

ONTARIO LAND TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 17(40) of the Planning Act, R.S.O. 1990, c. P. 13, as amended

Appellant/Applicant: 30 Duke Street Limited
Subject: Failure of Approval Authority to announce a decision respecting a Proposed Official Plan Amendment
Municipality: City of Kitchener
Reference No.: OPA 20/005/W/JVW
Legacy Case No.: PL210104
OLT Lead Case No.: OLT-22-002377
Date of Hearing: April 22, 2025
OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the Planning Act, R.S.O. 1990, c. P. 13, as amended

Appellant/Applicant: 30 Duke Street Limited
Subject: Failure of Approval Authority to announce a decision respecting a Zoning By-law Amendment
Municipality: City of Kitchener
Reference No.: ZBA 20/013/W/JVW
Legacy Case No.: PL210104
OLT Lead Case No.: OLT-22-002377
Date of Hearing: April 22, 2025
OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

PROCEEDING COMMENCED UNDER subsection 42(6) of the Ontario Heritage Act, R.S.O. 1990, c. P. 13, as amended

Appellant/Applicant: 30 Duke Street Limited
Subject: Failure of Approval Authority to announce a decision respecting a Zoning By-law Amendment
Municipality: City of Kitchener
Reference No.: HPA-2022-V-015
OLT Lead Case No.: OLT-22-002377
Date of Hearing: April 22, 2025
OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

Visual Evidence, City of Kitchener

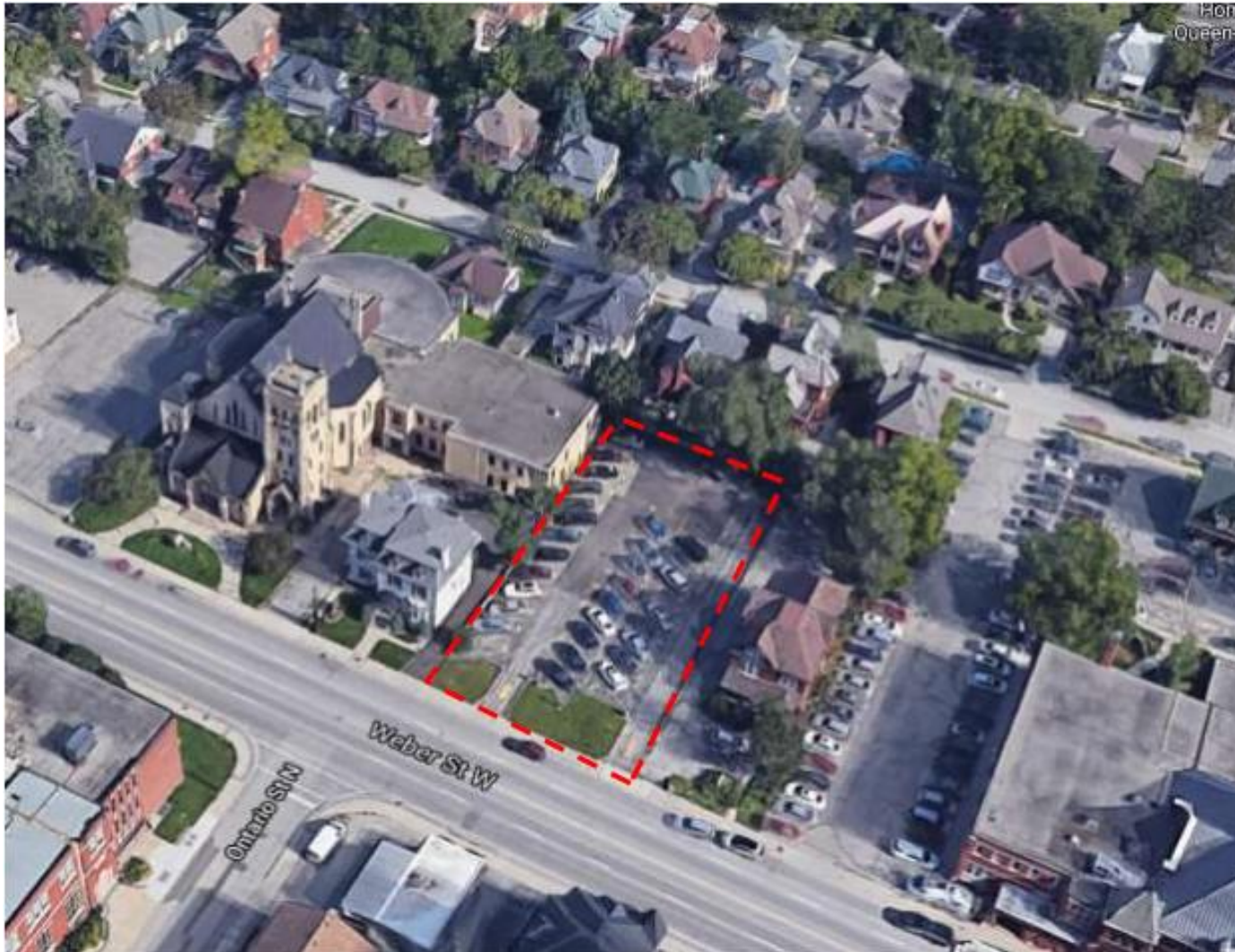
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LOCATION MAP OF 22 WEBER STREET WEST



The subject property is highlighted in red.

AERIAL VIEW OF THE SUBJECT PROPERTY



CONTEXT PHOTOS – 22 WEBER STREET WEST



Key Map showing directions of the photos taken.



1. Context Photo showing north side of 22 Weber Street West facing Eastwards. The Subject property is located in between the two structures.



