

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: August 14, 2023

SUBMITTED BY: Garrett Stevenson, Interim Director of Planning, 519-741-2200 ext. 7070

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: July 18, 2023

REPORT NO.: DSD-2023-326

SUBJECT: Zoning By-law Amendment Application ZBA23/020/C/TS
Lifting of Holding Provision 15H
15 Cedar Street North
Nimbell Holdings Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/020/C/TS for Nimbell Holdings Inc. for the purpose of removing Holding Provision 15H from the lands specified in the attached Map No.1, in the form shown in the “Proposed By-law” attached to the Report DSD-2023-326 as Appendix ‘A’, be approved.

REPORT HIGHLIGHTS:

- The purpose of this report is to seek Council’s approval of a Zoning By-law Amendment to remove Holding Provision 15H from 15 Cedar Street North.
- The applicant has satisfied the conditions outlined within the Holding Provision as confirmed by the City of Kitchener’s Director of Planning.
- There are no financial implications associated with the Zoning By-law Amendment.
- Community engagement included notification of the intent to pass a by-law to remove the Holding Provision that was advertised in The Record on July 21, 2023.
- This report supports the delivery of core services.

BACKGROUND:

An application by Nimbell Holdings Inc. (Property Owner) to lift Holding Provision 15H from 15 Cedar Street North has been made to facilitate the development of the property with a multiple dwelling development containing 10 residential units. This report seeks Council’s approval of Zoning By-law amendment to remove the Holding Provision from the property.

REPORT:

In June 2022, an application was submitted by the property owner to lift Holding Provision 15H. Holding Provision 15H prohibits certain used until such time that the subject lands be

consolidated with lands fronting King Street East, and a site plan including appropriate site access and site buffering measures have been approved by the City's Director of Planning.

The Director of Planning has given their approval in the provided correspondence dated July 17, 2023 (Appendix 'C') indicating that they are satisfied that the Holding Provision could be removed without a consolidation of land, as there has been a significant change in Planning framework in Ontario, since the application of Holding Provision 15H. Furthermore, Bill 23 *More Homes Built Faster Act, 2022* made changes to the Planning Act which exempts residential developments with 10 dwelling units or less from site plan approval. The applicant has proposed a 10 unit multiple dwelling and will not be required to obtain Site Plan approval.

Based on the above, Planning staff is of the opinion that the requested Zoning By-law amendment to remove Holding Provision 15H is appropriate at this time since the requirements to release the holding provision are no longer applicable. Planning Staff recommends removing Holding Provision 15H as shown on Map No. 1 contained within Appendix 'A'.

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 council / committee meeting. Notice of the intention to pass a By-law to remove the Holding Provision was placed in the Record on July 21, 2023 (Appendix 'B'). Under the Planning Act a statutory public meeting is not required for zoning by-law amendments to remove holding provisions and a neighbourhood circulation is not required.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, 1990
- Zoning By-law 2019-051

REVIEWED BY: Tina Malone-Wright, – Interim Manager of Development Review, Planning Division

APPROVED BY: Justin Readman, General Manager Development Services

ATTACHMENTS:

- Appendix A – Proposed By-law with Map No. 1 to amend Zoning By-law 85-1
- Appendix B – Newspaper Notice

Appendix C – Director of Planning Approval Letter
Appendix D – Holding Provision 15H