



STAFF REPORT

TO: Committee of Adjustment

FROM: Matt Ellis, Senior Planner

SUBJECT: **B007-013/24**, DAS Developments Corporation
PART LOT 33, CONCESSION 3
Municipal Address: 88 and 176 Lyons Court
Severances to Create Seven (7) Lots

DATE: May 15, 2024

A. LANDS SUBJECT TO THE APPLICATION:

The subject lands are located on the south side of Mosley Street between the two roundabouts with Highway 26 and Beachwood Road/Lyons Court. The subject lands are legally described as PART LOT 33, CONCESSION 3, Town of Wasaga Beach, County of Simcoe and are municipally addressed as 88 and 176 Lyons Court. The subject lands have a frontage of approximately 191.29 metres (627.59 ft.) on Mosley Street, a frontage of approximately 582.66 metres (1,911.62 ft.) on Lyons Court, an irregular depth and an area of approximately 15.07 hectares (37.24 acres).

B. PURPOSE AND EFFECT:

Multiple applications for Consent to sever (B00724 through B01324) have been submitted by MHBC Planning Inc. on behalf of DAS Development Corp., owner of the subject lands. The portions of the property proposed for severance are shown on the Severance Sketch and in Figure 1 below and are described as:

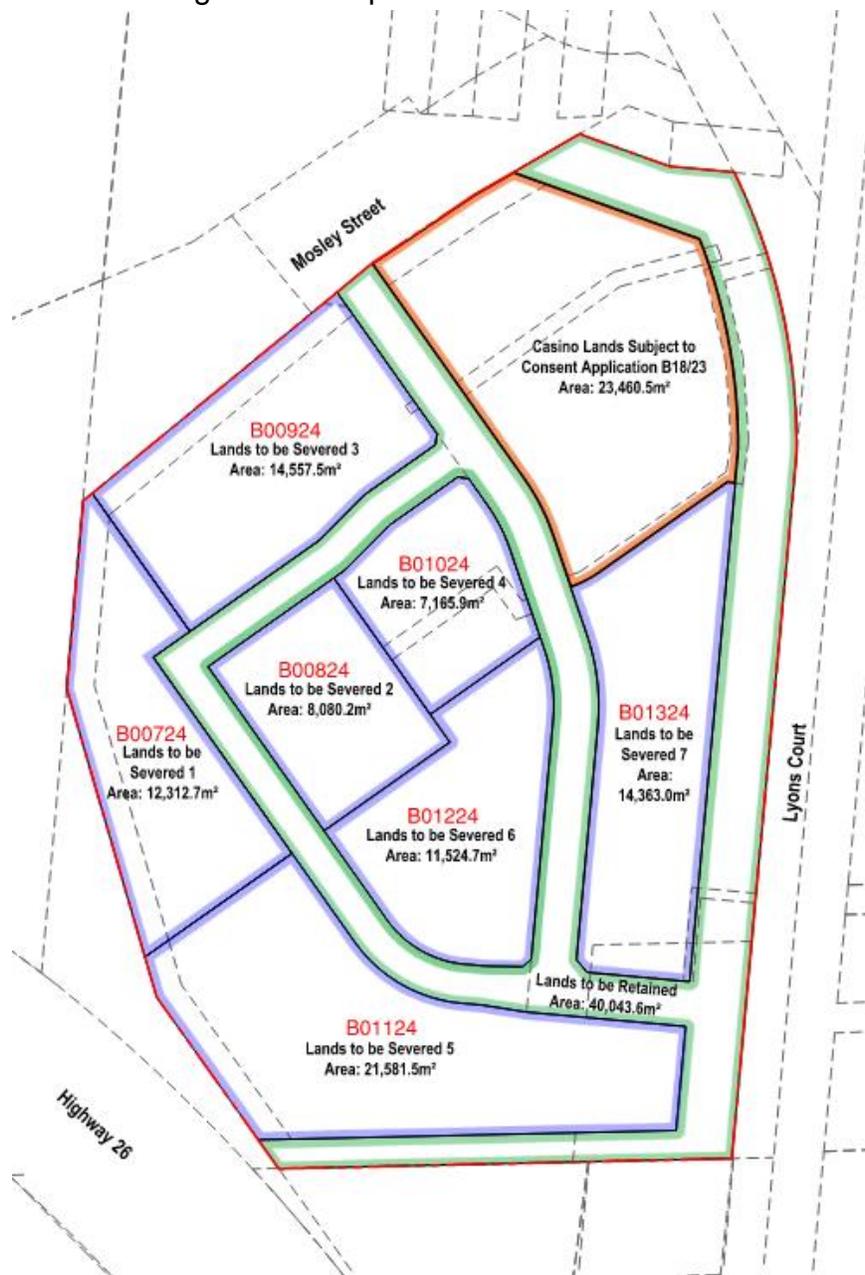
- Application B00724 - 'Lands to be Severed 1', has frontages on Berton Avenue and a currently un-named street and an area of approximately 12,312.7 square metres (132,532.80 sq. ft.).
- Application B00824 - 'Lands to be Severed 2', has frontages on Berton Avenue and a currently un-named street and an area of approximately 8,080.2 square metres (86,974.55 sq. ft.).
- Application B00924 - 'Lands to be Severed 3', has a frontage of 191.29 metres (627.59 ft.) on Mosley Street as well as frontages on Joseph Drive and an un-named street and an area of approximately 14,557.5 square metres (156,695.63 sq. ft.).
- Application B01024 - 'Lands to be Severed 4' has frontages on Joseph Drive and a currently un-named street and an area of approximately 7,165.9 square metres (77,133.11 sq. ft.).
- Application B01124 - 'Lands to be Severed 5' has frontage on Berton Avenue and an area of

