

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: February 13, 2023

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

PREPARED BY: Dumart, Craig – Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: January 13, 2023

REPORT NO.: DSD-2023-054

SUBJECT: Zoning By-law Amendment ZBA/22/027/B/CD
Blocks 22, 25, 28 and part of blocks 20, 21, 23, 24, 26, 27, 29 Plan
58M-643 (Trussler West Subdivision)
Activa Holdings Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA22/027/B/CD for Activa Holdings Inc. **BE APPROVED** in the form shown in the “Proposed By-law”, and “Map No. 1”, attached to Report DSD-2023-054 as Appendix “A”.

REPORT HIGHLIGHTS:

The purpose of this report is to provide a planning recommendation to approve the Zoning By-law Amendment application for the subject lands located at Blocks 22, 25, 28 and part of Blocks 20, 21, 23, 24, 26, 27, 29 on Registered Plan 58M-643 (Trussler West Subdivision)

- Community engagement included:
 - Circulation of a preliminary notice of application postcard to occupants and property owners within 240m of the subject lands;
 - Installation of a large billboard notice signage on the property; and
 - Notice of the Statutory Public Meeting was published in the Waterloo Region Record on January 20, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the subject properties is requesting a Zoning By-law Amendment to change the zoning from ‘Low Rise Residential Four Zone (RES-4)’ with Site Specific Provisions (297), (301), and (302) to ‘Low Rise Residential Five Zone (RES-5)’ with Site Specific Provisions (297) (301) (303) and (359) to allow for street townhouse dwelling units with increased garage facade widths of 78 percent for corner lot units and reduced external unit (end unit) lot widths of 7 metres.

BACKGROUND:

Activa Holdings Inc. has made an application to the City of Kitchener for a Zoning By-law Amendment proposing to change the zoning of Blocks 22, 25, 28 and part of Blocks 20, 21, 23, 24, 26, 27, 29 on Registered Plan 58M-643 (also known as the Trussler West Subdivision) to allow for street

townhouse dwelling units with increased garage facade widths of 78 percent and reduced external unit (end unit) lot widths of 7 metres. The subject lands are designated 'Low Rise Residential' in the City of Kitchener Official Plan and zoned 'Low Rise Residential Four Zone (RES-4)' with Site Specific Provisions (297), (301), and (302) in Zoning By-law 2019-051. No Official Plan amendment is required or requested.

Existing zoning permissions include:

- Low Rise Residential Four Zone (RES-4) with Site Specific Provisions (297), (301), and (302) permits:
 - RES-4 Zoning permits: Low rise residential forms of housing including street townhouse dwellings, semi detached, single detached attached and detached additional dwelling units;
 - Site Specific Provision (297) permits: Covered porches to encroach 2.5 metres into driveway visibility triangles;
 - Site Specific Provision (301) permits: Access driveways to be setback 4.5 metres from intersecting street line;
 - Site Specific Provision (301) permits: Porches and terraces to be setback 2.5 metres from the street line (301);
 - Site Specific Provision (302) permits: Maximum building height of 12.5 metres;
 - Site Specific Provision (302) permits: Minimum rear yard setback of 7.0 metres.
 - Site Specific Provision (302) permits: Minimum 10 metre corner lot widths for semi-detached dwellings, and 11 metre corner lot widths for single detached dwellings.

The subject lands are located in the Trussler West Subdivision, specifically within Blocks 22, 25, 28 and part of Blocks 20, 21, 23, 24, 26, 27, 29 on Registered Plan 58M-643.



