

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: January 22, 2024

SUBMITTED BY: Garrett Stevenson, Director of Development and Housing Approvals, 519-741-2200 ext. 7070

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

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: December 22, 2023

REPORT NO.: DSD-2024-028

SUBJECT: Official Plan Amendment Application OPA23/019/H/TS
Zoning By-law Amendment Application ZBA23/034/H/TS
485 Huron Road
Activa Holdings Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA23/019/H/TS for Activa Holdings Inc. requesting the amendment of Special Policy Area 41 for the lands specified and illustrated as the “Area or Amendment” on Schedule ‘A’, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-028 as Appendix ‘A’, and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/034/H/TS for Activa Holdings Inc. be approved in the form shown in the ‘Proposed By-law’ attached to Report DSD-2024-028 as Appendix ‘B’.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment applications for the subject lands located at 485 Huron Road. It is Planning staff’s recommendation that the Official Plan and Zoning By-law Amendment Applications be approved.
- The proposed amendments support the creation of a warehouse (self-storage) facility at the rear of the property.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
 - installation of a large billboard notice sign on the property;
 - Neighbourhood Meeting held on November 28, 2023;

- postcard advising of the statutory public meeting was circulated to all property owners and residents within 240 metres of the subject site;
- notice of the public meeting was published in The Record on December 29, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the subject lands addressed as 485 Huron Road is proposing to amend the Official Plan by amending Site-Specific Policy 41 to permit a warehouse use on the subject lands and to amend the zoning by adding a regulation to Site-Specific Specific Provision (119) to permit a warehouse (self-storage) use having a maximum gross floor area of 1,050 square metres. Staff are recommending that the applications be approved.

BACKGROUND:

Activa Holdings Inc. has made an application to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to permit a new warehouse (self-storage) use on the subject property.

The lands are being developed along with the adjacent lands at 495 Huron Road. The property at 485 Huron Road has already received conditional site plan approval for a studio and office use at the front of the property along Huron Road. A minor variance application was approved by the Committee of Adjustment to permit a reduced side yard setback for the office use. The adjacent ten storey residential use is permitted and not subject to this application.

The lands are designated 'Commercial', within the City of Kitchener's Official Plan, and as previously noted the lands subject to these applications are designated as Commercial with Special Policy Area 41. The subject lands are currently zoned 'General Commercial Zone (COM-2)' with Site-Specific Provision (119) in Zoning By-law 2019-051.

Existing General Commercial Zone (COM-2) zoning permissions include:

- Office
- Retail
- Restaurant
- Health Clinic
- Day Care Facility
- Financial Establishment

Site-Specific Provision (119) prohibits dwelling units on the property, as well as permits off-street parking, vehicular access, pedestrian access, amenity space, and other uses associated with or accessory to permitted uses on the adjacent lands zoned 'MIX-3'.

SITE CONTEXT:

The subject site is a rectangular-shaped lot which has approximately 56 metres of frontage along Huron Road and has a lot area of 0.84 hectares. The subject site is currently vacant, however conditional site plan approval has been given for a proposed studio and office use at the front of the property, as shown of Figure 2 below.

The surrounding neighbourhood consists of a residential ten storey apartment building that is currently conditionally approved to the west, employment uses to the east, natural

heritage conservation lands to the north, and lands that are designated mixed use to the south.

The property was recently severed from the adjacent property at 495 Huron Road, and the lands to the rear of the property that are designated 'Natural Heritage Conservation'. A shared access easement was also approved by the Committee of Adjustment, in order for both 485 and 495 Huron Road to share an access, as well as providing access to the adjacent lands to the rear.