approximately 21,581.5 square metres (232,301.33 sq. ft.).

- Application B01224 - 'Lands to be Severed 6' has frontage on Berton Avenue and currently un-named street and an area of approximately 11,524.7 square metres (124,050.84 sq. ft.).
- Application B01324 - 'Lands to be Severed 7' has frontage on Berton Avenue and currently un-named street and an area of approximately 14,363.0 square metres (154,602.05 sq. ft.).

The portion(s) of the property proposed to be retained as shown on the attached Severance Sketch and in Figure 1 below would consist of three privately maintained streets (Joseph Street, Berton Avenue and a currently un-named street) and comprise an area of approximately 40,043.6 square metres (431,025.72 sq. ft.).

Figure 1 – Proposed Severance Sketch



Planning staff also notes the lands subject to Consent applications B00724 through B01324 are also subject to the following previous or currently proposed applications:

- Consent application B/18/23 to create the lot which accommodates the existing Gateway Playtime Casino (as the severed lot of that application), conditionally approved by the Committee of Adjustment on September 20, 2023.
- Site Plan Control application SP08/23 to permit the development of three restaurants, two hotels, a gas bar and convenience store and a multi-unit retail building on a single lot, conditionally approved on January 4, 2024.
- Currently proposed Consent application B01424 to create a total of 41 easements to accommodate servicing and access including, but not limited to stormwater pipes, driveway access, sewers, watermains, gas, hydro and telecommunications.
- Currently proposed Minor Variance applications A01424-A01724 and A01924-A02124.

These Consent applications would create the parcels that accommodate the land uses that were conditionally approved in Site Plan Control application SP08/23 (shown as B00724 through B01024 on the attached severance sketch) as well as three other parcels (shown as B01124 through B01324 on the severance sketch) for future development purposes as separately conveyable lots. Separating the overall land holdings into smaller separately conveyable lots with mutual access roads (the access rights for which would be secured through Consent application B01424, if granted) would not affect the form and function of the currently proposed and future uses within the subject lands. The merits of Consent applications B00724 through B01324 are discussed in the following sections of this staff report.

Consent application B01424 is discussed in a separate staff report.

C. COMMENTS:

At the time of the writing of this report, the following comments have been received. Planning staff will inform the Committee should additional comments be received prior to the meeting. The Committee shall have regard for all comments received prior to making a decision on the applications.

<u>Submitted From:</u>	<u>Comments:</u>
Public Works Department	The Town’s Public Works/Engineering Department does not oppose these Consent applications. It is noted that any future development on the subject lot(s) will be required to adhere to Town of Wasaga Beach Engineering Standards and Policies.

