

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: September 17, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-741-2200 ext. 7765

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

WARD INVOLVED: Ward 4

DATE OF REPORT: September 4, 2024

REPORT NO.: DSD-2024-403

SUBJECT: Consent Application B2024-023
Ridgemount Street (Registered Plan 58M-616, Block 101)
Activa Holdings Inc.

RECOMMENDATION:

That Consent Application B2024-023 requesting consent to sever a parcel of land having an approximate lot width of 13.3 metres on Ridgemount Street, a lot depth of 46.1, metres and a lot area of 533.1 square metres, to be conveyed as a lot addition to the property municipally addressed as 448 New Dundee Road, as generally shown on the *Consent Sketch*, prepared by GSP Group, dated June 27, 2023, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the lands to be severed be added to the abutting lands and title be taken into identical ownership as the abutting lands. The deed for endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with

Sections 50(3) and/or (5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

5. That the owner's Solicitor shall provide a Solicitor's Undertaking to register an Application Consolidation Parcels immediately following the registration of the Severance Deed and prior to any new applicable mortgages, and to provide a copy of the registered Application Consolidation Parcels to the City Solicitor within a reasonable time following registration.

Alternatively, if in the opinion of the City Solicitor, an Application Consolidation Parcels cannot be registered on title, the Owner shall take such alternative measures and provide such alternative documents to ensure that the severed parcel and receiving parcel are not separately encumbered, conveyed, or otherwise transferred from one another and shall remain in common ownership, at the discretion of and to the satisfaction of the City Solicitor.

6. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
7. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.
8. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.
9. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
10. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.
11. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend conditional approval of the requested Consent Application to permit a subdivision block having frontage on Ridgemount Street to be severed and added to the property to the rear (east) addressed as 448 New Dundee Road.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the

application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.

- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the east side of Ridgemount Street, south of Thomas Slee Drive in the Doon South Planning Community. The property is an undeveloped subdivision block that was created in 2018 through the registration of Subdivision Plan 58M-616 (c/r with 30T-1320; formerly known as the "Ormston Subdivision"). The property continues to be owned by Activa Holdings Inc., the same corporation that registered the plan of subdivision. The property does not have a municipal address because it does not contain a building, though it is located between 98 Ridgemount Street to the north and 86 Ridgemount Street to the south, both of which contain single detached dwellings. Development and Housing Approvals staff visited the property on August 30, 2024.



Figure 1: Photo of the subject property, taken from the intersection of Ridgemount Street and Sportsman Hill Street. The Recipient Lot, addressed as 448 New Dundee Road, is located in the background.

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is further identified as being within (Area) 'Specific Policy Area 4. Doon South' on *Map 5 – Specific Policy Area*. The property is zoned 'RES-4 Zone (305)' in Zoning By-law 2019-051.

The surrounding lands to the north, south, and west are developed with low rise residential uses, mainly single detached dwellings and street townhouse dwellings, within Subdivision Plan 58M-616.

448 New Dundee Road:

The property immediately to the east is an "estate lot" addressed as 448 New Dundee Road, which is owned by Hayre Properties Inc. The property has 60.9 metres of frontage on New Dundee Road and is 1.2 hectares in area. The property contains a single detached dwelling, which is anticipated to be demolished in the future. In January 2024, City Council approved Zoning By-law Amendment Application ZBA20/003/N/AP, which requested to change the zoning from 'Low Rise Residential One Zone (RES-1)' to 'Low Rise Residential Four Zone (RES-4) with Site Specific Provision (384) and Holding Provision (58H)', to facilitate a development concept consisting of 26 vacant land condominium units (14 single detached dwellings and 12 semi-detached dwellings), a private common element road, two amenity areas, visitor parking, and a stormwater management facility. In the future, the applicant anticipates submitting a Vacant Land Condominium for the property.

The purpose of the Holding Provision is to prevent development of any new uses until certain conditions are met, and the holding provision has been removed by by-law, including, but not limited to the following:

- The parcel of land has been consolidated with the lands fronting Ridgemount Street and conditional approval of a Site Plan including, but not limited to, appropriate site access and servicing, has been granted by the City's Director, Development and Housing Approvals.

