

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 20, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
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PREPARED BY: Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: June 7, 2023

REPORT NO.: DSD-2023-283

SUBJECT: Minor Variance Application A2023-070 – 1950 Fischer Hallman Road

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2023-070 for 1950 Fischer Hallman Road requesting relief from Section 54.2.1 of Zoning By-law 85-1 to permit the following:

- i) For 'Building A' to have 14% of the primary ground floor facade to have display windows or entrances instead of the minimum required 40%;
- ii) For Building 'B' to have 35% of the primary ground floor facade to have display windows or entrances instead of the minimum required 40%;
- iii) For Building 'D' to have 20% of the primary ground floor facade to have display windows or entrances instead of the minimum required 40%;
- iv) For Building 'F' to have 6% of the primary ground floor facade to have display windows or entrances instead of the minimum required 40%;
- v) For the buildings facing Huron Road to have 45 metres between display windows or doors instead of the maximum permitted 4 metres;
- vi) For the buildings facing Fischer Hallman Road to have 9 metres between display windows or doors instead of the maximum permitted 4 metres; and
- vii) To permit a Minimum Width of Primary Ground Floor Façade of 47% of the length of abutting street lines instead of the minimum required 50% of the length of abutting street lines;

to facilitate the development of the site with a commercial development, in accordance with Site Plan Application SP23/024/F/CD, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend approval minor variances to facilitate the development of a commercial development on the subject property.
- The key finding of this report is that the minor variances meet the four tests of the Planning Act.
- There are no financial implications.

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

- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is a vacant parcel of land located at the intersection of Huron Road and Fischer Hallman Road in the Wallaceton Subdivision. The neighbourhood is comprised of a mix of low rise and medium rise residential uses, commercial and institutional uses.



Figure 1: Location Map – 1950 Fischer Hallman Road

The subject property is identified as a 'Community Node' on Map 2 – Urban Structure, identified as a "Node" on Map 22a Rosenberg Secondary Plan Community Structure Plan and is designated 'Mixed Use Two' in the Rosenberg Secondary Plan – Map 22e in the City's 2014 Official Plan. The property is zoned 'Medium Intensity Mixed Use Corridor Zone (MU-2) with Special Regulation Provision 637R, Special Use Provision 424U and Holding Provision 67H' in Zoning By-law 85-1.

The purpose of the application is to facilitate the development of the subject lands with a 8,499 square metre commercial development in accordance with Site Plan Application SP23/024/F/CD with reduced ground floor window displays and ground floor façade length abutting a street. The zoning by-law regulation for ground floor window displays applies per building whereas the ground floor façade length abutting a street applies to the entirety of the site. The proposed development is the first phase of development on the subject lands which will compromise of a mixed use development with commercial and residential buildings.



Figure 2: Existing site conditions at 1950 Fischer Hallman Road

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject property is designated ‘Mixed Use Two’ in the Rosenberg Secondary Plan in the City of Kitchener’s Official Plan. Lands designated Mixed Use Two are generally intended to provide commercial and office uses that serve the entire Rosenberg Community and adjacent Planning Communities, along with residential that is at higher densities than the surrounding area while achieving a built form that is compatible, accessible, safe and efficient for all modes of travel. The proposed commercial development is the first phase of development on the subject lands which will comprise of a mixed use development with commercial and residential buildings. The proposed development is compatible with the surrounding neighbourhood, well served by transit and includes pedestrian connections to adjacent lands and throughout the site. Therefore, planning staff is of the opinion that the requested variances meet the general intent of the City’s Official Plan.

General Intent of the Zoning By-law

The intent of the minimum 40 percent primary ground floor facade to have display windows or entrances and requirement of the minimum width of primary ground floor façade of 50 percent of the length of

abutting street lines is to ensure streetscapes are animated and activated at the street line with buildings with adequate windows and openings to ensure there is high quality urban design in mixed use developments. The proposed development achieves the intent of these regulations. Adequate windows and openings are proposed along the street line for each building and the buildings include a variety of materials, building setbacks and articulations that help enhance public realm. The proposed buildings are located at the street edge and around the perimeter of the property with parking placed in the center of the site screened from the street line by landscaping and the buildings. Furthermore, Special Regulation 637R requires the approval of an Urban Design Brief and a Conceptual Master Site Plan for the lands subject which has been approved and accepted by staff that includes building renderings that demonstrates high quality urban design that contributes positively to the public realm and streetscapes. Therefore, staff is of the opinion that the reduction in the required ground floor window display and openings and ground floor façade length abutting a street meets the general intent of the zoning by-law.

Is the Effects of the Variance Minor?

The requested variances to reduce the ground floor window display and openings for buildings on the subject lands and reduce the ground floor façade length abutting a street from 50% to 47% is minor in nature. Staff is of the opinion that the requested variances to reduce the required ground floor window display and ground floor façade length abutting a street will allow for the development of a commercial development with high quality urban design that contributes positively to the public realm and streetscapes and is compatible with surrounding neighbourhood.

Is the Variance Desirable For The Appropriate Development or Use of the Land?

The variances are desirable and appropriate for the development and use of the land as they will facilitate the development of the commercial development. The proposed commercial development with reduced ground floor window displays and ground floor façade length abutting a street will not negatively impact the character of the surrounding area.

Environmental Planning Comments:

Environmental Planning Staff have no concerns to the proposed variances.

Heritage Planning Comments:

Heritage Planning Staff have no concerns to the proposed variances.

Building Division Comments:

The Building Division has no objections to the proposed variances.

Engineering Division Comments:

Engineering staff have no concerns to the proposed variances.

Parks/Operations Division Comments:

Park and Operations staff have no concerns to the proposed variances.

Transportation Planning Comments:

Transportation Services have no concerns to the proposed variances.

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:

- *OMB Order PL110091 (Southeast Quadrant of Fischer Hallman Road and Huron Road)*
- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *City of Kitchener Official Plan 2014 and 1994*
- *Zoning By-law 85-1*

ATTACHMENTS:

Attachment A – Conditionally Approved Site Plan