

# Staff Report



Development Services Department

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

**DATE OF MEETING:** September 18, 2023

**SUBMITTED BY:** Garrett Stevenson, Interim Director of Planning, 519-741-2200 ext. 7860

**PREPARED BY:** Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** August 21, 2023

**REPORT NO.:** DSD-2023-382

**SUBJECT:** 229 Wellington Street North  
Zoning By-law Amendment Application ZBA23/019/W/TS  
Peter Markin

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## RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/019/W/TS requesting to amend Zoning By-law 2019-051, for Peter Markin, be approved in the form shown in the Proposed 'Proposed By-law' and 'Map No. 1' attached to Report DSD-2023-382 as Attachments 'A1' and 'A2';

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding a Zoning By-law Amendment application for the property located at 229 Wellington Street North.
- It is Planning staff's recommendation that the Zoning By-law Amendment application be approved. The proposed application represents an opportunity to provide 'missing middle' housing that addresses a need in our community.
- Community engagement included:
  - Circulation of a preliminary notice to residents and property owners within 240 metres of the subject site;
  - Installation of a large billboard notice sign on the property;
  - Follow up one-on-one correspondence with members of the public who responded to the circulation or saw the billboard sign;
  - Neighbourhood Meeting held on July 18, 2023
  - Notice advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site, and those who responded to the preliminary circulation, and
  - Notice of the public meeting was published in The Record on August 25, 2023.
- This report supports the delivery of core services.

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

## **EXECUTIVE SUMMARY:**

The owner of the subject lands addressed as 229 Wellington Street North is proposing to change the zoning from 'RES-4' in Zoning By-law 2019-051 to 'RES-5' with Site Specific Provision 373 to further regulate yard setbacks, building height and parking. Staff are recommending that the application be approved.

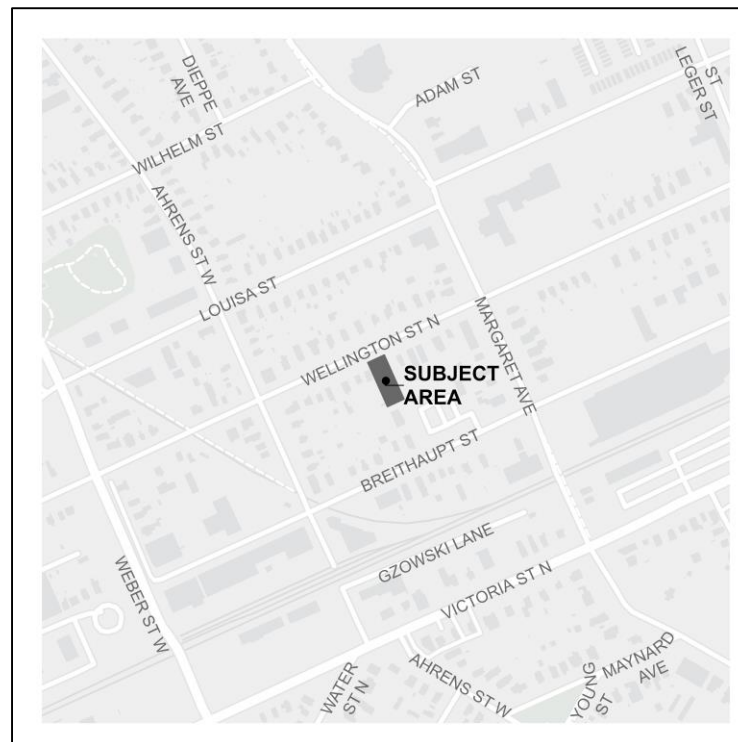
## **BACKGROUND:**

The City of Kitchener has received an application for a Zoning By-law Amendment from Peter Markin for a development concept that proposes a three-storey multiple dwelling building with thirteen (13) residential units. An existing duplex on the property will also remain for a total of fifteen (15) residential units.

The subject property is identified as 'Major Transit Station Area' on the City's Urban Structure (Map 2 - City of Kitchener Official Plan) and designated as 'Low Rise Residential' (Map 3 - City of Kitchener Official Plan).

## **Site Context**

The subject lands are municipally addressed as 229 Wellington Street North. The subject lands are on the south side of Wellington Street North between Margaret Avenue and Ahrens Street. The lot area of the subject site is approximately 0.09 hectares and the lot frontage is 18.1 metres. The lot currently contains a duplex dwelling, which is currently occupied. The surrounding neighbourhood contains a mix of low rise residential, and employment uses.



