

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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PREPARED BY: Craig Dumart, Senior Planner 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: August 7, 2024

REPORT NO.: DSD-2024-365

SUBJECT: Minor Variance Application A2024-062 – 40 Palace Street

RECOMMENDATION:

That Minor Variance Application A2024-061 for 40 Palace Street requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051, to permit a visitor parking requirement of 8 visitor parking spaces (0.085 parking spaces per dwelling unit) instead of the minimum required 10 visitor parking spaces (0.1 parking spaces per dwelling unit), to facilitate the registration of a Plan of Condominium for a residential development having 94 dwelling units, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to reduce the required visitor parking to facilitate the registration of a Plan of Condominium for a residential development having 94 dwelling units.
- The key finding of this report is that the requested variances meet the 4 tests of the Planning Act.
- There are no financial implications.
- Community engagement included notice signs 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 has frontage on two private roads (Frontage on Palace Street and Huntsworth Ave) abuts Ottawa Street South at the rear and the lands are located near the intersection of Ottawa Street South and Strasburg Road.



Figure 1: Location Map

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'Mixed Use with Site Specific Policy 31 on Maps 3 and 5 – Land Use and Specific Policy Areas in the City's 2014 Official Plan.

The property is zoned 'Mixed Use One Zone' (MIX-1) with Site-Specific Provision (42)' in Zoning By-law 2019-051.

- The purpose of the application is to reduce the required visitor parking on site by 2 visitor spaces which will be re-delineated as standard parking spaces for condominium unit owners. The subject lands have received Site Plan Approval for the 94 multiple dwelling unit development and a Stamp Plan B Site Plan to re-delineate visitor parking spaces to standard parking spaces will be required if approved by the committee. This will be completed through the Draft Plan of Condominium Application as a condition of Draft Approval.



Figure 2: View of Existing Site Conditions

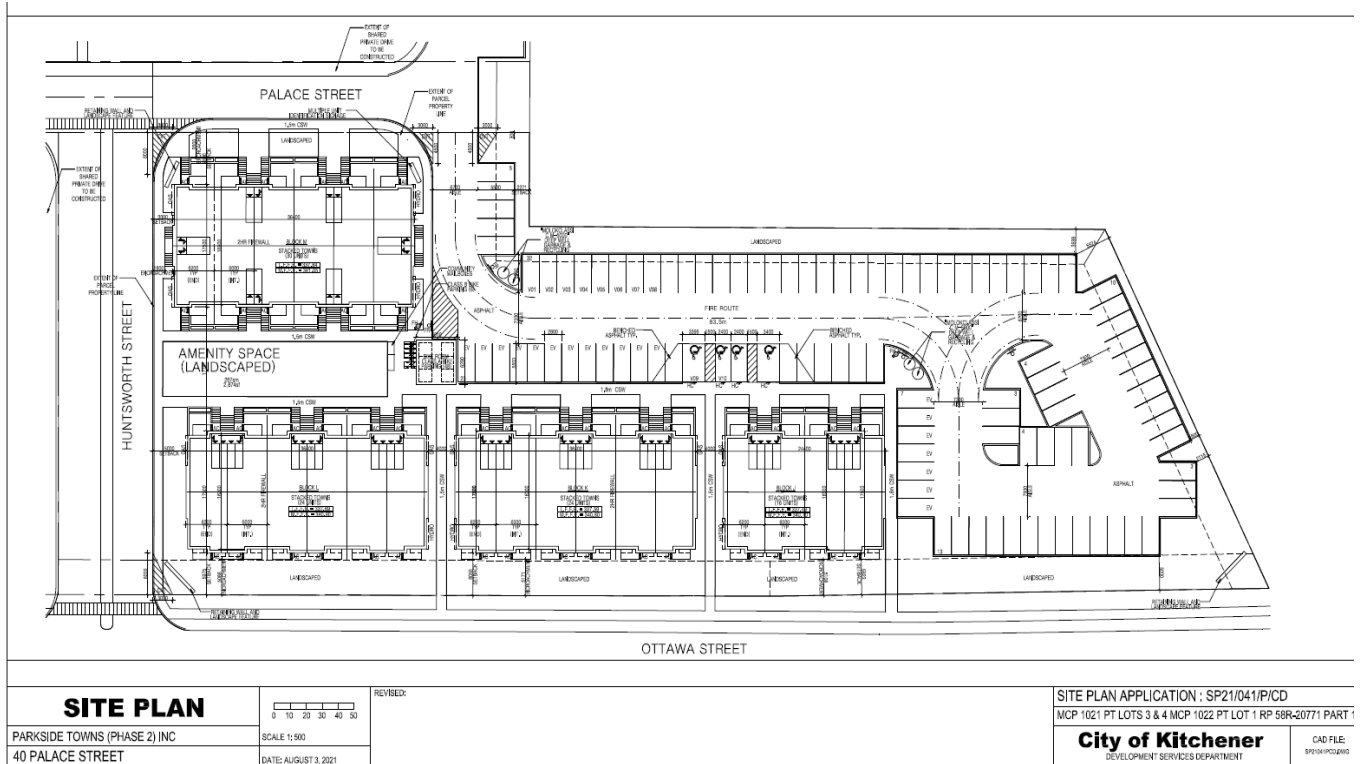


Figure 3: Approved Site Plan.

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' land use designation together with Site Specific Policy 31 is to provide for an appropriate mix of commercial, institutional and mid-rise residential developments. Lands designated Mixed Use are transit-supportive, walkable and integrated and interconnected with other areas of the city. The proposed 94 unit multiple dwelling is a permitted use in the 'Mixed Use' land use designation and an appropriate use for subject lands. Planning Staff are of the opinion that the requested variance will meet the general intent of the Official Plan.

General Intent of the Zoning By-law

The intent of the 0.1 visitor parking spaces per unit (10 required for the subject lands) is to provide adequate visitor parking for visitors of the proposed development. The applicant met with Planning and transportation Services staff in advance of submitting the application and provided a cover letter with a detailed explanation of the requested parking reduction which was reviewed by Transportation Services who have no concerns with the proposed parking rate of 0.085 visitor parking space per unit. In addition to adequate on-site visitor parking being provided for visitors, bicycle parking spaces will also be provided for users and visitors of the development and the subject lands are well connected to transit and active transportation routes. Staff are of the opinion that the proposed parking provision will provide for adequate parking for the residential development.

In the opinion of Staff, the requested variance meets the general intent of the Zoning By-law.

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

The requested variance to reduce the required visitor parking to 0.085 parking spaces per dwelling unit (8 visitor spaces) rather 0.1 visitor parking spaces per dwelling unit (10 visitor parking spaces) is minor in nature. Staff is of the opinion that the requested variance will not inhibit the appropriate functioning of the residential development and will not negatively impact any of the adjacent properties or surrounding neighbourhoods. The number of parking spaces on site is not proposed to change and adequate on-site parking is being provided for residents and visitors.

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

The variance is desirable and appropriate for the development and use of the land as the subject lands are well connected to transit and active transportation routes. The requested variance for reduction in vehicle parking is desirable and appropriate for the development of the lands.

Environmental Planning Comments:

No Environmental Planning concerns.

Heritage Planning Comments:

No heritage concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

No Engineering comments.

Parks/Operations Division Comments:

No Parks/Operations comments.

Transportation Planning Comments:

In consultation with the applicant, Transportation Services supported the reduced visitor parking requirement of 0.085 visitor parking spaces/dwelling unit on July 3, 2024.

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*