

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 13, 2022

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: December 5, 2022

REPORT NO.: DSD-2022-506

SUBJECT: Change of Conditions Consent Applications CC2022-002 and CC2022-003 - 92, 100, 102, 106, and 110 Park Street and 130, 138, 142, 150-154, and 162 Victoria Street South

RECOMMENDATION:

Change of Conditions Application CC2022-002

That Committee of Adjustment Decision B2021-004, dated February 16, 2021, be amended as follows:

1. That Condition No. 1 be deleted and replaced with the following Condition No. 1:

“1. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes for 92, 100, 102, 106, and 110 Park Street and 130, 138, 142, 150-154, and 162 Victoria Street South, to the satisfaction of the City’s Revenue Division.”

2. That Condition No. 3 be deleted and replaced with the following Condition No. 3:

“3. 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.”

Change of Conditions Application CC2022-003

That Committee of Adjustment Decision B2021-005, dated February 16, 2021, be amended as follows:

1. That Condition No. 1 be deleted and replaced with the following Condition No. 1:

“1. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes for 92, 100, 102, 106, and 110 Park Street and 130, 138,

142, 150-154, and 162 Victoria Street South, to the satisfaction of the City's Revenue Division."

2. That Condition No. 3 be deleted and replaced with the following Condition No. 3:

"3. 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."

REPORT HIGHLIGHTS:

- The purpose of this report is to change conditions of Consent Application Decisions B2021-004 and B2021-005.
- There are no financial implications.
- This report supports the delivery of core services.

BACKGROUND:

The subject properties are located at the corner of Park Street and Victoria Street South.

The subject properties are identified as 'Urban Growth Centre' on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 4 – Urban Growth Centre (Downtown) in the City's 2014 Official Plan.

The subject lands are zoned as follows:

Address	Base Zone	Special Regulations
130 Victoria Street South	Low Intensity Mixed Use Corridor Zone (MU-1)	1R, 525R
138 Victoria Street South	Low Intensity Mixed Use Corridor Zone (MU-1)	1R, 525R, 401U
142 Victoria Street South	Low Intensity Mixed Use Corridor Zone (MU-1)	1R, 525R
150-154 Victoria Street South	Medium Intensity Mixed Use Corridor Zone (MU-2)	1R, 524R
162 Victoria Street South	Medium Intensity Mixed Use Corridor Zone (MU-2)	526R, 401U
92 Park Street	Medium Intensity Mixed Use Corridor Zone (MU-2)	526R
100 Park Street	Medium Intensity Mixed Use Corridor Zone (MU-2)	524R
102, 106 and 110 Park Street	Low Intensity Mixed Use Corridor Zone (MU-1)	401U

Special Regulation 1R requires a permit from the Grand River Conservation Authority. Special Regulation 524R outlines site specific regulations including setbacks and building height. Special Regulation 525R outlines site specific regulations including setbacks and lot width. Special Regulation 526R outlines site specific regulations for building height. Special Use Regulation 401U prohibits certain sensitive land uses until a Record of Site Condition has been completed in accordance with the relevant Ontario legislation.

