



PLANNING REPORT

Date: December 16, 2024
To: Mayor and Council
From: Marc Bancroft, MPL, MCIP, RPP, Manager of Planning
Report Number: COU24-157
Attachments: Proposed By-law

Title: To consider the removal of the Holding Provision (H22) for lands located at 16 Kastner Street and legally described as Block 44 on Plan 44M-93.

Objective: The purpose of this report is to recommend approval for Holding Removal Application Number H01-22, submitted by Zelinka Priamo Ltd. on behalf of Countryside Developments (2014) Inc. to remove Holding Provision (H22) from the subject lands. The holding provision was applied to the zoning of the lands until remediation works on the McNamara Drain are completed to the satisfaction of the Upper Thames River Conservation Authority (UTRCA) and the City of Stratford. Although currently vacant, the site is proposed to accommodate street townhouse dwellings and/or cluster townhouse dwellings.

Background:

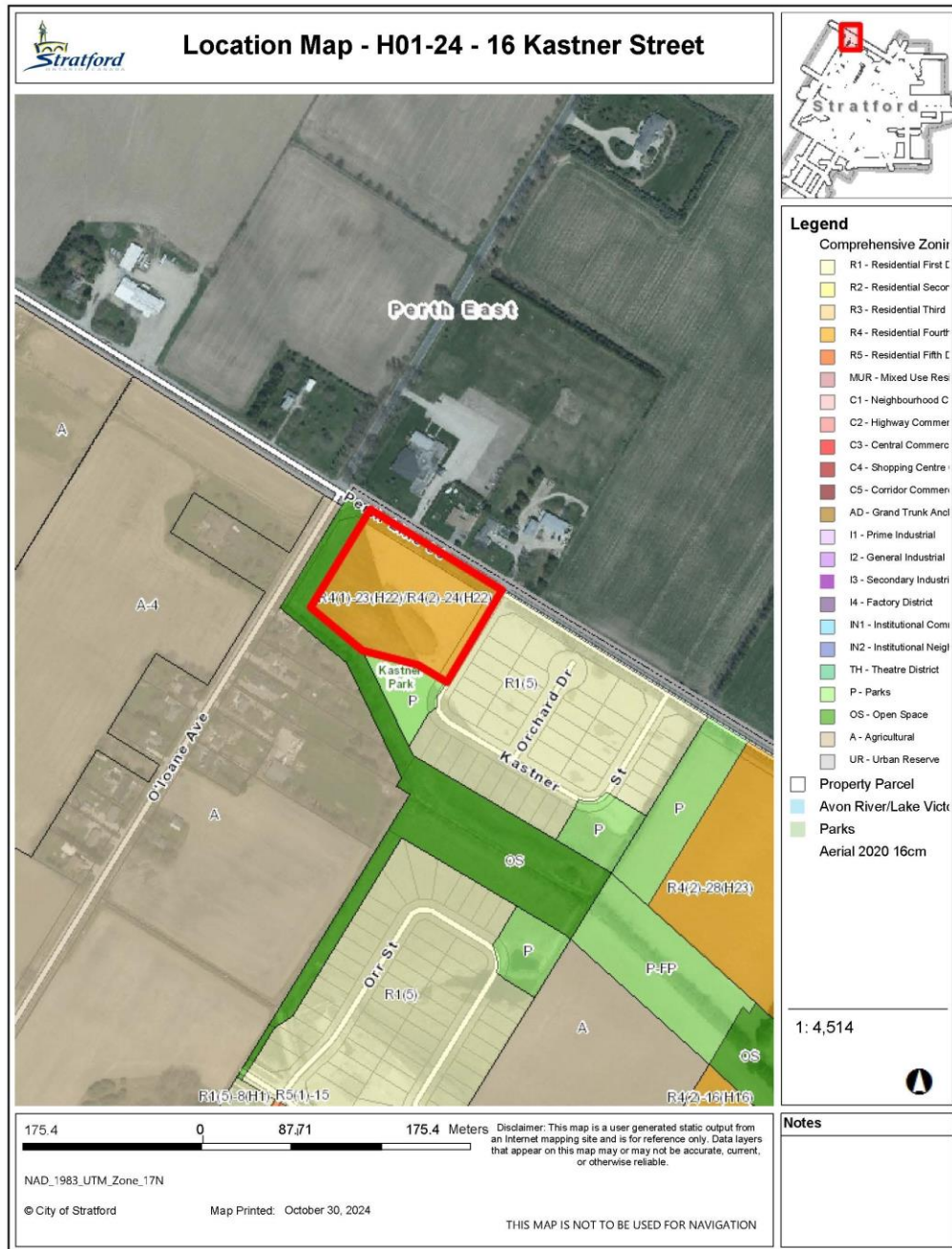
Subject Lands: The lands are located on the west side of Kastner Street and on the south side of Perth Line 36 just east of O’Loane Avenue. The property is also municipally known as 16 Kastner Street.

