



STAFF REPORT

FUNCTION: Committee of Adjustment
DATE: January 31, 2019
REPORT NO.: PL-2019-8
Consent Application B.1/2019
371 King Street

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Application B.1/2019 respecting 371 King Street for a Provisional Consent to Sever one new parcel having the following general dimensions:

- A Frontage of 14.24 metres on Yonge Street, a land depth of 40.23 metres and a Lot Area of 550 square metres.

The retained lands will have a frontage of 23.5 metres on King Street, a depth of 36 metres on the north side and 49 metres on the south side for an area of 1,900 square metres.

If approved, Staff are recommending that Conditions of Provisional Consent approval be included in the Decision as set out in Staff Report PL-2019-8 dated January 31, 2019.

BACKGROUND:

The Town received an Application for Provisional Consent to sever on December 21, 2018, from the agent, Kristine Loft, for the property known municipally as 371 King and legally described as Part Lot 17, 18, 19 and Part Lot D on Registered Plan 169A located in the Town of Midland (Attachment #1 – Location Map).

The subject property is a corner lot located at the north-east side of the intersection between King and Yonge Street. The lands are irregular in shape with a frontage of approximately 14.33 metres for an area of approximately 2,450 square (0.61 acres). The subject property currently hosts a fast-food restaurant (KFC) and its associated parking lot. There are vehicular entrances from both frontages. The balance of the lands are vacant.

The Applicant is proposing to sever the property into two parcels. The severed parcel will have an area of 550 square metres with a frontage of 14.24 metres on Yonge Street and a depth of 40.23 metres (formerly 482 Yonge). The proposed retained lot where the existing fast-food restaurant is located will have a frontage of 23.5 metres on King Street, a depth of 36 metres on the north side and 49 metres on the south side for an area of 1,900 square metres. (See Attachment #2).

Surrounding Land Uses:

North: Commercial
South: Commercial

East: Commercial
West: Commercial

Provincial Policy Statement, 2014

Section 3 of the *Planning Act* states that all planning applications must be consistent with the Provincial Policy Statement. The Provincial Policy Statement states that settlement areas are to be the focus of growth and development. Intensification is encouraged and infilling is a form of intensification.

Growth Plan for the Greater Golden Horseshoe

Section 14(1) of the *Places to Grow Act, 2005* requires that all decisions under the *Planning Act* shall conform to the Growth Plan for the Greater Golden Horseshoe area. Generally, the Growth Plan directs growth to the Designated Built-Up Area within communities that have the capacities to accommodate the growth and development and requires intensification of development and greater densities within communities to create more compact, vibrant and complete communities. The 2017 update of the Growth Plan places additional emphasis on setting higher density targets and encouraging development on properties with existing or planned Municipal water and wastewater systems and within a Delineated Built Boundary.

County of Simcoe Official Plan

The Town of Midland is designated as a “SETTLEMENT AREA” in the County’s Official Plan. The County Official Plan generally indicates that settlements should be the focus of growth and that compact form which provides efficient use of land on full services should be promoted.

Official Plan

The subject property is designated **DOWNTOWN DISTRICT** in the Town’s Official Plan. The objectives of the Downtown District include maintaining the area as a focus of commerce, culture, tourism, hospitality and institutional activities and to promote and encourage mixed commercial/residential developments. King Street is intended to be the main focus of commercial activity within the Downtown District.

With respect to Consent Policies, the following apply:

- The Consent Policies of the Official Plan allow for new lots as stated in Section 8.14.

- All lots must have frontage on and have direct access to an open, improved public road which is maintained on a year-round basis and is of a reasonable standard of construction.
- Lots shall not be created which would access onto a road where a traffic hazard would be created due to limited sight lines.
- Strip development shall generally be prohibited although infilling in existing built-up areas may be permitted.
- Lot area and frontage of all lots must be adequate and must comply with the provisions of the Zoning By-law.
- Engineering services (sewer and water) must be available to be provided.

Zoning By-law 2004-90, as amended

The subject property is currently zoned **Downtown Core Commercial – DC-F2** under Zoning By-law 2004-90, as amended. The zone permits Retail and Commercial uses and also permits Residential use to be located above the main floor of a Commercial use. There are no minimum requirements for lot area, frontage or yard setbacks. Minimum setback standards only apply when the lot is abutting a Residential, Institutional or Open Space Zone. The proposed application complies with all DC-F2 provisions.

