

# Staff Report

Development Services Department



www.kitchener.ca

---

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

**DATE OF MEETING:** February 26, 2024

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

**PREPARED BY:** Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** January 29, 2024

**REPORT NO.:** DSD-2024-071

**SUBJECT:** Official Plan Amendment Application OPA23/021/W/ES  
Zoning By-law Amendment Application ZBA23/037/W/ES  
32-42 Windom Road  
Jackman Property Holdings c/o Vive Development Corp.

---

## RECOMMENDATION:

That Official Plan Amendment Application OPA23/021/W/ES for Jackman Property Holdings c/o Vive Development Corp. requesting a Site-Specific Policy Area to permit a multiple residential dwelling development with a Floor Space Ratio of 1.4 and a Building Height of 15.1 metres on the lands specified and illustrated on Schedule 'A', be adopted in the form shown in the Official Plan Amendment attached to Report DSD-2024-071 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/037/W/ES for Jackman Property Holdings c/o Vive Development Corp. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2024-071 as Attachment '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 32-42 Windom Road. It is planning staff's recommendation that the Official Plan and Zoning By-law Amendments be approved.
- The proposed Amendments support the creation of 58 dwelling units within 2 buildings in a 3.5 storey stacked townhouse typology.
- Community engagement included:

- circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
- installation of a large billboard notice sign on the properties;
- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on December 12, 2023;
- postcard advising of the statutory public meeting was circulated to all property owners within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meetings;
- notice of the public meeting was published in The Record on February 2, 2024.
- This report supports the delivery of core services.
- These applications were deemed complete on October 31, 2023. The Applicant can appeal these applications for non-decision after February 28, 2024.

### **EXECUTIVE SUMMARY:**

Planning staff is recommending approval of the requested Official Plan Amendment to add Site Specific Policy Area No. 71 to Map 5 and Policy 15.D.12.71 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 1.4 and an increased building height of 15.1 metres. Planning Staff is recommending approval of the requested Zoning By-law Amendment Application to change the zoning on the lands to 'Low Rise Residential Five Zone (RES-5)' and to add a Site Specific Provision (390) in Zoning By-law 2019-051 to permit a stacked townhouse development with 58 dwelling units with an increased Floor Space Ratio (FSR) and building height, reduced side yard setbacks, a reduction in the number of required parking spaces, an increase in the required bicycle parking, and a prohibition on geothermal wells. The applicant has made revisions to the site to respond to staff and community comments. Staff are recommending that the applications be approved.

