

AMENDMENT NO. XX TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

CITY OF KITCHENER

4611 King Street East

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AMENDMENT NO. XX TO THE OFFICIAL PLAN OF THE CITY OF KITCHENER

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. XX to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment is to amend Section 15.D.12 the Official Plan by adding Policy 15.D.12.80 to the text and Specific Policy Area 80 to Map 5 of the Official Plan.

SECTION 3 – BASIS OF THE AMENDMENT

The subject lands are designated ‘Commercial’ in the City of Kitchener Official Plan.

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 Planning Statement, 2024, 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 Planning Statement, 2024 and to ensure Provincial policy is adhered to.

Provincial Planning Statement, 2024:

The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS 2024 came into force on October 20, 2024.

The PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. Some examples of what it enables municipalities to do are; plan for and support development and increase the housing supply across the province; and align development with infrastructure to build a strong and competitive economy that is investment-ready.

Sections 2.1.6 and 2.3.1.3 of the PPS 2024 promotes planning for people and homes and supports planning authorities to support general intensification and redevelopment while achieving complete communities by, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

Section 2.2.1 b) states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents by permitting and facilitating all types of residential intensification, including the redevelopment of underutilized commercial sites.

Policies further promote, improving accessibility and social equity, and efficiently using land, resources, and existing infrastructure.

Planning staff is of the opinion that this proposal is in conformity with the PPS.

Regional Official Plan (ROP):

Bill 23, *More Homes Built Faster Act, 2022*, introduced significant changes to the Planning Act to streamline the development process and increase housing supply across the province. Planning responsibilities from the Region of Waterloo have been transferred to the City of Kitchener and other area municipalities as of January 1, 2025. As a result, the Region no longer has a ROP as it is now an Official Plan for area municipalities who are responsible for implementation of the ROP until it is repealed or amended through a future Area Municipal planning exercise.

The subject lands are designated ‘Urban Area’ and ‘Built-Up Area’ on Schedule 3a of the Regional Official Plan (ROP). The subject lands are located along a Regional Intensification Corridor (King Street East). Urban Area policies of the ROP identify that the focus of the Region’s future growth will be within the Urban Area and the proposed development conforms to Policy 2.F of the ROP as the proposed development will support the achievement of the minimum 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. The development also proposes units with a range of bedroom counts and unit sizes, which serve to enhance the mix of unit types in the area and is appropriately located along a corridor well-served by transit. The Region of Waterloo have indicated they have no objections to the proposed application. 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 within an 'Arterial Corridor' (Map 2 – Urban Structure) in the City of Kitchener Official Plan. The subject lands are designated 'Commercial' (Map 3 – Land Use) in the City of Kitchener Official Plan. The Commercial land use designation permits commercial and service commercial uses. The range of uses are dependent on the Urban Structure.

The applicant is proposing to amend the Official Plan to add a Specific Policy Area to permit the use of retail and dwelling units within an Arterial Corridor Urban Structure.

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, Protected Major Transit Station Areas, City and Community Nodes and Urban Corridors, and Secondary Intensification Areas include Neighbourhood Nodes and Arterial Corridors in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within an Arterial Corridor. The planned function of an Arterial Corridor 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 land extensive retail uses which require outdoor storage or sales.

The uses of retail and dwelling units are not contemplated in to be included as permitted uses or in the planned function of Arterial Corridors in the Official Plan. The applicant is requesting an amendment to add these uses through the establishment of a Special Policy Area (80). Justification provided by the applicant states the site achieves the planned function of the Arterial Corridor as it will be developed with ground level and second floor commercial uses that address King Street East and serve the arterial corridor. The dwelling units will be located above and behind those commercial uses. The applicant also states the site acts as a gateway to the City of Kitchener as it is located adjacent to the municipal boundary to Cambridge, and a gateway to the Region

of Waterloo as it is located adjacent to the Highway 401 off ramp into the City of Kitchener/City of Cambridge.

