

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: December 4, 2023

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

PREPARED BY: Brian Bateman, Senior Planner, 519-741-2200 ext. 7869

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: November 3, 2023

REPORT NO.: DSD-2023-427

SUBJECT: 117 Bloomingdale Road North
Zoning By-law Amendment Application ZBA23/033/B/BB
Marann Homes

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/033/B/BB requesting to amend Zoning By-law 2019-051, be approved in the form shown in the Proposed 'Proposed By-law', and 'Map No. 1' attached to this report as Attachments 'A1' and 'A2'; and,

That the Urban Design Brief, attached to this report as Attachment 'B', be adopted and used to inform a future Site Plan Application.

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 117 Bloomingdale Road North in Bridgeport East.
- It is Planning staff's recommendation that the Zoning By-law Amendment Application be approved. The proposed application represents an opportunity to provide a low-rise multiple dwelling building form on a Regional roadway in the Bridgeport East community.
- Community engagement included:
 - circulation of a preliminary notice to property owners and residents 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 October 4, 2023.

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

- notice advising of the statutory public meeting was circulated to all property owners and residents 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 November 10, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the subject lands addressed as 117 Bloomingdale Road is proposing to change the zoning from Residential Three (R-3) with Special Regulation Provision 1R in Zoning By-law 85-1 to Low Rise Residential Five Zone (RES-5) with Site Specific Provision (383), Natural Conservation Zone (NHC-1) and Holding Provision (57) to allow for the development of 40 stacked townhouse units with 46 surface parking spaces. Staff are recommending that the application be approved.



Figure 1 – Existing Site Conditions Aerial Photograph

REPORT:

The subject property, known municipally as 117 Bloomingdale Road (and described legally as Part of Lot 71, German Company Tract), is located in the Bridgeport East community, on the north side of Bloomingdale Road (Regional Road 20), and directly opposite the three-way intersection with Stanley Avenue. The lot has approximately 67 metres of frontage along Bloomingdale Road, while the rear lot line runs along the south bank of the Grand River. The property has a depth of approximately 110 metres along the westerly side lot line to approximately and 134 metres along the easterly side lot line. The lot has a total area of approximately 8,119 square metres (0.812 ha).

The site is relatively flat for the majority of the property with the exception of a steep slope at the rear of the lot along the edge of the Grand River. Accordingly, this rear portion of the site is designated 'Natural Heritage Conservation' on Map 3 -Land Use of the City of Kitchener's Official Plan, while the remainder of the property is designated 'Low-Rise

Residential'. The rear portion is also identified as a Slope Erosion Hazard area on Map 7 - Natural Hazards of the Official Plan.



Figure 2- Development Concept

The applicant is proposing to redevelop the subject property by demolishing the existing buildings and existing single detached dwelling and redeveloping the site with four stacked townhouse dwellings with a total of 40 dwelling units. The existing single detached dwelling is to be removed. The Owner has advised that the current resident has been provided one year notice to relocate.

Error! Reference source not found. shows a site plan drawing of the proposed redevelopment. The proposed redevelopment includes two outdoor amenity areas: one between Buildings 1 and 2 and the other between Buildings 3 and 4. Vehicle parking is provided at a rate of one (1) parking space per dwelling unit plus 15% for visitor parking,

for a total of 46 parking spaces. The driveway access point has been moved from the west end of the front lot line to the east, directly opposite the end of Stanley Avenue.

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 zoning facilitates a low rise 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 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 that can accommodate a range of household sizes to better utilize existing infrastructure can provide access to transit and other amenities.

Planning staff is of the opinion that the application conforms to the Growth Plan.

Regional Official Plan (ROP):

The subject lands are designated as Urban Area and Built-Up Area on Schedule 3a of the Regional Official Plan (ROP). Chapter 2 of the ROP directs the “vast majority” of growth to be located in the “key structural components” of the Region’s Urban System (No. 2.A.3(a)), including the delineated built-up areas shown on Map 2 within which the Subject Property is located.

