

Summary of Comments

A-001-2023, A-071, A-072, A-073,
A-080 and A-081-2022 -
1018 Innisfil Beach Rd.



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER(S): A-071-2022, A-073-2022, A-080-2022, A-081-2022 & A-001-2023
RELATED APPLICATION(S): SP-2022-003
MEETING DATE: February 15, 2024
TO: Toomaj Haghshenas, Secretary/Treasurer, Committee of Adjustment
FROM: Darren Ding, Development Planner
SUBJECT: Minor variance applications A-071-2022, A-073-2022, A-080-2022, A-081-2022 and A-001-2023 are seeking relief from Table 5.2b, Table 5.2b E, Table 5.2b F, Section 5.1(2), and Section 3.35.1.1 d) Zoning By-law No. 080-13 to construct a mixed-use building and associated parking area.

PROPERTY INFORMATION:

Municipal Address	1018-1028 Innisfil Beach Road
Legal Description	Plan 1249 Lot 1-3
Official Plan	Downtown Commercial Area (Schedule B1 Alcona)
Zoning By-law	Mixed Use 2 (MU2) Zone

RECOMMENDATION:

The Planning Department recommends approval of A-071-2022, A-073-2022, A-080-2022, A-081-2022 and A-001-2023, subject to the following condition(s):

CONDITION(S):

- 1.) That the variances only apply to the submitted drawings and that any future development of the lands be subject to Zoning By-law.
- 2.) That the applicant shall provide Cash-in-Lieu for the overall parking reduction, subject to Town's Fee and Charges By-law (066-22), as amended.
- 3.) That appropriate signage shall be placed on some of the parking spaces requiring usage during business hours as commercial but usage after hours as visitor parking, enforced through the Site Plan Agreement

REASON FOR APPLICATIONS:

The applicant is proposing relief from of Zoning By-law No. 080-13 to construct a mixed-use building and associated parking area on the subject lands which include the following variances:

- Table 5.2b E and F to permit a mixed-use building with a height of 26.38m and an angular

- plane of 48.88 degree;
- Section 5.1 (2) to permit a mixed-use building with only 552.15m² of non-residential uses on the ground floor;
- Section 3.35.1.1 d) to permit a mixed-use building with 179 residential parking spaces and 29 shared visitor/commercial parking spaces; and,
- Table 5.2b to permit off-street commercial parking (requirements of 1 space per 40m²) to be shared with visitor parking spaces

Staff note, although it was circulated, A-072-2022 no longer applies as the applicant has met the required number of accessible parking spaces (10 are provided whereas 7 are required).

The following chart depicts the standards of Zoning By-law 080-13 and the relief sought through these applications.

Application Number	By-law Section	Requirement	Proposed	Difference
A-071-2022	Table 5.2b F	24m subject to the 45 degree angular plane	26.38m With 48.88 degree angular plane	2.38m 3.88 degree
A-073-2022	Section 5.1 (2)	50% of GFA (i.e. 743.08m ²)	552.15m ²	190.93m ²
A-080-2022	Section 3.35.1.1 d)	202 residential parking spaces Plus 41 visitor parking	179 residential parking spaces Plus 29 visitor parking spaces (to be shared with commercial)	23 residential parking spaces visitor spaces to be shared with commercial
A-081-2022	Table 5.2 b	1 space per 40m ² commercial (14 spaces)	29 commercial spaces (to be shared with visitor)	commercial spaces to be shared with visitor
A-001-2023	Table 5.2b E	7.5 m rear yard setback with building height subject to the 45 degree angular plane	48.88 degree	3.88 degree

SURROUNDING LANDS:

North	Single-detached dwellings and accessory structures
East	Vacant lands (future mixed use)
South	Vacant lands (future mixed use)
West	Commercial plaza

ANALYSIS:

Site Inspection Date	December 1, 2022
-----------------------------	------------------

