

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: January 21, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Brian Bateman Senior Planner, 519-783-8905

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: January 8, 2025

REPORT NO.: DSD-2025-017

SUBJECT: Minor Variance Application A2025-001 – 535 Manitou Drive

RECOMMENDATION:

That Minor Variance Application A2025-001 for 535 Manitou Drive requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051 to permit a maximum parking requirement of 110 parking spaces instead of the maximum permitted 82 parking spaces and relief from Section 10.3, Table 10-2, of Zoning By-law 2019-051 to permit an exterior side yard setback of 3.7 metres instead of the minimum required 6 metres to facilitate the development of the site with an industrial plaza in accordance with Site Plan Application SP24/067/M/BB, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide Planning staff opinion of a request to vary regulations of Zoning By-law 2019-051 to facilitate a proposed development on lands located at 535 Manitou Drive.
- The key finding of this report is that the proposed variances are deemed minor and necessary for the proper and orderly development of the site given context and location.
- 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 at the northwest corner of the intersection of Homer Watson Boulevard and Manitou Drive in the Huron Business Park. It is an irregular-shaped property that is vacant and flanked by two arterial roadways and backs onto industrial and open space lands (Budd Park).

The applicant is proposing to develop easterly portion of the property with an industrial plaza with a right-in access only from Manitou Drive and full access to Homer Watson Boulevard. The proposal shown below in Figure 2 has received Conditional Site Plan Approval under Site Plan File No. SP24/067/M/BB.

To facilitate the development, two minor variances to By-law 2019-051 are required:

1. An exterior side yard setback reduction; and
2. To allow for more parking than the maximum parking rate.



Figure 1 - Aerial Photo of Subject Property

The subject property is identified as being partially within a 'Neighbourhood Node' and 'Industrial Employment Area' on Map 2 – Urban Structure and is designated 'General Industrial Employment' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Service Business Park Employment (EMP- 4) Zone' in Zoning By-law 2019-051.

