

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

**DATE OF MEETING:** March 6, 2023

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

**PREPARED BY:** Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

**WARD INVOLVED:** Ward 3

**DATE OF REPORT:** February 17, 2023

**REPORT NO.:** DSD-2023-021

**SUBJECT:** 4396 King Street East & 25 Sportsworld Drive  
Official Plan Amendment Application OPA21/009/K/AP  
Zoning By-law Amendment Application ZBA21/014/K/AP  
Sportsworld Shopping Centre & Taylorwood Park Homes Inc.

---

## RECOMMENDATION:

- That Official Plan Amendment Application OPA21/009/K/AP for Sportsworld Shopping Centre and Taylorwood Park Homes Inc. requesting a change in land use designation from *Commercial Campus* to *Mixed Use with Specific Policy Area No. 59* to permit a high intensity mixed use development on the lands specified and illustrated on Schedule 'A' and Schedule 'B', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-021 as Attachments 'A1' 'A2' and 'A3', and, accordingly, forwarded to the Regional Municipality of Waterloo for approval; and
- That Zoning By-law Amendment Application ZBA21/014/K/AP for Sportsworld Shopping Centre & Taylorwood Park Homes Inc. be approved in the form shown in the Proposed By-law and Map No. 1, attached to Report DSD-2023-021 as Attachments 'B1' and 'B2'; and further
- That the Urban Design Brief prepared by GSP Group Inc., dated February 2023, and attached as Attachment 'C' to report DSD-2023-021 be endorsed, and that staff be directed to implement the Urban Design Brief through future Site Plan Approval processes.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide planning recommendations regarding the Official Plan Amendment and Zoning By-law Amendment applications requested by Sportsworld Shopping Centre & Taylorwood Park Homes Inc. for the subject lands, addressed as 4396 King Street East and 25 Sportsworld Drive. It is Planning staff's recommendation that the Official Plan Amendment be adopted and Zoning By-law Amendment be approved.
- The proposed amendments support the creation of a high-rise mix-use development within the Sportsworld Major Transit Station Area (MTSA). This area will evolve and intensify over time, in advance of the extension of ION service to the Sportsworld Station. As an MTSA, this station area is planned to be a focus for intensification for both residential and non-residential land uses (e.g., commercial). However, the nearby low rise residential neighbourhood of Pioneer Tower West is not anticipated to be the focus of intensification.
- Community engagement included:
  - Circulation of a preliminary notice postcard to property owners and occupants within 240 metres of the subject lands;
  - Installation of two notice signs on the lands;
  - Virtual neighbourhood meeting held on March 31, 2022;
  - Follow-up through one-on-one correspondence with members of the public;
  - Postcard advising of the statutory public meeting was circulated to all property owners within 240 metres of the subject lands, those who responded to the preliminary circulation, and those who attended the neighbourhood meeting;
  - Notice of the public meeting was published in The Record on February 10, 2023.
- This report supports the delivery of core services.

## EXECUTIVE SUMMARY:

The owner of the subject lands, addressed as 4396 King Street East and 25 Sportsworld Drive, is requesting to change the land use designation from *Commercial Campus* to *Mixed Use* with *Site Specific Policy Area 59* in the City of Kitchener Official Plan to permit a Floor Space Ratio of 6.2 and a building height of 99 metres or 30 storeys. The owner is also requesting to change the zoning from *Campus Commercial (COM-4)* to *Mixed Use Three (MIX-3)* with *Site Specific Provision (358)* to permit development phasing, require 1,300 m<sup>2</sup> of ground floor commercial use, permit a Floor Space Ratio of 6.2, permit a maximum building height of 99 metres (30 storeys), reduce the side yard setback by 1 metre, and slightly reduce the parking ratio, among other matters. Holding Provisions 40H and 41H are also proposed to require submission of a detailed stationary noise study and a Record of Site Condition, to the satisfaction of the Region of Waterloo. Planning staff recommends that the Official Plan Amendment be adopted, and the Zoning By-law Amendment be approved.

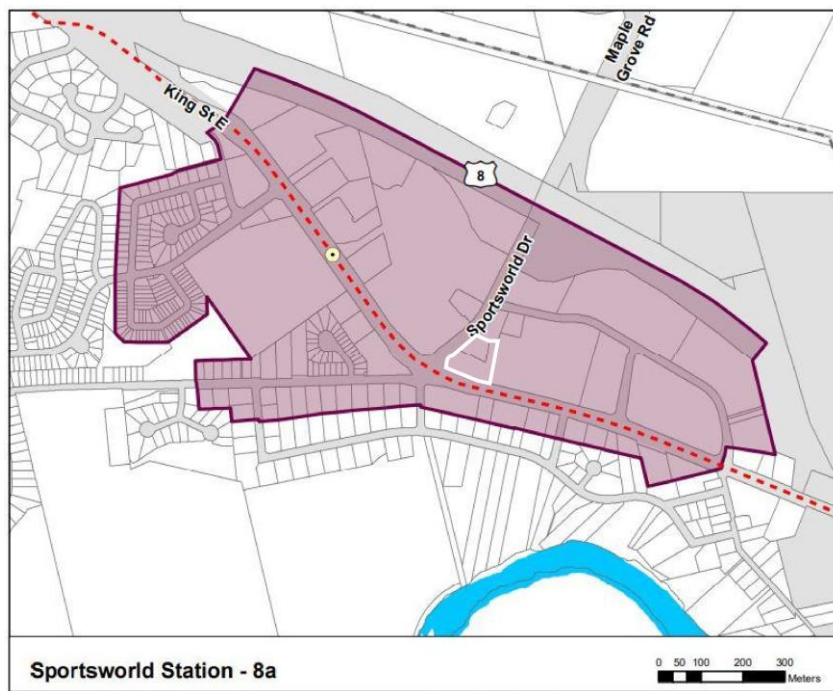
## BACKGROUND:

Sportsworld Shopping Centre and Taylorwood Park Homes Inc. have made applications to the City of Kitchener for an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA) which propose to change the land use designation and zoning of the subject lands located at 4396 King Street East and 25 Sportsworld Drive.

If approved, these applications would permit the lands to be developed with high intensity mixed-use development. The Proposed Development Concept, which the subject applications would facilitate, is comprised of two buildings: an 8-storey residential building (Building A; Phase 1) located at the north end of the site and a mixed-use building (Building B; Phase 2), which features a 30-storey tower (Tower A) located close to the intersection of King Street East / Sportsworld Drive and an 18-storey tower (Tower B) located further east, which fronts onto King Street East. Tower A and Tower B are connected via a 5-storey base (podium).

