

Summary of Comments

B-004-2024 – 988 Lockhart Rd



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-004-2024
ASSOCIATED FILE: N/A
MEETING DATE: August 15, 2024
TO: Toomaj Haghshenas, Secretary Treasurer Committee of Adjustment
FROM: Keirsten Morris, Senior Planner
SUBJECT: Consent to sever 988 Lockhart Road to create one new residential lot.

PROPERTY INFORMATION:

Municipal Address	988 Lockhart Road
Legal Description	CON 11 S PT LOT 24 & S PT LOT 25
Official Plan	Retirement Residential Area & Key Natural Heritage Features & Key Hydrologic Features (Schedule B5)
Zoning By-law	Agricultural General (AG) and Residential Special Community (RSC)

RECOMMENDATION:

The Planning Department recommends approval of application B-004-2024, subject to the following conditions:

CONDITION:

- 1.) That the Owner/Applicant shall submit a digital draft reference plan of survey, to be reviewed and approved by the Town. The draft R-Plan shall include the side yard setback to the closest dwelling on the retained lands from the west interior side lot line to ensure compliance with the minimum required 8m side yard setback. 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 the subject property at 988 Lockhart Road to create one new residential lot. The vacant severed lands will have an area of approximately 40.62ha with a lot frontage of approximately 606.87m on Lockhart Road. The retained lands which contain an existing low rise multi-unit residential development will have an area of approximately 40.53ha with a lot frontage of approximately 611m on Lockhart Road. It is staff's understanding that 988 Lockhart Road and 908 Lockhart Road have inadvertently merged on title and the applicant is requesting to re-sever the lots into two separate parcels.

SURROUNDING LANDS:

North	Agricultural and forested lands
East	Single detached dwellings
South	Lockhart Road, Parkbridge residential community
West	Agricultural lands

ANALYSIS:

Site Inspection Date	August 31, 2024
Consistent with the Provincial Policy Statement (PPS): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Sandy Cove. Section 1.1.3.1 of the Provincial Policy Statement (PPS) 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 would recreate a lot for future residential development within a settlement area where development and intensification is promoted by PPS policies. The retained lands contain existing development on existing municipal services and the vacant severed lands, which are currently agriculturally-zoned and retirement residential designated, will have municipal services available when redeveloped and rezoned for future residential development as permitted by the Town Official Plan.</p> <p>The application is therefore considered to be consistent with the PPS, subject to the recommended condition.</p>
Consistent with the Provincial Growth Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>The subject lands are within the settlement area of Sandy Cove and are identified as being a designated Greenfield area by the Growth Plan. Section 2.2.1 of the Growth Plan directs growth to settlement areas that have existing or planned municipal infrastructure, locations with existing or planned transit and where complete communities can be supported.</p> <p>Sections 2.2.2, 2.2.6 and 2.2.7 provide policies that focus population growth and density within settlement areas and designated Greenfield areas outside of the delineated built-up boundary. By promoting a mix of housing options within settlement areas, municipalities can achieve integrated development while meeting population intensification and density targets.</p> <p>The proposed consent would recreate a lot for future residential development within the designated Greenfield area which will assist in achieving the Town’s density targets and contribute to development of a complete community in the settlement area of Sandy Cove.</p>

	<p>Considering the above, Staff are of the opinion the proposal is consistent with the Growth Plan subject to the recommended condition.</p>
<p>Consistent with the Lake Simcoe Protection Plan (LSPP): <input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>	<p>The subject lands are located within a settlement area, therefore settlement area policies 6.32 to 6.34 of the LSPP apply. Subject to any conditions recommended by the Lake Simcoe Region Conservation Authority, the proposed severance 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 'Settlement' on Schedule 5.1 of the Simcoe County Official Plan. Section 3.5.8 indicates that settlement areas shall be the focus of population and employment growth and their regeneration shall be promoted. Development on designated Greenfield areas will be planned to achieve a minimum density target of 32 residents and jobs per hectare per 3.5.24 and higher density development is permitted in designated Greenfield areas subject to the compatibility of the development with adjacent residential areas (3.5.30).</p> <p>Staff are of the opinion that the application conforms to the policies of the Simcoe County Official Plan as it results in recreation of a lot for future residential development and intensification within the settlement area of Sandy Cove where population growth is intended by settlement area policies. Further the proposal is considered compatible with adjacent residential areas being located in an area surrounded by low to mid density residential communities.</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 Retirement Residential Area and Key Natural Heritage Features & Key Hydrologic Features on Schedule B5 to the Town of Innisfil Official Plan and are considered an urban settlement area by the Official Plan. Residential development and lot creation are permitted in the designation subject to applicable policies.</p> <p>Section 10.6.7 of the Official Plan states that the overall density in the Retirement Residential Area designation shall be 16 units per gross hectare and the minimum permitted density shall be 12 units per gross hectare. The consent proposes to recreate an existing lot for future higher density development which will be required to conform to the density policies of the Official Plan. As such, staff consider the proposed consent as a re-establishment of existing development and consider the consent to comply with the intent of policy 10.6.7.</p> <p>Section 9.3.1 of the Official Plan, applying to Urban Settlement Areas, states that development in Urban Settlement Areas will accommodate residential and employment growth on full municipal services. Where full municipal services are not available, creation of new lots shall be prohibited until full municipal services are available</p>