### **BACKGROUND:**

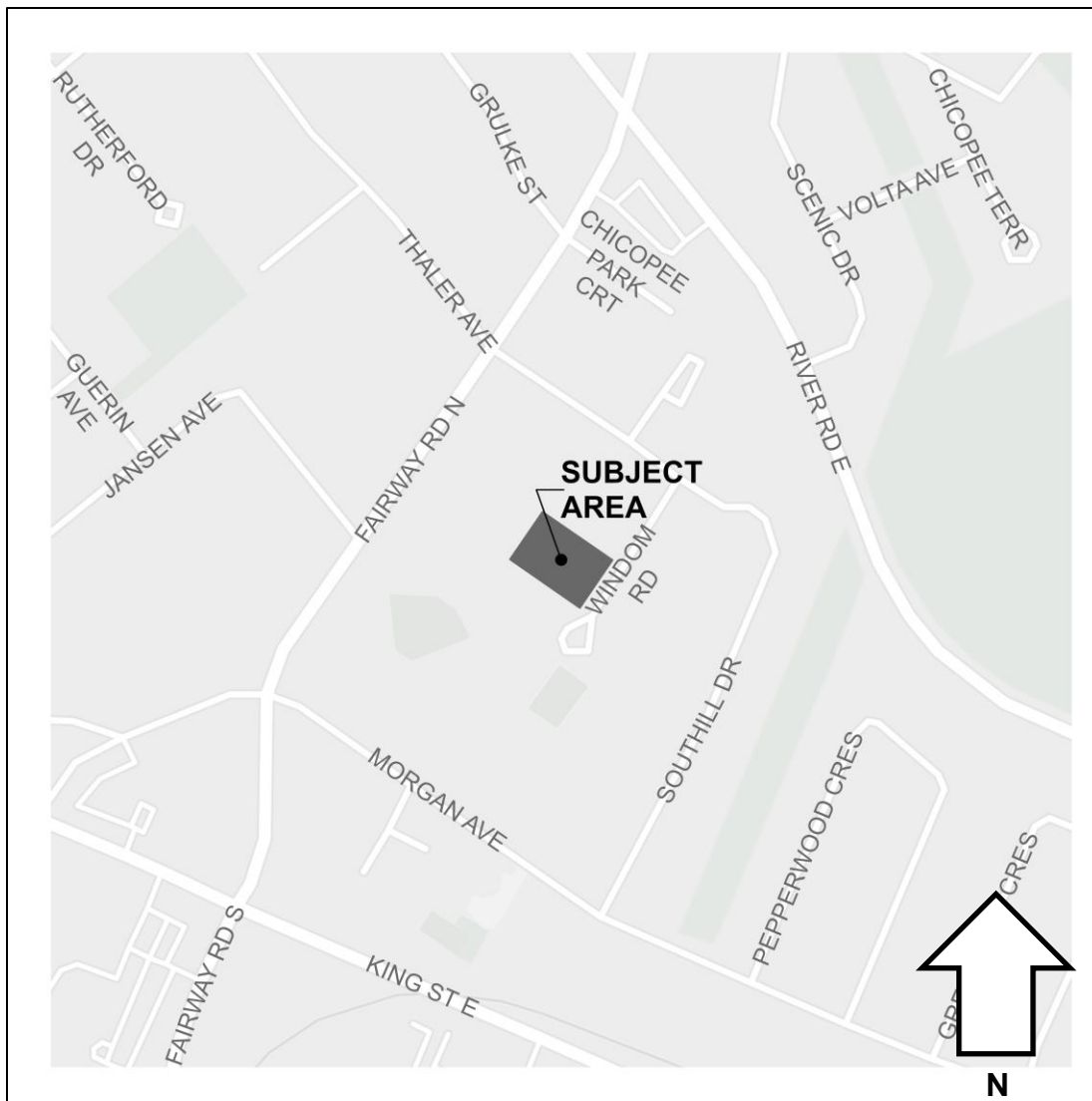
The City of Kitchener has received applications for Official Plan Amendment and Zoning By-law Amendment from Jackman Property Holdings (c/o Vive Development Corp.) for a development concept of a stacked townhouse development containing 58 dwelling units.

Jackman Property Holdings submitted a previous Zoning By-law Amendment Application (ZBA20/017/W/ES) for a portion of the subject lands (42 Windom Road) proposing a stacked townhouse development with 24 units. This application was approved by City Council on August 22, 2022. That concept is no longer being pursued as the lands at 42 Windom Road have since been consolidated with 32 Windom Road to form the subject lands for this application.

The lands are designated 'Low Rise Residential' in the City's Official Plan.

### **Site Context**

The subject lands are addressed as 32-42 Windom Road, consisting of two lots each containing an existing building. The parcel has 48.8 metres of lot width and a lot area of 0.34 hectares. The lands at 32 Windom Road contain a single detached dwelling. The lands at 42 Windom Road contain a 5-unit multiple dwelling, converted from a former detached dwelling. The surrounding neighbourhood contains a mix of low to medium rise residential, including semi-detached dwellings, townhouses, and apartment buildings.



**Figure 1 - Location Map: 32-42 Windom Road**

**REPORT:**

The applicant is proposing to redevelop the subject lands with a stacked townhouse development containing two (2) buildings with a total of 58 dwelling units. The buildings would be 3.5 storeys and contain basement units that are partially above grade. A total of 47 parking spaces are proposed as surface parking spaces. Two-way vehicular access to the site is proposed in the centre of the property between the two buildings that wrap the side and front property lines, with unit entrances facing Windom Road. Outdoor at-grade amenity area is proposed at the rear of the site.



