

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 13, 2022

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

PREPARED BY: Tim Seyler, Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: May 11, 2022

REPORT NO.: DSD-2022-257

SUBJECT: Zoning By-law Amendment ZBA22/004/B/TS
Modification to Draft Approved Plan of Subdivision 30T-08206
1525 Bleams Road
Mattamy (South Estates) Limited

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA22/004/B/TS for Mattamy (South Estates) Limited be approved in the form shown in the “Proposed By-law”, and “Map No. 1”, attached to Report DSD-2022-257 as Appendix “A”; and,

That the City of Kitchener, pursuant to Section 51 (44) of the Planning Act R.S.O. 1990, Chapter P 13 as amended, and Delegation By-law 2002-64, hereby modifies the conditions of draft approval for Plan of Subdivision Application 30T-08206, in the City of Kitchener, for Mattamy (South Estates) Limited, as attached to Report DSD 2022-257 as Appendix ‘B’.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation on the Subdivision Modification and Zoning By-law Amendment applications for subject lands located at 1525 Bleams Rd. The applications propose to add the lands located at 1525 Bleams Road into Stage 2 of Draft Approved Plan of Subdivision 30T-08206.
- Community engagement included:
 - circulation of a postcard to residents and property owners within 240m of the subject site;
 - installation of notice signage on the property;
 - postcard advising of the public meeting was circulated to all residents and property owners within 240 metres of the subject site, and,
 - notice of the public meeting was given in The Record on May 20, 2022.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Mattamy (South Estates) Limited, the owner of the subject lands, is proposing to modify Stage 2 of the draft approved Plan of Subdivision 30T-08206 and to change the zoning of the lands to allow the site to be developed with 6 single detached dwellings and 1 street fronting townhouse dwelling.

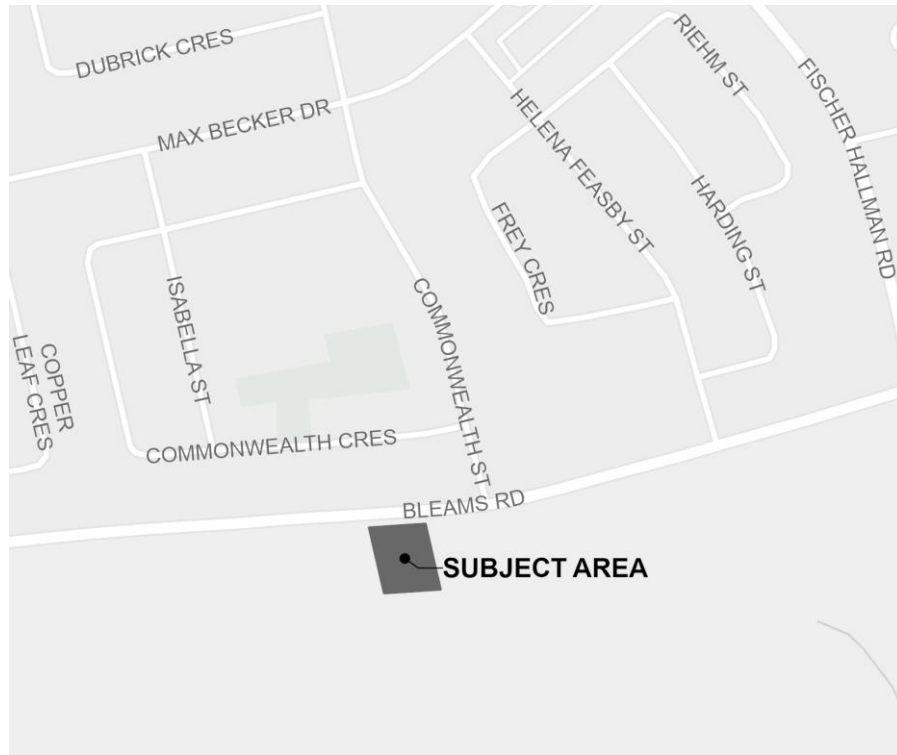


Figure 1 - Location Map: 1525 Bleams Road

BACKGROUND:

The South Estates Subdivision (30T-08206) was originally draft approved September 2, 2015, by the Ontario Municipal Board (case numbers PL140874 and PL140877). The subdivision represents a well-designed, contemporary subdivision having a mix of residential dwelling types including low, and medium density forms of housing, storm water management pond, park spaces, and open spaces. Since 2012, the subdivision has undergone one minor modification to the Draft Plan of Subdivision to change the boundaries of stages. The most recent minor modification was in 2021 removing a parcel of Land from Stage 1 and creating Stage 2. Stage 1 is registered, and Stage 2 is the last remaining stage of the Plan of Subdivision that is not registered.



Figure 2 – 30T-08206 Draft Plan of Subdivision.

