

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

**DATE OF MEETING:** December 12, 2022

**SUBMITTED BY:** Stevenson, Garrett - Interim Director of Planning, 519-741-2200 ext. 7070

**PREPARED BY:** Dumart, Craig – Senior Planner, 519-741-2200 ext. 7073

**WARD(S) INVOLVED:** Ward 3

**DATE OF REPORT:** October 31, 2022

**REPORT NO.:** DSD-2022-447

**SUBJECT:** Official Plan Amendment OPA22/003/K/CD  
Zoning By-law Amendment ZBA22/005/K/CD  
4220 King Street East and 25 Sportsworld Crossing Road  
Tricar Property Limited and 4220 King Street (Kitchener) Limited

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## RECOMMENDATION:

That Official Plan Amendment Application OPA22/003/K/CD for Tricar Property Limited and 4220 King Street (Kitchener) Limited requesting a change in land use designations from 'Commercial' and 'Commercial Campus' to 'Mixed Use' to permit a high intensity mixed used development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2022-447 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA22/005/K/CD for Tricar Property Limited and 4220 King Street (Kitchener) Limited be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2022-447 as Appendix 'A'; and further

That in accordance with Planning Act Section 45 (1.3 & 1.4), applications for minor variances shall be permitted for lands subject to Zoning By-law Amendment Application ZBA22/005/K/CD.

## 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 4220 King Street East and 25 Sportsworld Crossing Road. It is planning staff's recommendation that the Official Plan and Zoning By-law Amendments be approved.
- The proposed Amendments support the creation of a high intensity mix-use development in a Major Transit Station Area. This area will transition over time, partly in advance of the extension of ION to the Sports world station, however as an MTSA, this station area is planned to accommodate a range of dense housing options and surrounding low-rise neighbourhoods will not likely be the focus of further intensification.
- Community engagement included:

- circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
- installation of a large billboard notice sign on the properties;
- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on June 7, 2022;
- postcard advising of the statutory public meeting was circulated to all 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 November 18, 2022.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

The Owner of the subject lands addressed as 4220 King Street East and 25 Sportsworld Crossing Road are proposing to change the Official Plan designations from 'Commercial' (4220 King Street East) and 'Commercial Campus' (25 Sportsworld Crossing Road) to 'Mixed Use' in the City of Kitchener Official Plan, and to change the zoning from 'Arterial Commercial (COM-3)' (4220 King Street East) and 'Campus Commercial (COM-4) with a site-specific provision (37)' (25 Sportsworld Crossing Road) in Zoning By-law 2019-051 to 'Mixed Use Three (MIX-3) with Site Specific Provision (353) and Holding Provision 38H' to regulate the minimum commercial area, increase the Floor Space Ratio (FSR), increase the building height, reduce the ground floor façade height and podium height, regulate the maximum parking rate and to apply a Holding Provision to require a noise study to the satisfaction of the Region of Waterloo. Staff are recommending that the applications be approved.

## **BACKGROUND:**

Tricar Property Limited and 4220 King Street (Kitchener) Limited have made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the subject lands at 4220 King Street East and 25 Sportsworld Crossing Road to permit the lands to be developed with high intensity mixed used development. The proposed development will include a 14 storey mixed use building at 4220 King Street with 210 residential units and 2,269 square metres of commercial spaces and 394 parking spaces proposed to be underground, internal to the building, and on a surface parking lot. The subject lands at 25 Sportsworld Crossing Road are proposed to be developed with a two tower building, including a tower with a height of 15 storeys and a tower with a height of 18 storeys. The mixed-use development will include 1,382 square metres of commercial spaces and 428 underground, structured, and surface parking spaces. The lands are designated 'Commercial' (4220 King Street East) and 'Commercial Campus' (25 Sportsworld Crossing Road) in the City of Kitchener Official Plan and zoned 'COM-3 Arterial Commercial (COM-3)' (4220 King Street East) and 'Campus Commercial (COM-4) with a site-specific provision (37)' (25 Sportsworld Crossing Road) in Zoning By-law 2019-051.

The existing zoning permissions do not have a maximum Floor Space Ratio or building height regulations and permit a wide range of commercial uses. The zoning does not currently permit any residential uses.