**Figure 2 – View of 32 Windom Road (Single Detached Dwelling)**



**Figure 3 – View of 42 Windom Road (5-unit Dwelling)**

The proposed development includes 58 units with the following unit breakdown:

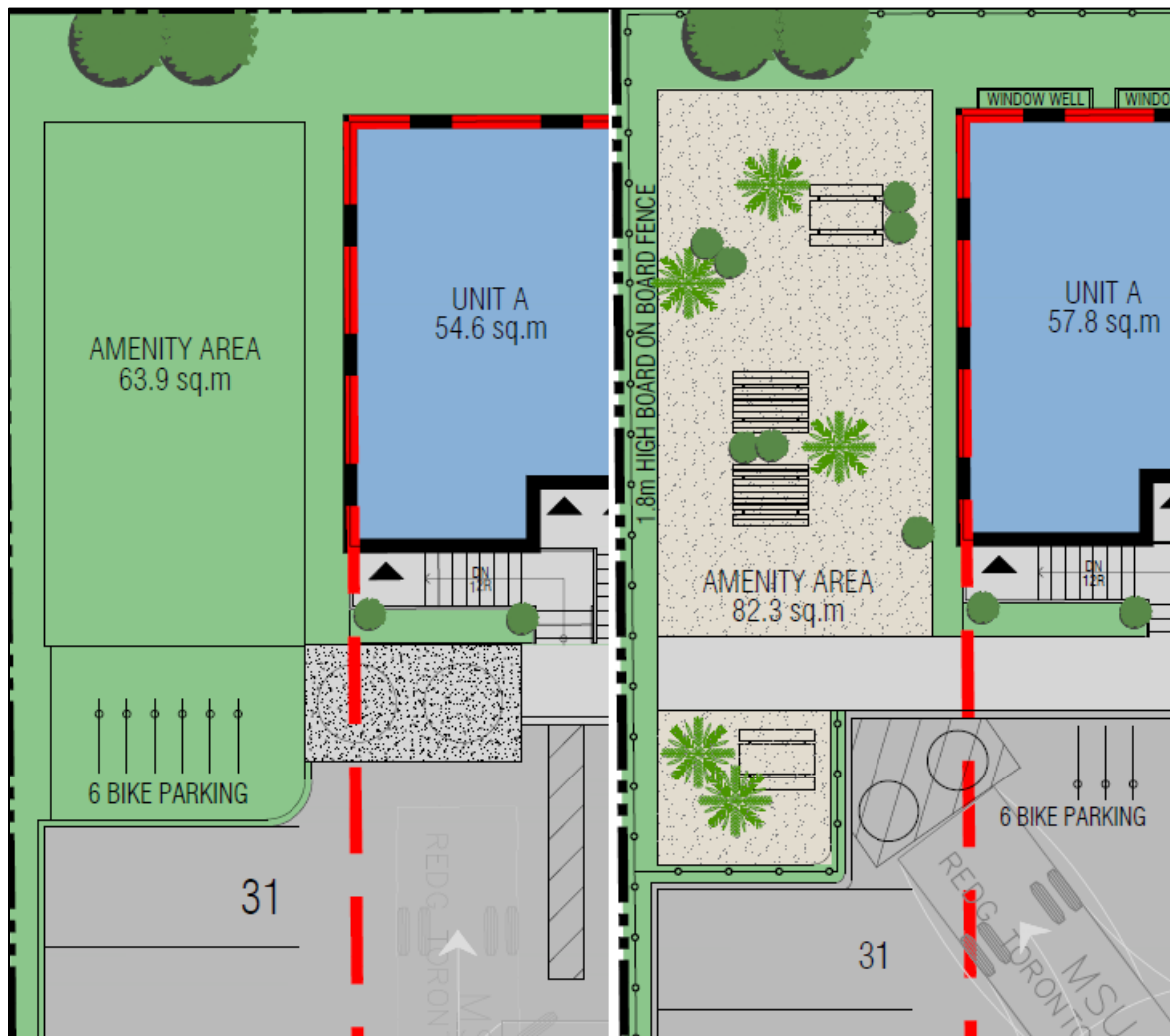
- 18 One Bedroom
- 20 Two Bedroom
- 18 Three Bedroom
- 2 Four Bedroom

Revisions in response to comments during application process:

The applicant has responded to staff and neighbourhood comments regarding the supply of visitor parking spaces, which has been increased from 3 to 5 spaces.

