

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: January 27, 2025

SUBMITTED BY: Garrett Stevenson, Director of Development and Housing Approvals, 519-783-8922

PREPARED BY: Eric Schneider, Senior Planner, 519-783-8918

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: January 10, 2025

REPORT NO.: DSD-2025-025

SUBJECT: Official Plan Amendment Application OPA24/012/K/ES
Zoning By-law Amendment Application ZBA24/024/K/ES
4611 King Street East
Imperial Oil Limited c/o LJM Developments

RECOMMENDATION:

That Official Plan Amendment Application OPA/24/012/K/ES for Imperial Oil Limited c/o LJM Developments requesting to add Policy 15.D.12.80 to Section 15.D.12 and to add Specific Policy Area 80 to Map 5 – Specific Policy Areas in the Official Plan to facilitate a mixed use development having 726 residential dwelling units and 1,892 square metres of commercial space within two towers atop a shared podium with building heights of 22 and 33 storeys and a Floor Space Ratio (FSR) of 7.9, be approved, in the form shown in the Official Plan Amendment attached to Report DSD-2025-025 as Attachments ‘A1’ and ‘A2’,

That Zoning By-law Amendment Application ZBA24/024/K/ES for Imperial Oil Limited c/o LJM Developments be approved in the form shown in the ‘Proposed By-law’, and ‘Map No. 1’, attached to Report DSD-2024-025 as Attachments ‘B1’ and ‘B2’.

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 4611 King Street East. It is planning staff’s recommendation that the Official Plan and Zoning By-law Amendments be approved.
- The proposed amendments support the creation of 726 dwelling units, and associated podium commercial space on an underutilized site that is currently vacant.
- 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;
- Virtual Neighbourhood Meeting held on October 16, 2024;
- Two in person on-site neighbourhood meetings held October 4, 2024 and October 18, 2024 with Planning Staff. In-person neighbourhood meeting held October 30, 2024 with Planning Staff, Ward Councillor, and applicant.
- 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 January 3, 2025.
- This report supports the delivery of core services.
- This application was deemed complete on August 30, 2024. The Applicant can appeal this application for non-decision after December 28, 2024.

EXECUTIVE SUMMARY:

LJM Developments of the subject lands addressed as 4611 King Street East is proposing to add a Specific Policy Area in the City of Kitchener Official Plan, and to change the zoning to Mixed Use Three Zone (MIX-3) and 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 Imperial Oil Limited c/o LJM Developments for a development concept of a mixed-use building containing two residential towers atop a shared podium/building base containing 726 dwelling units as well as office and retail commercial space.

The applications originally requested building heights of 25 and 30 storeys. Through circulation and review, the applicant has shifted density away from the rear of the site towards the front of the site (along King Street East) and the tower heights have been revised to 22 and 33 storeys as a result. The location of the rear tower has shifted further from the property line shared with existing low-rise residential lands. Further, the applicant has agreed to meet the City's transition to low rise residential zoning regulation, meaning no building height will exceed 12 metres within 15 metres of a low-rise residential property. This is not reflected on the revised plan and the podium/building base will be either shifted in location or reduced in height in order to comply with the transition standard. An updated concept is being developed and will be conceptually presented at the Planning and Strategic Initiatives Meeting by the Applicant.

Through the circulation, adjacent and nearby residents raised concerns regarding potential impacts to private wells as a result of the development. The applicant has retained a professional hydrogeologist, who provided a response letter dated November 7, 2024 (Attachment 'G'). The letter states that the applicant will provide complete a hydrogeological investigation which will include a private water well survey which includes properties within 250 metres of the subject lands. The survey will allow the applicant's hydrogeologist to assess concerns related to potential adverse impacts to nearby

residential water supply wells. The applicant has committed to monitor and if necessary, mitigate potential negative impacts on water quality or quantity.

The lands are currently designated 'Commercial' in the City's Official Plan and are currently zoned "Arterial Commercial" in Zoning By-law 2019-051 with Site-Specific Provision (88). Site specific provision (88) permits the use of the lands for a Veterinary Clinic.

