

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 10, 2024

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

PREPARED BY: Ben Suchomel, Student Planner, 519-783-8948
Kirsten Hoekstra, Student Planner, 519-783-8936

WARD(S) INVOLVED: Ward 8

DATE OF REPORT: December 04, 2024

REPORT NO.: DSD-2024-536

SUBJECT: Minor Variance Application A2024-107 - 15-105 Mooregate Cres.

RECOMMENDATION:

That Minor Variance Application A2024-107 for 15-105 Mooregate Crescent requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 4.14.2 d) to permit balconies to be located 1.1 metres from the street line instead of the required 3 metres;
- ii) Section 5.6, Table 5-5, to permit a multiple residential development having 378 dwelling units to have 303 parking spaces for the dwelling units instead of the minimum required 378 parking spaces (required rate of 1 parking space per dwelling unit);
- iii) Section 5.6, Table 5-5, to permit non-residential uses (subject to the Multi-Unit Parking Rate) with a combined gross floor area of 2,657 square metres, to have 32 parking spaces instead of the minimum required 78 parking spaces (required rate is 1 parking space per 35 square metres of Gross Floor Area (GFA));
- iv) Section 5.7 a) ii) to permit parking spaces to be assigned to uses in the following quantities: dwelling units shall be assigned a minimum of 303 parking spaces, non-residential uses shall be assigned a minimum of 32 parking spaces, and visitors shall be assigned a minimum of 30 parking spaces, instead of all parking spaces being shared between uses and unassigned;
- v) Section 7.2, Table 7-1, to add a 'Health Clinic' as a permitted use;
- vi) Section 7.2, Table 7-1, to add a 'Social Service Establishment' as a permitted use;

- vii) **Section 7.3, Table 7-6, to permit a 2.9 metre interior yard setback instead of the minimum required 4.5 metres;**
- viii) **Section 7.3, Table 7-6, to permit a maximum Gross Floor Area of 1,100 m² of individual non-residential use instead of the maximum permitted 600m²; and**
- ix) **Table 7-6 (3) to permit dwelling units located at ground floor level to not provide a patio area adjacent to the dwelling unit with direct access to such dwelling unit, whereas the By-law requires a patio area;**

to facilitate the development of two (2) multiple residential buildings having a total of 378 dwelling units and approximately 2,657 square metres of non-residential use, generally in accordance with drawings prepared by SvN Architects + Planners, submitted with Minor Variance Application A2024-107, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review and recommend the approval of the minor variance application to facilitate the redevelopment of the property with a 9-storey and 16-storey multiple dwelling containing a total of 378 dwelling units and approximately 2,657 square metres of non-residential use (i.e., convenience retail, day care, health clinic, and social service establishment).
- The key finding of this report is that the requested variances meet all 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 on the north and west sides of Mooregate Crescent between Hazelglen Drive and Westmount Road. The subject site currently contains fifty-five (55) townhouse dwelling units, as shown in Figure 1. It is located within the Victoria Hills neighbourhood, which is primarily comprised of retail uses and residential uses of varying dwelling types.



Figure 1 – Location of subject property (outlined in RED)

The subject property is identified as 'Community Areas' on Map 2 – Urban Structure and is designated 'High Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Residential Seven Zone (RES-7)' with Site Specific Provision (339) and Holding Provision (35H)' in Zoning By-law 2019-051.

The purpose of the subject minor variance application is to facilitate Site Plan Application SP24/026/M/CD, which proposes a mixed-use, affordable housing development consisting of a 9-storey and 16-storey multiple dwelling, containing 378 dwelling units and approximately 2,657 square metres of non-residential use (i.e., convenience retail, day care, health clinic, and social service establishment). The Site Plan Application originally received Conditional Approval on May 13, 2024, and received an update to the Conditional Approval on November 25, 2024 (see attached Site Plan drawing).