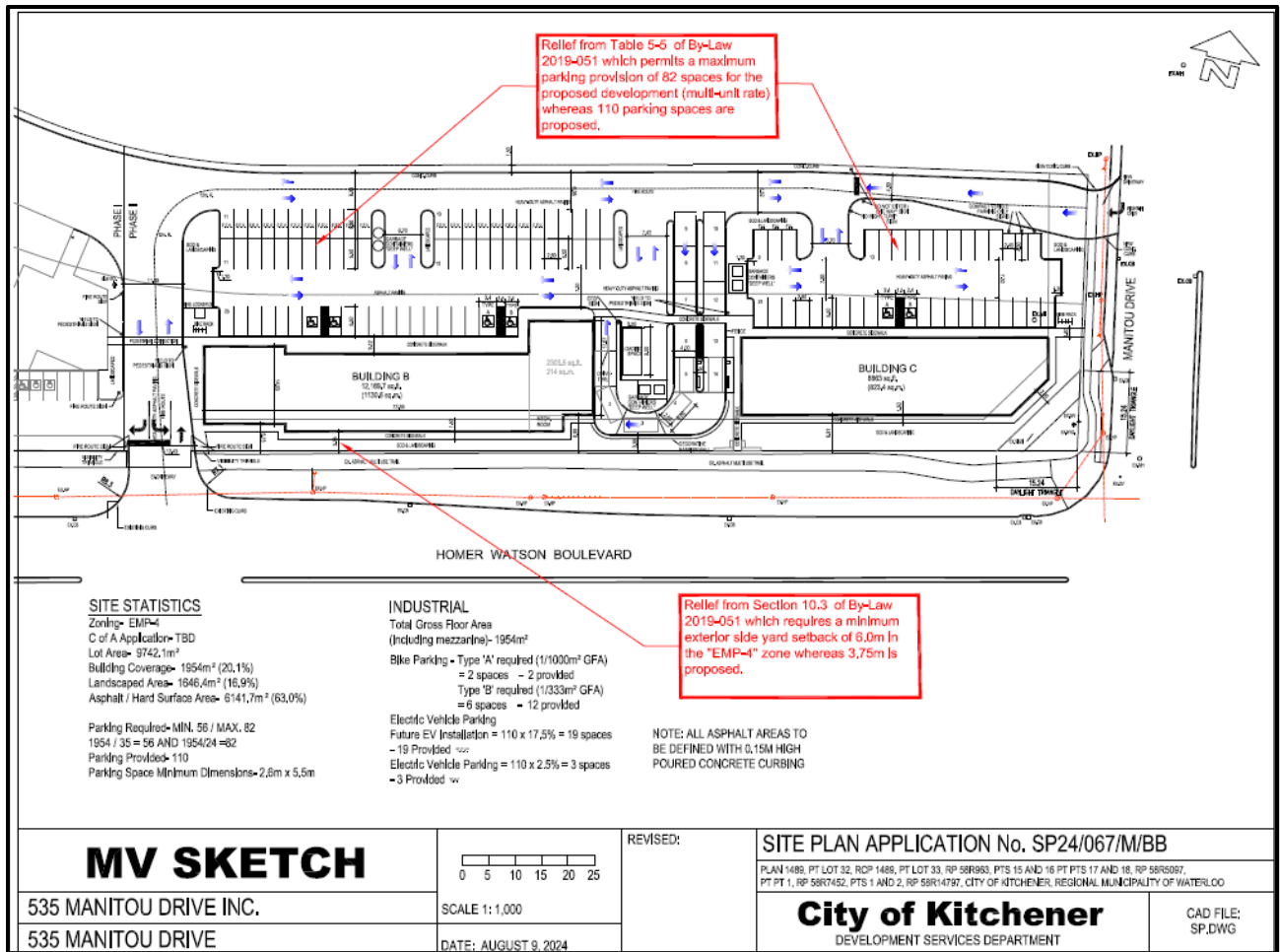


Figure 2 - Site Plan

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 planned function of Neighbourhood Nodes is to serve the day-to-day commercial needs of surrounding residential areas and are encouraged to be cycling and pedestrian-friendly whereas Industrial Employment Areas support and maintain economic activity in the city by providing an adequate supply of land for a range of industrial-related employment uses and appropriate accessory and ancillary uses.

The intent of the General Industrial Employment land use designation is to provide for a broad range of industrial uses, some of which by virtue of their operation or site utilization may need to locate within an industrial area or require appropriate buffering to mitigate potential impacts on residential areas.

The development of an industrial plaza that is setback closer to Homer Watson activates the street thereby helping to be more pedestrian and cycling friendly while at the same time providing uses that support and enhance economic activity of the area. Staff is satisfied the intent is being maintained by balancing built form and design objectives of being located within a Node with providing industrial uses to support economic expansion.

The intent of the City's parking policies is to ensure adequate parking standards and regulations are in place and enforced and to reduce parking space demand in support of active transportation and transit and potential redevelopment of surface parking lots especially in intensification areas. As the proposal provides more parking than the by-law permits are located outside of an intensification area, there is more than adequate parking being provided. Staff is satisfied the parking policies are being met.

The variances will maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

The general purpose of this zone is to accommodate industrial uses and limited complimentary uses that support adjacent employment lands. EMP-4 zoned lands are located within 450 metres of existing or planned transit corridors. The intent of the exterior side yard setback in this context is to ensure there is adequate space for landscaping and provide consistency within a typical suburban industrial context. However, this is a corner property within a "Node" that is directly across from suburban commercial retail uses. Overtime it is expected that those commercial properties will be re-developed with buildings that are setback closer to street edge to frame the corners and activate the space. Reducing the exterior side yard setback therefore makes sense within this context while at the same time, still providing adequate exterior yard space for trees and landscaping.

The general intent of having maximum parking rates is to limit the amount of surface parking and impervious areas. The maximum parking for a multi-unit building is 82 spaces and the owner proposes 110. The maximum multi-unit rate for plaza's containing 3 or more units is 1 parking space/24 m² of gross floor area. The parking increase is to accommodate a restaurant and pharmacy - considered heavier parking users - that will be tenants within the plaza. Individual uses within a plaza such as a restaurant or pharmacy, for example, require a maximum 1 parking space/5 m² and 1 parking space/15 m² of gross floor area, respectively. As such, it may be prudent to offer more parking than the maximum rate to avoid potential parking problems that could affect future occupancy.

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

An exterior side yard setback reduction and increase in the maximum parking rate for a multi-unit plaza may be considered minor as they will facilitate the development of an industrial plaza with a restaurant and potential pharmacy tenant in this location.

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

The variances are desirable as they will facilitate development on lands that have been sitting vacant for several years.

Environmental Planning Comments:

No concerns

Heritage Planning Comments:

No concerns

Building Division Comments:

The Building Division has no objections to the proposed variance provided building permit for the new buildings are 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:

No concerns with proposed Minor Variances. New/revised easements are required as a condition of final site plan approval of both SP22/144/M/BB and SP24/067/M/BB to accommodate Multi Use Trail at proposed access.

Transportation Planning Comments:

Transportation Services have no concerns with this application based on the provided Parking Justification.

As noted in the Parking Justification, the restaurant maximum by-law parking rate can be applied when the GFA of a multi-unit building is less than 1,000 sq.m. Therefore, Transportation Services notes that if the restaurant was located in Building C instead of Building B, the site would not exceed the maximum by-law parking rate and a variance would not be required.

Region of Waterloo

No concerns

GRCA

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 Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*