

AMENDMENT NO. ## TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER

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CITY OF KITCHENER

1198 Fischer Hallman Road

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**AMENDMENT NO. ## TO THE OFFICIAL PLAN OF THE CITY OF KITCHENER##**

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**SECTION 1 – TITLE AND COMPONENTS**

This amendment shall be referred to as Amendment No. ## 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 the Official Plan by adding Special Policy Policy Area No. 6 to Map 22e – Rosenberg Secondary Land Use Plan and by adding associated Policy 13.10.3.6 to the text of the Official Plan.

**SECTION 3 – BASIS OF THE AMENDMENT**

**Planning Analysis:**

**Planning Act, R.S.O. 1990, c. P.13 25.**

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
  - (i) Is well-designed,
  - (ii) Encourages a sense of place, and
  - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement

and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

**Provincial Policy Statement, 2020:**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus transit and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed-use development represents market-based housing.

The City's Urban Structure is composed of Intensification Areas which include the Urban Growth Centre (Downtown), Major Transit Station Areas (MTSA), City Nodes, Community Nodes, Neighbourhood Nodes, Urban Corridors (including Corridors in the Rosenberg Secondary Plan) and Arterial Corridors. They are connected by transit corridors and the integrated transportation system which are key elements in shaping growth and built form in the city. As Intensification Areas, these areas are generally intended to provide for a broad range and mix of uses in an area of higher density and activity than surrounding areas.

Planning staff is of the opinion that the proposed applications will facilitate the intensification of the Urban Corridor with a mixed-use development that is compatible with the surrounding community, helps manage growth, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):**

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and

infrastructure, provide for a range, and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

Planning staff is of the opinion that the applications conform to the Growth Plan. The development of the subject lands with a more intense residential use within the City’s delineated Built-Up Area, represents intensification and will help the City to meet density targets. MTSA and Urban Corridors (including Corridors in the Rosenberg Secondary Plan) are planned to accommodate additional housing opportunities that will make use of existing infrastructure and support the viability of existing transit. Housing policies of the Growth Plan support the development of a range and mix of housing options that serves the needs of a variety of household sizes, incomes, and ages.

**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 Designated Greenfield Areas. The subject lands are designated Urban Designated Greenfield Areas in the ROP. 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. Regional staff have indicated that they have no objections to the proposed applications (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

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

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

Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks, and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute to a complete community with 373 residential dwelling units and 1,026 square metres of non-residential commercial and retail space. Considerable thought for the orientation and placement of the building, podium height, and building step backs, have been incorporated into the design for this high intensity mixed use development.

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Corridor within the Rosenberg Secondary Plan, Community Structure Plan. Corridors are intended to provide a balanced distribution of commercial, office, institutional and multiple residential uses. The planned function of

Corridors are to provide for compact and intensive development along a transit corridor. The Corridor is primarily intended to serve the adjacent residential neighbourhoods and employment areas.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment Applications will support a development that not only complies with the City's policies for a Corridor but also contributes to the vision for a sustainable and more sustainable city.

#### Land Use

The subject lands are designated 'Mixed Use Two', 'Medium Density Residential One', and 'Low Density Residential One' (Map 22e, Rosenberg Secondary Plan) in the City of Kitchener Official Plan. The 'Mixed Use Two' designation is generally intended to provide commercial and office uses that serve the entire Rosenberg Community and adjacent Planning Communities, along with residential that is at higher densities than the surrounding area while achieving a built form that is compatible, accessible, safe and efficient for all modes of travel.

The applicant is proposing to add Special Policy Area 6 to the Rosenberg Secondary Plan (Map 22e) to allow a Floor Space Ratio (FSR) of 6.3 whereas the current Official Plan policies only allow for a maximum FSR of 4.0, and to permit a building height of 22 storeys whereas the policies only allow for a maximum of 14 storeys.

Policy 17.E.13.1. of the City of Kitchener Official Plan require that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to implement this Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met. A Holding Provision shall be applied to residential uses, day care uses and other sensitive uses and will not be removed through a by-law amendment until such time as a Noise Study has been reviewed and approved by the Region of Waterloo to ensure a future assessment be undertaken to determine the impact of on-site noise sources on on-site and off-site site sensitive receptors, when detailed building designs are known.