Figure 1 - Location Map: Blocks 22, 25, 28 and part of Blocks 20, 21, 23, 24, 26, 27, 29 on Registered Plan 58M-643 (Trussler West Subdivision)

REPORT:

The owner is requesting a Zoning By-law Amendment to change the zoning from 'Low Rise Residential Four Zone (RES-4)' with Site Specific Provisions (297), (301), and (302) to 'Low Rise Residential Five Zone (RES-5)' with Site Specific Provisions (297), (301), (303) and (359) to allow for street townhouse dwelling units with increased garage facade widths of 78 percent and reduced external (end unit) lot widths of 7 metres. The subject lands, Blocks 22, 25, 28 and part of Blocks 20, 21, 23, 24, 26, 27, 29 on Registered Plan 58M-643 are currently zoned to permit single and semi-detached dwellings with reduced building and driveway access setbacks which was planned and approved along with the subdivision application. The Owner is looking to increase the density of the subject properties and make better use of the lands by permitting street townhouse dwellings which is a more compact built form compared to single detached and semi-detached dwellings.

To permit the development of street townhouse dwelling units, the Zoning By-law amendment is required to change the Zoning from 'RES-4' to 'RES-5' with Site Specific Provisions. Site Specific Provisions (297), (301) will continue to apply, and for consistency Site Specific Provision (303) will be added to the subject lands which will permit minimum corner lot widths of 9.5 metres and 7.0 metre rear yard setback for street townhouse dwellings, whereas 7.0 metre rear yards are currently permitted for single detached and semi-detached dwellings. Site Specific Provision (359) is a new Site Specific Provision proposed to permit 78% garage façade widths for corner lot units and 7.0 metre wide external lot widths. The proposed zoning aligns with existing zoning permissions of existing and planned street townhouse dwelling developments in the surrounding neighbourhood. Furthermore, the 78% garage facade width allows for a two-car wide garage for the corner lot end units offering a variation of unit types in the townhouse blocks that are compatible for the planned community as illustrated in Figure 1. below.



Figure 1. Concept rendering of 2 storey street townhouse dwelling.

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(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.

Planning staff is of the opinion that the proposed application will facilitate the development of the subject properties with street townhouse dwellings that are compatible with the existing and planned built form of the surrounding community and will make use of the newly developed infrastructure. The proposed Zoning By-law Amendment does not result in changes that would require new public roads and Engineering staff have confirmed there is capacity in the sanitary sewer to permit the development of the subject lands.

Based on the foregoing, 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 lands are in close proximity to transit and the subject lands close to nearby trails and parks.

Policy 2.2.7.1 of the Growth Plan requires municipalities to support housing choice through the achievement of the minimum intensification and targets 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.

The subject lands are located within the City's delineated Greenfield Area. The proposed development represents new development that will contribute towards achieving the City's minimum density targets for the greenfield area. The proposed zoning will support the achievement of a complete community by permitting a compatible low density housing type. Planning 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 at part of the Urban Designated Greenfield Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as 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 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 (Appendix 'C'). Planning staff are of the opinion that the application conforms to the Regional Official Plan.

City of Kitchener Official Plan:

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 Rise Residential (Map 3) in the 2014 Official Plan. The Low Rise Residential land use designation permits a full range of low density housing types which may include single detached dwellings, semi-detached dwellings, street townhouse dwellings, and low-

rise multiple dwellings. The Low Rise Residential land use designation considers a Floor Space Ratio up to 0.75 and allows a maximum building height of 3 storeys.

Planning staff is of the opinion that the requested zoning conforms with Low Rise Residential land use designation and an Official Plan Amendment is not required. Street townhouse dwellings are a permitted use in the Low Rise Residential land use designation.

Urban Design

The City is committed to achieving a high standard of urban design, architecture and place-making to positively contribute to quality of life, environmental viability and economic vitality. Urban design is a vital component of city planning and goes beyond the visual and aesthetic character of individual buildings and also considers the functionality and compatibility of development as a means of strengthening complete communities. The subject lands will accommodate seven blocks of townhouse dwellings and provide a range of units types including seven external end units, seven corner lot units, and twenty eight internal townhouse units. Only the seven corner lot units will be permitted to have 78% garage façade widths which can accommodate two-car wide garages and two additional driveway parking spaces. The corner lots are priority lots which will include high quality design and materials for the corner lot units with wrap around covered porches.

