

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: November 21, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
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PREPARED BY: Tim Seyler, Senior Planner, 519-497-5358 ext. 7860

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: November 8, 2023

REPORT NO.: DSD-2023-507

SUBJECT: Minor Variance Application A2023-131 - 55 Franklin St. S.
Minor Variance Application A2023-132 - 59 Franklin St. S.
Minor Variance Application A2023-133 - 50 Eighth Avenue
Minor Variance Application A2023-134 - 54 Eighth Avenue

RECOMMENDATION:

That Minor Variance Applications A2023-131 to A2023-134 for 55 and 59 Franklin Avenue South and 50 and 54 Eighth Avenue requesting relief from Section 5.6, Table 5.5, of Zoning By-law 2019-051;

- i) to permit a minimum parking requirement of 0.41 parking spaces per dwelling unit (25 parking spaces) instead of the minimum required 1 parking space per dwelling unit (60 parking spaces); and
- ii) to permit a multi-unit parking requirement of 1 space per 53 square metres of gross floor area (6 spaces) instead of the minimum multi-unit parking rate of 1 space per 35 square metres of gross floor area (9 parking spaces);

to be able to provide a minimum of 31 parking spaces for each building, with an overall parking provision of 127 spaces on site for the entire development, instead of the minimum required 277 parking spaces in total on site for the entire development, to facilitate a reduction in parking sufficient to remove one floor from the proposed two-storey parking structure in the centre of the site which services the four (4) buildings developed in accordance with Site Plan Application SP20/075/F/AP, BE APPROVED with the following condition:

1. That a Site Plan Application, to revise SP20/075/F/AP, be submitted and approved to the satisfaction of the Manager of Development Review.

REPORT HIGHLIGHTS:

- The purpose of this report is to review applications for minor variances to facilitate the construction of 4 mixed-use buildings each containing 60 residential dwelling units and commercial units.
- 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 properties are located between Franklin Street South and Eighth Avenue in close proximity to Kingsway Drive. The subject lands are surrounded by low rise residential uses to the west, high rise residential uses to the south, and commercial uses to the north and east.

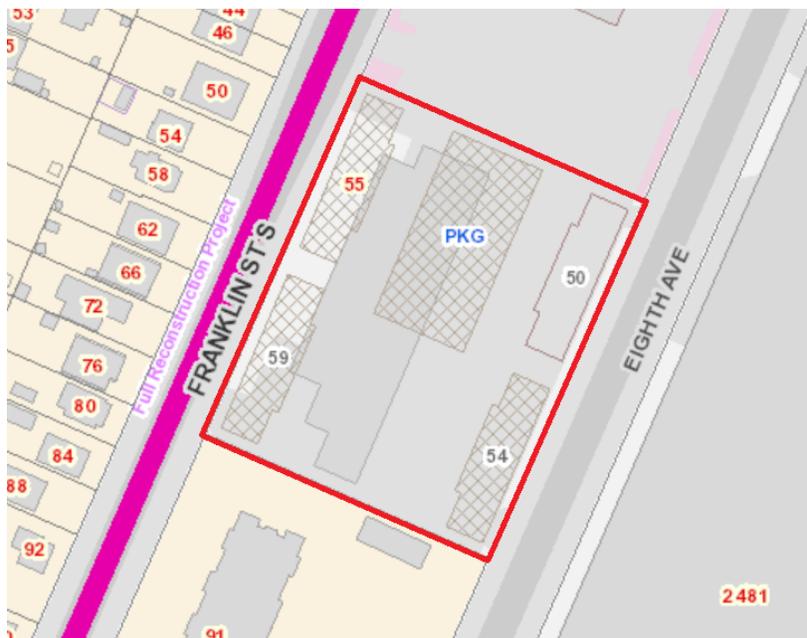


Figure 1: Subject properties – 55 and 59 Franklin St. S., 50 and 54 Eighth Ave.