The applicant has also incorporated some compact parking spaces which allowed for the outdoor amenity area to be increased in size from 63 square metres to 82 square metres. Planning Staff and Parks and Cemeteries Staff will encourage the applicant to increase the size and further enhance the amenity space through the site plan application process.

The applicant has confirmed that each dwelling unit will contain an indoor secured bicycle storage space for a rate of 1 per dwelling unit, above the minimum required 0.5 spaces per dwelling unit.



**Figure 4- Original Amenity Area (left), Enlarged Amenity Area (right)**

## **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.



**Figure 5: Revised Concept Plan**

**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, 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, including the Dom Cardillo Trail, the Chicopee Centreville Community Centre, and Howard Robertson Public School. Provincial policies are in support of providing a broad range of housing. The proposed development includes a wide range and distribution of one, two, three and four-bedroom units.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a low to medium density residential 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.

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 developments that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

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



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

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 as illustrated in Map 2 in the ROP. On August 18th, 2022, the Regional Municipality of Waterloo adopted ROP Amendment number 6 (ROPA 6), which came into force and effect upon approval by the Minister of Municipal Affairs and Housing on April 11, 2023. The proposed development conforms to Section 2.F of the ROP as the proposed development supports the achievement of the minimum annual intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling.

The Region of Waterloo have indicated they have no objections to the proposed application (Attachment '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.

#### Urban Structure

The subject lands are currently identified as Community Area in the City's Urban Structure (Map 2). 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. Within areas identified as Community Areas on Map 2 the applicable land use designation may include Low Rise Residential, Medium Rise Residential, High Rise Residential, along with other land use designations.

The subject lands are designated 'Low Rise Residential' (Map 3) in the City of Kitchener Official Plan. The Low Rise Residential designation permits multiple dwellings up to 11 metres in height and to a maximum Floor Space Ratio (FSR) of 0.75.

The applicant is proposing to add a Site Specific Policy Area to allow for an increased building height to 15.1 metres and an increased Floor Space Ratio (FSR) of 1.4.

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 ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

#### Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development satisfies these policies including: 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 is acceptable and outlines the vision and principles guiding the site design and informs the proposed zoning regulations.

**Streetscape** – The proposed building has been oriented with pedestrian entrances and balconies facing Windom Road. The proposed built form would activate the streetscape and provide an attractive and animated building wall, with a centralized vehicular entrance in between the proposed buildings.

**Safety** – As with all developments that go through site plan approval, staff will ensure Crime Prevention through Environmental Design (CPTED) principles are achieved and that the site meets emergency services policies. Wood fencing, 1.8 metres in height, is proposed to surround the interior and screen the private patio areas and the common shared amenity areas along the side and rear property lines. Planning Staff will review lighting plans through a future site plan application to ensure safe levels of lighting are provided in the parking area and pedestrian areas.

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

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have buildings that will be developed at a scale that is compatible with the existing and planned surroundings. There are existing multiple dwellings in the form of townhomes abutting both interior side property lines, and a four-storey apartment building abutting the rear property line. The proposed 3.5 storey stacked townhomes are similar in scale and form to the surrounding neighbourhood.

### Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located in close proximity to Regional Roads Fairway Road North and King Street East, with transit stops for GRT routes 1, 7, 8, and iXpress 301 in short walking distance. The Fairway Ion Station stop is 2 kilometres to the south. The site has excellent access to cycling networks, including the Dom Cardillo Trail. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

The proposed Official Plan Amendment and Zoning By-law Amendment Applications support a denser residential development, replacing 6 current units for 58 units. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel. Additionally, secured and visitor bicycle parking is required as part of

the Zoning By-law. The applicant is proposing to provide 1 secure bicycle space within each dwelling unit.

### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the range of dwelling units available in the city and contributes to providing a greater diversity of unit types in the neighbourhood. The development is contemplated to include a range of unit types including, one-, two-, three-, and four-bedroom units. The wide range of units, in this location will appeal to a variety of household needs and directly responds to the need for more affordable housing during the current housing crisis.

### Official Plan Conclusions

The Official Plan Amendment application requests that Section 15.D.12 and Map 5— Specific Policy Areas be amended to add Policy 15.D.12.71 and 'Site Specific Policy Area No. 71, respectively. Based on the above-noted policies and 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 Attachment 'A'.

