

# Staff Report



Development Services Department

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**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** September 16, 2024

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

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

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** August 19, 2024

**REPORT NO.:** DSD-2024-375

**SUBJECT:** Official Plan Amendment Application OPA24/008/K/ES  
Zoning By-law Amendment Application ZBA24/014/K/ES  
2980 King Street East  
Charcoal Properties Limited

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/24/008/K/ES for Charcoal Property Limited requesting to add Specific Policy Area 76 to Map 5 – Specific Policy Areas in the Official Plan and to add Policy 12.D.12.76 to the Official Plan to facilitate a mixed use development having 436 residential units and 692 square metres of commercial space with a building height of 27 storeys and Floor Space Ratio (FSR) of 11, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-375 as Attachment ‘A’, and accordingly forwarded to the Regional Municipality of Waterloo for approval, and

That Zoning By-law Amendment Application ZBA24/014/K/ES for Charcoal Properties Limited be approved in the form shown in the ‘Proposed By-law’, and ‘Map No. 1’, attached to Report DSD-2024-375 as Attachment ‘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 2980 King Street East. It is planning staff’s recommendation that the Official Plan and Zoning By-law Amendments be approved.
- The proposed amendment supports the creation of 436 dwelling units, and associated ground floor commercial space in an underutilized site that currently contains 3 restaurants and an above grade parking garage.
- Community engagement included:

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

- 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;
- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on August 7, 2024;
- postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meetings;
- notice of the public meeting was published in The Record on August 23, 2024.
- This report supports the delivery of core services.
- This application was deemed complete on May 22, 2024. The Applicant can appeal this application for non-decision after September 19, 2024.

### **EXECUTIVE SUMMARY:**

The owner of the subject lands addressed as 2980 King Street East is proposing to add a Specific Policy Area in the City of Kitchener Official Plan, and to add a Site Specific Provision in Zoning By-law 2019-051. Staff are recommending that the applications be approved.

### **BACKGROUND:**

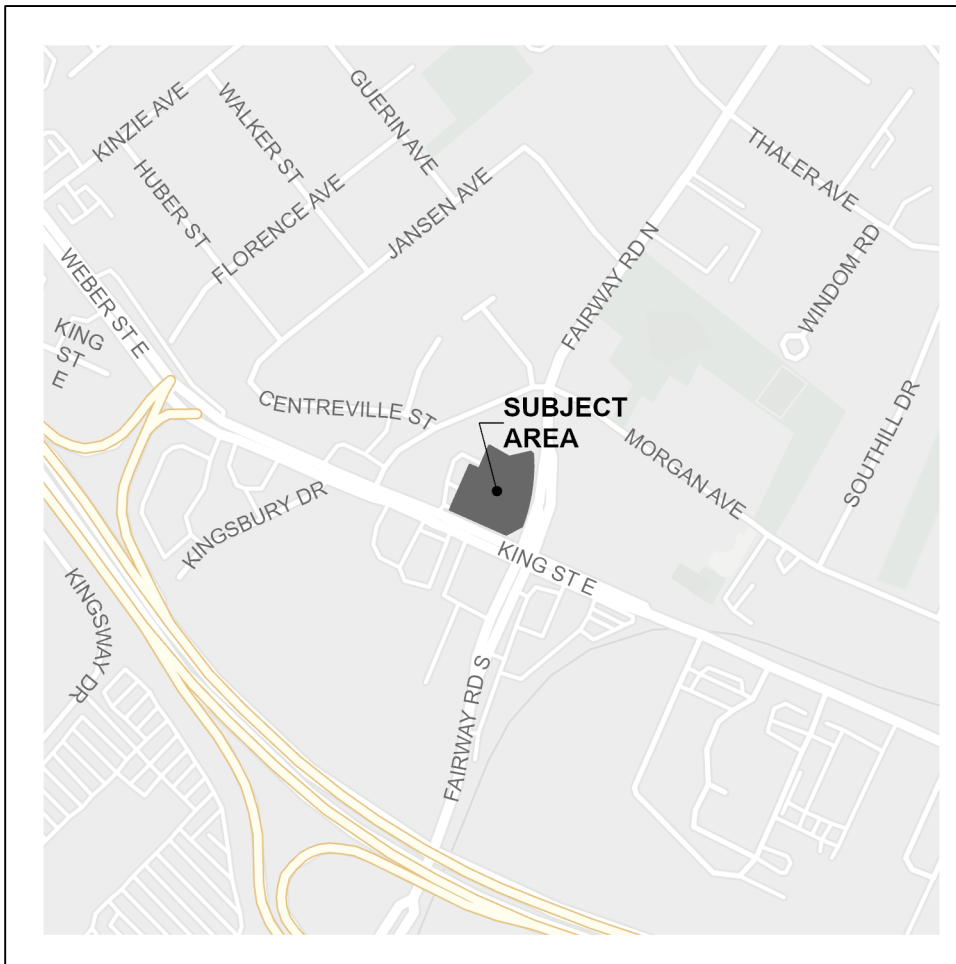
The City of Kitchener has received applications for Official Plan Amendment and Zoning By-law Amendment from Charcoal Properties Limited for a development concept of a 27-storey mixed-use building containing 436 dwelling units and 3 commercial units containing 692 square metres of commercial floor space.

