



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING
APPLICATION NO. B-001-2024**

TAKE NOTICE that an application has been received by the Town of Innisfil from **Keith MacKinnon, agent**, on behalf of **Ballymore Building (Innisfil) Corp.** for consent under Section 53 of the Planning Act, R.S.O. 1990, c. P.13, as amended for a consent to a conveyance of property for residential purposes.

The subject property is described legally as **PLAN 51M1240 BLK 139**, known municipally as **1335 Killarney Beach Road**, and is zoned “**Mixed Use EXCEPTION 2 HOLDING SYMBOL (MU4-2 (H))**”, “**Residential Townhouse EXCEPTION 32 HOLDING SYMBOL (RT-32 (H))**”, “**Open Space (OS)**” and “**Mixed Use 4 (MU4)**”.

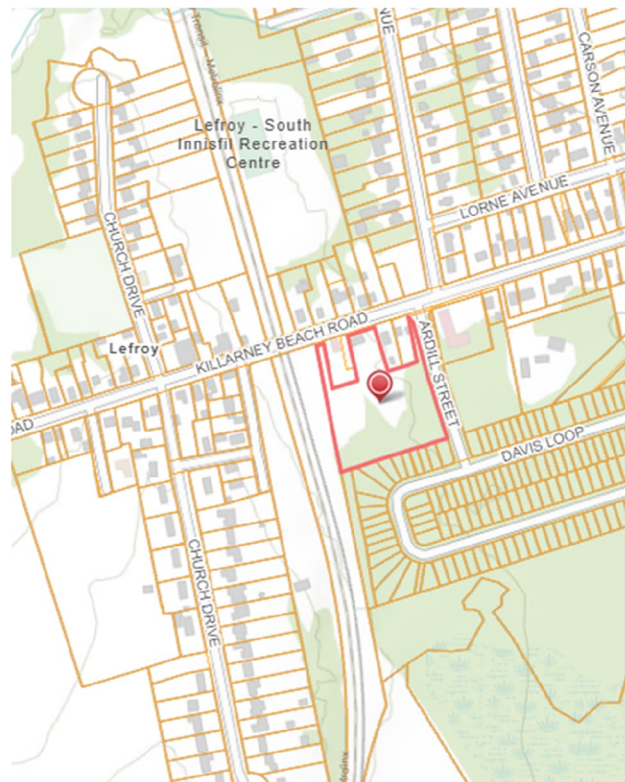
The applicant is proposing to sever a portion of the lot for the purpose of creating new residential lots. The severed lot will have a proposed lot area of 0.16 Hectares and a frontage of 32.4 m. The retained lands will have a proposed lot area of 1.25 hectares and a frontage of 32.4m.

The Committee of Adjustment for the Town of Innisfil will consider this application in person at Town Hall and virtually through Zoom on **Thursday, April 18, 2024, 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 consent, 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 Land Tribunal (OLT).



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: **April 2, 2024**

Toomaj Haghshenas,
Secretary Treasurer
thaghsheenas@innisfil.ca
705-436-3710 ext. 3316

KILLARNEY BEACH ROAD

(OPEN ROAD ALLOWANCE)



NOTE: FUTURE DEVELOPMENT SHOWN ON RETAINED LANDS IS CONCEPTUAL AND SUBJECT TO REVISION.

PROPOSED SEVERANCE

1335 KILLARNEY BEACH ROAD

MARCH 12, 2024
SCALE 1:1000
(2907-SEV-1)

LEGEND:

- SEVERED LANDS
- RETAINED LANDS

STATISTICS:

	LAND AREA	COVERAGE	LANDSCAPED AREA
SEVERED LANDS	1675±m ²	8±%	957±m ²
RETAINED LANDS	12545±m ²	Existing: 0±% Proposed: 37±%	Existing: 3600±m ² Proposed: N/A





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KLMPLANNING.COM

File: P-2907

March 12, 2024

Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON L9S 1A1

Attention: Toomaj Haghshenas, Development Planner

**Re: Planning Rationale for Consent Application
1335 Killarney Beach Road, Town of Innisfil, Simcoe County
Block 139, Registered Plan 51M-1240
Ballymore Building (Innisfil) Corp.
Related Files: D09-2022-003, D14-2022-019, and SP-2021-033**

Dear Mr. Haghshenas,

KLM Planning Partners Inc. is the land use planning consultant representing Ballymore Building (Innisfil) Corp. (the "Owner") with respect to the lands legally described as Block 139 on Registered Plan 51M-1240, and municipally known as 1335 Killarney Beach Road (the "Subject Lands"). On behalf of the Owner, we are pleased to submit the enclosed Consent Application (the "Application") to facilitate severance of the above noted lands.

