

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: February 26, 2024

SUBMITTED BY: Garrett Stevenson, Director of Housing and Development Approvals, 519-741-2200 ext. 7070

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

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: January 26, 2024

REPORT NO.: DSD-2024-011

SUBJECT: Official Plan Amendment OPA23/010/H/BB and Zoning By-law Amendment Application ZBA23/006/H/BB and Draft Plan of Condominium Application 30CDM-23204 - 980 and 1018 Hidden Valley Road & Lot 7 Plan 1519, being Parts 1, 2 & 3 on 58R-15977; Plan 58M-422 Block

RECOMMENDATION:

That Official Plan Amendment OPA23/010/H/BB for Evaya Developments Inc. requesting a site specific amendment be added to Hidden Valley Policy 15D.12.2 and be adopted in the form shown in the attached Official Plan Amendment attached to Report DSD-2024-011 as Attachment 'A', and accordingly be forwarded to the Region of Waterloo for approval;

That Zoning By-law Amendment Application ZBA23/006/H/BB for Evaya Developments Inc. be approved in the form shown in the 'Proposed By-law' and 'Map No. 1', attached to Report DSD-2024-011 as Attachment 'B'; and further

That the City of Kitchener, pursuant to Section 51(31) of the Planning Act R.S.O. 1990, c.P.13, as amended, and By-law 2005-170 as amended by By-law 2007-042, hereby grants draft approval to Draft Plan of Condominium Application 30CDM-23204, in the City of Kitchener, subject to the conditions shown in Attachment 'C'.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide planning recommendations regarding the Official Plan Amendment and Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) applications requested by Evaya Development Inc. for the subject lands. It is Planning staff's recommendation that these applications be recommended for approval.
- Community engagement included:
 - Circulation of a preliminary notice postcard to owners and occupants within 240m of the subject lands;
 - Installation of notice signs on the lands;
 - Virtual neighbourhood meeting held on June 21, 2023;

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

- Postcard advising of the statutory public meeting was circulated to all property owners and occupants within 240 metres of the subject lands, those who responded to the preliminary circulation, and those who attended the neighbourhood meeting; and,
- Notice of the public meeting was published in The Record on February 2, 2024.
- This report supports the delivery of core services. These applications were deemed complete on June 1, 2023. This is not a Bill 109 application. The Applicant can appeal these applications for non-decision at any time.

EXECUTIVE SUMMARY:

The subject lands are in the southeast part of the City of Kitchener, south of Highway 8 and north and west of the Grand River. The subject lands, located in the Hidden Valley community, are situated south of Hidden Valley Road and have an area of 3.315 hectares (Figure 1). Most of the subject lands are vacant, except for the property municipally addressed as 1018 Hidden Valley Road, which is developed with a single-detached dwelling. It will eventually be demolished. The dwelling is currently being leased on a one-year term ending this April. Moving forward it will be month to month until the start of demolition with 3 months' notice.

The proposal is a Vacant Land Condominium (VLC) comprised of 26 lots (units) and common elements comprised of a private roadway. Access to the residential units will be provided through a private condominium road with two points of vehicular connection to Hidden Valley Road and pedestrian connection to both Hidden Valley Road and River Birch Street. To facilitate the proposal, an OPA and ZBA are required that would permit 'RES-1' zoning under Zoning By-law 2019-051 to allow the development of 26 lots (unit areas). Planning staff recommends approval of these applications.

BACKGROUND:

The subject lands are owned by Evaya Development Inc. and comprise 3.3 hectares of primarily vacant land on the southside of Hidden Valley Road, between River Valley Drive and Hidden Valley Crescent (Figure 1). One single detached dwelling is located on the subject lands, and is proposed to be demolished (1018 Hidden Valley Road). The subject lands have frontage onto both Hidden Valley Road and River Birch Street. The owner is proposing to create condominium units (lots), re-designate, and rezone the lands, creating a total of 26 single detached dwellings on full municipal services (see Figure 2). Municipal servicing will be provided to fully service the development via River Birch Street. The 26 lots will front onto a private (common elements) roadway.



Figure 1 – Subject Lands

The subject lands are C-shaped and generally slope down from west to east as shown on Figure 3. The subject lands are covered mostly in meadow perennials and small deciduous shrubs. Trees are generally located along the periphery of the subject lands, on adjacent properties within 6 metres of the property boundary of the subject lands, and/or are shared boundary trees located on property lines. The surrounding development is large lot residential.

