

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 10, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Ben Suchomel, Student Planner, 519-783-8948

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: November 27, 2024

REPORT NO.: DSD-2024-509

SUBJECT: Consent Application B2024-038 – 250 Shirley Avenue

RECOMMENDATION:

That Consent Application B2024-038 for 250 Shirley Avenue to permit the partial discharge of a Mortgage on an irregular parcel of land having a lot area of 0.15 hectares located at the rear of the subject lands, municipally known as 250 Shirley Avenue, which is proposed to be conveyed as a lot addition to the lands, municipally known as 260 Shirley Avenue, 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 the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a consent application to permit the partial discharge of a Mortgage on an irregular parcel of land which is proposed to be conveyed as a lot addition to the lands, municipally known as 260 Shirley Avenue.
- 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 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 on the south side of Shirley Avenue between Riverbend Drive and Bingemans Centre Drive.

The subject property is identified as 'Industrial Employment Areas' on Map 2 – Urban Structure and is designated 'Heavy Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Heavy Industrial Employment Zone (EMP-3)' in Zoning By-law 2019-051.

The purpose of the application is to permit the partial discharge of a Mortgage on an irregular parcel of land which is proposed to be conveyed as a lot addition to the lands, municipally known as 260 Shirley Avenue. The buildings on 250 and 260 Shirley Avenue are existing and no new Gross Floor Area (GFA) is proposed.



Figure 1: Location Map – 250 Shirley Avenue (Outlined in Red)

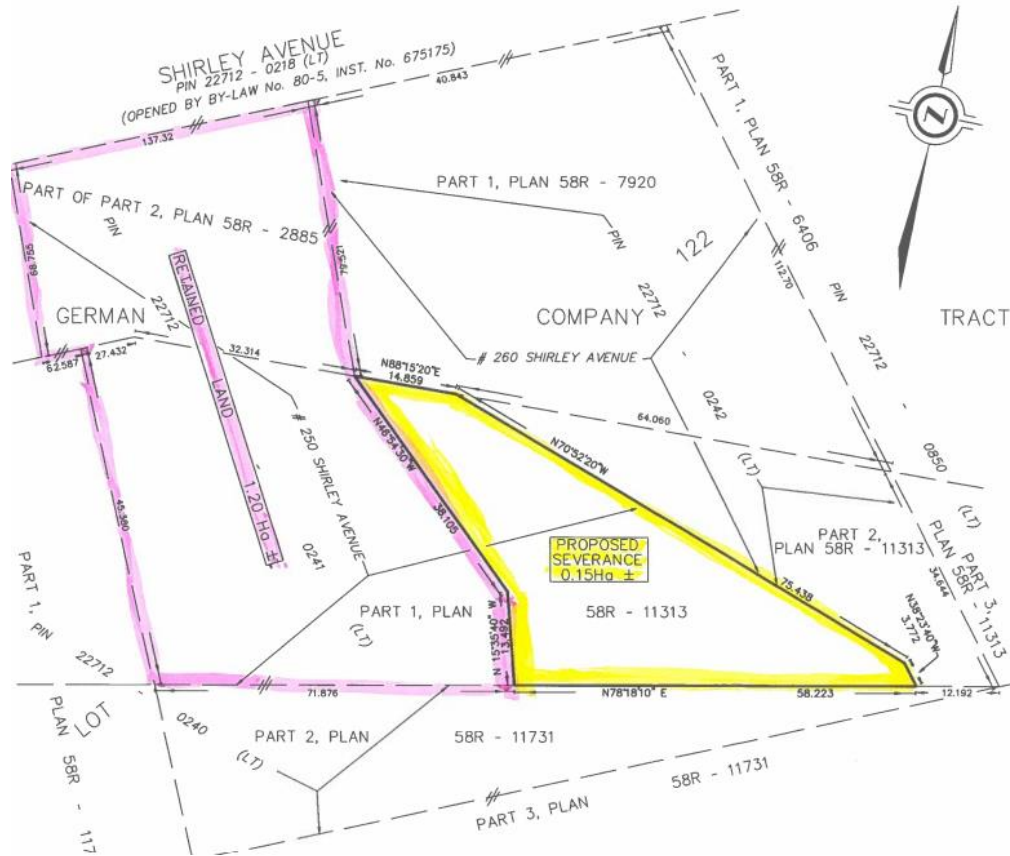


Figure 2: Site Plan

Staff conducted a site visit to the subject property on November 21, 2024.



Figure 3: Existing Industrial Facility at 250 Shirley Avenue on November 21, 2024

Staff note that the subject property was previously subject to consent application B2024-019, which had requested consent and was approved to sever the same triangular-shaped parcel of land measuring 58 metres in width and an area of 1,500 square metres (0.15 hectares) and was to be conveyed as a lot addition to the property located at 260 Shirley Avenue. Staff have noted that the reason for this application results from the fact that the applicant had not previously requested a partial discharge of the mortgage. The application currently before the Committee is now a request for the partial discharge of the mortgage.

REPORT:

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Provincial Planning Statement (2024) and Regional Official Plan (ROP):

As the proposal is to facilitate a partial discharge of a mortgage, no new lots are being created, and no physical changes to the existing development are proposed, it is Planning staff's opinion that no sections of the PPS or Regional Official Plan are specifically relevant, and that the application would conform to these plans and policies.

City's Official Plan (2014)

With respect to the Official Plan, no new parcels will be created through this application. The consent will not frustrate the planned function or ability of the sited to operate or appear to impede the outcome of any future planning processes. The use of properties are in conformity with the City's Urban Structure and land use designation.

In considering that the intent of the proposal is to facilitate an administrative consent required by the Planning Act and that no changes are proposed to the existing development on the lands, it is Planning staff's opinion that the proposed consent does not adversely impact any policies of the Official Plan.

Zoning By-law 2019-051

With respect to the City's Zoning By-law the use of the subject lands for industrial purposes is permitted in the 'EMP-3' Zone and the site as developed comprehensively complies with the Zoning By-law with respect to setbacks and parking. The partial discharge of the mortgage would not negatively impact the use of the lands and no minor variances are required as a result.

Environmental Planning Comments:

No concerns.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Engineering has no comment.

Parks/Operations Division Comments:

There has been a previous Committee of Adjustment application B2024-019 for this property that was considered as a lot addition and no Parkland Dedication was required.

In accordance with Parkland Dedication Bylaw 2022-101 and Parkland Dedication Policy MUN-PLA-1074, Parkland Dedication is not required for B2024-038 as no new lot is being created.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

Regional Fee:

Regional Staff are not in receipt of the required consent review fee of \$350. The fee is required as a condition of final approval for the consent application.

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Applicant submit the required consent review fee of \$350 to the Regional Municipality of Waterloo.

Grand River Conservation Authority (GRCA) Comments:

GRCA has no objection to the approval of the application. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The property is not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

Metrolinx Comments:

Metrolinx is in receipt of the amended Consent application for 250 Shirley Ave, B-2024-038, which is to provide amendment to the B-2024-019 Decision. Be advised Metrolinx has previously provided comments on the related Consent Application B-2024-019 (attached for reference).

We note the amendment has no impact on Metrolinx property (Guelph Subdivision) and does not change our previous comments.

Please keep us engaged should re-development of the subject lands be contemplated, as we may have further comments/requirements.

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 Planning Statement (PPS 2024)*
- *2014 Official Plan*
- *Zoning By-law 2019-051*
- *DSD-2024-350*