

# Staff Report



Development Services Department

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

**DATE OF MEETING:** April 24, 2023

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

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

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** March 27, 2023

**REPORT NO.:** DSD-2023-145

**SUBJECT:** Official Plan Amendment Application OPA22/008/M/CD  
Zoning By-law Amendment Application ZBA22/015/M/CD  
455-509 Mill Street  
Polocorp Inc.

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/22/008/M/CD for Polocorp Inc. requesting a change in land use designation from 'General Industrial Employment' to 'Mixed Use with Site Specific Policy Area No. 62' to permit a high intensity mixed use dwelling development on the lands specified and illustrated on Schedule 'A' and Schedule 'B', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-145 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA22/015/M/CD for Polocorp Inc. be approved in the form shown in the 'Proposed By-laws', and 'Map No. 1', attached to Report DSD-2023-145 as Appendix 'B'; and further

That the Urban Design Brief dated February 2023 and attached to Report DSD-2023-145 as Appendix 'C', be adopted, and that staff be directed to apply the Urban Design Brief through the Site Plan Approval process.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment applications for the subject lands located at 455, 459, 469, 473, 477, 481, 485, and 509 Mill Street. It is planning staff's recommendation that the proposed Official Plan and Zoning By-law Amendments be approved.
- The proposed Amendments support the development of mixed use, high density, complete community in a Major Transit Station Area.
- Community engagement included:
  - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
  - installation two large billboard notice signs on the properties;

\*\*\* This information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on January 24, 2023;
- postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meetings;
- notice of the public meeting was published in The Record on March 31, 2023.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

The property owner of the subject lands addressed as 455, 459, 469, 473, 477, 481, 485, and 509 Mill Street is proposing to change the Official Plan designation from 'General Industrial Employment' to 'Mixed Use with Site Specific Policy Area No. 62' in the City of Kitchener Official Plan, and to change the zoning from 'General Industrial Zone (M-2)' in Zoning By-law 85-1 to 'Mixed Use Three (MIX-3) with Site Specific Provision (362) and Holding Provision 43H' in Zoning By-law 2019-051 to regulate the minimum commercial area, increase the Floor Space Ratio (FSR), increase the building height, regulate building setbacks, regulate the minimum parking rate and to apply a Holding Provision to require remediation of site contamination and an updated noise study to the satisfaction of the Region of Waterloo. Staff are recommending that the applications be approved.

## **BACKGROUND:**

Polocorp Inc. has made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the lands at 455 to 509 Mill Street to permit the lands to be developed with a high intensity mixed use development. The proposed development includes 5 high rise, mixed use buildings, ranging in height from 15 to 44 storeys with 1,500 residential units and 2,000 square metres of commercial space. The proposed development includes 1,141 vehicle parking spaces proposed to be located underground, internal to the buildings and on the surface. 1,150 bicycle parking spaces are proposed within the development including 1100 Class A indoor bicycle stalls and 50 Class B outdoor parking stalls. The lands are designated 'General Industrial Employment' in the 2014 City of Kitchener Official Plan and zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1. The existing zoning permissions permit a wide range of industrial uses such as warehousing, manufacturing, wholesaling, transportation depot, truck and transport terminal and other similar industrial uses.