The Ridgemount Street access would be the primary access to the planned redevelopment, noting that the Region (New Dundee Road is a Regional Road), has stated that only emergency vehicles will be able to access New Dundee Road.

Following the zoning approval, on July 26, 2024, the City issued conditional approval of Site Plan Application SP24/029/N/AP, for 448 New Dundee Road and a portion of the subject property (see Figure 2).

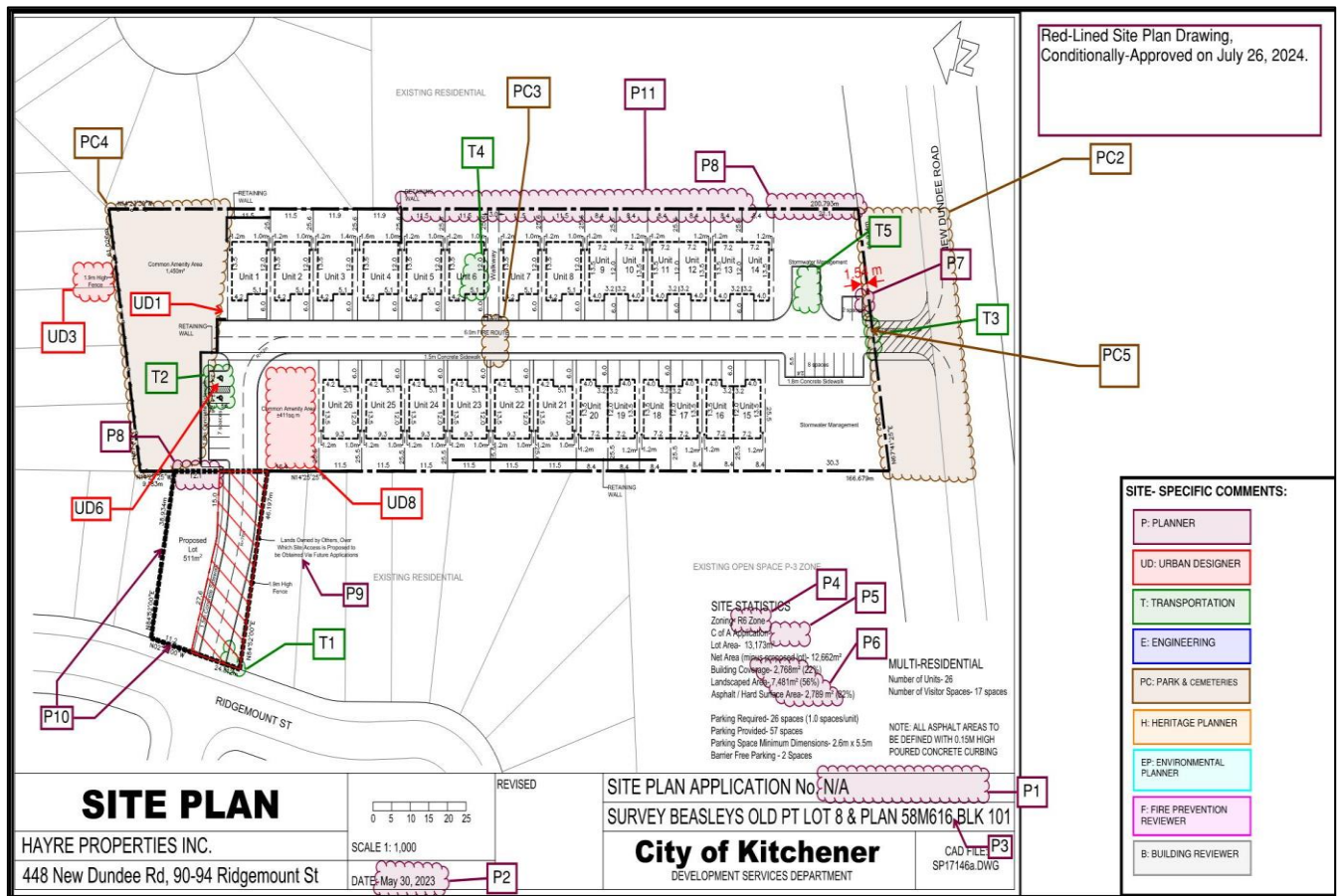


Figure 2: Conditionally Approved, Red-Lined Site Plan Drawing.

