

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: January 9, 2023

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

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

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: December 16, 2022

REPORT NO.: DSD-2023-015

SUBJECT: Zoning By-law Amendment ZBA22/022/N/TS
525 New Dundee Road
HIP New Dundee GP Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA22/022/N/TS requesting to amend Zoning By-law 2019-051, for HIP New Dundee GP Inc. be approved in the form shown in the Proposed 'Proposed By-law', and 'Map No. 1' attached to Report DSD-2023-015 as Attachment 'A'.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding a Zoning By-law Amendment application for the property located at 525 New Dundee Road.
- It is Planning staff's recommendation that the proposed amendment represents good planning and is an opportunity to provide an additional six (6) residential units, on the ground floor, of a mixed-use building currently under construction.
- 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 December 16, 2022.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Planning Staff is recommending approval of the requested Zoning By-law Amendment application to:

- Change the zoning in Zoning By-law 2019-051, from from Arterial Commercial Zone (COM-3) with Site Specific Provision (84) to Arterial Commercial Zone (COM-3) with Site Specific Provision (356)
- The amendment will facilitate the construction of an additional 6 residential dwelling units on the ground floor within an established mixed-use development.

*** 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: 525 New Dundee Road

BACKGROUND:

The City of Kitchener has received an application for a Zoning By-law Amendment from HIP New Dundee GP Inc for a development concept that proposes an additional 6 residential units on the ground floor of a mixed-use development. The existing development consists of 178 residential units, and 3 commercial units.

The subject property is identified as an 'Arterial Corridor' and 'Green Area' on the City's Urban Structure (Map 2 - City of Kitchener Official Plan) and designated as 'Commercial' and 'Natural Heritage Conservation' (Map 3 - City of Kitchener Official Plan). For the purposes of this application the development is only located on the front portion of the property that has the Commercial designation and is not located within the Natural Heritage Conservation designated area of the property.

Site Context

The subject lands are located on the south side of New Dundee Road, near the intersection of New Dundee Road and Robert Ferrie Drive. The subject lands have an area of approximately 1.79 hectares and has a lot frontage along New Dundee Road of 105.8 metres. Site plan approval has been given for an eight (8) storey mixed use building containing 178 residential dwelling units and three (3) commercial units. A building permit has been issued and construction on the development is already underway.



Current development – 525 New Dundee Road

REPORT:

The owner is proposing to convert six (6) storage units located on the ground floor of a mixed-use building to six (6) ground floor residential units. The property is subject to Site Specific Provision (84) which permits dwelling units located within a mixed building, however the dwelling units are not permitted to be located on the ground floor of a mixed-use building, except for the access. Site Specific Provision (84) will be removed from the property with Site Specific Provision (356) taking its place.

The property has already received Site Plan approval for a mixed-use building containing 178 residential dwelling units and 3 commercial units. A building permit has been issued and construction has already commenced. Through the review and evaluation of this application, the interior layout of the ground floor has been reoriented, resulting in the commercial area for the mixed-use building being reduced, however 3 commercial units still remain. The creation of the new Site Specific provision will permit 6 residential units on the ground floor and ensure a minimum commercial gross floor area of 493 square metres remains within the property. Pending the approval of this zoning by-law amendment application, an updated Site Plan application will be required to ensure all zoning regulations are met.

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. Section 1.4.3 (d) of the PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities. The PPS 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.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed zoning will facilitate a compact form of development which efficiently uses the lands, is in close proximity to public transit, and makes efficient use of existing infrastructure. 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 Zoning By-law amendment will facilitate the development of an additional six (6) residential dwelling units on the ground floor of an established mixed-use building.

Planning staff is of the opinion that the proposed application is consistent with the PPS as they will facilitate the development of the subject lands with six (6) additional dwelling units. 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 Zoning By-law amendment will add 6 additional residential dwelling units, which supports the achievement of our minimum density target for designated Greenfield areas. The proposed zoning will support and provide additional housing units that will help make efficient use of infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the application 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 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 which this proposal will contribute to 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 application (Attachment 'C'). Planning staff are of the opinion that the application conforms to the Regional Official Plan as it proposes to facilitate an additional six (6) dwelling units to the existing mixed-use building.

