

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: September 18, 2023

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

PREPARED BY: Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: August 21, 2023

REPORT NO.: DSD-2023-263

SUBJECT: Zoning By-law Amendment Application ZBA23/013/S/CD
Lifting of Holding Provision 24H
134-154 Shanley Street
2701098 Ontario Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/013/S/CD for 2701098 Ontario Inc for the purpose of removing Holding Provision 24H from the lands specified in the attached Map No.1, in the form shown in the “Proposed By-law” attached to the Report DSD-2023-263 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 24H from 134-152 Shanley Street.
- The applicant has satisfied the conditions outlined within the Holding Provision as confirmed by the Regional Municipality of Waterloo.
- There are no financial implications associated with the zoning by-law amendment application.
- Community engagement included notification of the intent to pass a by-law to remove the Holding Provision that was advertised in The Record on August 25, 2023.
- This report supports the delivery of core services.

BACKGROUND:

An application by 2701098 Ontario Inc. (the property owner) to lift Holding Provision 24H from 134-152 Shanley Street has been made to facilitate the development of the property with an 8-storey multiple dwelling development. This report seeks Council’s approval of zoning by-law amendment application to remove the Holding Provision from the property.

REPORT:

On February 21, 2022, Council approved a Zoning By-law Amendment application to change the zoning of the subject lands at 134-152 Shanley Street in Zoning By-law 2019-051 to Medium Rise Residential Six Zone RES-6 with Site Specific Provision (189) to further regulate parking, permit an increased Floor Space Ratio (FSR), building heights, setbacks and a Holding Provision (24H) to require site contamination remediation.

Approval in Principle of Site Plan Application SP21/105/S/CD was granted in April 2022, conditional upon the lifting of Holding Provision 24H. In May of 2023, a Zoning By-law Amendment application was filed requesting to lift the Holding Provision.

The City is in receipt of correspondence dated August 18, 2023 (Attachment 'C') indicating that the Regional Municipality of Waterloo is satisfied that the applicant has met the requirements of 24H related to the approval of the Record of Site Condition and has no objection to the lifting of the Holding Provision as it applies to the development of an 8 storey multiple dwelling development at 134-152 Shanley Street.

Based on the above, Planning staff is of the opinion that the requested zoning by-law amendment to remove Holding Provision 24H is appropriate at this time since the requirements to release the holding provision have been met. Planning Staff recommends removing Holding Provision 24H as shown on Map No. 1 contained within Attachment '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 August 25, 2023 (Attachment '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:

- *DSD-2022-033*
- *Planning Act, 1990*
- *Zoning By-law 2019-051*

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

APPROVED BY: Justin Readman, General Manager Development Services

ATTACHMENTS:

Attachment A – Proposed By-law to amend Zoning By-law 2019-051 and Map No. 1

Attachment B – Newspaper Notice

Attachment C – Regional Municipality of Waterloo Approval Letter

Attachment D – Holding Provision 24H