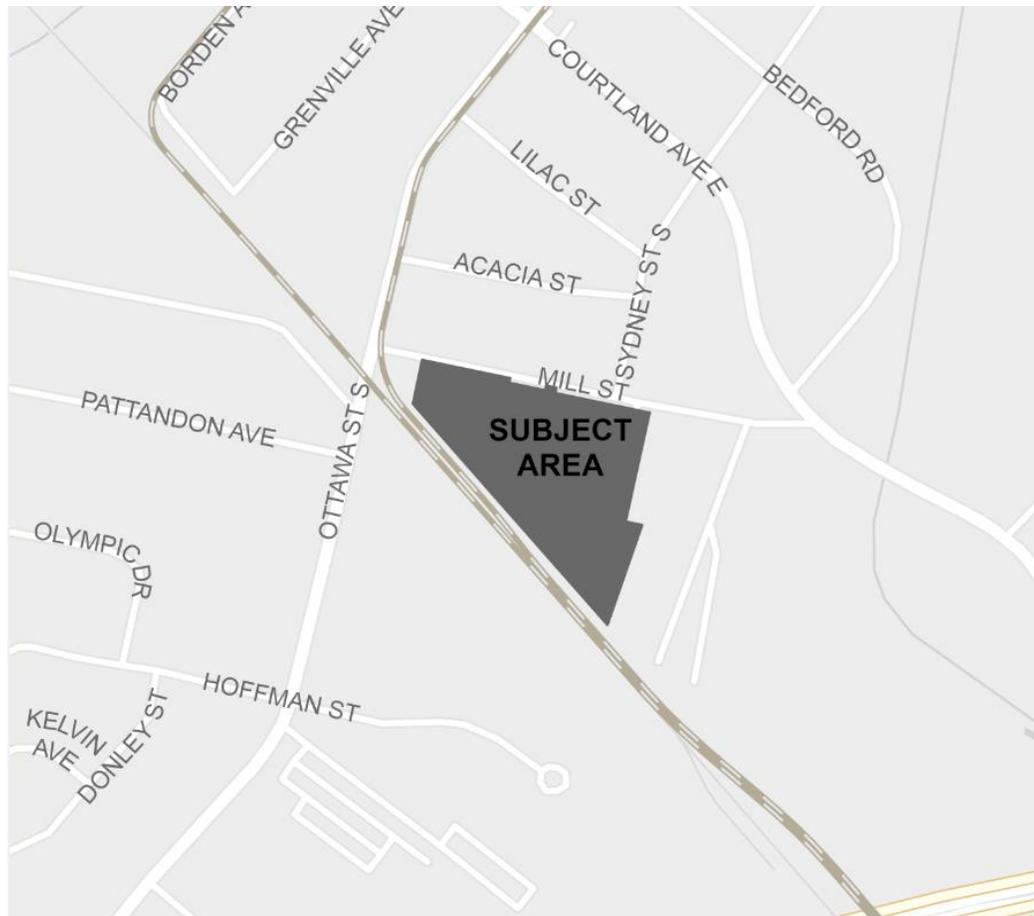
## **Site Context**

The subject lands are addressed as 455, 459, 469, 473, 477, 481, 485, and 509 Mill Street are located near the intersection of Ottawa Street South and Mill Street. The consolidated subject properties form a triangular shape parcel of land and have a combined lot area of 2.17 hectares (5.36 acres) with approximately 195 metres of frontage along Mill Street.

Six of the eight properties, 455, 459, 469, 473, 477, and 481 Mill Street are developed with single detached dwellings while 485 and 509 Mill Street are developed with industrial and manufacturing buildings. Two of the six single detached dwellings are vacant while four of the six single detached dwellings are currently rented to tenants at market rate. The owner has arranged for relocation to new market rate units for the tenants and will be assisting and supporting in the relocation.

The surrounding neighbourhood consists of a variety of uses including commercial buildings, industrial buildings, medium-rise residential uses, single detached dwellings, low-rise multiple dwelling buildings, and institutional buildings. Directly across the street to the north of the property along Mill Street are existing residential and industrial buildings. Abutting the subject lands directly to the west are vacant lands owned by the Region of Waterloo. Lands to the east of the subject properties are developed with industrial uses and directly to the south, abutting the subject lands is

the Mill Station ION stop. Existing bus routes operate along Ottawa Street and there are walking, and bike trails and bike lanes located nearby.



**Figure 1 - 455, 459, 469, 473, 477, 481, 485, and 509 Mill Street.**

## **REPORT:**

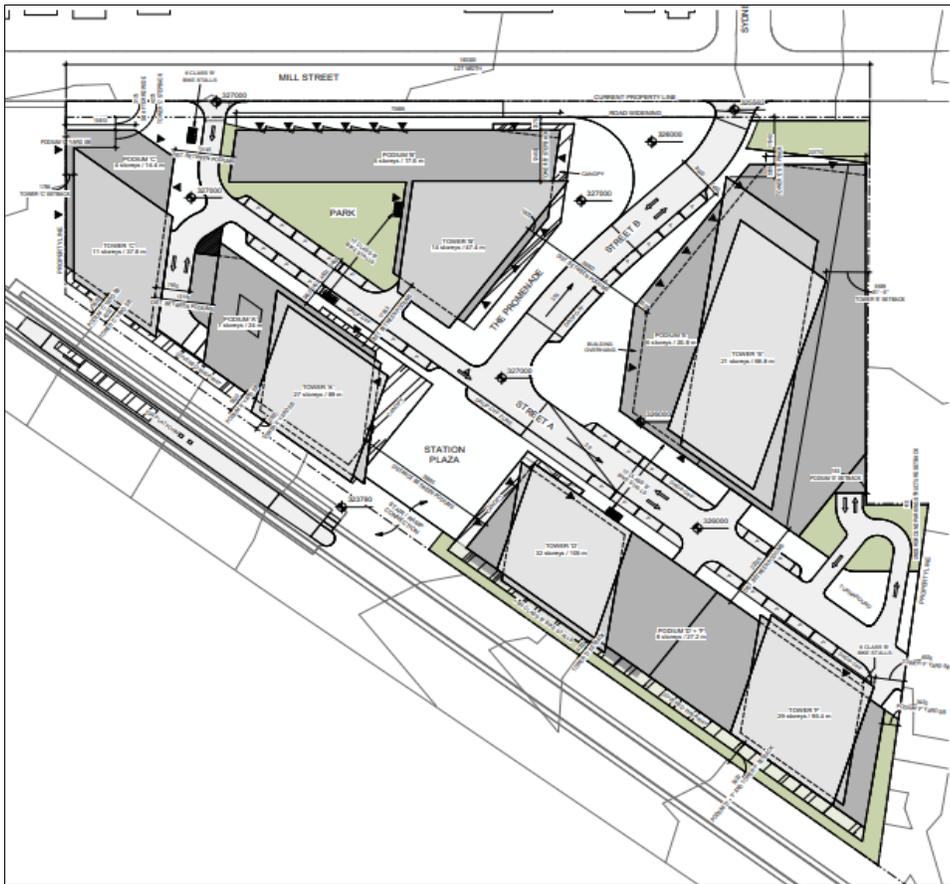
The applicant is proposing to develop the subject lands with 5 high-rise, mixed-use buildings, ranging in height from 15 to 44 storeys with 1,500 residential units and 2,000 square metres of commercial floor space. The proposed development includes 1,141 vehicle parking spaces proposed to be located underground, internal to the buildings and on the surface. 1,150 bicycle parking spaces are proposed within the development including 1,100 Class A indoor bicycle stalls and 50 Class B outdoor parking stalls. Considerable thought for the orientation and placement of the buildings, podium heights, building step backs, pedestrian and vehicular connections have been incorporated into the design for this proposed high intensity mixed use development.