**Figure 1 - Location Map: 229 Wellington Street North**



Figure 2 – Existing Duplex Dwelling at 229 Wellington Street North

**REPORT:**

The applicant is proposing to keep the existing building on site and develop the subject property with an additional 3-storey, 13-unit multiple dwelling building. Seven (7) surface parking spaces, including one (1) visitor parking space and one (1) barrier free parking space are proposed.

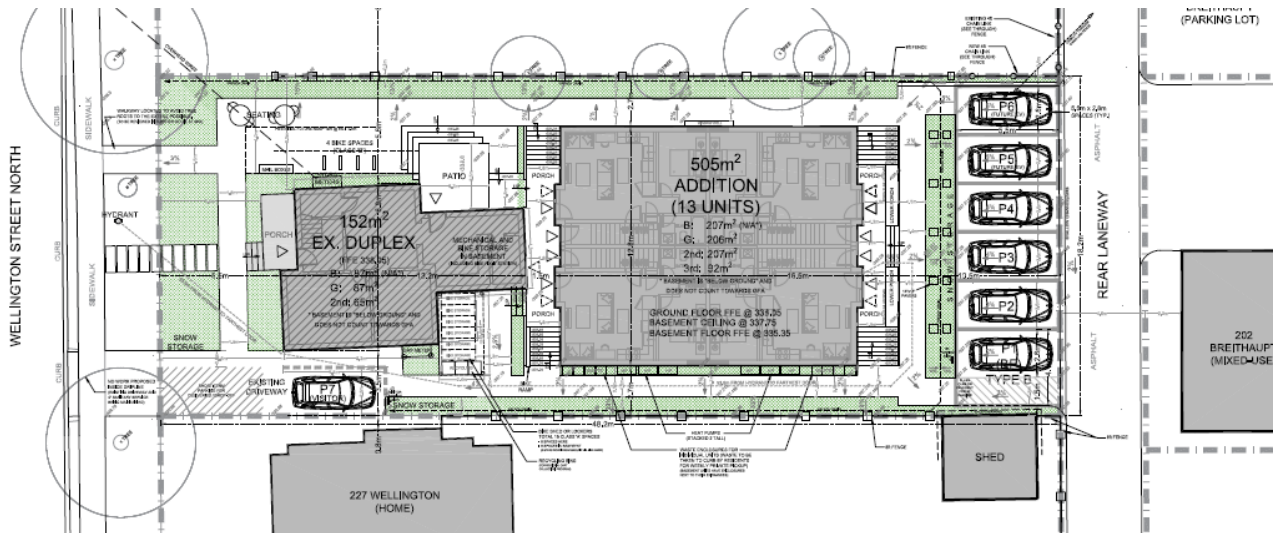


Figure 3- Development Concept

**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, 2020, 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, 2020 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 zoning facilitates a compact form of development which efficiently uses the lands, is in close proximity to transit options, 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.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a low-rise development that is compatible with the surrounding community, helps manage growth, 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 community 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.

Planning staff is of the opinion that the applications conform to the Growth Plan.

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

The subject lands are designated “Urban Area” and “Built-Up Area” on Schedule 3a of the 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 and the proposed development conforms to Policy 2.F of the ROP as the proposed development will support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. The Region of Waterloo have indicated they have no objections to the proposed application. (Attachment ‘C’). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

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

#### 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 (MTSA) in the City’s Official Plan. Section 3.C.2.16 states that MTSA’s are designated in the Regional Official Plan, and are a conceptual representation of the area of a ten minute walking radius centered around the location of Rapid Transit Station Stops. The planned function of the MTSA’s 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 MTSA’s give consideration to the Transit-Oriented Development (TOD) policies contained in Section 13.C.3.12 of the Official Plan. Generally, the TOD 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 rapid transit and transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

While the subject lands are identified conceptually as an MTSA in the City of Kitchener 2014 Official Plan, a more recent update to the Regional Official Plan (ROP) has been approved which further refines MTSA boundaries. The subject lands are not within a MTSA in the ROP. As such, the City will undertake a planning exercise to refine the MTSA

in the City's OP to implementation the MTSA boundaries as shown in the ROP. Given the more recent planning direction for these lands in the ROP, it is appropriate to consider the subject lands in accordance with the Community Area policies in the City's Official Plan. The planned function of a Community Area is to provide residential uses as well as non-residential supporting uses intended to serve the immediate residential areas. Community Areas may have limited intensification with development being sensitive and compatible with the character, form, and planned function of the surrounding context.