The application requested a height of 32 storeys. The applicant submitted an Aeronautical Assessment which concluded that the requested height would have an impact on airport operations at the Region of Waterloo Airport and recommends mitigation by redesigning the Runway 08 LNAV approach. However, the Region of Waterloo does not support land uses that are not compatible with airport operations and require a height cap at 420 metres Above Sea Level which would result in a building height of approximately 27 storeys.

The lands are designated 'Mixed Use' in the City's Official Plan.

### **Site Context**

The subject lands are addressed as 2980 King Street East. The site is located at the intersection of two Regional Roads: Regional Road 53 (Fairway Road) and Regional Road 8 (King Street). The subject lands have a lot area of 0.55 hectares with a frontage of approximately 65 metres on King Street and 80 metres on Fairway Road. The subject lands are currently developed with a commercial building containing 3 restaurants and an above grade parking garage. The surrounding neighbourhood includes a mix of low, medium, and high-rise residential buildings, as well as commercial, hotel, and institutional uses.



**Figure 1 - Location Map: 2980 King Street East**

**REPORT:**

The applicant is proposing to redevelop the subject lands with a 32-storey (reduced to 27 storeys due to Region of Waterloo comments) mixed use building containing 436 dwelling units, 692 square metres of commercial space on the ground floor, 6 above grade floors of parking in the building podium, and one level of underground parking. The proposed building contains a 32-storey tower (reduced to 27 storeys due to Region of Waterloo comments) with a 12-storey stepdown portion along King Street East. The tower is classified as a “Large Point Tower” in the City’s Tall Building Guidelines. Two vehicular accesses are proposed on each fronting street, Fairway Road and King Street East. The Fairway Road access would be for the proposed one level of underground parking. The King Street East entrance is part of an existing shared access between the subject lands and the westerly adjacent property addressed as 2960 King Street East (Courtyard by Marriott Hotel). A total of 339 vehicular parking spaces are proposed. Bicycle parking is proposed to be provided within units and within secure bicycle storage rooms in the parking garage and outdoor bicycle racks for short-term and visitor use. Given that the recommended height has been reduced from 32 to 27 storeys, the development proposal would be revised through the site plan process to meet the lower height cap.



**Figure 2 – View of Subject Lands  
(Fairway Road)**

The proposed development, as submitted, includes 232 one-bedroom units, 188 two-bedroom units, and 16 three-bedroom units. 1,452 square metres of outdoor amenity space is proposed to be provided on the rooftop of the 6<sup>th</sup> floor podium. 246 square metres of indoor amenity space is proposed to be provided on Level 6. Most units will contain a balcony for private outdoor amenity space.



**Figure 3 – View of Subject Lands  
(King Street East)**



**Figure 3 – View of Subject Lands  
(Interior of Site)**

## **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 has approved an integrated province-wide land use planning policy document, replacing the current Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which will come into effect October 20, 2024 (after a decision is made on these applications).

### **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.

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 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. Provincial policies are in support of providing a broad range of housing. The proposed multiple dwelling development includes 436 new dwelling units.

Planning staff is of the opinion that the proposed applications will facilitate the intensification of the subject property with a high-density mixed use development 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 intensification 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.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in 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.

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 range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform 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 Built-Up Area in the ROP. The proposed development conforms to Section 2.F of the ROP as the proposed development supports the achievement of the minimum annual intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. 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.

The Region has received and reviewed a copy of the Aeronautical Assessment, prepared by IDS, dated April 25, 2024. The development is located outside the Airport Zoning Regulation limits, but within the obstacle protection area of the Runway 08 approach paths and Runway 26 departure paths. Nav Canada has provided a maximum elevation of 1,350ft ASL at this location before the Runway 08 LNAV is impacted.