The proposed Official Plan and Zoning By-law Amendment applications were originally submitted in August 2022. Since this time there has been significant changes to the proposed development in direct response to public and staff comments. These changes include but are not limited to the reduction of the number of towers from six (6) towers to five (5) towers, an increase to the maximum building height and Floor Space Ratio and, an increase to the overall landscaped and amenity area.

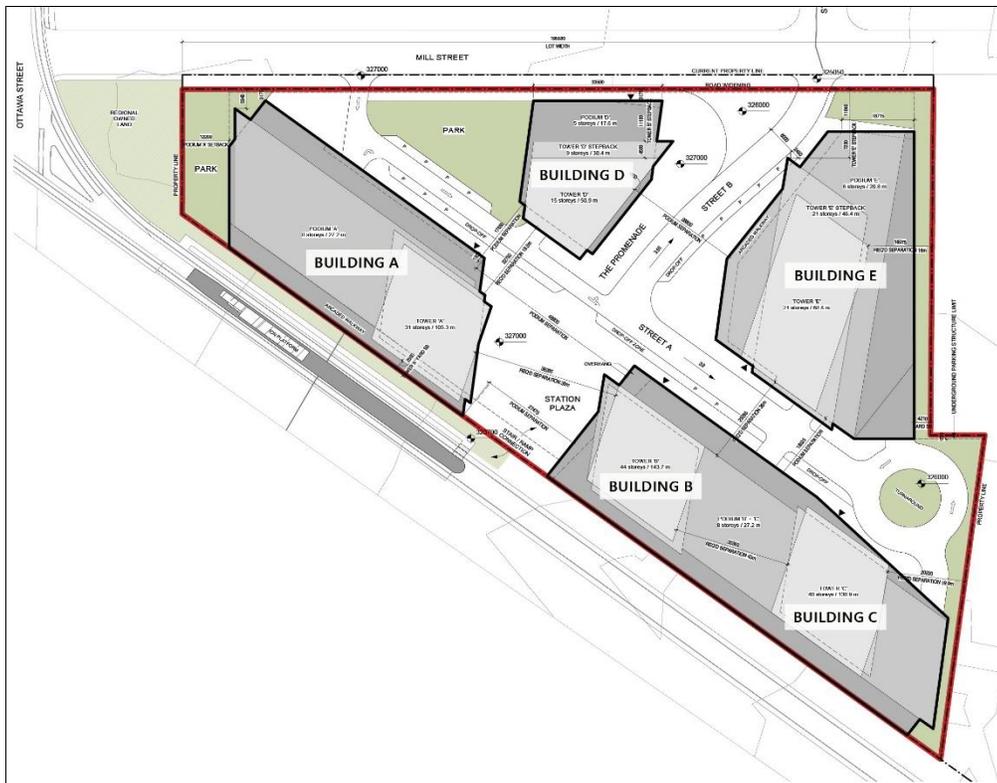
Table 1 below provides a comparison of the development concepts, Figures 2 and 3 show the comparisons between the original concept site plan and the revised development concept site plan, and Figures 4 and 5 show comparison renderings of the original development proposal and the revised development proposal.

**Table 1. Development Concept Comparison Table**

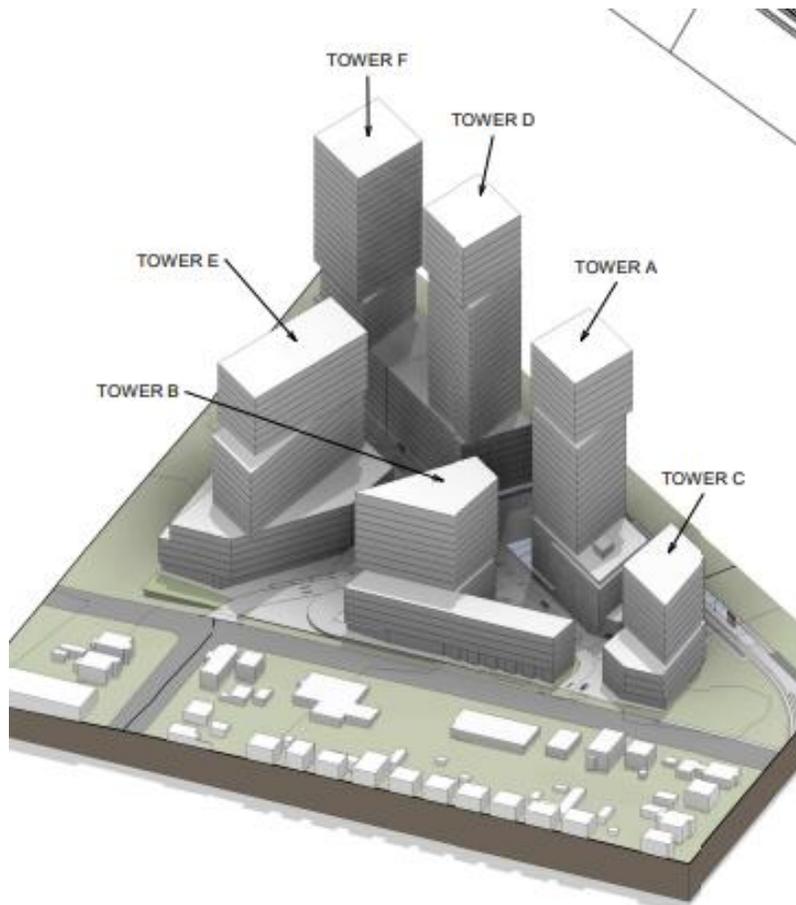
	<b>Original Development Concept</b>	<b>Revised Development Concept</b>
<b>Number of Towers</b>	6 towers, situated on top of 5 podiums	5 situated on top of 4 podiums
<b>Number of Units</b>	1,500 residential units	1,500 residential units
<b>Unit Types</b>	1 bedroom units 2 bedroom units 3 bedroom units	1 bedroom units 2 bedroom units 3 bedroom units
<b>Affordable Dwelling Units</b>	50	50
<b>Parking Spaces</b>	926 parking spaces	1,141 parking spaces
<b>Building Heights</b>	11 storey point tower 14 storey point tower 21 storey compact slab 27 storey point tower 29 storey point tower 32 storey point tower	15 storey compact slab 21 storey compact slab 32 storey point tower 40 storey point tower 44 storey point tower
<b>Floor Space Ratio</b>	7.0	8.5
<b>Complies with Tall Building Guidelines</b>	No	Yes
<b>Landscaped Area</b>	7,072 square metres	8,924 square metres