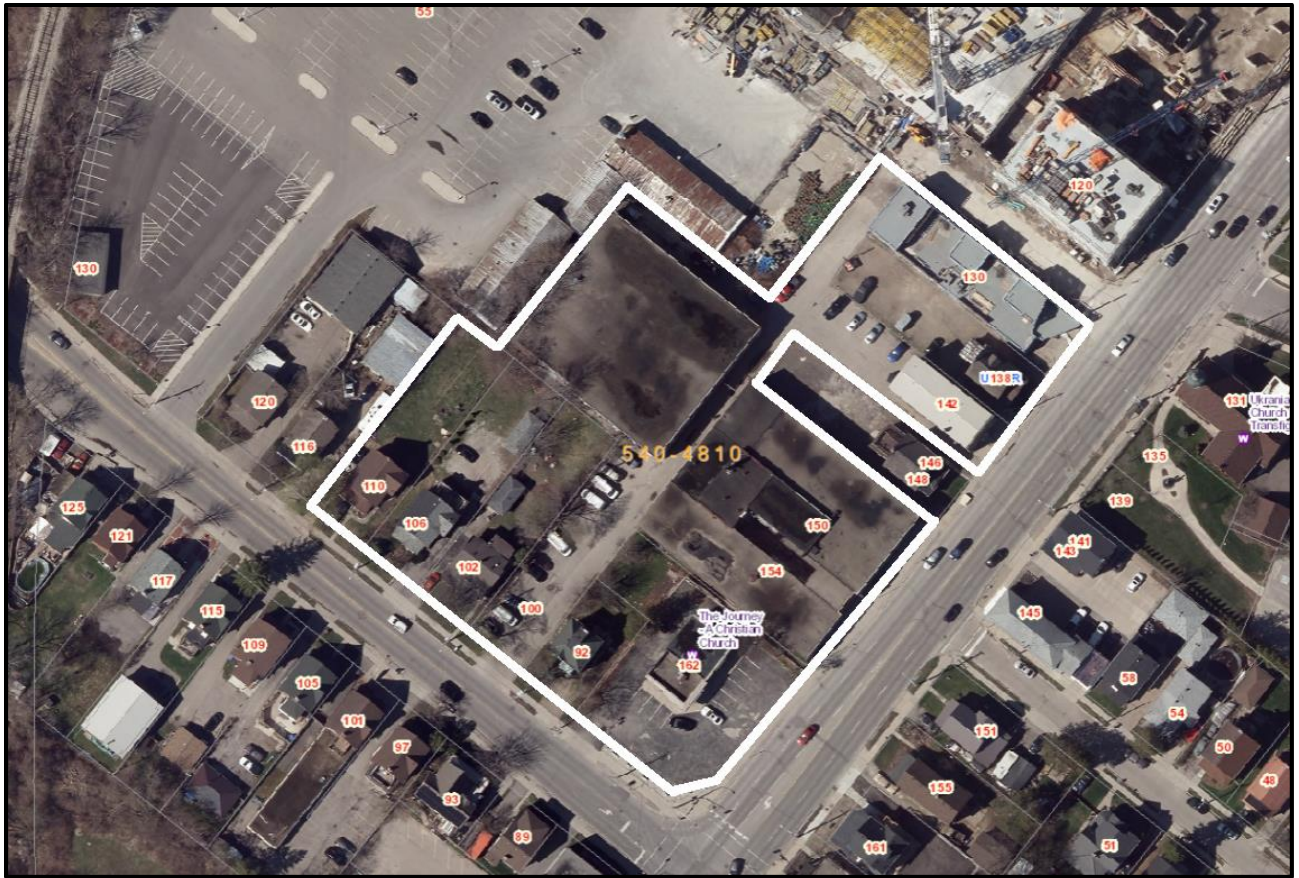


Figure 1. Location Map



Figure 2. View of Site (November 29, 2022)

The purpose of the application is to update the civic addresses within the condition(s) to reflect a property merger and to add a condition that relates to the Certificate of Official.

REPORT:

Planning Comments:

On February 16, 2021, Decisions B2021-004 and B2021-005 recommended approval of consent applications to allow a land-swap lot line readjustment and associated easement.

Severance application B2021-004 proposed to sever a portion of 100 Park Street / 150-154 Victoria Street South that is 12.5 metres wide, 10.6 metres deep, with an area of 134.5 square metres, for the purpose of a lot addition to 138 Victoria Street South. Application B2021-005 proposed an easement over a portion of 100 Park Street / 150-154 Victoria Street South that is 7.6 metres wide, 35.3 metres in length, and an area of 269.5 square metres, in favour of as 130, 138, and 142 Victoria Street South for access.

The change of conditions is to reflect a property merger and to update conditions accordingly.

Planning staff have no concerns with the proposed change of conditions.

Environmental Planning Comments:

No concerns due to nature of application (no development).

Heritage Planning Comments:

There are no heritage concerns. The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 138, 150-154 Victoria St. S. & 100 Park St. is located within the Warehouse District CHL. The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options. It should be noted that 138 Victoria Street South is adjacent to a property of cultural heritage interest or value listed on the Municipal Heritage Register.

Building Division Comments:

The Building Division has no objections to the change of conditions.

Engineering Division Comments:

Engineering has no concerns.

Parks/Operations Division Comments:

Parks/Operations has no concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

Region of Waterloo Comments:

The Region has no objection to the proposed application.

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:

- *DSD-21-027 Report, Consent Applications B2021-004 & B2021-005*
- *Planning Act*
- *Provincial Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

ATTACHMENTS:

Attachment A – Committee of Adjustment Decision B2021-004

Attachment B – Committee of Adjustment Decision B2021-005