

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: August 20, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
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WARD(S) INVOLVED: Ward 1

DATE OF REPORT: August 2, 2024

REPORT NO.: DSD-2024-355

SUBJECT: Minor Variance Application A2024-065 – 570 Frederick Street

RECOMMENDATION:

That Minor Variance Application A2024-065 for 570 Frederick Street requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.3 e) i) to permit the parking lot to be setback 0.4 metres from a side lot line instead of the minimum required 1.5 metres;
- ii) Section 5.3.2 ii) to permit parking spaces to be located 4.2 metres from the street line instead of the minimum required 4.5 metres;
- ii) Section 5.6, Table 5-5, to permit the minimum parking requirement for Multiple Residential Building (Multiple Dwelling) MIX Zones to be 0 parking spaces (0 parking spaces per dwelling unit) instead of the minimum required 4 parking spaces (0.9 parking spaces per dwelling unit);
- iv) Section 5.6, Table 5-5, to permit a Health Clinic in a 'MIX' Zone to have a parking requirement of 8 parking spaces (1 parking space per 24.5 square metres of Gross Floor Area (GFA)) instead of the minimum required 11 parking spaces (1 parking space per 19 square metres of Gross Floor Area (GFA));
- v) Section 8.3, Table 8-2, to permit a right (interior) side yard setback of 1.2 metres instead of the minimum required 4 metres; and
- vi) Section 8.3, Table 8-2, to permit the minimum ground floor building height, for any building with street line façade, of 3.6 metres instead of the minimum required 4.5 metres;