The subject lands will be added to Stage 2 of the draft approved Plan of Subdivision 30T-08206. The added lands are the former pumping station lands that have frontage onto Bleams Road at the north end of the South Estates subdivision. Stage 2 of the subdivision includes a small parcel of land which is draft approved and zoned for a low-rise residential development. When the lands are added to Stage 2, there will be a total of 6 new single detached dwelling units, and one street fronting townhouse unit created. The development will also result in the construction of the undeveloped portion of Histand Trail, providing a through connection for the portion of Histand Trail located within the Draft Plan of Subdivision. The proposed lots and built form are consistent with the residential uses approved in Stage 1.

REPORT:

The owner is proposing to modify Stage 2 of the draft approved Plan of Subdivision 30T-08206 and to change the zoning of the subject lands to allow the site to be developed with 6 single detached dwellings and one street fronting townhouse unit.

To facilitate the modification to Stage 2 of Draft Plan of Subdivision 30T-08206, the owner is proposing the following zoning to apply to the subject lands: R-6 (Residential Six Zone) with Special Regulations 671R, 672R, 673R, and 674R. The proposed zoning is the same as the rest of the subdivision that was approved through the Ontario Municipal Board (OMB) in 2015.

Planning Analysis:

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets out policies to consider in order to sustain healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, including an appropriate mix of affordable and market-based residential dwelling types, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, 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 public transit, 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. Provincial policies are in support of providing a broad range of housing. The proposed subdivision modification and Zoning By-law amendment will permit six additional single detached dwellings and one street fronting townhouse dwelling.

Planning staff is of the opinion that the proposed applications are consistent with the PPS as they will facilitate the development of the subject lands with a mix of housing styles including single detached, and street-fronting townhouses. A variety of high-quality, publicly accessible park spaces and recreation features support a healthy and active community. Planning staff are of the opinion that the requested applications are consistent with the policies and intent of 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. To support the achievement of complete communities, the Growth Plan outlines that municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The Growth Plan requires a minimum of 50 residents and jobs per hectare within areas designated Urban Designated Greenfield Area. Municipalities must support housing choice through the achievement of the minimum intensification and density targets by identifying a diverse range and mix of housing options and densities, to meet projected needs of current and future residents.

The subject lands are located within the City's Urban Designated Greenfield Area, an area within the Settlement Boundary that is designated for growth. The proposed subdivision modification and Zoning By-law amendment will add residential uses, which aligns with the requirement to achieve minimum density targets. The proposed subdivision modification and zoning will support and provide housing options that will help make efficient use of infrastructure, parks, roads, trails and transit. 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 Urban Designated Greenfield Areas in the ROP. This neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies support the development of complete communities having development patterns and densities that support walking, cycling and transit. The ROP requires a minimum density of 55 people and jobs per hectare in greenfield areas. 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. Regional staff have indicated that they have no objections to the proposed applications (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan as they propose to add an additional seven units to the plan of subdivision.

City of Kitchener Official Plan:

Urban Area and Countryside

The subject lands are Designated Greenfield Area on Map 1 of the City of Kitchener's Official Plan. Designated Greenfield Areas have a minimum density target of 55 residents and jobs combined per hectare.

Urban Structure

The subject lands are located within the 'Community Areas' 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.

Land Use Designation

The subject lands are designated Low Density Residential Two in the in the Rosenberg Secondary Plan within the 1994 Official Plan. The Low Density Residential land use designation permits a full range of low density housing types which may include single detached dwellings and street townhouse dwellings. Secondary residential units are also permitted on the same lot as single detached dwellings where appropriate.

Housing

The City's primary objective with respect to housing is 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 Zoning By-law Amendment and Modification to the Draft Plan of Subdivision continues to provide for a range of dwelling units available in the city as lot areas, lot depths, and lot widths vary in size which will provide a range of dwellings that will vary in size and number of bedrooms. The development is contemplated to include six single detached dwellings and one street fronting townhouse.

Policy Conclusion

Planning staff are of the opinion that the proposed Zoning By-law Amendment and modification to Draft Plan of Subdivision 30T-08206 are consistent with policies of the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe and to the Regional Official Plan and the City of Kitchener Official Plan, and represents good planning.

Proposed Zoning By-law Amendment:

The subject lands are currently zoned Agricultural Zone (A-1) and Agricultural Zone (A-1) with Special Regulation Provision 1R.

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning on the lands as follows (and further detailed and shown on Map No.1):

Area 1: From Agricultural Zone (A-1) to Residential Six Zone (R-6) with Special Regulation Provisions 671R, 672R, 673R and 674R.

Area 2: From Agricultural Zone (A-1) with Special Regulation 1R to Residential Six Zone (R-6) with Special Regulation Provisions 671R, 672R, 673R and 674R.

Proposed Modifications to Draft Approved Plan of Subdivision:

Mattamy (South Estates) Limited is proposing to modify the draft approved Plan of Subdivision 30T-08206. The proposed modification is associated with a Zoning By-law Amendment, which required Council approval.