## **Site Context**

The proposed development includes two separate properties, 4220 King Street East and 25 Sportsworld Crossing Road that will be development separately in two phases. 25 Sportsworld Crossing (which is proposed as phase 1) is an irregular shape parcel of vacant land with frontage on both King Street East and Sportsworld Crossing Road. 25 Sportsworld Crossing Road has 95.8 metres of frontage along King Street East and 125 metres of frontage along Sportsworld Crossing

Road with a lot area of 1.14 hectares (2.82 acres). 4220 King Street East (Phase 2 of the proposed development) is a rectangular-shaped parcel of land with 75 metres frontage along King Street East and access off a privately owned road. Both properties also have existing easements for access over 4278 King Street East. 4220 King Street East is currently developed with a one-storey commercial building occupied by a restaurant (Mandarin) and furniture store (Home Style Furniture) and has a lot area of 0.90 hectares (2.23 acres). The subject lands are completely surrounding by commercially developed lands and buildings to the north, south, east and west and are situated within close proximity to Highway 8 and Highway 401. Furthermore, the planned Sportsworld LRT station stop is located directly in front of the subject lands at 25 Sportsworld Crossing Road.



**Figure 1 - 4220 King Street East and 25 Sportsworld Crossing Road**

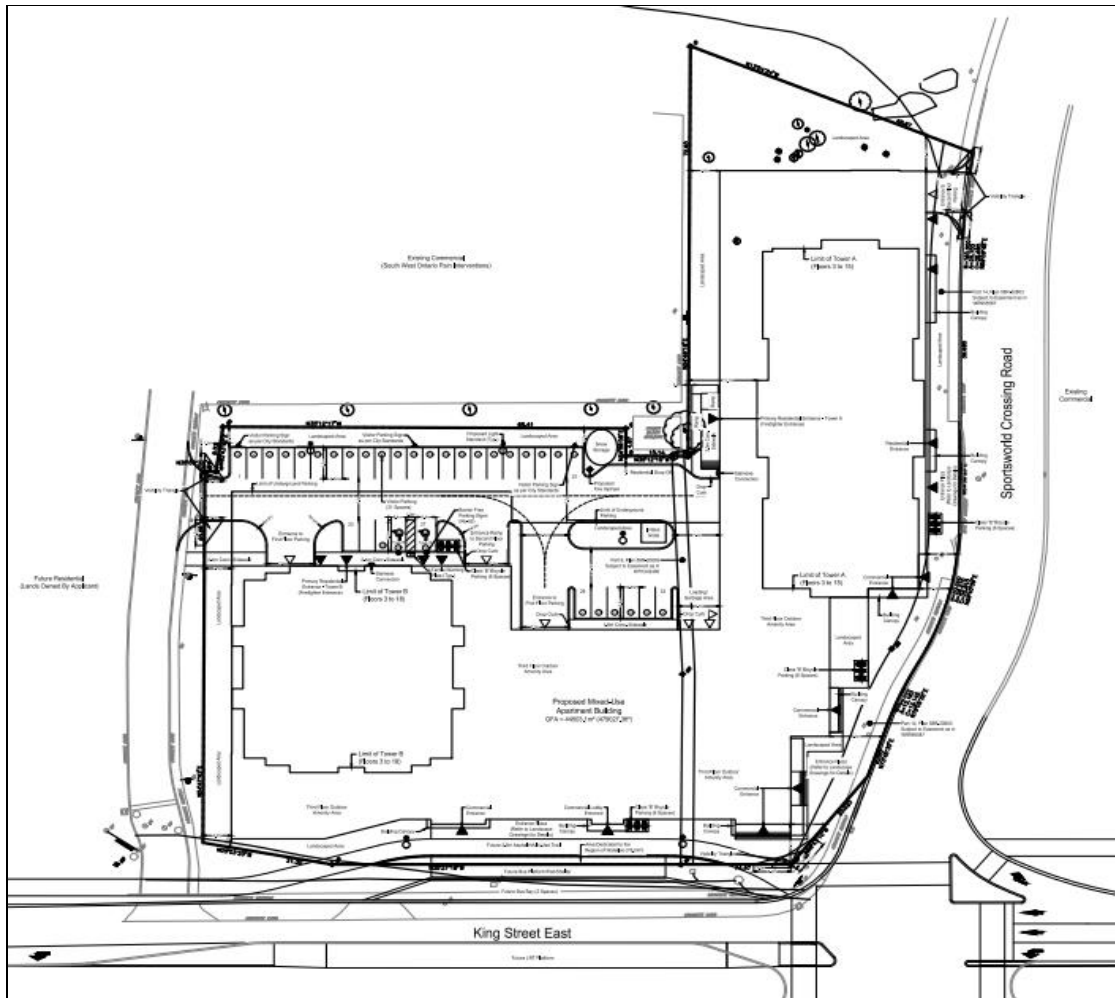
**REPORT:**

The applicant is proposing to develop the subject lands with a mixed-use development consisting of three towers 14, 15 and 18 storeys in height. The proposed development includes 520 dwelling units with 3,651 square metres of commercial space and 922 parking spaces located both underground, internal to the buildings, and on a surface lot. Vehicular access to the developments are proposed through access off of the existing laneway (private laneway) at 4278 King Street East and access off of Sportsworld Crossing Road and a private road.

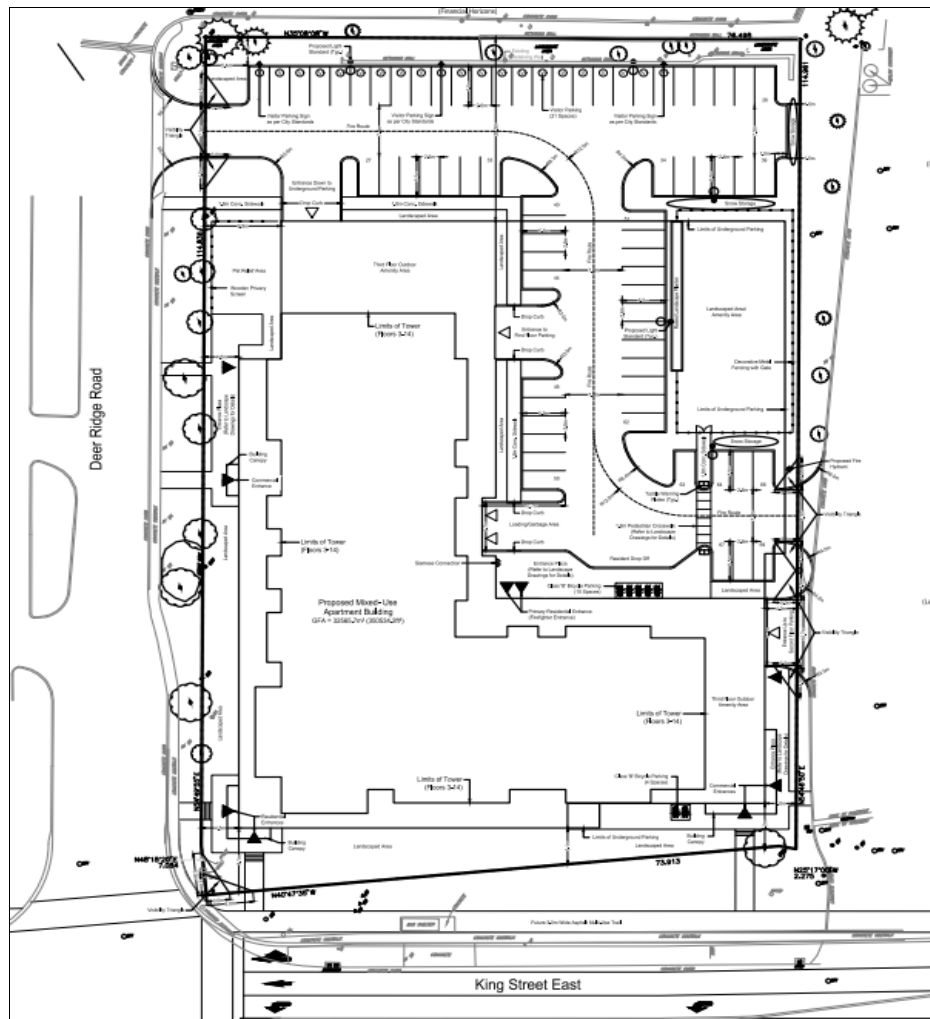
Table 1 below highlights the development concept statistics while Figures 2, 3 and 4 show the proposed development concept site plans and renderings of the development proposal.