The Proposed Development Concept includes a total of 616 dwelling units: 88 units in Building A and 528 units in Building B. Building B also provides 1,378.7 sq.m (14,807 sq.ft.) of ground floor commercial space within 7 commercial units that are located at-grade and oriented towards King Street East and Sportsworld Drive. A common outdoor amenity space is proposed on top of the base/podium for residents, between Tower A and Tower B. Parking is primarily contained within the base of Building B, in the form of 2 levels of underground parking and 5 levels of structured parking. The latter parking is screened from view of the public realm by commercial units on the ground floor and by residential units on floors two through five. A small surface parking lot is also proposed.

**Figure 1. Map showing the Sportsworld MTSA boundary, as defined by Regional Official Plan Amendment (ROPA) Number 6. The future ION stop is shown as a yellow dot and the subject lands are outlined in white.**



The lands are identified as *Major Transit Station Area (MTSA)* on *Map 2 – Urban Structure* of the Official Plan. The Region recently approved the boundaries of all MTSA's via ROPA No. 6 (ROPA 6). ROPA 6 confirms the subject lands are within the Sportsworld MTSA (see Figure1).

The lands are presently designated *Commercial Campus* on *Map 3 – Land Use*. Furthermore, the lands are zoned *Commercial Campus Zone (COM-4)* in Zoning By-law 2019-051 (Zoning By-law 85-1 does not apply). The current zoning does not have any maximum floor space ratio or maximum building height provisions. For example, the current zoning would allow a hotel without height or massing limits, in addition to a 10,000 square metre (107,639 sq.ft.) office building with no height limit.

These applications should not be confused with the OPA and ZBA for 4220 King Street East and 25 Sportsworld Crossing Road, which are located nearby, and have street addresses that have several similarities. Council approved these applications in December 2022.

## Site Context

The subject lands are comprised of two contiguous properties that are proposed to be consolidated for comprehensive redevelopment. Presently, the property addressed as 4396 King Street East, located at the intersection of King Street East and Sportsworld Drive, contains a multi-tenant commercial plaza that fronts onto King Street East (tenants: CashMoney, Forsythe Variety, 2001 Audio Video, Crazy Bill's, Subway, and Tim Hortons). The property addressed as 25 Sportsworld Drive is presently vacant, used for parking, and is the site of the former Pioneer Bar-B-Que Family Restaurant that was demolished in recent years and is now a used motor vehicle dealership. Currently there are no residential dwelling units on the subject lands. The subject lands are irregular in shape, have a frontage of approximately 119 metres on King Street East, 122 metres on Sportsworld Drive, and a site area of 1.0 hectare (2.5 acres).

The subject lands are situated within proximity to existing and planned major transportation infrastructure (see Table 1).

**Table 1: Proximity of Existing and Planning Major Transportation Infrastructure**

Transportation Infrastructure Feature	Approx. Distance to Feature	Direction to Feature
<b>Go Bus Transit Terminal</b>	300 metres	Northeast
<b>GRT Sportsworld Station (Connecting Routes: iXpress 203, iXpress 206, 67, 72, 302)</b>	300 metres	Northeast
<b>Future Sportsworld ION Platform</b>	330 metres	Northwest
<b>Highway 8</b>	350 metres	Northeast
<b>Highway 401</b>	1250 metres	Southeast

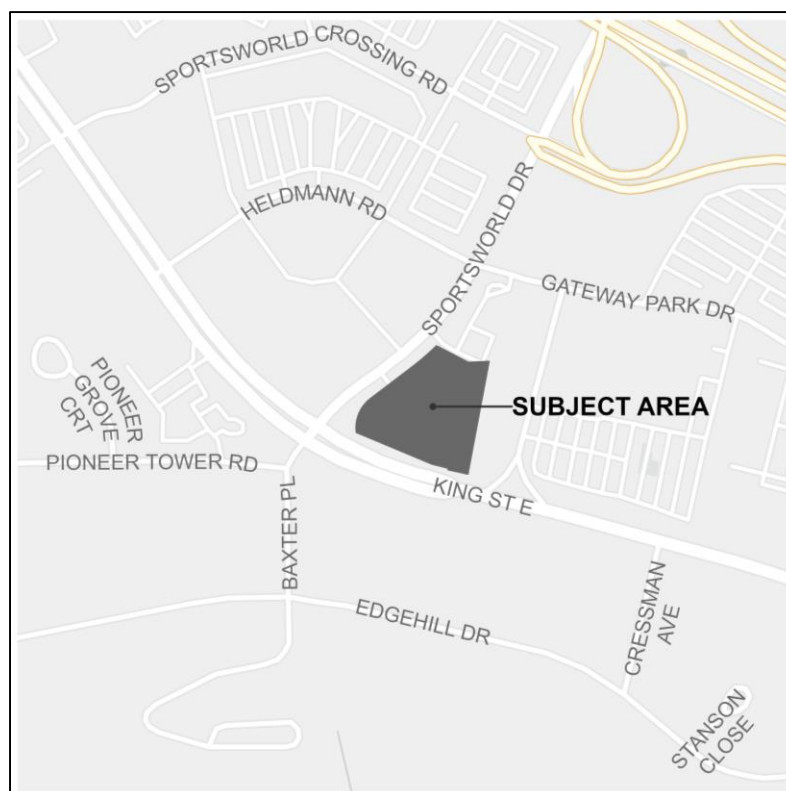
The subject lands are surrounded by commercially developed and zoned lands to the north, south, east and west:

- Costco Wholesale is located immediately to the east,
- Starbucks and Blinds To Go are located to the north,
- A multi-tenant commercial plaza is located on the opposite side of King Street East, to the southeast (tenants: Piper Arms Pub, Wild Birds Unlimited, Popeyes Louisiana Chicken, Freshii, Gateway Pet Hospital),
- Vacant commercial lands are located on the opposite side of Sportsworld Drive, within the Sportsworld Crossing development, to the north.

In this location, the King Street East right-of-way varies in width from approximately 36 metres to 46 metres. The Sportsworld Drive right-of-way is approximately 35 metres in width. King Street East from Sportsworld Drive to Highway 401 is presently under construction and the Region advises it will be completed mid-2024. The completed road will have two lanes in both directions and a centre median. The median is being constructed in a manner that will permit tracks to be installed for the future ION Stage 2. Both King Street East and Sportsworld Drive are identified on *Map 11 – Integrated Transportation System* of the City of Kitchener Official Plan as *Regional Roads*.

