

# Staff Report



Development Services Department

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**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** September 20, 2022

**SUBMITTED BY:** Tina Malone-Wright, Supervisor, Development Applications  
519-741-2200 ext. 7765

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

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** September 9, 2022

**REPORT NO.:** DSD-2022-437

**SUBJECT:** Minor Variance Application A2022-113 - 10 College Street  
Owner: Nimer Bros. Development Inc.  
Applicant: Scott Patterson, Patterson Planning Consultants Inc

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## RECOMMENDATION:

That Minor Variance Application A2022-113 for 10 College Street requesting relief from Section 6.1.2 c) of Zoning By-law 85-1 to permit a minimum parking requirement of 58 parking spaces instead of a minimum parking requirement of 126 parking spaces to facilitate the development of a 24-storey building with 223 dwelling units in accordance with Site Plan Application SP21/027/C/JVW, be APPROVED.

## REPORT HIGHLIGHTS:

- The applicant is requesting a minor variance to reduce the required parking to 58 spaces for a 24 storey, 223 residential unit development.
- There are no financial implications.
- This report supports the delivery of core services.

## BACKGROUND:

The subject property is located at the corner of Ontario Street North and Weber Street West.

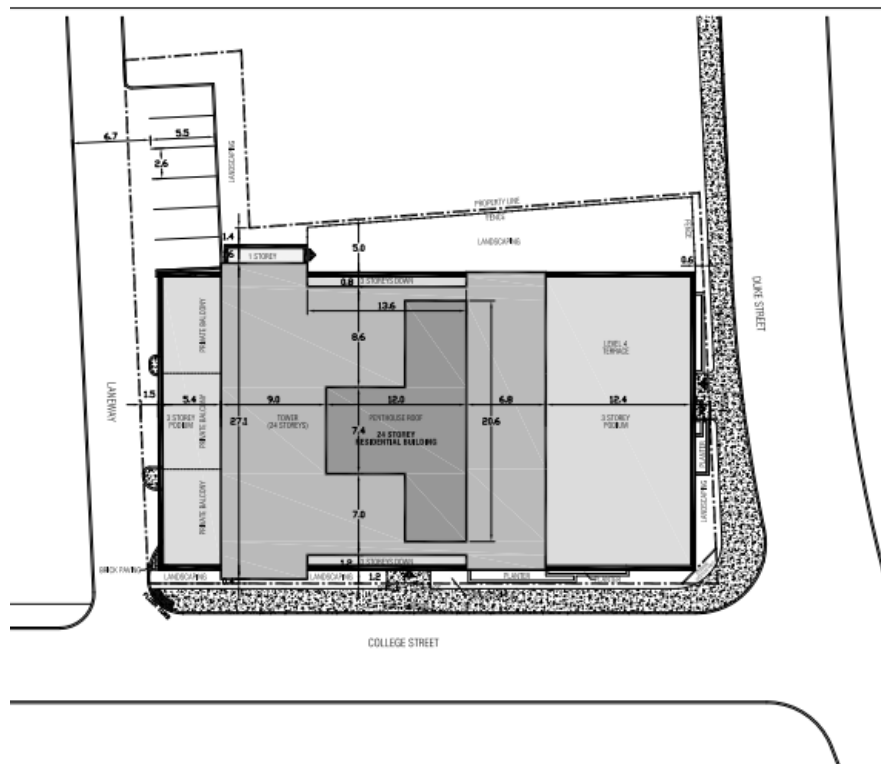
The subject property is identified as 'Urban Growth Centre' on Map 2 – Urban Structure and is designated 'City Centre District' on Map 4 – Urban Growth Centre in the City's 2014 Official Plan.

The property is zoned 'Retail Core Zone (D-1)' in Zoning By-law 85-1.



**Figure 1: Arial view of the subject lands at 10 College Street**

The subject lands at 10 College Street are currently developed with a surface parking lot. The subject property received Approval in Principle to construct a 24-storey building with 223 residential units under Site Plan Application SP21/027/C/JVW in August 2022 which requires approval of a parking reduction of 58 spaces prior to final site plan approval.