ROP Policy No. 2.B.1.1(c) states that growth in the delineated built-up areas should be accommodated “through gentle density and a broader range of missing middle housing options.” The ROP’s definition of “missing middle housing” defines the term as “multiple unit housing including, but not limited to multiplexes, stacked townhouses, apartments, and other low-rise housing options,” while “gentle density” is defined as “development or redevelopment in Urban Areas or Township Urban Areas with a slightly higher density than adjacent single-detached (or lower density) neighborhoods.” The proposed development of the subject property fully fits this description and thus represents exactly the type of growth and development envisioned in this section of the ROP. The General Intensification Policies in Section 2.D.5 further emphasize the importance of these forms of housing, as they call upon the Region’s area municipalities to “establish policies in their official plans and implementing zoning by-laws, to permit missing middle housing on a residential lot located within an Urban Area” (No. 2.D.5.1).

In the opinion of staff, this proposal conforms to the ROP, as amended by ROPA 6, which supports ‘missing middle’ housing forms such as the ones being proposed, within established residential areas.

Land Use Compatibility

A Land Use Compatibility Study for Noise (LUCSN) was undertaken by the owner to assess potential impacts of noise generated by the industrial use on the adjacent property, identified an “excavation service dispatch facility.” The study finds that sound levels “at the north, east, and south façades at the townhouse blocks closest to the adjacent facility have the potential to exceed the MECP guideline limits by 5 dB during daytime hours, and 7 dB during nighttime hours”. The report therefore recommends that the proposed development incorporate 3-metre-tall noise barriers along a section of the east property line that is shared with the excavation dispatch facility, and that the dwellings be designed so that “the eastern façade facing the existing excavation dispatch facility” will “not have windows open to noise-sensitive spaces” It further recommends that standard warning clauses be included in all property and tenancy agreements and in all offers of purchase and sale, in accordance with MECP guidelines. Overall, the LUCSN finds that “the

proposed development is feasible with the noise control measures described in Section 4, which can attenuate the sounds levels from the adjacent industry to meet the MECP guideline levels”.

The Region of Waterloo is the approval authority for this study. It is currently under review and Planning staff are recommending a Holding Provision until the study is fully accepted and approved by the Region. Staff have incorporated the Holding Provision within the proposed By-law attached to this report.

City of Kitchener Official Plan (OP)

Urban Structure

The subject lands are identified as a ‘Community Areas’ in the City’s Urban Structure (Map 2). The planned function of Community Areas 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.

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. No buildings shall exceed 3 storeys or 11 metres in height. No Official Plan amendment is required to implement the Zoning By-law Amendment application.

Planning staff is of the opinion that the requested Zoning By-law Amendment will facilitate a cluster stacked townhouse building form that conforms with the Low Rise Residential land use designation in the City’s Official Plan.

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 by public transit, with access to Grand River Transit Routes 5 along with bike lanes on Bloomingdale Road and sharrows over the Lancaster/Bridge Street bridge. Staff is therefore of the opinion that the requested Zoning By-law Amendment conforms with the transportation policies of the City’s Official Plan.

Environmental Considerations

Given proximity to Natural Heritage Conservation lands and existing vegetation along the rear of the site, a scoped Environmental Impact Study (EIS) and Tree Management Plan (TMP) for the proposed development was prepared in support of the application. These reports have been reviewed and accepted by staff. Any recommendations will be implemented through the site plan approval process. The Region has requested a Holding Provision be applied to the zoning pending their final acceptance of the EIS. Staff has included it in the proposed Zoning By-law attached to this report.

Slope Stability

Given the proximity to the Grand River, Official Plan policy requires a slope stability analysis. This assessment has been carried out by the applicant and reviewed by both GRCA and City staff. The assessment has been accepted by Environmental Planning and GRCA staff and areas affected by slope stability are zoned Natural Conservation (NHC-1) Zone where development is not permitted.

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 will require 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.

An Urban Design Brief has been submitted in support of the application to demonstrate how the development achieves the objectives of the Official Plan and Urban Design guidelines. The Brief has been reviewed and accepted by the City's Urban Design staff. The Brief is attached to this report and will help inform the future site plan application.