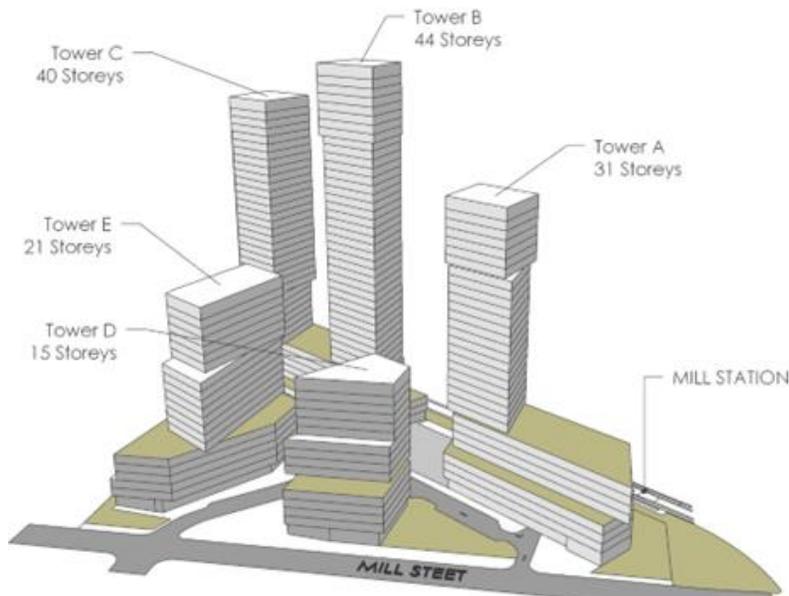
**Figure 2 – Original Development Concept Site Plan**



**Figure 3 – Revised Development Concept Site Plan**



**Figure 4 – Original Development Rendering**



**Figure 5 – Revised Development Rendering**

The revised development concept includes changes in direct response to public and staff comments. The revised proposed development includes a redesign of the site to include 5 towers, rather than 6, that now complies with the City of Kitchener Design for Tall Building Guidelines, which are Council approved guidelines in the Urban Design Manual that guide and inform development applications for proposed buildings 9 storeys and greater. The original development application did not meet off-site separation and did not fully comply with overlook requirements between towers. The revised

development concept has addressed both aspects of the guidelines and complies with the Design for Tall Building Guidelines in the City's Urban Design Manual. In addition to meeting the Design for Tall Building Guidelines, 5, 6 and 8 storey podiums are provided which are well defined and enhance the streetscape along Mill Street and the internal street within the site. Massing has been broken up on the towers with building step backs which helps address shadow impacts and enhances the public realm.

While the number of towers has reduced from six towers to five towers, the number of residential units has not changed (1,500 units). The floor space ratio has increased from 7.0 to 8.5 which is a result of additional on-site parking being provided internal to the building, in an above ground structure. The number of on-site parking has increased from 926 parking spaces to 1,141 parking spaces. The landscape area has increased from 7,072 square metres to 8,924 square metres. 1,100 Class A indoor bicycle stalls and 50 Class B outdoor parking stalls are provided and required by the proposed zoning. 20% of the required parking will be dedicated to Electric Vehicle (EV) ready parking spaces. Furthermore, the proposed development integrates several features that will benefit the community including public amenity areas, affordable housing, a community center space and improved access to the Mill Station ION stop.

To facilitate the redevelopment of the subject lands with the proposed mixed use development concept, an Official Plan Amendment and a Zoning By-law Amendment are proposed to change the land use designation and zoning of the subject lands. The lands are currently designated 'General Industrial Employment' in the 2014 City of Kitchener Official Plan and zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Mixed Use with Site Specific Policy Area No. 62' in the City of Kitchener Official Plan to allow for a Floor Space Ratio (FSR) of 8.5, and to change the zoning from 'General Industrial Zone (M-2)' in Zoning By-law 85-1 to 'Mixed Use Three (MIX-3) with Site Specific Provision (362) and Holding Provision 43H' in Zoning By-law 2019-051 to regulate the minimum commercial area, increase the Floor Space Ratio (FSR), increase the building height, regulate building setbacks, and to regulate the minimum parking rate. A Holding Provision is also proposed to be added to the property to prevent the development of the site with sensitive uses, including residential uses, until the site contamination has been remediated and a revised noise study is completed to the satisfaction of the Region of Waterloo.