The purpose of the application to permit a 2.9 metres westerly interior side yard setback rather than the required 4.5 metres; a maximum Gross Floor Area (GFA) of 1,100 square metres, for individual non-residential use whereas a maximum GFA of 600 square metres is permitted; to permit dwelling units located at ground floor level to have no patio area adjacent to the dwelling unit with direct access to such dwelling unit; to add a Health Clinic and Social Service Establishment as permitted uses; to permit balconies 1.1 metres from the street line rather than the required 3 metres.

Further variances have been requested for parking:

- to allow a multiple residential development having 378 dwelling units to have 303 parking spaces for the dwelling units rather than 378 parking spaces (required rate of 1 parking space per dwelling unit);
- to permit non-residential uses (subject to the Multi-Unit Parking Rate) with a combined gross floor area of 2,657 square metres, to have 32 parking spaces

rather than 78 parking spaces (required rate is 1 parking space per 35 square metres of Gross Floor Area (GFA)); and

- to permit parking spaces to be assigned to uses in the following quantities: dwelling units shall be assigned a minimum of 303 parking spaces, non-residential uses shall be assigned a minimum of 32 parking spaces, and visitors shall be assigned a minimum of 30 parking spaces, rather than all parking spaces being shared between uses and unassigned.

Staff have noted that the redevelopment will involve the demolition of the existing 55 rent-geared-to-income townhouse units. Through the review of the future Demolition Control Application, the City's new Rental Replacement By-law will apply. The Region of Waterloo is proposing that the current tenants be given the opportunity to temporarily relocate to an available unit within the Region of Waterloo affordable housing portfolio.. Current tenants will have the first opportunity to return to a new unit within the redeveloped area once the project is completed. It is important to note that the purposed of the subject application is to facilitate redevelopment of the 55 affordable housing unit site with 378 affordable housing units.