The Subject Lands are located at the southwest corner of Killarney Beach Road and Ardill Street in the urban settlement area of Lefroy, forming Block 139 on Registered Plan 51M-1240. The Subject Lands are approximately 1.42 hectares (3.5 acres) in size with frontage on both Killarney Beach Road and Ardill Street, and currently contain a restaurant fronting onto Killarney Beach Road (refer to Figure 1 – Location Map appended to this letter). The Subject Lands are part of an approved plan of subdivision development (LSAMI P3, Plan 51M-1240) consisting of 126 single-detached homes, a park, two streets, and a stormwater management pond, which was approved and registered in November 2022 and is currently under construction. Additionally, the Subject Lands recently received approval for Official Plan Amendment (D09-2022-003) and Zoning By-law Amendment (D14-2022-019) applications at the Council meeting of December 13, 2023, to facilitate a 60-unit townhouse development on the southern portion of the site, approximately 1.09 hectares (2.69 acres) in size with access provided by an internal private condominium road with two accesses onto Ardill Street. The proposed townhouse development is subject to Site Plan Control and Condominium Exemption applications, which are currently being evaluated by Town staff. Surrounding land uses include existing and future residential to the east and south, commercial to the north, and the Metrolinx Rail Line directly west.

The submitted Consent Application proposes to sever approximately 0.16 hectares (0.41 acres) with +/-32 metres (106 feet) of frontage on Killarney Beach Road (the "proposed Severed Parcel") from the Subject Lands, resulting in a proposed Retained Parcel of approximately 1.25 hectares (3.0 acres) with +/-138 metres (452 feet) of frontage on Ardill Street. Please refer to Figure 2 – Proposed Severance, appended to this letter.

The purpose of this letter is to provide a brief planning rationale for the enclosed Consent Application.

Provincial Policy Statement (2020)

The Provincial Policy Statement (the “PPS”) came into effect on May 1, 2020 and is the guiding document providing policy direction on matters of Provincial interest related to planning and development. The PPS sets the policy foundation to regulate land use and development while also supporting the Provincial goal to enhance the quality of life for all Ontarians. The Planning Act, 1990 (the “Act”) requires that all decisions affecting planning matters shall be consistent with policy statements issued under the Act, including the PPS.

The Subject Lands meet the definition of a settlement area under the PPS being within the built-up area of the Town of Innisfil and having been designated for development over the long-term planning horizon. The PPS does not prohibit severance applications or lot creation within settlement areas.

The Consent Application is consistent with the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (the “Growth Plan”), prepared under the Places to Grow Act, 2005 is a framework document that seeks to implement the Provincial vision for the establishment of strong, prosperous communities to the year 2051. The Subject Lands are located within the Simcoe Sub-Area on Schedule 8 to the Growth Plan. While the Growth Plan is intended to be read in its entirety and all policies are applicable to all municipalities within the Greater Golden Horseshoe, Section 6 provides more specific direction on how the Growth Plan’s vision will be achieved in the Simcoe Sub-Area.

While the Growth Plan does not provide specific policies on consent applications or lot creation within the Simcoe Sub-Area, it does provide policies on where and how growth should take place to ensure growth in rural and urban areas is planned for and managed in an effective and sustainable manner. The Subject Lands are located within the Lefroy/Belle Ewart Settlement Area boundary and have existing or planned municipal water and wastewater systems. Further, the lands are designated for growth and will support the achievement of complete communities and the objectives of the Growth Plan.

The Consent Application conforms to the Growth Plan.