Site Characteristics

Characteristic	Information
Existing Use:	Vacant
Frontage:	80 m (262 ft)
Depth	129 m (423 ft)
Area	1.38 ha (3.4 ac)
Shape	Irregular

Surrounding Land Uses:

Direction	Use
North	Institutional, Residential and Industrial in the form of a church, single detached dwelling and landscaping business, respectively
East	Residential in the form of single detached dwellings
West	Open Space in the form of the McNamara Drain
South	Open Space and Parkland in the form of the McNamara Drain and Kastner Park



Analysis: On February 10, 2020, City Council passed By-law 17-2020 to rezone the subject lands to permit cluster townhouse dwellings and street townhouse dwellings, subject to a holding provision; until the necessary floodplain and remediation works were completed for the McNamara Drain to the satisfaction of the City and the UTRCA. In the passing of the City's (new at the time) Comprehensive Zoning By-law 10-2022, the same zoning standards originally applied in 2020 were carried forward to the current zoning of the property. To date, no planning application (i.e. site plan or draft plan of condominium) has been submitted to facilitate the development of the subject lands.

The applicant is requesting that Holding Provision (H22) be removed from the zoning of the subject lands. The (H22) Holding Provision was put in place until necessary floodplain and remediation works were completed for the McNamara Drain to the satisfaction of the City and the UTRCA.

Notice of Intent to Remove the Holding Provision was sent to municipal departments, and agencies on November 21, 2024. The City's Fire Prevention, Festival Hydro and 911 Emergency Services indicated that they have no concerns with the removal of the holding provision.

City Infrastructure Services has no objection to the removal of the holding provision considering they are satisfied with the remediation work complete within the McNamara Drain adjacent to the subject lands. The UTRCA also has no concerns considering they are satisfied that the channelization and regrading of lands within the McNamara Drain corridor has been completed in conformity with the corridor design and that there is sufficient floodplain storage within the corridor.

Provincial Planning Statement (PPS)

Section 2.3.1.2 of the PPS states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure and public service facilities.

Section 3.6.8 of the PPS states that planning for stormwater management shall be integrated with planning for sewage and water services and it shall minimize or prevent increases in stormwater volumes and contaminant loads, erosion and changes in water balance and mitigate risks to human health, safety, property and the environment.

The proposed development shall demonstrate the efficient development of the lands and with the completion of the required floodplain works, the Holding Provision (H22) is no longer required to mitigate risks to human health, safety, property and the environment. The floodplain works shall control contaminant loads, erosion and changes in the water balance.

Recognizing the applicant has complied with the requirements of the holding provision, the subject application is consistent with the Provincial Planning Statement.

Official Plan

The property is designated Medium Density Residential which allows a residential density of 30 to 100 units per hectare comprised of townhouses, quadruplexes or apartment dwellings.

Section 9.2.4 of the Official Plan sets out when Holding Provisions are to be applied and when they can be removed. The policy states the Holding Provision shall not be removed until after such time as the planning proposal has been approved by the City and the stipulations of the holding provision have been satisfied.

The Holding Provision for the subject lands was applied to the zoning to ensure that the appropriate remediation works were completed for the McNamara Drain to the satisfaction of the UTRCA and the City. The UTRCA and Infrastructure Services have confirmed that with the future site plan agreement and required Section 28 permit, they have no objection to the removal of the holding provision. As a result, the request to remove the Holding Provision from the subject lands conforms with the Official Plan.

Zoning By-law

The subject lands are zoned Residential Fourth Density R4(1)-23(H22) / R4(2)-24(H22) Zone. The site-specific zoning allows for street townhouse dwellings and cluster townhouse dwellings. The applicant has satisfied the requirements of the Holding Provision (H22) and therefore planning staff are of the opinion that it is appropriate to remove the Holding Provision from the subject lands.

Financial Implications: Development Charges will be calculated for the proposed dwelling units and collected at the time of the issuance of a building permit.

Staff Recommendation: THAT the City of Stratford Comprehensive Zoning By-law 10-2022 be amended by removing the Holding Provision (H22) from the property known municipally as 16 Kastner Street being Block 44 on Plan 44M-93 for the following reasons:

- **The prerequisite for the removal of the Holding Provision has been satisfied;**
- **Removal of the Holding Provision shall allow the development of the subject lands in conformity with the City of Stratford Official Plan and consistent with the Provincial Planning Statement.**

Recommended by: Marc Bancroft, MPL, MCIP, RPP, Manager of Planning

Reviewed by: Adam Betteridge, MPA, MCIP, RPP, Director of Building and Planning Services

Approved for Council

by: Joan Thomson, Chief Administrative Officer