2. Context Photo showing the subject property.

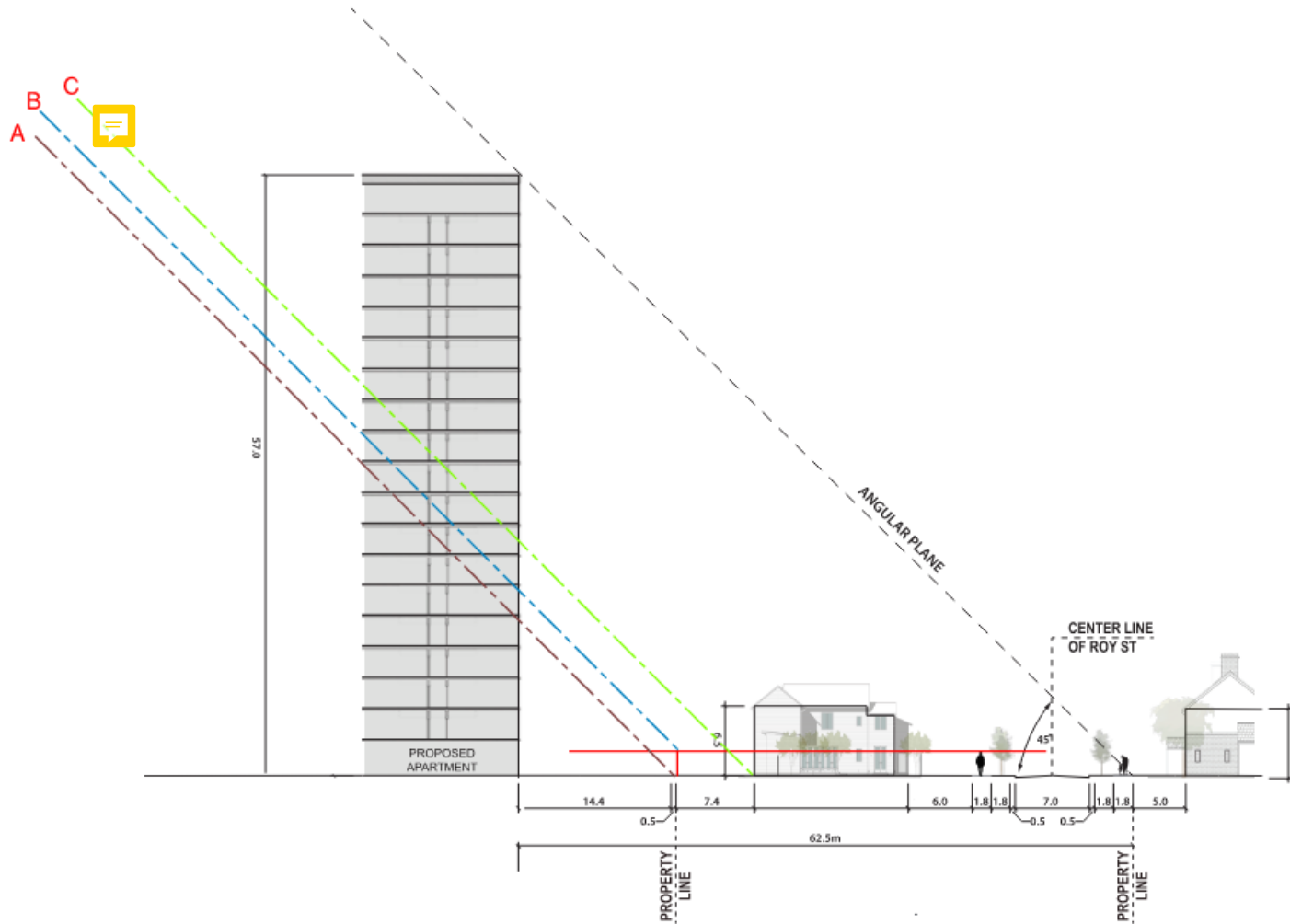


3. Context Photo showing Weber Street West facing westwards.



4. Context Photo showing subject property with neighboring buildings.

ANGULAR PLANE ANALYSIS DEMONSTRATION – 22 WEBER STREET WEST



PREFERRED EXAMPLES OF DEVELOPMENT AS TAKEN FROM THE CIVIC CENTRE NEIGHBORHOOD HERITAGE CONSERVATION DISTRICT PLAN



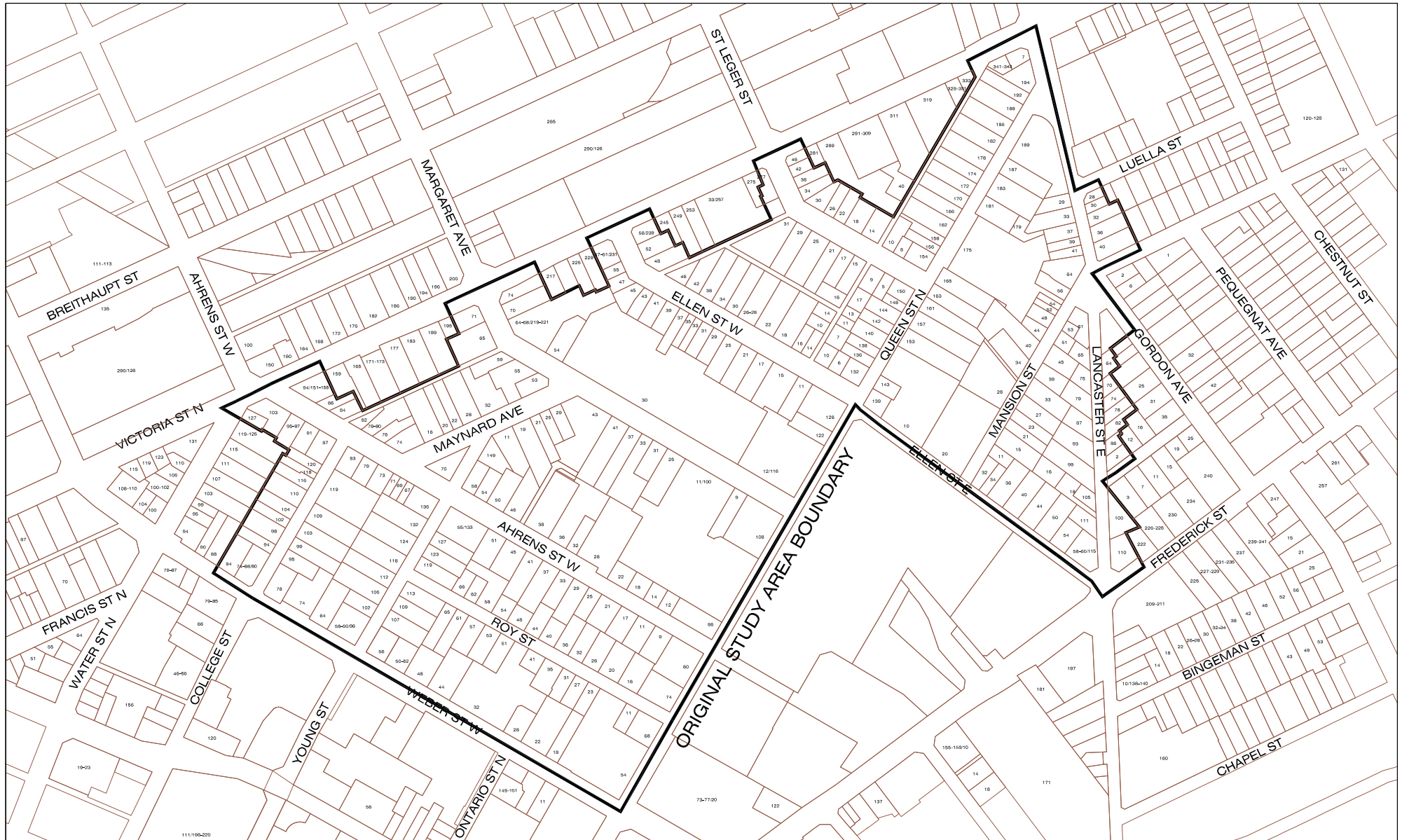


fig 2: recommended heritage conservation district boundary
civic centre heritage conservation district plan



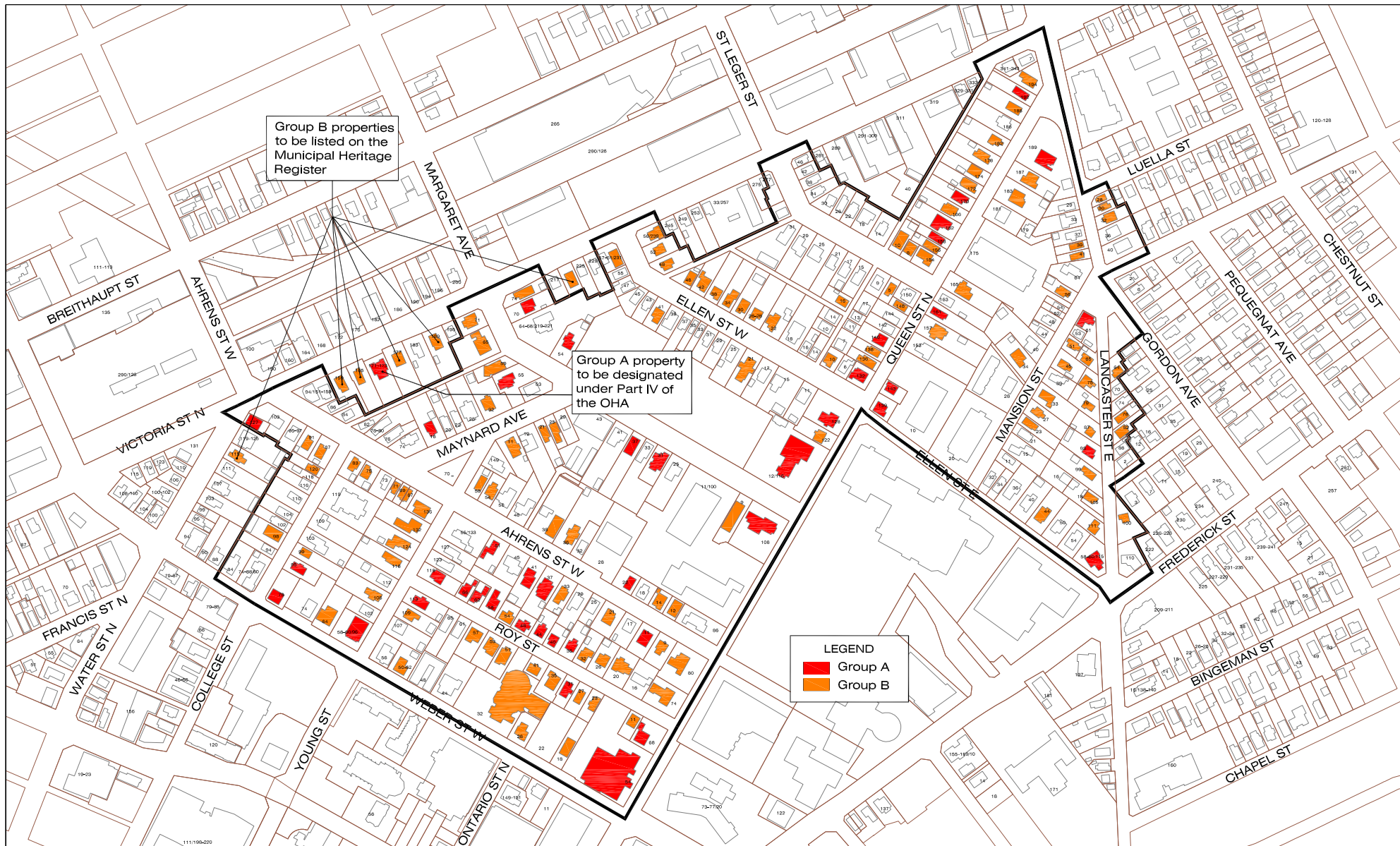
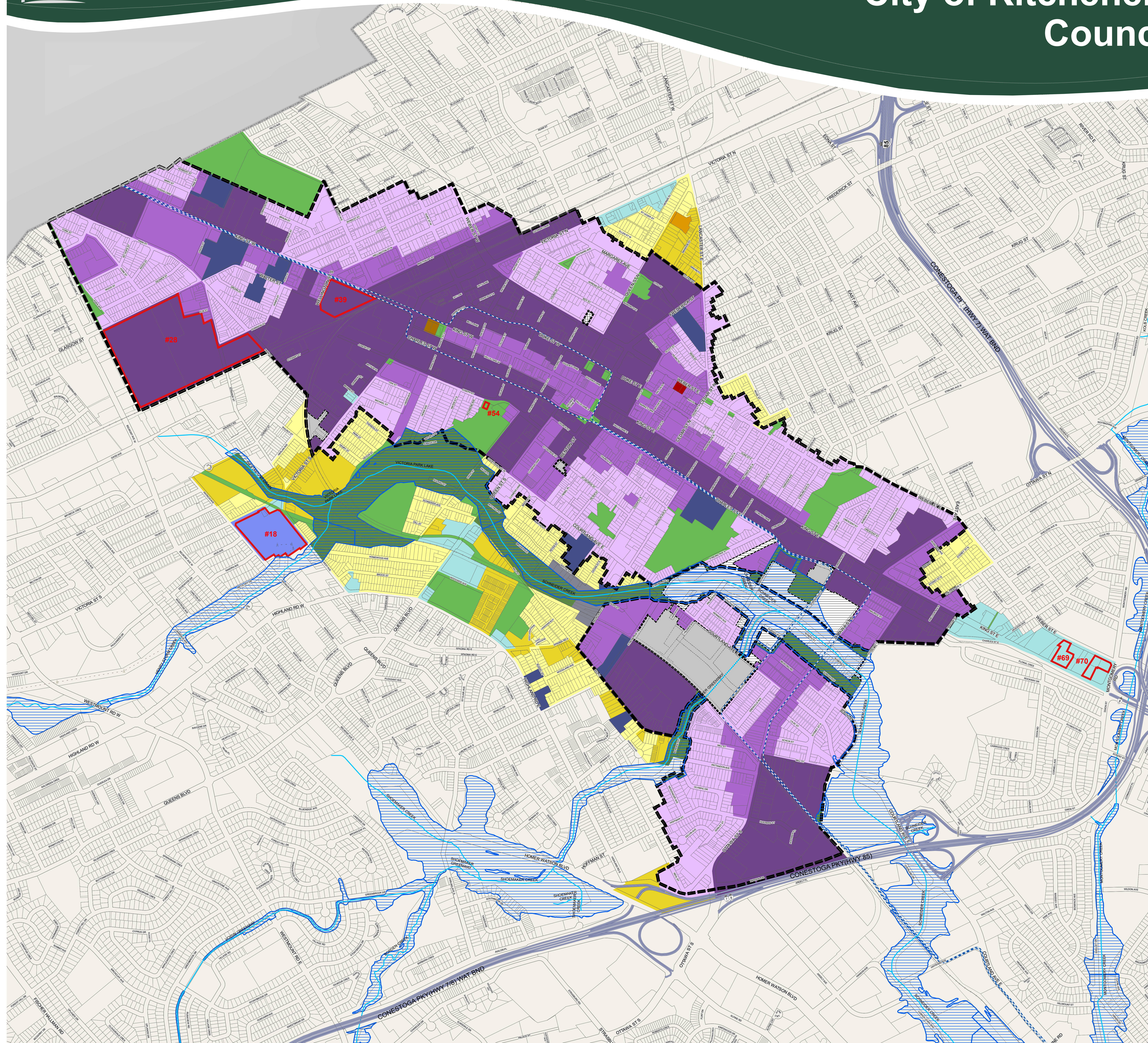


