

# Staff Report



Development Services Department

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

**DATE OF MEETING:** June 17, 2024

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

**PREPARED BY:** Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

**WARD(S) INVOLVED:** Ward 9

**DATE OF REPORT:** May 17, 2024

**REPORT NO.:** DSD-2024-257

**SUBJECT:** Draft Plan of Condominium Application (Vacant Land) 30CDM-24205  
455-509 Mill Street  
Polocorp Inc.

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## RECOMMENDATION:

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 2023-103, hereby grants draft approval to Draft Plan of Condominium Application 30CDM-24205 for 455-509 Mill Street in the City of Kitchener, subject to the conditions as shown in Appendix 'A'.

## REPORT HIGHLIGHTS:

- The purpose of this report is to provide a planning recommendation to approve the proposed Vacant Land Condominium (VLC) for the property located at 455-509 Mill Street.
- Community engagement for the VLC application included:
  - Circulation of a notice letter to owners of property within 240 metres of the subject property;
  - Staff received 1 neighbourhood response and corresponded directly with the member of the public; and,
  - Notice of the public meeting was advertised in The Record on May 24, 2024.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

The owner of the property at 455-509 Mill Street is proposing to obtain draft approval for a 4-Unit VLC which will consist of 4 Units and common elements representing each of the residential buildings. The Unit breakdown is as follows:

- Unit 1- 32 storey mixed use building with underground parking.
- Unit 2- 15 storey mixed use building with underground parking.
- Unit 3- 40 and 44 storey mixed use buildings with underground parking.
- Unit 4- 21 storey mixed use building with underground parking.

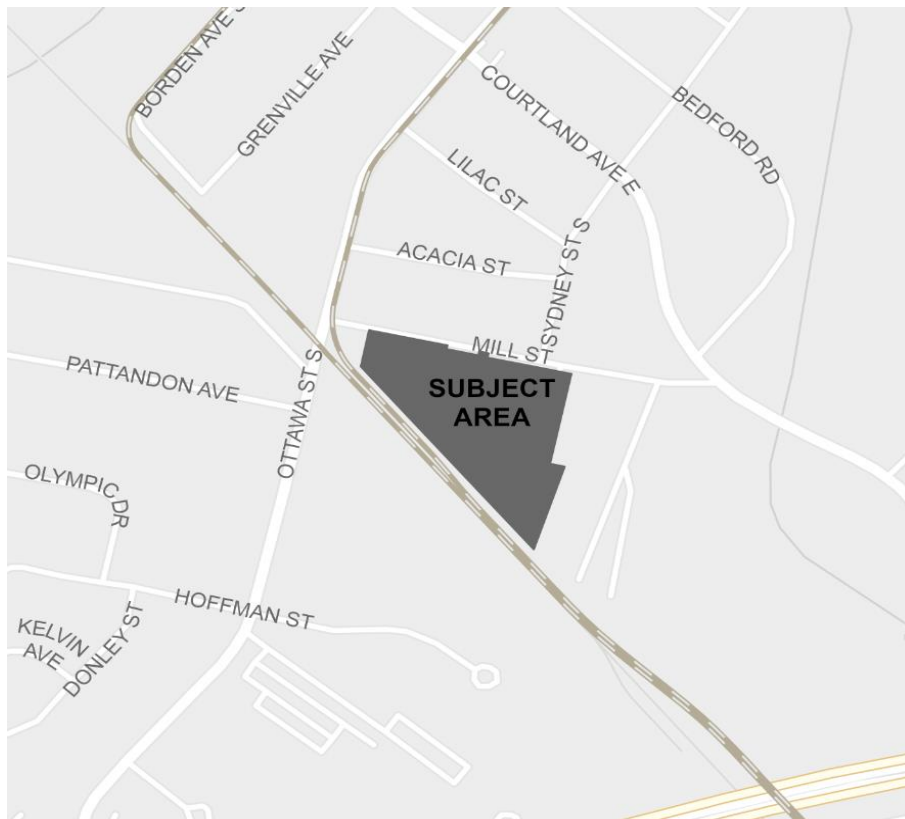
Internal drive aisles, landscaped areas, and walkways will make up the common elements.

Official Plan and Zoning By-Law amendments were previously approved for this project and are not the subject of this report.

Staff is supportive of the proposed application for the subject lands.

## **BACKGROUND:**

The Owner, Polocorp Inc., has made application to the City of Kitchener for a Draft Plan of VLC.



**Figure 1: Location map**

The subject lands are addressed as 455-509 Mill Street and are located near the intersection of Mill Street and Ottawa Street South. The subject property has a lot area of 2.17 hectares (5.36 acres) with approximately 195 metres of frontage along Mill Street.

The subject lands are located within the City's delineated built up area, and within a Protected Major Transit Station Area (PMTSA). The lands are identified as a PMTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands are within the MTSA circle for the Mill station and shown as a PMTSA in the Regional Official Plan.

In April 2023, Council approved Official Plan and Zoning By-law Amendments on the subject lands which changed the Official Plan designation from 'General Industrial Employment' to 'Mixed Use with Site Specific Policy Area No. 62' in the City of Kitchener Official Plan, and changed the zoning from 'General Industrial Zone (M-2)' in Zoning By-law 85-1 to 'Mixed Use Three (MIX-3) with Site Specific Provision (362) and Holding Provision 43H' in Zoning By-law 2019-051 to permit the development of a high intensity mixed use development.

