

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: May 16, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Tim Seyler, Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: May 5, 2023

REPORT NO.: DSD-2023-213

SUBJECT: Consent Application B2023-020 – 685 Fischer Hallman Road, Unit Q

RECOMMENDATION:

That Consent Application B2023-020 for consent for a lease in excess of 21 years in favour of 'Your Neighbourhood Credit Union Inc.', for a financial establishment at 685 Fischer Hallman Road, be approved, subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application requesting consent to enter into a lease exceeding 21 years for a financial institution located on the lands addressed as 685 Fischer Hallman Road. The building is existing and no new development is proposed.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.

- This report supports the delivery of core services.

BACKGROUND:

The subject property is located within a commercial plaza at the southwest corner of Fisher Hallman Road and Ottawa Street South.

The subject property is designated as Commercial in the City's Official Plan and identified as an 'City Node' on the City's Urban Structure – Map 2.

The property is zoned 'Commercial Two Zone (COM-2)' with Site-Specific Provision (35) in Zoning By-law 2019-051.

The purpose of the application is to requesting consent to enter into a lease exceeding 21 years for a financial establishment. The building is existing and no new GFA is proposed.



Figure 1: View of Existing Financial Establishment Building

REPORT:

Planning Comments:

The owner of the subject lands is requesting consent for a lease in excess of 21 years for a YNCU financial establishment. The applicant has requested that the lease apply to the area shown in red hatch on the draft reference plan submitted with the application. As shown on the image below this includes the building itself, as the parking areas and walkways are part of the shared plaza area. Approval of the consent would permit the lease to 'Your Neighbourhood Credit Union Inc.' for a period of time in excess of 21 years and would not have any negative impacts on the remainder of the commercial plaza.

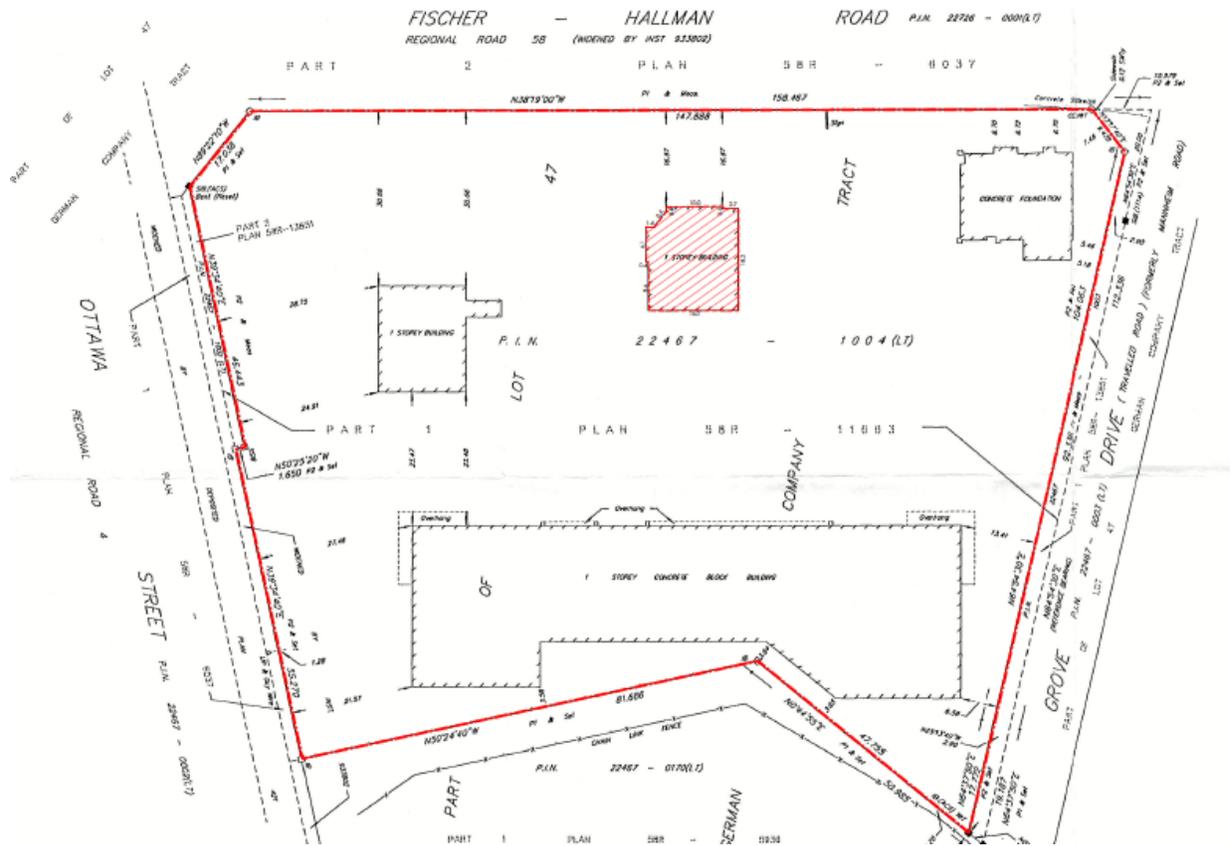


Figure 2: Draft Reference Plan

With respect to the criteria for the subdivision of land listed in Section 51 (24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that a lease in excess of 21 years is desirable, appropriate, suitable for the functioning of the financial establishment on the subject property. The consent will not frustrate the planned function or ability of the site to operate (with shared access) or impede the outcome of any future planning processes. Staff is of the opinion that the long term lease by the financial institutional conforms to the Official Plan, is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe. Based on the foregoing, Planning staff recommends that the application **be approved**, subject to conditions.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

No Engineering comments or concerns.

Parks/Operations Division Comments:

No concerns, Parkland Dedication is not required for permission to extend lease beyond 21 years.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

Region of Waterloo Comments:

The Region has no objection to the proposed application, subject to the following conditions:

1. That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*