The lands are within the Built-up Area of Kitchener, are designated ‘Low Rise Residential’ with an area specific policy for lot sizes of 0.4 hectares and a 4 units per hectare and are presently zoned ‘Residential One Zone (R-1)’ in Zoning By-law 85-1. The subject lands are located within the Hidden Valley Land Use Master Plan (HVCP) (approved in 2019) and are designated Low Rise Residential – Large Lot. This designation would permit single detached dwellings and additional dwelling units on minimum lot sizes of 24 metres wide and 929 square metres on full services. This property is the dividing or transition line between Residential-Large Lot and Residential-Estate in the HVCP.

In response to comments received through staff/agency and community consultation, the following revisions have been incorporated:

- The minimum side yard setback between dwellings and side lot lines are proposed at 2.0 metres and front yard setback at 4.5 metres. These regulations are established under Site-Specific Provision (389) in the attached Proposed By-law under By-law 2019-051;
- Changes have been made to the grading approach to protect boundary trees and provide more untouched rootzone to ensure their survival. These changes have been implemented on the south, east and internal lot boundaries with 996 Hidden Valley to preserve all noted boundary trees on these borders. This is reflected in the updated Tree Management Plan;
- The re-alignment of the main driveway on the west side was considered but a review of site lines dictates that it must remain where it was originally proposed. However, proposed grades around the main entry have been adjusted to preserve tree 113 (large Sugar Maple), and a letter from the neighbouring property owner to the west has been obtained having no concerns about the removals being proposed;

- The owner has agreed to prepare and implement a Planting Plan for the hedgerow along the eastern property boundary. The goal is to have the hedgerow reinstated post grading/construction, the hedgerow area is to be planted with a mix of native trees, shrubs, grasses, and flowers to contribute to the aesthetics of the landscape, consistent with (or improvement) the hedgerow on the adjacent property to the west; and
- The owner has further agreed to prepare and implement a tree replacement plan. The plan shall identify opportunities for planting of native plant species, on common and/or private properties within the development, with the objective of increasing the tree canopy coverage and adding visual barriers between properties.



Figure 2 – Proposed Draft Plan of VLC



Figure 3 – Aerial View of Subject & Surrounding Lands

REPORT:

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.

Provincial Policy Statement, 2020:

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

Section 3(5) of the Planning Act requires that a decision of the council of a municipality shall be consistent with the policy statement that are in effect on the date of decision and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The PPS focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

Policy 1.1.1 of the PPS states that, "Healthy, liveable and safe communities are sustained by

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting 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;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate."

Policy 1.1.2 requires that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

The PPS notes that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets, and policy 1.1.3.1 states that settlement areas shall be the focus of growth and development. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which;

- a) efficiently use land and resources; and

b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.

Further, policy 1.1.3.2 states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated. Policy 1.1.3.3 requires that Planning authorities (such as the City of Kitchener) shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The subject lands are located within Community Areas of the City's Urban Structure. The planned function of Community Areas is to provide for residential uses. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context. These lands are planned for residential development through the Hidden Valley Master Plan that was approved by Council in 2019.

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

Part of the Vision of the Greater Golden Horseshoe (GGH) is to ensure municipalities have sufficient housing supply that reflects market demand and what is needed in local communities. Two of the guiding principles of the Growth Plan are to prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability and to support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

To support the achievement of complete communities, municipalities will consider the use of available tools to require that residential communities incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. Policy 2.2.2.1.a) requires that a minimum of 50 per cent of all residential development occurring annually within the Region of Waterloo be within the delineated Built-Up Area. Municipalities must support housing choice through the achievement of the minimum intensification and density targets established in the Growth Plan by identifying a diverse range and mix of housing options and densities to meet the projected needs of current and future residents.

The Growth Plan's strong emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the urban area.

The Growth Plan directs Planning authorities in the Region of Waterloo to plan for a population of 923,000 people and 470,000 jobs by 2051. This would mean a population increase of approximately 299,070 in comparison to the Region's 2020 population of 623,930. The forecasted growth to the 2051 horizon is allocated to each municipality in the Region based on the following considerations: the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. As one of three cities in the Region, it can be expected that Kitchener will be allocated a significant amount of the additional population allocation.

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.

MTSA and Urban Corridors 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.