Department and Agency Comments

February 6, 2019 – Director of Operations, Parks and Facilities

- No concerns.

February 4, 2019 - Director of Engineering, Water and Wastewater Services

- No comments

ANALYSIS:

Originally, the lands were three legally separate properties, each with its own address, Assessment Roll Number and Property Identification Number (PIN). The lands were municipally addressed as 371 King Street, 482 Yonge Street & 486 Yonge Street (See Figure 1). Under the *Planning Act*, when abutting lots are in the same ownership, they automatically merge in title, unless the lots are whole lots

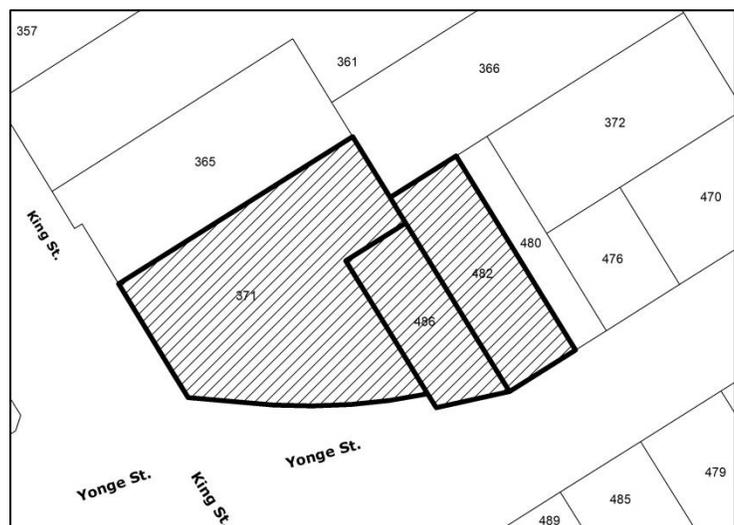


Figure 1

within a Plan of Subdivision. All three properties were under the same ownership and as a result the three properties inadvertently merged and cannot be conveyed separately.

As noted above, the Applicant is proposing to sever the property into two parcels in order to restore a portion of the lands to its ownership prior to the inadvertent merger. The severed parcel is '482 Yonge Street' and is being proposed to be severed in the same general dimension as it had been prior to the merger. The severed parcel will have an area of 550 square metres, a frontage of 14.24 metres on Yonge Street and a depth of 40.23 metres. There is currently no proposed development on the severed lot. The proposed retained lands (371 King Street & 486 Yonge Street) will remain as one lot and continue to host the existing fast-food restaurant. The retained lot will have a frontage of 23.5 metres on King Street, a depth of 36 metres on the north side and 49 metres on the south side for an area of 1,900 square metres.

The subject lands are located in a fully serviced area of the Town with access to a public road. The proposed lots fully comply with the minimum development standards of the DC-F2 Zone under the Zoning By-law. The subject application generally conforms with the Official Plan. The *Planning Act* requires that all decisions affecting planning matters must be consistent with the Provincial Policy Statement (PPS) and "The Growth Plan for the Greater Golden Horseshoe, 2017" (Growth Plan 2017). The subject property is located within the Delineated Built Boundary, where a full range of residential, commercial and employment uses are directed. The Growth Plan sets out policies to direct the majority of growth to be prioritized to the Designated Built Boundary and to Strategic Growth Areas that have existing and planned municipal water and wastewater systems and locations with existing or planned transit and public service facilities. The Application is proposing to sever the lands in full accordance with the Town's Official Plan and would be considered a form of infill development. As such, the Application generally conforms to the PPS and the Growth Plan.

In conclusion, Staff are of the opinion that the subject Application conforms to the Provincial and County Plans and Policies, conforms to the Town's Official Plan and fully complies with the Town's Zoning By-law, and therefore meets the requirements of Section 51 (24) of the *Planning Act*. Staff therefore has no objections to the Application and if approved, is recommending the following Conditions:

1. THAT A DEPOSITED REFERENCE PLAN SURVEY OF THE SEVERED PARCEL BE PREPARED AND SUBMITTED TO THE TOWN IN DUPLICATE.
2. THAT A DRAFT ELECTRONIC TRANSFER FOR THE PARCEL TO BE SEVERED BE SUBMITTED, WITH ONE COPY TO BE RETAINED BY THE MUNICIPALITY.
3. ALL TAXES, PENALTIES, AND INTEREST LEVIED ON THE SUBJECT PROPERTY AT THE TIME OF THE CERTIFICATION OF THE TRANSFER/DEED FOR THE SEVERED LOT BE PAID IN FULL.