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 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:

This application proposes an amendment to both Zoning By-law No. 85-1 and Zoning By-law No. 2019-051. The Subject Property is currently zoned Low Rise Residential Three (R-3) with Special Regulation Provision 1R in Zoning By-law No. 85-1. The purpose of the proposed amendment is to remove the subject property from Zoning By-law No. 85-1 and to change the zoning to a combination of RES-5 (Low-Rise Residential Five Zone) and NHC-1 (Natural Conservation Zone) in Zoning By-law No. 2019-051. The proposed amendment also adds site-specific provisions to permit small increases to the maximum Floor Space Ratio (FSR) and maximum building height, as well as a Holding Provision to require a Record of Site Condition before the proposed development may proceed. An amending by-law has been included as Attachments 'A1' and 'A2' to this report.

Site-Specific Provision (383) proposed the following site specific regulations:

- a. Permit a minimum front yard setback of 4.5 metres;
- b. Permit a maximum Floor Space Ratio of 0.68 and;
- c. Permit a maximum building height of 12.5 metres.

Front Yard Setback:

The front yard setback is governed by setbacks of the adjacent properties in accordance with Section 7.6. Existing front yard setbacks vary considerably along Bloomingdale Road which is further complicated by a varying road allowance (road widening dedications have not been provided for all lots). As such, the applicant has requested 4.5 metres, which is the typical front yard setback minimum requirement that, given a road widening dedication to the Region is appropriate because setbacks are inconsistent and will serve as an adequate distance for the proposed residential use.

Floor Space Ratio (FSR)

City policy stipulates a maximum FSR of 0.6 in the Low-Rise Residential land use designation. An increase to 0.75 is permissible without an amendment to the Official Plan. The requested 0.68 is considered a minor increase over 0.6 thereby maintaining the intent

of the OP. Given the location and the surrounding context the impact associated with this minor increase is considered negligible.

Maximum Building Height

The Zoning By-law allows up to 11 metres in building height. Official Plan policy 15.D.3.12 permits building heights of up to 14 metres on lands that are adjacent to Regional roadways. Bloomingdale Road is a Regional roadway and therefore the requested increase to 12.5 metres conforms to the Official Plan.

Holding Provision (57H)

A Holding Provision is proposed to require a Record of Site Condition and Ministers Acknowledgement Letter, to the satisfaction of the Region of Waterloo, prior to any residential use being permitted.

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 (383) and Holding Provision (57H) represents good planning as it will facilitate the redevelopment of the lands with a 40-unit multiple dwelling that is supported by policy, compatible with the existing neighbourhood, serviceable and functional and which will add visual interest along the streetscape. 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 Application was undertaken in September 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 the proposed Zoning By-law Amendment: These include a Planning Justification Report, Urban Design Brief, Environmental Impact and Slope Stability Analysis, Functional Servicing and Storm Water Management Report, and Land Use Compatibility and Noise Study.

WHAT WE HEARD



Two (2) people provided written comments



A City-led Neighbourhood Meetings held on October 4, 2023, and approximately ten (10) different users logged on



101 households (occupants and property owners) were circulated and notified

Staff received written responses from two residents with respect to the proposed development. These are included in Attachment 'D'. A Neighbourhood Meeting was held on October 4, 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.

