

# Staff Report



Development Services Department

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**REPORT TO:** Committee of the Whole

**DATE OF MEETING:** March 20, 2023

**SUBMITTED BY:** Garrett Stevenson, Interim Director, Planning, 519-741-2200 ext. 7070

**PREPARED BY:** Garrett Stevenson, Interim Director, Planning, 519-741-2200 ext. 7070

**WARD(S) INVOLVED:** Ward 1

**DATE OF REPORT:** March 13, 2023

**REPORT NO.:** DSD-2023-136

**SUBJECT:** Follow Up to DSD-2022-478, DSD-2023-062, DSD-2023-085 Official Plan Amendment OP17/003/F/GS Zoning By-law Amendment ZC17/010/F/GS Henry Walser Funeral Home Ltd, Leeann Marie Walser, Henry James Walser and 2544770 Ontario Inc.

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## RECOMMENDATION:

### Option 1 (original proposal)

That Official Plan Amendment Application OP17/003/F/GS for Henry Walser Funeral Home Ltd, Leeann Marie Walser, Henry James Walser and 2544770 Ontario Inc. requesting a Commercial land use designation and Specific Policy Area 58 to permit a crematorium/cremator as an accessory use to a funeral home, on the lands specified and illustrated on Schedule 'A' and on Schedule 'B', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-085 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZC17/010/F/GS requesting to amend Zoning By-law 2019-051, for Henry Walser Funeral Home Ltd, Leeann Marie Walser, Henry James Walser and 2544770 Ontario Inc. be approved in the form shown in the "Proposed By-law", and "Map No. 1", attached to Report DSD-2023-085 as Appendix 'A'; and

That pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, further notice is not required to be given in respect to Zoning By-law Amendment ZC17/010/F/GS, and

That Council give approval under Section 83(3) of the Funeral, Burial and Cremation Services Act, to establish a Crematorium proposed at 507 Frederick Street; and further,

That under Section 84(4) of the Funeral, Burial and Cremation Services Act, staff be directed to send a copy of the Council decision to the Provincial registrar and the owner, and that staff also be directed to publish notice of the decision in The Record newspaper.

**Option 2 (removes 48 Becker Street from the application)**

That Official Plan Amendment Application OP17/003/F/GS for Henry Walser Funeral Home Ltd, Leeann Marie Walser, Henry James Walser and 2544770 Ontario Inc. requesting a Commercial land use designation and Specific Policy Area 58 to permit a crematorium/cremator as an accessory use to a funeral home, on the lands specified and illustrated on Schedule 'A' and on Schedule 'B', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-085 as Appendix 'B', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZC17/010/F/GS requesting to amend Zoning By-law 2019-051, for Henry Walser Funeral Home Ltd, Leeann Marie Walser, Henry James Walser and 2544770 Ontario Inc. be approved in the form shown in the "Proposed By-law", and "Map No. 1", attached to Report DSD-2023-085 as Appendix 'B'; and

That pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, further notice is not required to be given in respect to Zoning By-law Amendment ZC17/010/F/GS, and

That Council give approval under Section 83(3) of the Funeral, Burial and Cremation Services Act, to establish a Crematorium proposed at 507 Frederick Street; and further,

That under Section 84(4) of the Funeral, Burial and Cremation Services Act, staff be directed to send a copy of the Council decision to the Provincial registrar and the owner, and that staff also be directed to publish notice of the decision in The Record newspaper.

**REPORT HIGHLIGHTS:**

- The purpose of this report is to provide additional information requested by Council and to consider additional options regarding the Official Plan Amendment and Zoning By-law Amendment applications for Henry Walser Funeral Home.
- Staff have prepared two options for Council to consider
  - the original proposal, and
  - a new second option that proposes to remove 48 Becker Street from the limit of the development application and maintain existing residential permissions for those lands.
- This report supports the delivery of core services.

**BACKGROUND:**

On January 9, 2023, the Planning and Strategic Initiatives Committee referred consideration of Official Plan Amendment application OP17/003/F/GS and Zoning By-law Amendment application ZC17/010/F/GS to the City Council meeting scheduled for January 30, 2023 to:

- explore the use of Becker Street for parking,
- look at options for lands owned by the Ministry of Transportation addressed as 61 Becker Street,
- review reduced on-site minimum parking rates,
- explore the potential sale of Becker Street (public right-of-way) and acquisition of dwellings addressed as 40, 44, and 48 Becker Street,
- review the potential redesign of the proposed funeral home building addition, and
- consider removing 40, 44, and/or 48 Becker Street from the redevelopment proposal.