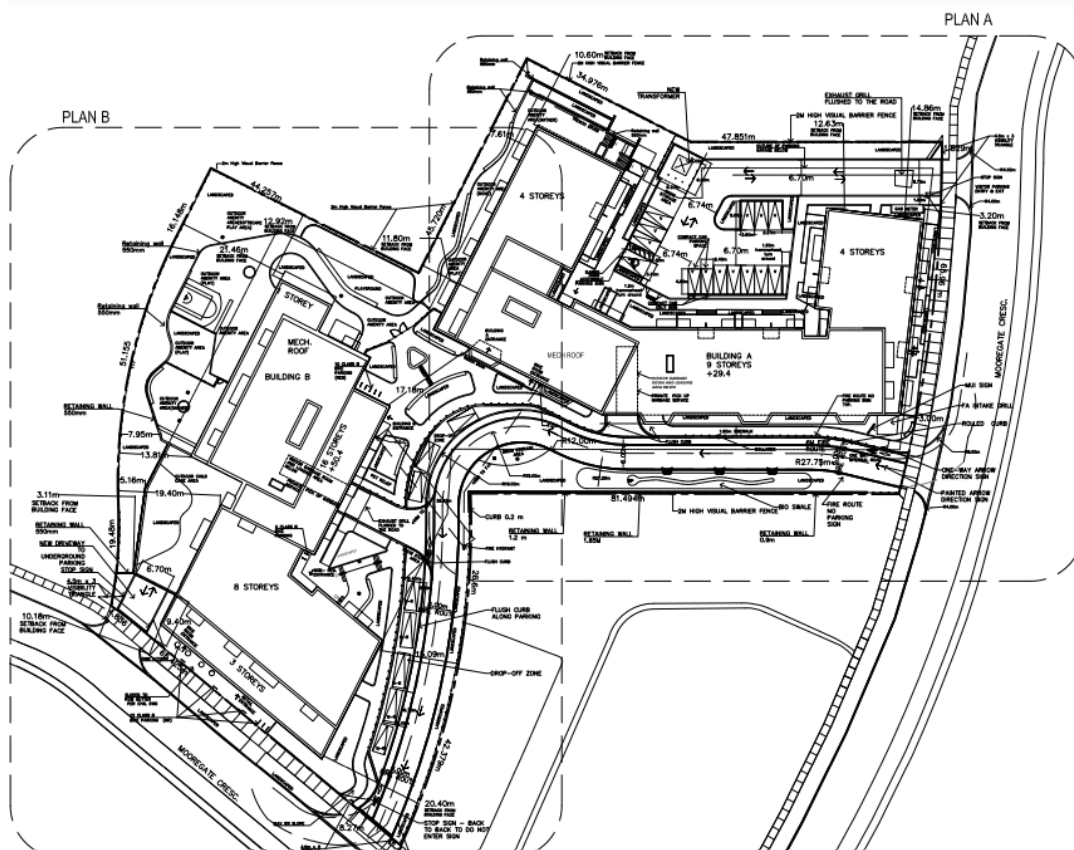


Figure 2: Excerpt of Conditionally Approved Site Plan Drawing

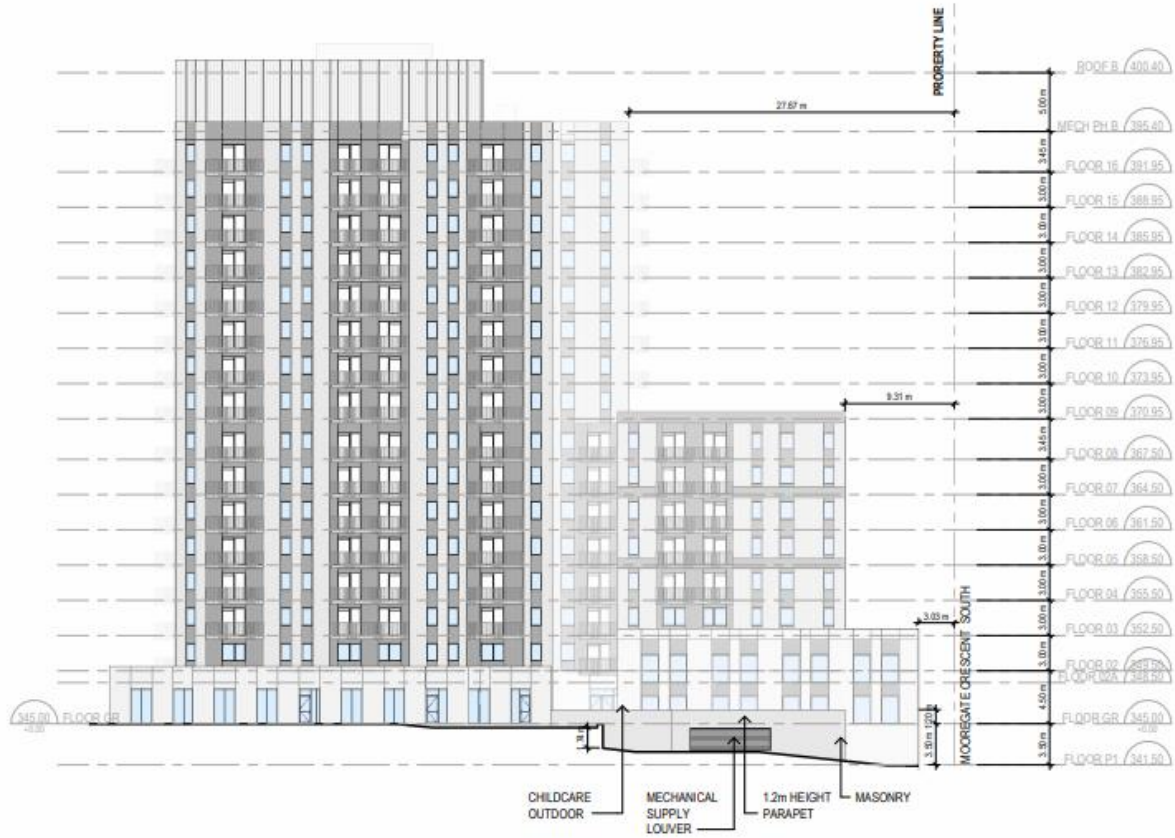


Figure 3: – West Elevation Building B

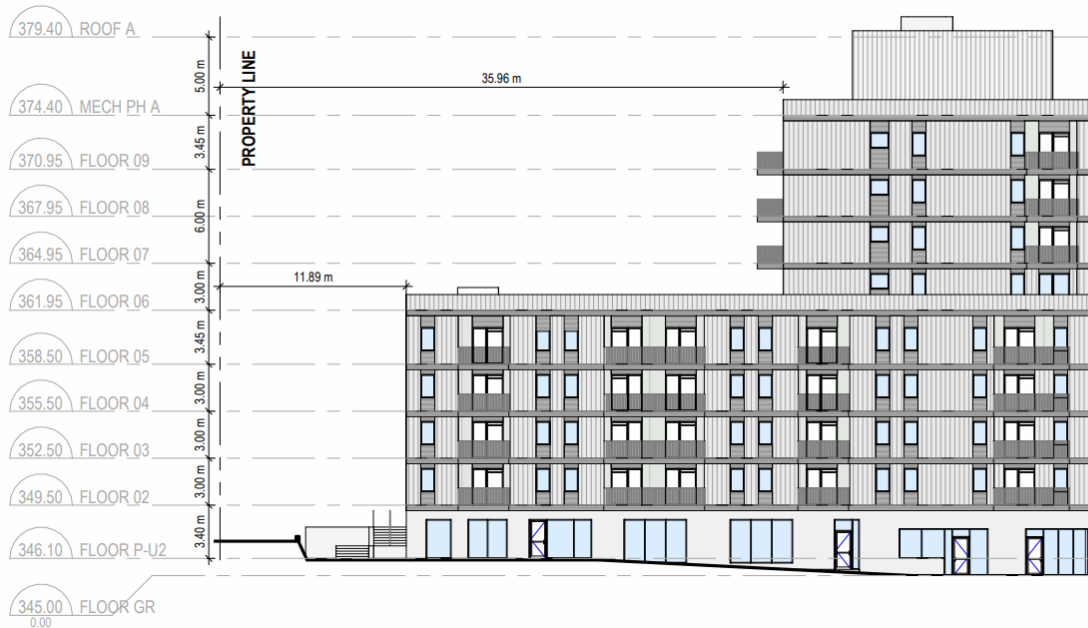


Figure 4: – West Elevation Building A

Planning staff conducted a site visit on November 26, 2024.



Figure 5: Existing Site Conditions at 15-105 Mooregate Crescent on November 26, 2024.



Figure 6: Existing Site Conditions at 15-105 Mooregate Crescent on November 26, 2024.

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 City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The subject property is designated 'Community Areas' on Map 2 – Urban Structure and 'High Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan. The intent of this designation is to accommodate high density multiple dwellings to achieve a high intensity of residential use.

Policy 13.C.8.2 in the City's Official Plan 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.

The applicant has provided a study provided by Nexttrans Consulting Engineers, which supports the reduced parking requirement.

The requested parking variances will facilitate the development of a high-rise residential use consistent with the land use designation in the Official Plan.

Further Policy 15.D.3.27 in the City's Official Plan states that the City will support an integration of non-residential land uses that are complementary and serve the needs of residents. Uses such as health clinics and social service establishments are included in the list of potential complementary lands uses. The Official Plan does not place a specific limitation on the amount of Gross Floor Area for non-residential uses within residential land use designations, but states, "The City will encourage and support complementary non-residential land uses to be mixed with multiple residential uses at a scale and in appropriate locations within lands designated High Rise Residential..." (Policy 15.D.3.25).

Moreover, Policy 15.D.3.29. states that, "Where appropriate and desirable, the City will encourage non-residential uses to locate together and be integrated with residential uses in mixed use developments or in mixed use buildings to form community focal points."

As a result, staff is of the opinion that all the requested variances will facilitate and strive to build a vibrant, attractive, safe, complete and healthy community, and therefore, meeting the general intent of the Official Plan.

General Intent of the Zoning By-law

Balconies:

The purpose of the regulation that requires balconies to be located 3 metres from the street line is to ensure that there is adequate buffering between adjacent properties as well as the public realm. Staff note that only the balconies fronting Mooregate Crescent in Building 'A' will not meet the regulations. The reduced setback will not have any adverse impacts on adjacent properties and staff are of the opinion that a setback to the lot line of 1.1 metres will provide adequate separation to the public realm.