<p>Maintains the purpose and intent of the Official Plan: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are designated Downtown Commercial Area on schedule B1 within the Official Plan, which allows mixed use buildings up to eight storeys. Schedule A of the Official Plan identifies the lands as being within a strategic growth area, as part of a key placemaking destination, and as a primary settlement area (Alcona). Section 2 of the Official Plan provides the policy framework for Placemaking. The key goal for Placemaking is to create places that can be used and enjoyed throughout the year. The Official Plan does not specify the height in metres that is permitted on the subject lands, but as stated does allow eight storeys (Policy 11.2.6) which the development meets. There is also no maximum density allowed in the Official Plan, but only a minimum density of 60 units per hectare, which the application meets (and exceeds). The development would provide efficiencies in the provision of water and sewer services to the site. The site, proposing 161 residential units, has increased the residential unit parking spaces to 179 plus 29 visitor parking (to be shared with commercial) providing 1.12 parking/unit (vs 1.25 is required), although 202 spaces plus 41 visitor spaces are required. The original application also proposed 161 residential units but only provided 153 spaces and 29 shared visitor/commercial, so the total number of spaces has increased by 26 spaces.</p> <p>In accordance with Policy 11.1.24 of the Official Plan, <i>Zoning provisions for parking may take into consideration the potential for shared parking between different uses, availability of transit within short walking distance and the proximity of public parking. The off-site parking requirements may also be reduced for the corresponding on-street parking provided. The Town may also consider the payment of cash in lieu of parking.</i> Further, Policy 5.6.2 states that cash-in-lieu maybe permitted where development cannot provide required off-street parking on the site.</p> <p>The site is designated “Downtown Commercial Area” and future residents are anticipated to have the opportunity to utilize on-street parking in the area as well as future municipal transit. The addition of these residential units will assist to grow the community and provide opportunities and an example for future residential development. Therefore, as a condition of approval, Cash-in-Lieu for the parking reduction is required by the Town, subject to Town’s Fee and Charges By-law (066-22), as amended.</p> <p>Staff are of the opinion that the proposed variances conform to the policies of the Official Plan, subject to the proposed conditions.</p>
<p>Maintains the purpose and intent of the Zoning By-law: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The subject lands are zoned Mixed Use 2 (MU2) Zone as outlined in the Town of Innisfil Zoning By-law No. 080-13, which permits mixed-use structures and associated parking areas.</p> <p>Section 3.35.1.1 d) requires a specific parking ratio for apartment dwellings in any Mixed-Use Zone. The proposed development includes 161 dwelling units, requiring 202 residential spaces and 41 visitor spaces. Staff note that the provided residential spaces have</p>

been increased from 153 to 179, plus 29 visitor parking to be shared with commercial spaces. Additionally, Table 5.2 b requires a certain number of commercial parking spaces based on the Gross Floor Area (GFA), resulting in a provision of 14 commercial parking spaces. Overall, the proposed development contemplates providing 29 shared visitor and commercial spaces (vs. 41 visitor spaces and 14 commercial parking spaces required, respectively).

The parking provisions in the Zoning By-law 080-13 aim to ensure adequate parking for mixed-use properties on a general basis. Staff have no major concerns with the proposed relatively small-scale reduction in parking from 1.25 per unit to 1.12 per unit, and the shared pattern between visitor and commercial, given the location of the subject lands and reference to similar projects in other municipalities. However, Staff request signage to designate parking spaces for commercial use during business hours and visitor use after hours, as a condition of approval. The intent of shared parking is the understanding most visitors would visit the site during the night, and most patrons of commercial uses during the day. Staff acknowledge there is additional on-street parking available along Innisfil Beach Road to offset the proposed off-street parking deficiency. If 14 spaces were reserved during the day for businesses for example of the 29, this would meet the requirements of the zoning by-law for commercial uses, leaving 15 for visitor. During the night, 29 spaces would be available (whereas normally 41 required).

Regarding the building height, the proposed height exceeds the maximum permissible height, and the angular plane at the rear of the building deviates from the prescribed requirement in the Zoning By-law (Table 5.2b E and 5.2 b F). A shadow review has been conducted to mitigate potential impacts, with appropriate buffering from neighbouring residential uses to the north. The variance to the 45 degree angular plane is 3.88 degrees, for an angular plane of 48.88 degrees, which is considered relatively minor and reduced from the original angular plane proposed of 51 degrees. The height, while taller than the 24m permitted for a mixed use building, at 26.38m, only exceeds the maximum height by 2.38m. The original proposal was 28.26m, so the variance has been reduced. Also, Staff note if the building was entirely commercial, 30m would be permitted on site as-of-right.

