

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 30, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

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

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: October 2, 2023

REPORT NO.: DSD-2023-429

SUBJECT: Official Plan Amendment Application OPA23/014/F/TS
Zoning By-law Amendment Application ZBA23/024/F/TS
1198 Fischer Hallman Road
Activa Holdings Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA23/014/F/TS for Activa Holdings Inc. requesting the addition of Special Policy Area 6 for the lands specified and illustrated as the “Area or Amendment” on Schedule ‘A’, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-429 as Appendix ‘A’, and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/024/F/TS for Activa Holdings Inc. be approved in the form shown in the ‘Proposed By-law’, and ‘Map No. 1’ and ‘Map No. 2’ attached to Report DSD-2023-429 as Appendix ‘B’.

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 1198 Fischer Hallman Road. It is Planning staff’s recommendation that the Official Plan and Zoning By-law Amendment Applications be approved.
- The proposed amendments support the creation of a mixed-use development consisting of two residential towers, 14 storeys and 22 storeys in height, with a total of 373 residential dwelling units, and commercial units on the ground floor.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;

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

- installation of a large billboard notice sign on the property;
- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on September 7, 2023;
- postcard advising of the statutory public meeting was circulated to all property owners and residents within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meeting;
- notice of the public meeting was published in The Record on October 6, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the subject lands addressed as 1198 Fischer Hallman Road is proposing to change the Official Plan designation from 'Mixed Use Two' to 'Mixed Use Two with Special Policy Area 6' in the Official Plan, and to change the zoning from 'Residential Six (R-6) Zone' in Zoning By-law 85-1 to 'High Intensity Mixed Use Corridor Zone (MU-3) zone' with Special Regulation Provision 806R to permit a mixed use development, an increase in floor space ratio, an increase in building height, a reduced setback to the abutting residential zone, a reduced street line stepback, and a parking reduction to 0.8 parking spaces per dwelling unit and to apply Holding Provision 111H to require an updated Noise Study. It should be noted that the new designations are only being applied to a portion of the lands as outlined in 'Appendix B'. Staff are recommending that the applications be approved.

BACKGROUND:

Activa Holdings Inc. has made an application to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to permit a new mixed-use development on the subject property, containing 2 residential buildings containing a total of 373 dwelling units. Commercial uses are proposed on the ground floor of the building.

The lands are being developed along with the adjacent lands at 1274 Bleams Road and 264 Erinbrook Drive. The lands to the east have received conditional site plan approval for 138 dwelling units in the form of townhouse dwelling units, and stacked townhouse dwelling units. A Minor Variance Application was approved by the Committee of Adjustment to permit an increase in building height for the townhouse units, within the center of the site due to the grade of the property.

The lands are designated 'Mixed Use Two', 'Medium Density Residential One', and 'Low Density Residential One' within the Rosenberg Secondary Plan, and as previously noted the lands subject to these applications are designated as 'Mixed Use Two'. The subject lands are currently zoned 'Residential Six Zone (R-6)' in Zoning By-law 85-1.

Existing Residential Zone (R-6) zoning permissions include:

- Residential Uses
 - Single Detached Dwelling
 - Semi-Detached Dwelling
 - Multiple Dwelling (Maximum 3 dwelling units)
 - Street Townhouse Dwellings
- Home Business
- Residential Care Facility

SITE CONTEXT:

The subject site is an irregular shaped lot which has approximately 150 meters of frontage along Fischer Hallman road and has a lot area of 5.41 hectares. The subject site currently contains a single detached dwelling however the majority of the site is vacant. The portion of the property to the east has already received conditional site plan approval for 138 residential units in the form of townhouses and stacked townhouses, as shown on Figure 2 below.

The surrounding neighbourhood consists of low rise residential uses to the north and east, and a variety of commercial uses to the west and south. The property addressed as 1200 Fischer-Hallman Road at the intersection of Fischer Hallman Road and Bleams Road, is not part of this application and has received conditional site plan approval for a 34-storey, 323 residential multiple dwelling.



Figure 1 - Location Map: 1198 Fischer Hallman Road



Figure 2 – Zoning Area Map: 1198 Fischer Hallman Road

REPORT:

The applicant is proposing to develop the subject lands with a mixed-use development containing 2 residential towers consisting of 373 dwelling units and commercial units on the ground floor. The buildings are proposed to be 14 and 22 storeys in height, with 349 parking spaces. 188 Class A (secure indoor) bicycle parking spaces are proposed along with 9 Class B bicycle parking spaces. Vehicular access is proposed as a right in/right out access point from Fischer Hallman Road, as well as accesses via Bleams Road and Rockwood Road.