Commercial Land Use Designation Policies

The policies listed below are in regard to the permitted uses within Arterial Corridors. The applicant is requesting to establish a Site-Specific Policy to permit retail and dwelling units, notwithstanding the following policies:

- 15.D.5.16. *The permitted uses on lands designated Commercial and identified as a Protected Major Transit Station Area, City Node, Community Node, Arterial Corridor or Urban Corridor on Map 2, may include:*
- a) *auto service stations which may include car washes, gas stations and/or gas bars;*
 - b) *commercial entertainment uses as an accessory use within a hotel, motel, restaurant or planned commercial recreation complex;*
 - c) *commercial recreation;*
 - d) *conference / convention / exhibition facilities;*
 - e) *drive-through facilities;*
 - f) *financial establishments;*
 - g) *funeral homes;*
 - h) *hotels and motels;*
 - i) *health offices and health clinics;*
 - j) *office;*
 - k) *personal services;*
 - l) *religious institutions;*
 - m) *restaurants;*
 - n) *sale, rental, service, storage or repair of motor vehicles, major recreational equipment and parts and accessories for motor vehicles or major recreational equipment; and,*
 - o) *vehicle and recreational equipment sales/rental and service.*
- 15.D.5.17. *In addition to Policy 15.D.5.16, the permitted uses on lands designated Commercial and identified as a Protected Major Transit Station Area, City Node, Community Node or Urban Corridor on Map 2:*
- a) *will include retail, and may include retail commercial centres where they are permitted in accordance with the applicable policies in Section 3.C.2; and,*
 - b) *may include dwelling units, where appropriate, provided that they are located in the same building as compatible commercial uses and are not located on the ground floor to a maximum Floor Space Ratio of 2.0.*
- 15.D.5.20. *Lands designated Commercial and identified as an Arterial Corridor on Map 2:*
- a) *are not intended to accommodate retail activities that are more appropriately located and otherwise permitted in the Urban Growth Centre (Downtown), or on lands designated Commercial Campus, Mixed Use, or on lands*

designated for commercial uses within Urban Corridors. Accordingly, permitted retail uses will be restricted to only retail uses that are:

- i) accessory to a warehouse, storage or distribution facility;*
 - ii) form part of an establishment relating to the servicing of motor vehicles or major recreational equipment;*
 - iii) accessory to or contained within permitted service commercial uses;*
 - iv) require large enclosed or open storage areas to sell bulky, space intensive goods;*
 - v) convenience retail.*
- b) will also permit a limited range of light industrial uses which by the nature of their operation are well suited for location on Regional Roads and City arterial streets. Accordingly, the following uses may also be permitted:*
- i) contractor's establishment, with the exception of craftsman shops used for the production of handmade or custom commodities, industrial uses that engage in on-site manufacturing or processing will not be permitted;*
 - ii) manufacturing uses will be permitted on specific properties zoned to permit manufacturing as of the date of approval of this Plan;*
 - iii) warehousing; and,*
 - iv) wholesaling.*

15.D.5.21. *The City will have regard to the following criteria when considering development or redevelopment applications for new uses in lands designated Commercial and identified with an Arterial Corridor on Map 2 and/or justification to expand or create a new Commercial land use designation within an Arterial Corridor on Map 2:*

- a) the uses are not compatible or feasible to locate in the other lands designated for commercial uses or within the Urban Growth Centre (Downtown);*
- b) the use requires exposure and accessibility afforded by Regional or City Arterial Streets given the nature of their goods and services;*
- c) the use relies on business from and exposure to the travelling public; and/or,*
- d) the use is not required to locate within an industrial employment area due to the characteristics of the operation.*

Staff acknowledge that a Specific Policy Area is required to be established to permit the uses of retail and dwelling units on the subject lands. There are certain factors that encourage consideration for allowing the use of retail and dwelling units, despite the OP policies that do not permit them as-of-right.

Firstly, the subject applications present a unique opportunity to provide for intensification on an underutilized parcel of land that has been vacant for decades. Use of existing land within the built-up area is desirable to create an efficient use of resources and infrastructure.

