

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** August 5, 2022

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

**PREPARED BY:** Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

**WARD(S) INVOLVED:** Ward 3

**DATE OF REPORT:** August 5, 2022

**REPORT NO.:** DSD-2022-403

**SUBJECT:** Consent Application B2022-045  
160 Bullock Street and 10 Pearson Street  
PDCP Block 8 & 10 Limited Partnership  
Chris Pidgeon, GSP Group

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## RECOMMENDATION:

That Consent Application B2022-045 requesting consent to amend an easement, in accordance with the Sketch for Consent, dated June 20, 2022, submitted with the consent application, BE APPROVED subject to the following conditions:

1. That the Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Supervisor, Development Applications:
  - a) a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and
  - b) a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.
2. That a satisfactory Solicitor's Undertaking to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor be provided to the City Solicitor.
3. That the property 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.

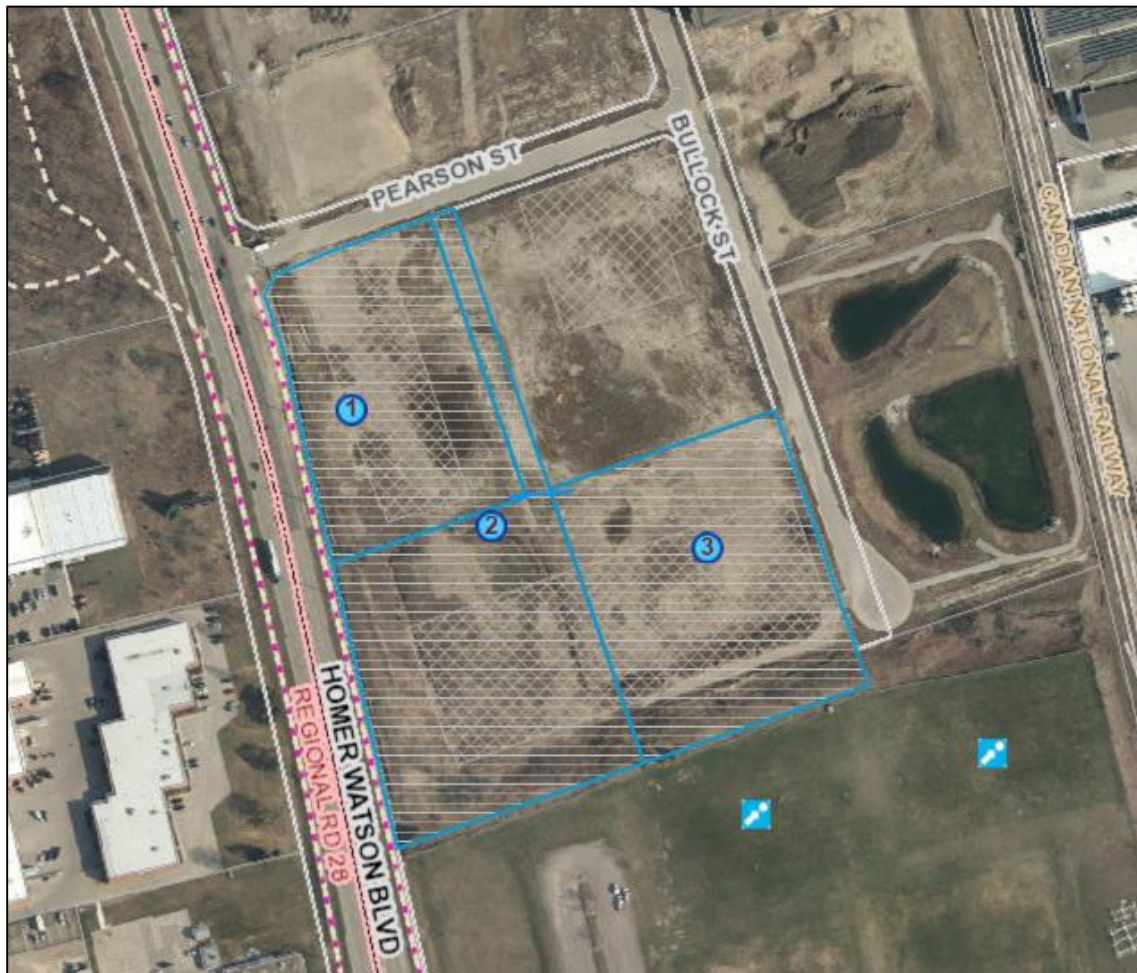
4. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

**REPORT HIGHLIGHTS:**

- The purpose of this report is to provide a recommendation for the approval of the request to amend an existing private servicing easement.
- There are no financial implications.
- This report supports the delivery of core services.

**BACKGROUND:**

The subject property is located at the intersection of Homer Watson Boulevard and Pearson Street.