	<p>per 9.3.3. As noted, the proposed consent would recreate a lot that previously existed and will provide the opportunity for future higher density development of the severed lot on full municipal services. Staff therefore consider the application to comply with the intent of the policies of Section 9.3 of the Official Plan.</p> <p>The Key Natural Heritage Features and Key Hydrologic Features (KNHF & KHF) designation applies to a watercourse located on the southeast corner of the proposed severed lot. Section 17.1.8 of the Official Plan indicates that development and site alteration shall demonstrate no negative impacts on the KNHF or KHF or their functions. As the proposed consent would recreate an existing vacant lot and any future re-development would be required to demonstrate no negative impacts on the KNHF & KHF, staff do not have concerns with the proposed lot creation in regard to the KNHF & KHF policies of the Official Plan.</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 of Innisfil Official Plan, subject to the recommended condition.</p>
<p>Complies with the Town Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Agricultural General (AG) and Residential Special Community (RSC) in Zoning By-law 080-13, as amended. The proposed consent would separate the vacant AG zoned lands from the RSC zoned lands which contain an existing low rise multi-unit residential community.</p> <p>Staff note that the original consent proposal included a portion of the AG zoned lands that contains a community garden to be added to the RSC zoned lands however this created a zoning compliance issue, as the AG zoned parcel (severed) would have a deficient lot area and the community garden would need to be re-zoned to RSC in order to be a permitted accessory use to the RSC zoned parcel (retained). Therefore, the applicant has revised the proposed consent to simply re-create the lots as they previously existed and separate the vacant AG zoned parcel from the RSC zoned parcel. The community garden would be added to the RSC zoned parcel through a future draft plan of subdivision application and rezoning.</p> <p>The revised consent proposes the vacant severed lot, zoned AG, to be 40.62ha in area with a frontage 606.87m, complying with the minimum lot area and lot frontage requirements of the AG zone. The retained lot is proposed to be 40.53ha in area with 611m of frontage, complying with the minimum lot area and frontage requirements of the RCS zone. The RSC zone requires a minimum interior side yard setback of 8m. The revised consent sketch submitted shows that the closest dwelling to the west interior side lot line is setback 8m however to ensure an accurate side yard setback measurement, staff have recommended a condition that the side yard setback to</p>

	<p>the closest dwelling on the RSC zoned property be confirmed by an Ontario Land Surveyor and shown on the R-Plan required to be submitted for deed stamping in order to ensure zoning compliance.</p> <p>In consideration of the above, the subject application maintains the purpose and intent of the Town's Zoning By-law, subject to the recommended condition.</p>
<p>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>	<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, subject to the proposed condition.</p>

CONCLUSION:

The Planning Department recommends approval of application B-004-2024, subject to the recommended condition.

PREPARED BY:

Keirsten Morris
Senior Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: August 8, 2024

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

FILE/APPLICATION: B-004-2024

SUBJECT: 988 Lockhart Road

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: July 5, 2024

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

FILE/APPLICATION: B-004-2024

SUBJECT: 988 Lockhart Avenue

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 can 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.



Sent via e-mail: thaghsheenas@innisfil.ca

August 9, 2024

Municipal File No.: B-004-2024
LSRCA File No.: VA-126738-080724

Toomaj Haghshenas
Development planner
2101 Innisfil Beach Road
Town of Innisfil, L9S 1A1

Dear Toomaj,

Re: Application for Consent
988 Lockhart Road
Town of Innisfil
Owner: Parkbridge Lifestyle Communities
Applicant: Lakehaven Developments Ltd. (Nicole Mastantuono)

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 to sever the subject property into two (2) parcels with the retained lands having an area of 41.73 hectares and the severed parcel having a proposed area of 81.15 hectares. The applicant has indicated that the severed lands are intended to be developed into a low-rise residential subdivision.