Staff is of the opinion that the proposed Zoning By-law Amendment will support a development that not only complies with the City's policies for a Major Transit Station Area and Community Area but also contributes to the vision for a sustainable and more sustainable city and in an appropriate residential infill proposal.

### Land Use Designation

The subject lands are designated 'Low Rise Residential' in the City's Official Plan (Map 3). Low Rise Residential areas are intended to accommodate a full range of low density housing types including single detached, semi-detached, townhouse, and low-rise multiple dwellings. The Low Rise Residential designation states that the City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form. Site specific increase to allow up to a maximum Floor Space Ratio (FSR) of 0.75 may be permitted without an amendment to the Official Plan, provided the development meets the general intent of Official Plan policies and is compatible (Section 15.D.3.11). Further, relief from the maximum building height of 3 storeys or 11 metres may be considered, provided the increased building height is compatible with the built form and physical character of the neighbourhood. (Section 15.D.3.12).

Planning staff is of the opinion that the requested Zoning By-law Amendment will facilitate a low rise housing form that conforms with the Low Rise Residential land use designation in the City's Official Plan. The proposal provides an additional low density housing type within the neighbourhood.

### Transportation

The City's Official Plan contains policies to develop, support, and maintain a complete, convenient, accessible and integrated transportation system that incorporates active transportation, public transit, and accommodates vehicular traffic.

In regard to alternate modes of transportation, objectives of the Official Plan include promoting land use planning and development that is integrated and conducive to the efficient and effective operation of public transit and encourages increased ridership of the public transit system. The City shall promote and encourage walking and cycling as safe and convenient modes of transportation.

The proposed development aims to increase density on an existing site that is served well by public transit, with access to Grand River Transit Routes 4, 6, 8, 34, and iXpress Routes 204. It is also within a 10-15 min walk to the Central Station ION stop. The proposed development is required to provide safe, secure indoor bicycle storage to encourage active transportation. Staff is of the opinion that the requested Zoning By-law Amendment conforms with the transportation policies of the City's Official Plan.



At future site plan approval processes, the design of the addition will have to be compatible with the existing duplex and surrounding neighbourhood. Outdoor amenity space will also be provided for the residents, and locations of bicycle spaces will be confirmed.

### Urban Design

The City is committed to achieving a high standard of urban design, architecture and place-making to positively contribute to quality of life, environmental viability and economic vitality. Urban design is a vital component of city planning and goes beyond the visual and aesthetic character of individual buildings and also considers the functionality and compatibility of development as a means of strengthening complete communities.

Urban Design policies in the 2014 Official Plan support creating visually distinctive and identifiable places, structures and spaces that contribute to a strong sense of place and community pride, a distinct character and community focal points that promote and recognize excellence and innovation in architecture, urban design, sustainable building design and landscape design. The City requires high quality urban design in the review of all development applications through the implementation of the policies of the Official Plan and the City's Urban Design Manual.

The proposed development concept includes a 3 storey building that orients massing at the rear of the property, with the existing street fronting duplex remaining at the front of the property. Pedestrian connectivity throughout the site is provided through pedestrian walkways from the rear unit entrances alongside the building leading to the sidewalk on Wellington Street North and the rear laneway. On-site amenity area is achieved through at grade passive amenity space at the side of the building, as well as private unit balconies and at-grade patios.

### Housing

The City's primary objective with respect to housing in the Official Plan is 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. This low rise multiple dwelling proposal is a "missing middle" housing type and provides an option that bridges the gap between high density residential towers and single detached dwellings. The proposed housing type is an important segment in Kitchener's housing continuum.

Policy 4.C.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.

Policy 4.C.1.12. The City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods.

Policy 4.C.1.22: The City will encourage the provision of a range of innovative housing types and tenures such as rental housing, freehold ownership and condominium ownership including common element condominium, phased condominium and vacant land condominium, as a means of increasing housing choice and diversity.



Based on the above housing policies, staff is of the opinion that the application conforms to the Official Plan.

### **Policy Conclusion**

Planning staff are of the opinion that the proposed Zoning By-law Amendment application is consistent with policies of the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan and the City of Kitchener Official Plan, and represents good planning.

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

The subject lands are currently zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The applicant has requested to change the zoning to 'Low Rise Residential Five Zone (RES-5)' and add a Site Specific Provision (373) in Zoning By-law 2019-051. The requested change in zoning category is to permit the proposed use of a "Multiple Dwelling" (greater than 4 units).

