares and 2.8 hectares respectively).</p> <p>The subject lands are within the Innisfil Heights Strategic Settlement Employment Area. Section 9.6.1 states that <i>Council supports the continued growth of industrial development by iv) ensuring that the inventory of designated vacant industrial lots includes large parcels to attract large land extensive industries.</i> As mentioned above, 7131 5th Sideroad is a vacant lot, except for the lot to be severed adjacent to 3560 7th Line, which is used by the IHL store as per a private agreement between the landowners. The boundary adjustment would support the future expansion of the IHL store and operations, as per the submitted Planning Justification Letter.</p> <p>Since the lot boundary adjustment will result in two appropriately sized residential lots, will not result in the creation of a new lot, and conform to the permitted uses in the designation, the application conforms to the Town of Innisfil Official Plan.</p>

<p>Complies with the Town Zoning By-law: <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>Both 7131 5th Sideroad and 3560 7th Line are zoned Industrial Business Park (IBP) in Zoning By-law 080-13. Table 6.1 lists the permitted uses in the IBP Zone, which include equipment sales, rental and servicing and accessory outside storage. 3560 7th Line is currently used for industrial purposes and the IHL store uses will continue. Table 6.2 notes the minimum lot area for an IBP zoned property is 2000 m² and the minimum lot frontage is 45m for interior lots and 50m for exterior lots. Due to the proposed lot boundary adjustment, the lot frontage of 3560 7th Line will change to face 5th Sideroad, resulting in its reclassification from an interior lot to an exterior lot with a frontage of 103.3 meters. The lot frontage of 7131 5th Sideroad will remain unchanged.</p> <p>The application would result in both lots complying with the minimum 2000 m² lot area, minimum 45m lot frontage for interior lots and 50m for exterior lots, and all setback requirements. In consideration of the above, the application complies with the Town's Zoning By-law.</p>
<p>Conforms to Section 2, 51(24) and 53(12) of the Planning Act: <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 <i>Planning Act</i>, and are of the opinion the proposed development conforms to these sections, subject to the proposed conditions.</p>

CONCLUSION:

The Planning Department recommends approval of application B-003-2024, subject to the proposed conditions.

PREPARED BY:

Darren Ding
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: May 24, 2023

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

FILE/APPLICATION: B-003-2024

SUBJECT: 7131 7th Line and 3560 7th Line

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. Please note that additional information (such as, but not limited to, septic review, limiting distance calculations or engineered documents, etc.) may be requested at building permit stage in order to review for compliance against the Ontario Building Code.

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: May 24, 2024

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

FILE/APPLICATION: B-003-2024

SUBJECT: 7131 5th Sideroad and 3560 7th Line

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.
2. Confirm buffer from the watercourse with Town's Planning Department.

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. Demonstrate sufficient outlet and stormwater management controls.



Sent via e-mail: dding@innisfil.ca

May 24, 2024

Municipal File No.: B-003-2024
LSRCA File No.: CO-324964-102789

Darren Ding
Development Planner
2101 Innisfil Beach road
Town of Innisfil, L9S 1A1

Dear Darren,

Re: Application for a Proposed Boundary Adjustment
Part of 7131 5th Side Road and 3560 7th Line
Town of Innisfil
Owner: Innsix Developments Inc. (Joe Martino) & Tonlu Holdings Ltd.
Applicant: Innovative Planning Solutions (Kyle Galvin)

Thank you for circulating the above-captioned application to the Lake Simcoe Region Conservation Authority (LSRCA) for review and comment. It is our understanding that the Applicant/Owner is seeking consent for a lot boundary adjustment to convey an approximately 1.1 hectare part of 7131 5th Sideroad to 3560 7th Line.

Documents Received and Reviewed by Staff

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

- Application form (dated April 11, 2024)
- Topographic Survey prepared by WAHBA (dated July 7, 2021)
- Owner Authorization (dated March 3, 2021)
- Boundary Adjustment Sketch prepared by Innovative Planning Solutions (dated March 21, 2024)
- Planning Justification Report prepared by Innovative Planning Solutions (dated April 11, 2024)

Staff have reviewed this application as per our delegated responsibility from the Province of Ontario to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 41/24 of the *Conservation Authorities Act*. LSRCA has also provided comments as per our Memorandum of Understanding (MOU) with 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 in support of the application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for a lot boundary adjustment. It is recommended that any approval of this application be subject to the following conditions:

