

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: December 13, 2022

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

PREPARED BY: Emily Clarkson, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: December 7, 2022

REPORT NO.: DSD-2022-497

SUBJECT: Minor Variance Application A2022-142
2480 Homer Watson Blvd, Unit A2

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2022-142 for 2480 Homer Watson Blvd, Unit A2, requesting relief from Section 12.2.1 of Zoning By-law 85-1 to permit a convenience retail outlet to have a Gross Leasable Commercial Floor Area of 310 square metres instead of the maximum permitted 225 square metres to allow Unit A2 in the existing commercial building to be occupied by a convenience retail use, **BE APPROVED.**

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the use of a convenience retail outlet in an existing commercial building unit.
- The key finding of this report is that the requested minor variance meets the 4 tests of the Planning Act.
- There are no financial implications.
- This report supports the delivery of core services.

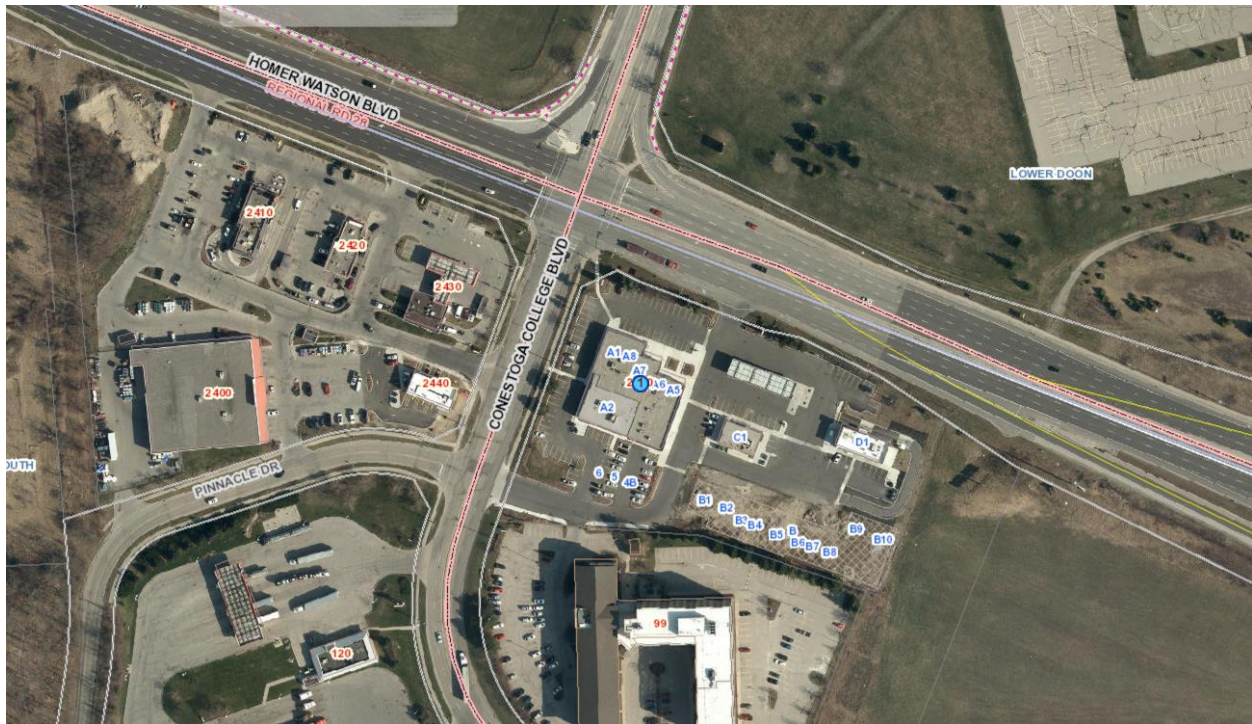


Image 1 – Location of Subject Property

BACKGROUND:

The subject property is located on the south side of Homer Watson Boulevard and is located near the intersection of Homer Watson Boulevard and Conestoga College Boulevard and is currently developed with a commercial plaza.

The subject property is identified as 'City Node' 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 'Arterial Commercial Zone (C-6)' in Zoning By-law 85-1 with Special Use Provision 65U and Special Regulation Provision 65R.

The purpose of the minor variance application is to facilitate the use of one of the existing units in the commercial plaza for a convenience retail outlet. Specifically, the variance is as follows:

- To permit a Gross Leasable Commercial Floor Area of 310 square metres instead of the maximum permitted 225 square metres to allow the use for a convenience retail outlet



Image 2 - Photo of subject property (2480 Homer Watson Blvd, Unit A2)

