

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: September 18, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

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

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: September 1, 2023

REPORT NO.: DSD-2023-400

SUBJECT: Zoning By-law Amendment Application ZBA23/032/V/CD
Lifting of Holding Provision 43H
120 Victoria Street South
Glovebox (2019) Inc

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/032/V/CD for Glovebox (2019) Inc for the purpose of removing Holding Provision 43H 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 Application to remove Holding Provision 43H from the lands municipally known as 120 Victoria Street South.
- The applicant has satisfied the conditions outlined within the Holding Provision as confirmed by receiving a letter of acknowledgment from the Ministry of Environment.
- 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 September 8, 2023.
- This report supports the delivery of core services.

BACKGROUND:

An application by Glovebox (2019) Inc. (the property owner) to lift Holding Provision 43H from 120 Victoria Street South. This report seeks Council’s approval of a zoning by-law amendment application to remove the Holding Provision from the property.

REPORT:

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

In August of 2018, Council approved a Zoning By-law Amendment application to change the zoning of the subject lands at 120 Victoria Street South in Zoning By-law 85-1 to Warehouse District Zone with Special Regulation Provision 1R and 710R, Special Use Provisions 294U and 463U and Holding Provisions 43H and 80H a Holding Provision (24H) to allow for a phased mixed use development requiring site contamination remediation for sensitive uses.

At the time of the above mentioned Zoning By-law Amendment application, Holding Provisions 43H and 80H were retained within the zoning of the property to prohibit any residential use (80H) and other sensitive land uses (43H) until such time as a Record of Site Condition is approved by the Ministry of the Environment.

The City is in receipt of a letter of acknowledge from the Ministry of Environment dated January 28, 2021 (Attachment 'C') advising that a Record of Site Condition has been completed in accordance with Guidelines for the Decommissioning and Clean-up of sites in Ontario. As such planning staff is satisfied that the applicant has met the requirements of 43H related to the approval of the Record of Site Condition and has no objection to the lifting of the Holding Provision to permit the use of a museum (and other sensitive uses) on the subject lands at 120 Victoria Street South

Based on the above, Planning staff is of the opinion that the requested zoning by-law amendment to remove Holding Provision 43H is appropriate at this time since the requirements to release the holding provision have been met. Planning Staff recommends removing Holding Provision 43H 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 September 8, 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-18-073*
- *Planning Act, 1990*
- *Zoning By-law 85-1*

REVIEWED BY:

Garett Stevenson, Manager of Development Review, Planning Division
Tina Malone-Wright, Supervisor Development Applications, Planning Division

APPROVED BY: Justin Readman, General Manager Development Services

ATTACHMENTS:

Attachment A – Proposed By-law to amend Zoning By-law 85-1 and Map No. 1

Attachment B – Newspaper Notice

Attachment C – Ministry of Environment Letter of Acknowledgement

Attachment D – Holding Provision 43H