**Figure 2: Proposed Site Plan SP21/027/C/JVW**



**Figure 3: View of Existing Site**

**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 subject property is designated City Centre District within the Urban Growth Centre in the Official Plan. The Urban Growth Centre is the primary intensification area within the city. The intent of the City Centre District is to provide a pedestrian-oriented environment characterized by ground floor commercial uses, while supporting large scale development and redevelopment. The proposed site plan concept achieves these objectives by proposing a large scale multi use building with pedestrian oriented commercial units on the ground and podium floors. The requested variance for reduction to 58 parking spaces rather than the required 126 parking spaces encourages a pedestrian oriented development and encourages uses of the nearby high order transit. Staff is of the opinion that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

Under Zoning By-law 85-1, 0.165 spaces per unit are required for units less than 51 square metres, 1 space per unit is required for units with more than 51 square metres and for each lot existing on the day of the passing of By-law 96-36, a onetime only exemption from parking requirements shall apply to the first 465 square metres of gross floor area constructed after the day of the passing of By-law 96-36. Based on these regulations, Zoning By-law 85-1 requires 126 parking spaces for the proposed 223 unit residential development. The intent of the required parking regulation is to provide for adequate vehicle storage on site. The proposed application for redevelopment envisions a transit-oriented, pedestrian first development that proposes 58 parking spaces overall. The subject lands are within 175 metres of the Kitchener City Hall LRT Ion Station. The Urban Growth Centre is to give pedestrian, cycling, and rapid transit modes of transportation the priority over vehicular circulation within the overall transportation system. Should future users of the site require additional vehicular parking above the 58 spaces provided onsite, off site parking is available at the city-operated Duke and Ontario parking garage located approximately 290 metres from the subject lands. Staff are of

the opinion that the provision of a transit and active transportation oriented development within the Urban Growth Centre induces a reduced demand for vehicle storage and that any additional parking required parking storage can be provided in nearby city operated downtown parking garages. Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law.

Are the Effects of the Variance Minor?

The provision of a reduced parking rate to provide 58 parking spaces for a 223 residential unit development is expected to attract future residents that do not all own a personal vehicle. As the development proposes 58 parking spaces for 223 residential units, it is expected that future users will be aware of the site conditions and make alternative arrangements for any vehicle storage needs, such as city operated downtown parking garages if they do not obtain one of the 58 available parking spaces provided onsite. The City's downtown contains an established network of 2-hour temporary on street parking for visitors and short term site users. Planning staff do not expect any adverse impacts as a result of the requested variance, and therefore the effects can be considered minor.

Is the Variance Desirable For The Appropriate Development or Use of the Land?

The location of the lands within the Urban Growth Centre and 175 metres to an LRT Ion station stop is conducive to a transit and pedestrian-oriented development with less priority on vehicular movements. Staff are of the opinion that the variance allows for a desirable and appropriate for the use of the land.

**Environmental Planning Comments:**

No natural heritage or tree management policy concerns.

**Heritage Planning Comments:**

Heritage Planning staff have no concerns.

**Building Division Comments:**

The Building Division has no objections to the proposed variance.

**Engineering Division Comments:**

Engineering has no concerns.

**Parks/Operations Division Comments:**

Parks/Operations has no concerns.

**Transportation Planning Comments:**

Based on the justification cover letter submitted by the applicant as part of this application, Transportation Services can support the proposed 58 parking spaces provided, where a total of 126 are required under Zoning By-law 85-1. It is worth noting, that under Zoning By-law 2019-051, a minimum of 0 parking spaces are required.

Additionally, the proposed development includes a total of 196 Class A indoor, secured bicycle parking spaces, as well as a total of six (6) Class B temporary bicycle parking spaces (outdoor bike racks). Furthermore, parking will be unbundled from the units.

**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 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

**ATTACHMENTS:**

SP21/027/C/JVW - 10 College Street - Approved in Principle Site Plan