The Pioneer Tower West planning community (e.g., containing Edgehill Drive, Pioneer Tower Road) is located further to the south and west, beyond the ≥60-metre-deep commercial properties that line the south/west side King Street East. The subject property is located more than 112 metres (367 feet) from the nearest residential dwelling within Pioneer Tower West.

**Figure 2 – Subject Lands: 4396 King Street East and 25 Sportsworld Drive**



## REPORT:

As outlined in the *Background* section of this report, the applicant is seeking an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to facilitate the Proposed Development Concept, being a high-rise, mixed-use development. A summary of the Proposed Development Concept can be found in Table 1 and drawings can be found in Figures 3, 4, and 5.

The purpose of the OPA is to change the land use designation from *Commercial Campus* to *Mixed Use*. The OPA would also add Specific Policy Area No. 59 to permit:

- A maximum building height of 99 metres or 30 storeys, and
- A maximum Floor Space Ratio of 6.2.

With respect to zoning, the purpose of the ZBA is to change the zoning from *Commercial Campus Zone (COM-4)* to *Mixed Use Three (MIX-3)*.

It should be noted that Planning staff are in the process of updating land use and zoning within Kitchener's Major Transit Station Areas (MTSAs). This work with the Planning Around Rapid Transit Station areas (PARTS) planning processes after the approval of light rail transit by the Region of Waterloo. Planning staff intend to bring forward for Council's consideration updated land use and zoning for all MTSAs (including the Sportsworld MTSA), in phases, beginning with MTSAs in the vicinity of downtown towards the end of 2023. Until this occurs, private landowners and developers that are able to submit their own applications but must justify their proposals of high-rise, mixed use development within MTSAs, and request to modify existing zoning categories, as anticipated in Kitchener's Official Plan, to suit the Growth Plan's targets.

Accordingly, a Site-Specific Provision is requested to customize the *MIX-3 Zone* to facilitate the Proposed Development Concept and consider the context within the MTSA Urban Structure Component. The main purpose of the provision is to permit development phasing, require 1,300 m<sup>2</sup> of ground floor commercial use, permit a Floor Space Ratio of 6.2, require a maximum building height of 99 metres (30 storeys), reduce the side yard setback by 1 metre, and slightly reduce the parking ratio, among other matters.

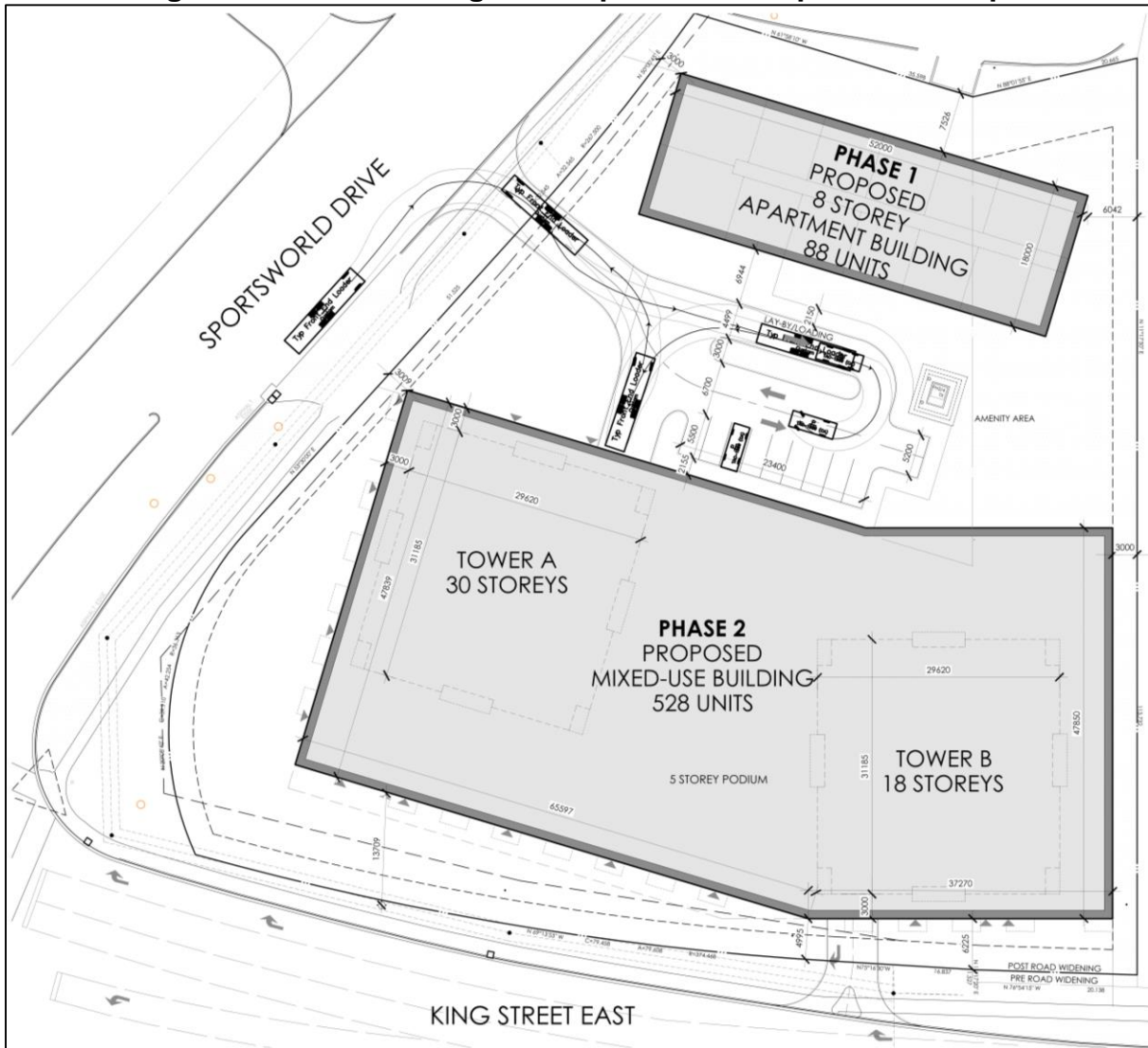
In addition, the Region has requested that holding provisions be applied to the whole of the subject lands in order to require the preparation and implementation of a detailed stationary noise study and to require that a Record of Site Condition (RSC) be filed and acknowledged by the Province.