The Aeronautical Assessment is based upon a proposed building elevation of 1425.5 feet ASL (which does not include any related constructure crane height). The report notes an impact to airport operations at 1,370 feet ASL and proposes mitigation by redesigning the Runway 08 LNAV approach.

In accordance with policy 5.A.20 of the Regional Official Plan, the Region does not support land uses that would be incompatible with airport operations and is not able to support the redesign of the Runway 08 approaches and Runway 26 departures as proposed in the Aeronautical Assessment. As such, the proposed Zoning By-law Amendment for the subject



lands must limit the proposed building height (and any related construction cranes) to a maximum of 420m (1,378 feet) ASL. Required wording is as follows:

*The maximum height of the proposed building and related construction cranes on site shall be 420m (1,378 feet) ASL. Any crane used for the construction of this development (e.g. towers, rooftop HVAC, communication towers/antennas) must be below the maximum height of 420m ASL.*

Planning Staff have revised the proposed Zoning By-law to comply with the maximum building height proposed by the Region of Waterloo. Therefore, 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.

The subject lands are designated 'Mixed Use' (Map 3) in the City of Kitchener Official Plan. The Mixed Use land use designation permits a wide range of residential and commercial uses, including high density multiple residential, office, retail, and personal services.

The applicant is proposing to add a Specific Policy Area to permit an increased building height and Floor Space Ratio (FSR). The proposed maximum building height is 103 metres, and the proposed FSR is 11.0.

### 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 an Urban Corridor. The planned function of an Urban Corridor is to provide for a range of retail and commercial uses and intensification opportunities that should be transit supportive. They are also generally linear in form and are located along transit corridors.

The proposed applications include transit supportive elements, including unbundled parking (less than one parking space provided per unit and sold/leased separately from unit cost) provision of Class A bicycle parking in excess of the minimum zoning standards, and the site's location along an existing transit corridor. The proposed applications also represent an intensification opportunity for housing density while maintaining the commercial space as part of a healthy mix of uses. Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for a Major Transit Station Area but also contributes to the vision for a sustainable and more sustainable city.

### Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development satisfies these policies including: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief is acceptable and outlines the vision and principles guiding the site design and informs the proposed zoning regulations.

**Streetscape** – The proposed concept includes a pedestrian plaza along retail storefronts and includes terraced landscaping beds and central staircases facing King Street East. Building entrances and windows on the ground floor articulate the building and provide visual interest at street level.

**Safety** – As with all developments that go through site plan approval, staff will ensure Crime Prevention through Environmental Design (CPTED) principles are achieved and that the site meets emergency services policies.

**Universal Design** – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code. The building entrance on King Street is designed as barrier free with a ramp rising with the grade towards Fairway Road. Barrier Free parking is provided within all levels of underground and above-grade parking.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a building that will be developed at a scale that is compatible with the existing and planned surroundings. The 32-storey portion (reduced to 27 storeys due to Regional Comments) has been located at the corner, furthest from abutting property lines of abutting lands.

### Shadow Impact Analysis

The applicant has completed a Shadow Impact Analysis in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the requirements outlined in the City of Kitchener Urban Design Manual.

### Tower Design

The proposed 32-storey tower (reduced to 27-storeys due to Regional Comments) is classified as a "Large Point Tower" as the proposed tower floor plate is approximately 1,050 square metres in area, with a less than 1.6 ratio of the building length and width. The tower placement has been oriented towards the intersection of King Street and Fairway Road with a 6-storey podium. The tower massing is broken up vertically by variation and the articulation of building materials and balconies. The tower includes a 12-storey portion along King Street East as a building step-down.

### 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.

In Map 11 of the City's Official Plan, King Street East is identified as an "Adapted Bus Rapid Transit Corridor". The subject lands are directly adjacent to existing Grand River Transit bus pads on both the King Street and Fairway Road frontages for Routes 1, 8, 23 & 27, providing region wide access and connectivity. The building has sufficient access to cycling networks, including existing off-street cycling facilities, and planned on-street cycling infrastructure. The Dom Cardillo Trail is 500 metres from the subject lands to provide off-street cycling facilities. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a denser residential development. The location of the proposed buildings will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

#### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective 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 development increases the range of dwelling units available in the city. The development is contemplated to include a range of unit types including, one-, two- and three-bedroom units. The wide range of units, in this location, will appeal to a variety of household needs and directly responds to the need for more housing during the current housing crisis.

