

AMENDMENT NO. \_\_ TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER

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CITY OF KITCHENER  
4396 King Street East and 25 Sportsworld Drive

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### **SECTION 1 – TITLE AND COMPONENTS**

This amendment will be referred to as Amendment No. xx to the Official Plan of the City of Kitchener (2014). This amendment is comprised of Sections 1 to 4 inclusive.

### **SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of the Official Plan Amendment is to:

- Amend *Map 3 – Land Use* by redesignating lands from *Campus Commercial* to *Mixed Use*,
- Amend *Map 5 – Specific Policy Areas* by adding the subject lands addressed as 4396 King Street East and 25 Sportsworld Drive as *Specific Policy Area 59*, and
- Add Site Specific Policy 15.D.12.59 as follows:
  - to allow a maximum floor space ratio of 6.2;
  - to allow a maximum building height of 99 metres;
  - to allow the maximum number of storeys to be 30;
  - A Holding provision pursuant to Section 17.E.13 will apply to residential uses and other sensitive uses. The Holding provision will not be removed until such time as a detailed stationary noise study has been provided to the Regional Municipality of Waterloo, any mitigation measures have been implemented, and a release has been issued by the Region; and
  - A Holding provision pursuant to Section 17.E.13 will apply to residential uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Regional Municipality of Waterloo.

### **SECTION 3 – BASIS OF THE AMENDMENT**

#### **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 LRT, 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-intensity, 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 Major Transit Station Areas (MTSAs) 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 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, in particular, 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 MTSAs on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSAs 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 (Regional Official Plan Amendment 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. 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 supportable 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 the majority of development and redevelopment at high densities for a variety of land uses. 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:

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

As aforementioned, the subject lands are located within an MTSA and the applicant is not proposing to change the Urban Structure Component.

The Official Plan also requires that development applications in MTSAs 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 in close proximity to 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 located in an excellent location and represents high-intensity, 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 platform. The lands are within close 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. 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 close 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 Sportworld 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, over 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 in particular 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 and 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.

### **SECTION 4 – THE AMENDMENT**

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

- a. Amend *Map No. 3 – Land Use* by designating the lands municipally addressed as 4396 King Street East and 25 Sportsworld Drive as *Mixed Use* instead of *Commercial Campus*, as shown on the attached *Schedule ‘A’*;
- b. Amend *Map No. 5 – Specific Policy Areas* by adding *Specific Policy Area No. 59* to the lands municipally addressed as 4396 King Street East and 25 Sportsworld Drive, as shown on the attached *Schedule ‘B’*; and
- c. Add *Site Specific Policy 15.D.12.59* as follows:

#### **59. 4396 King Street East and 25 Sportsworld Drive**

Notwithstanding the *Mixed Use* land use designation and the policies of the lands located at 4396 King Street East and 25 Sportsworld Drive:

- i) The maximum floor space ratio will be 6.2;
- ii) The maximum number of storeys will be 30;

- iii) The maximum building height will be 99 metres;
- iv) A Holding provision pursuant to Section 17.E.13 will apply to residential uses and other sensitive uses. The Holding provision will not be removed until such time as a detailed stationary noise study has been provided to the Regional Municipality of Waterloo, any mitigation measures have been implemented, and a release has been issued by the Region; and
- v) A Holding provision pursuant to Section 17.E.13 will apply to residential uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Regional Municipality of Waterloo.

## NOTICE OF PUBLIC MEETING for a development in your neighbourhood 4396 King Street East & 25 Sportsworld Drive



### Have Your Voice Heard!

Date: **March 6, 2023**  
Time: **7:00 p.m.**  
Location: **Council Chambers,  
Kitchener City Hall  
200 King Street West  
or Virtual Zoom Meeting**



Concept Drawing

To view the staff report, agenda, meeting details, start time of this item or to appear as a delegation, visit:

**[kitchener.ca/meetings](http://kitchener.ca/meetings)**

To learn more about this project, including information on your appeal rights, visit:

**[www.kitchener.ca/  
PlanningApplications](http://www.kitchener.ca/PlanningApplications)**

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Mixed Use  
including  
Commercial



FSR of 6.2,  
99 Metres  
in Height



30 Storeys,  
616 Dwelling  
Units

Applications to amend the Official Plan and Zoning By-law will be considered to facilitate a mixed-use development having a maximum building height of 99 metres (30 storeys), a Floor Space Ratio (FSR) of 6.2, providing 616 dwelling units and 1,300 square metres of commercial floor area, and having a reduced parking rate of 0.85 spaces per dwelling unit.

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (March 6, 2023)

APPENDIX 3 - Minutes of the Meeting of City Council (March 20, 2023)