	Formal comments from the Town's Public Works/Engineering Department are provided in Appendix 1 of this staff report.
Enbridge Gas	Enbridge Gas does not object to the proposed application(s). However, Enbridge reserves the right to amend or remove development conditions. A copy of the formal comments are provided as Appendix 2 of this staff report.
Wasaga Distribution Inc. (WDI)	WDI has reviewed the proposal and have no objections to its approval. The Developer is required to consult with WDI to ensure that hydro servicing requirements are understood and accommodated early in the general servicing design stage. A copy of the formal comments can be found as Appendix 3 of this staff report.
Nottawasaga Valley Conservation Authority (NVCA)	The NVCA has reviewed the consent application based upon our mandate and policies under the Conservation Authorities Act. Given the comments as contained within Appendix 4 of this report, the NVCA has no objections to the approval of the applications.
Ministry of Transportation (MTO)	Formal comments from the MTO were not received at the time of this staff report but are anticipated prior to the Committee of Adjustment meeting.

No other comments were received at the time of writing this staff report.

D. RECOMMENDATION:

In consideration of the foregoing, based on the above, the Planning Department supports applications **B007-013/24**, subject to the following conditions being applied individually, each of which is subject to the following:

1. THAT the applicant provides a deposited reference plan, said reference plan to show all of the parcels to be severed.
2. THAT the applicant shall pay to the Town of Wasaga Beach any additional costs and expenses incurred as a result of the review and approval of this application.
3. THAT an Overall Lot Grading Plan is to be provided showing the severed lots in accordance with current Town of Wasaga Beach Engineering Standards and Policies.

4. THAT Consent application B01424 for the proposed easements benefitting the severed parcels be approved and the conditions of that Consent be completed.
5. THAT Minor Variance applications A01424 through A01724 and A01924 through A02124 as they relate to Section 3.18 (Street Requirement) of Town of Wasaga Beach Comprehensive Zoning Bylaw 2003-60, be approved.
6. THAT all conditions of this decision be fulfilled and the documents presented to the Planning Department for issuance of the Certificate of Consent within a period not to exceed 24 months from the date of decision.

E. SUBJECT SITE:

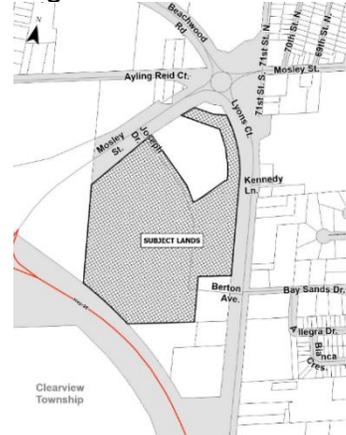
The subject lands are designated as District Commercial in the Town of Wasaga Beach Official Plan and zoned District Commercial (CD) and District Commercial Hold (CD-H) in Town of Wasaga Beach Comprehensive Zoning By-law 2003-60 as amended.

The lands are located south of Mosley Street, between the roundabouts with Beachwood Road/Lyons Court and Highway 26, as shown in Figure 2.

Although no site visit was conducted for these applications, Planning Staff is familiar with the subject lands through previous Consent application B01823 that was conditionally approved by the Committee on September 20, 2023 and Site Plan Control application SP08/23 that was conditionally approved by the Director of Planning on January 4, 2024. The lands subject to these applications are currently vacant. However, the lands that contain the Playtime Casino and Match Eatery operated by Gateway Entertainment Limited and the associated parking lot were severed from the subject lands via Consent application B01823 that was conditionally approved by the Committee on September 20, 2023. The surrounding area primarily consists of vacant lands, two campgrounds and lands developed with single-detached dwellings. These surrounding lands are zoned District Commercial (CD), District Commercial Hold (CD-H), Service Commercial Hold (CS-H) Local Commercial (CL), Local Commercial Hold (CL-H) and Residential Type 1 (R1) Comprehensive Zoning By-law 2003-60.

The subject lands are located in an area that is regulated by the Nottawasaga Valley Conservation Authority (NVCA).

Figure 2 – Site Location



F. ANALYSIS:

This section provides a summary of Planning staff's review of the relevant planning legislation and policies.

Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* provides a framework for municipalities within Ontario to develop Official Plans and Zoning By-laws, and also prescribes a framework and criteria through which land division such as by consent must be considered. Section 53(12) provides that in determining whether consent is to be given, there shall be regard to Section 51(24) of the *Planning Act* which provides a list of 13 criteria that planning authorities shall have regard for when considering the subdivision of land. The specific criteria under Section 51(24) of the *Planning Act* has been evaluated below:

- (a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

Staff Comment: No identified constraints, natural or cultural heritage areas are identified on the subject lands. Both the proposed severed and retained lots are located within a Settlement Area with access to municipal services. According to the County of Simcoe GIS imagery, the subject lands appear to contain an unevaluated wetland. The NVCA has confirmed that they have no concerns with the hazard on the property, as wetland interference concerns have been addressed in a previous *Planning Act* application (SP08/19) regarding development on the proposed severed lands. Planning staff, therefore, have no concerns with respect to Provincial interests outlined under Section 2 of the Act.

- (b) Whether the proposed subdivision is premature or in the public interest;

Staff Comment: The proposed severance is considered in the public interest as it contributes to achievement of a Complete Community, discussed later in this report. The additional lots would further contribute to the efficient use of existing and future municipal services. Given the proposed easements in Consent application B01424 (discussed in a separate report), to secure access rights for each of the severed lots, there is no evidence to suggest that the proposed severances are premature.

- (c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Staff Comment: A review of applicable policies from the Town's Official Plan is provided in this staff report, which indicates general conformity. The proposed severed and retained lands appear to be generally consistent and compatible with the existing lots of record in the area.

- (d) The suitability of the land for the purposes for which it is to be subdivided;

Staff Comment: The subject lands are designated as District Commercial in the Town of Wasaga Beach Official Plan and zoned District Commercial (CD) and District Commercial Hold (CD-H) in the Town's Zoning By-law. The proposed uses are permitted within the District Commercial designation of the Official Plan and CD zone of the Zoning Bylaw.

Municipal water and sanitary services are available to service the proposed severed and retained lands.

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Staff Comment: Not applicable; these applications are for commercial uses only and are, therefore, not proposing to construct any new affordable housing units.

- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Staff Comment: As mentioned earlier, the proposed retained lot for these applications would accommodate three privately-maintained streets (Joseph Street, Berton Avenue and a currently un-named street). These streets will be constructed in accordance with applicable Engineering Standards. If the Consent applications are approved, Sight visibility triangles at the intersections of Mosely Street/Joseph Drive and Berton Avenue/Lyons Court will be conveyed to the Ministry of Transportation (MTO), as a condition. Planning staff notes the portion of Mosely Street adjacent to the subject lands and Lyons Court are currently under the jurisdiction of the MTO. Staff have no concern with respect to the adequacy of the proposed public roads that would provide access to the severed lands of these Consent applications. The need for road widening has not been identified by the Town's Public Works and Engineering Department.

- (f) The dimensions and shapes of the proposed lots;

Staff Comment: The dimension and shape of the severed and retained lands comply with the minimum lot area and frontage requirements of the District Commercial (CD) Zone for the properties with access to municipal water and sanitary sewer services, in Town of Wasaga Beach Comprehensive Zoning By-law 2003-60.

- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

Staff Comment: Each of the proposed severed lots are currently the subject of Site Plan Control application SP08/23 that was conditionally approved on January 4, 2024. This conditional Site Plan approval addresses matters pertaining to Town interests, such as site design to ensure the safety of future patrons and employees of the proposed land uses, stormwater management, etc. Each of the severed lots are also subject to the 41 proposed easements in Consent application B01424 (discussed in a separate report) that, if granted, would secure the necessary future infrastructure to serve the future land uses on the proposed severed lots.

- (h) Conservation of natural resources and flood control;

Staff Comment: The subject lands are not identified within the Town of Wasaga Beach Official Plan as being designated within a Natural Heritage System area or Natural Hazard area. The subject lands are regulated by the Nottawasaga Valley Conservation Authority (NVCA). The NVCA has noted that their mapping illustrates a wetland interference hazard on the property. The NVCA have confirmed that they have no concerns with the wetland hazard on the property, as the wetland interference has been addressed in previous *Planning Act* applications for the subject lands.

