

**DATE:** July 21<sup>st</sup>, 2021

**REPORT NO:** COA-020-21

**SUBJECT:** **Recommendation Report**  
Application for Consent by Fireball Property Holdings Inc.  
File No. B09/2021WL

**CONTACT:** Gerrit Boerema, Planner II  
Brian Treble, Director of Planning and Building

**OVERVIEW:**

- An application for a lot creation severance has been submitted by Fireball Property Holdings Inc.
- Fireball Property Holdings Inc. own a property zoned Industrial Employment 'M2' that is 1.755 hectares (4.34 acres) in size with the Roll Number 260203001303605 and legally described as Registered Plan No. M-94, Lot 34, Reference Plan No. 30R-498 Part 1 at the corner of London Road and Industrial Road (south east of the Regional water tower).
- Fireball Property Holdings Inc. are proposing to sever off 1.281 hectares (3.17 acres) and retain 0.474 hectares (1.17 acres) of land.
- The severed portion of land is planned to be sold to the existing tenants.
- The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria.
- Planning Staff recommend the approval of this application, with the appropriate conditions.

**RECOMMENDATION:**

That, report COA-020-21, regarding an application for Consent made by Fireball Property Holdings Inc., BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.

3. That the applicant has the subject lands appraised and provide the required cash in lieu of parkland dedication as required by the Township's cash in lieu of parkland dedication bylaw.
4. That a site plan amendment and applicable fee be submitted to revise the existing site plan to reflect the proposed boundaries.
5. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
6. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
7. That all of these conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

## **ALIGNMENT TO STRATEGIC PLAN**

- **Theme #3**
  - Strategic, responsible growth

## **BACKGROUND:**

A consent application has been submitted by Fireball Property Holdings Inc. for their property zoned Industrial Employment 'M2' that is 1.755 hectares (4.34 acres) in size. This application proposes to sever 1.281 hectares (3.17 acres) and retain 0.474 hectares (1.17 acres) of land. The portion of land proposed to be severed to create a lot is currently planned to be sold to the existing tenant.

The subject lands to be severed are legally described as Concession 9, Part Lot 6, Registered Plan No. M-94, Lot 34, Reference Plan No. 30R-498 Part 1 in the former Township of South Grimsby, now in the Township of West Lincoln. The property is municipally known as 6209 Skyway Road and is at the south west corner of London Road and Industrial Road (south of the Regional water tower).

## **CURRENT SITUATION:**

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 1.1.1 b) of the PPS, municipalities help to manage and direct land use to achieve efficient and resilient development and land use patterns by having

a mix of residential, employment, institutional, recreational space to meet long-term needs. Severing this underutilized property will help to increase the amount of utilized employment lands in the area.

Furthermore, Section 1.3 of the PPS speaks about employment and Policy 1.3.1 identifies that planning authorities shall promote economic development and competitiveness. Severing the property in question to create a lot increases the potential for a diverse range of future businesses to be situated in the area, which will help support a wide range of economic activities.

As this property is within the urban settlement area of West Lincoln the PPS supports new lot creation for employment purposes on this subject property.

### **A Place to Grow (2019)**

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investment. Section 2. of the Growth Plan provides policy direction related to where and how to grow throughout the Greater Golden Horseshoe (GGH). In relation to the proposed severance application Section 2.2.5 (Employment) of the P2G applies.

Section 2.2.5 of the Growth Plan provides policies respecting Employment. In particular, Policy 2.2.5.1 identifies that economic development and competitiveness in the GGH will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities. As the subject property in question is proposed to be sold to the existing tenant the severing of the property is in the interest of the P2G. Severing the property to create a lot will help increase the areas employment density and will also help to better utilize the land in question.

### **Greenbelt Plan (2017)**

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

### **Regional Official Plan**

The Regional Official Plan (ROP) is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's employment areas are contained within Section 3 of the ROP. The ROP allows for severances in the employment areas.

Policy 3. A.3.10 states that where appropriate, the Region encourages intensification on existing occupied employment lands through c) infilling of vacant lots within employment areas and d) severance or subdivision of larger employment properties to accommodate new employment uses.

The proposed severance meets the intention of the Regional policies.

### **Township of West Lincoln Official Plan**

The subject lands are designated as Employment Area in the Township's Official Plan (OP). The Township Official Plan promotes additional industrial development on lands designated for such purposes to improve the tax base of the community and to provide increased employment opportunities. It is the intent of the OP to provide opportunities for a wide range of industrial activities, provided that these activities do not interfere with the health and enjoyment of residents in the Township or neighbouring municipalities.