Table 1. Proposed Development Concept Statistics

	Development Concept
Number of Units	373 residential dwelling units, ground floor commercial units
Parking Spaces	349 parking spaces
Total Building Height	14 and 22 storeys (75 metres)
Class A (indoor secured) Bicycle Parking	Minimum of 0.5 per dwelling unit (as per Zoning By-law 2019-051)
Class B (outdoor visitor) Bicycle Parking	Minimum of 6
Floor Space Ratio	6.3

Unit Types	228 – One Bedroom Units 136 - Two Bedroom units 9 - Three Bedroom Units
Commercial Area	1,086 square meters

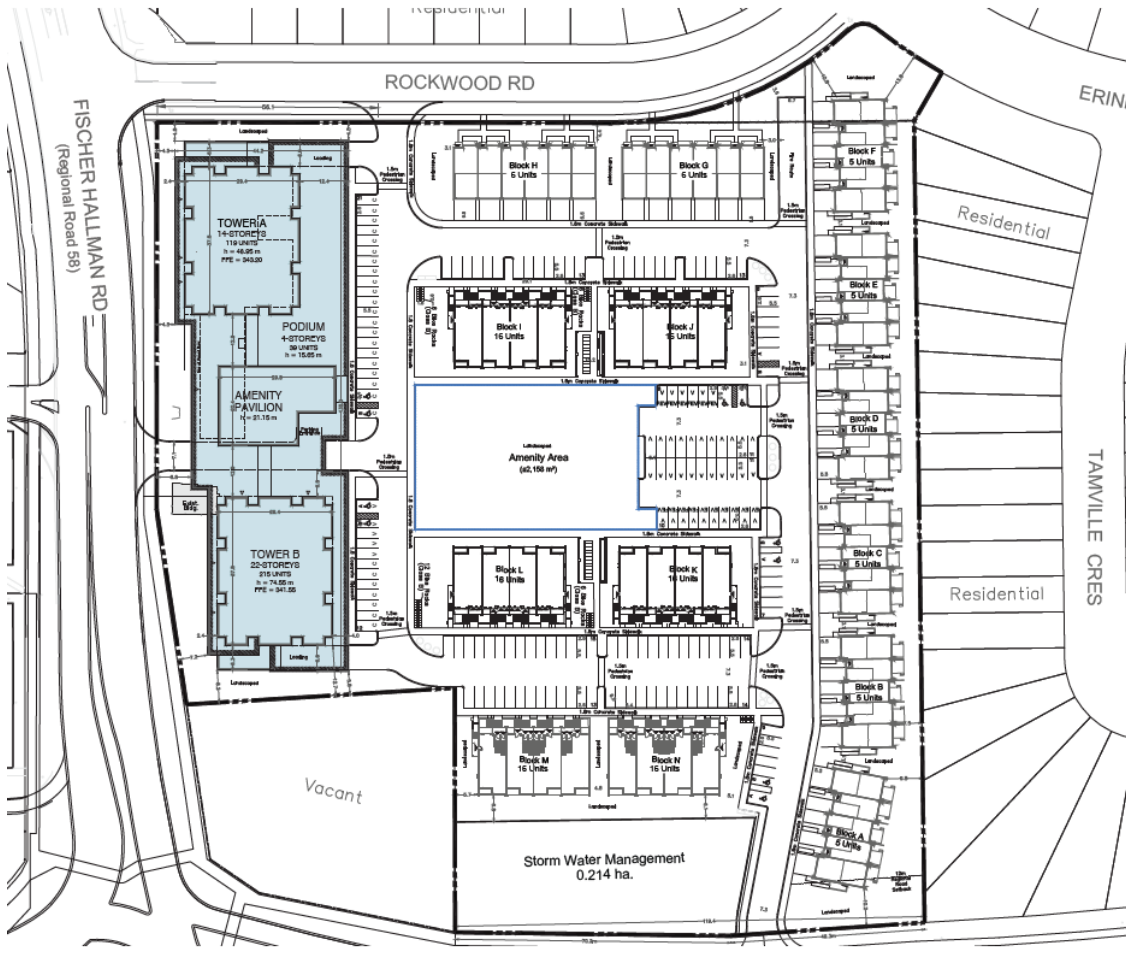


Figure 3 – Development Concept Site Plan



Figure 4 – Proposed Building Rendering: Front elevation along Fischer-Hallman Rd.