Site Context

The subject lands are addressed as 4611 King Street East. The site is located on the south side of King Street East. The subject lands have a lot area of 0.74 hectares with a frontage of approximately 72 metres on King Street East. To the east of the site, Highway 401 crosses over King Street East and represents the municipal boundary with the City of Cambridge. Access to the 401 West is available with on-ramps to the east of the site. Access to the Conestoga Expressway is available 2 kilometres west of the site. The subject lands are currently vacant, and formerly contained a gas station. The surrounding neighbourhood includes low-rise residential lands to the south, and arterial commercial uses along King Street East.

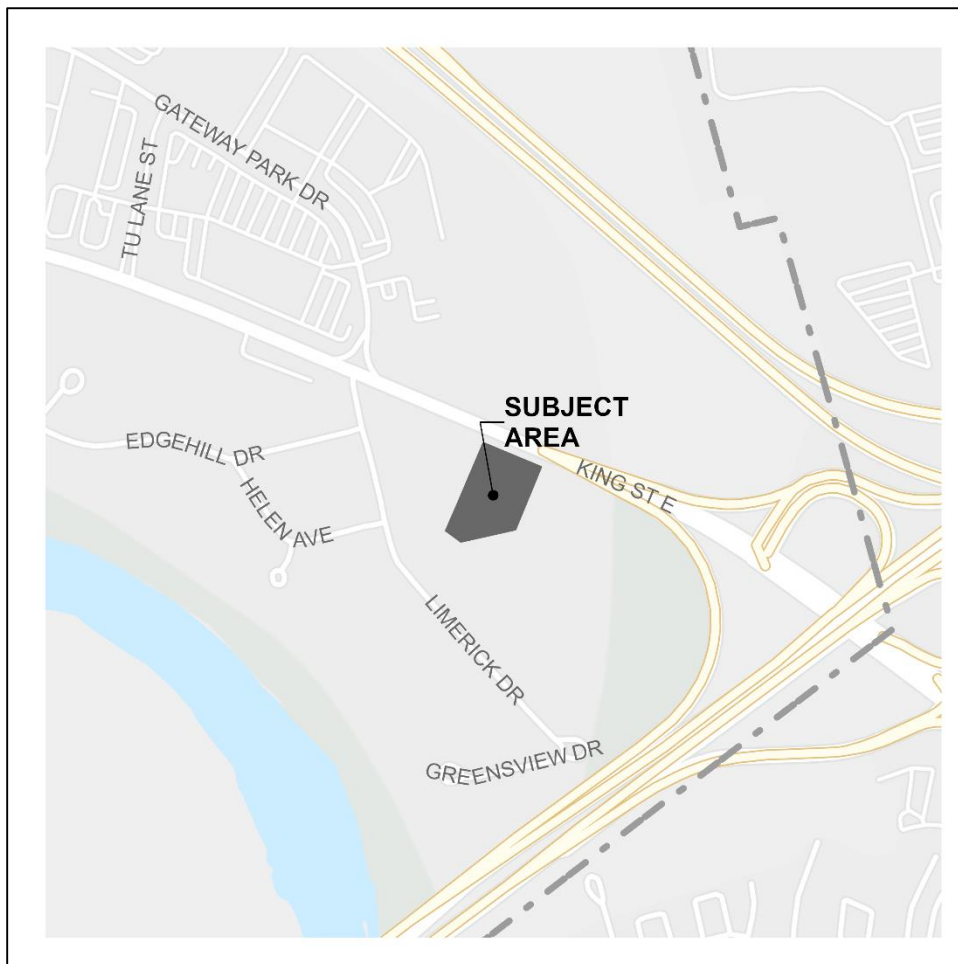


Figure 1 - Location Map: 4611 King Street East

REPORT:

The applicant is proposing to redevelop the subject lands with a mixed use development containing 726 dwelling units, 1,892 square metres of commercial space within the podium/building base and three levels of underground parking. The proposed development contains two residential towers of 33 and 22 storeys in height, as revised, with a shared 7 storey podium/building base. Retail units on the ground floor would front onto King Street East, and a large office unit is proposed on the second floor of the podium/building base. One vehicular access is proposed on King Street East (right in, right Out). A total of 493 vehicular parking spaces are proposed. 404 bicycle parking spaces are proposed, with 398 secure indoor spaces within the underground parking garage and 6 outdoor temporary spaces on the surface level for short-term and visitor use. Outdoor amenity areas are proposed at grade at the rear of the site as well as on top of the podium/building base.



