

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: Raida Chowdhury, Student Planner, 519-741-2200 ext. 7078

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: November 8, 2023

REPORT NO.: DSD-2023-506

SUBJECT: Minor Variance Application A2023-129 – 600 Queen St. S.

RECOMMENDATION:

That Minor Variance Application A2023-129 for 600 Queen Street South requesting relief from Section 5.3 of Zoning By-law 85-1, to permit three (3) structural pillars at the main entrance and a small portion of the southeast corner of the building to encroach into the Driveway Visibility Triangle (DVT), to facilitate the development of the lands with a 12-storey Residential Care Facility with 181 dwelling units, in accordance with Conditional Approved Site Plan Application SP23/007/Q/KA, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the development of the lands with a 12-storey Residential Care Facility containing 181 dwelling units.
- The key finding of this report is that the minor variances meet the four tests of the Planning Act.
- 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 along Queen Street South, adjacent to the Iron Horse Trail and Canadian National Railway.

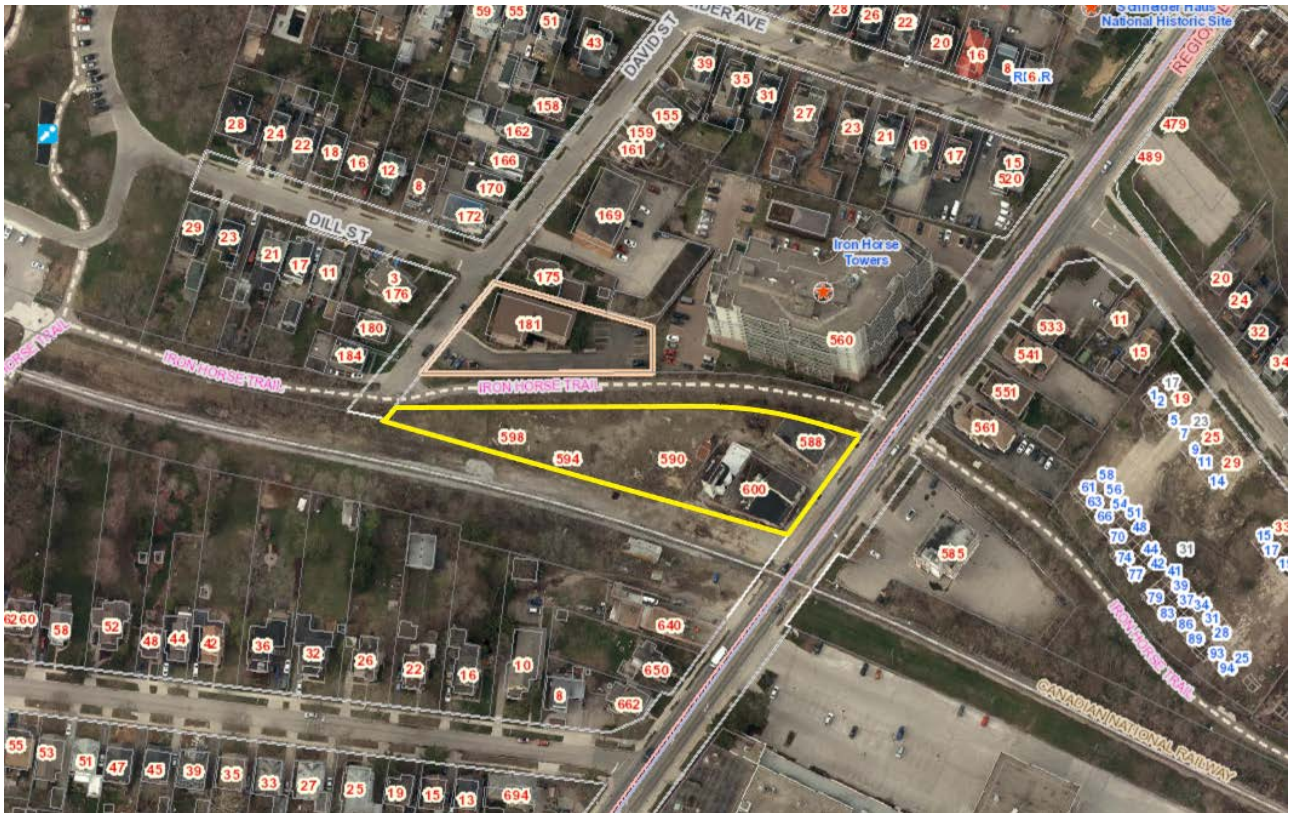


Figure 1 – Aerial Photo of the Subject Property

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Mixed Use Corridor' on Map 14 – Victoria Park Neighbourhood Secondary Plan for Land Use.

The property is zoned 'Medium Intensity Mixed Use Corridor Zone (MU-2)' in Zoning By-law 85-1.

The purpose of the application is to review a minor variance to facilitate the development of the lands with a 12-storey Residential Care Facility containing 181 dwelling units. The subject currently contains a vacant commercial building and has received Conditional Approval of Site Plan Application SP23/007/Q/KA on August 15, 2023 (Figure 2). As a condition for final Site Plan Approval, a Minor Variance Application is required for the proposed obstructions into the Driveway Visibility Triangle (DVT), as Section 5.3 of Zoning By-law 85-1 prohibits any obstruction to the Driveway Visibility Triangle. The proposed obstructions are three (3) structural pillars to be located at the main and service entrances, as well as the Utility Access Route, as denoted in Figure 3.

The encroachment of the Driveway Visibility Triangle (DVT) will occur after the 3.9 metre proposed road widening which is to be undertaken by the Region of Waterloo.

Staff conducted a visit to the subject property on November 1st, 2023.

