

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: July 16, 2024

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

PREPARED BY: Ben, Suchomel, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: July 3, 2024

REPORT NO.: DSD-2024-310

SUBJECT: Minor Variance Application A2024-056 – 359 Highland Road West

RECOMMENDATION:

That Minor Variance Application A2024-056 for 359 Highland Road West requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a minimum parking requirement of 5 parking spaces (0.5 parking spaces per dwelling unit) instead of the minimum required 9 parking spaces (0.9 parking spaces per dwelling unit) to facilitate the redevelopment of a 3-storey multiple dwelling, having 10 dwelling units, generally in accordance with drawings prepared by Onespace Architecture+interiordesign, dated June 20, 2024, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend the approval of the minor variance to facilitate the development of a 3-storey multiple dwelling having 10 dwelling units on the subject property.
- The key finding of this report is that the minor variance meets the four tests set out within 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 on the south side of Highland Road West near the intersection of Lawrence Avenue and Highland Road West. It is located within the St.

Mary's neighbourhood which is primarily comprised of commercial uses and residential uses of varying dwelling types.



Figure 1: Location Map- 359 Highland Road West (Outlined in Red)

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

The property is zoned 'Mixed Use Two Zone (MIX-2) with Site-Specific Provision (62)' in Zoning By-law 2019-051.

The purpose of the minor variance application is to facilitate the construction of a 3-storey multiple dwelling having 10 dwelling units as 'rental units', with a reduced minimum parking requirement.

Staff note that 359 Highland Road West was previously subject to Site Plan and Minor Variance Applications. Minor Variance A2021-007, was previously approved subject to Site Plan Application SP20/063/H/RK, to facilitate the construction of a 5-storey, 31-unit multi-residential development having a ground floor street line façade width to be 28.6% whereas the By-law requires a minimum façade width of 50%; a maximum Floor Space Ratio (FSR) of 2.25 rather than the maximum permitted FSR of 2.0; to permit a minimum

of 10 off-street parking spaces, including 3 off-street visitor parking spaces rather than the required 31 off-street parking spaces including 4 off-street visitor parking spaces; and, to permit a width of Class A bicycle parking stall to be 0.27 metres rather than the required 0.6 metres.

Figures 3-10 below illustrate the proposed 10-unit multiple dwelling development.

