

**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** May 20, 2025

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

**PREPARED BY:** Evan Wittmann, Senior Planner, 519-783-8523

**WARD(S) INVOLVED:** Ward 5

**DATE OF REPORT:** May 7, 2025

**REPORT NO.:** DSD-2025-210

**SUBJECT:** Consent Application B2025-016 – 1950 Fischer Hallman Road

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## **RECOMMENDATION:**

That Consent Application B2025-016 for 1950 Fischer Hallman Road to facilitate a Lease Agreement for an area of 1,457 square metres in excess of 21 years in favour of a McDonald's Restaurant, in accordance with the Site Plan Drawing, Attachment 'A', submitted with Consent Application B2025-016, BE APPROVED, subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the Owner verify, in writing, whether the Lease Agreement, is affected by any required or existing easements and/or restricted covenants, to confirm the necessary arrangements for servicing, shared parking and access are in place.
5. That the Owner verify, in writing, that the subject property has been developed in accordance with the Approved Site Plan Agreement, and if necessary, the Site

**Plan Agreement is to be amended to include any required revisions and/or updates.**

- 6. That the Owner verify, in writing, that the Lease Agreement complies with and fulfils all pertinent provisions of the Ontario Planning Act.**
- 7. That the Owner/Developer submit the consent review fee of \$350 to the Regional Municipality of Waterloo.**

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to review and make recommendations with respect to the Consent Application for a long-term lease agreement for 1950 Fischer Hallman Road.
- The key finding of this report is that staff recommends that the application be approved with conditions.
- 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 in the southwestern area of the City at the southeastern corner of the intersection of Fischer Hallman Road and Huron Road. The subject property features several commercial buildings and the full build out of the property is currently underway. The long-term lease application applies to the McDonald's restaurant on the property.

The subject property is identified as 'Community Node' on Map 2 – Urban Structure and is designated 'Mixed-Use Two' on Map 22e – Rosenberg Secondary Plan Land Use Plan in the City's 2014 Official Plan.

The property is zoned 'Medium Intensity Mixed Use Corridor Zone (MU-2, 637R, 424U)' in Zoning By-law 85-1.

The purpose of the application is to facilitate a Lease Agreement in excess of 21 years in favour of a McDonald's Restaurant. The leased area totals approximately 1,457 square metres and consists of the restaurant building, drive-through stacking lanes, 7 parking spaces, and some associated landscaped/walkway areas surrounding these lands.

The owner of the McDonald's Restaurant located at 1950 Fischer Hallman Road is requesting consent, as per Section 50 (3) of the Ontario Planning Act, to permit the execution of a long-term lease (agreement) with Schlegel Urban Developments Corp for a period exceeding 21 years in duration.

The building is existing and no new Gross Floor Area (GFA) is proposed.



**Figure 1: View Of McDonald's From Interior Of Subject Property (Taken May 2, 2025)**



**Figure 2: View Of McDonald's From Fischer Hallman Road (Taken May 2, 2025)**

## **REPORT:**

### **Planning Comments:**

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

#### Provincial Planning Statement (PPS 2024)

##### Regional Official Plan (ROP):

As the proposal is to facilitate a long-term lease of existing restaurant for a period greater than 21 years, no lots are being created or lot lines being adjusted, and no physical changes to the existing development are proposed, it is Planning staff's opinion that no sections of the PPS, Growth Plan or Regional Official Plan are specifically relevant, and that the application would conform to these plans and policies.

##### City's Official Plan (2014)

With respect to the Official Plan, no new parcels will be created through this application. The consent will not frustrate the planned function or ability of the site to operate (with shared access and parking) or appear to impede the outcome of any future planning processes. The use of property is in conformity with the City's Urban Structure and land use designation. In considering that the intent of the proposal is to facilitate an administrative consent required by the Planning Act and that no changes are proposed to the existing, permitted commercial development on the lands, it is Planning staff's opinion that the proposed consent does not adversely impact any policies of the Official Plan.

##### Zoning By-law 85-1

With respect to the City's Zoning By-law the use of the subject lands for a restaurant is a permitted use in the 'MU-2' Zone and the site as developed comprehensively complies with the Zoning By-law with respect to setbacks and parking. The long-term lease would not negatively impact the remainder of the property and no minor variances are required as a result of the long-term lease.

### **Environmental Planning Comments:**

No Environmental comments or concerns.

### **Heritage Planning Comments:**

No concerns. The property is located adjacent to the Huron Road Cultural Heritage Landscape (CHL), and to 1944 Fischer Hallman Road, which is listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register.

### **Building Division Comments:**

The Building Division has no objections to the proposed consent.

### **Engineering Division Comments:**

As there is no lot being created Engineering has no concerns.

### **Parks/Operations Division Comments:**

Long term lease. No new lot is created, and no parkland dedication is required.

**Transportation Planning Comments:**

Transportation Services have no concerns with this application.

**Region of Waterloo Comments:**

That the Owner/Developer submit the consent review fee of \$350 to the Regional Municipality of Waterloo.

**GRCA Comments:**

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 property is 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 (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

**ATTACHMENTS:**

Attachment A – Site Plan

**SITE STATISTICS**

- Zoning - MU-2 637R 424U 6TH
- C of A Application - Required (future app.)
- Lot Area - 62929.2m<sup>2</sup>
- Building Coverage - 8145m<sup>2</sup> (12.8%)
- Landscape Area - 31409.5m<sup>2</sup> (49.9%)
- Asphalt / Hard Surface Area - 23445.3m<sup>2</sup> (37.3%)
- Parking Required - 252
- 849qm<sup>2</sup> / 27m<sup>2</sup> (Plaza) = 314.8
- MU-2 Parking Reduction @ 20% = 252
- Parking Provided - 340
- Parking Space Minimum Dimensions - 2.6 x 5.5m
- Parking Space Typical Dimensions - 2.7 x 5.5m
- Barrier Free: (2 + (252 \* .02)) = 7.04
- Required: 8 spaces (4 Type A / 3 Type B)
- Provided: 12 spaces (Type A)
- Loading Required: 3
- Loading Provided: 6
- Street-Fronting Facade Coverage
- Required: 50%
- Provided: 47%
- 185.5m Facade Length /
- 389.9m Streetside Length = 0.47

**COMMERCIAL**

- Total Gross Floor Area (including mezzanine) - 8499m<sup>2</sup>
- Phase 1 Site FSR: 0.14
- NOTE: ALL ASPHALT AREAS TO BE DEFINED WITH 0.15M HIGH POURED CONCRETE CURBING
- FUTURE DEVELOPMENT AREAS TO BE TOPSOILED AND SEEDED.

**TOTAL LEASED PREMISES - APPROXIMATELY 1,457.07sq.m**

Future Development

Huron Road

Wallacetown Way

Fischer-Hallman Road

SITE PLAN APPLICATION No. SP23/024/F/CD

0	10	20	30	40
50				

PART LOTS 159 AND 159 GCT

SCHLEGEL URBAN DEVELOPMENTS CORP.

City of Kitchener

1950 FISCHER-HALLMAN ROAD

DATE: MARCH 9, 2023

CAD FILE:  
SP.DWG