Figure 2 - Photo of 570 Frederick Street

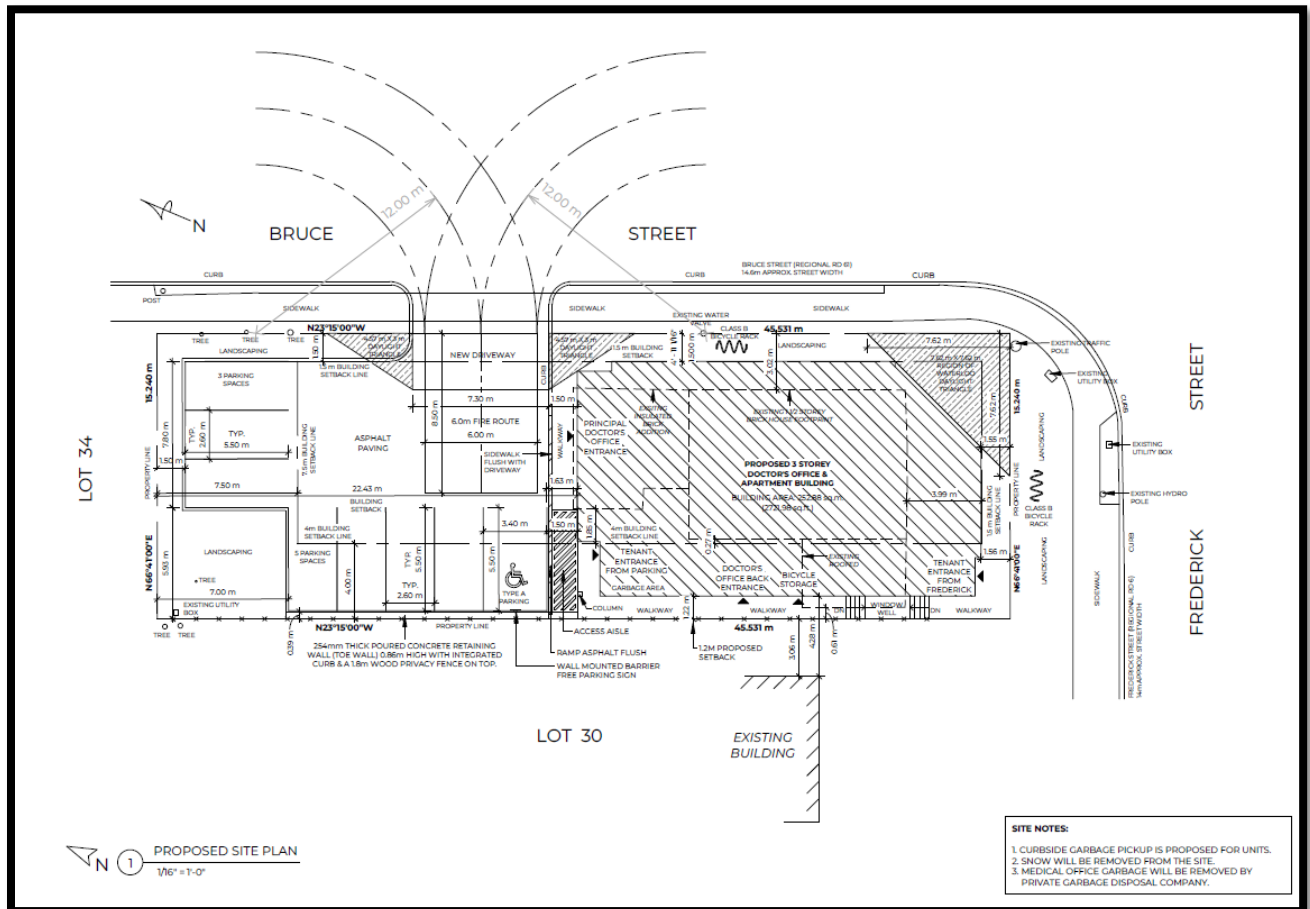


Figure 3 - Site Plan



Figure 4 – Proposed Building Elevations

The subject property is located at the corner intersection of Bruce Street and Frederick Street in the Rosemount Neighbourhood. It has 15 metres of frontage along Frederick Street and 45 metres along Bruce Street for a total lot area of 675 square metres.

Surrounding land use comprises a mix of low rise multiples and detached dwellings and low rise commercial buildings such as dentists, offices and a pharmacy across the street (see Figure 1). The subject property is situated on a major bus route street with bike lanes, is close to Highway 85 on-ramp and is within walking distance to the Frederick Street Mall with a grocery store. A site visit occurred on July 31, 2024 (see Figure 2).

The subject property currently contains a variety store which has been sitting vacant for some time. The owner is a doctor wanting to set up a new medical practice in Kitchener and is proposing to re-develop the site with a low-rise mixed use building with a doctor's office on the main floor and four dwelling units (2 dwelling units on each floor) on the second and third floors, respectively (see Figures 3 and 4). A total of 8 parking spaces are proposed with a single point of vehicular access onto Bruce Street.

The subject property is identified as 'Community Node' on Map 2 – Urban Structure and is designated 'Mixed Use' on Map 3 – Land Use in the City's 2014 Official Plan. The planned function of 'Community Nodes' is to provide for commercial uses with a mix of residential and institutional uses necessary to support and complete surrounding residential communities. Community Nodes primarily serve an inter-neighbourhood market and are intended to intensify, be transit-supportive and cycling and pedestrian-friendly. The 'Mixed Use' land use designation plays an important role in achieving the planned function of the Intensification Areas of the City Urban Structure. Lands designated 'Mixed Use' have the capacity to accommodate additional density and intensification of uses. The permitted

scale and intensity of uses and development may be dependent upon the Urban Structure Component the site is within and the context of the site. Development and redevelopment of properties will be encouraged to achieve a high standard of urban design, be compatible with surrounding areas, be transit-supportive and cycling and pedestrian-friendly.

The property is zoned 'Mixed Use Three Zone (MIX-3)' in Zoning By-law 2019-051. The use of a mixed-use building is permitted, and it complies with the minimum Floor Space Ratio of 1.0. Site Plan Application SP24/033/F/BB has received conditional approval and the applicant is working to satisfy conditions to begin construction this Fall.

The purpose of the application is to request several minor variances to Section 5 (Parking, Loading, and Stacking) and Section 8 (Mixed Use (MIX) Zones) to implement the development proposal as the site is a corner property and limited in size.