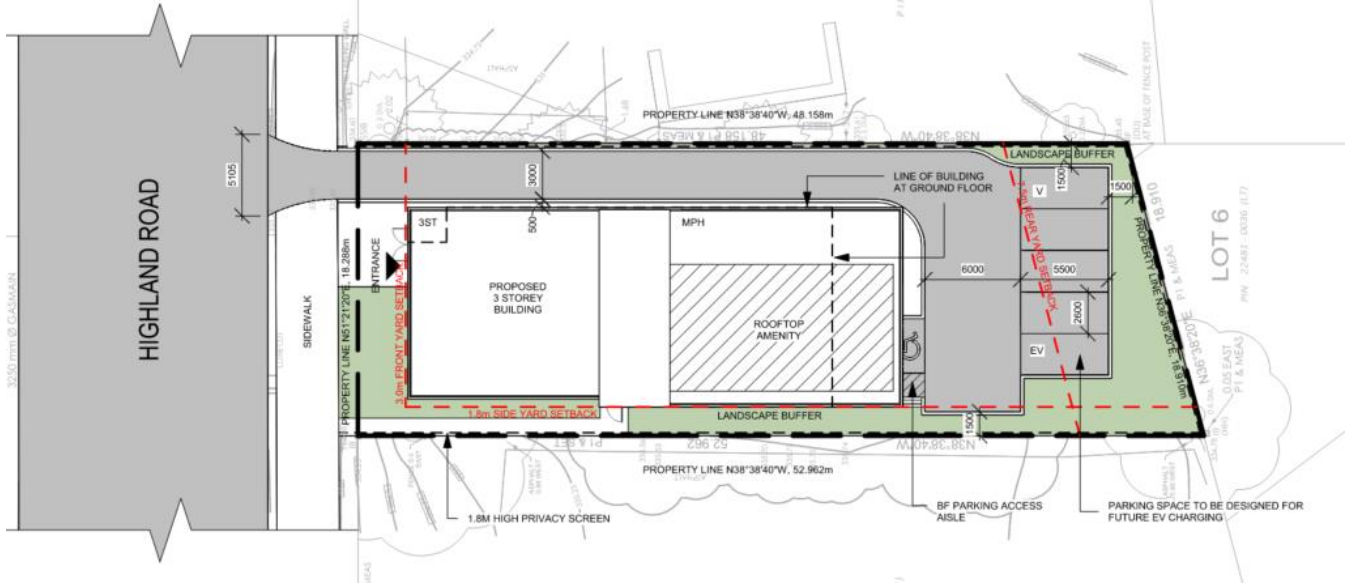


Figure 2: Site Plan

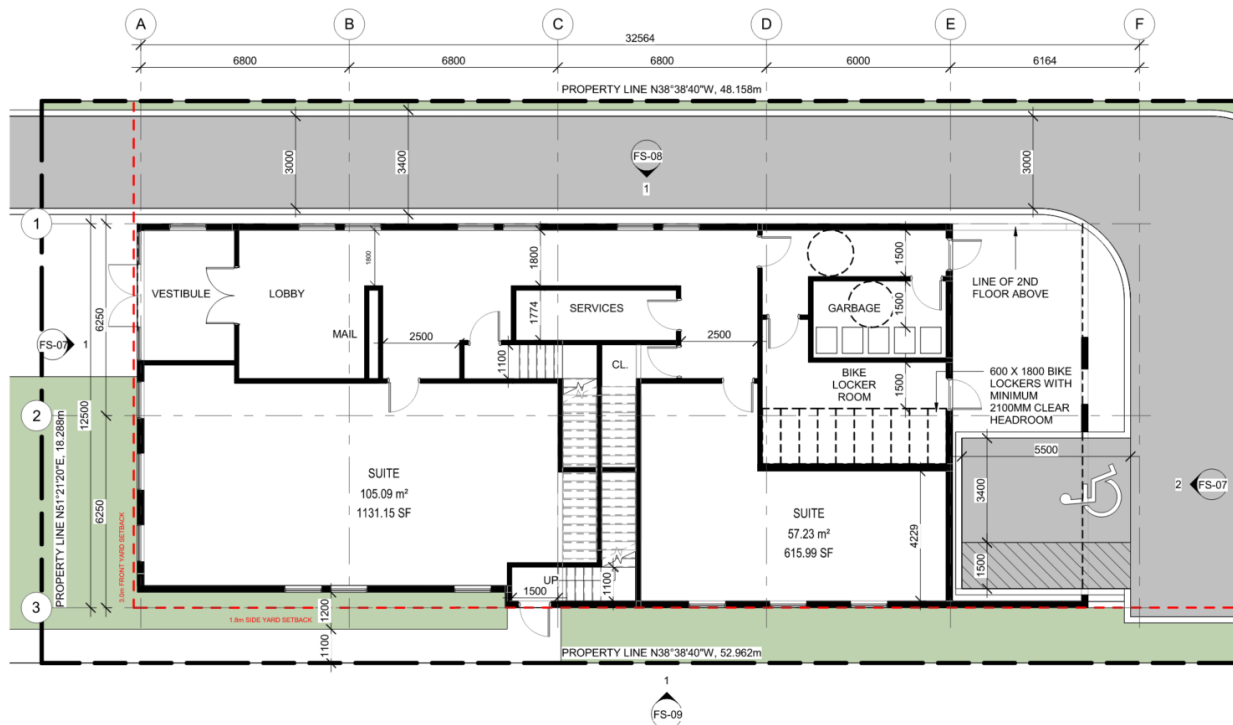


Figure 3: 1st Floor, Floor Plan

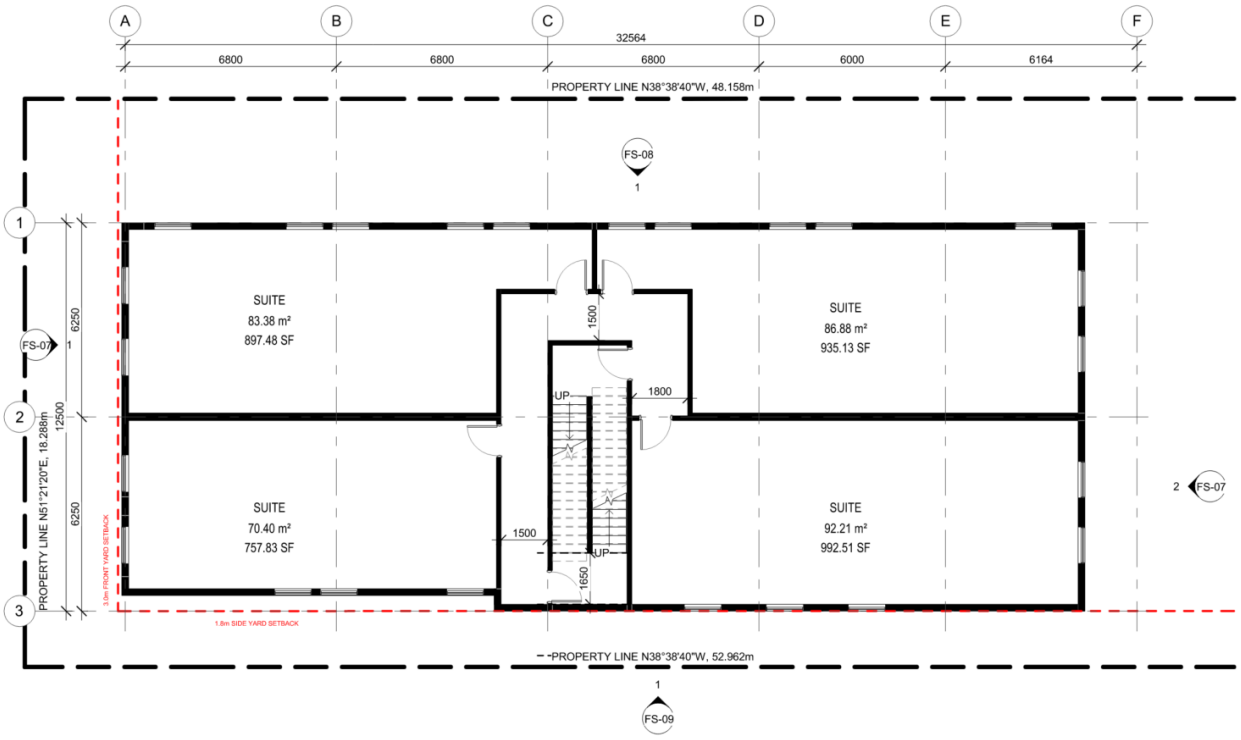


Figure 4: 2nd Floor, Floor Plan

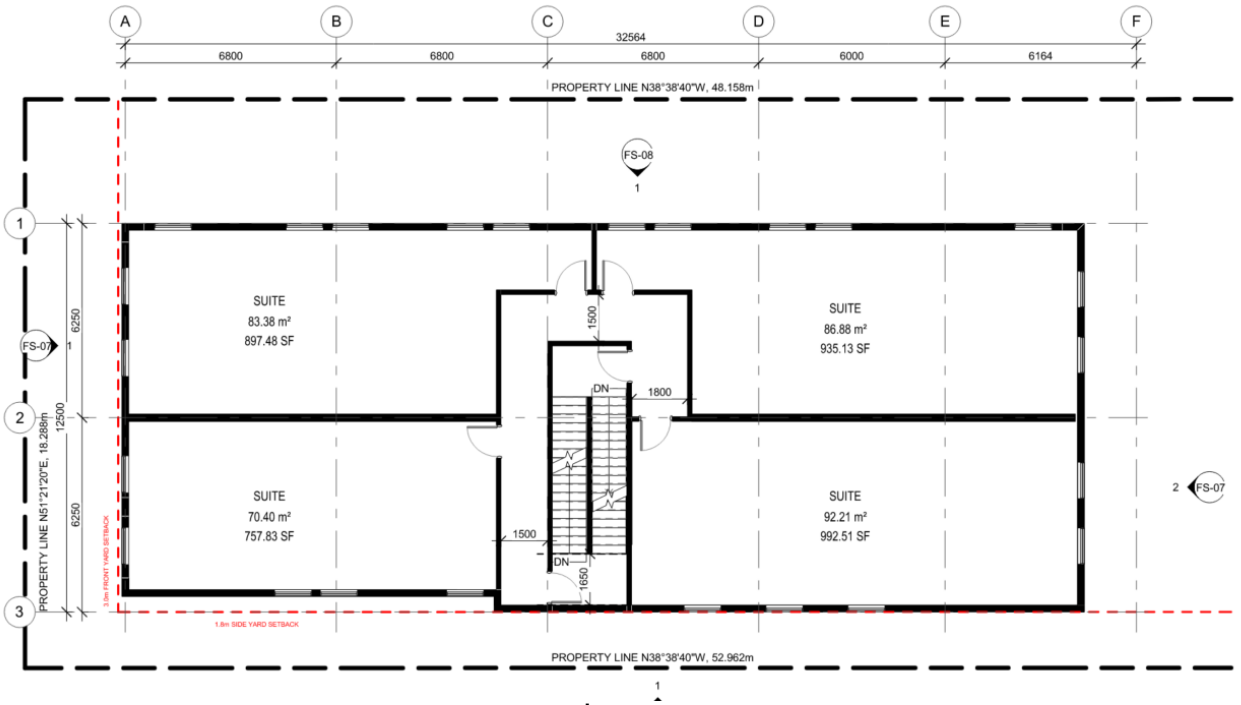


Figure 5: 3rd Floor, Floor Plan

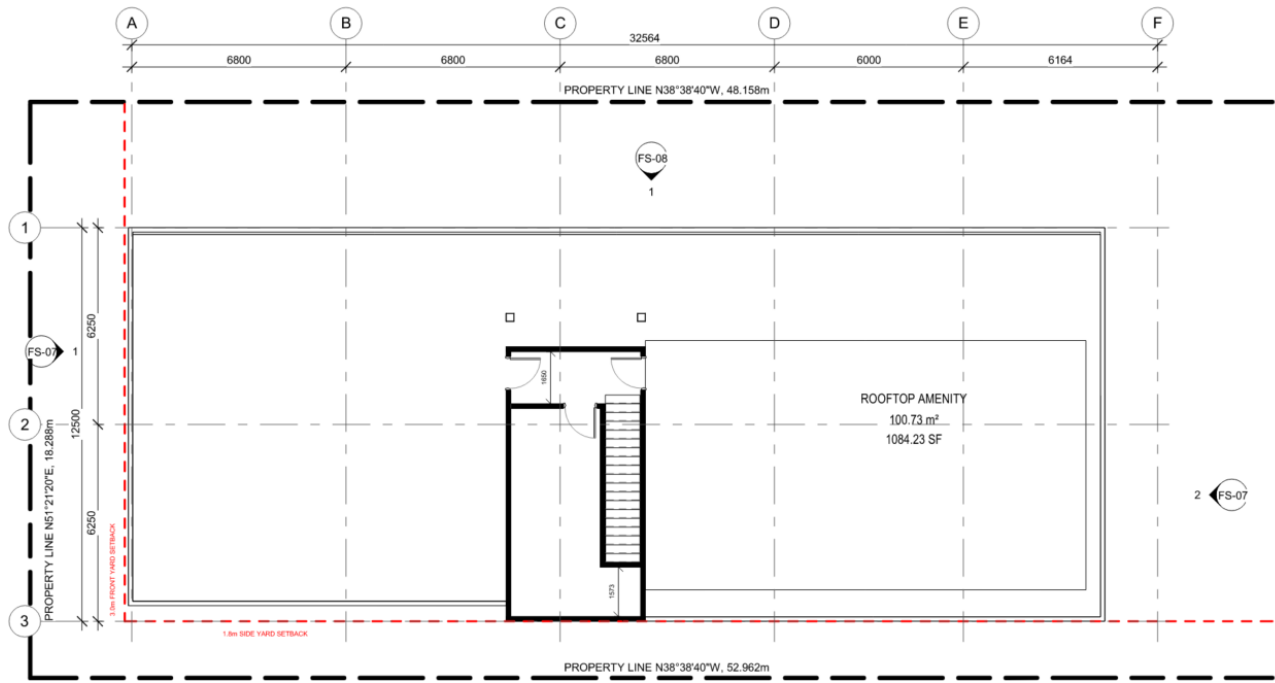


Figure 6: Rooftop Amenity Space

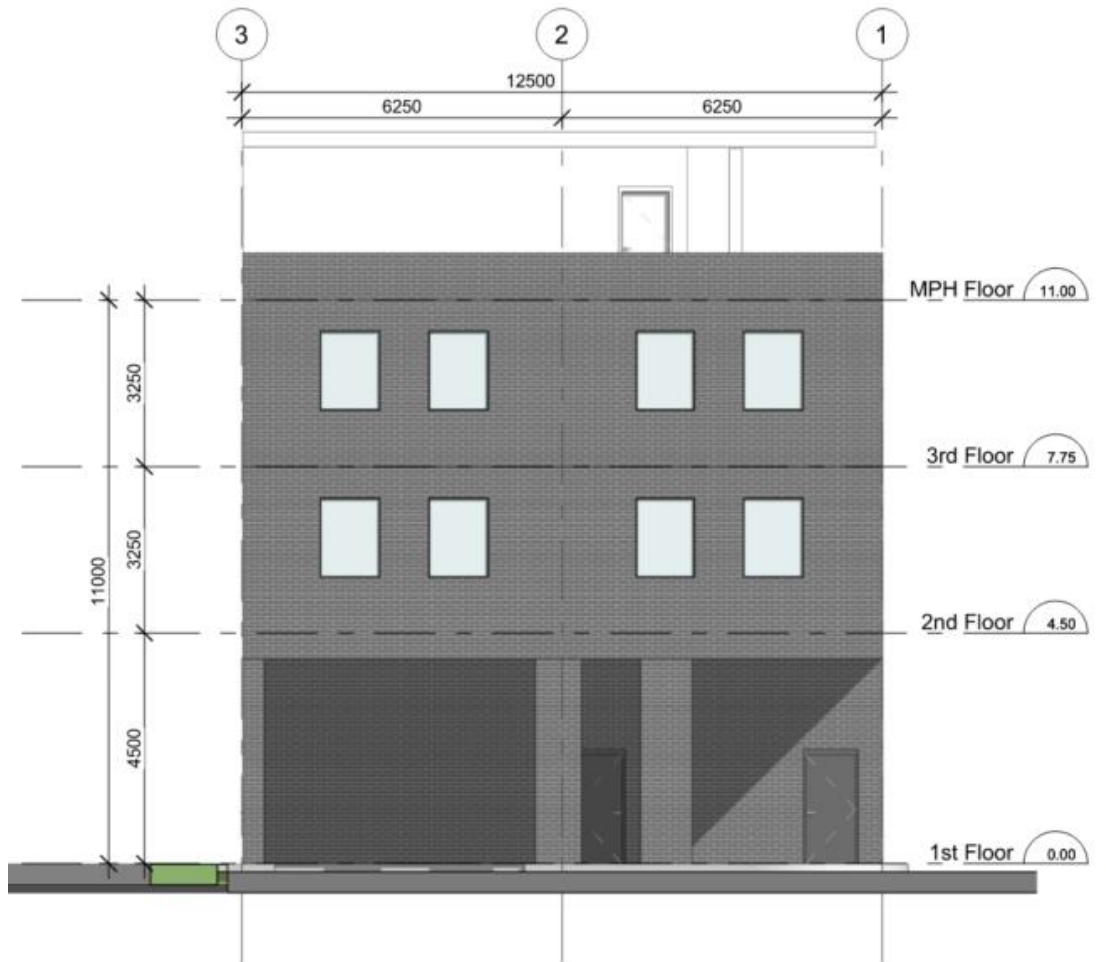


Figure 7: East Elevation



Figure 8: West Elevation



Figure 9: North Elevation



Figure 10: South Elevation

Planning Staff conducted a site visit on June 27, 2024.



Figure 11: Existing site conditions at 359 Highland Road West



Figure 12: Existing view from the intersection of Highland Road West and Lawrence 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 property is designated 'Mixed Use' in the Official Plan. The purpose of the Mixed Use land use designation is to achieve an appropriate mix of commercial, residential, and institutional uses. This allows for the change and intensification of lands over