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

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

The purpose of the minor variances is to facilitate the construction of 4 mixed-use buildings each containing 60 residential units, and commercial units on the ground floor with a reduced amount of required parking. The applicant is requesting to reduce the parking requirement for each building to 0.41 parking spaces per dwelling unit (25 spaces) rather than the required 1 parking space per dwelling unit (60 spaces) and to permit a multi-unit parking rate of 1 space per 53 square metres of gross floor area (6 spaces)

rather that the required minimum multi-unit parking rate of 1 parking space per 35 square metres of gross floor area (9 spaces). Overall, 31 parking spaces will be provided per building and an overall total of 127 spaces will be provided on site for the entire development.

The properties are being developed in conjunction with the building at 50 Eighth Avenue which has been completed first with the other 3 buildings currently in different stages of development. The properties were approved for Minor Variances as per Decision A2021-011 for the setbacks of the buildings. Furthermore, the properties were approved by Council in June 2022 for a vacant land condominium to subdivide the original property into 5 units. Each of the mixed-use buildings are 1 unit, with a central structure parking facility being the 5th unit, and the remaining lands are within the common element.

The original Site Plan Application consisted of 4 mixed use buildings, each containing 64 residential units, however the design of the buildings has been changed to 60 residential units within each building. The owner has then requested to reduce the amount of parking on site, in order to reduce the size of the parking structure to accommodate less parking. An updated site plan will be required as a condition of the minor variances in order to show the reduction in parking.