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

In the opinion of staff, the requested variances to parking regulations and parking setbacks and to building regulations meet the intent of the Official Plan. The Mixed Use designation encourages re-development to achieve a high standard of urban design, is compatible with surrounding areas, and is transit-supportive and cycling and pedestrian-friendly. The proposal to re-develop the site is a low-rise mixed-use building that is compatible in scale and will use building materials that compliment the neighbourhood. The design addresses both Frederick and Bruce Streets and utilizes a lot of windows and openings to activate the streets. The design is compatible with surrounding low-rise context yet intensifies the vacant site. This satisfies the Urban Design policies of the Official Plan

Frederick Street is a Regional Roadway that contains a major bus route and has bike lanes. The site is within walking distance to a pharmacy, dentists, offices, and the Frederick Street Mall with a grocery store. Given its location, surrounding amenities and availability of public transportation, and cycling infrastructure, Official Plan policies will support the parking reductions being proposed. Section 13.C.7.4. says that the City will consider reduced parking requirements for development and/or redevelopment in accordance with Policy 13.C.8.2 where a comprehensive Transportation Demand Management Report is submitted to the satisfaction of the City. 13.C.8.2. further notes 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. In the opinion of staff, this proposal meets the general intent of that policy to support a parking reduction for reasons stated previously.

It is staff's opinion that the variances will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of parking regulations is to ensure development is adequately parked, to avoid spilling over onto neighbouring streets and to ensure there's an adequate setback provided for vegetation to screen views of parking areas visible within the public realm and from adjacent properties. The provision of 8 parking spaces where 11 are required for health clinic is acceptable to staff. The property is located on a major bus route with cycling infrastructure. These provide an opportunity for alternate means of transportation to get to the clinic. The provision of 0 spaces for 4 dwelling units where 4 spaces are required is also acceptable to staff. The property is serviced by GRT, Frederick Street has cycling infrastructure, Class A indoor bike spaces are being provided and is located within walking distance to many services and amenities, staff can support the reduction. Moreover, the hours of the clinic are 9 a.m. to 5 p.m. freeing up those 8 spaces in the evening/overnight. The By-law does not permit shared parking, but it is recognized and supported by policy, however. Providing a 1.5 metre instead of a 3 metre parking setback can be supported by staff. Staff recognizes this a corner property of limited size. Most urban design objectives are being met and 1.5 metres is wide enough to support vegetation, notwithstanding.

The intent of a 4-metre interior side yard setback is to ensure there is an adequate building separation, particularly as it relates to a major comprehensive development proposal permitted within the MIX-3 zoning. As the proposal is 3 storeys in height, a 1.2 metre side yard setback is adequate and in keeping within allowable side yards for a 3 storey building in a low rise context. The intent of a 4.5 metre high first storey is to provide a defined base and visual difference and separation from the upper levels of the building. his proposal is requesting a 3.6 metre first storey height. In the opinion, the intent is being maintained using high windows and signage that provides that visual separation from the second and third storey. Overall, the building is of a high-quality design and will be an excellent addition to the neighbourhood.

It is staff's opinion that the variances will meet the general intent of the Zoning By-law.

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

The effects of the variances are minor. The parking reductions are offset by the availability of public transportation and cycling infrastructure and the site's proximity within walking distance to several amenities and a grocer. There's also the ability to share parking in the off hours of the clinic. The mixed use building is compatible with the surrounding context and design is complimentary to the neighbourhood. Any impacts of the variances are considered minor as a result.

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

The variances are desirable and appropriate for the use of land. As noted previously, this site has been vacated for some time and this mixed-use building proposal is an ideal use of this property. The variances are needed to implement a plan that is both functional and serviceable with a design that is both high quality and compatible with the surrounding low-rise context. Locationally, the site is nearby many amenities, on a major bus route, enjoys excellent cycling infrastructure and close to park space.

Environmental Planning Comments:

Tree Management to be addressed through Site Plan Application SP24/033/F/BB.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed variances provided a building permit for the new mixed use building is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No concerns.

Parks/Operations Division Comments:

Park Dedication fees will be addressed through Site Plan Application SP24/033/F/BB.

Transportation Planning Comments:

Transportation Services recommends that the vehicle parking for tenants be unbundled from the cost of a unit. This is more equitable for a tenant, as they do not pay for a parking space that they do not have.

Enova

Enova's concern has been addressed.

GRCA

No concerns.

Region of Waterloo

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 Bylaw 2019-051*
- *Site Plan Application SP24/033/F/BB*