#### Official Plan Conclusions

The Official Plan Amendment application requests that the 'Mixed Use' land use designation as shown on Map 3– City of Kitchener Official Plan be amended to add 'Specific Policy Area 76'. Based on the above-noted policies and 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 Attachment 'A'.

#### **Proposed Zoning By-law Amendment:**

The subject lands are currently zoned "Mixed Use Two Zone" in Zoning By-law 2019-051 with Site-Specific Provisions (49) and (118). These site specific provisions allow a higher building height (12 storeys) and a Floor Space Ratio of 4.0 above the base zoning, and were added as part of the City's 2014 Official Plan and Zoning By-law 2019-051.

The applicant has requested an amendment to delete the existing two Site-Specific Provisions (49) and (118) and replace them with a new Site-Specific Provision (406). The new site specific provision would establish new development standards for the proposed concept, including height, floor space ratio, parking, and setbacks.

A Holding Provision (87H) is requested by the Region of Waterloo to ensure the detailed noise study is updated and implemented prior to the use being permitted on the lands.

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 Site-Specific Provision:

- a) That the maximum Floor Space Ratio (FSR) shall be 11.0.

The purpose of this regulation is to cap the Floor Space Ratio (FSR) and ensure development does not exceed the density presented in the concept plans. Floor Space Ratio (FSR) is used to measure the overall massing of the above grade portions of the development, in order to quantify the overall density of the site. The location of the subject lands at the intersection of two Regional Roads, with no abutting lot lines to low rise residential zoning makes the lands a good candidate for increased density for redevelopment. The applicant has provided a development concept that demonstrates adequate building scale and orientation to justify a requested increase in Floor Space Ratio to 11.0. Further, the applicant has provided a concept plan demonstrating functional access, loading, parking, on site circulation, and robust amenity to demonstrate that a building of this typology with the proposed density and Floor Space Ratio of 11.0 can function appropriately on the lands.

- b) The maximum building height shall be 85 metres above grade, and 420 metres Above Sea Level (ASL).

The purpose of this regulation is to regulate the maximum building height for the proposed development. The proposed building height is generally in accordance with the City's Tall Building Guidelines. The applicant has provided a shadow impact analysis that demonstrates that the standards for sunlight and shadow impacts in the City's Urban Design Guidelines are met. The proposed building height represents a high-rise form of development that is appropriate in the Urban Corridor urban structure and within the Mixed Use land designation.

The applicant requested a building height of 32 storeys. The Region of Waterloo does not support the proposed height due to impacts on airport operations. The proposed maximum height recommended by staff is the maximum permitted without having impacts on airport operations, according to comments provided by the Region of Waterloo.

- c) That the minimum vehicle parking be a rate of 0.75 parking spaces per dwelling unit.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. The proposed ratio results in a parking rate of 0.75 parking spaces per dwelling unit. The subject lands have excellent access to public transit and

pedestrian/cycling networks and bike storage will be provided within the development for residents and visitors. The requested Zoning By-law Amendment for high density development is encouraged to be transit supportive, and parking ratios lower than 1 parking space per dwelling unit actively encourage transit and active transportation use. Planning and Transportation Services staff is of the opinion that the parking rate of 0.75 parking spaces per dwelling unit is appropriate for the proposed development on the subject lands.

d) That the minimum rear yard setback shall be 3.5 metres.

The purpose of this regulation is to regulate the building setback to adjacent properties and provide for an adequate building setback for landscaping and amenity areas. The proposed setback of 3.5 metres is from the podium portion (6 storeys) of the building, whereas the tower portion is proposed to be set back 34.3 metres from the rear property line. The proposed rear yard setback of 3.5 metres for the parking podium matches the setback of the existing parking garage structure on site. Outdoor amenity space is provided on top of the parking podium. Planning Staff is of the opinion that the proposed 3.5 metre rear yard setback, for the podium portion of the building, is appropriate for the development on the subject lands.

e) That the minimum Class A bicycle parking be a rate of 1.0 bicycle space per dwelling unit.

The purpose of this regulation is to establish a minimum amount of Class A (secure, indoor) for residents to store their bicycles. Justification for reduction in vehicle parking can include promoting active transportation by increasing the amount of bicycle parking available to residents. The proposed rate is twice as much as required in the 'MIX' zones in Zoning By-law 2019-051. Staff is of the opinion that the proposed rate is appropriate to achieve the City's goals of promoting active transportation.

f) That Geothermal energy systems shall be prohibited.

The purpose of this regulation is to protect sensitive groundwater areas. The Region of Waterloo requires a prohibition on geothermal energy on the subject lands.