Figure 2 – View of Subject Lands (View from King Street)



Figure 3 – View of Subject Lands (View of Rear of Site looking West)



Figure 4 – View of Subject Lands (View of Rear of Site looking South)



Figure 5 – View of Subject Lands (East Side Property Line- Looking towards MTO Lands)



Figure 6 – View of Subject Lands (West Side Property Line- Looking towards Goemans Appliances)

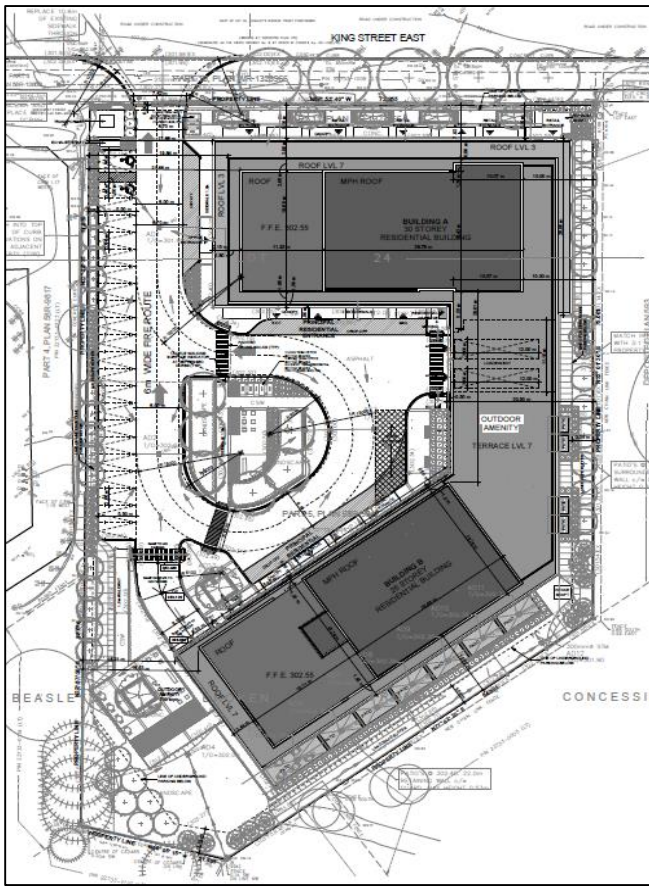


Figure 7: Original Concept Plan (25 and 30 Storeys)