Urban Design policies in the 2014 Official Plan support creating visually distinctive and identifiable places, structures and spaces that contribute to a strong sense of place and community pride, a distinct character and community focal points that promote and recognize excellence and innovation in architecture, urban design, sustainable building design and landscape design. The City will require high quality urban design in the review of all development applications through the implementation of the policies of the Official Plan and the City's Urban Design Manual. The Planning Act was amended by *Bill 23, More Houses Built Faster Act*, and as a result, the City can no longer require a site plan approval process for street fronting townhouse developments with less than 10 dwelling units.

Housing

The City's primary objective with respect to housing in the Official Plan 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 continues to allow for the range of dwelling units available in the city and the proposed development offers modern street townhouse units that reflect a high standard of urban design. The proposed development is a compatible low rise residential use that is appropriate for the existing and planned neighbourhood.

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, Blocks 22, 25, 28 and part of Blocks 20, 21, 23, 24, 26, 27, 29 on Registered Plan 58M-643 are currently zoned 'Low Rise Residential Four Zone (RES-4)' with Site Specific Provisions (297), (301), and (302) in Zoning By-law 2019-051 which permits single and semi-detached dwellings with reduced building and driveway access setbacks.

The owner is requesting a Zoning By-law Amendment to change the zoning from 'Low Rise Residential Four Zone (RES-4)' with Site Specific Provisions (297), (301), and (302) to 'Low Rise Residential Five Zone (RES-5)' with Site Specific Provisions (297), (301), (303) and (359) in Zoning

By-law 2019-051 to allow for street townhouse dwellings and further to permit 78% garage façade widths for corner lot units and 7.0 metre wide for the townhouse end units on the external lot widths.

Official Plan policies indicate that where special zoning regulations are requested for residential intensification or a redevelopment of lands, the overall impact of the site specific zoning regulations will consider compatibility with existing built form; appropriate massing and setbacks that support and maintain streetscape and community character; appropriate buffering to mitigate adverse impacts, particularly with respect to privacy; avoidance of unacceptable adverse impacts by providing appropriate number of parking spaces and an appropriate landscaped/amenity area.

The owner is seeking to amend the Zoning By-law to add Site Specific Provision (359) to Zoning By-law 2019-051. The proposed Site Specific Provision is to permit 78% garage façade widths for corner lot units and 7.0 metre wide external lot widths for the end unit street townhouse dwellings.


Site Specific Provision (359):


- i) The minimum lot width (external unit) for street townhouse dwellings shall be 7.0 metres.
- ii) The maximum private garage width of a street townhouse dwelling corner lot unit shall be 78% of the width of the front façade closest to the street at grade.

Staff offer the following comments with respect to the requested Site Specific Provision (359):

Site Specific Provision (359) allows the end unit street townhouse dwellings on the external lots to require/have a minimum lot width of 7.0 metres and to permit corner lot unit garage widths to be a maximum of 78%. This site-specific regulation aligns with existing zoning permissions of existing and planned street townhouse dwelling developments in the surrounding neighbourhood and allow for two-car garage corner lot end units offering a variation of unit types in the townhouse blocks.

WHAT WE HEARD

**No comments received**

**43 households circulated and notified**

Department and Agency Comments:

Preliminary circulation of the Zoning By-law amendment was undertaken on December 16, 2022 to applicable City departments and other review authorities. No concerns were identified by any commenting City department or agency. A consolidation of comments is attached as Appendix 'C' of this report.

Community Input & Staff Responses

Staff circulated the preliminary notice of application postcard to occupants and property owners within 240 metres of the subject lands. No responses were received.

Planning Conclusions

Planning staff are supportive of the Zoning By-law amendment. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to 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.

ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

The recommendation of this report supports the achievement of the City's strategic vision through the delivery of core service.

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. A large notice sign was posted on the property and information regarding the application was posted to the City's website in December 2022. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands. Notice of the Statutory Public Meeting was also posted in The Record on January 20, 2023 (a copy of the Notice may be found in Appendix 'C').

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on December 16, 2022. Staff did not receive any responses. All information received was posted on the City's StoryMap application tool.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement (PPS), 2020
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051

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

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

APPENDIXS:

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