

Staff Report



Development Services Department

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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: April 3, 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 9

DATE OF REPORT: March 6, 2023

REPORT NO.: DSD-2023-112

SUBJECT: 30 Francis Street South – Zoning By-law Amendment, Lifting of Holding Provision, ZBA23/003/F/CD – 30 Francis Kitchener Incorporated

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/003/F/CD for 30 Francis Kitchener Incorporated for the purpose of removing Holding Provision 90H from the lands specified in the attached Map No.1, in the form shown in the “Proposed By-law” attached to the Report DSD-2023-112 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 90H from 30 Francis Street South.
- 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.
- Community engagement included notification of the intent to pass a by-law to remove the Holding Provision that was advertised in The Record on March 10, 2023.
- This report supports the delivery of core services.

BACKGROUND:

An application by the 30 Francis Kitchener Incorporated (property owner) to lift Holding Provision 90H from 30 Francis Street South has been made to facilitate the development of the property with a 45 storey mixed-use development. This report seeks Council’s approval of zoning by-law amendment to remove the Holding Provision from the property.

REPORT:

On March 21, 2022, Council approved a Zoning By-law Amendment application to add Special Regulation Provision 776R in Zoning By-law 85-1 to permit a high intensity mixed-use development with an increased Floor Space Ratio (FSR), a reduced rear yard building setback and Holding Provision 90H to require remediation of the site contamination and to require an updated noise study.

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

In April 2022, a Site Plan Application (SP22/073/F/CD) was submitted for the development of a 45 storey mixed-use development. Approval in Principle of the site plan was granted in June 2022, conditional upon the lifting of Holding Provision 90H. In March of 2023, a Zoning By-law Amendment application was filed requesting to lift the Holding Provision.

The City is in receipt of correspondence dated March 13, 2023 (Attachment C) indicating that the Regional Municipality of Waterloo is satisfied that the applicant has met the requirements of 90H related to traffic, railway and stationary noise and the Record of Site Condition and has no objection to the lifting of the Holding Provision as it applies to the development of a 45 storey mixed-use development at 30 Francis Street South.

Based on the above, Planning staff is of the opinion that the requested zoning by-law amendment to remove Holding Provision 90H is appropriate at this time since the requirements to release the holding provision have been met. Planning Staff recommends removing Holding Provision 90H 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 March 10, 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-2022-062
- Planning Act, 1990
- Zoning By-law 85-1

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

APPROVED BY: Justin Readman, General Manager Development Services

ATTACHMENTS:

- Attachment A – Proposed Zoning By-law to amend By-law 85-1 and Map No. 1
- Attachment B – Newspaper Notice
- Attachment C – Regional Municipality of Waterloo Approval Letter
- Attachment D – Holding Provision 90H