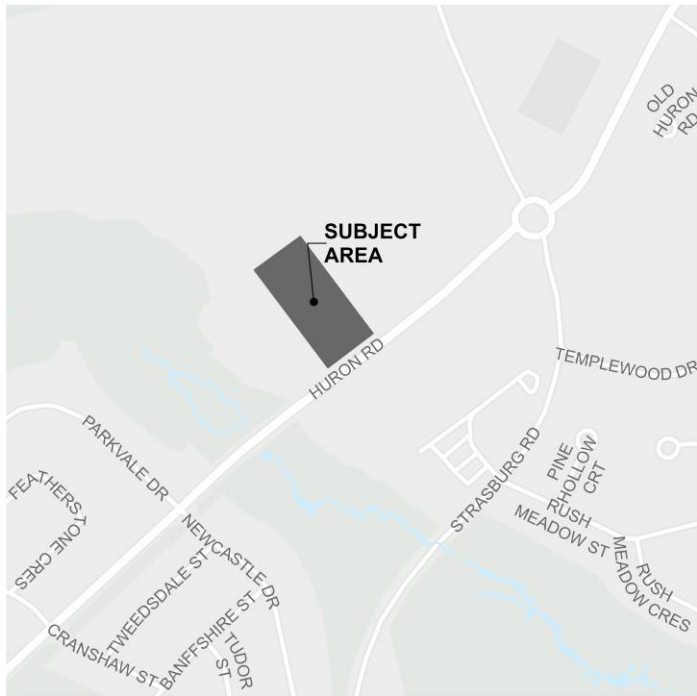


Figure 1 - Location Map: 485 Huron Road

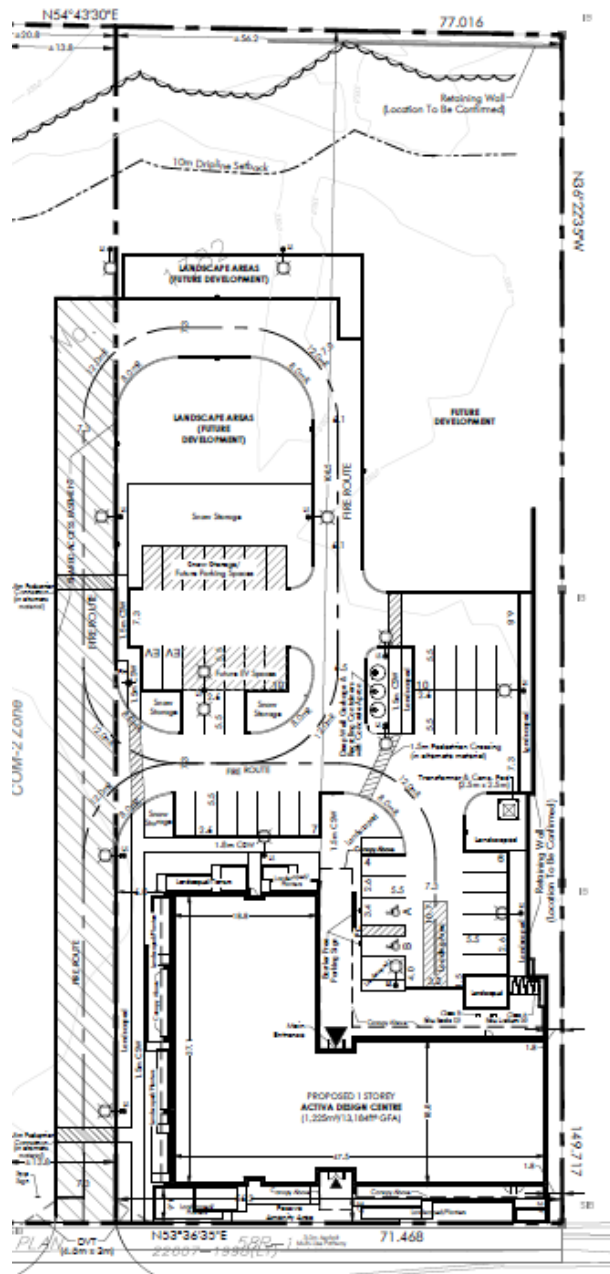


Figure 2 – Conditionally approved Site Plan

REPORT:

The applicant is proposing to develop the rear of the subject lands with a warehouse (self-storage) facility. The self-storage facility would be 1 storey and would have approximately 1,050 square metres of floor area.



Figure 3 – Development Concept Site Plan

To facilitate the development of 485 Huron Road with the proposed development concept, an Official Plan Amendment and Zoning By-law Amendment are required to add a warehouse use to both the land use designation and zoning of the subject lands, as the existing Official Plan policies and Zoning By-law do not permit a warehouse use. The lands are currently designated 'Commercial' in the Official Plan and zoned 'General Commercial Zone (COM-2)' with Site-Specific Provision (119) in Zoning By-law 2019-051.

The applicant is proposing to amend Section 15.D.12 Area Specific/Site Specific Policy Areas, Policy 15.D.12.41 c) by inserting the words “, including a warehouse use,” after the words “Policy 15.D.5.16”.

The proposed Zoning By-law Amendment would amend Site Specific Provision (119) by adding clause c) 'A warehouse (self-storage) use, to a maximum gross floor area of 1,050

square metres, shall also be permitted'. An additional clause d) would also be added prohibiting geothermal wells.

Planning Analysis:

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

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 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 designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus 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.

Planning staff is of the opinion that the proposed applications will facilitate the development of an area that is compatible with the surrounding community, helps manage growth, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit the warehouse use on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity 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. Policies of the Growth Plan promote growth within strategic growth areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a complete community to meet the needs for daily living and providing convenient access to an appropriate mix of jobs, local services, public service facilities, and housing.

Planning staff is of the opinion that the applications conform to the Growth Plan. The development of the subject lands with an accessory employment use within the City's delineated Built-Up Area, contributes to a complete community.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Built-Up Areas. The subject lands are designated Built-Up Area in the ROP. This neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed warehouse use, 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 uses intended to accommodate the majority of the Region's growth and contribute to the development of employment areas within the Built-Up Area. Regional staff have indicated that they have no objections to the proposed applications and have requested to include a prohibition of geothermal wells within the amended zoning. (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

City of Kitchener Official Plan (OP)

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete, and healthy community.

Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks, and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute to a complete community with a warehouse (self-storage) facility which is proposed to be 1,050 square meters in gross floor area. The warehouse use is designed to be at the rear of the property which is behind the conditionally approved office space that faces Huron Road.

