

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: August 12, 2024

SUBMITTED BY: Garett 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: July 15, 2024

REPORT NO.: DSD-2024-318

SUBJECT: Draft Plan of Condominium Application (Vacant Land)
30CDM-24207
1001 King Street East
King-Charles Properties Kitchener

RECOMMENDATION:

That the City of Kitchener, pursuant to Section 51(31) of the Planning Act R.S.O. 1990, c.P.13, as amended, By-law 2023-103, hereby grants draft approval to Draft Plan of Condominium Application 30CDM-24207 for 1001 King Street East 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 1001 King Street East.
- Community engagement for the VLC Application included:
 - Circulation of a notice letter to owners of property within 120 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 July 19, 2024.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the property at 1001 King Street East is proposing to obtain draft approval for a 2-unit VLC which will consist of 2 Units and common element areas. The Unit breakdown is as follows:

- Unit 1 – Mixed use - residential/commercial units.

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

- Unit 2 - Mixed use - residential/commercial units.

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

BACKGROUND:

The Owner, King-Charles Properties Kitchener, has made application to the City of Kitchener for a Draft Plan of VLC.

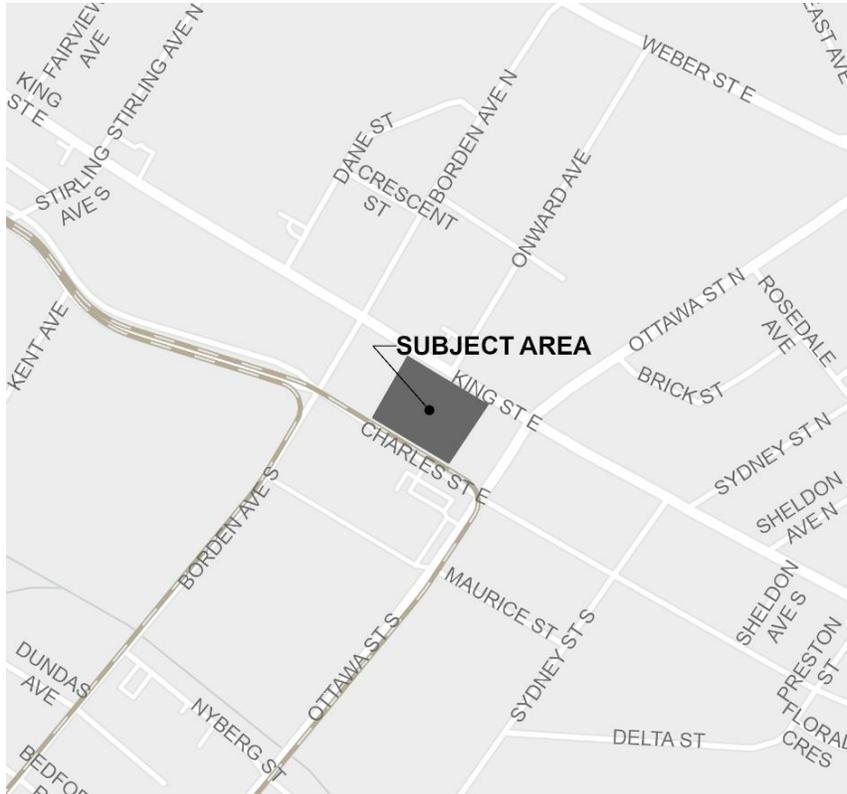


Figure 1: Location map

The subject lands are addressed as 1001 King Street East and are located near the intersection of King Street East and Ottawa Street North. The subject property has a lot area of 0.61 hectares (1.51 acres) with 95 metres of frontage along King Street East.

The subject lands are located within the City’s delineated ‘Built Up Area’, and within a ‘Major Transit Station Area (MTSA)’. The lands are identified as a MTSA 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 Borden station.

