

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: August 12, 2024

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

PREPARED BY: Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

WARD INVOLVED: Ward 6

DATE OF REPORT: July 19, 2024

REPORT NO.: DSD-2024-314

SUBJECT: Draft Plan of Condominium Application (Vacant Land)
30CDM-24209
1198 Fischer Hallman Road, 1274 Bleams Road and
264 Erinbrook Drive
Deerfield Homes Ltd.

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-24209 for 1198 Fischer Hallman Road, 1274 Bleams Road, and 264 Erinbrook Drive, in the City of Kitchener, subject to the conditions as shown in Attachment 'A'.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide a planning recommendation to draft approve the proposed Vacant Land Condominium (VLC) for the property located at 1198 Fischer Hallman Road, 1274 Bleams Road, and 264 Erinbrook Drive.
- Community engagement for the VLC Application included:
 - Circulation of a postcard notice to owners of properties within 120 metres of the subject property on May 6, 2024 and newspaper advertisement on May 10, 2024;
 - Staff received responses from 3 community members and corresponded directly with these members; and,
 - Notice of the public meeting was advertised in The Record on July 19, 2024 and a notification email regarding the public meeting was sent to everyone that provided written comments.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the property addressed as 1198 Fischer Hallman Road, 1274 Bleams Road, and 264 Erinbrook Drive is requesting draft approval of a Vacant Land Condominium consisting of 15 Units. The 15 Units would be created for residential use and would define the extent of the elements that are common to the entirety of the subject lands. These common elements include, private roads, common amenity area, stormwater management facility, and underground services. The Exclusive Use Areas, include parking spaces that are for the exclusive use of the residential dwelling units within Units 8-13.

Development and Housing Approvals staff recommends approval.

BACKGROUND:

The owner of the subject lands, Deerfield Homes Ltd., has made application to the City of Kitchener for a Draft Plan of Vacant Land Condominium (VLC).

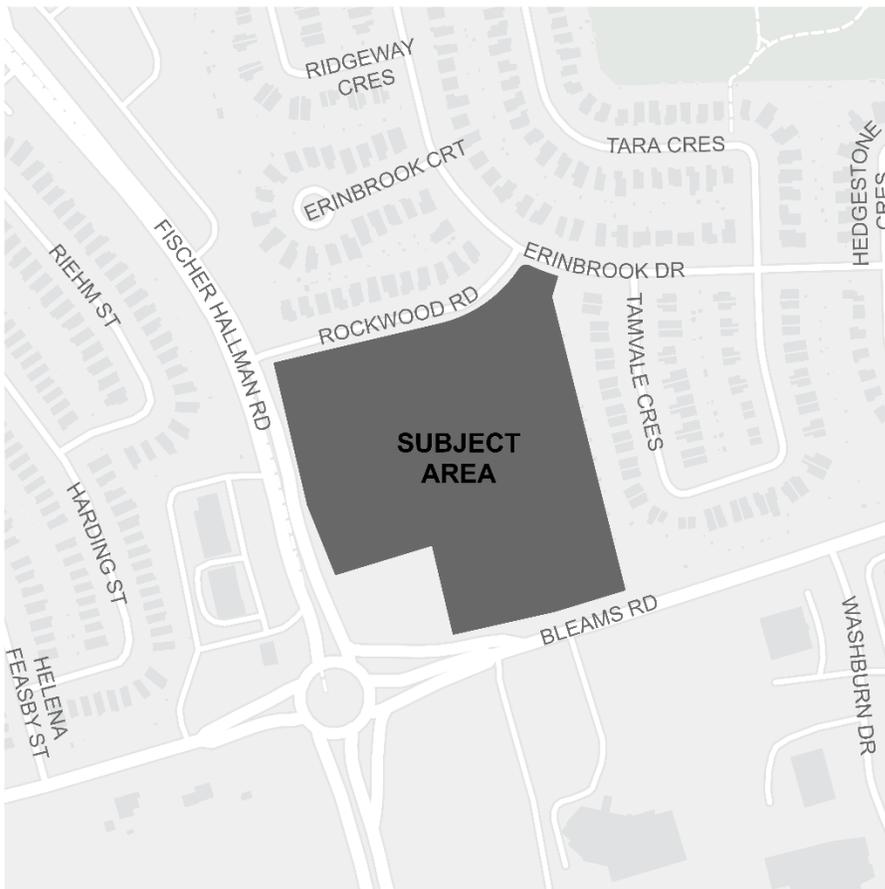


Figure 1: Location map

The subject lands are addressed as 1198 Fischer Hallman Road, 1274 Bleams Road, and 264 Erinbrook Drive and are located near the intersection of Fischer Hallman Road and Bleams Road, in the Rosenberg Planning Community. The subject lands have an area of 3.6 hectares (8.9 acres) with approximately 148.3 metres of frontage on Fischer Hallman Road and 119.9 metres of frontage on Bleams Road.