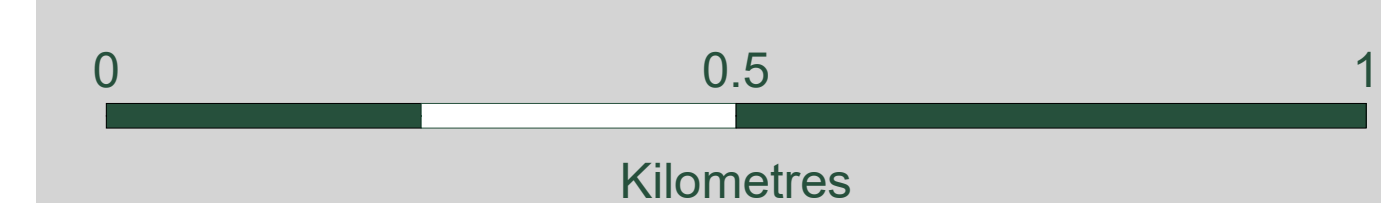
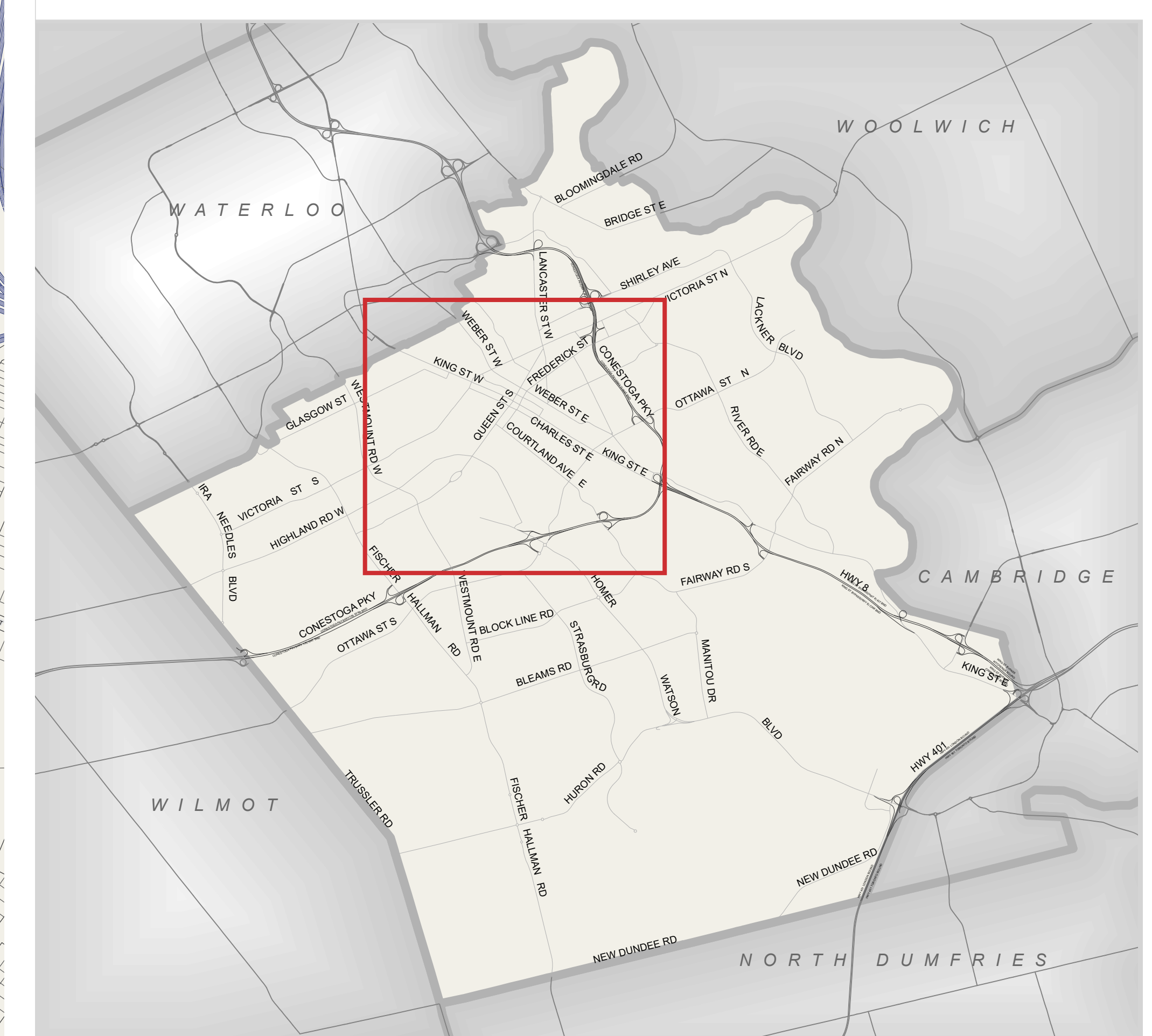
fig 3: recommended part iv & heritage register properties
civic centre heritage conservation district plan



City of Kitchener - Growing Together Council-adopted Land Use

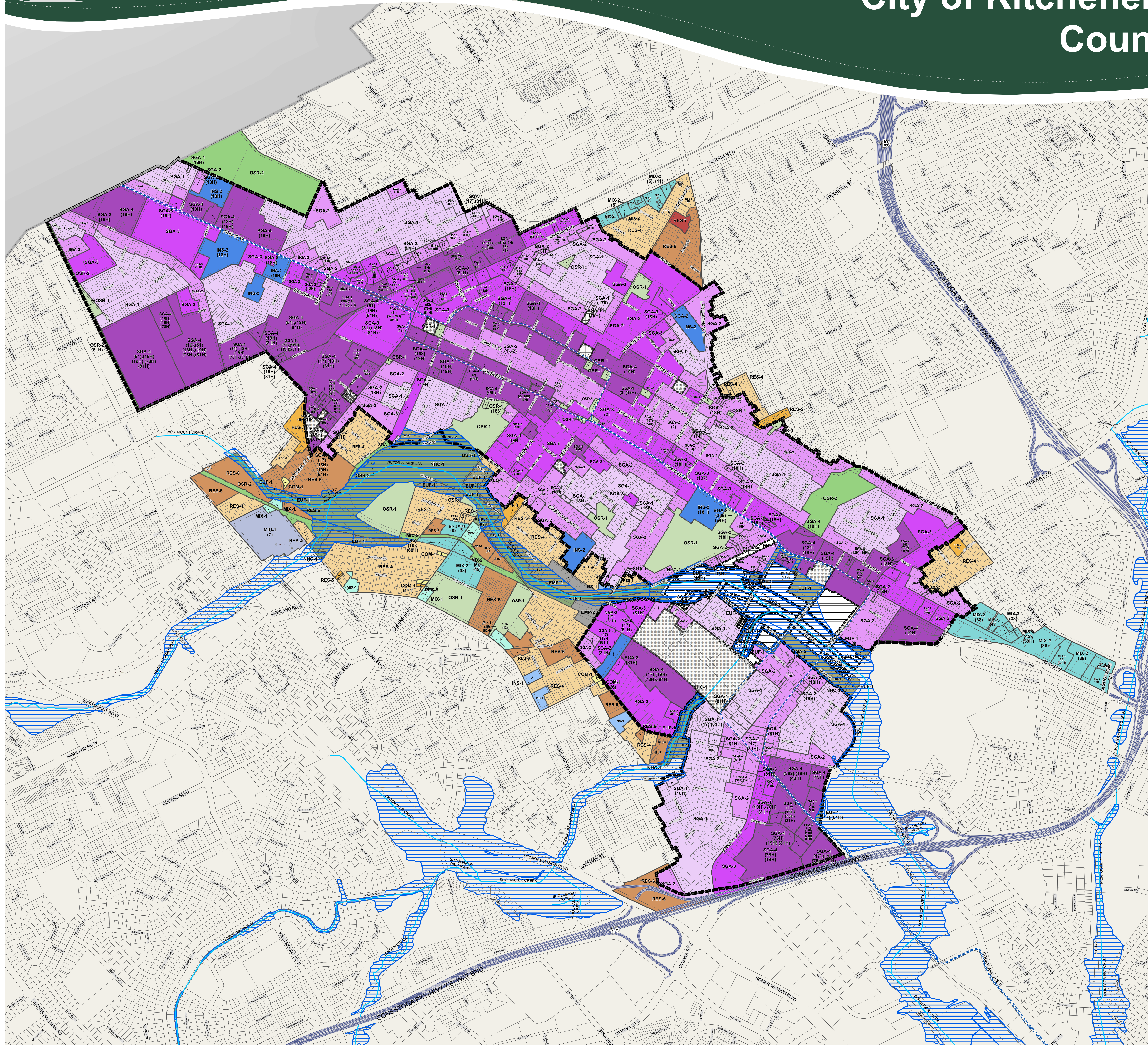


- Rail Line**
- LRT
 - Railway
- Hydro**
- Hydro Tower
 - Hydro Corridor
- Streams**
-
- GRCA Floodplain**
-
- MTSA Boundary**
-
- Landuse**
- Strategic Growth Area A
 - Strategic Growth Area B
 - Strategic Growth Area C
 - Innovation District
 - Market District
 - Low Rise Residential
 - Medium Rise Residential
 - High Rise Residential
 - Mixed Use
 - General Industrial Employment
 - Institutional
 - Natural Heritage Conservation
 - Open Space
 - Major Infrastructure and Utilities
- No new Landuse Assigned**
- Subject to site-specific application under consideration
 - Subject to ongoing Ontario Land Tribunal (OLT) appeal
 - Floodway, Greenspaces & Schneider/Shoemaker Creek Naturalization Areas
- Specific Policy Area**
-

