

Staff Report



Development Services Department

www.kitchener.ca

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 3

DATE OF REPORT: May 11, 2022

REPORT NO.: DSD-2022-255

SUBJECT: Draft Plan of Condominium (Vacant Land) 30CDM-22203
55 Franklin Street South
55 Franklin GP Inc.

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 2002-164 of the City of Kitchener, as amended, grant draft approval to Condominium Application 30CDM-22203 for 55 Franklin Street South in the City of Kitchener, subject to the conditions shown in Appendix "A".

REPORT HIGHLIGHTS:

- The purpose of this report is to provide a planning recommendation to approve the proposed Vacant Land Condominium for the property located at 55 Franklin Street South.
- Community engagement for the Vacant Land Condominium 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 20, 2022.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the property at 55 Franklin Street South is proposing to obtain draft approval for a 5-unit Vacant Land Condo (VLC) comprising of 4 mixed use buildings and a 1 storey parking structure.

Staff is supportive of the proposed application that would allow the redevelopment of the subject site.

BACKGROUND:

55 Franklin GP Inc. has made application to the City of Kitchener for a Draft Plan of Vacant Land Condominium.

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



Figure 1: Location map

The subject site is located close to the Highway 8 expressway in the Vanier neighbourhood. The lands were previously used for industrial and office uses. The lands are surrounded by Low Rise Residential uses to the west, High Rise Residential uses to the south, and Commercial uses to the north and east. The lands have received site plan approval for 4 mixed use buildings containing a total of 256 affordable residential units with commercial units located on the ground floor. A 1 storey parking structure is also approved for the property.

The subject site has a frontage on both Franklin Road South and Eighth Avenue with a lot area of 8125.1 square metres (0.82 hectares). In March of 2021, the property received minor variance approval by the Committee of Adjustment for reductions in rear yard setback, side yard setbacks and parking reductions.

REPORT:

The owner of the subject lands is proposing a vacant land condominium which will consist of a total of 5 units. Four of the units will each contain a 6 storey, 64-unit mixed use building with landscaped areas and surface parking. The 5th middle unit will contain a 1 storey parking structure. Internal drive aisles, walkways, and landscaped areas make up the common elements. The owner has received Site Plan approval (SP20/075/F/AP) and a building permit has been issued for the first building which is currently under construction.

The property is designated Commercial in the City’s Official Plan and zoned Commercial Two Zone (COM-2) in the City’s Zoning By-law 2019-051.

The residential development consisting of 5 units to be developed with 4 mixed use buildings, and 1 parking structure 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.

The vacant land condominium application proposes to create units 1 through 5 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 units within the 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), 2010:

The subject site is located within the Urban Area and Built-Up Area in the Regional Official Plan. Permitted uses of the Urban Area and Built-Up Area in the ROP include a mix of housing uses including condominium units. Regional policies support a diverse range and mix of permanent housing options including the housing style proposed through this application.

The subject lands fall within the 'built boundary' delineated by the Province in the Growth Plan and identified in the Regional Official Plan. Policy 2.C.2 sets a target of 45% of new residential development to occur within the Built-Up area (as opposed to an urban greenfield area). This proposal would contribute to that target and represents reurbanization within the built-up area that results in a higher density than existed previously.

In addition, Policy 2.D.1 states that in reviewing development applications, the Region and area municipalities will ensure that development occurring within the urban area is planned and developed in a manner that:

- is serviced by a municipal; drinking-water system and a municipal wastewater system
- protects the natural environment, and surface water and groundwater resources
- respects the scale, physical character, and context of established neighbourhoods in areas where reurbanization is to occur.

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.

City Official Plan

The subject property is designated as Commercial in the City's Official Plan (OP). Lands located within the Commercial designation in the Official Plan may include dwelling units, where appropriate,

provided they are located in the same building as compatible commercial uses and are not located on the ground floor.

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.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.

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 applications.

Community Input and Staff Responses:

Staff received 1 written response from a nearby resident (attached as Appendix "D"). The resident had questions about the timing of the application, as the first building was already currently under construction. Planning staff responded directly to the residents by phone to answer questions and listen and understand their 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 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 20, 2022 (Appendix "B").

CONSULT – The Application was circulated to property owners within 240 metres of the subject lands on March 18, 2022 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 2019-051
- City of Kitchener Official Plan, 2014
- Regional Official Plan, 2010
- Provincial Policy Statement, 2020
- Planning Act, 1990
- A Place to Grow, Growth Plan, 2020
- Minor Variance A2021-011

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

Appendix "A" – Draft Approval Conditions and Draft Plan of Condominium 30CDM-22203

Appendix "B" – Newspaper Notice

Appendix "C" – Department and Agency Comments

Appendix "D" – Neighbourhood Comments