Parking Variances:

The intent of a minimum parking and visitor parking requirement is to ensure that the development is able to provide an appropriate number of parking spaces for both residents and visitors to the site. Residents are becoming increasingly less car-dependant and reducing the number of required spaces will allow more units and amenity space to be provided on site. Staff note that the proposed development includes a sufficient number of Class A and B bicycle parking spaces. Additionally, the development is situated in a location that supports transit, providing future residents with access to transit-oriented options, noting that the GRT iXpress Route 201 and local routes 12 and 20 are within close proximity. Moreover, Transportation Services advises that it supports all the requested vehicle parking variances.

Health Clinic & Social Services Establishment:

The general intent of the regulation that allows certain non-residential uses in the RES-7 Zone but does not include health clinic and social service establishment is to ensure compatibility of uses with residential functions. The proposed health clinic and social services establishment would provide on-site services to residents and neighbours. It should be noted that at the time of drafting the RES-7 Zone, it was intended that a health clinic would be permitted non-residential use. However, health office, which is a home business use, was added instead. Also, office use is permitted, which is similar to social service establishment use. Staff are of the opinion that these proposed uses would be compatible with residential uses, thus meeting the general intent of the Zoning By-law.

Interior Side Yard Setback:

The general intent of the regulation in Section 7.3 that requires an interior yard setback of 4.5 metres is to ensure that there is adequate building separation. Staff note that only a small portion of the development will not meet the required setback. This section consists of a one-storey parking garage entrance. The rest of the building is setback further and will meet the required interior yard setback.

Gross Floor Area of Individual Non-Residential Use:

The general intent of the regulation that states the maximum gross floor area of individual non-residential uses is 600 square metres is intended to ensure that a single non-residential use do not take up an excessive amount of space in residential buildings. The requested individual non-residential use of 1,100 square metres only amounts to a small percentage of the total Building Floor Area on the site. The requested individual non-residential use of 1,100 square metres only amounts to a small percentage of the total Building Floor Area (BFA) on the site. Also, the overall amount of non-residential space (2,657 square metres) is also a relatively small portion of the overall BFA.

Patio Area

The general intent of the regulation that requires dwelling units located on the ground floor level to provide a patio area adjacent to the dwelling unit with direct access to such dwelling unit is to ensure adequate amenity space is provided. Staff notes that the proposed development will provide sufficient common outdoor amenity space that will be shared between the two buildings and will be accessible to all residents.

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

Planning staff is of the opinion that the proposed development will add to both the livability and functionality of the property. Based on location, context, policy direction, urban design objectives, setback considerations, recommendations of the Parking Justification Study, and existing conditions, staff is of the opinion that the effects of the variances are minor. For the reasons previously noted, staff is of the opinion that the requested variances satisfy the 'minor' test to facilitate the proposed development of a 9-storey and 16-storey multiple dwelling on Mooregate Crescent. With respect to the requested variances, staff is of the opinion that the requested variances are minor in nature.

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

The requested variances do not negatively affect the ability to develop the subject lands, or adjacent lands with appropriate development. The requested variances will facilitate a desirable form of development on the existing site. The planned scale, massing, and setbacks of the building are compatible and support the planned vision of the community and surrounding area, assisting in the provision of a variety of dwelling types and land uses. The planned increased density along Mooregate Crescent will additionally support the City's Housing Pledge. Planning staff is of the opinion that the requested variance is appropriate and desirable for the use of the lands.

Environmental Planning Comments:

No natural heritage features/functions as noted in 2021 PSC. Also as noted, Tree Management Policy / trees on-site would be addressed by Urban Designer as part of Site Plan Review.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the new apartments are obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

Engineering has no comment.

