



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: September 4, 2018

REPORT NO.: PL-2018-69
Minor Variance Application
A.20/2018 – 877 King Street

RECOMMENDATION:

The Planning and Building Services Department supports the Application for Minor Variance A.20/2018 respecting the property at 877 King Street for the following Variances:

- A reduction in the required loading spaces from 2 loading spaces to 1 loading space, a variance of 1 loading space
- An increase in the Maximum Building Height from 11 metres to 17.5 metres, a variance of 6.5 metres
- A reduction in the required parking spaces from 115 spaces to 93 spaces, a variance of 22 spaces

In order to permit the construction of a new hotel and associated parking, subject to the following Condition:

1. That the Applicant applies for Site Plan Approval within one (1) year of approval.
2. That approval of the Variance is granted and fixed to the general size, extent and location as shown on Attachment #2 to Staff Report PL-2018-69, dated September 4, 2018

BACKGROUND:

On August 30, 2018, the Town received an application for a Minor Variance from Adrian Maulo on behalf of the Owners Harinder Brar and Sawinder Jawanda, in respect of a proposed Hampton Inn, for the property located at 877 King Street. The property is legally described as West Part Lot 101, Concession 2 on Reference Plan

51R-9349. The property is located on the East side of King Street near the intersection with Highway 12. See Attachment #1 for the Location Map.

The subject property has a frontage of approximately 56.39 metres, a depth of approximately 113.71 metres and an area of approximately 1.649 hectares. The property is currently vacant.

Surrounding Land Uses:

North: Commercial
South: Commercial
East: Industrial/Vacant
West: Commercial

The Application is requesting multiple Variances for the purpose of the construction of a new 4 storey hotel with a building footprint of 1,088 square metres, including 80 guestrooms and a total of 4,794 square metres of gross floor area. The Applicant is requesting the following Variances: a Variance to reduce the number of required loading spaces from 2 spaces to 1 space, a Variance of 1 space; a Variance to the Maximum Building Height from 11 metres to 17.5 metres, a difference of 6.5 metres; and a Variance to reduce the required parking for the subject property from 115 spaces to 93 spaces.

A copy of the application sketch, detailing the proposed addition and existing site details, is provided as Attachment #2

Provincial Policy Statement, 2014

Section 3 of the *Planning Act* states that all planning applications must be consistent with the Provincial Policy Statement. The Provincial Policy Statement states that settlement areas are to be the focus of growth and development. Intensification is encouraged and infilling is a form of intensification. Section 1.6.8 requires that planning authorities, like the Town of Midland, plan and protect corridors and rights-of-ways for transportation systems to meet current and projected needs and that major goods movement facilities and corridors be protected for the long term.

Growth Plan for the Greater Golden Horseshoe

Section 14(1) of the *Places to Grow Act*, 2005 requires that all decisions under the *Planning Act* shall conform to the Growth Plan for the Greater Golden Horseshoe. A new Growth Plan, released on May 18, 2017, came into full force and effect on July 1, 2017. Generally, the Growth Plan 2017 directs growth to built-up areas within communities that have the capacities to accommodate growth and development and requires intensification of development and greater densities within communities to create more compact, vibrant and complete communities. Section 3.2.2 of the Growth Plan provides policy direction for the integration of land use and transportation system planning, adopting a complete streets design approach, and planning for the proper management of the system to

move both people and goods in an efficient manner.

County of Simcoe Official Plan

The Town of Midland is designated as a “SETTLEMENT AREA” in the County’s Official Plan. The County Official Plan generally indicates that settlements should be the focus of growth and that compact form that provides efficient use of land on full services should be promoted.

Town of Midland Official Plan

The subject property is designated **EMPLOYMENT AREAS** on Schedule “A” and King Street is designated as an “Arterial Road” on Schedule “C” to the Town’s Official Plan. The Employment Area designation identifies a range of areas within the Town for business and commercial uses, industry and compatible community and institutional uses. Arterial Roads are intended to provide through routes across the Town. Entrances are permitted where it will not distract from moving traffic efficiently.

Zoning By-law 2004-90, as amended

The property is zoned Highway Commercial – HC in Zoning By-law 2004-90. The HC zone permits a range of commercial uses including a hotel. The Maximum Building Height in the HC Zone is 11.0 metres.

In Section 4 of the By-law, Table 4.1 sets out the parking and loading standards for new development in the Town. Pursuant to Section 4.1.1, new development must provide the required off-street parking spaces and areas in compliance with the By-law. For a hotel use, Table 4.1 sets out the required parking standard as 1.25 spaces per guest room and 1 space for each 4 persons that can be accommodated at any one time in a dining room, licensed beverage room and banquet room. Based on the proposed new building, a total of 115 parking spaces are required where only 93 spaces are proposed. Table 4.3 sets out the required loading spaces. For a building with a floor area between 301 square metres to 2000 square metres, the By-Law requires a minimum of two loading spaces. One loading space is proposed. The proposed development will comply with all other of the Town’s Zoning By-law performance standards.

Department and Agency Comments

Director of Engineering, Water and Wastewater

1. Loading dock configuration is questionable. Need to see truck turning template. However, this is a site plan issue and unrelated to the variance request.

ANALYSIS:

The Application is requesting multiple Variances for the purpose of the construction of a new 4 storey hotel with a building footprint of 1,088 square metres, including 80 guestrooms and a total of 4,794 square metres of gross floor area. The Applicant is requesting the following Variances: a Variance to reduce the number of required

loading spaces from 2 spaces to 1 space, a Variance of 1 space; a Variance to the Maximum Building Height from 11 metres to 17.5 metres, a difference of 6.5 metres; and a Variance to reduce the required parking for the subject property from 115 spaces to 93 spaces, a variance of 22 spaces. In support of the Application, the Applicant submitted an analysis to address various planning issues.