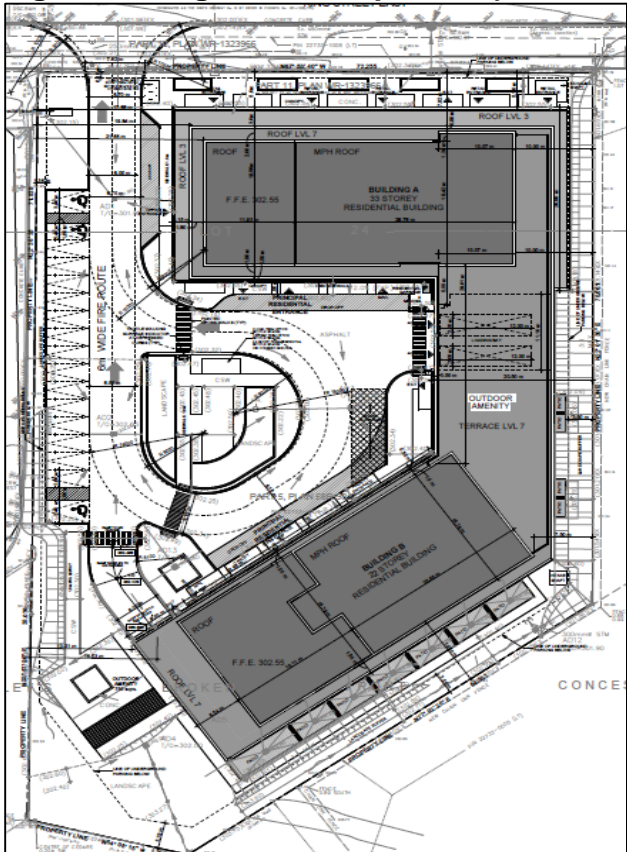


Figure 8: Revised Concept Plan (22 and 33 Storeys)

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. The ROP 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. (Attachment '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.

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.

Official Plan Conclusions

The Official Plan Amendment Application requests that Policy 15.D.12.80 be added to Section 15.D.12 and that Map 5 – be amended to add 'Specific Policy Area 80'. 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 "Arterial Commercial" in Zoning By-law 2019-051 with Site-Specific Provision (88). Site specific provision (88) permits the use of the lands for a Veterinary Clinic.

The applicant has requested an amendment to change the zoning from 'Arterial Commercial (COM-3)' to 'Mixed Use Three Zone (MIX-3)'. The applicant is also requesting to remove the existing Site-Specific Provision (88) from the subject lands and replace it with a new Site-Specific Provision (417). The new site specific provision would establish new development standards for the proposed concept, including height, Floor Space Ratio, parking, and setbacks.

Four (4) Holding Provisions are proposed to be established to require a Record of Site Condition, a Noise Study, and confirmation of Sanitary Servicing and Stormwater Servicing.

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 (417):

a) The maximum Floor Space Ratio (FSR) shall be 7.9.

The purpose of this regulation is to limit the maximum 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 applicant has provided a revised development concept that demonstrates adequate building scale and orientation, and transition to low-rise residential lands to justify a requested increase in Floor Space Ratio to 7.9. 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 7.9 can function appropriately on the lands.

b) The maximum building height shall be 110 metres and 33 storeys (Tower A) and 75 metres and 22 storeys (Tower B)

The purpose of this regulation is to regulate the maximum building height for the proposed development. The proposed building heights of the two towers are 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 an intensification area in the City Official Plan and the King Street East regional intensification corridor in the Regional Official Plan. The maximum height regulation represents Building A on the proposed concept plan, which is located along King Street East and is further from the low rise residential lands that abut the rear of the site. Building B at the rear of the site is a shorter tower at 22 storeys and approximately 75 metres tall.

C) That the minimum interior side yard setback shall be 3 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 metres is from a 3 storey portion of the podium/building base abutting the MTO lands. The MTO has permitted site development up to 3 metres away

from their property lines. No impacts to abutting residential lands or commercial lands are affected by this site specific provision and no impacts to those lands are expected.

D) That the minimum percent of non-residential gross floor area shall be 3%.

The purpose of this regulation is to establish a required minimum for non-residential floor area (retail/office space) for the development. This represents a decrease from the typical minimum of 20% of non-residential floor area that would be required to be provided in the base 'MIX-3' zone. Staff acknowledge that viability for non-residential floor space is typically along the street front on the ground floor level where it is visible to foot traffic. The applicant is also providing a substantial office unit (approximately 1,200 square metres) on the second floor of the podium/building base. Staff are of the opinion that the proposed 1,892 square metres of non-residential floor area will achieve the City's objective in promoting a compatible mix of uses within the same building and provide adequate commercial and service opportunities to the on-site dwelling units as well as the surrounding neighbourhood.

E) The maximum number of storeys in the base of a tall building shall be 7 storeys.

The 'MIX-3' zone permits a maximum of 6 storeys in the base of a tall building. This is to foster a human scale pedestrian realm along the street lines. In order to address this, the applicant is including a 3 storey stepdown along King Street that will break up the massing at ground level and provide for a better transition in height toward the streetscape. Urban Design staff have reviewed the massing, orientation, stepdowns, and heights proposed for the podium/building base and are satisfied with the proposed design.