- (i) The adequacy of utilities and municipal services;

Staff Comment: Municipal water and sanitary services to service the proposed severed lots would be secured through the easements proposed in Consent application B01424. Comments of no objection were received by WDI on April 29, 2024 and Enbridge Gas on May 2, 2024. No further comments have been received from external utility providers indicating concerns regarding the proposal.

- (j) The adequacy of school sites;

Staff Comment: No school board comments/concerns have been received, within the context of these applications.

- (k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Staff Comment: Cash-in-lieu of parkland dedication will be required as a condition of consent.

- (l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy;

Staff Comment: The proposed severed and retained lands are located within a Settlement Area with access to municipal water and sanitary services secured through the easements proposed in Consent application B01424. The creation of the proposed lots will contribute to the efficient use of existing infrastructure.

- (m) the interrelationship between the design of the proposed Plan of Subdivision and Site Plan Control matters relating to any development on the land, if the land is also located within a Site Plan Control Area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Staff Comment: Matters that are regulated through Site Plan Control, as they pertain to the severed lands in applications B00724-B01024, are addressed through the conditional approval of Site Plan Control application SP08/23, in accordance with Section 41 of the *Planning Act*.

Matters regulated through Site Plan Control, pertaining to the severed lands in applications B01124-B01324, will be addressed in accordance with Section 41 of the Planning Act, if/when such applications for development on these lots are received.

Planning staff have evaluated the applications for consent in the context of the criteria outlined under the *Planning Act*, and recommend that the applications for consent satisfy the criteria of 51(24) of the *Planning Act*.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The policies direct growth to settlement areas and Wasaga Beach is recognized as a settlement area in the County of Simcoe Official Plan. The policies state that planning authorities shall identify and promote opportunities for intensification, taking into consideration available infrastructure and public services.

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, livable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. In accordance with Section 1.1.3.1 of the PPS, settlement areas shall be the focus of growth and development.

Staff Comment: The subject lands are located within a Settlement Area, with access to municipal water and sanitary services.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) 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 uneconomical expansion;
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;

- d) Prepare for the impacts of a changing climate;
- e) Support active transportation;
- f) Are transit-supportive, where transit is planned, exists or may be developed; and
- g) Are freight supportive.

Staff Comment: The proposed severed lots are located within a Settlement Area and will be provided with access to municipal water and sanitary services through the easements proposed in Consent application B01424. Planning Staff have no concerns regarding Section 1.1.3.2 of the PPS.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

2.1.1 Natural features and areas shall be protected for the long-term.

Staff Comment: No natural heritage features are identified on the subject lands.

3.0 Protecting Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Staff Comment: Based on Simcoe County GIS imagery, an unevaluated wetland is located on the subject lands. The NVCA have noted that they have no concerns pertaining to Consent applications B00724 through B01324.

The subject lands are not located within an area containing identified Human-made hazards. Staff have no concerns with respect to Section 3.0 of the PPS.

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

A Place to Grow – Growth Plan for the Greater Golden Horseshoe, provides direction for growth and building complete communities. Complete communities are those which are well designed, compact, offer transportation choices, accommodate people at all stages of life, have a variety and mix of housing, a good range of jobs, and easy access to stores and services. It is submitted that the application for severance conforms to A Place to Grow policies, as the lands are located in proximity

to public schools, commercial areas, and medical offices. The subject lands are located approximately 400 metres from bus stops near the intersections of Ramblewood Drive/Lyons Court and Mosely Street/70th Street North. The Consent applications, if approved, would also facilitate a future transit loop along the private roads (Berton Avenue and Joseph Drive) that comprise the retained lands.

Staff Comment: Planning staff are of the opinion that the Consent, if granted, will conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (August 2020).

Simcoe County Official Plan

The subject property is designated as “Settlement” in the Official Plan for the County of Simcoe. One of the objectives of the Settlement Designation is to develop a compact urban form that promotes the efficient use of land and provision of water, sewer, transportation and other services. The lands have access to municipal water and sanitary services. The subject lands are located in proximity to current Wasaga Beach Transit Routes 1 and 2 and. Furthermore, as mentioned earlier, the consent applications, if approved, would facilitate a future transit loop through the private streets that comprise the retained lands, thereby providing improved access to medical offices, schools and shopping areas.