The *Planning Act* sets out four tests that must be met by Variances to be approved. The four tests are set out below along with Staff analysis and opinion regarding the subject application.

Is the Variance Minor?

When determining whether a Variance is minor, it is not a simple numerical calculation. The proposed development, context and surrounding neighborhood should all be taken in to consideration when determining 'minor'. The Applicant is proposing a Maximum Building Height for the hotel to be 17.5 metres, whereas the By-Law maximum is 11 metres, a difference of 6.5 metres. The property slopes significantly from the West (King Street side) to the East side. The side of the building facing King Street is proposed to have a maximum height of 14.0 metres and the side to the east is proposed to have a height of 17.5 metres. The 14.0 metre height facing King Street will be setback a minimum of 14 metres due to requirements from the Ministry of Transportation, 6.5 metres more than the requirement of the Town. As such, the large setback distance would reduce potential height impact to the streetscape.

Furthermore, the Applicant is proposing a great setback from the building on all other sides than what is required of the By-Law. The Applicant is proposing an interior yard setback of approximately 24.5 metres and 4.4 metres whereas the 0 metre is required of the By-Law. The Applicant is also proposing a rear yard setback of approximately 33.75 metres, whereas 3.3 metres is required of the By-Law. The subject property is surrounded by commercial properties to the North, South and West side and vacant industrial property to the East side. Given the larger setback distance, the proposed increase in height would not, in Staff's opinion, impact the use of these properties.

The proposed and existing development will provide a total of 93 on-site parking spaces, a reduction of 22 spaces from the required 115 as per the parking By-law. The required parking is calculated based on 1.25 spaces per guest room for a total of 100 parking spaces, and 1 per each 4 persons that can be accommodated at any time in the meeting room, for a total of 15 spaces. According to the third edition of *Parking Generation* by the Institute of Transportation Engineers, the average peak period parking demand generation for a hotel use is approximately 0.91 parking spaces per room. Based on this ratio, the required parking given the proposed 80 rooms would be 73 spaces. Combined with the required parking for the meeting room, this would put the required parking for the entire site at 88 spaces, 5 spaces less than what is being provided.

The Applicant is also requesting to reduce the required number of required loading spaces from 2 spaces to 1 space, a Variance of 1 space. The Applicant has indicated the hotel will have in-house laundry which will eliminate the requirement for daily pick-

up and delivery of laundry. The hotel does not have a restaurant and will only offer a limited complimentary breakfast service. As such, only 1 loading space is required for the functionality of the hotel.

Given the above, the requested variances are minor in the context of the site and the use. For these reasons, it is Staff's opinion that the Variances are minor in nature.

Is the Variance desirable for the appropriate development of the land?

The proposed Variance will permit the development of the subject property for its planned and zoned use. The proposed site plan for the site will provide a reasonable development plan that suits the site and the context and is compatible with surrounding uses. The proposed variances will not negatively impact the surrounding neighborhood. Therefore, it is Staff opinion that the Variance is desirable for the appropriate development of the land.

Maintains the general intent and purpose of the Zoning By-law?

The objective of a required loading space is to ensure that sufficient area and spaces are provided so that loading activities do not disrupt from regular functions of the site or spill over to the streets. It is Staff's opinion that 1 proposed loading space will adequately meet the functionalities of the site and will not cause any disruptions for the site or the surrounding area.

In terms of height, Council has established a standard maximum height of 11 metres for all Zones in the Town. It is intended that any addition in height will be considered by way of a planning application with consideration given to building design, location, and compatibility with surrounding uses. The intent of the By-Law is that such height standard be maintained until an application is put forth which adequately addresses all the considerations. It is Staff's opinion that the proposed development is appropriate in its design, location and compatibility and the intent of the By-Law is maintained.

The primary objective of the parking ratio standards of the Zoning By-law is to ensure that sufficient area and spaces are provided such that the parking demand generated on site can be met. The objective is to ensure that the parking that is generated by the new use does not result in parking on the adjacent street or neighbourhoods. It is Staff's opinion that the proposed 93 parking spaces will ensure that all parking generated by the new and future uses can be accommodated on-site. Therefore, it is the Staff's conclusion that the general intent and purpose of the Zoning By-law will be maintained.

Maintains the general intent and purpose of the Official Plan?

The Official Plan identifies the subject property as a location for new employment uses in the Town. The Official Plan notes that buildings in this designation should have a design, location and treatment that is complementary to surrounding uses. The Employment Area development policies require that adequate parking and loading facilities be provided on site. Staff is of the opinion that proposed

development and its requested Variances is complementary to the surrounding uses and provide adequate parking for its intended use. As such, the proposed Variance will maintain the general intent and purpose of the Official Plan and will permit the use and development of the subject property as planned. It is the Staff opinion that the application maintains the intent and purpose of the OP.

CONCLUSIONS:

Based on a review of the Variances requested, it is the opinion of Planning and Building Services that Minor Variance Application A.20/2018 maintains the intent and purpose of the Official Plan and Zoning By-law, is a desirable and appropriate use, and the Variances are minor in nature. The proposed Variances represent appropriate development and good planning. Therefore, Planning and Building Services are supportive of the Application.

FINANCIAL IMPACT:

There is no direct financial impact of this report.

Prepared by: Angela Zhao, Planner

Approved by: Wesley Crown, MCIP, RPP, Director of Planning & Building Services

Attachments

1. Location Map
2. Proposed Site Plan

Attachment #1 Location Map