City of Kitchener Official Plan

Urban Area and Countryside

The subject lands are identified as '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 an 'Arterial Corridor' in the City's Urban Structure (Map 2). The planned function of Arterial Corridors is to provide for a limited range of retail and service commercial

uses intended to predominately serve those travelling by automobile and to accommodate a limited range of retail uses which require outdoor storage or sales.

Land Use Designation

The subject lands are designated 'Commercial' in the City's Official Plan (Map 3) and are located within the Doon South Specific Policy Area (Map 5). The Commercial land use designation with the Doon South Specific Policy Area permits multiple residential dwelling units provided they are located within a mixed-use building together with other compatible commercial and office uses to a maximum Floor Space Ratio of 2.0. Staff can support the inclusion of six (6) ground floor residential units, as a regulation will be added to require a minimum amount of commercial floor area, in order to preserve the mixed-use designation and so a further reduction in Commercial area would not be permitted. The proposed site specific provision will introduce a minimum requirement for ground floor commercial uses.

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 will facilitate the development of six (6) additional dwelling units, on the ground floor of mixed-use building, to support residential intensification within an established mixed-use development.

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.1.22: 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.

Based on the above housing policies, staff is of the opinion that the application conforms to the Official Plan.

Policy Conclusion

Planning staff are of the opinion that the proposed Zoning By-law amendment is consistent with policies of the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, 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 'Arterial Commercial (COM-3)' with Site Specific Provision (84) in Zoning By-law 2019-051.

The purpose of the amendment is to permit 6 residential dwelling units to be located on the ground floor of a mixed-use building whereas none are currently permitted. To ensure that the commercial function contemplated by the land use designation is maintained, the Site-Specific Provision proposes to require a that the building provide a minimum 493 square metres of commercial floor area. An amendment to Zoning By-law 2019-051 to change the zoning on the lands as follows (and further detailed and shown on Map No.1):

"From Arterial Commercial Zone (COM-3) with Site Specific Provision (84) to Arterial Commercial Zone (COM-3) with Site Specific Provision (356).

Site Specific Provision (356)

- a) The following uses shall be permitted:
 - i) *Place of Worship*;
 - ii) *Small Residential Care Facility* in accordance with the regulations for the INS-1 zone within Section 11.3;
 - iii) *Large Residential Care Facility* in accordance with the regulations for the INS-1 zone within Section 11.3;
 - iv) A maximum of six (6) *Dwelling Units* located on the *ground floor* within a *mixed use building* containing at least one other permitted use listed in Table 9-1. The maximum *Floor Space Ratio* for *dwelling units* shall be 2; and,
- b) In addition to regulation (7) within Table 9-1, and *office* use shall also not exceed a Floor Space Ratio on 0.5.
- c) A minimum commercial *gross floor area* shall be 493 square metres.”

Department and Agency Comments:

Preliminary circulation of the Zoning By-law Amendment was undertaken on September 26, 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 Attachment ‘C’ of this report.

The following reports and studies were considered as part of this proposed Zoning By-law Amendment:

- Planning Justification Report
Prepared by: MHBC Planning Limited, August 2022

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Zoning By-law Amendment. Staff is of the opinion that the subject application is consistent with policies of the Provincial Policy Statement (2020), conforms 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 application 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 September 2022. Notice of the Public Meeting was posted in The Record on December 16, 2022 (a copy of the Notice may be found in Attachment 'B').

CONSULT – The proposed Zoning By-law Amendment Application was originally circulated to property owners within 240 metres of the subject lands on September 26, 2022. In response to this circulation, staff received no written responses.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Provincial Policy Statement, 2020
- A Place to Grow Growth Plan, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051

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

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

- Attachment A – Proposed Zoning By-law Amendment and Zoning Map
- Attachment B – Newspaper Notice
- Attachment C – Department and Agency Comments