In May 2023, Council approved Official Plan and Zoning By-law Amendments on the subject lands which changed the Official Plan designation from ‘Neighbourhood Mixed Use Centre with Special Policy Area 3’ to ‘Mixed Use Corridor’ in the King Street East Secondary Plan, and changed the zoning from ‘Neighbourhood Shopping Centre Zone (C-2) with Special Use Provision 2U’ in Zoning By-law 85-1 to ‘High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 544R, 788R and Holding Provision 100H’ in Zoning By-law 85-1 to permit the development of a high intensity mixed use development.

In March of 2024 Council approved 'Growing Together' which changed the land use of the subject lands to Strategic Growth Area C (SGA-C) and the zoning to Strategic Growth Area 4 (SGA-4) with Site Specific Provision (175) and Holding Provisions (19H) and (77H) in Zoning By-law 2019-051. The Council approved Growing Together amendments to the Official Plan are fully approved but the zoning by-law amendments is under appeal. The Site Specific Growing Together Land use and Zoning carried forward the 2023 Planning recommendation and a high intensity mixed use development is permitted.

The applicant has submitted Site Plan Application SP23/075/K/CD which has received conditional Site Plan Approval for a mixed use development with 514 residential dwelling units and ground floor commercial units within one 29-storey Building.

REPORT:

The owner of the subject lands is proposing a VLC which will consist of 2 Units and common element areas. The Unit breakdown is as follows:

- Unit 1 - Mixed use - residential/commercial units.
- Unit 2 - Mixed use - residential/commercial units.

Internal drive aisles, walkways, and landscaped areas, 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.

The owner has received Conditional Site Plan approval for Site Plan Application SP23/075/K/CD as shown in Appendix 'E'.

The residential development consisting of 2 units to be developed with a mixed use building is permitted on the lands as per the policies in the City's Official Plan and regulations in the City's Zoning By-law 85-1 and Zoning By-law 2019-051.

The VLC is attached as Appendix 'A'.

The purpose of the VLC is to permit the individual ownership (tenure) of each of the units 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 Borden Station (MTSA) in the ROP. The minimum density target within the Borden 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 Borden 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, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Protected Major Transit Station Area (PMTSA). The planned function of the PMTSA 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.

King Street East Secondary Plan

The subject lands are designated 'Mixed Use Corridor with Special Policy Area 10' (Map 10) in the 1994 Official Plan (King Street East Secondary Plan). The Mixed Use Corridor land use designation provides residential redevelopment opportunities together with appropriate commercial and institutional uses that primarily serve adjacent residential neighbourhoods. Over time it is intended that the Mixed Use Corridors shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses. A maximum Floor Space Ratio (FSR) of 8.1 is permitted.

2014 Official Plan

Growing Together

In July of 2024 Region of Waterloo Council approved Growing Together which changed the land use of the subject lands to Strategic Growth Area C (SGAC). The SGAC land use is applied to large, underutilized sites and properties next to ION station stops, where high-density intensification can be supported, is expected and is planned for. The SGA3 and SGA4 zones are applied within the SGA-C land use. The implementing zoning limits portions of the SGA-C areas to 28 storeys. Any development proposal for a taller building within SGA3 zone requires a Zoning By-law Amendment or a minor variance application where the SGA4 zone properties additional building height subject to approval of an Aeronautical Assessment.

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'). Residents that had concerns with proposed development changing what was recently approved. 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 no changes were proposed to the height and density that was previously approved by Council in May 2023. No changes to the built form, unit count, Official Plan designation or Zoning can be made through this application.

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 July 19, 2024 (Appendix ‘B’).

CONSULT – The Application was circulated to property owners within 120 metres of the subject lands on April 29, 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, as amended by By-law 2024-065
- Official Plan, 1994, 2014
- Regional Official Plan, 2023 (amended by ROPA 6)
- Provincial Policy Statement, 2020
- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Site Plan Application SP23/075/K/CD

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

APPROVED BY: Garrett Stevenson, Director of Development and Housing Approvals

ATTACHMENTS:

- Appendix A – Draft Approval Conditions and Draft Plan of Condominium 30CDM-24207
- Appendix B – Newspaper Notice
- Appendix C – Department and Agency Comments
- Appendix D – Neighbourhood Comments
- Appendix E – Conditionally Approved Site Plan SP23/075/K/CD