The details of the Site-Specific Provision and holding provisions are outlined in the Zoning By-law Amendment section of this report.

**Table 2 - Summary of Proposed Development Concept**

	<b>Proposed Development Concept</b>
<b>Number of Buildings</b>	2 buildings: Building A (Phase 1) and Building B (Phase 2)
<b>Number of Towers</b>	3 towers (Building A, Tower A, Tower B)
<b>Number of Building Storeys</b>	8 storeys (Building A), 30 storeys (Tower A), 18 storeys (Tower B)
<b>Floor Space Ratio</b>	6.07 FSR
<b>Number of Residential Units</b>	616 dwelling units
<b>Dwelling Unit Types</b>	1 Bedroom: 458 units 2 Bedroom: 154 units 3 Bedroom: 4 units
<b>Commercial Use (Area)</b>	1,378.7 sq.m (14,807 sq.ft.)
<b>Number of Parking Spaces</b>	596 spaces
<b>Class A Bicycle Parking Stalls</b>	300 spaces (approx.)

**Figure 3 – Plan showing the Proposed Development Concept**

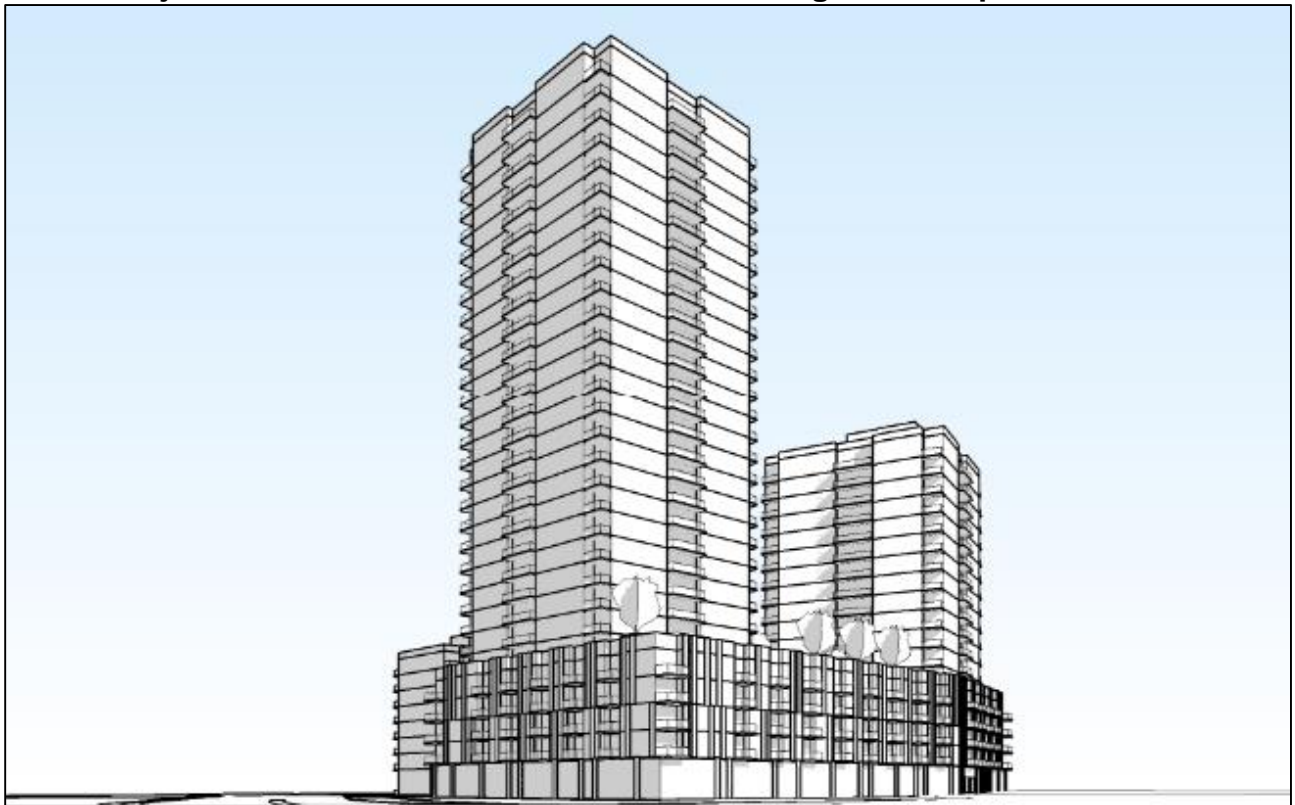




**Figure 4 – Axonometric view of the Proposed Development Concept, looking towards the subject lands from the southwest.**



**Figure 5 – Perspective view of the Proposed Development Concept, looking towards the subject lands from near the intersection of King Street / Sportsworld Drive.**





## **Planning Analysis:**

### **Planning Act, R.S.O. 1990, c. P.13:**

Section 2 of the Planning Act establishes matters of provincial interest and states that the council of a municipality, in carrying out its responsibilities under the Planning Act, shall have regard to, among other matters, matters of provincial interest. For example:

- The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- The minimization of waste;
- The orderly development of safe and healthy communities;
- The adequate provision of a full range of housing, including affordable housing;
- The adequate provision of employment opportunities;
- The appropriate location of growth and development;
- The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- The promotion of built form that,
  - Is well-designed,
  - Encourages a sense of place, and
  - Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- 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 and Growth Plan which direct how and where development is to occur. The City's Official Plan is an important vehicle for the implementation of the Provincial Policy Statement and Growth Plan. Planning staff is of the opinion that the proposal adequately addresses the matters of provincial interest outlined above.

### **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 land use designation and zoning facilitate a compact form of development which efficiently uses the subject lands, the lands are close proximity to transit options including local bus routes, iXpress routes, future ION station, Go Bus, and Provincial highway systems, and makes efficient use of existing Regional roads and services.

Provincial policies are in support of providing a broad range of housing. The proposed development includes the provision of a range of market-based dwelling unit types including 1-, 2-, and 3-bedroom units.