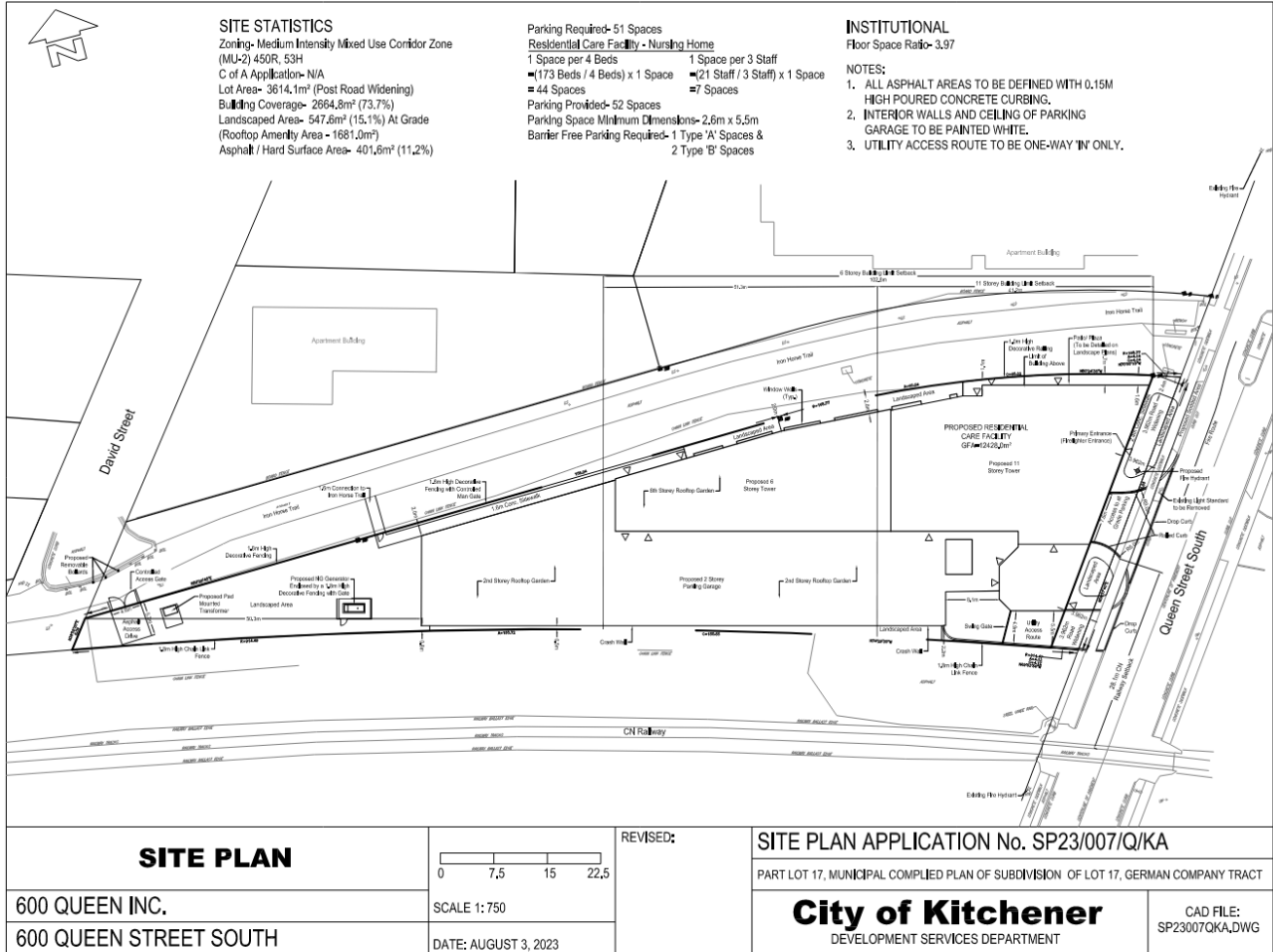


Figure 2 – Site Plan

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 intent of the 'Mixed Use Corridor' designation is to allow for intensive, transit supportive development along major corridors in the city. Permitted uses include a broad range of commercial uses, full range of institutional uses, as well as multiple residential uses. As the variances are to facilitate the development of a Residential Care Facility containing 181 dwelling units, which falls under residential uses, Staff are of the opinion that the minor variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the Driveway Visibility Triangle requirement is to ensure drivers entering and exiting the property have a clear view of any potential obstacles. Planning Staff is of the opinion that the variances meet the general intent of the Zoning By-law, as Transportation Planning Staff and the Region of Waterloo have not identified the reduction in visibility as a safety hazard.

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

Staff are of the opinion that the effect of the variances are minor, as the reduction in visibility in the Daylight Visibility Triangle will be minimal. Transportation Staff and the Region of Waterloo have not expressed concern regarding the level of encroachment to the Daylight Visibility Triangle. Further, the applicant has identified that the three (3) structural pillars are fundamental to the building design, and prohibiting the pillars would result in a significant redesign of the proposed structure.

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