As per Section 5.1 Note (2), residential units are only permitted as part of a building containing at least 50% non-residential uses on the ground floor. The proposed commercial area comprises 552.15 m², which is 37.1% of the ground floor. Staff acknowledge that 8 small-scaled, main street style commercial units have been proposed along the entirety of the Innisfil Beach Road frontage, aligning with the intent of this provision (the general intent of this provision is to have a continuous 'main street' of retail uses on the ground floor rather than residential uses, which the proposal would maintain. The residential based uses are kept at the rear of the retail uses providing a full retail

	<p>façade abutting Innsifil Beach Road, and the retail units are reasonable in scale, providing a total of about 552m2 GFA).</p> <p>Based on the above, it is Staff’s opinion that the requested variances maintain the purpose and intent of the Zoning By-law, subject to the proposed conditions.</p>
<p>The variance is desirable for the appropriate/orderly development or use of the land: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>The Community of Alcona has been earmarked as a key destination for future growth and improvements in order to provide intensification within the Downtown Commercial Area per the Official Plan policies. The provision of 161 residential units will achieve a portion of the growth anticipated for the area while also providing a streetscape improvement, contributing to infill in a manner consistent with what the Official Plan permits in terms of density, height and land uses. The minor angular plane and height increases, as well as parking reduction, in the context of available on-street parking as well as shared parking proposed, and in the context of improvements from the previous submission, are considered acceptable in terms of overall site development.</p> <p>Based on the above, it is Staff’s opinion that the variances are desirable for the appropriate and orderly development or use of the land.</p>
<p>The variance is minor in nature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>To determine whether a variance is minor in nature, it is important to consider the impact the variance would have on adjacent lands. The proposed development generally maintains the height provision of the Zoning By-law. The MU2 zone applies to the lands directly east and west of the subject lands. It is anticipated that future development will utilize the maximum permitted height provisions in these locations. Lands to the north directly behind the proposed development are zoned “Residential 1 (R1)” which permits a maximum height of 9m. As per the submitted Comment Response Matrix, tall pyramidal form deciduous shade trees have been added to provide appropriate landscape buffer between the proposed structure and the R1 zone.</p> <p>In addition, to limit the parking visible from the street, underground parking has been proposed within the development. Access to the site is proposed to be contained solely within Innisfil Beach Road directed away from the R1 zone, which will discourage the use of overflow parking in that area which could have impacts on the uses existing within the R1 zone. As a result, the impact between the zones is achieved with a reduction in parking and a moderate increase in height with the landscape buffer as well as the angular plane consideration for the mixed-use building.</p> <p>Staff are of the opinion the proposed variances to permit a mixed-use structure and associated parking area on the subject lands can be considered minor in nature, subject to the proposed conditions.</p>

PREPARED BY:

Darren Ding
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Community Development Standards Branch

MEMORANDUM TO FILE

DATE: January 31, 2024

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

FILE/APPLICATION: A-071, 072, 073, 080, 081-2022 & A-001-2023

SUBJECT: 1018 Innisfil Beach 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. The applicant/owner shall obtain a demolition permit for the existing principal and accessory structures and complete the final inspection prior to requesting a building permit for the new mixed use building, to the satisfaction of Community Development Standards Branch (Building 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. No comments.



Sent via e-mail: thaghsheenas@innisfil.ca

February 1, 2024

**Municipal File No.: A-071-2022; A-072-2022; A-073-2022
A-080-2022; A-081-2022; A-001-2023
LSRCA File No.: VA-402121-011422**

**Toomaj Haghshenas
Secretary-Treasurer, Committee of Adjustment
2101 Innisfil Beach Road
Innisfil, ON L9S 1A1**

Dear Mr. Haghshenas,

**Re: Application for Minor Variance
1018 Innisfil Beach Road
Town of Innisfil
Owner: 2844365 Ontario Inc. (Flagship Developments)
Applicant: Spencer Planning Services Inc. (c/o Lorelie Spencer)**

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 proposing to construct a mixed-use building consisting of residential and commercial units. The Applicant/Owner is requesting Minor Variances to address the proposed deficient residential, commercial and accessible parking; deficient ratio of non-residential to residential uses on ground floor; exceeding the maximum permitted height of 24 metres; and deficient daylight triangle.

LSRCA staff note that there is an associated Site Plan Application (SP-402121-011422) which remains on-going. The LSRCA has also pre-consulted on the proposed development, providing pre-consultation comments dated January 26th, 2022.

Documents Received and Reviewed by Staff

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

- Notice of Hearing, including Committee of Adjustment Agenda
- Minor Variance Application form
- Architectural Plans prepared by QBS Architects Inc.