### **Planning Analysis:**

#### **Planning Act, R.S.O. 1990, c. P.13 25.**

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
  - (i) Is well-designed,
  - (ii) Encourages a sense of place, and

- (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, and to ensure Provincial policy is adhered to.

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs. To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed use development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a high intensity mixed-use development that is compatible with the surrounding community, helps manage growth, will contribute towards a complete community, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):**

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas including major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

Policy 2.2.4 requires that planning be prioritized for MTSA's on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA's on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stations are Major Transit Station Areas (MTSA's) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the Mill station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved in August 2022 and these lands are within the Mill Station MTSA as the Mill Station ION stop abuts the subject lands directly at the rear of the properties. The proposed development represents intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

### **Regional Official Plan (ROP):**

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

The subject lands are within the Major Transit Station Area (MTSA) boundary that was endorsed by Regional Council in April 2021 (and approved in August 2022). The Region of Waterloo has also identified that the subject lands are located within potential intensification corridor as part of the

Reginal Official Plan review and are an appropriate location for intensification. The Region of Waterloo have indicated they have no objections to the proposed application or to higher density within the MTSA area. (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

### **City of Kitchener Official Plan (OP)**

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The subject lands are designated 'General Industrial Employment in the City of Kitchener Official Plan. Lands designated as General Industrial Employment provide for a broad range of industrial uses such a warehousing, manufacturing, wholesaling, transportation depot, truck and transport terminal and other similar industrial uses.

The applicant is proposing to change the land use designation to 'Mixed Use' and to add 'Site Specific Policy Area No. 62' to the subject lands. The Mixed Use land use designation plays an important role in achieving the planned function of the MTSA intensification area. Lands designated Mixed Use have the capacity to accommodate additional density and intensification of uses. Development and redevelopment of lands within lands designated Mixed Use must implement a high standard of urban design. The applicant is proposing to add a Site Specific Policy Area No. 62 to the subject lands to allow for a maximum Floor Space Ratio (FSR) of 8.5 whereas the Mixed Use policies only permit a maximum Floor Space Ratio of 4.0.

Policy 17.E.13.1. of the City of Kitchener Official Plan require that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to implement this Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

### **Complete Community**

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute aspects of a complete community on the subject lands with five high-rise, mixed-use buildings, ranging in height from 15 to 44 storeys with 1,500 residential units and 2,000 square metres of commercial space. Considerable thought for the orientation and placement of the buildings, podium heights, building step backs, and improved pedestrian connection the Mill Station stop have been incorporated into the design for this high intensity mixed use development.

Furthermore, the proposed development integrates a number of features that will benefit the community and foster a sense of community, including public amenity areas, affordable housing and

a community centre space. The proposed development includes public amenity areas in the form of Privately Owned Public Spaces (POPS). 4,400 square metres of programmed public space are proposed for this mixed used development. Preliminary concepts have contemplated features such as public art, a fountain, a skating rink, landscaping and seating opportunities. A publicly accessible urban plaza with seamless integration to the station platform is proposed which will significantly improve pedestrian access to the station platform.

The owner is proposing a total of 50 affordable residential rental dwelling units within the proposed mixed use development. The units will be available for rent and managed by the Owner in partnership with a community partner. Dwellings will range in size and location within the proposed development, in each tower and on different floors.

The Owner is proposing to dedicate approximately 186 square metres (2,000 square feet of space) within the proposed development to be utilized as a privately owned, publicly accessible community centre. The proposed space will be available for the public to utilize for meetings, events or other community uses. The owner is also proposing a commitment of \$25,000 per year for 10 years (total of \$250,000) to sponsor new community events and programs that directly benefit the residents within the community.

Staff will review this proposal to determine its feasibility as part of the site plan review process.

### Parkland

The Proposed Development includes a combination of privately-owned publicly accessible open spaces (POPS) to meet the needs of residents and the surrounding community. This includes the Station urban plaza, Promenade, and park/playground area. Additional private amenity spaces will be provided for residents of the proposed development on the building rooftops and indoor amenity spaces. Further to these spaces, a new public park is proposed on the lands at 455 Mill Street with the potential to incorporate the Regional owned lands at the corner of Mill Street and Ottawa Street South, should the acquisition of the required lands be feasible. This new park could provide a gateway feature for the Site and Mill ION LRT station. Parkland dedication in a combination of land and cash-in-lieu will be taken through the site plan application process.

### Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Major Transit Station Area. The planned function of the Major Transit Station Areas is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