### **Site-Specific Provision (373)**

- a) The minimum lot width shall be 18.1 metres.
- b) The maximum floor space ratio shall be 0.75.
- c) The minimum interior side yard setback shall be 2.5 metres.
- d) The maximum building height shall be 12 metres.
- e) A minimum parking rate of 0.4 spaces per dwelling unit.
- f) A minimum visitor parking rate of 0.06 spaces per dwelling unit.
- g) Where one barrier-free accessible parking spaces is required, it shall be a Type B barrier free accessible parking space

### **Lot Width:**

The lot width requirement is intended to ensure the lot is of an adequate size to accommodate a multiple residential building. The additional units will be added to the existing residential lot which already contains a duplex dwelling. The proposal for an 18.1 metre lot width rather than the required 19 metres is a slight reduction that what is permitted and will have little impact on the overall neighbourhood or property.

### **Yard setback:**

The interior side yard requirement is intended to provide site functionality and adequate building separation. The slight reduction for a side yard setback of 2.5 metres rather than the required 3 metres will still maintain an adequate building separation for the building type and maintains access on both sides of the building on site.

### **Floor Space Ratio and Building height:**

The Floor Space Ratio (FSR) and building height requirements are to ensure compatibility with the surrounding neighbourhood and to ensure development does not exceed the density presented in the concept plans. Increases in height may also be considered for buildings and structures with compatible increased floor to ceiling heights and architectural features. The applicant has submitted a concept plan that has been initially reviewed by

Staff. Planning staff have no concerns with the increase in floor space ratio or building height, and the proposed development is compatible with the surrounding neighbourhood.

**Parking reduction and barrier free requirements:**

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. The proposal for 7 spaces rather than the required 15 spaces is to encourage other forms of transportation such as walking and cycling. The property is located within a Community Area closely adjacent to a Major Transit Station Area and is well served by public transit. Furthermore, the parking is located at the rear of the property adjacent to the existing public laneway and does not interfere with the regular traffic flow on Wellington Street as there are no changes to the existing driveway at the front of the property.

Due to the limited space at the rear of the property for parking spaces, the applicant has requested to provide a Type B barrier-free accessible parking space, rather than the required Type A barrier-free accessible space. The proposed units are not required to be barrier-free accessible, and all units have a stairway entrance. A Type B space is still required and would still be provided should any future tenant require an accessible space. The reduced width requirement of a Type B space allows for additional space for a walkway aisle adjacent to the parking to access the laneway.

**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 'RES-5' with Site Specific Provision (373) represents good planning as it will facilitate the redevelopment of the lands with a 13-unit multiple dwelling for a total of 15 units on the property, which is compatible with the existing neighbourhood, and will have little impact at the street level along Wellington Street, 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 Attachments 'A1' and 'A2'.

**Department and Agency Comments:**

Circulation of the Zoning By-law Amendment was undertaken in June 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 Attachment "C" 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: Arcadis Professional Services (Canada) Inc., May 2023

Architectural Drawings

Prepared by: Markin Properties, February 1, 2023

Parking Justification Brief

Prepared by: Peter Markin, March 25, 2023

Peer reviewed by: Salvini Consulting, May 24, 2023

## WHAT WE HEARD



**One (1) person provided comments**



**A City-led Neighbourhood Meetings held on July 18, 2023 and ten (10) different users logged on**



**415 households (residents and property owners) were circulated and notified**

Staff received written response from 1 resident with respect to the proposed development. This is included in Attachment 'D'. The resident was in favour of the proposal and was supportive of the project within the neighbourhood. A Neighbourhood Meeting was held on July 18, 2023.

### **Planning Conclusions:**

In considering the foregoing, staff are supportive of the Zoning By-law Amendment. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Staff recommends that the application be approved. The proposed application represents an opportunity to provide 'missing middle' housing that addresses a need in our community.

### **STRATEGIC PLAN ALIGNMENT:**

This recommendation of this report supports the achievement of the City's strategic vision through 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 / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City's website in early June.

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 August 25, 2023 (a copy of the Notice may be found in Attachment 'B').

CONSULT – The proposed Zoning By-law Amendment was circulated to residents and property owners within 240 metres of the subject lands on June 10, 2023. In response to this circulation, staff received written responses from 1 member of the public, which were summarized as part of this staff report. Planning staff also responded to emails from the resident.

**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
- City of Kitchener Zoning By-law 2019-051

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

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

**ATTACHMENTS:**

- Attachment A1 – Proposed By-law
- Attachment A2 – Map No. 1
- Attachment B – Newspaper Notice
- Attachment C – Department and Agency Comments
- Attachment D – Neighbourhood Comments