

# Staff Report



Development Services Department

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**REPORT TO:** Committee of Adjustment

**DATE OF MEETING:** March 21, 2023

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

**PREPARED BY:** Tara Zhang, Planner, 519-741-2200 ext. 7760

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** March 8, 2023

**REPORT NO.:** DSD-2023-117

**SUBJECT:** Minor Variance Application A2023-028 - 1005 Ottawa Street North

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## RECOMMENDATION:

### Zoning By-law 2019-051

That Minor Variance Application A2023-028 for 1005 Ottawa Street North requesting relief from the following sections of Zoning By-law 2019-051:

- i) Section 5.6 Table 5-5, of Zoning By-law 2019-051 to permit zero (0) Class A bicycle stalls instead of the minimum required 7 Class A bicycle stalls; and
- ii) Section 9.3, Table 9-2, of Zoning By-law 2019-051 to permit a minimum landscaped area of 11.4% instead of the minimum 20%;

to facilitate the redevelopment of the Stanley Park Mall with a new Canadian Tire store in accordance with Site Plan Application SP22/088/O/LT, BE APPROVED.

## REPORT HIGHLIGHTS:

- The purpose of this report is to provide recommendations to permit the construction of the Canadian Tire store at Stanley Park mall.
- 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:**

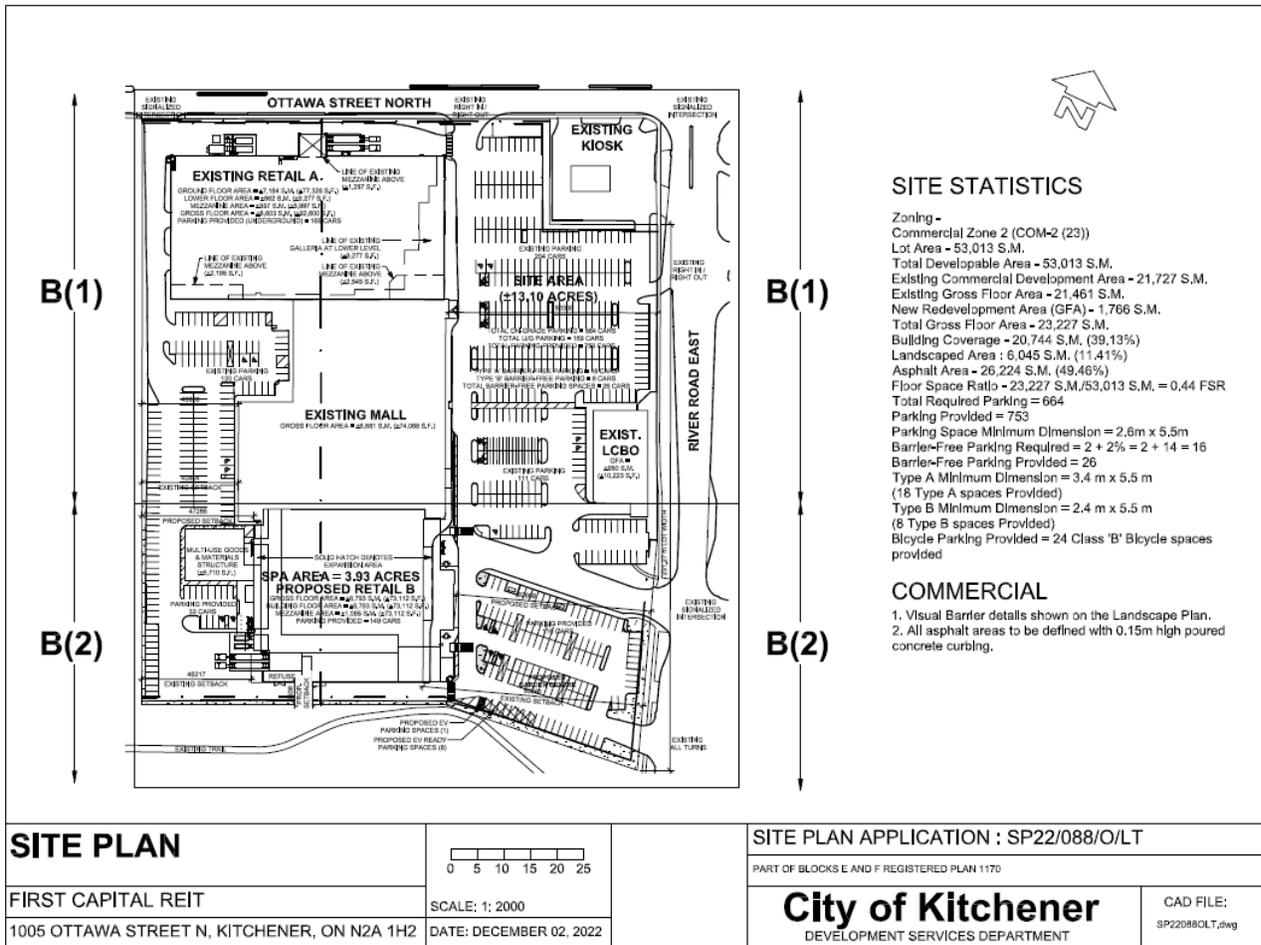
The subject property is located at the intersection of River Road East and Ottawa Street North. 1005 Ottawa Street North is identified as 'City Node' on Map 2 – Urban Structure and is designated 'Commercial' on Map 3 – Land Use in the City's 2014 Official Plan. The property is zoned 'Commercial Zone, Provision 23 (COM-2 (23))' in Zoning By-law 2019-051. The south portion of the site will be redeveloped to create a new commercial unit (Figure 3) while the north portion will remain existing (Figure 3). The purpose of the application is to permit the zero (0) Class A bicycle stalls rather than the required seven (7) Class A bicycle stalls and a reduced landscape area of 11.4% rather than the required 20%. A Site Plan Application has been submitted, Site Plan Application SP22/088/O/LT, which has received Approval In Principle. City staff conducted a site visit on March 3<sup>rd</sup>, 2023.