The Growth Plan notes that complete communities should be designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. Complete communities support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through building compact, mixed-use communities.

The proposed development is described as a large lot, wide-shallow configuration, in a compact urban form considered low density. It is also in a condominium form of tenure. These type of units are a different housing choice but the housing form will be similar to what's existing that will cater to upper end of the housing market consistent with the existing surrounding pattern of development.

Planning staff are of the opinion that the recommended applications conforms to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. Regional staff acknowledge that the Built-Up Area is intended to provide gentle density and other missing middle housing options that are designed in a manner that supports the achievement of 15-minute neighbourhoods. This development shall contribute to the intensification target of 60% within the City of Kitchener's Built-Up Area. Furthermore, the Designated Greenfield Area is intended to develop in a manner that is compact and efficient and designed in a manner that contributes to the 15-minute neighbourhood. Regional staff acknowledge that the subject lands are to be connected to municipal water and municipal sanitary services from River Birch Street and that the proposed unit sizes represent a more compact form. Through the review of the applications, the Region of Waterloo has no objections to the proposed Zoning By-law Amendment or Draft Plan of Condominium, subject to certain conditions of Draft Approval (see Attachment 'C').

City of Kitchener Official Plan:

Urban Structure

The subject lands are located within the Community Areas in the City's Urban Structure (Map 2 of the Official Plan). The planned function of Community Areas is to provide for residential uses as well as non-residential supporting uses intended to serve the immediate residential areas. Per Policy 3.C.2.52 limited intensification may be permitted within Community Areas in accordance with the applicable land use designation on Map 3 and the Urban Design Policies in Section 11. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.

Existing and Proposed Land Use Designation

The subject lands are designated 'Low Rise Residential' in the 2014 Official Plan. The Low Rise Residential land use designation permits a full range of low-density housing types which may include single detached dwellings, semi-detached dwellings, street townhouse dwellings, and low-rise multiple dwellings. The Low Rise Residential land use designation considers a Floor Space Ratio up to 0.6 and allows a maximum building height of 3 storeys or 11 metres. The proposal is for the development of 26 single detached lots (unit areas) in a VLC.

Because of the estate lot nature of the area, Hidden Valley policies under 15D.12.2 of the Official Plan establish a maximum density of 4 units per hectare where municipal servicing is provided. The proposal is for 8 units per hectare by proposing lot sizes that are 24 metres wide and 928 square metres in area; hence the reason why an OPA is required to allow for the proposed lot sizes. A Master Plan (MP) for Hidden Valley was approved by Council on June 24, 2019 (see Figure 4). It proposes to designate the subject lands Low Rise Residential – Large Lot. The Low Rise Residential – Large Lot designation would allow for the lot sizes of 24 metres wide and 929 square metres in area. Moreover, this designation is consistent with the existing Kruse and Shoufta subdivisions located immediately south and west of these lands which also have lots with widths of 24 metres and are zoned ‘R-2’ under Zoning By-law 85-1. The intent of the 2019 MP is to guide future land use for the Hidden Valley Secondary Plan. The proposed OPA implements the direction of the MP on lands targeted for large lot residential development on full municipal services.