F) That the minimum vehicle parking be a rate of 0.57 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 0.57 parking spaces per dwelling unit. The subject lands have adequate access to public transit. Bicycle 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. The future Phase 2 Ion Rapid transit corridor is along King Street East and although the site is not located within a Protected Major Transit Station Area, it is approximately 1.2 km away from a proposed station stop that would provide access to regional rapid transit. The applicant has provided a Transportation Demand Management plan as part of their Transportation Impact Study and it has been reviewed and deemed acceptable by the Region of Waterloo Corridor Planning Department and the City's Transportation Services staff.

G) 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 Provisions (97H), (98H), (99H), (100H)

Planning staff are recommending the following Holding Provisions as part of the Zoning By-law Amendment:

No residential use shall be permitted until such time as:

97H: A Record of Site Condition is submitted and approved by the Ministry of the Environment, Conservation and Parks.

98H: A Noise Study is completed and approved and recommended implementation measures are established.

99H: Acceptance of sanitary flows from the City of Cambridge is received.

100H: Acceptance of stormwater management flows from the Region is received.

Staff offer the following comments with respect to Holding Provisions (97H), (98H), (99H), (100H):

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 (417). 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 Three Zone (MIX-3) with Site Specific Provision (417) and Holding Provisions 97H, 98H, 99H, and 100H' 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 more housing units and choice for the community, 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. Concerns with the original Transportation Impact Brief were raised by the Region of Waterloo and the Ministry of Transportation. Consequently, a more fulsome Transportation Impact Study Addendum with a TDM report was prepared by the applicant. Concerns with servicing were addressed through holding provisions. 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: GSP Group, August 2024

Urban Design Brief

Prepared by: Kirkor Architects and Planners with GSP Group, June 2024

Architectural Package (including site plan, elevations, floor plans, shadow study)

Prepared by: Kirkor Architects and Planners, June 11, 2024

Noise Impact Study

Prepared by: JJ Acoustic Engineering Ltd, March 21, 2024

Functional Servicing and Stormwater Management Report

Prepared by: MTE Consultants Inc, May 22, 2024

Site Grading and Servicing Plan

Prepared by: MTE Consultants Inc, March 28, 2024

Removals Plan

Prepared by: MTE Consultants Inc, March 18, 2024

Pedestrian Wind Comfort Assessment

Prepared by: RWDI, May 6, 2024

Sustainability Statement

Prepared by: Kirkor Architects and Planners, June 28, 2024

Transportation Impact Brief

Prepared by: Paradigm Transportation Solutions Limited, July 2024

Phase I ESA

Prepared by: Golder Associates, June 2017

Phase II ESA

Prepared by: Golder Associates, December 2017

Tree Protection Plan

Prepared by: Adesso Design Inc, June 10, 2024

Community Input & Staff Responses

Staff received written responses from 20 residents with respect to the proposed development. These are included in Attachment 'E'. A virtual Neighbourhood Meeting was held on October 16, 2024. Three (3) in-person neighbourhood meetings were held: first two on-site meetings were held on October 4, 2024 and October 18, 2024 with Planning Staff. Approximately 25-30 residents participated in those meetings. The third in-person neighbourhood meeting was held on October 30, 2024 and included Planning Staff, Ward Councillor Jason Deneault, and Applicant (planning consultant) and the Owner. A summary of what we heard, and staff responses are noted below.

WHAT WE HEARD



Approximately 20 people provided written comments.



A City-led virtual Neighbourhood Meeting held on October 16, 2024 and approximately 37 different users logged on, three (3) further on-site, in-person meetings.



56 households (occupants and property owners) were circulated and notified.