The subject lands have been the subject of several Planning Act applications, including:

1. Site Plan Application SP23/006/F/AP, which was conditionally approved on March 28, 2023. The Site Plan shows 7 blocks of street townhouse units (42 units), 6 blocks of stacked townhouse units (96 units), a future development area (for multiple residential development), a large common amenity area, stormwater management facility, and surface parking.
2. Minor Variance Application A2023-067, which was approved on June 20, 2023. The approval grants zoning relief to permit a building height of 15.0 metres, rather than the required 10.5 metres, to facilitate the above noted Site Plan Application.
3. Official Plan Amendment Application OPA23/014/F/TS and Zoning By-law Amendment Application ZBA23/024/F/TS, were approved and came into full force and effect on January 24, 2024. The amendments applied only to the 'Future Development Area' shown on the Site Plan, being that portion of the lands closest to and parallel with Fisher Hallman Road. The amendments changed the Official Plan designation from 'Mixed Use Two' to 'Mixed Use Two with Special Policy Area 6' in the Official Plan, and changed the zoning from 'Residential Six (R-6) Zone' in Zoning By-law 85-1 to 'High Intensity Mixed Use Corridor Zone (MU-3) Zone' with Special Regulation Provision 806R and Holding Provision 111H to permit a mixed use development, an increase in floor space ratio, an increase in building height, a reduced setback to the abutting residential zone, a reduced street line setback, and a parking reduction to 0.8 parking spaces per dwelling unit. The purpose of Holding Provision 111H is to require an updated Noise Study.

REPORT:

Deerfield Homes Ltd. is requesting draft approval of a Vacant Land Condominium (VLC). A VLC is similar to a plan of subdivision except that internal roadways are privately-owned, rather than publicly owned, and lots / blocks are referred to as "units" in a VLC. The purpose of the proposed VLC is to begin to arrange the condominium framework for a proposed two-phased development.

The first phase is subject to Site Plan Application SP23/006/F/AP (conditionally approved) and includes 138 dwelling units in the form of street townhouses (42 units) and stacked townhouses (96 units), as well as common features (e.g., amenity area, stormwater management facility).

The second phase (not yet subject to a Site Plan Application for development) includes an additional 373 dwelling units in the form of two apartment towers on a shared podium, surface retail/visitor parking, and 1,086 m² of commercial space.

The proposed VLC would create 15 Units for residential use and would define the extent of the elements that are common to the entirety of the subject lands. These common elements include, for example, private roads, a common amenity area, a stormwater management facility, and underground services. The Exclusive Use Areas, include parking spaces that are for the exclusive use of the residential dwelling units within Units 8-13. The VLC is proposed in a single registration stage.

In the future, the owner intends to apply for two phased standard condominiums with their respective boundaries matching the Site Plan phases. These future applications would further refine the condominium framework for the subject lands.

The proposed Vacant Land Condominium is consistent with conditionally-approved Site Plan Application SP23/006/F/AP (see Attachment 'B'), conforms to the City's Official Plan and complies with Zoning By-law 85-1 (subject to approved Minor Variances).

The VLC Draft Plan is attached as Attachment 'A'.

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 VLC 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 is of the opinion that the subject application conforms to the policies of the Growth Plan.

Regional Official Plan (ROP) 2023:

The subject lands are designated Urban Area and Designated Greenfield Area on Map 2 of the Regional Official Plan (ROP). While the ROP directs most of the region's growth to Delineated Built-Up Areas, new development is also directed to Designated Greenfield Areas. In accordance with the ROP:

New greenfield communities will be compact and efficient to meet the vision and objectives of this Plan. They will be designed as 15-minute neighbourhoods that enable people to live car-free or "car-lite" (i.e., households with fewer vehicles than workers) by offering convenient access to a diverse mix of jobs, housing, schools, cultural, and recreational opportunities, and local shops and food destinations. They also provide access to high quality, pedestrian accessible open spaces, parks and greenspaces to all members of the community in an inclusive and equitable way.