Documents Received and Reviewed by Staff

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

- Application Package (dated Novembre 22, 2023)
- Planning Justification Brief prepared by Mattamy Homes (dated June 7, 2024)
- Severance Sketch with Aerial prepared by Jones Consulting Group (dated November 10, 2023)
- Survey prepared by Wildman, Hadfield, Stewart Ltd. (dated Octobre 20, 1992)

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 Consent. It is recommended that any approval of this application be subject to the following conditions:

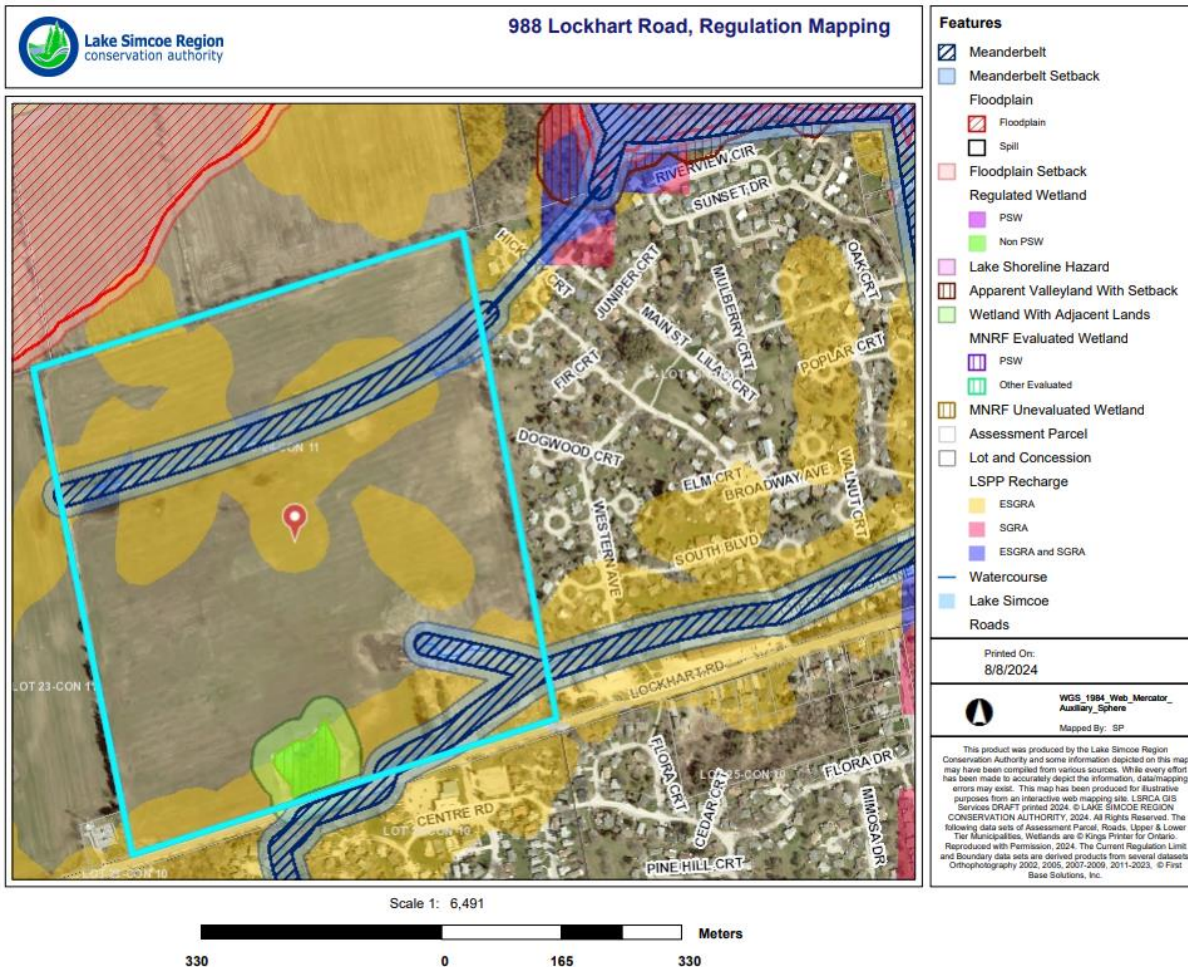
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536;
- That the Applicant/Owner successfully obtain a permit from the LSRCA.

Site Characteristics

The subject property is approximately 81.15 hectares in land area and is located north of Lockhart Road and west of 25th Sideroad within the Town of Innisfil.

Existing mapping indicates the following:

- The subject land is within the 'Agricultural General' (AG) as per the Town of Innisfil's interactive mapping.
- The subject property is partially regulated by the LSRCA under Ontario Regulation 41/24 for an erosion hazard associated with the Sandy Cove Creek and an identified wetland. Please see a detailed regulatory map below.
- The subject property is located within a completed watershed or sub-watershed study area – Innisfil Creeks Subwatershed Plan.
- The subject property is within an Ecologically Significant Groundwater Recharge Area (ESGRA).



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 area, identified wetland area). Based on the information submitted as part of this application, the proposal is generally consistent with 3.1 of the PPS.
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. It appears that the proposed development will be within the regulated area, therefore a permit from the LSRCA will be required prior to any development or site alteration taking place.

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*.

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.

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 the subject site. A permit from the LSRCA will be required prior to any development taking place within LSRCA's regulated area;
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 Town of Innisfil 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)