County of Simcoe Official Plan (Office Consolidation February 2023)

The Simcoe County Official Plan (the “SCOP”) was adopted November 25th, 2008, and partially approved by the Ontario Municipal Board (the “OMB”) on April 19, 2013. Since that time, the SCOP has been approved in phases by the OMB with the most recent approval occurring on December 29, 2016. Several site-specific appeals to the Official Plan remain in effect. The SCOP sets out policies to protect and enhance the County’s natural and cultural heritage, manage the County’s resources, implement efficient growth, coordinate land use planning among the local municipalities, ensure economic sustainability and promote public health and safety. The Subject Lands are designated “Settlements” as per Schedule 5.1 to the SCOP. A significant portion of growth and development are to be directed to Settlements where it can be effectively serviced and contribute to the creation of compact, complete communities. With respect to lot creation, the SCOP states the following:

3.3.2 Subdivision of land by plan of subdivision or consent, or plans of condominium, are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies.

3.3.4 Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the

policies of this Plan and the County of Simcoe, the Province of Ontario, or local municipalities. Exceptions may occur in plans of condominium where the condominium development has access to a public highway. Subject to local municipal bylaws and official plans lots may be created on existing private roads or water only access.

The Consent Application would result in the proposed Severed Parcel having frontage onto Killarney Beach Road, where existing access is provided. The proposed Retained Parcel will have frontage on Ardill Street, with two proposed accesses which will be secured through the ongoing Site Plan Control application. Additionally, the proposed Severed Parcel will continue to be used for existing commercial purposes as permitted in the Town's Official Plan and Zoning By-law, and no change in land use is being proposed at this time. As noted above, the proposed Retained Parcel recently received land use approvals to facilitate future construction of a medium-density townhouse development.

The Consent Application conforms to the Simcoe County Official Plan.

Town of Innisfil Official Plan (2018)

The Town of Innisfil Official Plan (the "Town OP") was adopted by Town Council on January 17, 2018, and approved by Simcoe County on October 24, 2018. The Town OP was most recently consolidated in August 2020. The Town OP is a guiding document that seeks to ensure that growth and development in the Town of Innisfil appropriately balances the social, economic, cultural and environmental interests of the community. The Subject Lands are within the "Urban Settlement Area" of Lefroy – Belle Ewart and are located within a "Strategic Growth Area" in keeping with Schedule A: Municipal Strategy. Further, Schedule B3 Land Use: Lefroy – Belle Ewart designates the proposed Severed Parcel as "Downtown Commercial Area", and the proposed Retained Parcel is designated "Residential Medium Density" in accordance with Council approved By-law No. 114-23.

As it relates to lot creation in Urban Settlement Areas, Policy 9.3.2 states the following:

9.3.2 Where full municipal services are not available, creation of new lots shall be prohibited until full municipal services are available.

The Subject Lands were historically serviced by a private well. However, the private well has recently been decommissioned and the existing restaurant is now connected to municipal water services. As such, lot creation is not prohibited.

With respect to the Downtown Commercial Area designation, Policy 11.2.1 states the following:

11.2.1 The Downtown Commercial Area designation represents the commercial heart of the Town's Primary, Urban, and Village settlements. Downtown Commercial Areas are where people come to shop, work, and gather. They function as destinations within Our Place providing for active, year-round gathering places for local and Town-wide civic and cultural activities. These designations are intended to provide the broadest range of retail and services including higher order shopping needs of residents as well as entertainment, dining, and the weekly needs for groceries, personal care products and services. The Downtown Commercial Areas are intended to evolve into Mixed Use areas and accommodate high density residential intensification.

Section 22.8 – Subdivision Control of the Town OP provides policy criteria for consideration when reviewing plans of subdivision or consent. More specifically, Policies 22.8.4 and 22.8.5 state the following:

22.8.4 The maximum total number of lots approved by the municipality on one property through consent shall be three. Proposals for new lots in excess of three shall be processed

by plan of subdivision. To clarify, no more than three new lots can ever be created through consent on the original parcel of land.

22.8.5 Consent approvals for the creation of new lots shall be able to apply conditions of approval and require road widening to both the retained and severed lands.

The proposed Consent to Sever will result in the creation of one (1) new lot and therefore does not require a plan of subdivision. The Application supports appropriate use of the Subject Lands as envisioned in the Town OP.

The Consent Application conforms to the Town of Innisfil Official Plan.