**Table 1. Proposed Development Concept Statistics**

	Development Concept
<b>Number of towers</b>	3 towers
<b>Building Heights</b>	14, 15, and 18 storeys
<b>Number of Residential Units</b>	520
<b>Commercial Space</b>	3,651 square metres
<b>Parking Spaces</b>	922 parking spaces
<b>Class A (indoor secured) Bicycle Parking</b>	265
<b>Class B (outdoor visitor) Bicycle Parking</b>	38
<b>Floor Space Ratio</b>	4.0
<b>Unit Types</b>	1 Bedroom: 177 2 Bedroom: 333



**Figure 2 – Development Concept Site Plan 25 Sportsworld Crossing Road (Phase 1)**



**Figure 3 – Development Concept Site Plan 4220 King Street East (Phase 2)**



**Figure 4 –Development Rendering: The front elevations at the corner of King Street East and Sportsworld Crossing Road.**

To facilitate the redevelopment of the subject lands with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are proposed to change the land use designation and zoning of the subject lands. The lands are currently designated 'Commercial' (4220 King Street East) and 'Commercial Campus' (25 Sportsworld Crossing Road) in the City of Kitchener Official Plan and zoned 'COM-3 Arterial Commercial (COM-3)' (4220 King Street East) and 'Campus Commercial (COM-4) with a Site-Specific Provision (37)' (25 Sportsworld Crossing Road) in Zoning By-law 2019-051.

The owner is proposing to change the land use designation to 'Mixed Use' in the City of Kitchener Official Plan and to change the zoning to 'Mixed Use Three (MIX-3) with Site Specific Provision (353) and Holding Provision 38H' in Zoning By-law 2019-051 to regulate the minimum commercial area, increase the Floor Space Ratio (FSR), increase the building height, reduce the ground floor façade height and podium height, regulate the maximum parking rate and to apply a Holding Provision to require a noise study to the satisfaction of the Region of Waterloo. Staff are recommending that the applications be approved.

### **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, 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, and to ensure Provincial policy is adhered to.

#### **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 including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed use development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a high intensity mixed-use development that is compatible with the surrounding community, helps manage growth, will contribute towards a complete community, 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 including major transit station 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.

Policy 2.2.4 requires that planning be prioritized for MTSA's on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA's on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stations are Major Transit Station Areas (MTSA's) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the Sportsworld station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved in August 2022 and these lands are within the Sportsworld Station MTSA as the planned Sportsworld LRT station stop is located directly in front of the subject lands at 25 Sportsworld Crossing Road. The proposed development represents intensification and will help the City achieve density targets in the MTSA. 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 Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of 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 subject lands are within the Major Transit Station Area (MTSA) boundary that was approved in August 2022. The Region of Waterloo have indicated they have no objections to the proposed application or to higher density within the MTSA area. (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

#### **City of Kitchener Official Plan (OP)**

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

The subject lands are designated 'Commercial' (4220 King Street East) and 'Commercial Campus' (25 Sportsworld Crossing Road) in the City of Kitchener Official Plan. Lands designated as Commercial provide for a range of commercial activities and are intended to ensure that commercial activities are well distributed, accessible and able to respond to the needs of the city's residents, employees, businesses and visitors while lands designated as Commercial Campuses are intended to serve the day-to-day and weekly commercial needs of the surrounding community and developed



as comprehensively planned commercial uses functioning as a unit and consisting of individual buildings or multi-unit building groupings.

The applicant is proposing to change the land use designation to 'Mixed Use' to the subject lands. The Mixed Use land use designation plays an important role in achieving the planned function of the MTSA intensification area. Lands designated Mixed Use have the capacity to accommodate additional density and intensification of uses. Development and redevelopment of lands within lands designated Mixed Use must implement a high standard of urban design. The Floor Space Ratio (FSR) requirements for all new residential or mixed use building development or redevelopment within lands designated Mixed Use will be a minimum Floor Space Ratio of 0.6 and a maximum Floor Space Ratio of 4.0 within a Major Transit Station Area.

Policy 17.E.13.1. of the City of Kitchener Official Plan require that holding provisions will be applied in 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 implement this Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

### Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Major Transit Station Area. The planned function of the Major Transit Station Areas is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in Major Transit Station Areas give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and future rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

The proposed development is located in a prime location for high intensity mixed use development. The subject lands are located directly in front of the future Sportsworld LRT station stop. Low rise neighbourhoods are located farther away, they will not be directly impacted by this development and those low rise neighbourhoods will not be areas of significant intensification. The proposed development introduces a new form of housing to the surrounding area with a mix of unit types. The existing surrounding area is dominated by housing that is owner-occupied low rise ground oriented dwellings in the form of single detached, semi detached and townhouse units. Housing diversity is needed to provide a greater housing choice, and meet the needs of increasingly diverse residents and household types such as young families, professionals, retirees, people with disabilities, all with a various range of income. Diverse housing types for this area of the City of Kitchener will be planned through future MTSA planning work. This application is in advance of that work and can be considered based on urban structure and future planned function of the community. As such, 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 environmentally-friendly 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 meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief and Design Report was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations.