Planning staff is of the opinion that the requested amendments will facilitate the redevelopment of the subject lands with high-rise, mixed-use development that is compatible with the surrounding area, will contribute towards achieving 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 has 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 MTSA's 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 applying the policies of the Growth Plan will support the achievement of complete communities that:

- feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- 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;
- expand convenient access to:
  - a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - public service facilities, co-located and integrated in community hubs;
  - an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - healthy, local, and affordable food options, including through urban agriculture;
- provide for a more compact built form and a vibrant public realm, including public open spaces;

- mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and higher-density housing options that accommodate a range of household sizes in locations that 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 areas surrounding ION stops are 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 an MTSA. 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 confirm that the subject lands are within the Sportsworld MTSA. Planning staff notes that the Sportsworld ION platform is located only 330 metres to the northwest (Regional Official Plan Amendment No. 6). The proposal represents redevelopment and intensification and will help the City achieve density targets in the Sportsworld MTSA. The proposed land use designation and zoning will facilitate a higher density housing option that will help make efficient use of existing infrastructure, roads, 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 MTSA boundary that was approved in August 2022 (ROPA No. 6). The Region of Waterloo has indicated it has no objections to the proposed application or to higher density within the MTSA area, subject to the application of holding provisions in the zoning to require a detailed stationary noise study (and appropriate implementation of mitigation measures) and a Record of Site Condition (Attachment E). Planning staff is of the opinion that the requested Official Plan Amendment conforms to the Regional Official Plan.

## Proposed Official Plan Amendment City of Kitchener Official Plan, 2014:

### Land Use Designation

The City of Kitchener Official Plan (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 currently designated *Commercial Campus* on Map 3 – Land Use of the City of Kitchener Official Plan. Lands designated *Commercial Campus* are intended to serve the day-to-day and weekly commercial needs of the surrounding community and are intended to be developed as comprehensively planned commercial uses functioning as a unit and consisting of individual buildings or multi-unit building groupings. The *Commercial Campus* designation does not impose any maximum height, massing, or density limitations. Moreover, the lands are identified as *Major Transit Station Area (MTSA)* on Map 2 – Urban Structure of the Official Plan.

The applicant is proposing to change the land use designation of the subject lands from *Commercial Campus* to *Mixed Use*, along with *Site Specific Policy Area 59*. The applicant is not requesting to change the MTSA Urban Structure Component.

Policy 15.D.4.1. of the OP confirms that the *Mixed-Use* designation is an appropriate land use designation to be applied within an MTSA. The *Mixed-Use* designation plays an important role in achieving the planned function of the Intensification Areas of the City Urban Structure, including MTSA's. Lands designated *Mixed Use* have the capacity to accommodate additional density and intensification. Development and redevelopment of lands within lands designated *Mixed Use* must implement a high standard of urban design. The *Mixed-Use* designation permits medium and high-rise residential uses as well as a wide range of non-residential uses, including:

- compatible commercial uses such as, but not limited to, retail, commercial entertainment, restaurants, financial establishments;
- personal services;
- office;
- health-related uses such as health offices and health clinics and institutional uses such as daycare facilities, religious institutions, and educational establishments;
- social service establishment; and,
- studio and artisan-related uses.

In this case, the applicant is proposing high rise residential uses in conjunction with non-residential uses that are outlined within the above list of uses.

The *Mixed-Use* designation states that the maximum building height within MTSA's may be regulated in the Zoning By-law. Although no height limit is specified, as part of the OPA, the applicant has requested a Site-Specific Policy Area to limit the building height within the requested *Mixed-Use* designation to 99 metres or 30 storeys. In addition, within MTSA's, the *Mixed-Use* designation states that the Floor Space Ratio (FSR) is limited to 4.0. Policy 15.D.4.20 states that the FSR may be increased to 5.0 if the redevelopment achieves certain

criteria, one of which is incorporation of a below-grade parking structure, which is proposed in this case. Notwithstanding, through the OPA, the applicant is requesting a Site-Specific Policy Area to increase the FSR to 6.2.

Moreover, Policy 17.E.13.1. of the City of Kitchener Official Plan requires that holding provisions 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. Holding provisions may be used to implement this Plan to ensure that certain conditions, studies, or requirements related to a proposed Zoning By-law Amendment are met. In this case, the Region has requested application of two holding provisions: one related to the requirement for a Record of Site Condition and the other related to the requirement for detailed stationary noise study and implementation of mitigation measures. These holding provisions are discussed in greater detail in the Zoning By-law Amendment section of this report.

Planning staff is of the opinion that application of the *Mixed-Use* designation, along with the requested Site-Specific Policy Area is appropriate in this context.

#### *Kitchener Structure and Urban Structure:*

The Official Plan states that the forecasted population and employment growth for the city is to be accommodated within the City's Urban Area, which consists of the Built-up Area and the Designated Greenfield Area. The Built-Up Area is established by the Province. Growth that is directed to the Built-up Area makes efficient use of land, existing physical infrastructure, transit, and community infrastructure. A significant portion of growth is allocated to the Built-up Area. The subject lands are identified within Kitchener's structure as being within the Built-up Area. Policy 3.C.1.10 states that "The majority of residential growth in the Built-up Area will occur within Intensification Areas."

The Official Plan establishes an Urban Structure for the city and provides policies for directing growth and development within this Structure. Intensification Areas are identified throughout the city as key locations to accommodate and receive most of the development and redevelopment at high densities for a variety of land uses.

The subject lands are located within a Major Transit Station Area (MTSA) and the applicant is not proposing to change the Urban Structure Component.

MTSAs are identified as being Primary Intensification Areas on the hierarchy of Intensification Areas, within the same category as the Urban Growth Centre (Downtown). The planned function of MTSAs is to:

- provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels,
- provide connectivity of various modes of transportation to the transit system;
- achieve a mix of residential, office, institutional and commercial development; and
- facilitate streetscapes and built form that is pedestrian friendly and transit oriented.

The Official Plan also requires that development applications in MTSA consider the Transit-Oriented Development (TOD) policies contained in Section 13.C.3.12 of the Official Plan. Generally, the TOD policies facilitate a compact urban form that supports walking, cycling and the use of transit, by providing a mix of land uses near transit, 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.

The proposed development is in an excellent location and represents high-rise, mixed-use development. The subject lands are located only 300 metres from the current GRT Sportsworld Station and Go Bus Transit Terminal and only 330 metres from the future Sportsworld ION station. The lands are within proximity to Highway 8 and Highway 401. The subject lands are well separated from the nearest low density residential uses (Pioneer Tower West Planning Community) by the 36-46 metre-wide King Street right-of-way and ≥60-metre-deep commercial properties that line the opposite side of King Street East.

