

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: December 5, 2022

SUBMITTED BY: Garett Stevenson, Interim Director of Planning, 519-741-2200 ext. 7070

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: November 9, 2022

REPORT NO.: DSD-2022-462

SUBJECT: Draft Plan of Condominium (Vacant Land)- 30CDM-22217
3241-3247 King Street East and 108 Cameo Drive
Day Nominee Corporation

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-22217 for 3241-3247 King Street East and 108 Cameo Drive 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 grant draft approval for the proposed Vacant Land Condominium for the property located at 3241-3247 King Street East and 108 Cameo Drive.
- The building design, height, and density have all been approved and are not subject to Council approval. Council's consideration on this matter is limited to matters of draft approval of the vacant land condominium only.
- 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 16 written neighbourhood responses, resulting in several follow up phone conversations; and,
 - Notice of the public meeting was advertised in The Record on November 18, 2022.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the property at 3241-3247 King Street East and 108 Cameo Drive is proposing to obtain draft approval for a 4-unit Vacant Land Condo (VLC), three (3) of the units each comprising of a residential tower building and the fourth unit comprising of an above grade parking structure to allow for the phasing of construction.

Staff is supportive of the proposed application that would facilitate the construction of the residential development on the subject site.

BACKGROUND:

The Owner, Day Nominee Corporation, has made application to the City of Kitchener for a Draft Plan of Vacant Land Condominium.