**Streetscape** – All Street frontages are activated by at-grade commercial units, with a combined 3,651 square metres of commercial space proposed along the King Street East, Sportsworld Crossing Road and the private road. Furthermore, both buildings' principal entrances and lobbies are located at grade with direct access to public sidewalks. The three towers include podiums that have defined bases which will enhance the streetscape.

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

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

**Skyline** – The proposed buildings will provide a new feature on the City's skyline. The proposed buildings will create visual interest from several different vantage points.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The three towers have well defined podiums and building step backs which helps enhance the public realm.

### Tower Design

All three proposed towers are classified as a slab towers. All three of the towers have been oriented towards street frontages with 2-3 storey podiums and building stepbacks. All three of the towers massing is broken up vertically by variation and the articulation of building materials. Furthermore, balconies for the residential units are included on the street-facing elevations.

### Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

### Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. The only exception is the entrance at the southwest corner of Tower C (4220 King Street East) where higher wind speeds and conditions are anticipated during the winter. Wind control features will be required through the detailed design stage during the site plan application process.

## Tall Building Guidelines

The proposed development has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines. The objective of this document is to:

- achieve a positive relationship between high-rise buildings and their existing and planned context;
- create a built environment that respects and enhances the city's open space system, pedestrian and cyclist amenities and streetscapes;
- create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
- promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;
- promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
- promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are generally consistent with and meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development meets the onsite and offsite separation distance requirements of the Design for Tall Building Guidelines.

## Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located within the planned MTSA for the Sportsworld LRT station stop which is located directly in front of the subject lands at 25 Sportsworld Crossing Road. The proposed development also has excellent access to planned on and 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.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more compact residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, 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.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

## 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 and two bedroom units. The wide range of units, in this location, will appeal to a variety of household needs.

### Sustainable Development

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

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

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

Sustainable development initiatives will be further explored at the site planning stage.

### Proposed Official Plan Amendment Conclusions

The Official Plan Amendment application requests that the land use designation as shown on Map 3 of the 2014 Official Plan be changed from 'Commercial' (4220 King Street East) and 'Commercial Campus' (25 Sportsworld Crossing Road) to 'Mixed Use'. 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 Appendix "A".

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

4220 King Street East is zoned 'COM-3 Arterial Commercial (COM-3)' in Zoning By-law 2019-051 and 25 Sportsworld Crossing Road is zoned 'Campus Commercial (COM-4) with Site-Specific Provision (37)' in Zoning By-law 2019-051. The existing zoning permissions permit wide range of commercial uses, do not permit any residential uses and do not have maximum Floor Space Ratio (FSR) or building height regulations.

The applicant has requested an amendment to change the zoning from 'COM-3 Arterial Commercial (COM-3)' (4220 King Street East) and 'Campus Commercial (COM-4) with Site-Specific Provision (37)' (25 Sportsworld Crossing Road) in Zoning By-law 2019-051 to 'Mixed Use Three (MIX-3) with Site-Specific Provision (353) and Holding Provision 38H' in Zoning By-law 2019-051.

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.

The applicant is seeking to amend the Zoning By-law to add Site-Specific Provision (353) and Holding Provision 38H to Zoning By-law 2019-051. The proposed Site-Specific Provision will permit an increased Floor Space Ratio (FSR), impose a maximum building height, impose a maximum number of parking spaces, allow for a decreased ground floor façade and podium, regulate the

minimum required commercial space and prohibit geothermal wells. The Holding Provision will require a noise study to be completed to the satisfaction of the Region of Waterloo.

Staff offer the following comments with respect to Site Specific Provision (353):

- a) That the maximum Floor Space Ratio shall be 4.0 and shall be calculated pre-road widening.

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not exceed the density presented in the concept plans.

- b) The maximum building height shall be 70.0 metres

The purpose of this regulation is to cap the building height to ensure development does not exceed the height shown in the concept plans.

- c) The maximum number of storeys shall be 18.

The purpose of this regulation is to cap the number of storeys ensure development does not exceed the number of storeys shown in the concept plans.

- d) The maximum parking rate for multiple dwelling units shall be 1.4 spaces per unit inclusive of visitor parking.