To facilitate the development of 1198 Fischer-Hallman Road with the proposed development concept, an Official Plan Amendment and Zoning By-law Amendment are required to change the land use designation and zoning of the subject lands as the existing Official Plan policies only permit a maximum Floor Space Ratio (FSR) of 4.0 and the zoning only permits a maximum FSR of 0.6. The lands are currently designated 'Mixed Use Two' in the Rosenberg Secondary Plan in the Official Plan and zoned 'Residential Six Zone (R-6)' in Zoning By-law 85-1. The subject lands were designated in the Rosenberg Secondary Plan to permit medium density residential uses, however the zoning was not updated through that planning process, therefore property specific applications are required.

The applicant is proposing to add Special Policy Area 6. Special Policy Area 13.10.3.6 permits a Floor Space Ratio (FSR) of 6.3 whereas the current Official Plan policies permit a maximum FSR of 4.0, and to permit a building height of 22 storeys whereas the current policy permits a maximum of 14 storeys.

The proposed Zoning By-law Amendment would include special regulation provision 806R to permit an increase in floor space ratio, building height in metres and storeys, setback from a residential zone, street line stepbacks and minimum parking rates. It would also add a new Holding Provision 111H to require an updated Noise Study.

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, 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.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

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 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 market-based housing.

The City's Urban Structure is composed of Intensification Areas which include the Urban Growth Centre (Downtown), Major Transit Station Areas (MTSA), City Nodes, Community Nodes, Neighbourhood Nodes, Urban Corridors (including Corridors in the Rosenberg Secondary Plan) and Arterial Corridors. They are connected by transit corridors and the integrated transportation system which are key elements in shaping growth and built form in the city. As Intensification Areas, these areas are generally intended to provide for a broad range and mix of uses in an area of higher density and activity than surrounding areas.

Planning staff is of the opinion that the proposed applications will facilitate the intensification of the Urban Corridor with a mixed-use 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, 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. The development of the subject lands with a more intense residential use within the City's delineated Built-Up Area, represents intensification and will help the City to meet density targets. MDSA and Urban Corridors (including Corridors in the Rosenberg Secondary Plan) are planned to accommodate additional housing opportunities that will make use of existing infrastructure and support the viability of existing transit. Housing policies of the Growth Plan support the development of a range and mix of housing options that serves the needs of a variety of household sizes, incomes, and ages.

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 Designated Greenfield Areas. The subject lands are designated Urban Designated Greenfield Areas in the ROP. 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. Regional staff have indicated that they have no objections to the proposed applications (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.

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 to a complete community with 373 residential dwelling units and 1,026 square metres of non-residential commercial and retail space. Considerable thought for the orientation and placement of the building, podium height, and building step backs, have been incorporated into the design for this high intensity mixed use development.

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 Corridor within the Rosenberg Secondary Plan, Community Structure Plan. Corridors are intended to provide a balanced distribution of commercial, office, institutional and multiple residential uses. The planned function of Corridors are to provide for compact and intensive development along a transit corridor. The Corridor is primarily intended to serve the adjacent residential neighbourhoods and employment areas.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment Applications will support a development that not only complies with the City's policies for a Corridor but also contributes to the vision for a sustainable and more sustainable city.

Land Use

The subject lands are designated 'Mixed Use Two', 'Medium Density Residential One', and 'Low Density Residential One' (Map 22e, Rosenberg Secondary Plan) in the City of Kitchener Official Plan. The 'Mixed Use Two' designation is generally intended to provide commercial and office uses that serve the entire Rosenberg Community and adjacent Planning Communities, along with residential that is at higher densities than the surrounding area while achieving a built form that is compatible, accessible, safe and efficient for all modes of travel.

The applicant is proposing to add Special Policy Area 6 to the Rosenberg Secondary Plan (Map 22e) to allow a Floor Space Ratio (FSR) of 6.3 whereas the current Official Plan policies only allow for a maximum FSR of 4.0, and to permit a building height of 22 storeys whereas the policies only allow for a maximum of 14 storeys.