Parks/Operations Division Comments:

Park Planning concerns including any City tree protection or required park dedication will be addressed through SP24/026/M/CD

Transportation Planning Comments:

As part of a Minor Variance application, a Parking Memorandum was submitted (October 9, 2024) and then an update was submitted (November 7, 2024) by Nextrans Consulting Engineers with an updated vehicle parking supply for this multi-use redevelopment. Transportation Services reviewed the memorandums and offer the following comments for the most recent submission. Based on the parking demand analysis completed by Nextrans, Transportation Services supports their proposed total parking supply of 365 parking spaces and 205 Class A and 26 Class B outdoor bike parking spaces for this development. Parking spaces should be unbundled from the cost of a unit.

Upon further review of Table 1, it was determined that there are 396 (378+18) parking spaces required (see below yellow highlight) not 454 and a parking shortfall of 31 (396-365=31) spaces (8%), not 121 as noted below. Based on the information provided within the parking memorandum, the variance of 454 spaces (see green highlight below) being applied for should be reduced to 396 spaces to be consistent with the parking memorandum data submitted.

Table 1: Summary of Parking Requirements from Zoning By-law 2019-051

Use	Units / GFA	Zoning By-law 2019-051, All Other Zones		Proposed Parking Supply	Variance
		Parking Rate	Parking Spaces Required		
Residential	378 Units	1.0 sp/unit	378	303	-75
Visitor		None ¹	-	30	+30
Non-Residential	2,657sqm	1.0 sp/35 sqm	18	32	-44
			454	365	-122

Note: 1. Visitor parking is exempt from parking requirement as per City of Kitchener Zoning By-law 2019-051, Section 5.7a)i).

		BI DG B = +50.4metres	
2)	Accessory Building	N/A	N/A
	Parking	454 space (5.5)	365 spaces
	Other		Permit a total of 365 spaces

Region of Waterloo Comments:

No concerns

Grand River Conservation Authority (GRCA) Comments:

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application.

GRCA has no objection to the approval of the above application. The subject property does not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 41/24 and, therefore, a permission from GRCA is not required.

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:

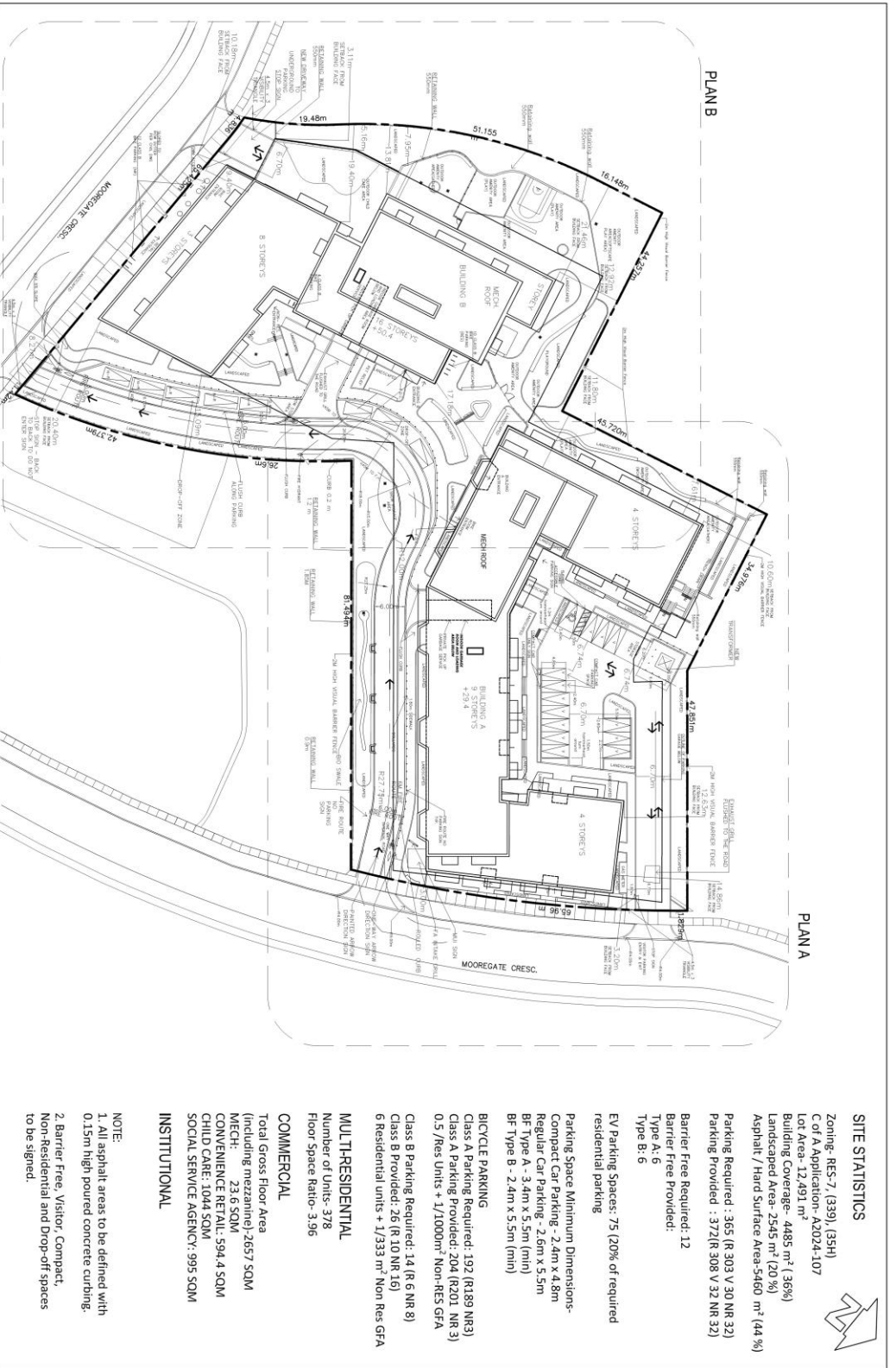
INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A - Conditionally-Approved Site Plan Drawing (SP24/026/M/CD)