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

The subject lands at 32 Windom Road are currently zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The subject lands at 42 Windom Road are currently zoned 'Low Rise Residential Five Zone (RES-5) with Site Specific Provision (342)' in Zoning By-law 2019-051.

The applicant has requested an amendment to change the zoning on the subject lands to 'Low Rise Residential Five Zone (RES-5) with a new Site Specific Provision (390).

Official Plan policies indicate that where site-specific 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 Zoning By-law 2019-051 to add Site Specific Provision (390).

Staff offer the following comments with respect to Site Specific Provision (390).

- a) That the maximum Floor Space Ratio (FSR) shall be 1.4.

The purpose of this regulation is to cap the Floor Space Ratio (FSR) and ensure development does not exceed the density presented in the concept plans. The figure of 1.4 includes the basement units, which are proposed to have ceilings 1.5 metres above grade and are therefore included in the calculations for Floor Space Ratio. Basement units with ceilings that are 0.5 metres or less above grade do not contribute to calculations for Floor Space Ratio as per the Zoning By-law. The 3.5 storey building typology is similar to the 3 storey building typologies permitted as-of-right in the current zoning, and in the opinion of Planning Staff it is compatible to the surrounding neighbourhood which includes 4-storey apartment buildings to the rear of the site.

b) That the maximum building height shall be 15.1 metres.

The purpose of this regulation is to establish a maximum building height for buildings on site. The applicant is proposing an architectural style that includes a pitched roof. This adds a significant amount of building height above the livable floor area. The livable floor area portion of the building is below 11 metres and would comply with the existing maximum building height regulation in the Zoning By-law. Staff acknowledge that a peaked roof does not contain the same impact as a livable floor, and that it positively contributes to the overall aesthetics of the building and site in regard to being compatible with the surrounding neighbourhood.

c) That parking be provided at a rate of 0.81 parking spaces per dwelling unit including visitor spaces (47 spaces).

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. The proposed ratio results in a parking rate of 0.81 parking spaces per dwelling unit (inclusive of visitor spaces). The subject lands 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 of 0.81 parking spaces per dwelling unit (inclusive of visitor parking) is appropriate for the subject lands.

d) That the minimum visitor parking rate be 10% of required parking (5 spaces).

The purpose of this regulation is to establish a parking rate for visitor parking spaces. The applicant is proposing a transit oriented development with less parking spaces than dwelling units overall. Therefore the proposed visitor parking rate is requested to be reduced to reflect the overall parking supply on site while providing spaces for visitors to park. On-street parking for visitors is available on both sides of Windom Road outside of the turning circle and the area close to Thaler Avenue. These on-street parking spaces provide short-term visitor parking as well near the site.

e) The minimum interior side yard setback shall be 2.5 metres.

The purpose of this regulation is to regulate the building setback to adjacent properties and provide for an adequate building setback for landscaping and amenity areas. The applicant is requesting a reduction to 2.5 metres from the required minimum of 3.0 metres. The compact built form and providing adequate drive aisle and parking space size are contributing factors to the requested reduction in interior side yard setback. In terms of the

site context, there are multiple dwelling developments on both sides of the subject lands, both containing drive aisle/parking areas along the side property line. Planning staff are of the opinion that there is adequate building separation with the proposed 2.5 metre interior side yard setbacks.

f) The minimum required Class A Bicycle Parking spaces be 1 per dwelling unit.

The purpose of this regulation is to establish a minimum required rate of Class A (secure) bicycle parking for the proposed development. This exceeds the minimum standard in the zoning by-law of 0.5 bicycle spaces per dwelling unit. The applicant, as part of the Transportation Demand Management plan and justification for reduction in vehicle parking, has proposed one secure bicycle storage space for each dwelling unit in the proposed development. This will allow residents to have safe, indoor, secure storage for their bicycles. This is in addition to the standard outdoor bicycle racks that will also be provided on site for visitors for short-term use.

g) That geothermal wells be prohibited.

The purpose of this regulation is to protect sensitive groundwater areas. The Region of Waterloo requires a prohibition on geothermal energy on the subject lands.