Staff are of the opinion that the variances are desirable for the appropriate development of the land, as they will facilitate an aesthetically pleasing building. The proposed Residential Care Facility will be compatible with the neighbourhood and will provide a needed form of housing and services for future residents.

Environmental Planning Comments:

There are no natural heritage issues. All Tree Management Policy implementation done through Site Plan Approval.

Heritage Planning Comments:

600 Queen Street South was reviewed for the Kitchener Heritage Inventory in 2014 and was determined to have no cultural heritage value or interest. There are no heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances.

Engineering Division Comments:

Engineering Division has no concerns.

Parks/Operations Division Comments:

Parks/Operations Division has no concerns.

Transportation Planning Comments:

Transportation Services staff have worked with the applicant closely on this proposed development. Through the site plan application review, staff and the applicant worked together to achieve an acceptable solution to encroaching the Driveway Visibility Triangles. Transportation Services can support the proposed application requesting variances to have structural and support columns encroach into the Driveway Visibility Triangles.

Region of Waterloo Comments:

There are no concerns provided the proposed columns and its foundations stay within the private property without encroaching into the Queen Street South (RR 06) right-of-way.

Grand River Conservation Authority Comments:

The GRCA has no concerns.

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 85-1*
- *Site Plan Application SP23/007/Q/KA*