Permitted uses of the Designated Greenfield Area include a broad range of land uses where people can meet their daily needs for goods, services and employment.

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.

Rosenberg Secondary Plan and 2014 City of Kitchener Official Plan

The City's Official Plan establishes an urban structure and provides policies for directing growth and development and allocating land use. In this case, the subject lands are identified both within the Rosenberg Secondary Plan and within the 2014 City of Kitchener Official Plan.

The subject lands are located within the City's Designated Greenfield Area and are identified as Urban Corridor on Map 2 – Urban Structure of the City's 2014 Official Plan.

Moreover, Map 22a of the Rosenberg Secondary Plan establishes an area-specific Community Structure and identifies the subject lands as Corridor.

Corridors (and Nodes) are intended to provide a balanced distribution of commercial, office, institutional and multiple residential uses. Accordingly, land use designations within the Fischer Hallman Corridor are planned to provide for a range of uses. Specifically, the planned function of the Fischer Hallman Corridor is to provide for compact and intensive development along a transit corridor.

With respect to land use, the subject lands are split-designated on Map 22e (Land Use) of the Rosenberg Secondary Plan, generally as follows:

- The lands fronting Fischer Hallman Road are primarily designated Mixed Use Two with Special Policy Area 6. This site-specific land use designation allows for a range of commercial and office uses along with multiple residential uses to a maximum Floor Space Ratio (FSR) of 6.3 and a building height of 22 storeys (75 metres).
- The lands abutting Rockwood Drive and abutting the dwellings fronting onto Tamvale Crescent are designated Low Density Residential One. This designation allows for low density residential uses, including street townhouse dwellings.
- The lands on the interior of the site are designated Medium Density Residential One. This designation allows for a range of medium density housing types including townhouse and multiple dwellings with a maximum Floor Space Ratio of 1.0 and building heights generally ranging between 3-8 storeys.

Development and Housing Approvals staff is of the opinion that the application conforms to the Rosenberg Secondary Plan and 2014 Official Plan.

Department and Agency Comments:

A copy of all comments received from the commenting agencies and City departments is attached as Attachment 'D'. There are no outstanding concerns with the proposed application. Various agencies have requested conditions, which have been incorporated into the draft approval conditions (see Attachment 'A').

Community Input and Staff Responses:

Staff received 3 written responses from community members (see Attachment 'E'). Residents asked questions pertaining to retaining walls and property boundaries abutting the properties that front onto Tamvale Crescent. There were also questions about traffic studies that were completed for previous applications. One resident expressed concerns over building heights, privacy, and construction impacts. Another resident expressed concerns about transportation movements in the area resulting from an increase in development and population. Staff responded to the residents by email and by phone to answer questions and respond to concerns. Staff explained that only the tenure is being considered through the subject application; building height, privacy, and traffic were considered through previous applications.

Changes to the built form, unit count, Official Plan designation or zoning cannot be made through the subject application. In the case of transportation-related questions, Development and Housing Approvals staff forwarded the inquiry to the Region and City Transportation Services staff for response and they have advised that they do not have any concerns.

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 was posted to the City's website with the agenda in advance of the committee meeting. Notice of the application was published in The Record on May 10, 2024 and a notice of the public meeting was placed in The Record on July 19, 2024 (Attachment 'C').

CONSULT – The application was circulated for comment to property owners within 120 metres of the subject lands on May 6, 2024.

PREVIOUS REPORTS/AUTHORITIES:

- DSD-2023-429 regarding Official Plan Amendment Application OPA23/014/F/TS and Zoning By-law Amendment Application ZBA23/024/F/TS.
- DSD-2023-409 regarding Private Street Naming.
- Conditional Approval Letter, dated March 28, 2023, regarding Site Plan Application SP23/006/F/AP.
- DSD-2023-279 regarding Minor Variance Application A2023-067.
- KDA Report 23-04 regarding Demolition Control Application DC23/001/F/TZ.
- Planning Act R.S.O. 1990
- Provincial Policy Statement, 2020
- Growth Plan, 2020
- Rosenberg Secondary Plan
- Official Plan, 2014
- Zoning By-law 85-1

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

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

ATTACHMENTS:

Attachment 'A' – Draft Approval Conditions & Draft Plan of Condominium 30CDM-24209
(2 Drawings)

Attachment 'B' – Conditionally-Approved Site Plan Drawing SP23/006/F/AP

Attachment 'C' – Newspaper Notice

Attachment 'D' – Department and Agency Comments

Attachment 'E' – Community Comments