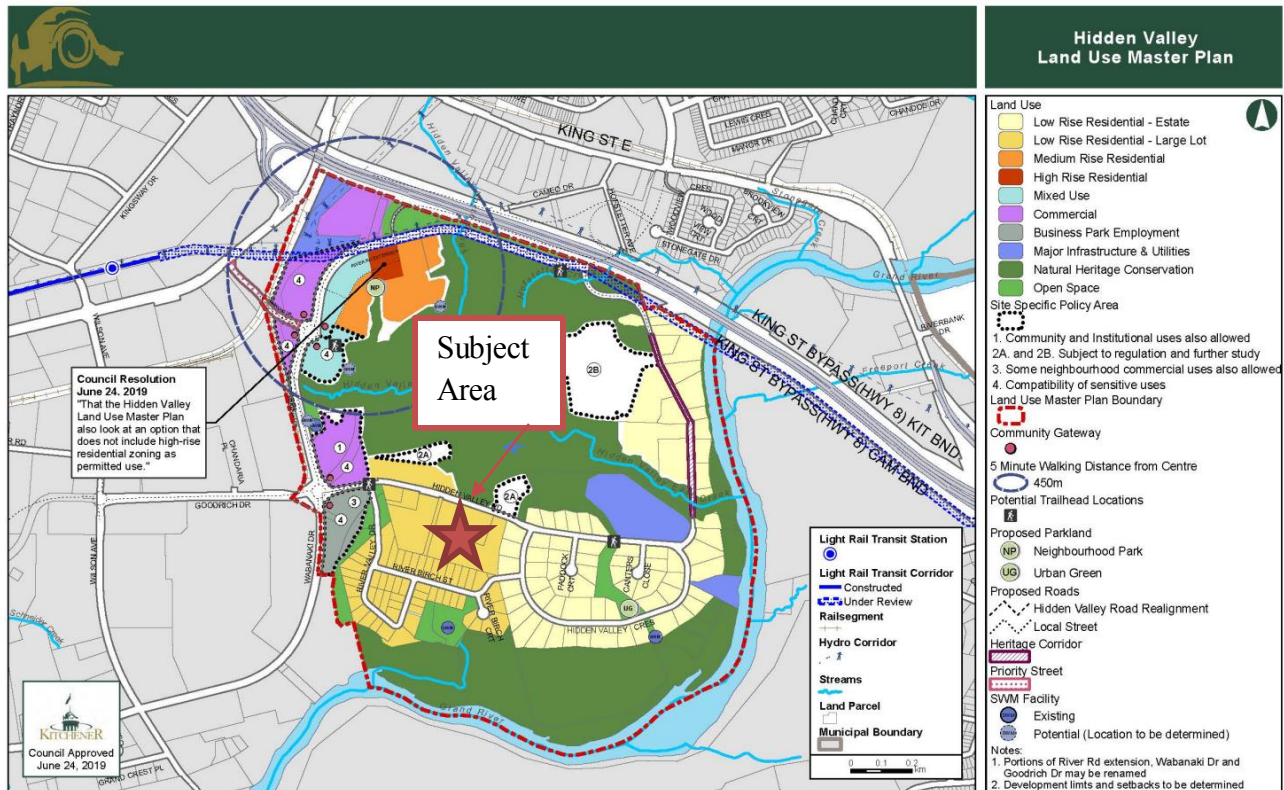


Figure 4 – Hidden Valley Master Plan

The proposed development will provide for an additional mix and choice of housing as contemplated in the Official Plan. It makes efficient use of lands within the Urban Boundary while maintaining the larger lot character of the area. When factoring in this development, the density overall of the Hidden Valley residential area remain low at less than 4 units per hectare which is in keeping with policy 15D12.2.

Planning staff is of the opinion that the proposed development is sensitive to and compatible with the character, form, and planned function of the surrounding context. Lot sizes and shapes are consistent with those existing in the subdivisions to the south and west of the subject lands that are municipal services. Lot sizes in the subdivision to the east are larger because those lots are on individual private services (septic systems). The proposal would facilitate large lot single detached dwellings which is the predominant land use in the area, while allowing for compatible intensification in a different form of tenure (condominium).

Natural Heritage

The subject lands do not contain any designated Natural Heritage Features or Significant Wildlife Management areas according to Map 6 of the Official Plan. As such, an Environmental Impact Study is not required. However, since development is being proposed and there are trees and vegetation present, policy 8.C.2.16 applies requiring the preparation of a Tree Management Plan (TMP). To this end, A TMP was submitted in support of the applications, and it has been reviewed and accepted by City Environmental Planning staff, subject to conditions as part of the Draft Approval of the Vacant Land Condominium and future Site Plan Approval.

Cultural Heritage

Hidden Valley Road has been identified as a heritage corridor and as a Cultural Heritage Landscape. The proposed vacant lot condominium is not anticipated to have a major impact on the scenic qualities of Hidden Valley Road. Existing and recent developments on this section of Hidden Valley Road provide some continuity along the street in terms of context, location and setting (i.e., wide lots with significant frontage and street facing dwellings). The aim is to maintain the current rural-like setting and character along Hidden Valley Road. To that end, staff are requesting that proposed dwellings to be located on units 1 and 26 address Hidden Valley Road through the use of traditional architectural elements such as entry doors, wrap around porches of a useable dimension, fenestration and other elements which suggest an “eyes on the street” design.

Urban Design

The objective of the proposed development is to introduce an urban form in the Hidden Valley community that complements surrounding residential development. Single detached dwellings are proposed on lot sizes (unit areas) like adjacent ‘R-2’ zoned properties. It is recognized that detached dwellings are on large lots and is the predominant built form in the community. This development represents gentle density and designed to accommodate sufficient setbacks from adjacent development that respects the existing development pattern of adjacent lands. Architectural style and building materials will compliment adjacent development and will be considered at the Building Permit stage.