Staff Comment: Based on the above, Planning staff recommend that the application for Consent conforms to the Simcoe County Official Plan.

Town of Wasaga Beach Official Plan

The subject site is designated District Commercial within the Town of Wasaga Beach Official Plan. Pending the approval of these applications for Consent, the proposed future use of the lands will be for commercial purposes. It is the opinion of Planning staff that the applications for Consent conform to the applicable District Commercial designation policies of the Official Plan.

Applications for consent must also conform to Section 19.4 of the Official Plan. Planning staff have reviewed the policies as follows:

19.4.2 *Consents shall only be permitted where it can be shown that a registered Plan of Subdivision is not necessary for the proper and orderly development of the Municipality.*

Staff Comment: The purpose of the proposed Consent applications is to sever each lot so they can be individually conveyed for financing purposes. Infrastructure for matters such as water/sanitary sewer services, stormwater managements and access would be secured through the easements that are proposed in Consent Application B01424. Therefore, Planning staff recommends a condition for Consent Applications B00724-B01324 that Consent Application B01424 be approved and the Conditions of that Consent (if approved) also be met within 24 months from the date of decision. Site Plan Application SP08/23 that was conditionally approved on January 4, 2024 would ensure the orderly development of the severed parcels in Consent Applications B00724-B01024.

While the severed lots in Consent Applications B01124-B01324 are currently proposed to remain vacant, future development on these lots is also subject to Site Plan Control. Site Plan Control would ensure the orderly development on these lots at the time of conditional approval. It is the opinion of Planning staff that a Plan of Subdivision is not required.

19.4.3

a) Consents should be granted only in areas where undue extensions of Municipal services would not be required;

Staff Comment: Municipal water and sanitary sewer and storm sewers were recently installed within the proposed retained lands along Joseph Street, Berton Avenue and (currently un-named) Street C to service each of the proposed severed parcels. As these severed lots in Consent applications B00724 through B01324 will be serviced by infrastructure that is secured through the proposed easements in Consent application B01424, the approval of these Consent applications B00724 through B01324 (with conditions) is not anticipated to result in undue extensions of Municipal services. Planning staff recommends a condition for Consent applications B00724 through B01324 that requires the approval and completion of Consent application B01424.

b) Consents should only be granted when the land fronts on an existing public road, maintained to Municipal standards of construction;

Staff Comment: The intent of this policy is to ensure that lots are created only in situations where adequate access is provided/maintained in accordance with Municipal standards. According to the Planning Justification Report submitted with the applications, access to the proposed severed parcels will be through internal roads that have been designed to meet Municipal standards and will have the mutual access rights and necessary infrastructure secured through the proposed easements in Consent application B01424. The internal private roads would provide access to Mosley Street and Lyons Court, both of which are public roads. As mentioned above, a recommended condition of approval for these Consent applications (B00724 through B01324) requires the approval and completion of Consent application B01424 regarding the proposed easements.

Lastly, in regards to this policy, Planning staff notes the term “should” provides flexibility in certain situations and is not intended to be absolutely prescriptive. Consent Applications B00724 through B01324, therefore, are consistent with the intent of this policy.

c) Consents should have the effect of infilling existing developed areas, rather than unduly extending such areas;

Staff Comment: The subject lands are located in an existing area that is designated in the Official Plan and zoned in the Zoning Bylaw for commercial uses. The subject lands serve as a “gateway” site for the travelling public arriving from Highway 26. As the subject lands are located adjacent to the existing Playtime Casino operated by Gateway Entertainment, the proposed Consent applications would facilitate the continued build-out of these land holdings and therefore would not have the effect of an undue extension of the existing developed area. In the opinion of Planning staff, Consent Applications B00724 through B01324 are consistent with this policy.

d) Consents should recognize and have regard for the character of established residential neighborhoods and should take into consideration the impact and compatibility of the proposed development with the existing built form and fabric of an area;