What We Heard	Staff Comment
There are not enough parking spaces for the 40 units.	The applicant is proposing 46 parking spaces which meets the minimum parking requirement of 1.15 parking spaces per dwelling unit in Zoning By-law 2019-051.
A Traffic Impact Study (TIS) should be requested.	Bloomingdale Road North is a Regional roadway. Regional roadways are designed and designated to carry very large volumes of traffic. The development proposes 40 dwelling units with a single access point onto Bloomingdale Road directly opposite Stanley Avenue. As such, a TIS is not warranted, and the Region did not request the preparation of a Traffic Impact Study (TIS) as a requirement of application submission.
Development moratorium in Bridgeport East community.	The moratorium was lifted by the Region of Waterloo after the roundabout at Bridge Street and Lancaster Street was constructed.
There is already too much traffic along Bloomingdale Road and at the Bridge Street and Lancaster Roundabout.	<p>Bloomingdale, Bridge and Lancaster are all Regional roadways designated to carry larger volumes of vehicular traffic. To address this concern, Transportation Services has provided the following information (compiled from multiple stakeholders, including the Region):</p> <ul style="list-style-type: none"> • Regional staff have advised that the current levels of service at the Bridge Street/Lancaster Street roundabout are generally acceptable. There is some queueing that is occurring on Lancaster Street between Bridge Street and Bridgeport Road in the PM peak caused by the interaction of the traffic signal at Bridgeport Road and the roundabout, and higher volumes of vehicle commuters. • Based on the Region's growth model, the level of service at the roundabout in the peak hours is expected to remain the same or deteriorate slightly. • There are capacity constraints that prevent increasing vehicle capacity at the roundabout on all three legs that limit the amount of traffic that can access the roundabout. There have

been several Environmental Assessments that have occurred on all three legs of the roundabout to consider road widenings. The results of these studies have consistently shown the impact was too great to the natural, social and economic environments to widen either Lancaster Street or Bridge Street (including the consideration of a new bridge to twin the existing Bridgeport Bridge). When the Bridgeport Bridge area Environmental Assessment was undertaken many options were considered. The preferred option was to rehabilitate the exiting historical bridge structure and add the roundabout due to significant natural, social and economic impacts of the alternatives.

- There are no plans to modify the roundabout to increase vehicle traffic capacity given engineering constraints identified through the Environmental Assessments. There is no technical, financial, or environmentally sustainable way to accommodate more capacity at this location, except by significantly increasing the modal share of non-auto trips. The Region's long-term plan is to increase the person carrying capacity of its transportation network by improving transit service (for medium and longer distance trips), the cycling network (for short and medium distance trips), and walking (for short trips). There are plans in the area to improve the cycling infrastructure to Triple A facilities (All Ages and Abilities) along Bridgeport Road and Erb Street (from Uptown Waterloo to Lancaster Street) and along Lancaster Street (south of Bridgeport Road).
- With the new Highway 7, volumes at the roundabout are expected to be reduced in the future as this is a known alternative for auto trips to and from the Guelph area. The Province has been moving forward with purchasing land and design. MTO has commenced the design build process to widen the Frederick Street bridge to accommodate new highway interchange ramps. This is one of the last major infrastructure projects to be undertaken before mainline construction can occur for the new Highway 7. While full funding is not identified in the Provincial Highway Programs at this time,

	the Province has continued to be committed to moving new Highway 7 along to construction.
Stacked townhouses are not compatible with the Bridgeport East neighbourhood.	While stacked townhouses are not common in Bridgeport East, there are a number of 3 storey multiples including one directly across the street from this development. Moreover, the City’s Official Plan and the Region’s Official Plan through ROPA 6 support the inclusion of a variety of low-rise housing forms within residential neighbourhoods. Compatibility is also not defined as “the same as”, it can be similar to or exiting in harmony.

Planning Conclusions:

In considering the foregoing, staff are supportive of the Zoning By-law Amendment. Staff is of the opinion that the subject application is consistent with policies of the Provincial Policy Statement, conforms 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 more ‘missing middle’ housing that addresses a need in our community.

STRATEGIC PLAN ALIGNMENT:

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 - 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 are required within 90 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to December 11, 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 September 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, those responding to the preliminary circulation and who attended the Neighbourhood Meeting of October 4, 2023. Notice of the Statutory Public Meeting was also posted in The Record on November 10, 2023 (a copy of the Notice may be found in Attachment C).

CONSULT – The proposed Zoning By-law Amendment Application was circulated to residents and property owners within 240 metres of the subject lands on September 18, 2023. In response to this circulation, staff received written responses from two members of the public, which are attached to this report as Attachment 'E'. 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 & ROPA 6
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-laws 85-1 & 2019-051

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

ATTACHMENTS:

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