The existing tree edge will be maintained and enhanced through additional plantings to minimize the potential for overlook. The proposed units (lots) have depths to mitigate potential overlook impacts, and lots are designed to rear-face with existing dwellings. The single-detached homes will have entrances oriented towards the street to create an active street frontage. Units 1 and 26 will be given special consideration as priority lots given their dual frontage on the private condominium road and Hidden Valley Road, respectively.

Section 11.1 outlines the objectives for urban design in the City of Kitchener. The proposal supports the City’s overarching design objectives of the Official Plan by proposing a residential development that will reflect a high standard of design excellence; has an identifiable sense of place; and is human-scaled, safe, secure and walkable. Moreover, Section 11.C.1.1 of the Official Plan notes that the City will require high quality urban design in the review of all development applications through the implementation of the policies of this Plan and the City’s Urban Design Manual. The Neighbourhood Design and Site Design policies are most relevant to the proposed development.

In support of the proposal, the applicant has submitted an Urban Design Brief to outline how the design achieve the objectives of the OP have been met. The Brief has been reviewed by staff and staff is satisfied the proposal meets the intent of the objectives for urban design.

Site Plan Approval

The applicant will be required to submit and obtain approval of a site plan application for the VLC. Details such as servicing, landscaping, lighting, design, will be evaluated extensively through this

process and will require the owner to enter into a Section 41 Agreement with the City. This process will occur if land use approvals are achieved and prior to registration of the condominium plan.

Policy Conclusion:

Planning staff is of the opinion that the proposed Official Plan Amendment and Draft Plan of Condominium are consistent with policies of the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan and City of Kitchener Official Plan, and represent good planning.

Proposed Zoning By-law Amendment:

To facilitate the VLC, the applicant has requested a Zoning By-law Amendment (ZBA) to change the zoning of the subject lands from Residential One Zone (R-1) under Zoning By-law 85-1 to Low Rise Residential One Zone (RES-1) with Site-Specific Provision (389) under Zoning By-law 2019-051. This approach tailors the zoning to the proposed development concept on municipal services and requires a 2.0 metre interior side yard setback (as-of right is 3.0 metres) as a compromise to what residents were asking for and desire of the owner. Staff support the side yard to promote wider spacing between dwellings that is prevalent in the surrounding neighbourhood that are R-2 zoned lands. Additionally, the owner is requesting a 4.5 metre front yard setback that is consistent with the approved R-2 zoned lands of the Shoufta and Kruse plans to the east and south of the subject lands. Of note, there are no site specific regulations in Zoning By-law 85-1 for the side yard or front yard setbacks for the Shoufta and Kruse subdivisions. The R-2 zoning only allows for 1.2 metre side yards and 4.5 metre front yard setbacks.

A comparison of the current, proposed base zoning, and requested Site Specific Provision is included below:

	Current R-1 Zone (By-law 85-1)	Proposed RES-1 (By-law 2019-051)	Site Specific Regulation Provision 389
Minimum Lot Area	0.4 ha	929 square metres	No change
Minimum Lot Width	30.0 metres	24.0 metres	No change
Minimum Front Yard	7.5 metres	6.0 metres	Proposed at 4.5 metres
Minimum Side Yard	3.0 metres	3.0 metres	Proposed at 2.0 metres
Minimum Rear Yard	10 metres	7.5 metres	No change
Maximum Building Height	10.5 metres	11.0 metres	No change
Maximum Lot Coverage	Total: 55%, Habitable: 45%	55%	No change
Minimum Parking for Single Detached Dwelling	1 space per dwelling unit (Section 6)	1 space per dwelling unit (Section 5)	No change

Planning staff recommends that the Zoning By-law Amendment be approved as shown in Attachment 'B'.

Department and Agency Comments:

Preliminary circulation of the Official Plan Amendment, Zoning By-law Amendment and the Draft Plan of Condominium (Vacant Land) was undertaken in June 2023 to applicable City departments and other review authorities. All concerns were satisfactorily addressed through the application review. A consolidation of Department and Agency comments has been included as Attachment 'E'.