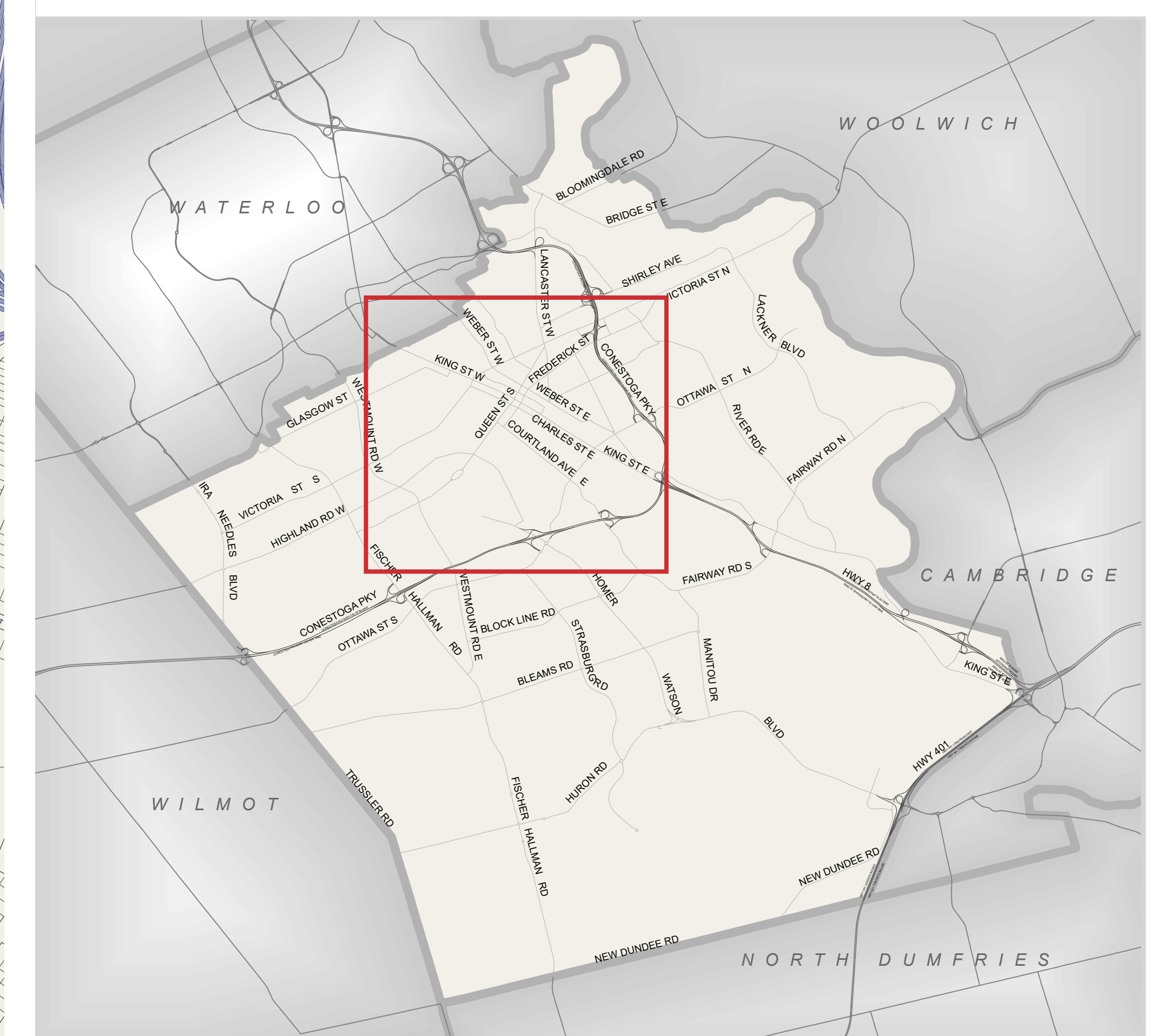




City of Kitchener - Growing Together Council-approved Zoning



- Rail Line**
- LRT
 - Railway
- Hydro**
- Hydro Tower
 - Hydro Corridor
- Streams**
- GRCA Floodplain**
- MTSA Boundary**
- No new Landuse Assigned**
- Subject to ongoing Ontario Land Tribunal (OLT) appeal
 - Subject to site-specific application under consideration
 - Floodway, Greenspaces & Schneider/Shoemaker Creek Naturalization Areas
- Proposed Zoning**
- SGA-1 Strategic Growth Area One
 - SGA-2 Strategic Growth Area Two
 - SGA-3 Strategic Growth Area Three
 - SGA-4 Strategic Growth Area Four
 - COM-1 Local Commercial
 - MIX-1 Mixed Use One
 - MIX-2 Mixed Use Two
 - INS-1 Neighbourhood Institutional
 - INS-2 Major Institutional
 - RES-4 Low Rise Residential
 - RES-5 Low Rise Residential
 - RES-6 Medium Rise Residential
 - RES-7 High Rise Residential
 - EUF-1 Existing Use Floodplain
 - OSR-1 Recreation
 - OSR-2 Open Space: Greenways
 - NHC-1 Natural Conservation
 - MIU-1 Major Infrastructure and Utilities
 - EMP-2 General Industrial Employment

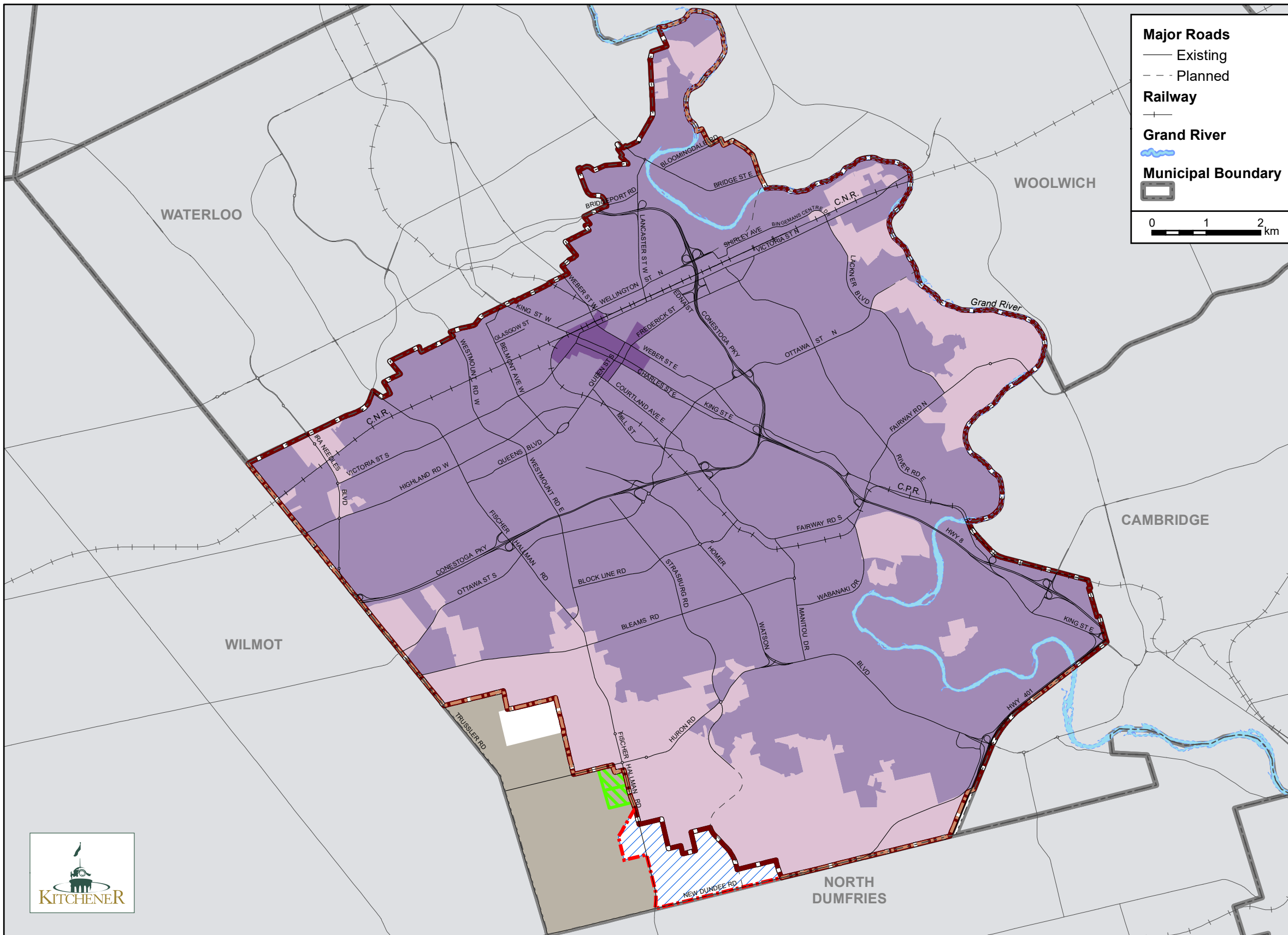




City of Kitchener
Official Plan
A complete and healthy Kitchener

Map 1

**City Urban Area and
Countryside**



Legend

City Urban Area

- Built Up Area
- Designated Greenfield Area
- Urban Growth Centre (Downtown)
- Urban Area Boundary

Countryside

- Protected Countryside
- Area subject to Policy 3.C.1.22
- Southwest Kitchener Policy Area
- Countryside Line
- Exact location of Countryside Line yet to be determined

Note:

1. This map forms part of the Official Plan of the City of Kitchener and must be read in conjunction with the policies of this Plan.