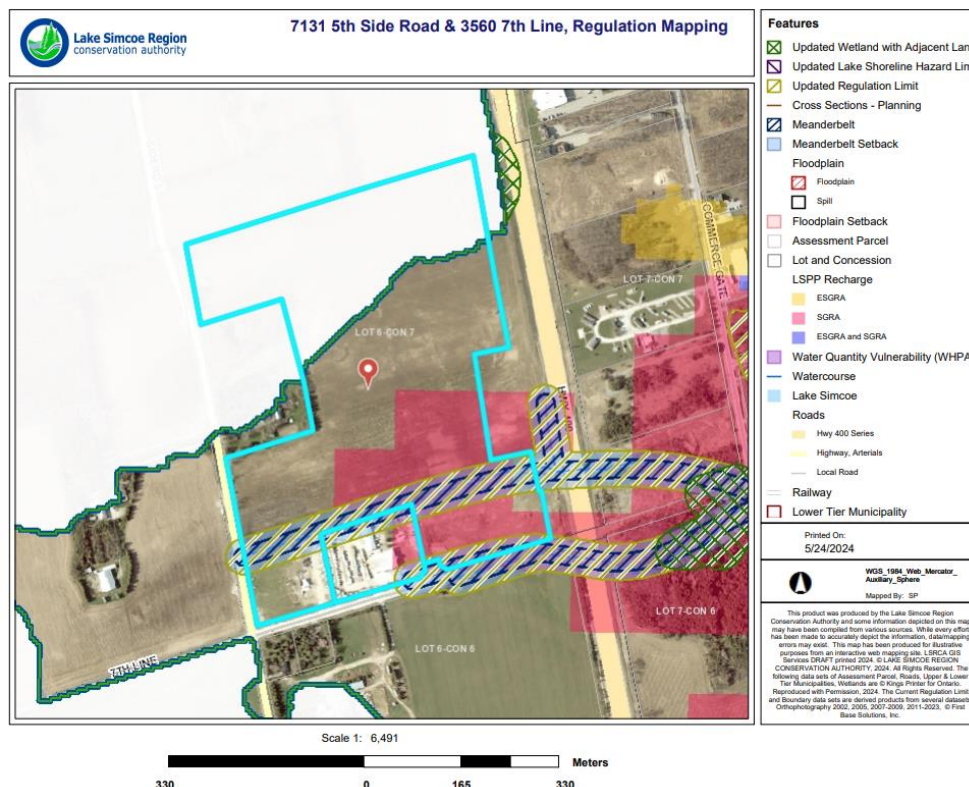
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;

Site Characteristics

The subject lands are approximately 26.35 hectares (7131 5th Sideroad) and 1.9 hectares (3560 7th Line) in land area and is located west of Ontario Highway 400 and North of 7th Line within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is zoned ‘Industrial Business Park’ (IBP) as per Schedule ‘A’ of the Town of Innisfil Comprehensive Zoning By-law Number 080-13, as amended.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for Watercourse and the associated erosion Please see a detailed regulatory map below.
- The subject property is partially located within a Significant Groundwater Recharge Area (SGRA).



Please note: LSRCA staff have not attended any site meetings at this location related to the subject applications.

Delegated Responsibility and Statutory Comments

1. LSRCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS). There are identified natural hazards on the subject lands (erosion hazard associated with a watercourse). Based on the information submitted as part of this application, the proposal is generally consistent with 3.1 of the PPS.

The subject lands are partially located within an erosion hazard associated with a watercourse however, the applicant is not proposing the creation of any new lots or development within the identified hazards.

2. LSRCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 41/24. 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.

Ontario Regulation 41/24 applies to a portion of the subject property. As there is no proposed development or creation of a new lot within the regulated area, a permit from the LSRCA will not be required for the proposed lot boundary adjustment.

Advisory Comments

1. LSRCA has reviewed the application through our responsibilities as a service provider to the Town of Innisfil in that we provide through a MOU as well as through our role as a public body, pursuant to the *Planning Act*.

Please note that if development is being proposed within the regulated area, a permit will be required from LSRCA prior to any development or site alteration taking place.

Summary

Based on our review of the submitted information in support of this application, the proposal is consistent and in conformity with the natural hazard policies of the applicable Provincial, Regional and Local plans. On this basis, we have no objection to the approval of this application for consent for a lot boundary adjustment.

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 41/24 applies to a portion of/the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place.
3. Matters pertaining to stormwater management and hydrogeology may be addressed through subsequent detailed design submissions.

Please inform this office of any decision made by the municipality with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed.

Should you have any questions, please contact the undersigned (s.payne@lsrca.on.ca).

Sincerely,



Steven Payne
Planner I
Lake Simcoe Region Conservation Authority (LSRCA)