#### Holding Provision (87H)

Planning staff are recommending the following holding provision as part of the Zoning By-law Amendment:

No residential use shall be permitted until such time as a Road Traffic and Stationary Noise Study is submitted and approved and implementation measures addressed to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.

Staff offer the following comments with respect to Holding Provision (87H).

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to facilitate the implementation of the Site-Specific Provision (406). The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

### **Proposed Zoning By-law Amendment Conclusions**

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to Mixed Use Two Zone (MIX-2) with Site Specific Provision 406 and Holding Provision 87H represents good planning as it will facilitate the redevelopment of the lands with a mixed-use development that is compatible with the existing neighbourhood, which will add visual interest at the street level, provide enhanced landscaping that will contribute to the streetscape, and which will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Attachment "B".

### **Department and Agency Comments:**

Circulation of the Official Plan Amendment and Zoning By-law Amendment Applications was undertaken 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 Attachment '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, May 2024

Urban Design Brief  
Prepared by: MHBC Planning, May 2024

Architectural Site Plan  
Prepared by: Reinders + Law Architecture and Engineering, February 2, 2024

Noise Feasibility Study  
Prepared by: HGC Engineering, April 29, 2024

Functional Servicing and Stormwater Management Report  
Prepared by: MTE Consultants Inc, May 3, 2024

Site Grading and Servicing Plan  
Prepared by: MTE Consultants Inc, March 5, 2024

Existing Conditions Plan  
Prepared by: MTE Consultants Inc, November 28, 2023

Pedestrian Wind Comfort Assessment  
Prepared by: RWDI, April 30, 2024

Sustainability Statement  
Prepared by: MHBC Planning, May 17, 2024

Parking Study  
Prepared by: Paradigm Transportation Solutions Limited, March 2024

Arborist Report  
Prepared by: JK Consulting Arborists, May 6, 2024

Aeronautical Assessment  
Prepared by: IDS North America, April 25, 2024

Building Elevations & Renderings  
Prepared by: Reinders + Law Architecture and Engineering, April 30, 2024

Floor Plans  
Prepared by: Reinders + Law Architecture and Engineering, May 1, 2024

Risk Management Plan  
Prepared by: Region of Waterloo, March 20, 2024

Shadow Impact Analysis  
Prepared by: Reinders + Law Architecture and Engineering, May 1, 2024

### **Community Input & Staff Responses**

Staff received written responses from 5 residents with respect to the proposed development. These are included in Attachment 'E'. A Neighbourhood Meeting was held on August 7, 2024. A summary of what we heard, and staff responses are noted below.

<b>What We Heard</b>	<b>Staff Comment</b>
Concern for the current restaurant(s) on site to be closing.	The owner has stated that they intend to operate for the long-term on the site.
Impacts of shadows from the tall building	A Shadow Study has been submitted. Staff have reviewed the study and are satisfied the shadow study meets the minimum requirements, as related to shadow impacts and will have minimal impacts on adjacent properties.

	The subject lands do not directly abut any lands zoned low rise residential.
Parking will be insufficient	The City's policies for this area encourage Transit Supportive Development. This includes providing for less than 1 parking space per dwelling unit to encourage transit use, as well as other forms of transportation including active transportation. The proposed parking rate in the development helps the City achieve its goals for a modal shift from automobile dependence.

# WHAT WE HEARD



**Approximately 5 people provided comments**



**A City-led Neighbourhood Meeting held on August 7, 2024 and approximately 3 different users logged on**



**325 households (occupants and property owners) were circulated and notified**

## Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit 2980 King Street East to be



developed with a mixed-use building. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

#### **STRATEGIC PLAN ALIGNMENT:**

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. Two large notice signs were posted on the property and information regarding the application was posted to the City's website in June 2024. 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, those responding to the preliminary circulation and who attended the Neighbourhood Meeting. Notice of the Statutory Public Meeting was also posted in The Record on August 23, 2024 (a copy of the Notice may be found in Attachment '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 in June 2024. In response to this circulation, staff received written responses from 5 members of the public.

#### **PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 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 – Manager of Development Approvals, Development and Housing Approvals Division

**APPROVED BY:** Readman, Justin– General Manager, Development Services Department

#### **ATTACHMENTS:**

Attachment A – Proposed Official Plan Amendment  
Attachment B – Proposed Zoning By-law Amendment  
Attachment C – Newspaper Notice  
Attachment D – Department and Agency Comments  
Attachment E – Public Comments  
Attachment F – Site Plan