The proposed development introduces multiple residential housing to the Pioneer Tower East Planning Community (along with the recently approved development at 4220 King Street East and 25 Sportsworld Crossing Road) and includes a mix of 1-, 2-, and 3-bedroom units. The Pioneer Tower East Planning Community currently only contains two residential properties, closer to the Grand River (both are single detached dwellings), with the balance of the community predominantly comprising commercial uses and some institutional use.

The Pioneer Tower West Planning Community, on the opposite side of King Street East, is dominated by owner-occupied, low-rise dwellings in the form of single detached, semi-detached and townhouse units. The proposed development would help to diversify housing in the area and provide a greater housing choice, to assist in meeting the needs of an increasingly diverse population. Through a future Station Area Planning exercise, the City will explore even greater housing variety within the area. However, until this work is underway, the subject applications provide an opportunity to begin achieving the Official Plan goals to increase housing diversity and choice.

Planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support redevelopment that conforms to the City's MTSA policies and assists in achieving the City's vision of a sustainable and environmentally friendly city.

#### Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's Official Plan. Planning staff is of the opinion that 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 was submitted by the applicant and has been reviewed by City staff (see Attachment C). The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed applications.

**Streetscape** – The larger building, Building B (Phase 2), is located at the intersection of King Street East and Sportsworld Drive. The building fronts onto King Street East and Sportsworld Drive. The street-facing portions of this building are proposed to be activated



by seven at-grade commercial units – a total of 1,300 square metres of commercial space – as well as two lobbies: one facing King Street and the other facing Sportsworld Drive. The commercial units would be directly accessed from the abutting streets and connect to municipal sidewalks. Ground floor structured parking would be hidden from the public realm by these active uses. On upper floors of the building base (podium), dwelling units are proposed to line the exterior of the building, so the parking structure would be hidden from view from the public realm. Building B includes a well-defined base which will enhance the streetscape of both King Street and Sportsworld Drive.

The smaller building, Building A (Phase 1), is a multiple dwelling and contains only residential units. The side of the building is oriented to Sportsworld Drive while the front is oriented to Building B. The ground floor of Building A facing Sportsworld Drive contains an indoor amenity room and a dwelling unit, while upper floors contain dwelling units.

**Skyline** – The proposed buildings, along with those at the recently approved Tricar development at 4220 King Street East and 25 Sportsworld Crossing Road, will begin to establish a distinctive skyline within the Sportsworld MTSA. These buildings will contribute positively to the skyline which will evolve as the MTSA develops over time.

**Safety** – As part of the future site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are implemented 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 (AODA) and the Ontario Building Code.

**Site Design, Building Design, Massing and Scale** – The proposal is designed to be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The buildings have adequate setbacks, step backs, building heights and massing, considering their context within an MTSA and separation from low rise residential land uses. Through a future site plan process, the building designs will be refined to contribute to a high-quality public realm and sense of place.

Planning staff recommends that the Urban Design Brief be endorsed by Council and that staff be directed to apply the Urban Design Brief through future Site Plan Approval processes.

#### 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 a combination of land use designations and urban design initiatives that make a wide range of transportation choices viable. As aforementioned, the subject lands are located within the Sportsworld MTSA and only 330 metres from the future ION LRT platform and only 300 metres from the current Go Bus Transit Terminal and GRT Sportsworld Station which connects to two iXpress routes and three local bus routes. The lands are within proximity to Highway 8 (350m) and Highway 401 (1,250m). The location of the subject lands is well suited to the proposed transit-oriented development. Moreover, the subject proposal will support current and future transit service and build transit ridership.

Regional staff advise that a Multi-Use Trail (MUT) will be constructed later this year that extends along the King Street frontage of the property from Sportsworld Drive to Highway 401. The MUT would be 3 metres wide and would be separated from vehicular traffic by a grassed boulevard. The MUT would facilitate cycling and pedestrian movement in the area. The Region is proposing to extend the MUT northwest from Sportsworld Drive to the Freeport Bridge (and possibly beyond) in 2028-2029. Also, a MUT is proposed to be constructed along the Sportsworld frontage of the property from King Street to Gateway Park Drive in 2027, with plans to extend it to Maple Grove Road and beyond in the following years. These planned and proposed pedestrian and cycling upgrades will greatly improve alternative transportation in this area and further improve the modal split.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed, any development application submitted within an MTSA 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 compact, high-density, mixed-use development that achieves this policy.

The location of the subject property and the proposed site-specific provisions will result in a compatible built form that encourages walkability within a pedestrian-friendly environment, supporting safe, comfortable, barrier-free walking.

Additionally, approximately 300 secured bicycle parking stalls will be implemented as well as visitor parking spaces, as required by Zoning By-law 2019-051.

#### Housing Policies:

Section 4.1.1 of the City's Official Plan states that it is a City 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. In addition, 4.C.1.12. states that "The City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods." The proposed development will increase the range of dwelling units available in the city, and within the Pioneer Tower East / Sportsworld MTSA. The site development concept includes a mix of 1-, 2-, and 3-bedroom dwelling units. The range of unit types in this location will appeal to a variety of household needs. Moreover, the mixed-use nature of the proposed redevelopment as well as the building form will assist in achieving complete community.

#### 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 Official Plan and that sustainable development design standards are achieved.

The applicant submitted an initial Sustainability Statement in support of the subject applications. This document states that energy modelling was completed for the first phase of the proposed development, which confirms adherence and/or exceedance of components of Energy Star, R-2000, and Built Green programs with respect to energy conservation and reduced greenhouse gas emissions. City Environmental Planning staff are satisfied with the Sustainability Statement and will continue to work with the applicant through the future site plan processes to explore additional sustainable development initiatives.

#### Proposed Official Plan Amendment Conclusions:

The Official Plan Amendment application requests that the land use designation as shown on *Map 3 – Land Use* of the 2014 Official Plan be changed from *Commercial Campus* to *Mixed Use* with a Site-Specific Policy Area to allow a maximum building height of 30 storeys or 99 metres and a maximum Floor Space Ratio of 6.2. Based on the above noted policies and analysis, Planning staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the requested Official Plan Amendment be adopted in the form shown in Attachment A.

#### **Proposed Zoning By-law Amendment and Zoning By-law 2019-051:**

The subject lands are zoned *Commercial Campus Zone (COM-4)* in Zoning By-law 2019-051. The existing zoning permits a wide range of retail and commercial uses. No residential uses are permitted. Also, the *COM-4 Zone* does not have any building height or floor space ratio limitations. Moreover, Planning staff notes that there are several commercial pads that are zoned *COM-4* within the immediate area that remain undeveloped many years after their establishment.