The following reports and studies were considered as part of this proposed Official Plan/Zoning By-law Amendments and Draft Plan of Condominium:

WHAT WE HEARD



85 households (occupants and property owners) were circulated and notified within a 240m radius. Supporting documentation and any updated material placed on City’s website (Story Map)



Approximately 18 people/households provided written comments plus received a 100+ name Petition



A City-led Neighbourhood Meeting was held on June 21, 2023 that was well attended by the neighbourhood

In response to community circulation related to the proposed applications, Planning staff received written responses from 18 households. These are found in Attachment ‘F’. A summary of what staff heard from the community regarding the proposal, along with staff responses, are noted below:

What Staff Heard from the Community	Staff Response
<p><u>Parking Concerns:</u></p> <ul style="list-style-type: none"> • Concern that the proposal does not have visitor parking. • Concern that insufficient parking for proposed development will overflow vehicles onto Riverbirch Street. 	<p>The Zoning By-law does not require visitor parking for single detached dwellings. Visitor parking will be accommodated within the driveway or potentially on the private common element roadway, subject to any future condominium by-laws and/or regulations.</p> <p>Staff do not foresee significant spillage issues onto neighbouring streets. However, on street parking on Riverbirch Street or Hidden Valley Crescent would be permitted subject to the City’s On-street Parking By-law.</p>
<p><u>Neighbourhood Character Concerns:</u></p> <ul style="list-style-type: none"> • Concern that proposed development will change existing neighbourhood character. • Concern that proposed development will not match existing low density neighbourhood character. 	<p>The proposal would facilitate the development of single detached dwellings which are the predominant land use in the surrounding neighbourhood. Lot widths are a minimum of 24 metres wide and 929 square metres in a more compact urban form. Many of the lots are of a wide shallow variety but are large enough to accommodate large homes with two and three garages. Side yard setbacks have been proposed at 2 metres viewed as a compromise to what residents’ were asking for versus what the owner would like to see. This has been incorporated in the zoning.</p> <p>The proposal is asking for a density permission of 8 units per hectare whereas the OP policy is 4 units. The HVMP was approved in 2019 recommending a Low Rise Residential – Large Lot designation for the subject lands. This would permit larger lots with 24 metre frontages and</p>

<ul style="list-style-type: none"> • Property value impacts • House sizes • Fencing • Mailbox Locations • Snow storage 	<p>929 square metres of lot area. The VLC would meet those lot size requirements.</p> <p>Although the density proposed is 8 units per hectare, the overall density of the Hidden Valley residential community inclusive of this development would remain low at approximately 3 units per hectare. Therefore, the intent of the policy of 4 units per hectare is being maintained. This is consistent with Policy 15D.12.2 of the OP.</p> <p>Policy 4.C.1.22. of the Official Plan states that “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.” In this case, a new and innovative approach to providing housing is proposed for the area: constructing single detached dwellings on units within a vacant land condominium, on a common element road. The proposal is consistent with this policy.</p> <p>Planning staff are not able to predict the impact of a new development on property values. For assessment purposes, which is used to calculate taxes, MPAC assesses property based on up to 200 different factors including the size of lot and house, the quality of construction, as well as many others. The assessed value usually differs from the market value of a property, and market value is influenced by numerous factors as well.</p> <p>According to the developer, house sizes on these lots will be quite large, will vary depending on the size of lots and will be custom built and in keeping with house sizes on existing lots within the Kruse and Shoufta subdivisions.</p> <p>Staff is recommending that any rear lot line fencing adjacent to 996 Hidden Valley be consistent and of one material to address the owner’s concern.</p> <p>Canada Post (CP) indicates mail delivery will be to a centralized mailbox within the development. Location to be determined at the detailed design stage of the VLC. CP has final say regarding the location.</p> <p>Preliminary snow storage locations have been shown on the plan. These will be assessed further as part of the Site Plan Approval stage.</p>
<p><u>Neighbourhood Safety Concerns:</u></p> <ul style="list-style-type: none"> • Concern about the lack of road upgrades/sidewalks along Hidden Valley Drive. 	<p>Hidden Valley Road is a rural cross-sectional roadway and is designated a heritage corridor. While the City has an infill sidewalk policy, there is no short-term plan to upgrade the roadway to an urban cross section with curb and sidewalk.</p>