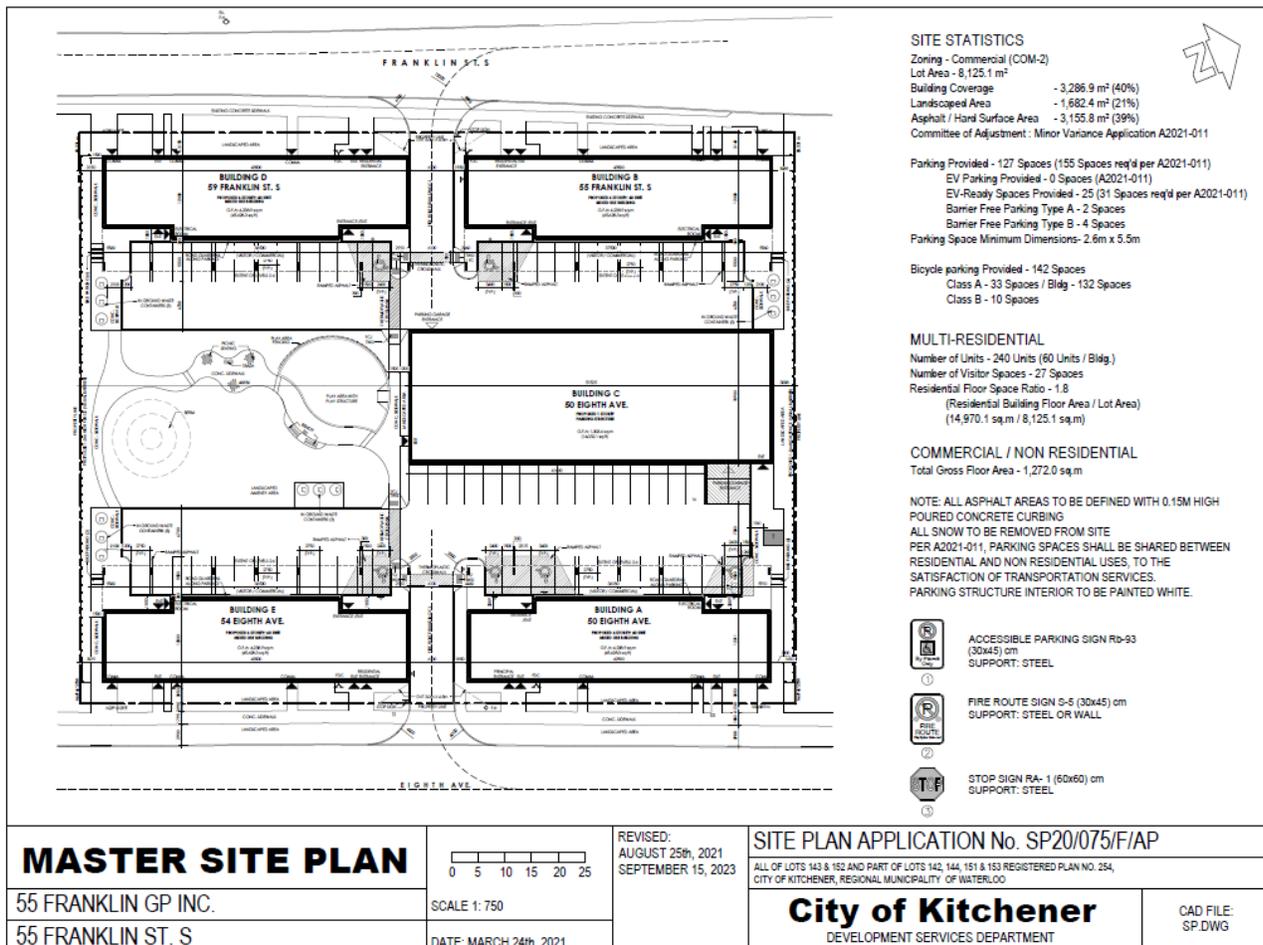


Figure 2: Site Plan for the Overall development



Figure 3: Front view of 59 Franklin Street South



Figure 4: Front view of 55 Franklin Street South



Figure 4: Front view of 54 Eighth Avenue



Figure 5: Front view of 50 Eighth Avenue

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 lands are designated 'Commercial' in the City of Kitchener Official Plan. Lands located within the Commercial designation in the Official Plan may include dwelling units, where appropriate, provided they are located in the same building as compatible commercial uses and are not located on the ground floor.

The City's Official Plan contains policies that speak to provision of housing, including redevelopment:

Policy 4.C.1.22: The City will encourage the provision of a range of innovative housing types and tenures such as rental housing, freehold ownership and condominium ownership including common element condominium, phased condominium and vacant land condominium, as a means of increasing housing choice and diversity.

Policy 4.C.1.12. The City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods.

Policy 13.C.8.2 also states that the City may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management (TDM) measures or where sufficient transit exists or is to be provided.

Based on the above policies, staff is of the opinion that the minor variances will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the parking requirement is to ensure that there are adequate parking spaces available for residents, visitors and customers needs of the property. The proposed residential uses are a form of affordable housing which results in a number of residents not owning a vehicle and using alternative modes of transportation. Furthermore, the provided parking is designed and shared with the intent that the parking can be used together between the 4 mixed use buildings. Transportation staff have further reviewed the parking study that was submitted by the applicant and are satisfied that the provided parking reduction that is requested will be sufficient parking on site to handle the various demands and uses on the subject property. Staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

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

Staff is of the opinion that the requested variances are minor as the reduced parking requirement will not present any significant impacts to adjacent properties or the overall neighbourhood. Further the Parking Study, prepared by Paradigm, dated October 2023, submitted with the Minor Variance Applications, supports the reduction in parking.

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 variances are desirable for the appropriate development and use of the lands, building and/or structure. The proposed variances support the creation of 4 mixed-use buildings containing a total of 240 residential units and commercial units. The reduction in parking will support more active transportation uses and promotes a healthier community.

Environmental Planning Comments:

No natural heritage concerns or tree management concerns.

Heritage Planning Comments:

No heritage planning concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances.

Engineering Division Comments:

Engineering comments/concerns provided through SP20/075/F/AP (Approval – November 1, 2021)

Parks/Operations Division Comments:

Parks and operations have no concerns, or comments.

Transportation Planning Comments:

Transportation Services can support the request for a further reduction of vehicle parking for the subject properties. Given the type of development, the previous parking study undertaken for the proposed development, and the updated parking study prepared by Paradigm, dated October 2023, staff are confident that the provided parking will be enough to handle the demand for parking on-site.

Staff also recommends that the applicant seek to expand their offering in regard to Class 'A' secured bike parking. This can be secured through an updated Site Plan 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*
- *DSD-2021-14*
- *DSD-2022-255*