Secondly, the site contains a known plume of contaminated groundwater, and these applications would require a Record of Site condition to be filed with the Province that would require the lands to be remediated or risk assessed for use as residential. In order to construct the proposed underground parking levels, the applicant will be required to remove some of the contaminated groundwater from the existing known plume on site that will need to be properly treated. This helps to remediate, revitalize, and re-use a site that was formerly used as a gas station and contains known contaminants as identified in the Phase I and Phase II Environmental Site Assessments that have been completed on the site.

Thirdly, the City’s new Official Plan Comprehensive Review (Kitchener 2051) is exploring new ways to spread density throughout the City’s intensification areas, allowing greater permissions for mixed use, spreading residential density throughout the city in order to respond to rapidly evolving land use needs. In order to meet the City’s ambitious housing pledge, Staff and Council acknowledge that permissions for housing density in more places and leveraging underutilized lands to unlock potential for intensification will be important strategies to employ both on a policy level, and when considering individual development applications such as this one.

Lastly, the King Street East corridor between Highway 8 and Highway 401 is evolving, largely due to a significant portion of lands within a Protected Major Transit Station Area (PMTSA). City Staff are currently working on a project to bring to Council in the second quarter of 2025 for approval of new land use policies and permissions for the lands within the PMTSA called “Growing Together East”. The land use changes aim to align with City objectives to:

- Address the housing crisis by improving housing choice and affordability in Kitchener’s MTSA’s
- Address the climate emergency by creating transit-supportive communities. This includes maximizing the use of existing infrastructure and leveraging new infrastructure.
- Encourage a shift towards active transportation and transit within complete communities that provide for daily needs
- Help bring more people, activity, life and diversity to Kitchener’s MTSA’s

Although the subject lands are approximately 200 metres outside of the PMTSA area (east), it is expected that there will be increased focus and interest in intensification and

redevelopment in areas just outside of MTSA’s, especially along major transportation corridors like King Street East.

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 retail storefronts along King Street East with individual pedestrian entrances. The podium/building base is situated along King Street East and encompasses over 50% of the site’s frontage. Building entrances and windows on the ground floor articulate the building and provide visual interest at street level. Opportunities for landscape (planting beds) between the building and the sidewalk are available and shown on the concept plan.

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. Staff will ensure that Driveway Visibility Triangles (DVTs) are provided to ensure adequate visibility for motorists, cyclists, and pedestrians at the site entrance.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code. Barrier-Free parking is provided within underground and above-grade parking.

Site Design, Building Design, Massing and Scale – The massing and distribution of density has been revised as a result of Staff and Neighbourhood comments. First, the tower at the rear of the site (Building B) has been reduced by 3 storeys, from 25 to 22 storeys. These 3 storeys have been added to the tower at the front of the site (Building A). Secondly, the location of Building B has been shifted by approximately 3 metres to the northeast, further from lands zoned low rise residential, now meeting the transition to low rise zoning regulation. In regards to building design, the applicant has selectively provided balconies to ensure that they are not projecting towards the low rise residential lands and are instead facing internal, facing MTO owned lands, or facing King Street East. This is in response to privacy concerns of existing adjacent low rise residential lands.

Shadow Impact Analysis

The applicant has completed a Shadow Impact Analysis in addition to the Urban Design Brief. 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

Both proposed towers are classified as a “Compact Slab Tower” as the proposed tower floor plates are less than 850 square metres in area, with a greater than 1.6 ratio of the building length and width. The towers are on a shared 7-storey podium/building base. The tower massing is broken up vertically by variation and the articulation of building materials and balconies. The building includes a 3-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.

On Map 2 of the City’s Official Plan, King Street East adjacent to the subject lands is identified as a Light Rail Transit Corridor. However, the subject lands are not within a Protected Major Transit Station Area. The site is located 1.2 km east of the planned King and Sportsworld Ion Station Stop (Ion Phase 2). Protected Major Transit Station Areas are generally an 800 metre radius from Light Rail Transit Station Stops.

