

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

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

PREPARED BY: Adiva Saadat, Planner, 519-783-7658

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: March 4, 2025

REPORT NO.: DSD-2025-115

SUBJECT: Minor Variance Application A2025-021 – 2880 King Street East

RECOMMENDATION:

That Minor Variance Application A2025-021 for 2880 King Street East requesting relief from Section 5.6, Table 5-5, of Zoning By-law 2019-051, to permit a parking requirement of 27 parking spaces instead of the minimum required 44 parking spaces, to recognize the parking configuration for the existing building on the subject property, BE DEFERRED to the September 16, 2025 Committee of Adjustment Meeting, or sooner, to allow the Applicant time to complete a Parking Justification Study, to the satisfaction of the Director of Transportation Services.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to recognize the parking configuration and supply for the existing building on the subject property.
- The key finding of this report is that Staff are unable to determine whether the variance would meet the four tests in the absence of a Parking Justification Study.
- 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 King Street East where it merges into Weber Street East and intersects with the Highway 8 access. It is in the Centreville Chicopee neighbourhood which is comprised of commercial and residential uses.



Figure 1: Location Map – 2880 King Street East (Outlined in Red)

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

The property is zoned 'General Commercial (COM-2)' in Zoning By-law 2019-051.

The purpose of the application is to recognize the existing parking supply for the existing building on the subject property which will allow the continued operation of businesses. In the Zoning By-law 85-1 Section 6.1.2 (a), the multi-unit parking requirement is 1 parking space per 22 square metres. This required 27 parking spaces for the site, and it was provided for and approved as a part of the Site Plan Application in November 25, 1991. As per Zoning By-law 2019-051 has come into effect, the multi-unit parking rate applies only to a maximum of 30% of total restaurant use according to Section 5.6, table 5-5 (3) a.

- (3) The following shall only apply to a multi-unit building or multi-unit development with a gross floor area of 1,000 square metres or less where the multi-unit parking rate applies:
 - a. Restaurant and health clinic shall each only be permitted to use the multi-unit parking rate up to a maximum of 30 percent of the gross floor area of the multi-unit building or multi-unit development. Parking space requirements for additional gross floor area shall be in accordance with the individual rate identified in Table 5-5;

Any additional restaurant space beyond this threshold of 30% must meet the restaurant parking requirement, which is 1 parking space per 7.5 square metres.

Since a new restaurant is being proposed on the site, the overall parking requirement has increased under the current Zoning By-law beyond what has been functioning under the approved existing plan from 1991. This increase is due to the maximum 30% of the total restaurant use to be calculated at a multi-unit parking rate and the remaining restaurant use to be calculated under individual restaurant use parking rate, which requires more parking than the multi-unit parking rate.

Below is a breakdown of the parking calculation:

<p>There are 5 units in the building.</p> <p>A – Restaurant 152.3 m² B – Retail 81 m² C – Retail 84.79 m² D – Proposed restaurant 106.8 m² E – Restaurant 175.11 m²</p> <p>Total retail use: (81 m² + 84.79 m²) = 165.79m² Total restaurant use: (600 m² - 165.79m²) = 434.21 m² The maximum 30% of the building GFA which is 180m² of restaurant and 165.79m² non-restaurant Unit B and C qualifies for the multi-unit rate.</p>
<p>Multi-Unit Rate: (180m² restaurant + 165.79m² non-restaurant unit B and C) ÷ 35 m² = 10 spaces</p> <p>Remaining restaurant area that exceeds the 180m² multi-unit threshold 434.21 m² - 180 m² = 254.21 m²</p> <p>Individual rate for the remaining (254.21 m² ÷ 7.5 m²) = 33.89 (round up to 34 spaces)</p>
<p>Total Parking Calculation</p> <ul style="list-style-type: none">• Multi-Unit Rate: 10 spaces• New remaining restaurant space: 34 spaces <p>Total: 10 + 34 = 44 spaces</p>

Under the previous Zoning By-law 85-1 parking regulations, on which the site was originally built, increased parking requirements would not have applied.

Due to site constraints, there is insufficient space to provide the required number of parking spaces required by Zoning By-law 2019-051 Section 5.6, table 5-5 (3) a. As a result of the increased parking requirement, due to the addition of a new restaurant use

and insufficient space, the applicant is seeking a minor variance to recognize the existing parking supply.

Notice of Minor Variance Application

Upon further review of the parking requirements and discussion with Transportation Planning staff, it was determined that based on the proposed new restaurant use in the building, the parking requirement is in fact 44 parking spaces and not the 35 parking spaces that was advertised. No further notice is deemed to be required as the request to recognize 27 parking spaces has not changed.

The applicant has submitted site plan application SPB24/097/K/AS and it is currently under review. Through the review of the Minor Variance Application, a Parking Justification Study has been requested by Transportation Services staff. The Site Plan Application will be put on hold until such time as the Minor Variance Application is considered.