The Applicant, the Owner, and staff needed additional time to explore the options noted above and as a result, consideration of the matter was further deferred at the request of the Applicant to the February 27, 2023 meeting of Kitchener City Council. A further deferral was request and approved by Council to consider these applications at the March 20, 2023 Council meeting.

The Applicant has now proposed an alternative housing arrangement for the potentially displaced residents living at 40 and 44 Becker Street - offering an opportunity for each household to move into a vacant residential unit at 127 Ann Street or 48 Becker Street. Planning staff have prepared a revised Official Plan Amendment and Zoning By-law Amendment, which are outlined in the *Option 2* section below.

## **REPORT:**

Staff and the Applicant have considered the requests outlined for Council to consider as discussed below:

### *Use of Becker Street for Parking*

Staff met with the Ministry of Transportation (MTO) regarding the potential closure and sale of Becker Street to Henry Walser Funeral Home for the use of parking and also discussed this consideration with City of Kitchener Transportation and Reality Services staff. Currently, unrelated to the Official Plan amendment application, MTO is in the process of preparing working drawings for the reconstruction of Becker Street. At this time, based on preliminary design and at the request of City staff, design drawings include a publicly owned sidewalk between the highway and the funeral home building. This would maintain the existing pedestrian connection from the neighbourhood to Frederick Street. The final design drawings and the date for the reconstruction of the Frederick Street bridge is not known at this time.

Staff will further explore the potential for overflow and staff parking along Becker Street through the site plan review process, with a specific focus on the triangle shaped parcel west of Becker Street.

The Applicant has advised that supplying parking on the west side of Becker Street (on the triangle shaped piece of property) for patrons and customers does not align with their business needs, but would be a workable solution for staff parking. The preference is to

provide on-site parking within immediate proximity of the funeral home to prevent creating any mobility challenges by funeral home customers and visitors. However, by relocating staff parking, the on-site parking demand can be reduced, freeing up spaces in the proposed parking lots for funeral home customers and visitors.

### 61 Becker Street

Council had directed staff to discuss options with the owner of 61 Becker Street; the Ministry of Transportation (MTO); for the use of 61 Becker Street for the purposes of affordable housing or off-site parking for the funeral home. Staff met with MTO who confirmed that 61 Becker Street is required for construction staging and MTO is not able to consider disposition options at this time. The timing of the Frederick Street bridge is not finalized and subject to change, and as such, MTO could not confirm when future consideration of these lands may be explored further.

### Reduce On-site Parking Rates

Planning and Transportation staff reviewed the proposed on-site parking rate and are not recommending a further reduction. Currently (since the 2013 parking lot expansion), there are approximately 113 parking spaces provided. Based on the total floor area, parking is provided at a rate of 1 space per 13.8 square metres, and is generally used near capacity when the funeral home is in full operation. To meet customer parking demand, staff parking is currently informally accommodated at the end of Becker Street and in the gravel parking lot on the west side of Becker Street. Once Becker Street is rebuilt, that staff parking will have to be accommodated in a formal parking lot, either on-site, or on the west side of Becker Street.

The proposed parking rate is 1 space per 24.5 square metres of floor area (a reduction from 1 space per 23 square metres of floor area in the Zoning By-law). The on-site parking is proposed to increase from 113 spaces to approximately 133 (approximately 121 on site spaces and approximately 12 off-site spaces), representing an increase of 17%. The building floor area is proposed to increase from 1568 square metres to 3050 square metres (including all additions and useable floor area), an increase of 94%. The proposed parking rate is a reduction based on current operations; operations which already rely on the lands west of Becker Street for staff parking. It is anticipated that a further reduction would result in on-street parking within the existing surrounding neighbourhood, and would result in other parking and traffic safety concerns.

### Sale of Becker Street

The redesign of Becker Street by MTO is planned to include a public sidewalk from Fife Avenue to Frederick Street. The City should maintain ownership of the right-of-way to ensure a sidewalk can be provided and maintained appropriately. Further, as outlined in Option 2, should 48 Becker Street remain for residential use, that would be an independent property that would require frontage onto a public street, as well as servicing within the Becker Street right-of-way. As a result, staff are not recommending the sale of Becker Street.