Adopted by City Council - June 30, 2014
Approved by Regional Council - November 19, 2014
Modified by Regional Council - January 18, 2017
Effective Date - September 23, 2015
Last Revised - January 18, 2017
Revised by Amendments -

AODA: If you require this document in an accessible format, please contact Planning Division, planning@kitchener.ca 519-741-2426

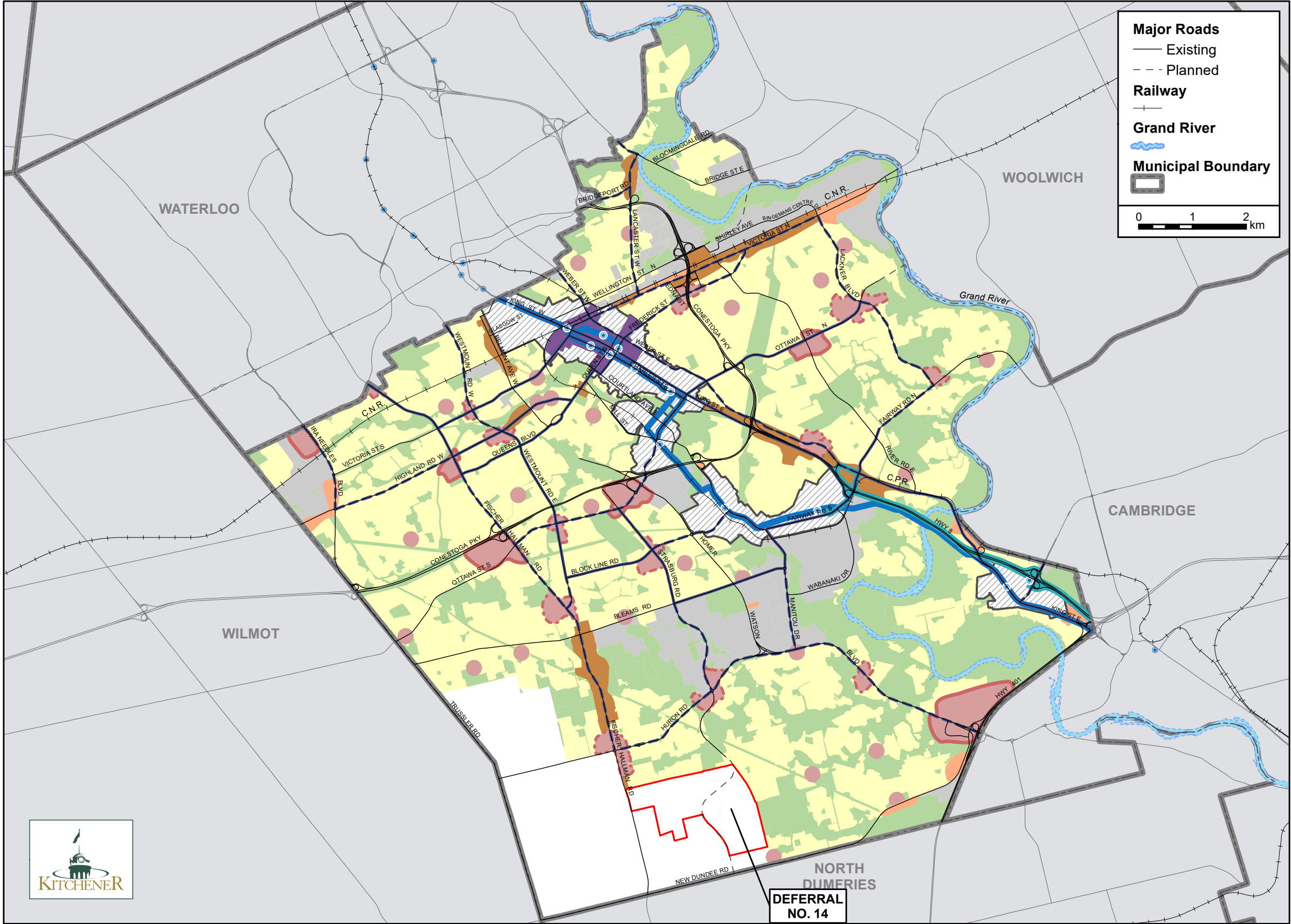




City of Kitchener
Official Plan
A complete and healthy Kitchener

Map 2

Urban Structure



Legend

Intensification Areas

- Urban Growth Centre (Downtown)
- Protected Major Transit Station Area
- City Node
- Community Node
- Neighbourhood Node
- Urban Corridor
- Arterial Corridor

Other Areas

- Community Areas
- Industrial Employment Areas
- Green Areas

Transit

- Existing Transit Corridor
- Planned Transit Corridor
- Light Rail Transit Corridor
- Adapted Bus Rapid Transit Corridor
- Rapid Transit Station

Area Under Deferral



- Notes:
1. This map forms part of the Official Plan of the City of Kitchener and must be read in conjunction with the policies of this Plan.
 2. In interpreting the boundaries of the Nodes and Corridors it should be noted that the boundaries are approximate and conceptual and should not be considered as exact.
 3. The Rapid Transit Initiative is ongoing and there may be minor changes to the mapping.

Adopted by City Council - June 30, 2014
Approved by Regional Council - November 19, 2014
Effective Date - September 23, 2015
Last Revised - June 24, 2024
Revised by Amendments - OPA 3, PL150200, OPA 6, OPA 7, OPA 14, OPA 40, OPA 49, OPA 50
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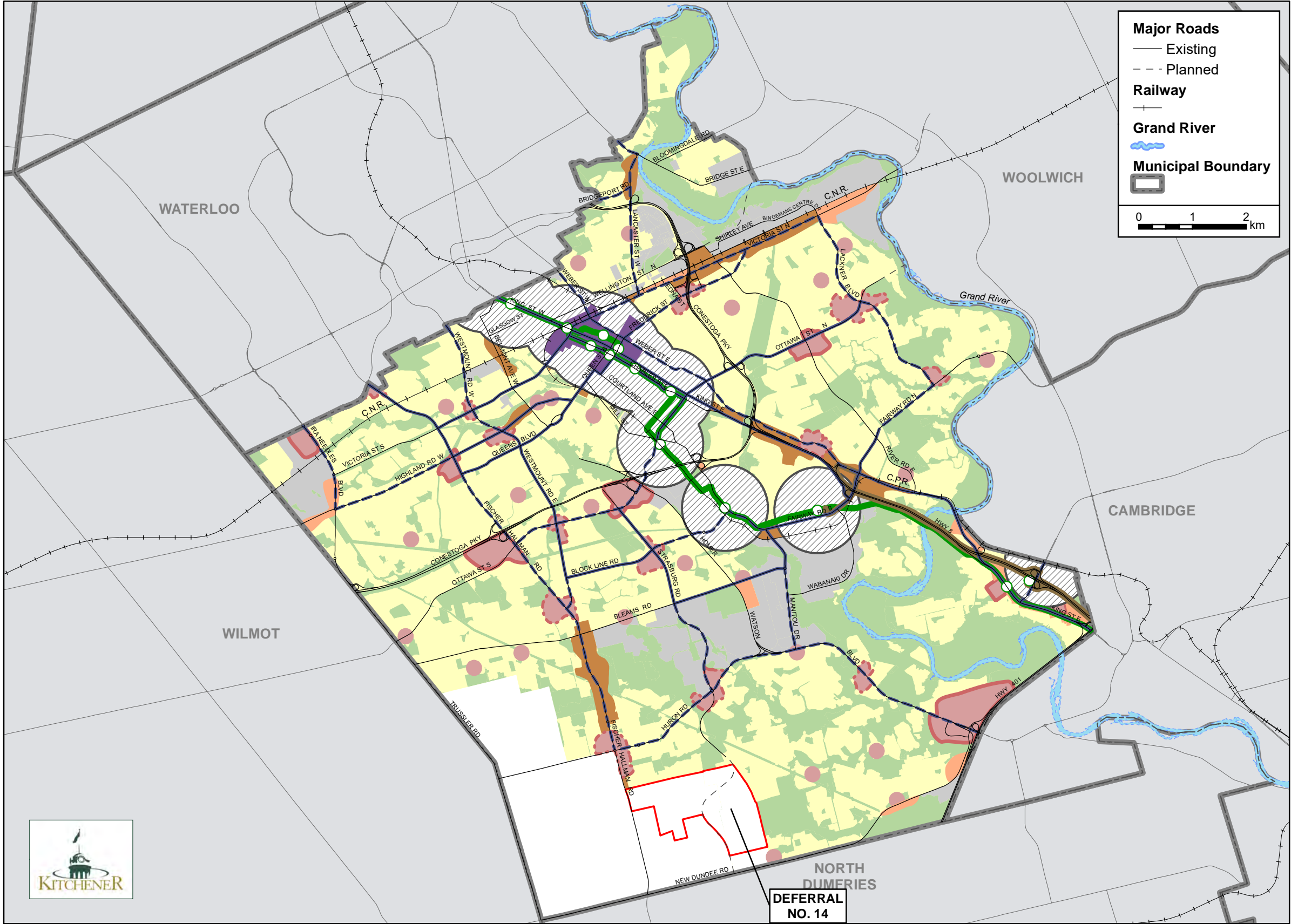




City of Kitchener
Official Plan
A complete and healthy Kitchener

Map 2

Urban Structure



Legend

Intensification Areas

- Urban Growth Centre (Downtown)
- Major Transit Station Area
- City Node
- Community Node
- Neighbourhood Node
- Urban Corridor
- Arterial Corridor

Other Areas

- Community Areas
- Industrial Employment Areas
- Green Areas

Transit

- Existing Transit Corridor
- Planned Transit Corridor
- Light Rail Transit Corridor
- Adapted Bus Rapid Transit Corridor
- Rapid Transit Station

Area Under Deferral



- Notes:**
1. This map forms part of the Official Plan of the City of Kitchener and must be read in conjunction with the policies of this Plan.
 2. In interpreting the boundaries of the Nodes and Corridors it should be noted that the boundaries are approximate and conceptual and should not be considered as exact.
 3. Major Transit Station Areas are conceptually shown as 800 m radius around the Rapid Transit Station and will be refined through the Station Area Planning process.
 4. The Rapid Transit Initiative is ongoing and there may be minor changes to the mapping.