The Site Plan Application fleshes out the development concept originally shown through the Zoning By-law Amendment Application review. It proposes the site works related to the future Vacant Land Condominium. The Conditional Approval Letter includes Special Condition V, which relates to the subject consent application, and states:

Prior to final Site Plan Approval, the Owner shall fulfil the following site access conditions, in the following order, to the satisfaction of the City's Director of Development and Housing Approvals:

- a. *The Owner shall obtain final approval of the required Consent Application (for Lot Addition) to create the site access and servicing parcel from 90-94 Ridgemount Street and the land transfer to 448 New Dundee Road shall be complete, including that the parcels forming the site have been merged on title.*
- b. *The Section 41 Development Agreement for the subject site must be registered over the whole of the newly formed site.*
- c. *The Owner shall apply for and obtain final approval of a Zoning By-law Amendment Application to remove Holding Provision (58H).*



Figure 3: Aerial photo showing the Retained Lot, Severed Lot, and Recipient Lot.

The above noted condition outlines the process and key planning steps for the developer to obtain final Site Plan Approval. In this regard, the purpose of the subject Consent Application is to fulfill Special Condition V.a. Specifically, the applicant is requesting consent to sever a parcel of land having an approximate lot width of 13.3 metres, a lot depth of 46.1 metres and a lot area of 533.1 square metres (i.e., 'Severed Lot'), and convey it as a lot addition to the property municipally addressed as 448 New Dundee Road (i.e., 'Recipient Lot'). The 'Retained Lot' would have an approximate lot width of 11.6 metres, a lot depth of 38.9 metres and a lot area of 511 square metres, would have frontage on Ridgemount Streets, and would be used for low rise residential purposes (see Figure 3).

REPORT:

Planning Comments:

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Development and Housing Approvals (DHA) staff offers the following comments:

Provincial Policy Statement, 2020 (PPS)

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.

DHA staff is of the opinion that the requested consent will facilitate appropriate intensification via the conditionally approved Site Plan Application. Staff is of the opinion that this proposal is consistent 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.

The subject property is located within the City's 'Designated Greenfield Area' and the Recipient Lot (i.e., 448 New Dundee Road) is located within the 'Built Up Area', as noted on *Map 1 – City Urban Area and Countryside* of the Official Plan. The proposed development represents appropriate intensification and will contribute towards achieving the City's goals for both the 'Designated Greenfield Area' and 'Built Up Area'. The Consent Application will facilitate development that makes efficient use of existing roads, parks (e.g., Wetland Way Park, Ian Ormston Park), schools (e.g., the recently approved, nearby elementary school at 670 Thomas Slee Drive), and nearby transit (e.g., local GRT Route 36). DHA staff is of the opinion that the development proposal 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 identified as 'Designated Greenfield Area' in the ROP. 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. The Region has indicated that it has no objections to the proposed consent. DHA staff is satisfied that the application conforms to the ROP.

City's Official Plan (2014)

The subject property is identified as 'Community Area' on *Map 2 – Urban Structure* and is designated 'Low Rise Residential' on *Map 3 – Land Use* in the City's 2014 Official Plan. The property is further identified as being within (Area) 'Specific Policy Area 4. Doon South' on *Map 5 – Specific Policy Area*, though it should be noted that there are no specific policies that apply in this particular case.

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

“17.E.20.5 Applications for consent to create new lots will only be granted where:

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
- b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
- c) all of the criteria for plan of subdivision are given due consideration;
- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.”

With respect to the above policy, DHA staff is of the opinion that both the Severed Lot, if merged with the Recipient Lot via recommended approval conditions, and the Retained Lot, would conform to the policies of the Official Plan and would comply with Zoning By-law 2019-051. No variances are necessary to facilitate the requested Consent. Moreover, both resultant lots reflect the general scale and character of the established area. The Retained Lot and the Severed Lot would be a similar size and shape to the balance of the lots on the east side of Ridgemount Street.