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive

the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Community Node. Community Nodes are intended to provide for commercial uses with a mix of residential and institutional uses necessary to support and complete surrounding residential communities. Community Nodes primarily serve an inter-neighbourhood market and are intended to intensify, be transit -supportive and cycling and pedestrian-friendly.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment Applications will support a development that not only complies with the City's policies for a Community Node but also contributes to the vision for a complete and more sustainable city.

Land Use

The subject lands are designated 'Commercial' with 'Site-Specific Policy Area 41' in the City of Kitchener Official Plan. The 'Commercial' designation is generally intended to provide a range of commercial activities and are intended to ensure that commercial activities are well distributed, accessible and able to respond to the needs of the City's residents, employees, businesses and visitors. Commercial lands will be sufficient in number, size and location to serve the existing and future population of Kitchener. 'Site-Specific Policy Area 41' prohibits dwelling units within the lands designated 'Commercial', and permits the full range of retail and commercial uses, save and except retail commercial centres and major office uses.

Urban Design

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Safety; Universal Design; Site Design; and Building Design.

Safety – As part of the site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are achieved and that the site meets the Ontario Building Code and the City's Emergency Services Policy.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

Site Design, Building Design– The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The proposed development is served well by public transit, with access to Grand River Transit Routes 16, and 33. The property is also located on an arterial road that can provide vehicular access to the warehouse use.

Sustainable Development

Section 7.C.4.1 of the City's Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.

Sustainable development initiatives will be further implemented at the site planning approval process through the detailed design review of the building.

Proposed Official Plan Amendment Conclusions:

The Official Plan Amendment Application requests that Section 15.D.12 Area Specific/Site Specific Policy Areas, Policy 15.D.12.41 be amended c) by inserting the words “,including a warehouse use,”. Based on the planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Appendix “A”.

Proposed Zoning By-law Amendment (Zoning By-law 2019-051):

The subject lands are zoned “General Commercial Zone (COM-2) with Site-Specific Provision (119) in Zoning By-law 2019-051. The existing ‘COM-2’ zoning permits a wide range of commercial uses including: Office, Retail, Restaurant, Health Clinic, Day Care Facility, Financial Establishment, etc. Site-Specific Provision (119) prohibits dwelling units on the property, as well as permits off-street parking, vehicular access, pedestrian access, amenity space, and other uses associated with or accessory to permitted uses on the adjacent lands zoned ‘MIX-3’.

The applicant has requested an amendment to Zoning By-law 2019-051 to amend Site Specific Provision (119) by adding clause c) ‘A warehouse (self-storage) use, to a maximum gross floor area of 1,050 square metres, shall also be permitted’.

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.

Staff offer the following comments with respect to the amendment to Site-Specific Provision (119):

The purpose of this regulation is to permit a warehouse within the Commercial zone. Staff have reviewed the application and are satisfied that a warehouse (self-storage) facility would establish an accessory employment use that serves the surrounding residential neighbourhoods. The self-storage use, although not permitted within the Commercial zone by definition, is small in scale and does not generate excessive noise and traffic to the property. The specific maximum limit of gross floor area of 1,050 square metres is appropriate for the proposed size of the development while limiting any future expansion of the use on site. The use will also be at the rear of the property, with the conditional approved office/studio space buffering the warehouse use from street view.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment Application to change the amend Site Specific Provision (119) represents good planning as it will facilitate the redevelopment of the lands with a warehouse (self-storage) facility that is compatible with the existing neighbourhood. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Appendix 'B'.

Department and Agency Comments:

Circulation of the Official Plan and Zoning By-law Amendment Applications was undertaken in October 2023 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and any necessary revisions and updates were made. Copies of the comments are found in Appendix "D" of this report.

The following Reports and Studies were considered as part of this proposed Official Plan Amendment and Zoning By-law Amendment:

- Planning Justification Report
Prepared by: MHBC Planning, September 2023

Community Input & Staff Responses

WHAT WE HEARD



101 addresses (occupants and property owners) were circulated and notified



0 people/households provided comment



A City-led Neighbourhood Meeting was held on November 28, 2023 and 0 users logged on

Staff did not receive any written responses with respect to the proposed development. A Neighbourhood Meeting was held on November 28, 2023 with no users logging on for the meeting.

Planning Conclusions:

In considering the foregoing, staff are supportive of the proposed Official Plan and Zoning By-law Amendment Applications to permit the development of a warehouse (self-storage) use at 485 Huron Road. 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. Planning staff are recommending 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 – *Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, when combined with an Official Plan Amendment, are required within 120 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to February 1, 2024 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 Major Zoning By-law Amendment Application fee. The Planning Division does not have a funding source or budget for refunding planning application fees.

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 October of 2023. 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, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on December 29, 2023 (a copy of the Notice may be found in Appendix 'C').

CONSULT – The proposed Official Plan and Zoning By-law Amendment Applications were circulated to residents and property owners within 240 metres of the subject lands on

October 25, 2023. In response to this circulation, staff received zero written responses from members of the public.

PREVIOUS REPORTS/AUTHORITIES:

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

REVIEWED BY: Tina Malone-Wright – Manager of Development Approvals,
Development and Housing Approvals Division

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

APPENDICES:

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