The modification to the draft approved Plan of Subdivision 30T-08206 applies to Stage 2 only. Stage 1 is registered, and Stage 2 is the last remaining stage of the Plan of Subdivision that is not registered

and remains draft approved. The conditions that were satisfied as part of the Stage 1 registration and not applicable to Stage 2 have been deleted from the proposed new conditions. The original draft approved plan for Stage 2 showed a small area of land zoned for low-rise residential. The intent was to add the subject lands to Stage 2 to develop the lands with a total of six new single detached dwelling units, and one street fronting townhouse unit. The development will also result in the construction of the undeveloped portion of Hinstead Trail, providing a through connection for the portion of Hinstead Trail located within the Draft Plan of Subdivision. The development of these lands with six single detached dwellings and one street fronting townhouse unit was always contemplated with the original development applications, but the lands were previously used for a temporary pumping station. As a result of infrastructure improvements, the temporary pumping station is no longer needed, and the lands can be incorporated within the plan of subdivision and developed as intended.

Staff are of the opinion that the proposed street layout and lotting is appropriate for the development of the lands. Staff are supportive of the proposed modifications to the draft approved plan.

The following condition has been added by the City of Kitchener:

- 2.30 That prior to registration of Stage 2 of the plan of subdivision, the SUBDIVIDER complete a Record of Site Condition (RSC) for all of the lands in Stage 2 accordance with Ontario Regulation 153/04. A copy of the completed RSC, acknowledgement from the Ministry of the Environment, Conservation and Parks, and any other documents (e.g., Environmental Site Assessment reports) completed in support of the RSC must be forwarded to the CITY'S Directors of Engineering and Planning.

The following conditions have been altered/added by the Region of Waterloo:

- 3.15 That if required by the Region, the Owner obtains a Regional Road Access Permit to close the existing access on Bleams Road (Regional Road 56).
- 3.16 That the Owner upon written request by the Region, or that the plan for final approval (whichever comes first), provide for road widening Block 8 (Stage 2), and any road widening dedication along the Bleams Road frontage identified through the Bleams Road environmental assessment project as deemed necessary by the Region, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
- 3.19 That prior to final approval, the Owner enter into an agreement with the Regional Municipality of Waterloo for the installation of a 1.5 metres high chain link fence along any lot properties fronting Bleams Road (Regional Road 56), to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
- 3.22
 - a) That the Owner enter into an agreement with the Regional Municipality of Waterloo for Lots 1 to 4, Block 5, Block 6 and Block 7, all inclusive, to provide for the installation of a forced air-ducted heating system suitably sized and designed for the future installation of a central air conditioning system by the occupant.
 - b) That the Owner enter into an agreement with the Regional Municipality of Waterloo for Lots 1 to 4, Block 5, Block 6 and Block 7, all inclusive, to include the following warning clause in all offers to purchase and/or rental agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

- 3.25 That prior to area grading, servicing or final approval of all or any part of the plan of subdivision, the SUBDIVIDER complete a Record of Site Condition (RSC) for all of the lands in Stage 2 accordance with Ontario Regulation 153/04. A copy of the completed RSC, acknowledgement from the Ministry of the Environment, Conservation and Parks, and any other documents (e.g., Environmental Site Assessment reports) completed in support of the RSC must be forwarded to the Regional Commissioner of Planning, Development and Legislative Services. The RSC boundaries must exclude any land being dedicated to the Region for road widening purposes.

Department and Agency Comments:

Preliminary circulation of the Zoning By-law Amendment and the proposed Modification to the Draft Plan of Subdivision was undertaken on February 7, 2022 to applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency. Additional consideration will be addressed through the site development approval process. Copies of comments are found in Appendix ‘D’ of this report.

The following reports and studies were considered as part of this proposed Zoning By-law Amendment and Modification to the Draft Plan of Subdivision:

- Planning Justification Report
Prepared by: GSP Group, August 2021

Planning Conclusions

In considering the foregoing, staff are supportive of the Zoning By-law Amendment and modification to Draft Approved Plan of Subdivision 30T-08206. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Staff recommends that the applications be approved.

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 Council / Committee meeting. Notice signs were posted on the property and information regarding the application posted to the City’s website in February 2022. Notice of the Public Meeting was posted in The Record on May 20, 2022 (a copy of the Notice may be found in Appendix ‘C’).

CONSULT – The proposed Zoning By-law Amendment and Major Subdivision Modification were originally circulated to property owners within 240 metres of the subject lands on February 7, 2022. In response to this circulation, staff received no written responses.

PREVIOUS REPORTS/AUTHORITIES:

- Draft Plan of Subdivision 30T-08206
- Planning Act, R.S.O. 1990, c. P.13
- Provincial Policy Statement, 2020
- Growth Plan, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 1994 & 2014
- City of Kitchener Zoning By-law 85-1

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

- Appendix A – Proposed Zoning By-law Amendment and Zoning Map
- Appendix B – Proposed Conditions of Draft Plan Approval and Modified Draft Plan
- Appendix C – Newspaper Notice
- Appendix D – Department and Agency Comments