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 179/06 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 plans. On this basis, we have no objection to the approval of this application for Minor Variance. It is recommended that any approval of this application be subject to the following conditions:

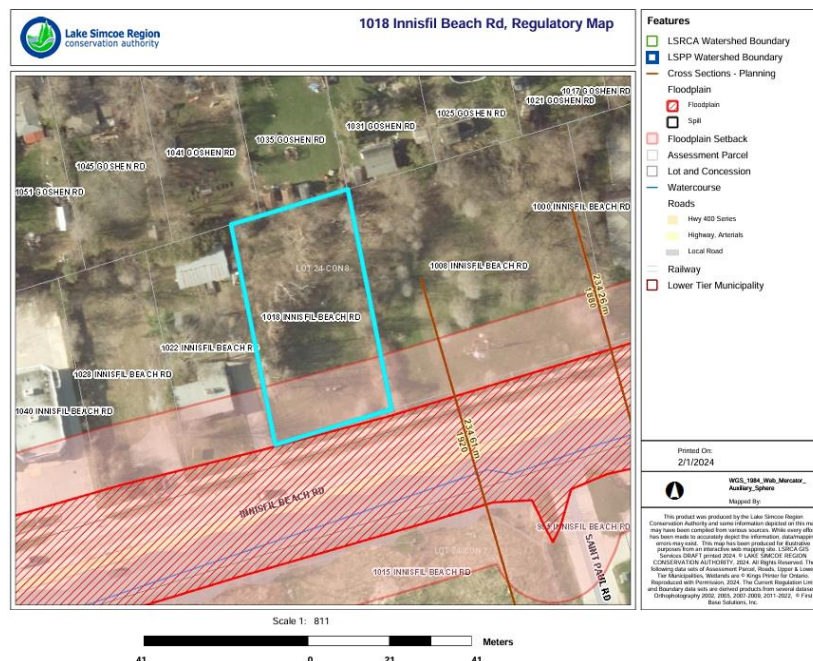
- That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.

Site Characteristics

The subject land is approximately 0.17 hectares (0.42 acres) and is located north of Innisfil Beach Road within the Town of Innisfil. The subject property within the ‘Settlements’ designation as per the County of Simcoe Official Plan, and within the ‘Downtown Commercial Area’ designation as per the Town of Innisfil Official Plan. The property is within the ‘Mixed Use 2 (MU2) Zone’ as per the Town of Innisfil Comprehensive Zoning By-law 080-13.

Existing mapping indicates the following:

- The subject property is partially regulated by the LSRCA under Ontario Regulation 179/06 for floodplain setback associated with Bon Secours Creek. Please see a detailed regulatory map below.
- 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 is an identified hazard (floodplain area), however the proposal is located within the floodplain setback and is therefore consistent with Section 3.1 of the PPS.

2. LSRCA has reviewed the application 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.

Ontario Regulation 179/06 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*.

The proposed development meets the definition of “Major Development” as defined by the Lake Simcoe Protection Plan (LSPP) and the Lake Simcoe Phosphorus Offsetting Policy (LSPOP) and is located within an Ecologically Significant Groundwater Recharge Area (ESGRA). Therefore the submission of a Stormwater Management Report and Hydrogeological Assessment will be required to satisfy DP-4.8 and DP-6.40 of the LSPP. Review of these documents and conformity of the above noted policy will be undertaken through the on-going Site Plan Application process.

Summary

Based on our review of the submitted information in support of this application, we have no objection to the proposed Minor Variance applications.

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 a portion of the subject site. A permit from the LSRCA will be required prior to any development or site alteration taking place within the regulated portion;
3. Matters pertaining to stormwater management and hydrogeology will be addressed through the Site Plan Application process;

4. 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.

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 (j.lim@lsrca.on.ca).

Sincerely,

A handwritten signature in blue ink that reads "J. Lim." The signature is written in a cursive style and is positioned above the typed name.

Jessica Lim
Planning Analyst
Lake Simcoe Region Conservation Authority (LSRCA)



Engineering

MEMORANDUM TO FILE

DATE: February 9, 2024

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

FILE/APPLICATION: A-071, A-072, A-073, A-080 and A-081-2022, and A-001-2023

SUBJECT: 1018 Innisfil Beach 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 comment.

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. The Owner/Applicant to submit further information on deficient daylight triangle.