

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Committee of the Whole

DATE OF MEETING: May 5, 2025

SUBMITTED BY: Rosa Bustamante, Director, Planning and Housing Policy/City Planner, 519-783-8929

PREPARED BY: Adam Clark, Senior Urban Designer, 519-783-8931
Elyssa Pompa, Policy Planner, 519-783-8943
Natalie Goss, Manager, Policy & Research, 519-783-8933

WARD(S) INVOLVED: Ward 3

DATE OF REPORT: April 30, 2025

REPORT NO.: DSD-2025-217

SUBJECT: Supplemental Report to DSD-2025-083 - Growing Together East

RECOMMENDATION:

That City Initiated Zoning By-law Amendment Application ZBA24/020/COK/MR to amend Zoning By-law 2019-051 for lands within 3 of the City's Protected Major Transit Station Areas be approved in the form shown in the "Proposed By-law" attached to Report DSD-2025-083 presented to Planning and Strategic Initiatives Committee on April 14, 2025 and as modified as outlined in report DSD-2025-217.

Pursuant to Section 35(17) of the Planning Act, R.S.O. C P.13, as amended further notice is not required to be given in respect to the City initiated Zoning By-law amendment.

REPORT HIGHLIGHTS:

- The purpose of this report is to outline a staff recommended modification to the City initiated Zoning By-law Amendment Application ZBA24/020/COK/MR to amend Zoning By-law 2019-051 for lands within the Block Line, Fairway, and Sportsworld Protected Major Transit Station Areas in response to the written submission provided by the Region of Waterloo at the statutory public meeting on this matter on April 14, 2025.
- There are no financial implications associated with this recommendation.
- This report supports **Building a Connected City Together: Focuses on neighbourhoods; housing and ensuring secure, affordable homes; getting around easily, sustainably and safely to the places and spaces that matter.**

BACKGROUND:

At the Planning and Strategic Initiatives Committee (PSIC) meeting on April 14, 2025 a statutory public meeting was held to provide an opportunity for written and oral submissions to be made with respect to the proposed Official Plan and Zoning By-law amendments within

Growing Together East (i.e., the Block Line, Fairway, and Sportsworld Protected Major Transit Station Areas (PMTSAs)). As part of the statutory public meeting, the Region of Waterloo (Region) made a written submission (Attachment A) reiterating their request for modifications to the proposed Official Plan amendment and Zoning By-law amendment for the PMTSAs on matters related to maximum heights and compatibility with the Waterloo Region International Airport; and requirements for a transit assessment. This report provides staff's response and recommendations related to this submission.

REPORT:

Region of Waterloo International Airport

Through their April 14, 2025 written submission, Regional staff reiterated their request that maximum heights be included as specific regulations in the SGA-4 zone and that maximum heights in the zoning by-law include temporary structures such as construction cranes. Further, the Region highlighted that as the Region of Waterloo International Airport has advanced work on an updated Airport Zoning Regulation (AZR) subject to Federal approval, refinements to maximum heights within the Block Line, Fairway, and Sportsworld PMTSAs have been proposed. Through subsequent conversations between City and Regional staff following the April 14th, 2025 statutory public meeting, it is understood that these refinements propose maximum heights in portions of the 3 Growing Together East PMTSAs that may result in buildings and temporary structures being restricted to heights that are lower than the SGA-3 zone maximum permitted height of 28 storeys.

Planning staff continue to recommend the use of a holding provision to establish maximum heights and require the submission of an NAV Canada Land Use Assessment or aeronautical assessment as part of any application that is seeking increases beyond the maximum height permitted through the draft AZR. The use of this holding provision will be in place during the interim period while work is underway on new Airport Zoning Regulations. Planning staff are of the opinion that a holding provision continues to be the most effective and efficient *Planning Act* tool that ensures land use compatibility and provides protection against any potential aviation safety hazards impacting on the long-term operation and economic role of the Region of Waterloo International Airport while at the same time ensuring an efficient, cost-effective development approvals process.