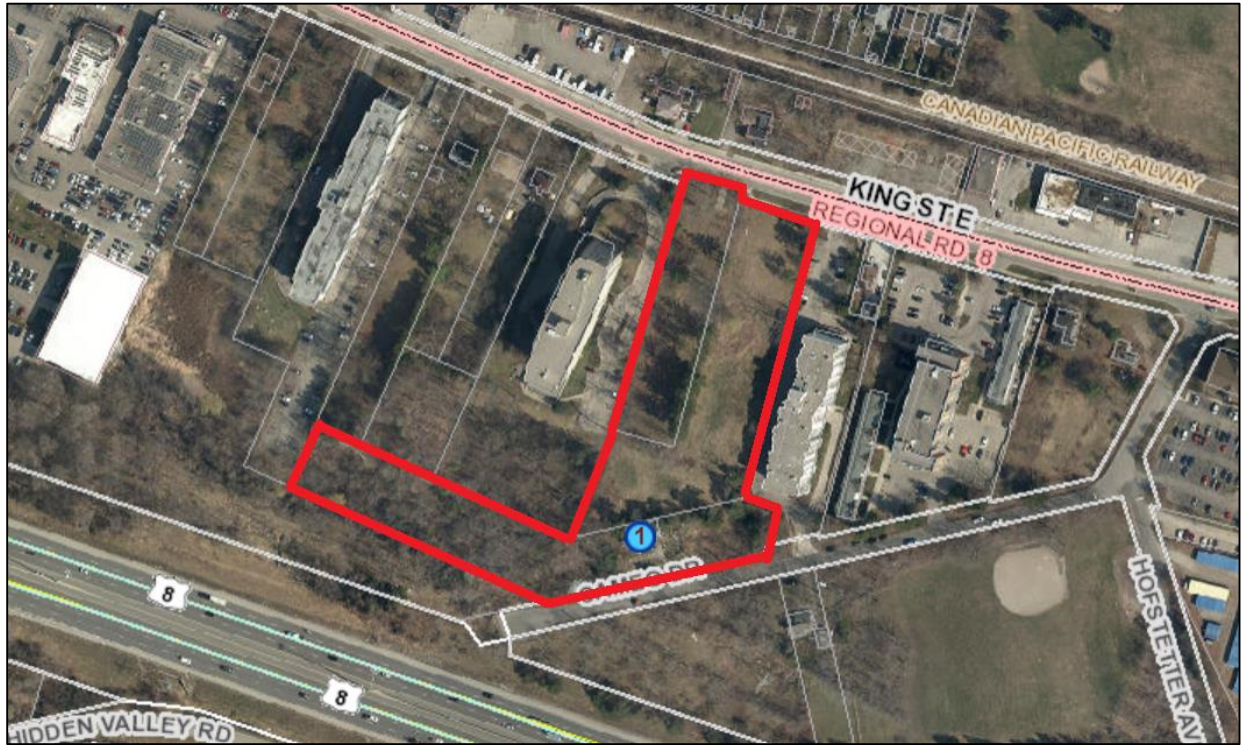


Figure 1: Location map

The subject property is an irregular-shaped through lot, with frontage onto King Street East and Cameo Drive.

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

The subject property is zoned 'Residential Nine Zone (R-9)' with Special Regulation Provision 169R in Zoning By-law 85-1. The property is zoned 'High Rise Residential Seven Zone RES-7' in Zoning By-law 2019-051 (currently under appeal).

The applicant has submitted a Site Plan Application (SP21/107/K/ES) and received Approval in Principle (AIP) for a 3 tower development, providing 946 dwelling units with underground, structured, and surface parking. The proposed 3 towers are approved with heights of 24, 23, and 19 storeys. A Minor Variance application (A2022-039) to facilitate the development was approved by the Committee of Adjustment on April 8, 2022.

REPORT:

The owner of the subject lands is proposing a vacant land condominium which will consist of a total of 4 units. Three of the units will each contain a residential tower. One unit will be the parking garage, in shared use by the three tower units and in shared ownership of the residential towers. The 946 residential units are not proposed to be created as condominium units within the proposed vacant land condominium; rather, they are proposed to be rental units. Internal drive aisles, walkways, and landscaped areas make up the common elements.

The vacant land condominium application proposes to create units 1 through 4 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 conveyance of each tower unit for financing and phasing purposes.

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 split-identified as 'Community Area' and 'Urban Corridor' on Map 2 – Urban Structure and is designated as 'High Rise Residential' on Map 3 in the City's Official Plan (OP). Community Areas are intended to primarily serve as residential areas, and can be Low, Medium, or High Rise in scale. Lands located within the High Rise Residential designation in the Official Plan are intended to accommodate high density multiple dwellings to achieve a high intensity of residential use.

The City's Official Plan contains policies that speak to provision of housing:

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 Attachment "C". There are no outstanding concerns with the proposed applications.

Community Input and Staff Responses:

Staff received 16 written responses from residents (attached as Attachment "D"). Comments and questions were mostly related to existing and potential increased traffic on King Street East, and the potential for a pedestrian crossing of King Street East based on existing conditions. Planning Staff worked with Regional Transportation Staff to gain information on the regional review of the Transportation Impact Study (TIS) and how it related to traffic and pedestrian crossing potential. Current provincial traffic standards do not allow pedestrian crosswalks on roads with a speed limit of 60KM/h, such as King Street East. Regional Traffic Staff are starting a task force to look into the potential for pedestrian crosswalks on roads with 60KM/h speed limits. Planning Staff were able to provide responses directly to the residents by phone and email to answer questions and listen and understand their concerns. The applicant has received Approval in Principle (AIP) for a 3 tower development that is permitted under the current zoning. A Minor Variance application (A2022-039) to facilitate the development was approved by the Committee of Adjustment on April 8, 2022. The building design, height, and density have all been approved and are not subject to Council approval.

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 November 18, 2022 (Appendix "B").

CONSULT – The Application was circulated to property owners within 240 metres of the subject lands on September 9, 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 85-1
- 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 A2022-039

REVIEWED BY: Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

APPROVED BY: Readman, Justin - General Manager, Development Services

ATTACHMENTS:

Attachment "A" – Draft Approval Conditions and Draft Plan of Condominium 30CDM-22217

Attachment "B" – Newspaper Notice

Attachment "C" – Department and Agency Comments

Attachment "D" – Neighbourhood Comments

Attachment "E" – Site Plan SP21/107/K/ES (Approved in Principle)