Both lots adequately address the considerations of Section 51(24) of the Planning Act with respect to plans of subdivision and consents, including having frontage on a public street and adequate servicing. A plan of subdivision is not necessary to facilitate the proposal, since the proposal is straight-forward, and no new public roads are contemplated. The resultant lots will not restrict the ultimate development on the adjacent properties since the abutting lots to the north and south are already developed with single detached dwellings; on the contrary, the Severed Lot will facilitate appropriate intensification on the Recipient Lot, by providing appropriate access and servicing.

Zoning By-law 2019-051

The property is zoned 'RES-4 Zone (305)' in Zoning By-law 2019-051. As noted above, no variances are necessary to facilitate the requested consent. Both resultant lots would comply with the Zoning By-law.

Planning Conclusions/Comments:

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the resultant lots are desirable and appropriate, subject to satisfactory clearance of the recommended conditions. As aforementioned, the resultant lots reflect the general scale and character of the established development pattern of surrounding lands, and no variances are required. Servicing will be undertaken in accordance with the requirements of Engineering Services. The resultant lots have frontage on established public streets. DHA staff is further of the opinion that the requested consent is consistent with the Provincial Policy Statement, and the Region of Waterloo Official Plan, conforms to the Growth Plan for the Greater Golden Horseshoe and City Official Plan, and represents good planning.

Environmental Planning Comments:

No natural heritage features or functions; dealt w/ as part of 58M-616. Tree Management Policy matters addressed as part of site plan for 448 New Dundee Rd.

Heritage Planning Comments:

No Heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent.

Engineering Division Comments:

Retained lot

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to katie.wood@kitchener.ca
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will

have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.

Lot Addition

- Anything required on the lot addition will be taken through the site plan process.

Parks/Operations Division Comments:

Parkland Dedication has been satisfied through KDA 17/17 for 30T-13203 Stage 5 Block 101. Other Parks requirements will be satisfied through SP24/029/N/AP.

Transportation Planning Comments:

Transportation Services have no concerns with this application.

Region of Waterloo Comments:

The owner/applicant is proposing a consent to sever part of lot (Block 101, Plan 58M616), as lot addition to 448 New Dundee Rd (511sqm retained lot area, 533.1sqm conveyed lot area, and 12,123sqm benefitting lot area). The severance will facilitate the development of the subject lands in accordance with conditionally approved site plan (SP17146a). A future draft Plan of Condominium application is anticipated. The property is currently occupied by a single detached residential dwelling.

Regional Consent Review Fee

Regional Staff are not in receipt of the required consent review fee of \$350 The consent review fee is required as a condition of approval for the consent application.

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

Regional Staff has no objection to this application subject to the following condition(s):

1. That prior to final approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.

Grand River Conservation Authority Comments:

No objection.

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.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City’s website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*
- *KDA 17/17 – Modification to Draft Approved Plan of Subdivision 30T-13203 – 508 New Dundee Road – Activa Holdings Inc. (formerly C. Ormston)*
- *DSD-2024-403 - Zoning By-law Amendment Application ZBA20/003/N/AP - 448 New Dundee Road - Hayre Properties Inc.*
- *Conditional Approval Letter dated July 26, 2024 re: Site Plan Application SP24/029/N/AP - 448 New Dundee Rd & 90-94 Ridgemount St - Hayre Properties Inc.*

ATTACHMENTS:

Attachment A – *Consent Sketch*, prepared by GSP Group, dated June 27, 2023.



Activa Holdings Inc.
CONSENT SKETCH
 Block 101, Ridgemount St, Kitchener

- NEW ADDITION TO 448 NEW DUNDEE
533.1m²
- 448 NEW DUNDEE EXISTING SITE
12123.1m²
- RETAINED LOT
511m²

0 5 10 15 25 30
 METERS

NOTE: This concept should be considered as a preliminary conceptualization and is not intended to be used for construction purposes. The number of units, floor area and parking supply are approximate and subject to more detailed design as well as municipal planning.

Scale 1:750 | June 27, 2023 | Project No. 17146 | Drawn By: ML