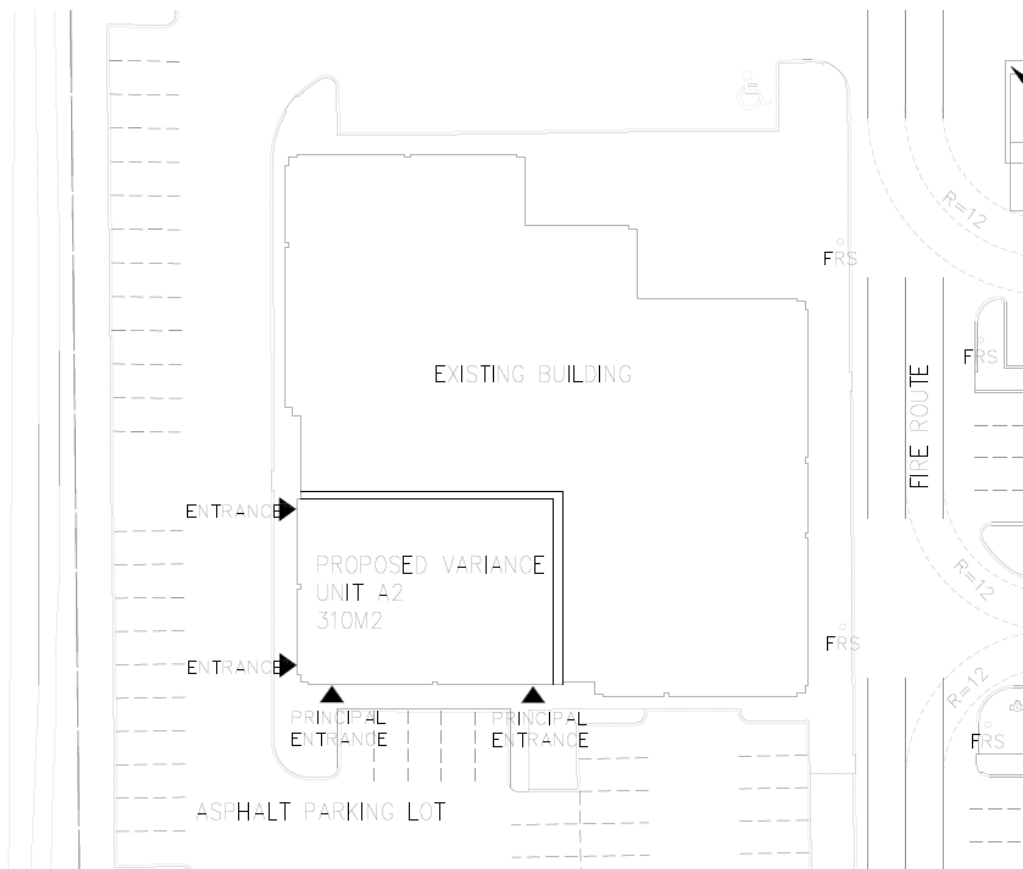


Image 3 - Proposed Convenience Retail Outlet (Unit A2) location in existing commercial building.

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 identified as 'City Node' on Map 2 – Urban Structure and is designated 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan. The intent of the 'City Node' designation, as specified in Section 3.C.2.24 of the Official Plan, is to provide primarily for commercial, and/or institutional uses that have a regional and/or city-wide orientation, while the Commercial designation is intended to provide for a range of retail and service commercial uses that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Staff note that the use of a retail is permitted under Section 15.D.5.17. A convenience retail outlet is a permitted and complementary use and will serve the needs of the surrounding neighbourhood and support a walkable and complete community. Staff are of the opinion that the requested minor variance meets the intent of the Official Plan.

General Intent of the Zoning By-law

The subject property has not been zoned under new Zoning By-law 2019-051 to implement the City Node identification and 'Commercial' land use designation. Based on the land use designation, convenience retail would be a permitted use and the size of convenience retail would not be regulated in new Zoning by-law 2019-051.

Under Zoning By-law 85-1, permitted uses for lands zoned 'Arterial Commercial Zone (C-6)' include financial establishment, gas bar, health office, personal services, and restaurant. The intent of permitting these uses is to ensure that convenience commercial uses within the lands zoned 'C-6' are supportive of the needs of residents in the immediate and surrounding communities and that larger commercial and retail uses are directed to Urban Growth Centre, Nodes and Corridors.

An increase in the unit gross floor area by 85 square metres is not discernable and will still be maintaining the scale of the retail use contemplated by the 'C-6' zone. Staff are of the opinion that the proposed size of the Convenience Retail Outlet would continue to support the needs of the adjacent neighbourhoods and maintain the intent of the 'C-6' zone. Accordingly, Staff are of the opinion that the requested minor variance meets the intent of Zoning By-law 85-1.

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

Staff are of the opinion that the effects of the variance will be minor as a convenience retail outlet is a permitted use and it is appropriately located within a multi-unit commercial building and plaza. The additional floor area will not adversely impact the functioning of the commercial plaza nor the commercial function of the C-6 zone.

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

The variance is desirable for the appropriate development and use of the land as it will facilitate the use of an existing unit for a convenience retail outlet, which use is appropriate and desirable in this location.

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 convenience store is obtained prior to construction. Please contact the Building Division at building@kitchener.ca with any questions.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with the application, provided that the parking requirement is being satisfied.