### **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 'Low Rise Residential Five Zone' with Site Specific Provision (390) represents good planning as it will facilitate the redevelopment of the lands with a low rise multiple dwelling development that is compatible with the existing neighbourhood, which will add visual interest at the street level, provide enhanced landscaping that will contribute to the streetscape, and which will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law Amendment Application be approved as shown in Attachment 'B'.

### **Department and Agency Comments:**

Circulation of the Official Plan Amendment and Zoning By-law Amendment Applications was undertaken in December 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 Attachment '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 & Urban Design Report  
Prepared by: Up Consulting, October 31, 2023

Elevations Drawings  
Prepared by: Reinders & Law, October 26, 2023

Renderings

Prepared by: Reinders & Law, October 26, 2023

Concept Plan & Floor Plans

Prepared by: Reinders & Law, September 25, 2023

Arborist Report and Tree Preservation and Enhancement Plan

Prepared by: JK Consulting Arborists, November 15, 2023

Traffic Impact and Parking Study:

Prepared by: Paradigm Transportation Solutions Limited, October 2023

Geotechnical Investigation

Prepared by: Chung & Vander Doelen, July 17, 2023

Existing Conditions Plan

Prepared by: JD Barnes Limited, July 7, 2023

Site Servicing Feasibility Study

Prepared by: Strik Baldinelli Moniz Ltd., November 8, 2023

# WHAT WE HEARD



**3 people provided comments**



**A City-led Neighbourhood Meetings held on December 12, 2023 and approximately 8 different users logged on**



**660 households (occupants and property owners) were circulated and notified**

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

Staff received written responses from 3 residents with respect to the proposed development. These are included in Attachment 'E'. A Neighbourhood Meeting was held on December 12, 2023. In addition, staff had follow-up one-on-one correspondence with members of the public over the phone. A summary of what we heard, and staff responses are noted below.

<b>What We Heard</b>	<b>Staff Comment</b>
School drop off for Howard Robertson on Windom causes traffic concerns. Adding 58 units will make this situation worse.	<p>The Waterloo Region Public School Board encourages parents to drop off students at designated locations in the neighbourhood with a 2-5 minute walk to the school, to minimize traffic at peak drop off and pick up.</p> <p>Windom Road was recently reconstructed in the past two years to add sidewalk on both sides. The travelled portion of the road has been narrowed in alignment with the City's Complete Streets guidelines.</p> <p>A Traffic Impact Assessment was submitted as part of the application and Transportation Services has reviewed and finds the analysis satisfactory. The development will not negatively impact traffic at the site's proposed entrance and at the intersection of Windom Road and Thaler Avenue.</p>
Parking supply is not sufficient and will result in more on street parking on Windom.	<p>A Parking Justification and Transportation Demand Management analysis was also included in the Traffic Impact Assessment. Transportation Services staff support a parking rate of 0.81 parking spaces per dwelling unit (inclusive of visitor parking). The proposed development will include unbundled parking, and is located close to transit options. 6 Class B bicycle spaces are provided on the plan and 1 Class A bicycle parking spaces per dwelling unit are provided as an active transportation measure.</p> <p>The applicant has responded to comments for visitor parking and increased the allotment of visitor parking spaces from 3 parking spaces to 5 parking spaces.</p>

Trees will be removed as part of the development.	The applicant has submitted an Arborist Report that recommends compensation for the proposed trees within the municipal right of way and preparation of a detailed landscaping plan during the site plan approval process contemplating new tree plantings throughout the site.
---	---

## **Planning Conclusions**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit 32-42 Windom Road to be developed with 58 stacked townhouse units. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

### **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, 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 February 28, 2024 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 (2023 rate paid in 2023) 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 November, 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 Meetings. Notice of the Statutory Public Meeting was also posted in The Record on February 2, 2024. (a copy of the Notice may be found in Attachment 'C').

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



3 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

**PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051
- DSD-2022-348 (ZBA application for lands at 42 Windom Road)

**REVIEWED BY:** Malone-Wright, Tina – Manager Development Approvals

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

**ATTACHMENTS:**

- Attachment A – Proposed Official Plan Amendment
- Attachment B – Proposed By-law and Map No. 1
- Attachment C – Newspaper Notice
- Attachment D – Department and Agency Comments
- Attachment E – Neighbourhood Comments
- Attachment F – Revised Concept Plan