Adopted by City Council - June 30, 2014
Approved by Regional Council - November 19, 2014
Effective Date - September 23, 2015
Last Revised - August 21, 2019
Revised by Amendments - OPA 3, PL150200, OPA 6, OPA 7





Map 3 Land Use

City of Kitchener Official Plan A complete and healthy Kitchener

Legend

Refer to Secondary Plan For Detail

Urban Growth Centre (Downtown)
Refer to Map 4

Area Under Deferral

Low Rise Residential

Medium Rise Residential

High Rise Residential

Mixed Use

Commercial Campus

Commercial

Heavy Industrial Employment

General Industrial Employment

Business Park Employment

Institutional

Prime Agriculture

Rural

Natural Heritage Conservation

Open Space

Major Infrastructure and Utilities

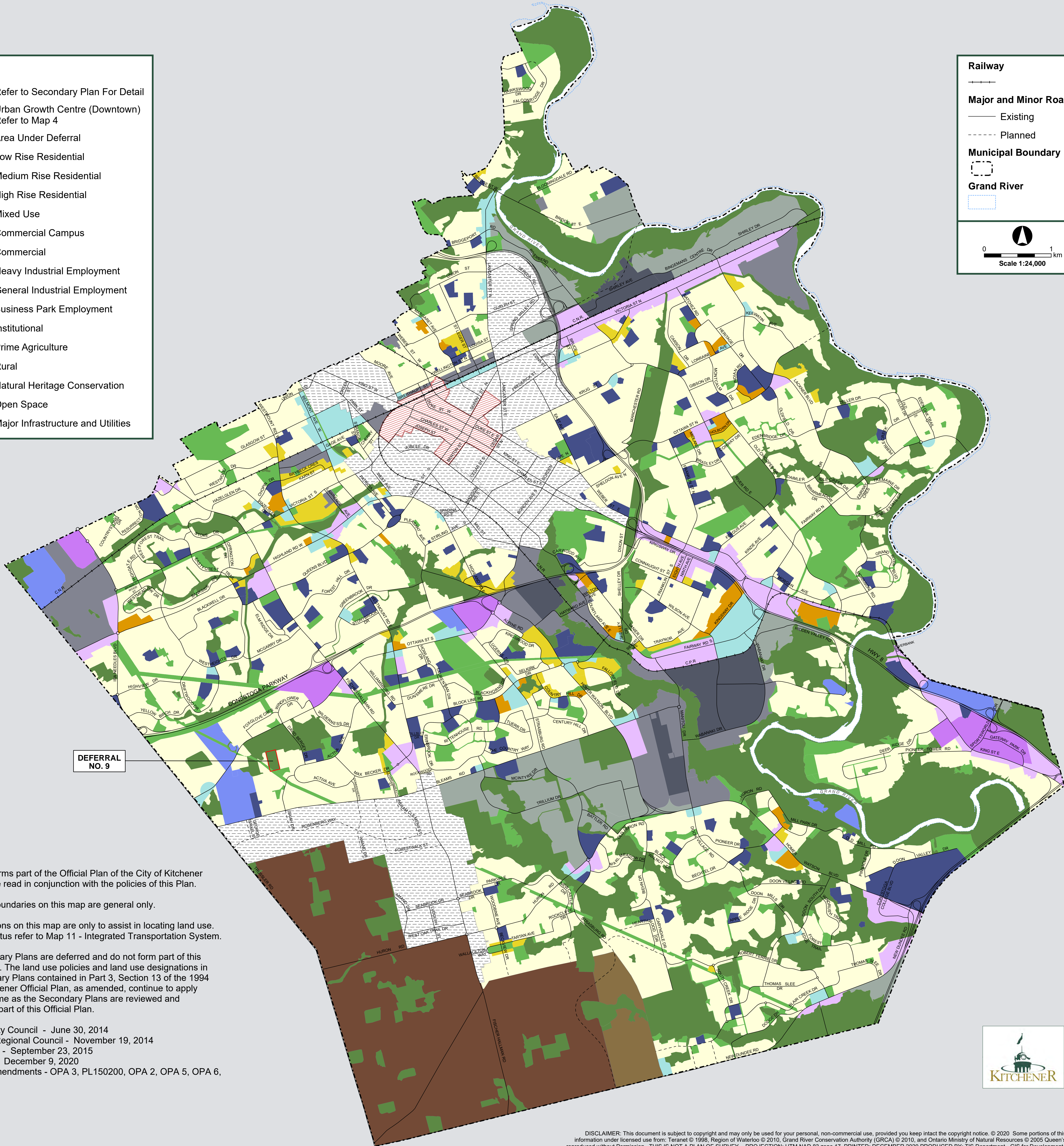
Railway

Major and Minor Roads

Existing**Municipal Boundary****Grand River**

0 1 km

Scale 1:24,000



DEFERRAL
NO. 9

Notes:

1. This map forms part of the Official Plan of the City of Kitchener and must be read in conjunction with the policies of this Plan.
2. Land use boundaries on this map are general only.
3. Road locations on this map are only to assist in locating land use. For road status refer to Map 11 - Integrated Transportation System.
4. The Secondary Plans are deferred and do not form part of this Official Plan. The land use policies and land use designations in the Secondary Plans contained in Part 3, Section 13 of the 1994 City of Kitchener Official Plan, as amended, continue to apply until such time as the Secondary Plans are reviewed and adopted as part of this Official Plan.

Adopted by City Council - June 30, 2014
Approved by Regional Council - November 19, 2014
Effective Date - September 23, 2015
Last Revised - December 9, 2020
Revised by Amendments - OPA 3, PL150200, OPA 2, OPA 5, OPA 6, OPA 7, OPA 9



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Map 3 Land Use

City of Kitchener Official Plan A complete and healthy Kitchener

Legend

Refer to Secondary Plan For Detail

Urban Growth Centre (Downtown)
Refer to Map 4

Area Under Deferral

Low Rise Residential

Medium Rise Residential

High Rise Residential

Mixed Use

Strategic Growth Area A

Strategic Growth Area B

Strategic Growth Area C

Innovation District

Market District

Commercial Campus

Commercial

Heavy Industrial Employment

General Industrial Employment

Business Park Employment

Institutional

Prime Agriculture

Rural

Natural Heritage Conservation

Open Space

Major Infrastructure and Utilities

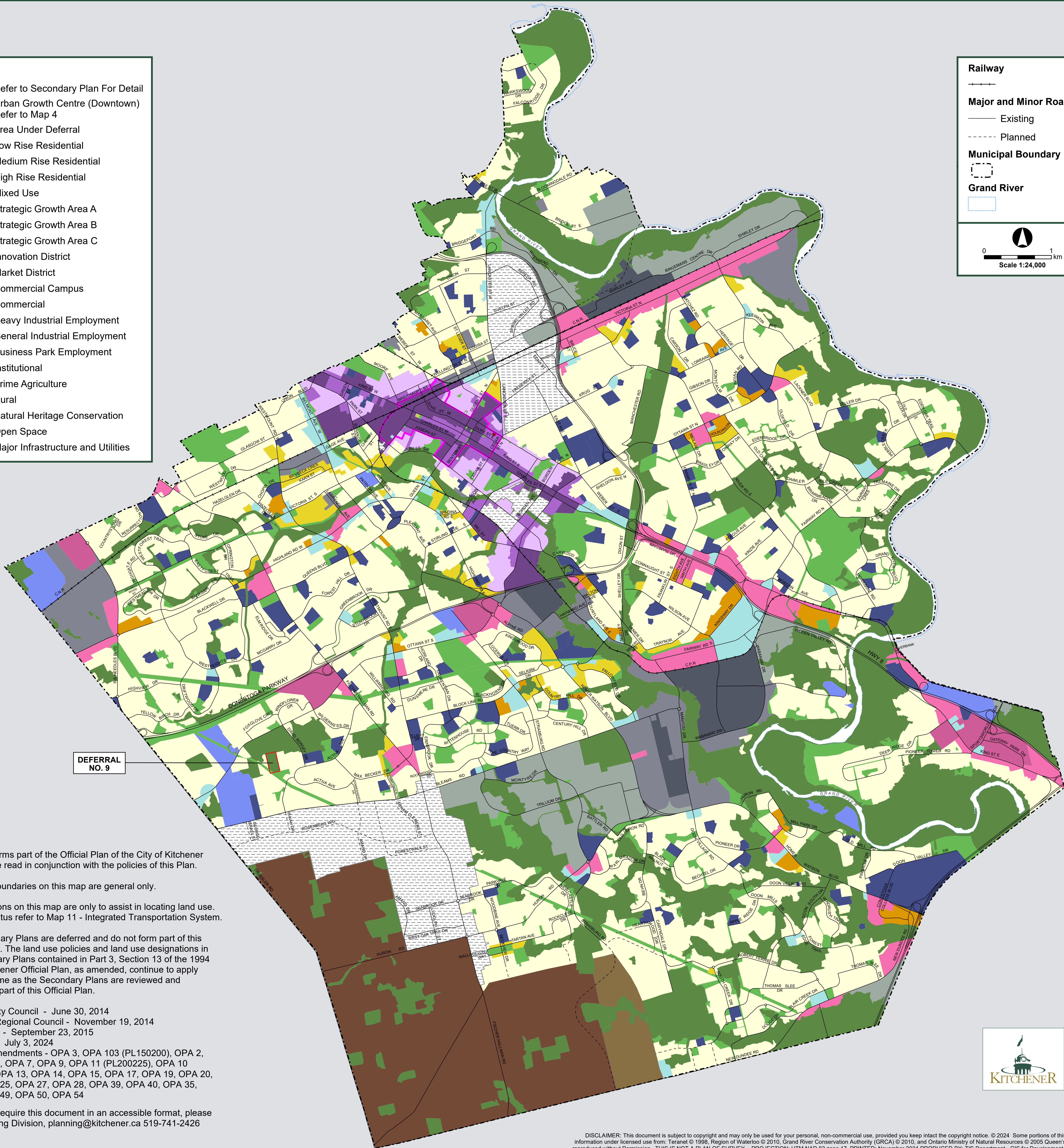
Railway

Major and Minor Roads

Existing**Municipal Boundary****Grand River**

0 1 km

Scale 1:24,000



Notes:

1. This map forms part of the Official Plan of the City of Kitchener and must be read in conjunction with the policies of this Plan.
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Adopted by City Council - June 30, 2014
Approved by Regional Council - November 19, 2014
Effective Date - September 23, 2015
Last Revised - July 3, 2024
Revised by Amendments - OPA 3, OPA 103 (PL150200), OPA 2, OPA 5, OPA 6, OPA 7, OPA 9, OPA 11 (PL200225), OPA 10 (PL190267), OPA 13, OPA 14, OPA 15, OPA 17, OPA 19, OPA 20, OPA 21, OPA 25, OPA 27, OPA 28, OPA 39, OPA 40, OPA 35, OPA 41, OPA 49, OPA 50, OPA 54