**Figure 1: Subject property at 1005 Ottawa Street North**



**Figure 2: Existing conditions on the South portion of the site**



**Figure 3: Approval in Principle 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 general intent of the Official Plan for lands designated for commercial use is to provide a range of commercial activities that are well distributed, accessible, and able to respond to the needs of the city's residents, employees, businesses, and visitors. The objective 15.5.4 of the Official Plan is to retain a viable commercial presence by protecting, improving, and providing flexibility for existing commercial developments. The requested variances of reducing the Class A bicycle stalls and landscaping meets the general intent of the Official Plan as it is providing flexibility of the existing conditions of the site.

General Intent of the Zoning By-law

The existing plaza, the Stanley Park Mall was developed under a previous Zoning By-law which did not have same requirements for bicycle parking and landscaping as the current zoning by-law. The requirement for Class A bicycle spaces: is only applicable to the new floor area being developed, the

new Canadian Tire store. The requirement for 20% landscaping is applicable to the entirety of the Stanley Park Mall property.

The general intent of the Class A bicycle spaces is to provide a secure bicycle parking facility for commuters with shower/change facilities. As noted, this requirement is only applicable to the Canadian Tire store. Given the constraints of the mall building and site, the applicant is proposing to provide additional Class B bicycle parking towards the back of the building that employees may use. With the additional Class B spaces staff is of the opinion that the variance to permit a reduced Class A bicycle parking requirement meets the general intent of the Zoning By-law.

The general intent of the 20% landscaping is to provide sufficient amenity space and aesthetics for visitors and employees on-site. The landscaping provision on the entirety of the property is an existing condition and challenging to bring up to the new standard without causing impacts to other zoning requirements. The proposed site plan provides a new amenity space for employees on the Canadian Tire site as well as increasing the existing landscaping on this portion of the site by 1.4%. Staff is of the opinion that the reduced landscaping of 11.4% meets the general intent of the Zoning By-law.

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

Staff is of the opinion that the effect of the variance is minor. The redevelopment of the southern portion of the building will not reduce the existing conditions of landscaping and will provide sufficient bicycle parking spaces on-site. The requested variance is minor and is not expected to create any adverse impacts on the subject property or on adjacent lands.

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

Staff is of the opinion that the variances are desirable for the appropriate development of the land. The redevelopment of the commercial unit provides a minor intensification that will contribute to the City's employment growth and is compatible with the neighbourhood.

**Environmental Planning Comments:**

No concerns.

**Heritage Planning Comments:**

No concerns.

**Building Division Comments:**

No objections.

**Engineering Division Comments:**

No comment.

**Parks/Operations Division Comments:**

No concerns.

**Transportation Planning Comments:**

Transportation Services can support the proposed variance from seven (7) required Class A bicycle spaces to zero (0) Class A parking spaces given the rationale provided by the applicant. There will be additional Class B bike racks located at the back of the site for employees to utilize, as well as other spaces within the building that employees can secure their bike, if desired.

**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:**

There are no previous reports/authorities related to this matter.

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*