4. THAT THE RETAINED LANDS BE CONSOLIDATED INTO ONE PROPERTY IDENTIFICATION NUMBERS (PINS), ONE ASSESSMENT ROLL NUMBER, AND ONE ADDRESS.
5. THAT THE APPLICANT SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH DETERMINING THE LOCATION OF THE LATERALS FOR THE SEVERED LOT, FOR ALL COSTS ASSOCIATED WITH THE INSTALLATION OF SERVICE LATERALS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN ENGINEERING, WATER & WASTE WATER DEPARTMENT, IF REQUIRED.
6. THAT THE APPLICANT AMENDS ANY SITE PLAN AGREEMENT REGISTERED ON THE PROPERTY, IF REQUIRED.
7. THAT A CERTIFICATE BE ISSUED UTILIZING FORM 2, UNDER SECTION 50(12) OF THE *PLANNING ACT* R.S.O., 1990.

FINANCIAL IMPACT:

There are no financial impacts as a result of the Application.

Prepared by: Angela Zhao, Planner

Approved by: Wesley R. Crown, MCIP, RPP

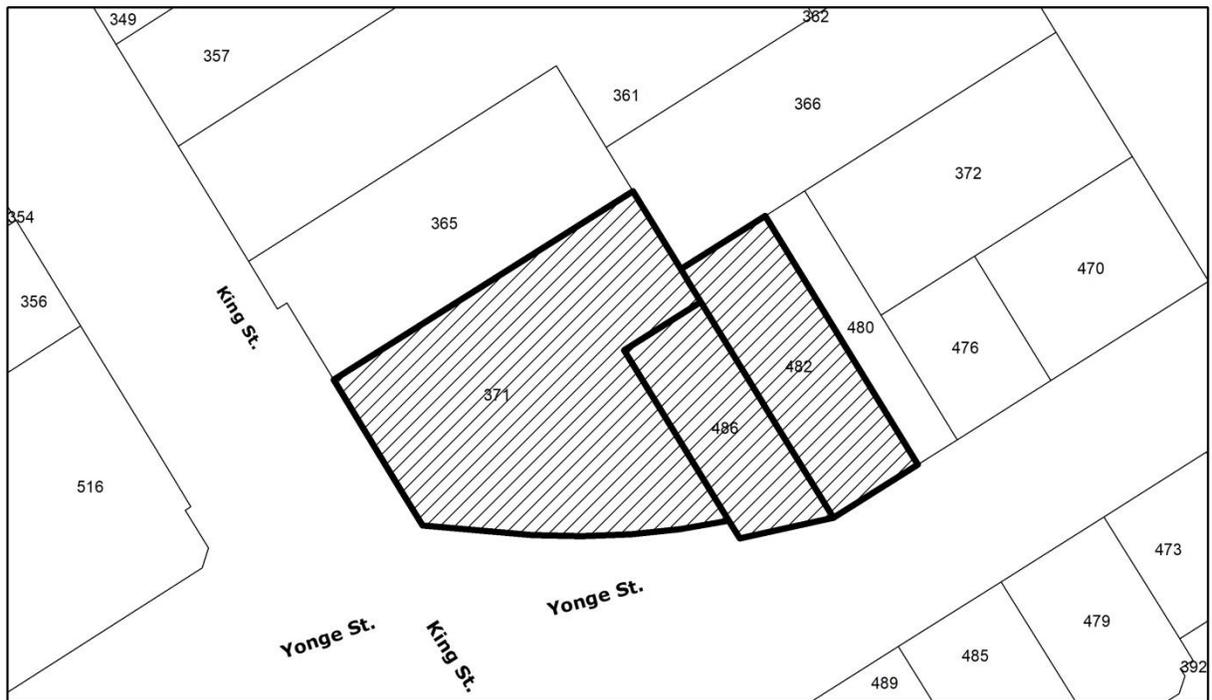
Director of Planning and Building Services

Attachments

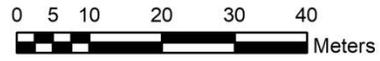
#1: Location Map

#2: Survey Sketch

Attachment #1: Location Map



 B.1/2019
371 King Street, 468 Yonge Street
& 462 Yonge



Attachment #2: Application Sketch