The purpose of this regulation is to cap the number of parking spaces for a development located in a Major Transit Station Area.

- e) The minimum ground floor building height for any building with street line façade shall be 3.0 metres

The purpose of the regulation is to provide relief to the minimum ground floor façade height along a street line which requires a 4.5 metre ground floor façade height. Due to the significant grade change along King Street the entire frontage cannot provide for 4.5 metre ground floor facade.

- f) The minimum number of storeys in the base of a mid-rise building or tall building shall be 2.

The purpose of this regulation is to ensure a well defined podium base is provided that implements the concept plans shown for the proposed development.

- g) The minimum non residential gross floor area shall be 1,380 square metres.

The purpose of this regulation is ensure adequate commercial space is provided for the proposed mixed use development.

- h) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems shall be prohibited to mitigate the risks associated with contaminants that will remain beneath the site when the property is redeveloped.

Staff offer the following comments with respect to Holding Provision 38H:

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 'MIX-3' zone and site specific provision. 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.

#### Holding Provision 38H

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 Stationary Noise Study is submitted and approved 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."

Building noise mitigation measures will be reviewed through the site plan design and approvals process. Approval of the noise study by the Region of Waterloo will be required prior to removal of the Holding Provision.

#### 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 (MIX-3) with Site-Specific Provision (353) and Holding Provision 38H' represents good planning as it will facilitate the redevelopment of the lands with a mixed-use development that is compatible with the existing neighbourhood and surrounding area, 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 Appendix "A".

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

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in February 2022 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and any necessary revisions and updates were made. Copies of the comments are found in Appendix "C" 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, January 2022

Urban Design Brief  
Prepared by: GSP Group, January 2022

Elevations, Tall Building Analysis, Massing Model and Shadow Study  
Prepared by: Kasian Architecture Ontario Incorporated, November 2021

Windy Study  
Prepared by: RWDI, November 2021

Environmental Noise Impact Feasibility Study  
Prepared by: J.E. Coulter Associates Limited, November 2021

Traffic Impact Study:  
Prepared by: Stantec Consulting Ltd, December 2021

Detailed Vegetation Plan  
Prepared by: Stantec Consulting Ltd, November 2021

Functional Servicing Report  
Prepared by: Stantec Consulting Ltd, November 2021

Stormwater Management Report  
Prepared by: Stantec Consulting Ltd, November 2021

Phase One Environmental Site Assessment Report  
Prepared by: XCG Consulting Limited, December 2021

Phase Two Environmental Site Assessment Report  
Prepared by: XCG Consulting Limited, December 2021.

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

Staff received written responses from 13 residents with respect to the proposed development. These are included in Appendix 'D'. A Neighbourhood Meeting was held on June 7, 2022. In addition, staff had follow-up one-on-one correspondence with members of the public. A summary of what we heard, and staff responses are noted below.

<b>What We Heard</b>	<b>Staff Comment</b>
Support for the development	There is support for the redevelopment of the underutilized properties.
There is not enough park space and open space in the area.	Parks and Cemeteries staff identified deficient parkland in the area however parkland is not being taken at this site specifically and rather Parkland dedication in the form of Cash-in-lieu will be required through the site plan approval process. To alleviate pressures on existing public park spaces, the proposed development includes 4,707.2 square metres (50,665.73 sq. ft) of landscaped amenity space located on the third level podiums of the buildings as well as at grade amenity spaces for future residents.
The development will result in a significant increase in traffic and result in traffic congestion on local streets.	A Traffic Impact Study was submitted and reviewed by Regional Transportation staff who did not identify any major traffic concerns as a result of the proposed development. Both 4220 King Street East and 25 Sportsworld Crossing Road have controlled access to King Street with existing traffic lights and left turn lanes off of King Street East into the private road and Sportsworld Crossing Road where the primary vehicular access is located. No new vehicular access points off of King Street

	are proposed. This development will be supported with the future extension of ION with a station location immediately adjacent to the site, offering a future transportation option.
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## **Planning Conclusions**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 4220 King Street East and 25 Sportsworld Crossing Road to be developed with a mixed-use development. 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.

## **ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:**

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 February of 2022. 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 Meetings. Notice of the Statutory Public Meeting was also posted in The Record on November 18, 2022 (a copy of the Notice may be found in Appendix 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 on February 16, 2022. In response to this circulation, staff received written responses from 13 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

## **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 – Interim Manager of Development Review, Planning Division



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

**APPENDIXS:**

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