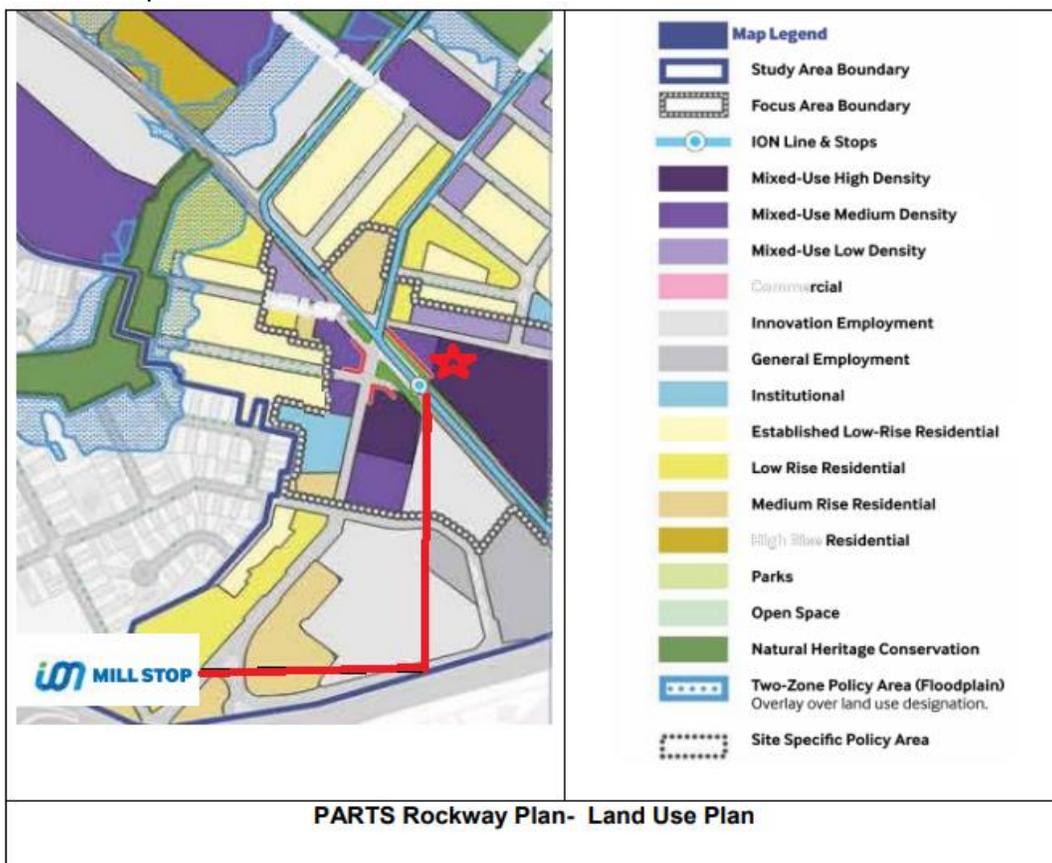
Policies also require that development applications in Major Transit Station Areas give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and future rapid

transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

The proposed development is located in a prime location for high intensity mixed use development. The subject lands are located directly adjacent to the Mill Station ION stop. The proposed development introduces a new form of housing to the surrounding area with a mix of unit types. Housing diversity is needed to provide a greater housing choice and meet the needs of increasingly diverse residents and household types such as young families, professionals, retirees, people with disabilities, all with a various range of income. Diverse housing types for this area of the City of Kitchener will be planned through future MTSA planning work. This application is in advance of that work and can be considered based on urban structure and future planned function of the community. As such, staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for a Major Transit Station Area but also contributes to the vision for a sustainable and more environmentally-friendly city.

### PARTS Rockway Plan

The subject lands are located within the PARTS Rockway Plan which is a guiding document that made recommendations for land uses within and around rapid transit station stops. The PARTS Rockway Plan made recommendation for amendments to the Secondary Plans within the MTSA, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density live-work environments and to increase housing supply with multi-unit residential while protecting existing stable neighbourhoods. The proposed development provides for a range of housing options and commercial space and the proposed amendment is in keeping with the PARTS Rockway vision for development within and around the ION stops.



**Figure 5: PARTS Rockway Land Use Plan**



The proposed Official Plan Amendment to redesignate the lands Mixed Use with the Site-Specific Policy Area No. 62, and the proposed Zoning By-law Amendment to zone the lands 'Mix-3' zone with Site Specific Provision (362), aligns with the high intensity mixed use vision for the subject lands than that is proposed through the NPR project.

The NPR project is under review and updated draft land use designations and zoning will be considered in through future MTSA planning in 2023 as part of the Growing Together project.

### Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief and Design Report, attached as Appendix 'C', was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations.

**Streetscape** – All Street frontages are activated by at-grade commercial units, with a combined 2,000 square metres of commercial space proposed along Mill Street and the internal the private road. Furthermore, all buildings' principal entrances and lobbies are located at grade with direct access to public sidewalks and the Mill Station ION stop. The five towers include podiums that have defined bases which will enhance the streetscape.

**Safety** – As part of the site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are achieved and that the site meets the Ontario Building Code and the City's Emergency Services Policy.

**Universal Design** – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

**Skyline** – The proposed buildings will provide a new feature on the City's skyline. The proposed buildings will create visual interest from several different vantage points.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The five towers have well defined podiums and building step backs which helps enhance the public realm.

### Tower Design

Building A (31 storeys) Building B (44 storeys) Building C (40 storeys) and Building D (15 storeys) are classified as a "Compact Point" towers. All four (4) buildings have well defined podiums. Building D (15 storeys) includes a 5-storey podium situated along Mill Street with building step backs. This provides a transition to the lower density areas. Buildings A, B and C are the tallest buildings and are all situated towards the rear of the site and situated on top of 8-storey podiums with various building step backs. The massing of all the buildings is broken up vertically by variation and the articulation of building materials

Building E is 21 storeys in height and is classified as a "Large Slab" as the proposed tower floor plate is more than 850 square metres in area. This building has been oriented towards Mill Street with a 6 storey podium with various building step backs as the tower get taller. Massing is broken up vertically by variation and the articulation of building materials. Furthermore, balconies for the residential units are included on the street-facing elevations.

## Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

## Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development will require wind mitigation design features. A full Wind Assessment will be required and reviewed through the site plan application process.