time, as well as a broad range of uses. This proposal aligns with these objectives. A 3-storey multiple dwelling having 10 dwelling units' is permitted within Mixed Use land use designation, and the residential use complements the range of non-residential uses on lands located along this stretch of Highland Road West.

The property is situated in an Urban Corridor and is meant to have strong pedestrian connections while being connected to nearby residential and commercial areas. These corridors are intended to offer a variety of retail, employment, and transit options and are designed for transit-related development. This proposal aligns with the goals of the Urban Corridor by intensifying the site with 10 dwelling units, replacing a now demolished single detached dwelling. Although the proposal is for solely residential use, it fits the

surrounding neighbourhood's existing character and supports the Urban Corridor's objectives. There are various commercial establishments on the opposite side of Highland Road West that future residents can easily walk to, reducing their reliance on private vehicles. The property is well-served by existing transit services.

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 regulation that requires a minimum 0.9 parking spaces per dwelling unit is to ensure that adequate vehicle storage can be provided on-site. The site is approximately 20 metres from the Grand River Transit bus stop, Route 204. To justify the reduction, the applicant also proposes to provide 8 Class A bicycle parking spaces and 2 Class B bicycle parking spaces to encourage the use of active transportation options. Additionally, the subject property is located within walking/cycling distance to the Henry Sturm Trail which further promotes active transportation. Thus, Planning Staff is of the opinion that the proposed parking reduction is in keeping with the intent of the Zoning By-law.

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