The proposed Vacant Land Condominium application was submitted and deemed complete prior to Council approving Growing Together in March 2024. Future site plan applications will be required for the subject lands.

### **REPORT:**

The owner of the subject lands is proposing a VLC which will consist of 4 Units and common elements representing each of the residential buildings. The Unit breakdown is as follows:

- Unit 1- 32 storey mixed use building with underground parking.
- Unit 2- 15 storey mixed use building with underground parking.
- Unit 3 - 40 and 44 storey mixed use buildings with underground parking.
- Unit 4 - 21 storey mixed use building with underground parking.

Internal drive aisles, landscaped areas, and walkways will make up the common elements.

A VLC is similar to a plan of subdivision except that any roadways are privately-owned rather than publicly owned and lots are referred to as "units" in a VLC.

Staff is supportive of the proposed application for the subject lands.

The residential development consisting of 4 Units to be developed with future mixed use buildings is permitted on the lands as per the policies in the City's Official Plan and regulations in the City's Zoning By-law 2019-051. Future site plan applications will be required for the subject lands.

The Vacant Land Condominium Application proposes to create Units 1 through 4 and a common element area as shown on the Vacant Land Condominium Plan (attached as Appendix 'A').

The purpose of the Vacant Land Condominium Application is to permit the individual ownership (tenure) of each of the residential dwelling units within the buildings on the subject property.

## **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS) sets the policy foundation for regulating the development and use of land. The PPS promotes building healthy, liveable and safe communities, the efficient development of lands and provision of a range of housing types and densities.

Housing related policies in the PPS encourage providing an appropriate range and mix of housing options and densities to meet projected market-based needs of current and future residents. The PPS also promotes directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available to make efficient use of land. The proposed development is consistent with the PPS.

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

The Growth Plan promotes development that contributes to complete communities, creates street configurations that support walking, cycling and sustained viability of transit services and which creates high quality public open spaces.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and targets in this Plan, as well as the other policies of 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.

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

## **Regional Official Plan (ROP) 2023:**

The subject lands are located within the “Urban Area”, and “Delineated Built Up Area” on Map 2 of the Regional Official Plan (ROP). Permitted uses of the Urban Area and Delineated Built-Up Area in the ROP include urban uses such as residential and commercial uses, among others.

The subject lands are in the Mill Station (MTSA) in the ROP. The minimum density target within the Mill Station MTSA is 160 people and jobs/ha. The future development of the subject lands will contribute to the achievement of the overall density target for the Mill Station MTSA. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

Based on Staff review and comments from the Region of Waterloo, Staff is of the opinion that the application conforms to the Regional Official Plan.

## **Official Plan**

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary

Intensification Areas include the Urban Growth Centre, Protected Major Transit Station Areas (PMTSAs), Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a PMTSA. The planned function of the PMTSAs is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in PMTSAs give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm.

The subject lands are designated 'Mixed Use' with 'Site Specific Policy Area No. 62' in the City of Kitchener's Official Plan. The Mixed Use land use designation plays an important role in achieving the planned function of the MTSA intensification area. Lands designated Mixed Use have the capacity to accommodate additional density and intensification of uses. Development and redevelopment of lands within lands designated Mixed Use must implement a high standard of urban design. Site Specific Policy Area No. 62 allow for a maximum Floor Space Ratio (FSR) of 8.5.

The City's Official Plan contains policies that speak to provision of housing, including redevelopment:

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.

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.

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

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

A copy of all comments received from the commenting agencies and City departments are attached as Appendix 'C'. There are no outstanding concerns with the proposed application.

#### **Community Input and Staff Responses:**

Staff received 1 written response from a nearby resident (attached as Appendix 'D'). The residents had concerns with the height of the buildings, and density of the proposed development along with traffic impacts. Planning staff responded directly to the resident by email to answer their questions and concerns and explained that only the tenure is being

considered and that the height and density was previously approved by Council in April 2023.

**STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this recommendation.

**COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City’s website with the agenda in advance of the committee meeting. A notice of the public meeting was placed in the newspaper on May 24, 2024 (Appendix ‘B’).

CONSULT – The Application was circulated to property owners within 240 metres of the subject lands on March 7, 2024 as per Planning Act requirements. This report will be posted to the City’s website with the agenda in advance of the committee meeting.

**PREVIOUS REPORTS/AUTHORITIES:**

- Zoning By-law 85-1 and 2019-051
- Official Plan, 2014
- Regional Official Plan, 2023 (amended by ROPA 6)
- Provincial Policy Statement, 2020
- Planning Act, 1990
- Growth Plan, 2020

**REVIEWED BY:** Malone-Wright, Tina –Manager of Development Approvals, Development and Housing Approvals Division

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

**ATTACHMENTS:**

- Appendix A – Draft Approval Conditions and Draft Plan of Condominium 30CDM-24205
- Appendix B – Newspaper Notice
- Appendix C – Department and Agency Comments
- Appendix D – Neighbourhood Comments