It should be noted that Policy 6.10.4.i. states that lands designated "Employment Area" are subject to the Site Plan Control policies of the Township Official Plan. Therefore, if the proposed severance is successful the new owners will be required to undergo a Site Plan Agreement with the Township before building on the land. Additionally, a condition has been added to amend the existing site plan to reflect the new property lines.

Policies and objectives regarding severances in the Township are contained within Section 18.13 of the OP.

Policy 18.13.b identifies that any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.

Policy 18.13.f identifies that a consent will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services has occurred.

Policy 18.13.i identifies that no land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.

Policy 18.13.4.iii. identifies that consents in Smithville shall have the effect of infilling existing built-up areas and not of extending built-up areas unduly.

The proposed severance and future use of the property meets the intent of the Township Official Plan with regards to the policies above.

### **Township Zoning By-law**

The property is currently zoned Industrial Employment 'M2'. Severing the existing property would have the effect then of creating two Industrial Employment 'M2' properties. Having two Industrial Employment 'M2' in this area meets both the intent of the applicant and the Township's Zoning By-law 2017-70, as amended.

Staff have reviewed the site drawings of the severed and retained parcels and can advise that they comply with the Township's Zoning By-law 2017-70, as amended.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this application.

**INTER-DEPARTMENTAL COMMENTS**

Notification was mailed to all applicable agencies and departments on July 2<sup>nd</sup>, 2021.

The NPCA are not interest in this application.

The Township's Public Works Department and the Region's comments are been attached to the bottom of this application

**PUBLIC COMMENTS:**

Circulation by way of mail was given to property owners within a 120m radius of the subject property on July 2<sup>nd</sup>, 2021. A Yellow sign was posted on the property a minimum of 14 days before the hearing.

No public comments have been received as of July 16<sup>th</sup>, 2021, during the preparation of this report.


**CONCLUSION**

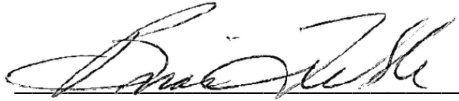
Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we recommend approval of the consent application for Fireball Property Holdings Inc. to sever 1.281 hectares (3.17 acres) and retain 0.474 hectares (1.17 acres) of land from Roll Number 260203001303605 for a lot creation severance so that the area can be fully utilized and have diverse employment opportunities. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate conditions.