<ul style="list-style-type: none"> Concern that increased traffic and street parking will impede access to emergency services. 	<p>Transportation Services staff has advised that they have no concerns with the proposed development from a safety (sight lines) and traffic impact perspective.</p>
<p><u>Environmental Concerns:</u></p> <ul style="list-style-type: none"> Concern of impact to trees. Concern of impact to wildlife. Concern of impact to Jefferson Salamander habitat 	<p>Tree removal mitigation measures are being implemented through condition(s) of development (i.e., a Planting Plan for the hedgerow along the eastern property boundary, and an ecologically sound tree replacement plan identifying opportunities for planting of native plant species, on common and/or private properties within the development, with the objective of increasing the tree canopy coverage and adding visual barriers between properties).</p> <p>Significant Wildlife Habitat is not present on the subject properties. To mitigate potential impacts to wildlife, measures are implemented through condition(s) of development (i.e., barrier fencing (e.g., silt fence) may be used to direct wildlife away from active construction, and timing restrictions on vegetation removal can be implemented to avoid disturbance to breeding birds and/or bats).</p> <p>Jefferson Salamander (Federal and Provincial Species at Risk) - Suitable habitat for the Jefferson Salamander within Hidden Valley is entirely north of Hidden Valley Road.</p>
<p><u>Overlook/Loss of Privacy</u></p>	<p>It is acknowledged this proposal will result in new homes backing onto existing homes located on River Birch Street and Hidden Valley Crescent. However, this will be rear yard to rear yard which is a typical condition in an urban/suburban subdivision context. Staff is not concerned overlook will cause unacceptable visual impacts given homes will be setback a minimum of 7.5 metres from rear property lines resulting in a visual separation. Moreover, existing trees along these property boundaries are to remain and staff are recommending that additional trees/vegetation be planted to provide further visual screening.</p> <p>Staff does not support the erection of wall as a form of screening.</p>
<p><u>Drainage</u></p> <ul style="list-style-type: none"> Concern that given existing grades of the property, drainage from the development will impact adjacent properties. 	<p>The condominium will be engineered to not direct drainage to abutting property. Furthermore, drainage plans will be reviewed by City Engineering staff prior to any final approvals being granted.</p>
<p><u>Schools</u></p>	<p>According to the school board, children from the area will be bussed to Howard Robertson PS (Junior Kindergarten to Grade 6); Sunnyside PS (Grade 7 to Grade 8); and Eastwood CI (Grade 9 to Grade 12).</p>

<p>R-1 vs R-2 Zoning</p>	<p>Hidden Valley residential areas are presently zoned either 'R-1' or 'R-2' in Zoning By-law 85-1, depending on whether the lot is municipally serviced or partially serviced (water) with a septic system. The latter are zoned 'R-1' as a septic system requires a larger lot to be compliant as opposed to fully serviced lots which can be smaller. Historically, the area was zoned 'R-1' because full services were unavailable. It is intended that all lots within Hidden Valley will eventually be zoned 'RES-1' in Zoning By-law 2019-051, according to the 2019 HVMP. Staff is recommending that the subject development be zoned 'RES-1' with site specific regulations. 'RES-1' reflects large lot zoning with a minimum of 24 metres of frontage and 929 square metres. This development will be fully serviced.</p>
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Planning Conclusions

In considering the foregoing, Planning staff supports the Draft Plan of Condominium (Vacant Land) and associated Zoning By-law Amendment and Official Plan Amendment. 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. Staff recommends 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 – The recommendation has no impact on the Operating Budget. These applications were received prior to July 1, 2023, and therefore not subject to fee refund provisions in the Planning Act.

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 signs was posted on the subject lands and information regarding the applications was posted to the City’s website in June 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 who responded to the preliminary circulation, and those who attended the Virtual Neighbourhood Meeting on September 20, 2022. Notice of the Statutory Public Meeting was also posted in The Record on February 2, 2024 (see Attachment ‘D’).

CONSULT – The applications were circulated to occupants and property owners within 240 metres of the subject lands in June 2023. In response to this circulation, staff received written responses from 18 households, which are summarized as part of this staff report.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051
- City of Kitchener Zoning By-law 85-1

REVIEWED BY: Tina Malone-Wright, Manager, Housing and Development Approvals

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

- Attachment A – Proposed Official Plan Amendment
- Attachment B – Proposed By-law and Map No. 1
- Attachment C – Recommended Conditions of Draft Plan of Condominium Approval
- Attachment D – Newspaper Notice
- Attachment E – Department and Agency Comments
- Attachment F – Community Comments