The applicant has requested an amendment to change the zoning from *Commercial Campus Zone (COM-4)* to *Mixed Use Three (MIX-3)* with *Site Specific Provision (358)*, *Holding Provision 40H*, and *Holding Provision 41H*, under Zoning By-law 2019-051.

The *MIX-3 Zone* permits a wide variety of commercial and residential uses within mixed-use buildings and mixed-use developments at a medium density within *Community Nodes* and *City Nodes* (types of Urban Structure Components). The *MIX-3 Zone* was not intended to be applied in the MTSA Urban Structure Component, where higher densities and building heights may be justified. Accordingly, the *MIX-3 Zone* limits Floor Space Ratio to 2.0 and limits building height to 32 metres / 10 storeys.

At this time, the Zoning By-law does not yet have a zoning category intended to be applied within MTSA's. In this regard, the requested Site-Specific Provision tailors the *MIX-3 Zone* for the MTSA context, allowing high-rise mixed use development. The Site-Specific

Provision also tailors the *MIX-3 Zone* to facilitate the Proposed Development Concept and has the following effect:

1. Allows the first, residential-only, phase to occur while ensuring that the mixed-use component is built as a future phase.
2. Does not require Building A to have non-residential uses on the ground floor or have a base (podium).
3. Does not require Building A to have a base (podium). It should be noted that the larger building, Building B, which abuts the intersection of King Street East / Sportsworld Drive and abuts the length of the King Street East street line, would have a base.
4. Requires Building B to have a minimum of 1,300 m<sup>2</sup> of non-residential use on the ground floor and 45 metres of frontage on Sportsworld Drive. The proposed non-residential gross floor area (GFA) is approximately the same as the existing plaza, so the demolition of the plaza to facilitate the proposed development would not result in a loss of non-residential use. Also, the requested *MIX-3 Zone* requires that 20 percent of the GFA be devoted to non-residential use. This percentage requirement would be eliminated in favour of the GFA requirement.
5. Requires a maximum Floor Space Ratio of 6.2. Presently, the *COM-4 Zone* does not regulate Floor Space Ratio. However, the requested *MIX-3 Zone* has a standard maximum Floor Space Ratio of only 2.0.
6. Requires a maximum building height of 99 metres and 30 storeys. Presently, there is no building height or maximum number of storeys in the *COM-4 Zone*. However, the requested *MIX-3 Zone* has a standard maximum building height of 32 metres and standard maximum number of storeys of 10.
7. Allows the minimum interior side yard setback (i.e., setback from the easterly side lot line) to be 3.0 metres. The proposed setback applies to the side of the property abutting the Costco Wholesale parking lot. The requested *MIX-3 Zone* requires a standard minimum setback of 4.0 metres.
8. Requires the minimum number of parking spaces for Dwelling Unit and Multiple Dwelling to be 0.85 spaces per dwelling unit, whereas the standard parking rate in the *MIX* zones is 0.9.

Official Plan policies require 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.

In this case, Planning staff is satisfied that the requested Site-Specific Provision satisfies the above noted policies. In addition, The City's Transportation Services supports the minor parking reduction and notes that the property is well positioned to take advantage of many modes of transportation and will provide approximately 300 secured bicycle parking spaces.

The Region has requested that two holding provisions be applied to the whole of the subject lands. The applicant has agreed to these provisions, the purpose of which is to:

1. Require the owner to prepare a detailed stationary noise study and to implement any recommended mitigation measures, to the satisfaction of the Regional Municipality of Waterloo. The purpose of this study is to ensure that residents of the proposed residential use are protected from noise generators (e.g., HVAC equipment), and
2. Require that a Record of Site Condition (RSC) be filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and a Ministry Acknowledgement letter be submitted to the satisfaction of the Region. The purpose of RSC is to ensure that the lands are not contaminated before the proposed residential use is established.

Planning staff offers the following comments with respect to the holding provisions. Official Plan policies state 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. In this case, holding provisions are proposed to facilitate the implementation of the *MIX-3 Zone* and *Site-Specific Provision (358)*. Once the requisite conditions have been fulfilled, the matter will return to Council for removal of the holding provisions, thereby permitting redevelopment to proceed.

## WHAT WE HEARD



**63 people provided comments**



**1 Neighbourhood Meetings held, 42 households in attendance**



**110 households circulated and notified**

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

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in September 2021 to all applicable City departments and other review authorities. All comments received in response have been satisfactorily addressed through the application review no technical issues related to the applications persist. Copies of the comments are found in Attachment E of this report.

The following reports and studies were considered by City staff and external agencies as part of this proposed Official Plan Amendment and Zoning By-law Amendment:

Planning Justification Report  
Prepared by: GSP Group, May 2021

Revised Urban Design Brief

Prepared by: GSP Group, February 2023

Design Brief

Prepared by: ABA Architects, January 18, 2023

Pedestrian Windy Assessment

Prepared by: SLR Consulting, March 22, 2021

Environmental Noise Assessment

Prepared by: SLR Consulting, May 3, 2021

Transportation Impact Study:

Prepared by: Paradigm Transportation Solutions Limited, May 2021

Tree Management Plan

Prepared by: GSP Group, May 12, 2021

Engineering Feasibility, Stormwater Management, and Servicing Report

Prepared by: Walter Fedy, February 12, 2021

Sustainability Statement

Prepared by: GSP Group, May 14, 2021

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

Planning staff received written responses from 63 households with respect to the proposed development. These are included in Attachment F. A virtual neighbourhood meeting was held on March 31, 2022. The meeting was attended by approximately 42 households. A high-level summary of the main comments received from the community, as well as Planning staff responses, are below.