In light of the clarity provided regarding the proposed height maximums in the proposed AZR as outlined in the Region's April 14, 2025 written submission and subsequent conversation regarding the same, planning staff are recommending that Council modify the proposed Growing Together East PMTSA Zoning By-law amendment attached as Attachment B to report DSD-2025-083 presented at the April 14th PSIC meeting as follows:

- that proposed holding provision 111H be applied to all properties proposed to be zoned SGA-3 within the Block Line, Fairway, and Sportsworld PMTSAs; and,
- that the wording of proposed holding provision 111H be modified as follows:

"111H. Within the lands zoned SGA-3 and SGA-4 and shown as affected by this provision on Zoning Grid Schedules 145, 146, 147, 169, 170, 171, 172, 196, 197, 198, 218, 219, 220, 278, 279, 288, 289, 290, 295, and 296 of Appendix A, buildings and structures, including temporary structures within

the following Protected Major Transit Station Areas as shown on Appendix F, shall not exceed the following maximum heights:

- a) Block Line: 120.0 metres*
- b) Fairway: 92.4 metres*
- c) Sportsworld: 110.0 metres*

Until such time as:

- a) A detailed NAV Canada Land Use Assessment or Aeronautical Assessment prepared by a qualified consultant to the satisfaction of NAV Canada, in consultation with the Region, and the holding symbol affecting these lands has been removed by by-law. The recommendations and/or conditions including maximum permitted building and structure height, will be secured through a development agreement in accordance with section 41 of the Planning Act, R.S.O. 1990, c. P.13, as amended, and registered on the title to the lands; or*
- b) The Region has completed the Region of Waterloo International Airport Master Plan update in progress at the time of the application of this holding provision and any necessary updates to the Federal Airport Zoning Regulations have been completed, and the holding symbol affecting these lands has been removed by by-law.”*

For the reasons outlined in Attachment D to report DSD-2025-083, the above modification to proposed Growing Together East PMTSA Zoning By-law amendment is consistent with the Provincial policies and plans, is consistent with the Regional Official Plan, as amended, is consistent with Kitchener's Official Plan, including the proposed Growing Together East Official Plan amendment, and represents good planning.

Transit Assessment

Through their April 14, 2025 written submission, Regional staff reiterated their request for the inclusion of a holding provision that would require a transit assessment for properties within 40 metres of Stage 1 and Stage 2 ION. A transit assessment is being sought as a way to assess and ensure that transit (i.e., Grand River Transit and ION light rail transit) infrastructure and operations are coordinated with development. Despite the additional information provided on this matter through the Region's April 14th written submission on Growing Together East and subsequent conversations between Regional and City staff, planning staff continue to have questions about the scope of a transit assessment; how it differs from a traffic impact study that is a normal study requirement for a complete development application; how a qualified professional on behalf of an applicant would be able to assess impacts on transit operation delays and required improvements to transit infrastructure; and how any recommended mitigation measures could be appropriately secured through a development approvals process.

Given these outstanding questions, planning staff continue to have reservations recommending a holding provision for a transit assessment. Further, introducing a holding provision for the Growing Together East PMTSAs will introduce inconsistency in the zoning framework within the PMTSAs as the same holding provisions were not requested or implemented through Growing Together West. Despite this, a policy has been included in the recommended Official Plan amendment, with modifications as requested by the Region, to protect for transit infrastructure (proposed Official Plan policy 15.D.12.81). This policy is

specific to the Growing Together East PMTSAs and builds on Regional Official Plan policy 5.A.3.

Adding a holding provision where the intent and mechanism to satisfy it is unclear adds unnecessary time, costs, and risks to the development process. The City, Region, and property owners have worked together successfully through the development approvals process without a hold for a transit assessment on a number of applications to secure transit infrastructure including Highland Hills mall, The Boardwalk, and Sportsworld. There continues to be the opportunity to utilize the development approvals process to work with property owners to secure transit and other infrastructure. Kitchener has seen unprecedented growth in its PMTSAs over the past ten years and has secured required transit infrastructure through the development approvals process for many sites without a transit assessment holding provision. The City's Official Plan contains transit-oriented policies and the City's Zoning By-law has several regulations requiring a transit supportive built form, including direction on building placement and site design.

STRATEGIC PLAN ALIGNMENT:

This report supports **Building a Connected City Together: Focuses on neighbourhoods; housing and ensuring secure, affordable homes; getting around easily, sustainably and safely to the places and spaces that matter.**

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:

Community and collaborator engagement for Growing Together East was outlined in report DSD-2025-083.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*, R.S.O. 1990, c. P.13
- Provincial Planning Statement, 2024
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051
- Growing Together East – Protected Major Transit Station Area Land Use and Zoning Framework ([DSD-2025-083](#))
- Growing Together East (Major Transit Station Area Land Use and Zoning Framework) – Project Launch ([DSD-2024-237](#))
- Growing Together – Protected Major Transit Station Area Land Use and Zoning Framework ([DSD-2024-005](#) and [DSD-2024-128](#))

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Region of Waterloo written submission on Growing Together East dated April 14, 2025