## Tall Building Guidelines

The proposed development has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines. The objective of this document is to:

- achieve a positive relationship between high-rise buildings and their existing and planned context;
- create a built environment that respects and enhances the city's open space system, pedestrian and cyclist amenities and streetscapes;
- create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
- promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;
- promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
- promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are generally consistent with and meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development (as revised) now meets the onsite and offsite separation distance requirements of the Design for Tall Building Guidelines. Staff recommends that the proposed Urban Design Brief, attached as Appendix 'C', be adopted and that staff be directed to apply the Urban Design Brief through the Site Plan Approval process.

## Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located directly adjacent to the Mill ION station stop. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the Iron Horse Trail. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more-dense residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel. Furthermore, the proposed development will enhance access and pedestrian connections to the Mill Station ION stop.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

#### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the range of dwelling units available in the city. The development is contemplated to include a range of unit types including, one, two and three-bedroom units along with 50 affordable dwelling units that will be made available for rent by the owner. The wide range of units, in this location, will appeal to a variety of household needs.

#### Sustainable Development

Section 7.C.4.1 of the City's Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.

Sustainable development initiatives will be further explored at the Site Plan Application stage.

#### Proposed Official Plan Amendment Conclusions

The subject application requests that the land use designation as shown on Map 3 of the 2014 Official Plan be changed from 'General Industrial Employment' to 'Mixed Use' and that Map 5 be amended to add Site Specific Policy Area No. 62. Based on the above policy and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommend that the proposed Official Plan Amendment be approved in the form shown in Appendix "A".

## **Proposed Zoning By-law Amendment:**

The subject lands are zoned 'General Industrial Zone (M-2)' in Zoning By-law 85-1. The existing zoning permissions permit a wide range of industrial uses such as warehousing, manufacturing, wholesaling, transportation depot, truck and transport terminal and other similar industrial uses.

The applicant has requested an amendment to remove the lands, currently zoned 'General Industrial Zone (M-2)', from Zoning By-law 85-1 and zone the lands to 'Mixed Use Three (MIX-3) with Site Specific Provision (362) and Holding Provision 43H' in for inclusion in Zoning By-law 2019-051.

Official Plan policies indicate that where special zoning regulations are requested for residential intensification or a redevelopment of lands, the overall impact of the site specific zoning regulations will consider compatibility with existing built form; appropriate massing and setbacks that support and maintain streetscape and community character; appropriate buffering to mitigate adverse impacts, particularly with respect to privacy; avoidance of unacceptable adverse impacts by providing appropriate number of parking spaces and an appropriate landscaped/amenity area.

The applicant is also seeking to amend Zoning By-law 2019-051 to add Site-Specific Provision (362) and Holding Provision 43H. The proposed Site-Specific Provision will permit an increased Floor Space Ratio (FSR), impose a maximum building height, regulate parking requirements, regulate building setbacks, impose a maximum podium height, regulate the minimum required commercial space and prohibit geothermal wells. The Holding Provision will require remediation of site contamination and require a noise study to be completed to the satisfaction of the Region of Waterloo.

Staff offer the following comments with respect to Site Specific Provision (362):

- a) That the maximum Floor Space Ratio shall be 8.5 and shall be calculated pre-road widening and pre-conveyance of park land.

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not exceed the density presented in the concept plans.

- b) The maximum building height shall be 145.0 metres.

The purpose of this regulation is to ensure development does not exceed the height represented in the concept plans. Furthermore, this is the maximum allowable height within the Federal Airport Zoning Regulations which caps the maximum building height within a flight path.

- c) The maximum number of storeys shall be 44.

The purpose of this regulation is to cap the number of storeys ensure development does not exceed the number of storeys shown in the concept plans.

- d) That parking be provided at a rate of 0.55 parking spaces per dwelling unit plus 0.05 visitor parking spaces per dwelling unit.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. The proposed ratio results in a parking rate of 0.6 parking spaces per dwelling unit (inclusive of visitor spaces). The subject lands will have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands. Zoning By-law 2019-051 permits visitor parking and non-residential use parking to be shared.

- e) The minimum rear yard building podium setback shall be 0 metres.

This regulation will permit podiums to be built right up to the rear property line.

- f) The minimum rear yard building tower setback shall be 2.5 metres.

The purpose of this regulation is to ensure there a tower step back provided at the rear of the property that abuts the Mill Station ION stop.

- g) the minimum interior side yard building setback shall be 2.9 metres and regulated pre-parkland conveyance.

The regulation will regulate the side yard building setbacks and provide for a landscape buffer.

- h) The minimum ground floor street line façade width as a percent of the width of the abutting street line shall be 25%.

This regulation will ensure 25% of the ground floor facades are oriented along the street. In addition to 25% façade width along the street line, landscape areas are proposed.

- i) The maximum number of storeys in the base of a mid-rise building or tall building shall be 8.

The purpose of this regulation is to ensure a well-defined podium base is provided that implements the concept plans shown for the proposed development.

- j) The minimum non residential gross floor area shall be 2,000 square metres.

The purpose of this regulation is to ensure adequate commercial space is provided for the proposed mixed use development.

- k) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems shall be prohibited to mitigate the risks associated with contaminants that will remain beneath the site when the property is redeveloped.

Staff offer the following comments with respect to Holding Provision 43H:

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to facilitate the implementation of the 'MIX-3' zone and site specific provision. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

#### Holding Provision 43H

Planning staff are recommending the following holding provision as part of the Zoning By-law Amendment:

- a) No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks

(MECP). This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MECP) advising that a Record of Site Condition has been completed to their satisfaction.