The subject lands are in close proximity (under 5 minute walk) to existing Grand River Transit bus pads on King Street East for routes iXpress 203 and 206, providing region wide access and connectivity. Pedestrian sidewalks exist in front of the subject lands and extend west. The sidewalk does not continue east and ends before the Highway 401 West on-ramp. The Region of Waterloo does not have any conceptual plan and there is no funding in the Region’s 10-year capital forecast to extend sidewalk under Highway 401 and toward the municipal boundary to Cambridge.

The site is not currently well-served by on- or off-street cycling facilities. A Multi-Use Trail (MUT) exists on the north side of King Street (opposite side of the subject lands) between Sportsworld Drive and Gateway Park Drive. The MUT is proposed to be extended on King Street between Sportsworld Drive and the Freeport Bridge in future phases of construction in 2028-2029.

Vehicular access is provided in a single point of access from King Street East. The access is located on the west side of the site in order to be as far as possible from the on ramp to Highway 401 (westbound) that is located east of the site. Vehicular movements are to be right in, right out only. There is an existing concrete median along King Street East, with a break for U-turns in front of the subject lands. The median break would be removed in the future when the LRT is constructed on the centre line median and U-turns would no longer be available to vehicles exiting the site and travelling west on King Street East. City staff have flagged concerns for vehicle movements both current and future to Regional transportation staff.

The proposed Official Plan Amendment and Zoning By-law Amendment Applications support a dense residential development. The typology of the proposed buildings will result in a compact 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.

Section 4.C.1.3 states that the majority of new residential growth in the Built-Up Area will occur within Intensification Areas. The site is within a secondary intensification area (Arterial Corridor). Section 4.C.1.6 states that the City will identify and encourage residential intensification and redevelopment including infill opportunities in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of community infrastructure.

SECTION 4 – THE AMENDMENT

The City of Kitchener Official Plan (2014) is hereby amended as follows:

- a) Part C, Section 15.D.12 Area Specific/Site Specific Policy Areas is amended by adding Policy 15.D.12.80 thereto as follows:

"80. **4611 King Street East**

Notwithstanding the Arterial Corridor urban structure identification and policies and the Commercial land use designation and policies, applied to the lands located at 4611 King Street, *retail* and office uses and *dwelling units* will be permitted.

Four (4) Holding Provisions will be applied to residential uses and will not be removed through a By-law Amendment until such time as the City of Kitchener is in receipt of a Record of Site Condition, Noise Study, Sanitary Servicing Flows Acceptance, and Stormwater Servicing Flows Acceptance.

- b) Map No. 5 – Specific Policy Areas is amended by adding Specific Policy Area '80, 4611 King Street East' as shown on the attached Schedule 'A'.

APPENDIX 1

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood
4611 King Street East



Have Your Voice Heard!
Planning & Strategic Initiatives Committee

Date: **January 27, 2025**
Location: **Council Chambers,
Kitchener City Hall
200 King Street West**
or Virtual Zoom Meeting

Go to kitchener.ca/meetings
and select:

- Current agendas and reports (posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including information on your appeal rights, visit:
www.kitchener.ca/PlanningApplications
or contact:
Eric Schneider, Senior Planner
eric.schneider@kitchener.ca
519.783.8918

Concept Drawing



Mixed Use



Two Towers
25 & 30
Storeys



726
Dwelling
Units

The City of Kitchener will consider applications for an Official Plan Amendment and a Zoning By-law Amendment to facilitate the development of the site with a mixed use development consisting of two towers (25 and 30-storeys) atop a 7-storey podium having a Floor Space Ratio of 7.8, with 726 dwelling units, 1,892 square metres of commercial space, and 501 parking spaces.

APPENDIX 2

Minutes of the Meeting of Planning and Strategic
Initiatives Committee – January 27, 2025

APPENDIX 3

Minutes of the Meeting of City Council – February 10,
2025