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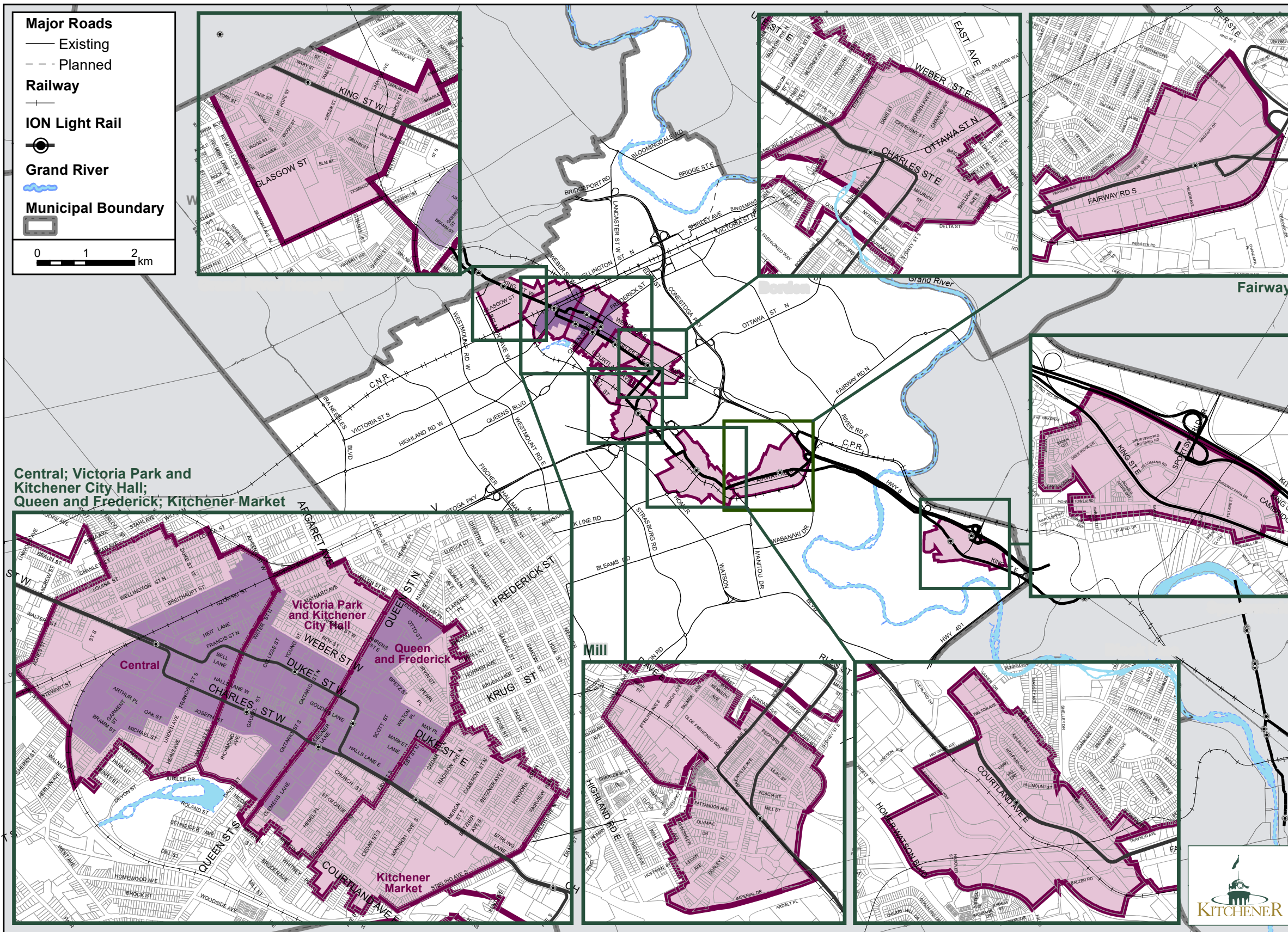
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City of Kitchener Official Plan A complete and healthy Kitchener

Map 4

Protected Major Transit Station Areas and Urban Growth Centre



Legend

Protected Major Transit Station Area



Urban Growth Centre (Downtown)



Notes:
1. This map forms part of the Official Plan of the City of Kitchener and must be read in conjunction with the policies of this Plan.

Adopted by City Council - March 18, 2024
Approved by Regional Council - June 19, 2024
Effective Date - June 20, 2024
Last Revised - June 20, 2024
Revised by Amendments - OPA 49

AODA: If you require this document in an accessible format, please contact Planning Division, planning@kitchener.ca 519-741-2426

CIVIC CENTRE NEIGHBOURHOOD PLAN FOR LAND USE

MAP 9 SECONDARY PLAN



Legend

Low Rise Residential Preservation

Low Rise Multiple Residential

Low Density Multiple Residential

Medium Density Multiple Residential

High Density Multiple Residential

Office Residential Conversion

Medium Density Commercial Residential

High Density Commercial Residential

Community Institutional

Mixed Use Corridor

Neighbourhood Park

Boundary of Secondary Plan

Special Policy Area

Primary Arterial Road

Secondary Arterial Road

Major Collector Road

Minor Collector Road

0 25 50 100 150 200

Metres

1:3,500



Region of Waterloo

Regional Official Plan SHAPING OUR FUTURE

MAP 3a URBAN AREA

LEGEND

- Provincial Highway
- Regional Road
- River
- Region of Waterloo International Airport
- Municipal Boundary
- Railway

0 0.5 1 2 Km



Sources: Region of Waterloo, Ministry of Energy and Infrastructure

2015

* Built-Up Area includes all lands within the built boundary, as established by the Province.

** Map 3a will be amended to designate Reurbanization Corridors and Major Transit Station Areas following the completion of the Rapid Transit Environmental Assessment.

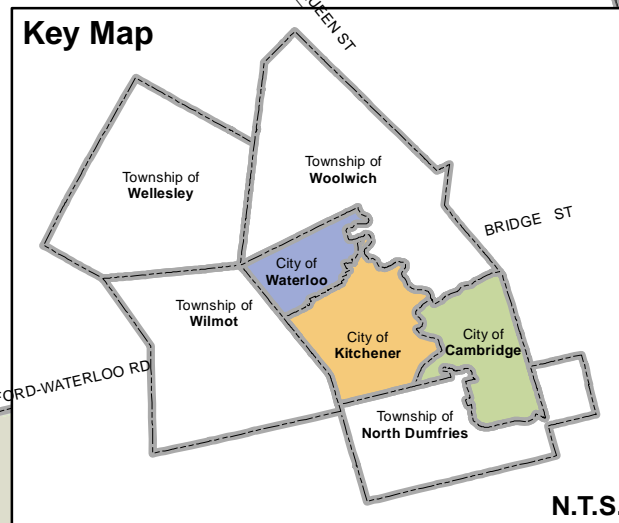
Note: This map forms part of the Official Plan of the Regional Municipality of Waterloo and must be read in conjunction with the policies of this Plan.

Township of Woolwich

LEGEND

Urban Area

- Built-Up Area*
- Urban Designated Greenfield Areas
- Prime Industrial/Strategic Reserve (Served)
- Urban Growth Centres
- Reurbanization Corridors **
- Major Transit Station Areas **
- Central Transit Corridor Environmental Assessment Study Area
- Planned Highway 7
- Region of Waterloo International Airport
- Urban Area Boundary