- b) No residential use shall be permitted until such time as a Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.

There are medium and high environmental contamination threats located on and adjacent to the subject lands in accordance with the Region's Threats Inventory Database (TID) due to past and current land uses. A Record of Site Condition (RSC) and Ministry Acknowledgement Letter shall be required in accordance with the Region's Implementation Guidelines. Until such time that the RSC and Ministry Acknowledgement letter have been received by the Region, residential redevelopment of the site is not permitted. A noise study was prepared in support of the proposed Official Plan and Zoning By-law Amendments and reviewed by the Region of Waterloo. Additional building noise mitigation measures will be reviewed through the site plan design and approvals process and an updated noise study will be required prior to removal of the Holding Provision.

#### Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to 'Mixed Use Three (MIX-3) with Site-Specific Provision (362) and Holding Provision 43H' represents good planning as it will facilitate the redevelopment of the lands with a mixed-use development that is compatible with the existing neighbourhood and surrounding area, which will add visual interest at the street level, provide enhanced landscaping that will contribute to the streetscape, and which will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Appendix "B".

#### Department and Agency Comments:

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in August 2022 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and any necessary revisions and updates were made. Copies of the comments are found in Appendix "D" of this report.

The following Reports and Studies were considered as part of this proposed Official Plan Amendment and Zoning By-law Amendment:

Planning Justification Report

Prepared by: The Butler Group Consultants Inc., February 2023

Urban Design Brief

Prepared by: Michael Spaziani Architecture Inc., February 2023

Traffic Impact Study and Parking Justification Report.

Prepared by: Paradigm Transportation Solutions, July 2022 (Addendum Letter February 2023)

Elevations and Massing and Shadow Study

Prepared by: Neo Architects, February 2023

Landscape Master Plan  
Prepared by: Land Art Design Landscape Architects, February 2023

Geotechnical and Hydrological Investigation.  
Prepared by: Chung & Vander Doelen Engineering LTD, February 17, 2023

Functional Servicing and Storm Water Management Report  
Prepared by: JPE Engineering, February 13, 2023

Noise and Vibrational Impact Study  
HGC Engineering, July 13, 2022 (Addendum Letter February 2023)

Pedestrian Windy Assessment  
Prepared by: RWDI., February 2023

### **Community Input & Staff Responses**

# WHAT WE HEARD

-  **386 addresses (occupants and property owners) were circulated and notified**
-  **Approximately 16 people/households/businesses provided comment**
-  **A City-led Neighbourhood Meeting was held on January 24, 2023 and 13 different users logged on**

Staff received written responses from 16 residents with respect to the proposed development. These are included in Appendix 'E'. A Neighbourhood Meeting was held on January 24, 2023. In addition, staff had follow-up one-on-one correspondence with members of the public. A summary of what we heard, and staff responses are noted below.

<b>What We Heard</b>	<b>Staff Comment</b>
Support for the development	There is support for the redevelopment of the underutilized properties.
Concerns the proposed development will create more traffic on local street.	A Traffic Impact Study (TIS) was submitted, and it was reviewed by City Transportation Services staff and the Region of Waterloo. No concerns with the TIS were identified by either Regional or City Staff. This is a transit-oriented development with more bicycle parking being offered than vehicular parking.

Concerns that there are no bike lanes in the area for this development.	Bike lanes were recently constructed along Ottawa Street South and a multi use trail was recently constructed along Mill Street directly in front of this proposed development.
Tall buildings should only be allowed in the downtown and too many towers are proposed.	In direct response from public and staff comments, the number of towers was reduced from 6 to 5 which reduced shadow impacts. A Shadow Study has been submitted. Staff have reviewed the study and are satisfied the shadow study meets the minimum requirements, as related to shadow impacts and will have minimal impacts on adjacent properties.
A mix of unit types should be provided, including some affordable units.	1 , 2 and 3 bedroom units are now proposed along with 50 affordable dwelling units.
Not enough parking is being provided.	Additional onsite parking was added to the revised development concept. A Parking Justification opinion letter was submitted and reviewed by Transportation Services staff who support the proposed parking rate of 0.55 per parking spaces per dwelling unit plus 0.05 visitor parking spaces per dwelling unit. The proposed development includes unbundled parking, is located directly adjacent to the Mill Station ION stop and furthermore a minimum of 0.5 Class A bicycle parking spaces per dwelling unit are required by the Zoning By-law as an active transportation measure.

### **Planning Conclusions**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to allow the subject lands at 455-509 Mill Street to be developed with a high intensity mixed use development. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

### **ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:**

The recommendation of this report supports the achievement of the City's strategic vision through the delivery of core service.

### **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 / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City's website in August of 2022. Following the initial

circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, those responding to the preliminary circulation and who attended the Neighbourhood Meetings. Notice of the Statutory Public Meeting was also posted in The Record on March 31, 2023 (a copy of the Notice may be found in Appendix F).

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on August 24, 2022. In response to this circulation, staff received written responses from 16 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

**PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 2014
- PARTS Rockway Plan
- City of Kitchener Zoning By-laws 85-1 and 2019-051

**REVIEWED BY:** Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

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

**ATTACHMENTS:**

- Attachment 'A' – Proposed Official Plan Amendment
- Attachment 'B' – Proposed Zoning By-law Amendment
- Attachment 'C' – Urban Design Brief
- Attachment 'D' – Department and Agency Comments
- Attachment 'E' – Public Comments
- Attachment 'F' – Newspaper Notice