Town of Innisfil Zoning By-law 080-13

In keeping with Schedule A to the Town's Zoning By-law 080-13, the proposed Severed Parcel is zoned "Mixed Use 4 (Lefroy) Zone (MU4)", where a wide range of residential and commercial uses are permitted, including the existing restaurant use. The proposed Retained Parcel is zoned "Residential Townhouse Exception Hold (RT-32(H))" in accordance with Council approved site-specific By-law No. 115-23, where townhouse dwellings, including back-to-back townhouse dwellings, are permitted.

The proposed Consent to Sever will result in a total of two (2) parcels of land, where the proposed Retained Parcel will be developed with medium-density residential uses. At the time of this application, there are no proposed changes in land use for the proposed Severed Parcel, and the existing restaurant is intended to be maintained. If approved, the Consent Application would result in the following lot areas and frontages:

Table 1: Lot Area and Frontages

	Lot Area	Lot Frontage
Existing Lot	1.42 hectares	32.4 metres (Killarney Beach Road)
Proposed Severed Lot	0.16 hectares	32.4 metres (Killarney Beach Road)
Proposed Retained Lot	1.25 hectares	133.0 metres (Ardill Street)

Zone provisions marked with an asterisk (*) in Table 2 below identify existing conditions of the proposed Severed Lot that are not in compliance with the current Zoning By-law. However, as the existing building was legally established prior to the passing of the current Zoning By-law and the Consent Application does not result in further non-compliance, the existing conditions are considered Legal Non-Complying, and a Minor Variance Application is not required.

Table 2: Zoning Analysis – Proposed Severed Lot

Table 5.2b – Mixed Use Zone Regulations	MU4 (Lefroy) Zone Requirements	Proposed Severed Lot
Minimum Lot Area	1,000 m ²	1,675 m ²
Minimum Lot Frontage	15 m	32.4 m
Minimum Front Yard	1 m	5.6 m
Maximum Front Yard	4 m	6.2 m *
Minimum Interior Side Yard	N/A	1.3 m
Minimum Rear Yard	7.5 m	+/- 35.3 m
Maximum Lot Coverage	N/A	+/- 8%
Maximum Building Height	15 m and in accordance with the 45-degree angular plane	+/- 8.5 m

Minimum Landscaped Open Space	N/A	+/- 57%
Minimum width of a landscaped strip adjacent to the front and exterior side lot lines	1.0 m to 4.0 m	+/- 1 m *
Minimum width of a landscaped strip adjacent to the rear lot lines	3.0 m	+/- 23.0 m

The proposed Retained Parcel is currently undergoing detailed design review through submitted Site Plan Control Application SP-2021-033. However, the Consent to Sever complies with minimum lot area and frontage requirements, and the future medium-density residential development will comply with the site-specific zone provisions established through Council approved By-law No. 115-23. As such, a Minor Variance application is not required as a result of the submitted Consent Application.

The Consent Application complies with the Town's Zoning By-law 080-13.

Conclusion

In consideration of the foregoing, we are of the opinion that the proposed Consent to Sever is consistent with the Provincial Policy Statement, conforms to the Growth Plan, Simcoe County Official Plan, and Town of Innisfil Official Plan, complies with the Town's Zoning By-law 080-13, and represents good planning.

In addition to this letter and in keeping with the Town's submission requirements, the following materials are enclosed in support of the Consent Application:

1. A completed application form;
2. A severance sketch;
3. A draft R-Plan of the proposed Severed Parcel; and
4. A cheque in the amount of \$2,546, representing the application fee, will be provided under separate cover.

We trust that the above is satisfactory for the purpose of processing the submitted Consent to Sever application. Should you have any questions with respect to the enclosed, please do not hesitate to contact the undersigned.

Yours truly,

KLM PLANNING PARTNERS INC.

Keith MacKinnon BA, MCIP, RPP
Partner

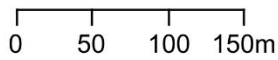
Courtney Fish BES, MCIP, RPP
Intermediate Planner

cc. Melinda Bessey, Ballymore Building (Innisfil) Corp.