Township of North Dumfries

AERIAL VIEW OF THE SUBJECT PROPERTY

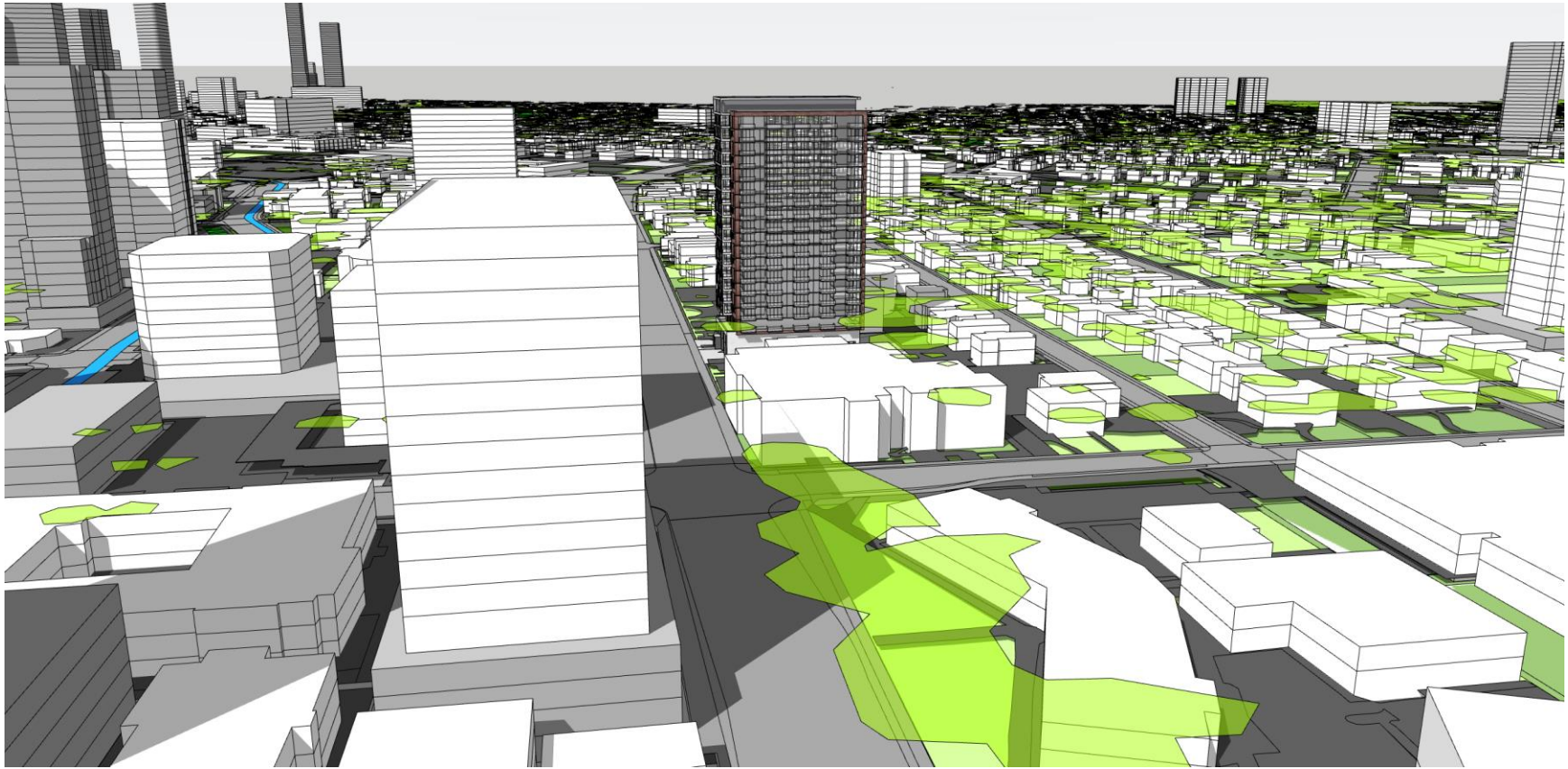




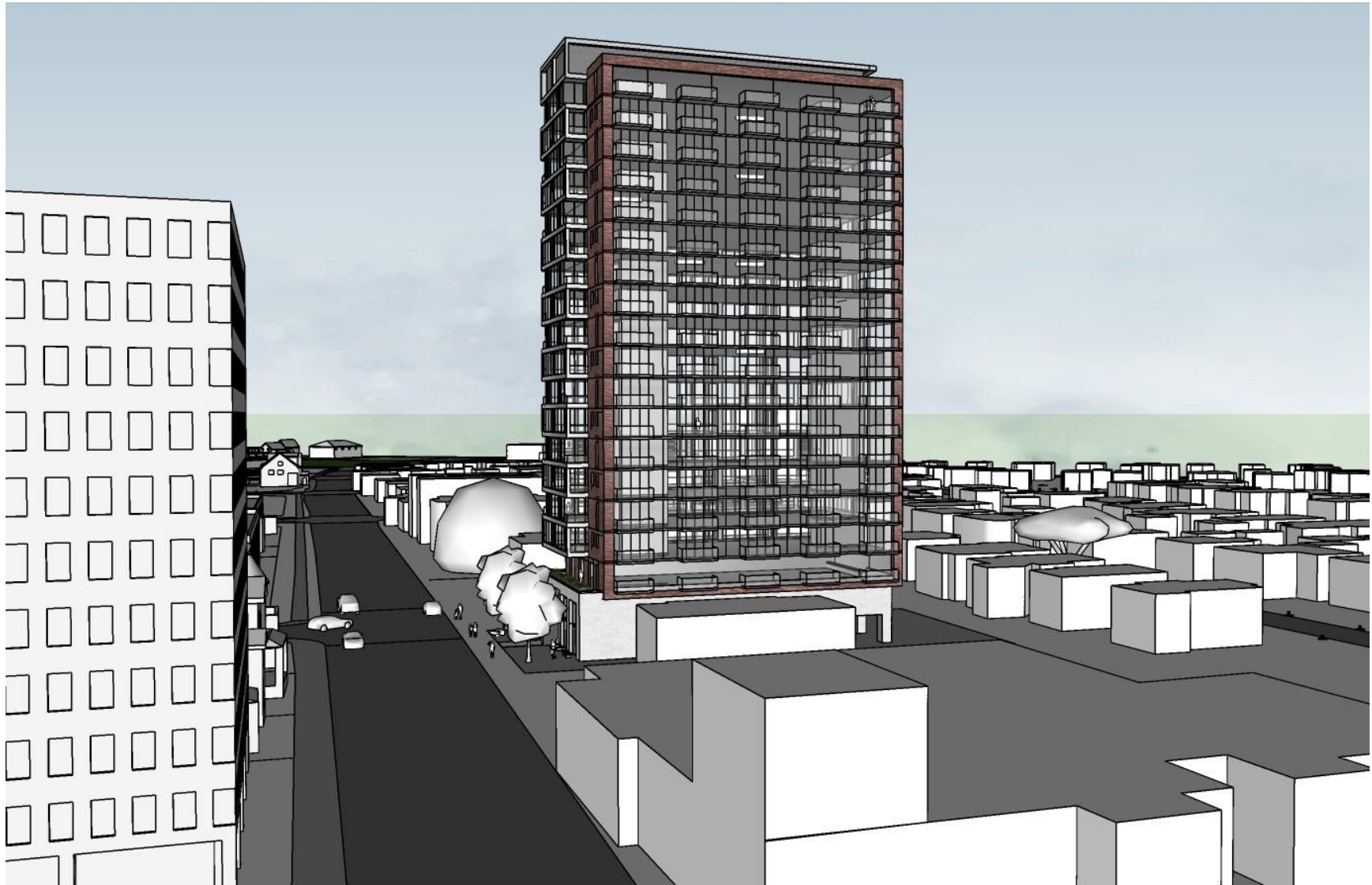
Aerial rendering showing Weber Street West, facing west



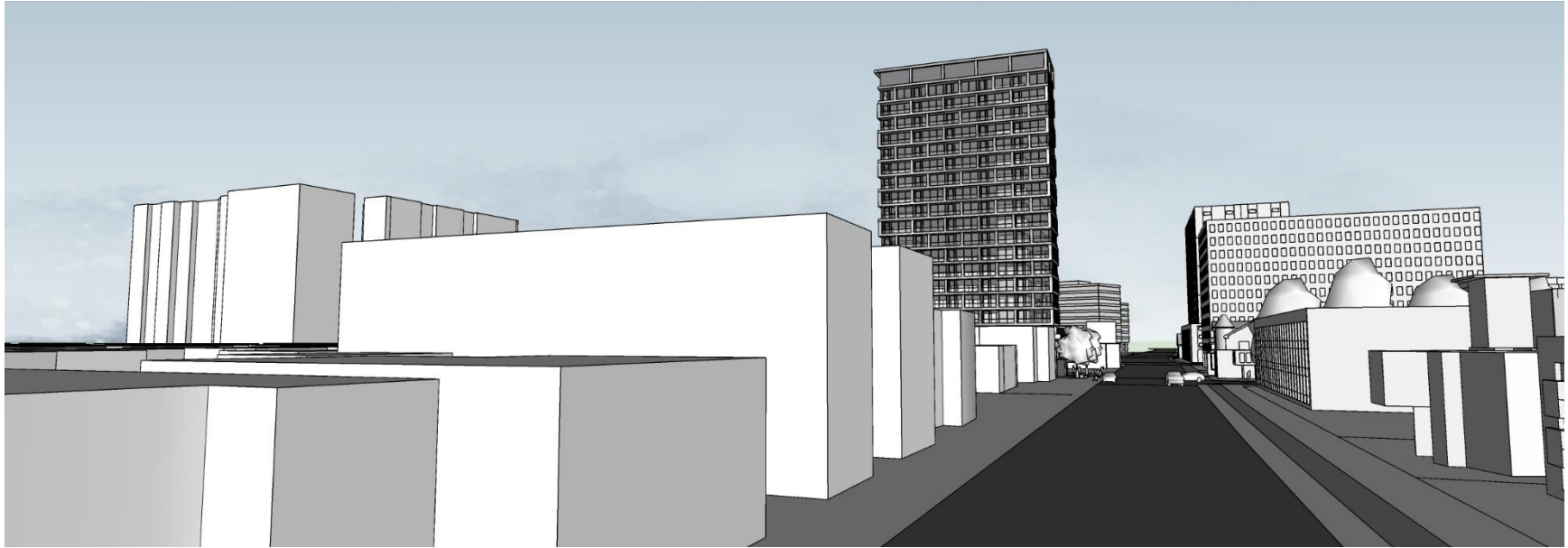
Aerial rendering showing Weber Street West, facing east



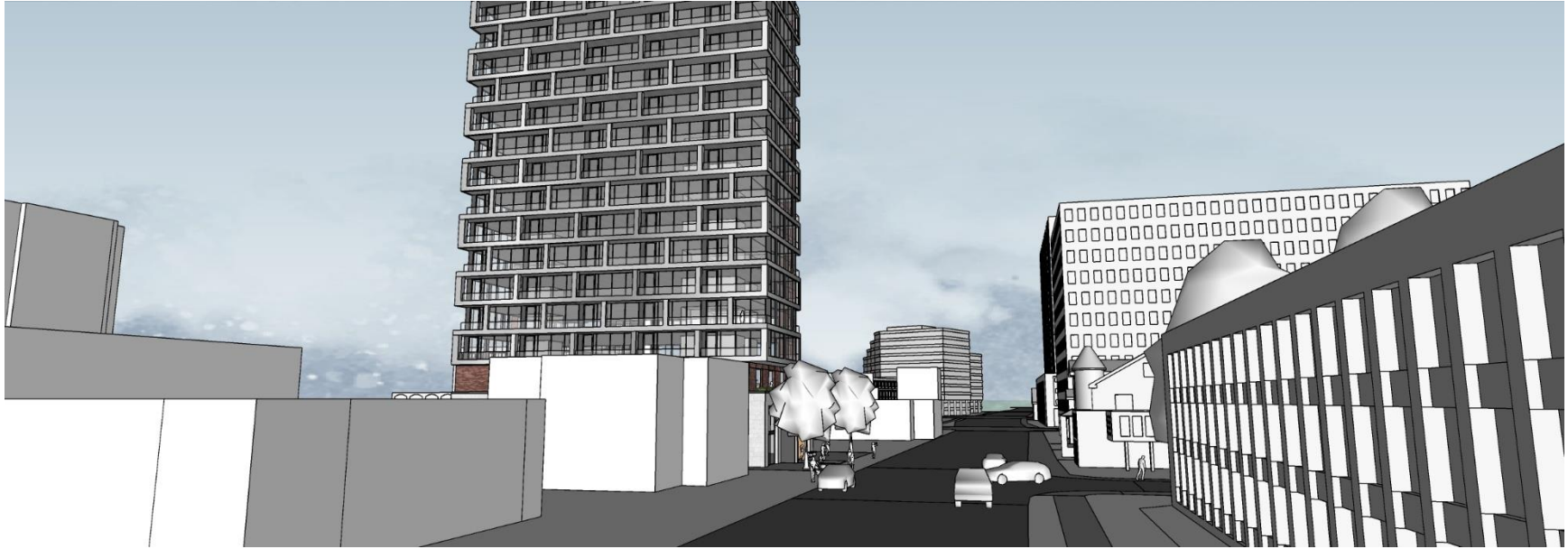
Context rendering showing Weber Street West, facing west.



Context rendering showing Weber Street West, facing west



Context rendering showing Weber Street West, facing east.



Street view showing Weber Street West, facing east.