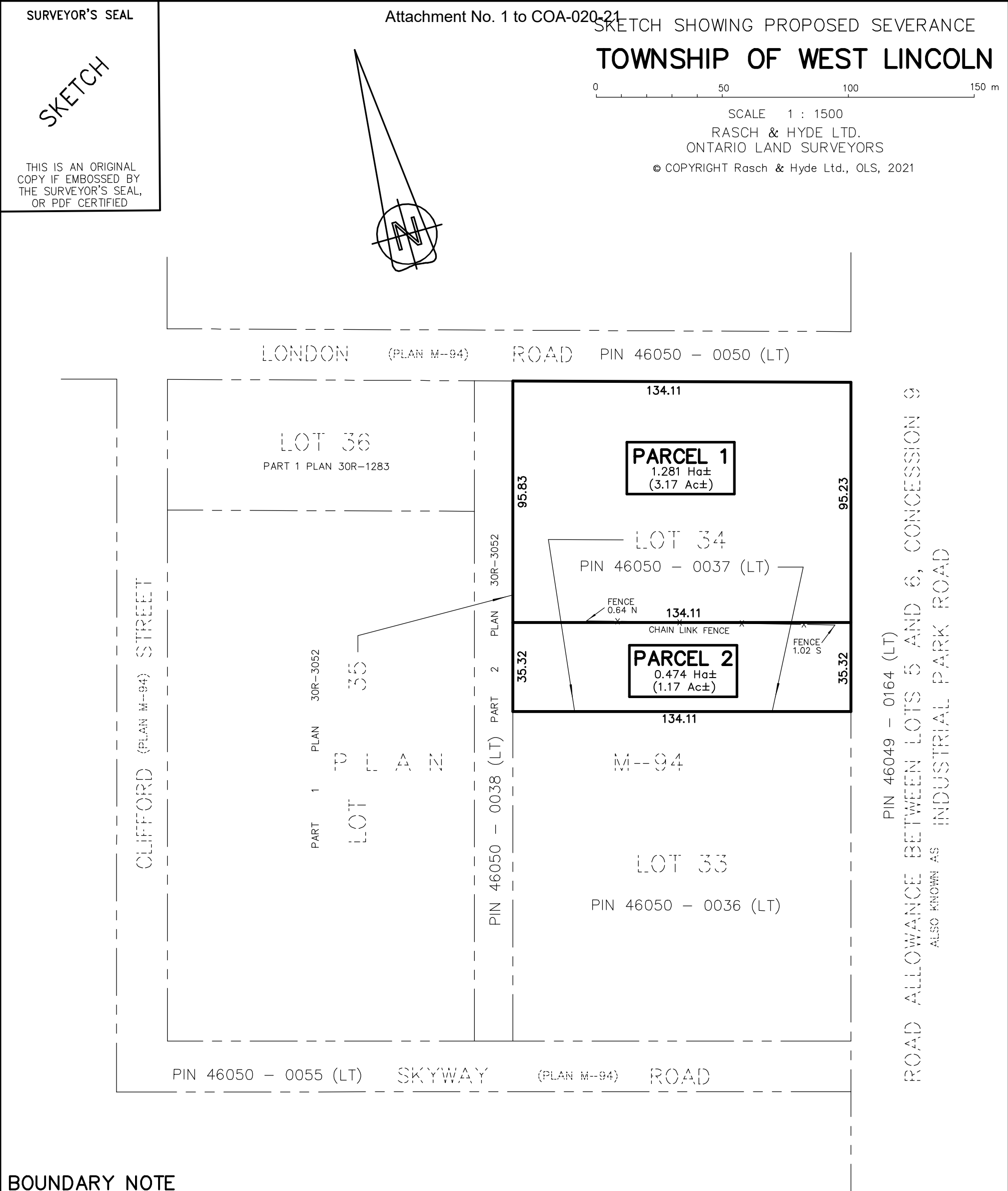
**ATTACHMENTS**

1. Severance Sketch
2. Agency Letters

**Prepared by:**

  
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**Gerrit Boerema**  
**Planner II**

  
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**Brian Treble, RPP, MCIP**  
**Director of Planning and Building**



## **Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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### **Via Email Only**

July 9, 2021

File No.: D.06.12.CS-21-0067

Meghan Birbeck  
Secretary Treasurer  
Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON, L0R 2A0

Dear Ms. Birbeck:

**Re: Consent Application  
Regional and Provincial Comments  
Township File No.: B09/2021WL  
Address: 6209 Skyway Road, Township of West Lincoln**

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Regional Planning and Development Services staff has completed a review for the above-mentioned Consent application which is proposing to sever off 1.281 hectares of employment land within the Smithville urban boundary. The retained employment land will be 0.474 hectares in size. The land proposing to be severed is currently vacant and underutilized with frontage along London Road and Industrial Park Road. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

### **Core Natural Heritage System**

The subject property is adjacent to the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 15 m of Type 2 Fish Habitat.

The Consent application proposes a new lot within the urban area to be created for future employment use. Although the proposed lot line is within 15 m of Type 2 Fish Habitat, the watercourse is located off the subject lands in a block containing only the feature. As such, due to the scope, nature and location of the proposed consent, staff are satisfied that there will be no significant negative impact to the CNHS and offer no objection.

Although staff have no objection to the Consent application, additional details may be required through future Planning Act applications (i.e. site plan) to confirm that any proposed development/site alteration will not negatively impact Fish Habitat.

## **Regional Infrastructure**

Please be advised that there is existing Regional infrastructure consisting of Regional trunk watermains and sanitary forcemains located along the subject property frontage of London Road and Industrial Park Road. The existing Regional infrastructure is not to be disturbed during any future construction or site servicing works.

## **Conclusion**

Regional Planning and Development Services staff offers no objection to the Consent application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements. If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3268 or Susan Dunsmore, P. Eng., Manager, Development Engineering, at extension 3661.

Please send notice of the Committee's decision regarding this application.

Best Regards,



Robert Alguire, C.E.T.  
Development Approvals Technician  
Niagara Region

cc: Aimee Alderman, MCIP, RPP, Development Planner, Niagara Region  
Lori Karlewicz, B. Sc., Planning Ecologist, Niagara Region



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# Memo

**To:** Meghan Birbeck, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** July 15, 2021  
**Re:** File B09/2021WL – Fireball Property Holdings Inc.

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A review has been completed of this application for consent to sever off 1.281 hectares of land from 6209 Skyway Rd, the retained land will be 0.474 hectares in size.

Public Works has no objection to this application.