Planning Comments: The parking requirement that has been applied to the subject property is a 'Plaza Complex' parking requirement. This requirement allows units in a commercial plaza to change in use without necessitating the need to recalculate the required parking. The minimum parking requirement will not change with the convenience retail use.

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:

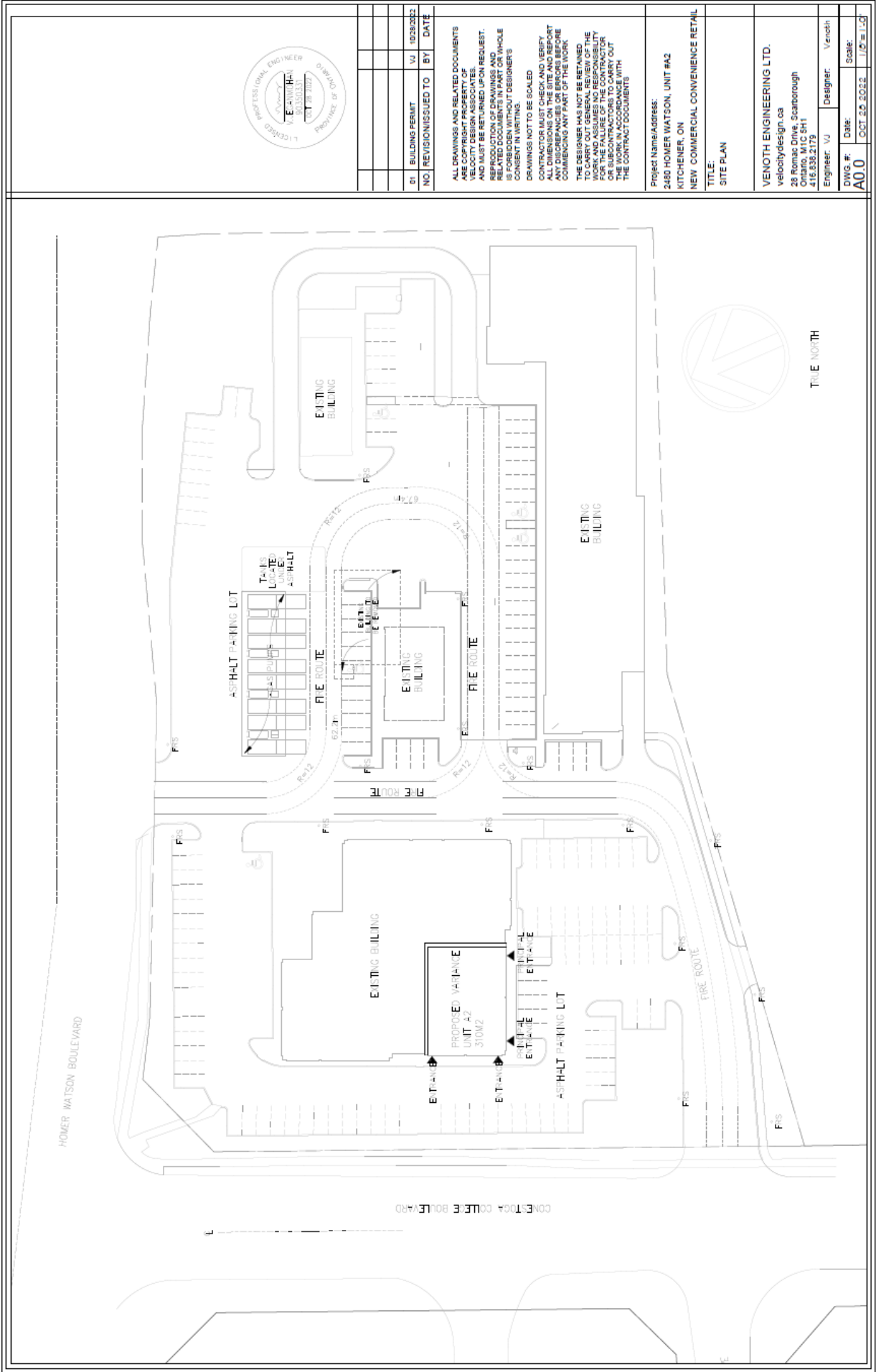
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information 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*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

ATTACHMENTS:

Attachment A – Drawing submitted with application



NO.	REVISION/ISSUED TO	BY	DATE
01	BUILDING PERMIT	VJ	10/25/2022

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Project Name/Address:
2480 HOMER WATSON, UNIT #A2
KITCHENER, ON
NEW COMMERCIAL CONVENIENCE RETAIL

TITLE:
SITE PLAN

VENOTH ENGINEERING LTD.
velocitydesign.ca
28 Romac Drive, Scarborough
Ontario, M1V 4B1
416.838.2179

Engineer: VJ Designer: Venoth
DWG. #:
A0.0 Date: OCT 25 2022 Scale: 1/8" = 1'-0"