

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: August 15, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: August 2, 2023

REPORT NO.: DSD-2023-344

SUBJECT: Minor Variance Application A2023-096 - 1020 Ottawa St. N.

RECOMMENDATION:

That Minor Variance Application A2023-096 for 1020 Ottawa Street North requesting relief from Section 4.15.3 of Zoning By-law 2019-051, to permit a drive-through facility to be located 5.7 metres from a Residential Zone instead of the minimum required 7.5 metres, in accordance with Site Plan Application SP23/039/O/TS, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for a minor variance to facilitate the construction of a drive-through facility adjacent to a residential zone.
- There are no financial implications.
- 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 located at the corner of Ottawa Street North and River Road East. It is an existing commercial plaza, bordered by additional commercial properties to the south, and low rise residential uses to the north, east and west. The property is currently undergoing a site plan approval for the new drive through and building addition which is currently under review.

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

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

The property is zoned 'General Commercial Zone (COM-2)' in Zoning By-law 2019-051.



Figure 1: Subject property – 1020 Ottawa Street North



Figure 2: Existing Conditions -1020 Ottawa Street North

The purpose of the report is to review an application for a minor variance to permit the construction of a drive-through facility adjacent to a residential zone, 5.7 metres from the

property line, whereas 7.5 metres is permitted where an acoustic barrier, certified by a professional engineer, is installed along the abutting lot line, and is maintained thereafter. The applicant has submitted a site plan for the proposed new building addition and drive-through which is currently under review.

The applicant intends to have a certified acoustic barrier installed along the abutting lot line, as this will be a requirement of site plan approval. The site plan is only for the area marked with a star on the above image, as this is where the proposed development will occur on the site. The additional buildings on site are not affected by this minor variance application.

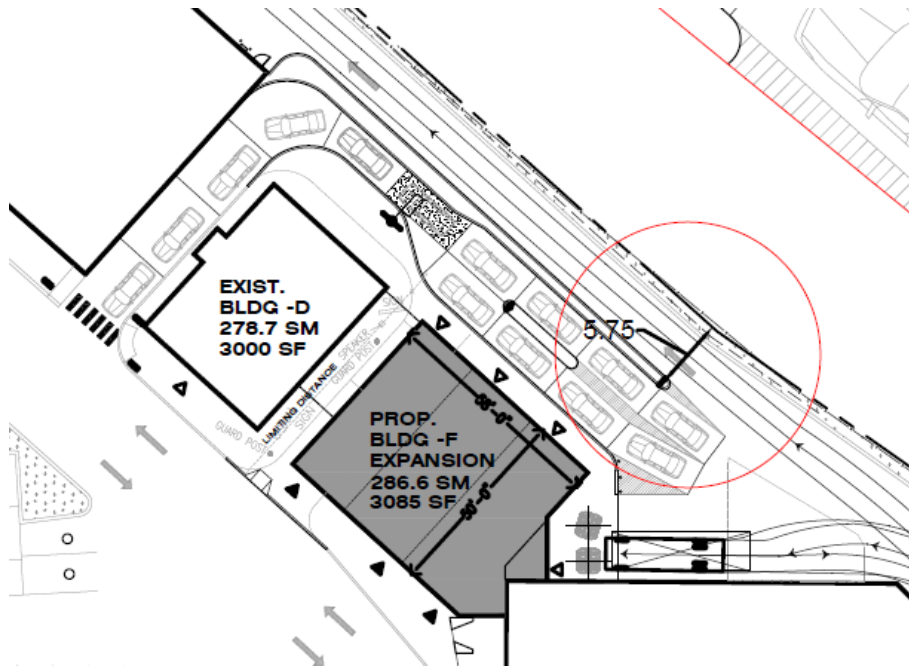


Figure 3: Proposed drive-through setback

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 general intent of the Official Plan for lands designated Commercial is to provide a range of commercial activities that are well distributed, accessible and are able to respond to the needs of the City's residents, employees, businesses, and visitors. One of the Objectives of the policies in the Commercial land use designation as noted in Section 15.5.4 is "to retain a viable commercial presence by protecting, improving and providing flexibility for existing commercial developments". The requested variance to reduce the setback for the drive through facility provides flexibility for an existing commercial development to be redeveloped appropriately. Staff is of the opinion that the variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 7.5 metre setback for a drive through abutting a residential zone, where an acoustical wall is installed prior to occupancy is to ensure adequate separation from the residential neighbourhood to mitigate noise/sound impacts. The extent of the noise wall that is proposed will meet all standards required and will be approved by an acoustical engineer. The noise wall will also be replacing an existing wood fence that currently buffers the residential properties from the existing KFC/Taco Bell drive through facility. The new noise wall will mitigate noise impacts to a new and improved standard than what currently exists now. Staff is of the opinion that the variance meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the effect of the variance is minor. The redevelopment of this part of the commercial lands will not impact the majority of the existing conditions on the property. The new engineered noise wall will be a positive buffer and will decrease any existing noise impacts of the existing drive-through to the adjacent existing residential properties. The requested variance is minor and is not expected to create any adverse impacts on the subject property or on adjacent lands.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

Staff is of the opinion that the variance is desirable for the appropriate development of the land. The redevelopment of the property with a drive through in this location will provide the flexibility and ability of the commercial property to adapt and remain viable providing a minor intensification that will contribute to the City's employment growth and be compatible with the neighbourhood.

Environmental Planning Comments:

Environmental Planning has no concerns.

Heritage Planning Comments:

Heritage Planning has no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering has no concerns.

Parks/Operations Division Comments:

Parks and Cemeteries concerns and requirements have been addressed through SP23/039/O/TS.

Transportation Planning Comments:

Transportation Services have no concerns with this 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:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Proposed Site Plan SP23/039/O/TS.