Staff Comment: The subject lands are not located within an existing residential neighbourhood and is separated from surrounding residential lands by Mosely Street, Lyons Court as well as the two existing drainage channels adjacent to those roads. It is the opinion of Planning Staff that Consent applications B00724 through B01324 are consistent with this policy.

e) The size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available, soil conditions, surrounding development, and neighbourhood character, and in no case shall any parcel be created which does not conform to the provisions of the comprehensive Zoning By-law;

Staff Comment: The proposed severed lands exceed the minimum lot frontage and area requirements of the District Commercial (DC) Zone provisions for lots serviced with Municipal water and sewer. The severed lots would have services secured through the proposed easements within the retained lands that are proposed through Consent application B01424. It is not anticipated that the newly created parcels would negatively impact the character of the surrounding area.

f) Direct access to and from arterial and collector roads should be controlled and properly designed and residential lots should, where possible, have access only from local roads;

Staff Comment: The existing intersection of Joseph Street and Mosely Street (arterial road) and future intersection of Berton Avenue and Lyons Court (also an arterial road) were reviewed and approved by the Town and MTO. As such, these two intersections will provide properly designed access/egress between the proposed severed lots and the adjacent road network.

g) Consents should not be granted for land adjacent to a road from which access is to be obtained, where a traffic hazard would be created because of limited sight lines on curves or grades;

Staff Comment: As mentioned earlier, both intersections that would provide access/egress between the proposed severed lots and the adjacent arterial road network have been reviewed and approved by the MTO. Therefore, Planning staff does not anticipate that a traffic hazard would be created by the creation of the proposed severed lots in Consent applications B00724 through B01324.

h) Consents should not be granted if the effect of granting the severance would prejudice the future development of an area. In particular, consents should not be granted if the effect is to exploit the frontage of the lands with little regard for the remainder of the property. In addition, consents in commercial and tourism designations may not be granted if the division of the property will prevent the efficient and appropriate present or future development of the property.

Staff Comment: As the land uses were conditionally approved through Site Plan Control application SP08/23, the proposed severed lots through these Consent applications are of a sufficient size to accommodate the future land uses, as well as the required infrastructure for access, sanitary sewer, water and stormwater management through the easements that are proposed through Consent application B01424. As mentioned previously, a condition of approval for Consent applications B00724 through B01324 is that Consent application B01424 for the proposed easements is also approved and completed.

i) Consents for new uses wholly within Natural Heritage System Category 1 Lands shall not be granted. Prior to consideration of a consent application within Natural Heritage System Category 2 Lands, an Environmental Impact Study is required to the satisfaction of the Town.

Staff Comment: The subject lands are not located within any Natural Heritage System Category 1 or Category 2 lands, as per The Town's Official Plan.

In consideration of the comments above, Planning staff are satisfied that the proposed lot creation is consistent with the direction of the Town of Wasaga Beach Official Plan.

Town of Wasaga Beach Comprehensive Zoning By-law

The subject lands are zoned District Commercial Hold (CD-H) within Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, as amended. The proposed severed lots in these Consent applications exceed the minimum frontage and area requirements for lots serviced with municipal water and sewer within the CD Zone. Therefore, pending the approval of Consent applications

B00724 through B01324, the proposed severed lots would comply with the minimum lot frontage and lot area requirements in the CD Zone.

H CONCLUSION

As mentioned earlier in this report, separating the overall land holdings into smaller separately conveyable lots with mutual access roads (the access rights for which would be secured through Consent application B01424, if granted) would not affect the form and function of the currently proposed and future uses within the subject lands.

In consideration of the above, the Planning Department supports Consent applications B00724 through B01324 for the lands legally described as PART LOT 33, CONCESSION 3. Should the Committee choose to approve applications **B00724 through B01324**, Planning staff recommend that this approval also be subject to the above noted conditions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matt Ellis', with a stylized flourish at the end.

Matt Ellis, BES, RPP, MCIP
Senior Planner

Appendix 1 – Public Works/Engineering Comments

Appendix 2 – Enbridge Gas Comments

Appendix 3 – Wasaga Distribution Inc. (WDI) Comments

Appendix 4 – Nottawasaga Valley Conservation Authority (NVCA) Comments

Severance Sketch