What We Heard	Staff Comment
<p>Buildings are too tall and close to Low Rise Residential lands. Privacy of existing low rise neighbourhood to the rear of the site will be compromised by high rise development and balconies overlooking backyards.</p>	<p>The design of the development has been revised to respond to neighbourhood concerns. The height of the tower at the rear (Building B) has been reduced from 25 storeys to 22 storeys. The location of the tower has been pushed approximately 3 metres further from the property lines abutting low rise residential lands. No balconies are proposed on the building façades that face the low rise residential lands and design efforts have been made to orient the balconies towards the east, north, and west to minimize overlook in response to privacy concerns.</p> <p>Further, the applicant has agreed to revise the concept plan further to fully comply with the City's Transition to Low Rise Residential zoning regulations, which limit building height to 12 metres (4 storeys) within 15 metres of low rise residential lands.</p>
<p>Concerns regarding impacts to private wells as a result of development.</p>	<p>The applicant responded to concerns heard at the neighbourhood meeting in regards to private wells. The applicant has retained a professional hydrogeologist, who provided a letter dated November 7, 2024 (Attachment 'G'). The letter states that the applicant will provide complete a hydrogeological investigation which will include a private water well survey which includes residents within 250 metres of the subject lands. The survey will allow the applicant's hydrogeologist to assess concerns related to potential adverse impacts to nearby residential water supply</p>

	<p>wells. The applicant has committed to monitor and if necessary, mitigate potential negative impacts on water quality or quantity.</p> <p>The City does not regulate private wells, they are regulated at a provincial level (permits issued by the Ministry of Environment). Issues between two or more private property owners regarding wells are a civil matter.</p>
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. Staff note that the greatest shadow impacts occur to the north of the site, going across King Street and away from the abutting low rise residential lands.
The site is not well served by community or commercial amenities, and is not a good location for residential intensification.	Provincial planning policy, as well as the Regional Official Plan and Kitchener Official Plan, contain policies to encourage intensification on underutilized and vacant parcels of land. The proposal is seeking to add commercial and employment opportunities on-site in the form of retail space and a large office space. The surrounding neighbourhood is well served by other existing commercial uses including restaurants and retail options.
Vehicle Access will not function well.	The original submission noted a full movement access on King Street. This has been revised to a Right in, Right Out (RIRO) only access, meaning left turns in and out are prohibited. Vehicles exiting the site and wishing to travel west towards Sportsworld Drive will have use of a median break in King Street East for U turns immediately across from the subject lands. Transportation Staff at the Region of Waterloo and the City of Kitchener have deemed the levels of service to be acceptable, albeit not ideal. Staff note that the median break for U turns would be eliminated upon potential construction of Phase 2 Ion Rapid Transit, as the LRT tracks are proposed to run in the centre median along this portion of King Street East.
The development will cause more traffic to unacceptable levels.	King Street East is a Regional road. The nearby Highway 8 and 401 are under the jurisdiction of the Ministry of Transportation (MTO).

	<p>Staff acknowledge that this section of the King Street East corridor contains high traffic volumes as an existing condition (approximately 45 thousand vehicles daily). Staff identify that future plans by the MTO to construct a Highway 8 flyover to Highway 401 would have the potential to significantly reduce traffic along this portion of King Street East, as motorists would no longer be required to exit Highway 8 to access the 401 West.</p> <p>The applicant has provided a revised Transportation Impact Study that has been accepted by the Region of Waterloo and City of Kitchener Transportation Staff. Ministry of Transportation (MTO) staff are reviewing the updated study.</p>
<p>The movements for pedestrians and cyclists will be dangerous at the vehicle site entrance.</p>	<p>Staff will work with the applicant at the Site Plan Approval stage to ensure the site entrance is designed for safe use by pedestrians, cyclists, and motorists.</p>
<p>Parking will be insufficient.</p>	<p>The City's policies for this building typology 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.</p>

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit 4611 King Street East to be developed with a mixed-use building development containing two (2) towers with 726 dwelling units and commercial and office uses. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Planning Statement, conform to 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. A large notice sign was posted on the property and information regarding the application was posted to the City’s website in September 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 January 3, 2025 (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 September 2024. In response to this circulation, staff received written responses from 20 members of the public. One virtual neighbourhood meeting and 3 in-person neighbourhood meetings were held.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Provincial Planning Statement, 2024
- 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 – Revised Concept Plan
- Attachment G – Hydrogeology Letter