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. A Holding Provision shall be applied to residential uses, day care uses and other sensitive uses and will not be removed through a by-law amendment until such time as a Noise Study has been reviewed and approved by the Region of Waterloo to ensure a future assessment be undertaken to determine the impact of on-site noise sources on on-site and off-site site sensitive receptors, when detailed building designs are known.

Urban Design

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 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. Extra attention to high quality urban design that contributes positively to the public realm and streetscapes is expected for the subject lands with adequate on-site amenity for future residents. Detailed design will be reviewed through the site plan design and approvals process.

Streetscape – The Fischer-Hallman Road frontage is activated by at-grade commercial units and the building's residential lobby. At-grade commercial units and the building lobby have direct access to public sidewalks. The tower podium has a defined base 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 building will provide a new feature on the City's skyline. The proposed building 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 towers have a well-defined podium and building step backs which helps enhance the public realm.

Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Brief. 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. Further review of the Shadow Impact Study will be undertaken through the detailed site planning process.

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 are generally suitable. A full Wind Assessment be required and reviewed at the site plan application stage and wind control features will be required through the site plan application, if necessary, to mitigate wind.

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 generally meets the off-site separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed 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 proposed development aims to increase density on an existing site that is served well by public transit, with access to Grand River Transit Routes 12, 33 and iXpress Routes 201.

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 will be 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 amount of multiple dwelling units and the development is contemplated to include a range of unit types. These new units will meet and 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 implemented at the site planning approval process through the detailed design review of the building.

Proposed Official Plan Amendment Conclusions:

The Official Plan Amendment Application requests that the land use designation as shown on Map 22e – Rosenberg Secondary Plan be amended from 'Mixed Use Two' to 'Mixed Use Two with Special Policy Area 6'. Based on the planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Appendix "A".

Proposed Zoning By-law Amendment (Zoning By-law 85-1):

The subject lands are zoned 'Residential Six Zone (R-6)' in Zoning By-law 85-1. The existing zoning permits residential uses including Single Detached Dwellings, Duplex Dwellings, Street Townhouse Dwellings and Multiple Dwellings. The R-6 zone currently allows for a maximum building Floor Space Ratio (FSR) of 0.6 and a maximum building height of 10.5 metres for the subject lands in the City of Kitchener's Zoning By-law.

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from 'Residential Six Zone (R-6) to 'High Intensity Mixed Use Corridor Zone (MU-3)' with 'Special Regulation Provision 806R and Holding Provision 111H' in Zoning By-law 85-1. A Holding Provision is required to require a final noise study at the site plan stage.

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 seeking to amend the Zoning By-law to add Special Regulation Provision 806R and Holding Provision 111 to Zoning By-law 85-1.

The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), increased building height, regulate buildings setbacks, reduce the required parking rate and required visitor parking in accordance with Zoning By-law 85-1.

Staff offer the following comments with respect to the proposed Special Regulation Provision 806R:

a) That the maximum Floor Space Ratio shall be 6.3.

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

b) That the maximum building height shall be 22 storeys (75 metres).

The purpose of this regulation is to limit the building height to ensure development does not generally exceed the height presented in the concept plans.

c) Parking be provided at a rate of 0.8 parking spaces per dwelling unit. 4% of the required parking spaces shall be shared for visitor parking and non-residential uses. Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051. Shared visitor and commercial parking shall be permitted in accordance with By-law 2019-051.

The purpose of this regulation is to provide for a minimum parking rate which is appropriate for the development as well as require adequate bicycle parking spaces and future electric vehicle charging parking spaces. The proposed ratio results in a parking rate of 0.8 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.

d) The minimum yard setback abutting a residential zone shall be 7.3 metres from the building.

The purpose of this regulation is to allow the building to be built closer to the adjacent portion of the lands that contain the townhouse units. The setback is required from the proposed zoning line, however there is also amenity space adjacent to the townhouses which gives greater separation to the proposed new building.

e) The minimum street line stepback shall be 2.4 metres

The purpose of this regulation is to allow the building to have a stepback closer to Fischer-Hallman Road than what is permitted.