#### Urban Design

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations. Extra attention to high quality urban design that contributes positively to the public realm and streetscapes is expected for the subject lands with adequate on-site amenity for future residents. Detailed design will be reviewed through the site plan design and approvals process.

**Streetscape** – The Fischer-Hallman Road frontage is activated by at-grade commercial units and the building’s residential lobby. At-grade commercial units and the building lobby have direct access to public sidewalks. The tower podium has a defined base which will enhance the streetscape.

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

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

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

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

#### Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Brief. Staff have reviewed the study and are satisfied the shadow study meets the City’s requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual. Further review of the Shadow Impact Study will be undertaken through the detailed site planning process.

#### Wind Study

A Wind Study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. A full Wind Assessment be required and reviewed at the site plan application stage and wind control features will be required through the site plan application, if necessary, to mitigate wind.

#### Tall Building Guidelines

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

- achieve a positive relationship between high-rise buildings and their existing and planned context;
- create a built environment that respects and enhances the city’s open space system, pedestrian and cyclist amenities and streetscapes;
- create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
- promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;



- promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
- promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are generally consistent with and meet the overall intent of the City’s Design for Tall Building Guidelines. More specifically, the proposed development generally meets the off-site separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed through the site plan approval process.

#### Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The proposed development aims to increase density on an existing site that is served well by public transit, with access to Grand River Transit Routes 12, 33 and iXpress Routes 201.

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

#### Housing Policies:

Section 4.1.1 of the City’s Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the amount of multiple dwelling units and the development is contemplated to include a range of unit types. These new units will meet and appeal to a variety of household needs.

#### Sustainable Development

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

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

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

Sustainable development initiatives will be further implemented at the site planning approval process through the detailed design review of the building.

**Proposed Official Plan Amendment Conclusions:**

The Official Plan Amendment Application requests that the land use designation as shown on Map 22e – Rosenberg Secondary Plan be amended from 'Mixed Use Two' to 'Mixed Use Two with Special Policy Area 6'. Based on the planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Appendix "A".

**SECTION 4 – THE AMENDMENT**

The City of Kitchener Official Plan (1994) is hereby amended as follows:

- a) Part 3, Section 13.10.3.6 Special Policy Areas is amended by adding Special Policy Area 6 as follows:

**6. Special Policy Area 6**

Notwithstanding the 'Mixed Use Two' land use designation and policies on lands municipally known as 1198 Fischer Hallman Road, a Floor Space Ratio (FSR) of 6.3 and a building height of 22 storeys (75 metres) will be permitted.

A Holding provision pursuant to Section 17.E.13 will apply to residential uses. The Holding provision will not be removed until such time as:

- a) An updated noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo.
- b) Amend Map No. 22e – Secondary Plan – Rosenberg Plan for Land Use by designating the lands, municipally addressed as 1198 Fischer Hallman Road as 'Mixed Use Two with Special Policy Area 6' instead of 'Mixed Use Two', as shown on the attached Schedule 'A'.

APPENDIX 1

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NOTICE OF PUBLIC MEETING

## NOTICE OF PUBLIC MEETING

for a development in your neighbourhood  
1198 Fischer Hallman Road



Concept Drawing



Mixed  
Use



14 & 22  
Storeys



Floor Space  
Ratio of 6.34

### Have Your Voice Heard!

#### Planning & Strategic Initiatives Committee

Date: **October 30, 2023**

Location: **Council Chambers,  
Kitchener City Hall  
200 King Street West  
or Virtual Zoom Meeting**

Go to **kitchener.ca/meetings**  
and select:

- Current agendas and reports  
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

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

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

or contact:

**Tim Seyler, Senior Planner**  
[tim.seyler@kitchener.ca](mailto:tim.seyler@kitchener.ca)  
519.741.2200 x7860

The City of Kitchener will consider applications to amend the Official Plan and Zoning By-law for the property located at 1198 Fischer Hallman Road. This is to facilitate the development of mixed use buildings which includes 2 residential towers, 14 and 22 storeys, consisting of 373 residential dwelling units, and commercial units on the ground floor. Site-specific regulations are proposed to permit an increased Floor Space Ratio of 6.34, a maximum building height of 75 metres (22 storeys), reduced yard setbacks, and a parking reduction.

APPENDIX 2

Minutes of the Meeting of Planning and Strategic  
Initiatives Committee – October 30, 2023

APPENDIX 3

Minutes of the Meeting of City Council – November 6,  
2023