**Figure 1: Location Map: 160 Bullock Street and 10 Pearson Street**



**Figure 2: View of Site under Construction from Bullock Street (July 15, 2022)**

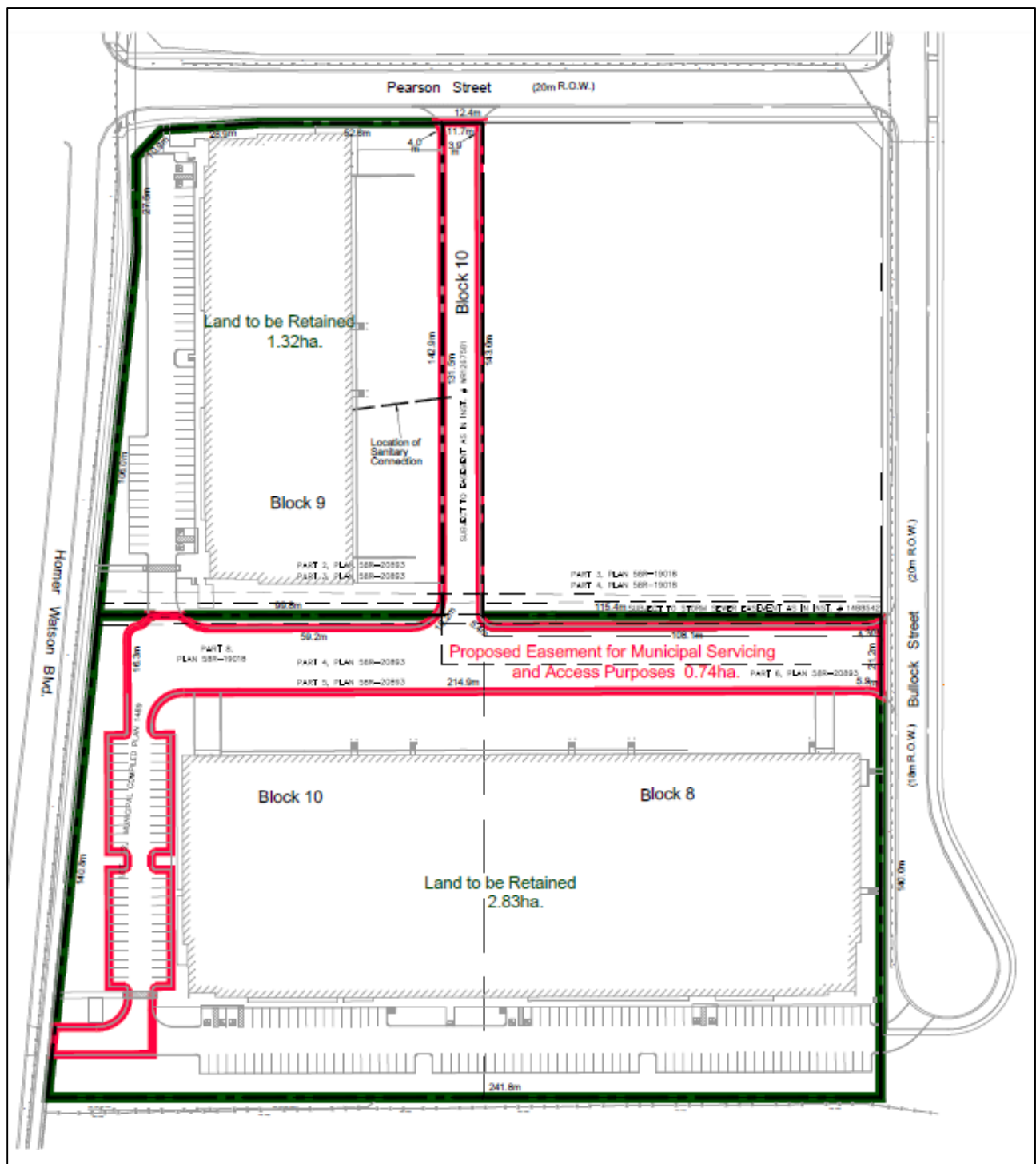
The subject property is identified as 'Industrial Employment Area' on Map 2 – Urban Structure and is designated 'General Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'General Industrial Employment Zone (EMP-2)' with Site-Specific Provision (105) in Zoning By-law 2019-051.

The subject lands are part of industrial subdivision 30T-13202, now registered as Plan 58M-656.

- 10 Pearson Street received full site plan approval (SP21/049/B/ES) in March 2022 to construct an approximate 5,500 square metre light industrial/warehouse building. The Committee of Adjustment approved Minor Variance application A2021-075 for a reduction in the front yard setback and reduction in required parking.
- 160 Bullock received full site plan approval (SP21/050/P/ES) in February 2022 to construct an approximate 13, 000 square metre light industrial/warehouse building. The Committee of Adjustment approved Minor Variance application A2021-101 for a reduction in the setback for stairs for the building.

The purpose of the application is to recommend approval of a consent application to amend an existing easement for access and servicing.



**Figure 3: Consent Sketch showing proposed easement boundaries (GSP Group)**

## REPORT:

### Planning Comments:

Both subject sites (160 Bullock and 10 Pearson Street) were subject to “blanket” easements for access and servicing through subdivision 30T-13202. They were created as blanket easements over the entire site because the final design and location of driveways and services was not known at the time of subdivision registration when the lots were created.

Now that site plan approval has been issued and construction has commenced, the final locations of driveways and services has been established. Therefore, the applicant is seeking to narrow the private easements between the two subject sites down to specific easement area to replace the blanket easements.

Staff does not have any concerns with the application as the easement will continue to provide adequate and necessary access and servicing between the two lots.

**Environmental Planning Comments:**

No natural heritage or tree management policy concerns.

**Heritage Planning Comments:**

No heritage concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed consent.

**Engineering Division Comments:**

Private servicing was approved for 160 Bullock Street (SP21/049/B/ES) and 10 Pearson St (SP21/050/P/ES) through the City's Site Plan process. Engineering would request that the proposed easement not be referred to as "Municipal Servicing" as the servicing is privately owned.

The existing Municipal Servicing Easement on 10 Pearson St in favour of the City should not be infringed on with the new private servicing easement.

**Parks/Operations Division Comments:**

Application is for easement change only. No Parks/Operations concerns.

**Transportation Planning Comments:**

Transportation Services have no concerns with the proposed application.

**Region of Waterloo Comments:**

The owner/applicant requires an easement for municipal sanitary sewer and vehicular access to replace the existing blanket easement.

**Regional Fee:**

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.

**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*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *DSD-2021-136 (A2021-075)*
- *DSD-2021-187 (A2021-101)*

**ATTACHMENTS:**

No attachments.