Figure 1 – Location Map



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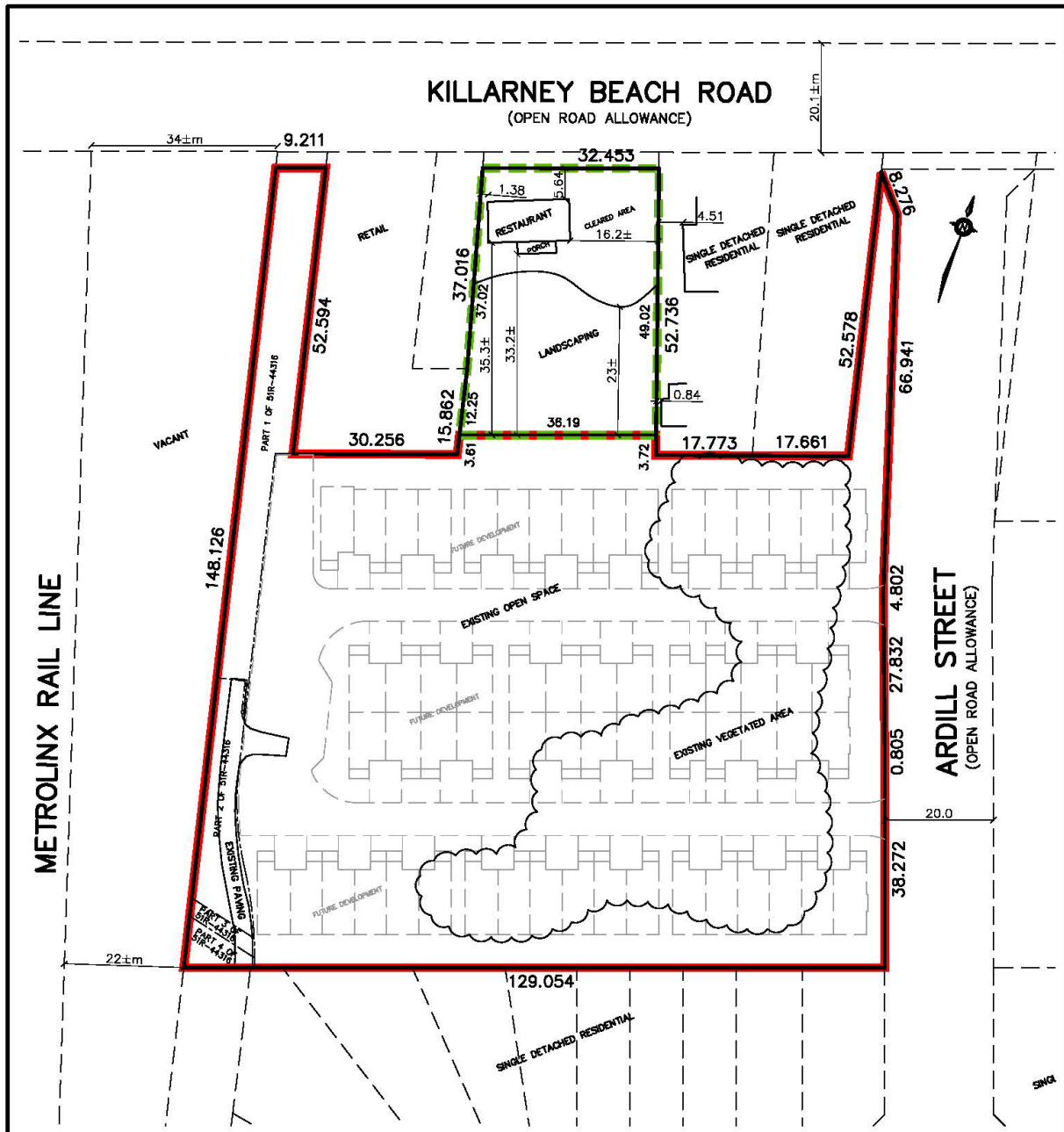


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Mar. 7, 2024

Figure 2 – Severance Sketch



NOTE: FUTURE DEVELOPMENT SHOWN ON RETAINED LANDS IS CONCEPTUAL AND SUBJECT TO REVISION.

PROPOSED SEVERANCE 1335 KILLARNEY BEACH ROAD

MARCH 12, 2024
SCALE 1:1000
(2907-SEV-1)

LEGEND:

	SEVERED LANDS
	RETAINED LANDS

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