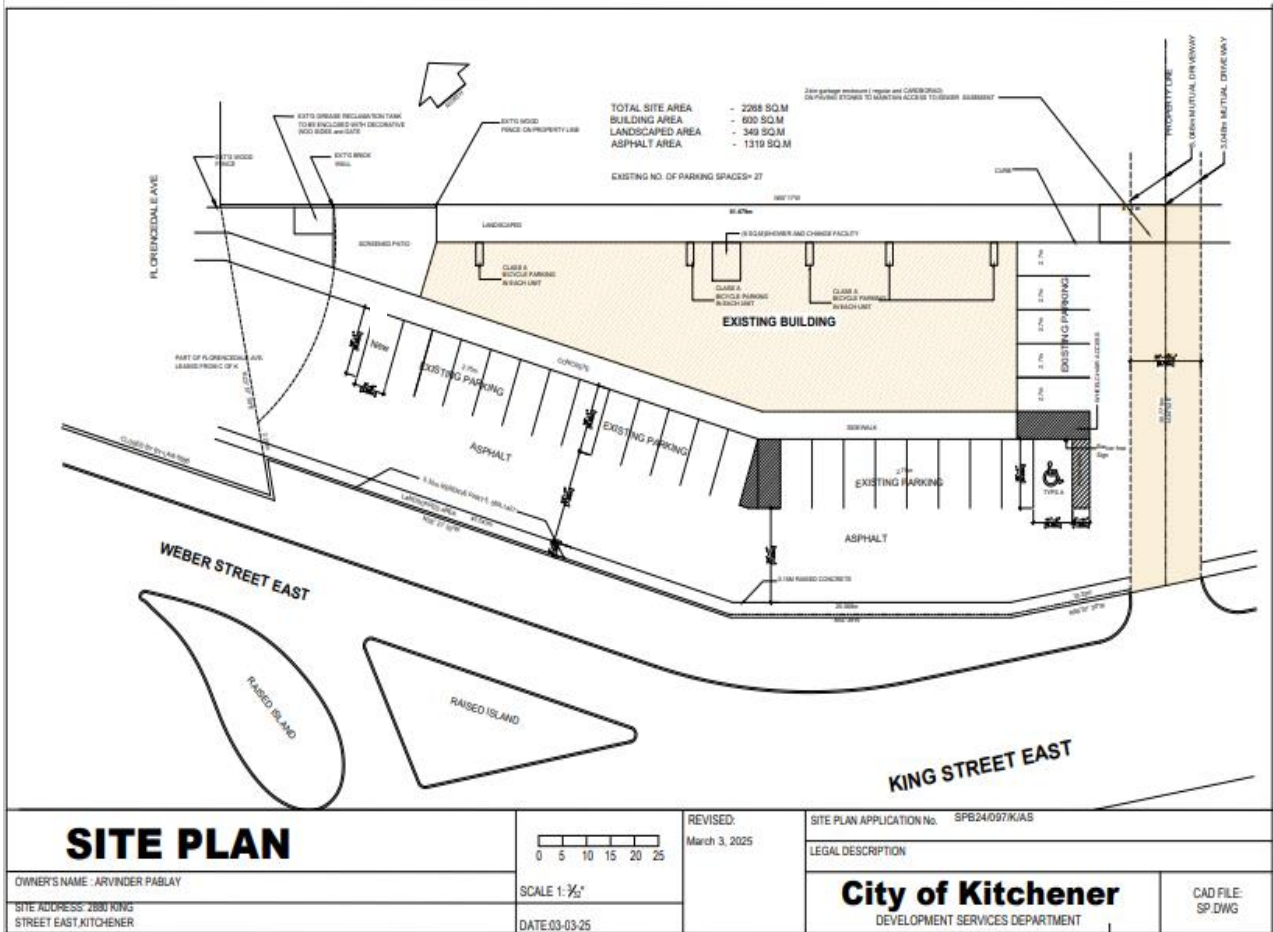


Figure 2: Site Plan in Accordance with SPB24/097/K/AS

Planning Staff conducted a site visit on February 27, 2025



Figure 3: Existing Site Conditions as of February 27, 2025

REPORT:

Planning Comments:

In accordance with the comments of Transportation Services Staff below, Planning staff is recommending a deferral of Minor Variance Application A2025-021 for 6 months, or sooner, to allow the Applicant time to prepare a Parking Justification Study.

Environmental Planning Comments:

No comments or concerns.

Heritage Planning Comments:

No comments or concerns.

Building Division Comments:

No comments or concerns.

Engineering Division Comments:

No comments or concerns.

Parks and Cemeteries/Forestry Division Comments:

No comments or concerns.

Transportation Planning Comments:

City Transportation Staff recommends a Parking Study is prepared by the Applicant to support the application. Based on a high-level internal review of expected parking demand, City Transportation Staff expect that the expected parking demand will be unable to be accommodated within the site and the demand may be greater than the by-law requirement.

It is noted that in multi-unit commercial buildings, a lower parking supply can be accommodated as the various functions will have peak parking demands at different times. An accounting or doctor's office will have a different peak than a restaurant. Therefore, the site does not need to accommodate the total peak parking demands of each use at the same time.

However, restaurants generate very large traffic volumes and have a greater parking demand per square metre compared to other land uses. If the building is primarily occupied by restaurant land uses, the restaurant parking rate should be applied so parking can be sufficiently accommodated on site.

Due to the interconnected nature of the site with adjacent private developments, City Transportation staff advise that any excess parking demand is currently/may be burdened by adjacent developments in the near term. In the future, if the adjacent properties redevelop or in a dispute, access to these spaces may not be possible. While excess parking can be accommodated on Centreville Street, visitors new to the site may not be familiar with how to access the roadway unless they are familiar with the area.

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*