With respect to the requested variance to allow for a reduction in parking, staff are of the opinion that the requested variance is minor in nature. The applicant is proposing to include 10 bicycle parking spaces. The site is well serviced by frequent transit and is in close proximity to existing commercial uses. As per the reasons previously noted, staff are of the opinion that the requested variance satisfies the 'minor' test to facilitate the proposed parking reduction.

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

The requested variance will facilitate a desirable form of gentle intensification/redevelopment on the existing site. The proposed scale, massing, and setbacks of the proposed building will be compatible and will support the planned vision of the corridor and surrounding area assisting in the provision of a variety of dwelling types. The proposed increased density along Highland Road West will support the City's Housing Pledge. Planning Staff is of the opinion that the requested variances are appropriate and desirable for the use of the lands.

Environmental Planning Comments:

There are no natural heritage concerns.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permits for the 10-unit residential building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments or concerns.

Parks/Operations Division Comments:

Parkland Dedication was paid February 2022 in the amount of \$81,540 through the previous site plan application. The City will issue a full refund and the applicant would be required to pay the new parkland dedication fee of \$34,470.00 for the 10 unit development at the building permit stage. For additional information regarding issuing the refund, please contact Lenore Ross (Parks Planning and Development Project Manager Development and Housing Approvals | Development Services | City of Kitchener 519-741-2200 ext. 7427).

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The Region of Waterloo has no comments or concerns with regard to the proposed application.

GRCA Comments:

GRCA has no objection to the approval of the above 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*