### City Acquisition of 40, 44, and 48 Becker Street

After a high-level cursory review, Staff are not recommending that the City pursue consideration for the purchase 40, 44 or 48 Becker Street. Staff recommend continuing with a more comprehensive approach for the strategic acquisition of land for publicly owned affordable housing, potentially with a housing partner at a larger scale in a more compact housing form. Option 2 retains 48 Becker Street as a residential property, which is required to have frontage and access to a public street to comply with the Zoning By-law and Development Manual.

### Redesign of the Proposed Funeral Home

The applicant has advised that a one storey funeral home design is desired with all customer serving areas and funeral home service areas on the main floor. The applicant has also advised that a barrier-free main floor is desirable to reduce mobility challenges potentially faced by customers and visitors. Further, due to the volume of customers and visitors to the funeral home at peak times (as an example at the beginning of a scheduled service), the Owner advised that relying on an elevator for larger groups could cause delay for services and create an additional barrier and frustration for customers and visitors.

### Option 2

In discussions with the Applicant, Planning staff have prepared a second option which proposes to maintain existing land use permissions for the property addressed as 48 Becker Street.

Staff have been advised that the Owner has offered the tenants at 40 and 44 Becker Street, who would be displaced with this proposal, an opportunity to move into a residential unit at 127 Ann Street or 48 Becker Street. Staff have been advised that there are two upcoming vacancies at 48 Becker Street, and one upcoming vacancy at 127 Ann Street, where tenants have initiated the termination of their lease. The Owner is proposing to offer the three displaced households the first opportunity to move to one of the units at 48 Becker Street and 127 Ann Street. The Owner has also advised that they have reconsidered their construction schedule to maintain the residential units at 40 and 44 Becker Street until such time as the units within 48 Becker Street and 127 Ann Street can be occupied by the displaced households.

This second option does see an overall supply decrease of 5 residential units but provides a housing option for the displaced residents should they wish to move to 48 Becker Street or 127 Ann Street.

Arrangements to relocate and move existing tenants, as well as rent rates, cannot be regulated by the City and would be a matter between the Owner and the tenants through their lease discussions. Disputes would be resolved through the Landlord and Tenant Board.

Staff have prepared a revised Official Plan Amendment and Zoning By-law Amendment, attached as Appendix B, which removes 48 Becker Street from the development applications, therefore retaining existing residential permissions. No changes are required to the land use permission for 127 Ann Street.

### **Updated Planning Instruments and Recommendations**

In March 2022, Council passed Zoning By-law 2022-040 which had the effect of amending the City's comprehensive zoning by-law, Zoning By-law 2019-051 (CRoZBy), to add seven new residential zones (RES-1 through RES-7) which was subsequently appealed. The appellant formally withdrew their appeal on January 11, 2023 and as such, the By-law 2019-051 as amended by By-law 2022-040 is now in effect, as approved by Council. The Official Plan Amendments and amending Zoning by-laws attached as Appendix A (original proposal) and Appendix B (Option 2) have been updated to remove reference to the appeal. The by-laws were also updated to amend current zoning and site specific provision numbering.

Planning staff have prepared two options for Council to consider on these applications. Attached as Appendix A is the original proposal (with minor zone category and numbering changes noted above) presented to the Planning and Strategic Initiatives Meeting on January 9, 2023.

A second option is attached as Appendix B which maintains residential land use permissions for 48 Becker Street. The Official Plan Amendment would no longer apply to 48 Becker Street and the lands would remain designated as Low Rise Residential and the zoning would remain as Rise Residential Four Zone (RES-4).

#### **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 council meeting. Notice of the deferral was emailed to all delegates that presented at the Planning and Strategic Initiatives Committee on January 9, 2023.

#### **PREVIOUS REPORTS/AUTHORITIES:**

- DSD-2022-478, Official Plan Amendment OP17/003/F/GS application and Zoning By-law Amendment ZC17/010/F/GS application
- DSD-2023-062, Follow Up report regarding Official Plan Amendment OP17/003/F/GS application and Zoning By-law Amendment ZC17/010/F/GS application
- DSD-2023-085, Second Follow Up report regarding Official Plan Amendment OP17/003/F/GS application and Zoning By-law Amendment ZC17/010/F/GS application

**APPROVED BY:** Justin Readman, General Manager, Development Services

**ATTACHMENTS:**

Attachment A – Option 1 (Official Plan Amendment and Zoning By-law Amendment)

Attachment B – Option 2 (Official Plan Amendment and Zoning By-law Amendment)