SITE STATISTICS



Zoning- RES-7, (339), (35H)
 Co of A Application-- A2024-107
 Lot Area- 12,491 m²
 Building Coverage- 4485 m² (36%)
 Landscaped Area- 2545 m² (20 %)
 Asphalt / Hard Surface Area-5460 m² (44 %)

Parking Required : 365 (R 303 V 30 NR 32)
 Parking Provided : 372(R 308 V 32 NR 32)

Barrier Free Required: 12

Barrier Free Provided:

Type A: 6

Type B: 6

EV Parking Spaces: 75 (20% of required residential parking)

Parking Space Minimum Dimensions-
 Compact Car Parking - 2.4m x 4.8m
 Regular Car Parking - 2.6m x 5.5m
 BF Type A - 3.4m x 5.5m (min)
 BF Type B - 2.4m x 5.5m (min)

BICYCLE PARKING

Class A Parking Required: 192 (R189 NR3)

Class A Parking Provided: 204 (R201 NR 3)

0.5 /Res Units + 1/1000m² Non-RES GFA

Class B Parking Required: 14 (R 6 NR 8)

Class B Provided: 26 (R 10 NR 16)

6 Residential units + 1/333 m² Non Res GFA

MULTI-RESIDENTIAL

Number of Units- 378

Floor Space Ratio- 3.96

COMMERCIAL

Total Gross Floor Area
 (including mezzanine)-2657 SQM

MECH: 23.6 SQM

CONVENIENCE RETAIL: 594.4 SQM

CHILD CARE: 1044 SQM

SOCIAL SERVICE AGENCY: 995 SQM

INSTITUTIONAL

NOTE:

1. All asphalt areas to be defined with 0.15m high poured concrete curbing.
2. Barrier Free, Visitor, Compact, Non-Residential and Drop-off spaces to be signed.

SCHEDULE B
SITE PLAN

REGIONAL MUNICIPALITY OF WATERLOO

15-105 MOOREGATE CRES.

SCALE 1: 1,000

DATE: 2024-11-08

REVISIONS:

SITE PLAN APPLICATION NO. SP24/026/M/CD

LT 12 PL 1268 KITCHENER, S/T 398749, KITCHENER

City of Kitchener
 DEVELOPMENT SERVICES DEPARTMENT

CAD FILE: SP24026M/CD.dwg