<b>Community Concern</b>	<b>Details of Community Concern</b>	<b>Planning Staff Response</b>
Traffic and Intersection Impacts	The existing King Street East and Sportsworld Drive intersection as well as surrounding road network in the area is already overburdened and will not be able to accommodate the increased volume of traffic the proposed development will cause. Further, not	King Street East and Sportsworld Drive are Regional roads. The nearby Highway 8 and 401 are under the jurisdiction of the Ministry of Transportation (MTO). As part of the application review, Region staff reviewed a Transportation Impact Study prepared by a transportation engineering firm on behalf of the applicant, which recommended that, "...no improvements be made to accommodate the development." The Region stated that it has no concerns with the proposal, subject to the application of holding provisions for unrelated matters.  In addition, the MTO completed a review of the applications and commented that the site has been



	<p>enough parking is provided.</p>	<p>considered in accordance with the Public Transportation and Highway Improvement Act (PTHIA), MTO's Highway Corridor Management Manual (HCMM) and all related guidelines and policies. MTO further stated that it has no requirements or comments related to the applications.</p> <p>The City's Transportation Services reviewed the requested parking reduction and has stated that it has no concerns. It should be noted that the requested rate of 0.85 spaces per unit is only 0.05 spaces per unit less than the current rate under the current zoning. Also, as outlined in this report, transit infrastructure in this area is excellent.</p>
Pedestrian and Cyclist Safety	<p>The existing transportation network and auto-centricity of the area is not conducive to pedestrian and cyclist movements. There is concern over safety as well as overwhelming transit that does exist within the area.</p>	<p>A Multi-Use Trail (MUT) will be constructed later this year that extends along the King Street frontage of the property from Sportsworld Drive to Highway 401, which will help facilitate cycling and pedestrian movement in the area. Also, a MUT is proposed to be constructed along the Sportworld frontage of the property from King Street to Gateway Park Drive in 2027. There are plans to extend these MUTs in all directions in the coming years. These planned and proposed upgrades will improve cycling and pedestrian comfort and further improve the modal split in the Sportworld MTSA.</p> <p>Also, the proposed intensification will support transit ridership in this area and help to offset the cost of transit service and infrastructure.</p>
Availability of Amenities	<p>There is insufficient supporting amenities and recreational space available within the area to accommodate the proposed increase in residents. This includes grocery stores and green space. What is available will be overwhelmed.</p>	<p>The subject lands are located within an MTSA as defined by the Province, Region, and City. Such areas are intended to be focus areas for growth and intensification. The Pioneer Tower East / Sportsworld MTSA has much land that is currently zoned Commercial and contains many commercial uses, including two grocery stores (Costco Wholesale and Dutchies). Excellent transit and other transportation infrastructure in the area ensures that other services are accessible.</p> <p>Although parkland is needed in this area, the applicant is providing a significant amount of on-site amenity space, including a large common outdoor amenity space on the 5<sup>th</sup> floor building podium. Other outdoor, indoor, and private amenity spaces</p>

		<p>are provided on-site. These will provide significant recreational opportunities for residents until the City prepares a comprehensive plan for the Sportsworld MTSA, including consideration for parkland. Currently, Policy staff anticipate commencing the initial stages of the Sportsworld MTSA work later in 2023.</p> <p>In the meantime, the proposal is alignment with the Official Plan Policies for MTSA's and Provincial and Regional policies.</p>
Built Form and Character of Area	<p>The proposed development is incompatible with the existing scale, height, and density of the surrounding area. This will mar the skyline of the area and severely impact the character of the area and adjacent neighbourhoods. Further, no transition is provided.</p>	<p>The subject lands and surrounding properties are identified as an MTSA. MTSA's are intended to be focus areas for growth. Planning staff is of the opinion that the proposed buildings will begin to establish a desirable skyline that is consistent with the character of an MTSA. It is anticipated that the Sportsworld MTSA will continue to evolve with the addition of future high-density commercial and residential development proposals.</p> <p>The subject lands are well separated from low rise residential development by the 36m-46m wide King Street East right-of-way, and ≥60-metre-deep commercial properties that line the south/west side King Street East. The subject property is located more than 112 metres (367 feet) from the nearest dwelling within Pioneer Tower West.</p>
Advance Notification & Community Consultation	<p>Proper notification was not provided to surrounding residents or adjacent communities. There is some concern regarding the amount of consideration which will be given to the comments provided by the community.</p>	<p>Notice of the applications was circulated via postcard to all owners and occupants within 240m of the subject lands and notice was placed in The Record in September 2021. Two signs were posted on the property – one on each frontage in September 2021. A virtual neighbourhood meeting was held in March 2022, notice for which was sent via postcard to all owners and occupants within 240m and all those who responded to the original circulation notice. Notice of the PSIC meeting was published in The Record on February 10, 2023 and a postcard was sent to all owners and occupants within 240m in advance of the PSIC meeting. This notification approach goes far beyond the minimum requirements in the Planning Act. Also, comments provided by the community are attached to this report as Attachment F and are available for review by all Council members.</p>

## **Planning Conclusions**

Considering the foregoing, Planning staff recommends approval of the Official Plan Amendment and Zoning By-law Amendment applications to permit 4396 King Street East and 25 Sportsworld Drive to be redeveloped with a high-density, 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. Accordingly, Planning staff recommends that the Official Plan Amendment be adopted, and the Zoning By-law Amendment be approved.

### **STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

### **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 Committee / Council meeting. Two large notice signs were posted on the subject property and information regarding the application was posted to the City's website in September 2021. Following the initial circulation referenced below, an additional postcard advising of the Neighbourhood Meeting was sent by mail. A third postcard was mailed with notice of the statutory public meeting was circulated to all owners and occupants within 240 metres of the subject lands, those who responded to the preliminary circulation and those who attended the neighbourhood meeting. Notice of the Statutory Public Meeting was also posted in The Record on February 10, 2023 (a copy of the Notice is attached as Attachment D).

CONSULT – The requested Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on September 16, 2021. In response to this circulation, staff received written responses from 63 households, which are summarized as part of this staff report. A virtual neighbourhood meeting was held in March 2022, notice for which was sent via postcard to all owners and occupants within 240m and all those who responded to the original circulation notice. Planning staff also had several one-on-one conversations with residents on the telephone and responded to several emails.

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

- *Planning Act, R.S.O. 1990, c. P.13*
- *Provincial Policy Statement, 2020*

- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020*
- *Regional Official Plan, Regional Municipality of Waterloo, 2015*
- *City of Kitchener Official Plan, 2014*
- *City of Kitchener Zoning By-law 2019-051*
- *Planning Around Rapid Transit Stations (PARTS)*

**REVIEWED BY:** Tina Malone-Wright – Interim Manager of Development Review

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

**ATTACHMENTS:**

- Attachment A – Proposed Official Plan Amendment
- Attachment B – Proposed Zoning By-law Amendment
- Attachment C – Urban Design Brief
- Attachment D – Newspaper Notice
- Attachment E – Department and Agency Comments
- Attachment F – Community Comments