Staff offer the following comments with respect to Holding Provision 111H:

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. In this case, a Holding provision is used to require a final noise study in order to facilitate the implementation of the 'MU-3' zone and special regulation 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 111H

Planning staff are recommending the following Holding Provision as part of the Zoning By-law Amendment:

- i. No development on the lands shall occur until such time as an Updated Noise Study has been completed to ensure a future assessment be undertaken to determine the impact of on-site noise sources on on-site and off-site site sensitive receptors, when detailed building designs are known to the satisfaction of the Regional Municipality of Waterloo.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment Application to change the zoning of the subject lands to 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 806R and Holding Provision 111H' represents good planning as it will facilitate the redevelopment of the lands with a mixed-use dwelling development that is compatible with the existing neighbourhood, which will add visual interest at the street level and skyline, and 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 and Zoning By-law Amendment Applications was undertaken in July 2023 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: MHBC Planning, June 2023
- Urban Design Brief, Shadow Study
Prepared by: MHBC Planning, June 2023
- Wind Study
Prepared by: Rowan Williams Davies & Irwin Inc (RWDI), March 2023

- Transportation Impact Brief
Prepared by: Paradigm Transportation Solutions, June 2023
- Functional Servicing and Stormwater Management Report
Prepared by: MTE, June 2023
- Heritage Impact Assessment
Prepared by MHBC Planning, December 2022
- Archaeological Assessments
Prepared by: Archaeological Research Associates Ltd., October 2023
- Sustainability Statement
Prepared by: MHBC Planning, June 2023
- Noise Feasibility Study
Prepared by: HGC Engineering, June 2023
- Arborist Report
Prepared by: WSP, December 2022

Community Input & Staff Responses

WHAT WE HEARD

- 
398 addresses (occupants and property owners) were circulated and notified
- 
4 people/households provided comment
- 
A City-led Neighbourhood Meeting was held on September 7, 2023 and 20 users logged on

Staff received written responses from 4 residents with respect to the proposed development. The comments received are included in Appendix 'E'. A Neighbourhood Meeting was held on September 7, 2023. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Concerns the proposed development will create traffic	A Traffic Impact Study was submitted and reviewed by City and Regional Transportation staff who did

<p>that existing roads can not handle.</p>	<p>not identify any major traffic concerns as a result of the proposed development. Vehicular access is proposed as a right in/right out access point from Fischer Hallman Road, as well as accesses via Bleams Road and Rockwood Road. Staff are aware of ongoing traffic concerns at the intersection of Fischer Hallman and Bleams roads. A recent roundabout was recently installed and during construction there were delays travelling through this intersection. Road improvements are underway for Fischer Hallman south of the subject lands and planned for Bleams Road west of the subject lands. Overtime, road improvements over time will improve vehicle movements in this area, and new cycling facilities will improve active transportation options.</p>
<p>Concerns the proposed development will cast large shadows</p>	<p>A Shadow Impact Study was submitted and reviewed by City Urban Design Staff who did not identify any major shadow concerns as a result of the proposed development. Shadows extend north into existing low rise neighbourhoods but move quickly from west to east.</p>
<p>Increased amenity space should be provided for residents</p>	<p>A large urban green space at the centre of the development is proposed, which will be further reviewed through the site plan approval process. Interior amenity space is also proposed internal to the building for residents to use.</p>
<p>General concerns over pedestrian safety who walk and use the roundabout</p>	<p>The roundabout was designed with consideration for pedestrians and vehicles. The Region is working towards a pilot project for increased safety measures and this roundabout could be considered for safety enhancements after review of the pilot project.</p>

Planning Conclusions:

In considering the foregoing, staff are supportive of the proposed Official Plan and Zoning By-law Amendment Applications to permit the development of a mixed-used development at 1198 Fischer Hallman Road. 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. Planning staff are recommending that the applications be approved.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget - *Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, when combined with an Official Plan Amendment, are required within 120 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to November 14, 2023 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 Major Zoning By-law Amendment Application fee. The Planning Division does not have a funding source or budget for refunding planning application fees.

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 July of 2023. 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, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on October 6, 2023 (a copy of the Notice may be found in Appendix ‘C’).

CONSULT – The proposed Official Plan and Zoning By-law Amendment Applications were circulated to residents and property owners within 240 metres of the subject lands on July 27, 2023. In response to this circulation, staff received written responses from 4 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:

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

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 1994
- Rosenberg Secondary Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 85-1

REVIEWED BY: Garrett Stevenson - Manager of Development Review, Planning Division
Tina Malone-Wright - Supervisor Development Applications, Planning Division

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

APPENDIXS:

- Appendix A – Proposed Official Plan Amendment
- Appendix B – Proposed Zoning By-law Amendment
- Appendix C – Newspaper Notice
- Appendix D – Department and Agency Comments
- Appendix E – Public Comments