

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

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CITY OF KITCHENER

93-99 Benton Street and 39-43 St. George Street

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

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

This amendment shall be referred to as Amendment No. XX to the Official Plan of the City of Kitchener. 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 Area 9 to Map 11 (Cedar Hill Secondary Plan) and by adding associated Policy 13.3.4.9 to the text of the Cedar Hill Secondary Plan.

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

The subject lands are designated 'Medium Density Commercial Residential' in the Cedar Hill Secondary Plan (Map 11) in the City of Kitchener Official Plan.

#### **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.

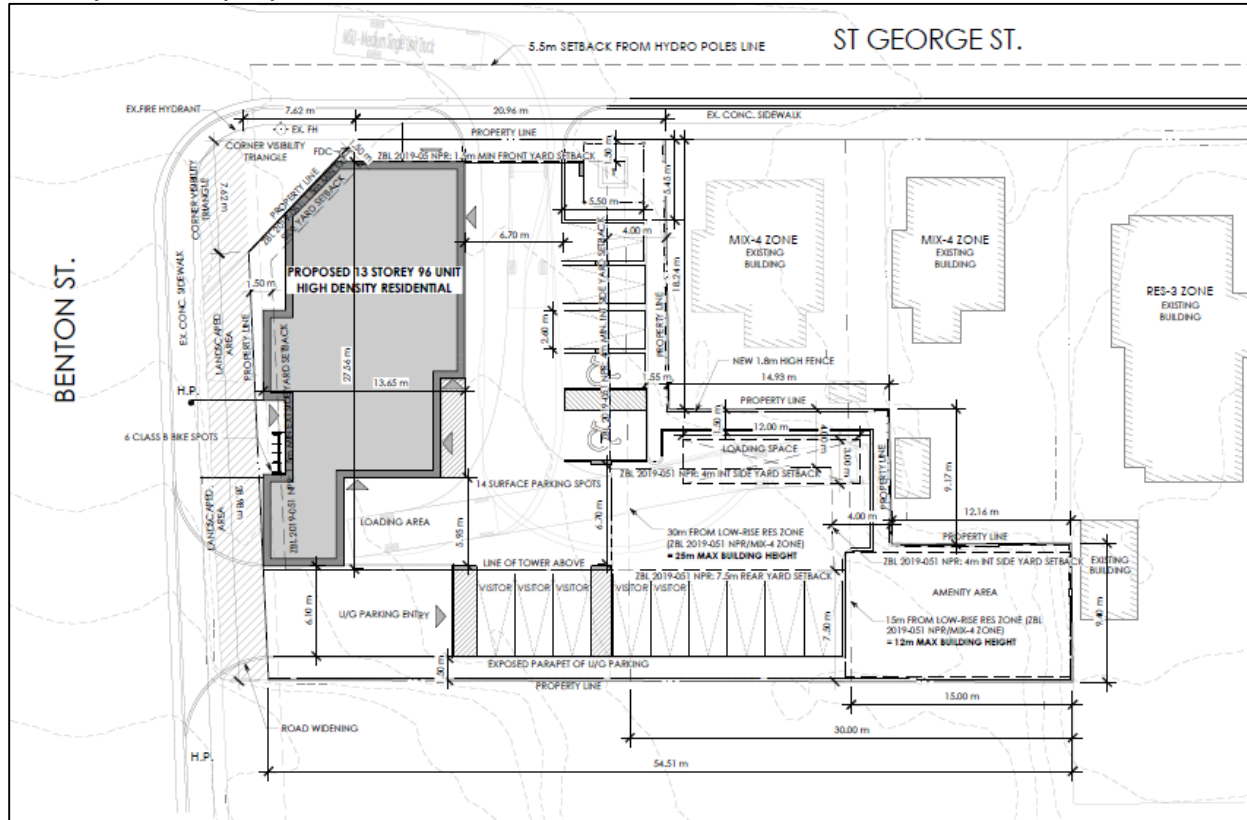


Figure 4: Concept Plan

### 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 ION rapid transit, bus, 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 includes one and two-bedroom units.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a high-density 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 including major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

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

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;

- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

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

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

The subject lands are located within the City’s delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City’s Official Plan on Map 2 – Urban Structure the lands appear within the MTSA conceptual boundary for the Queen Street station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved in August 2022. These lands are within the Queen Street MTSA. The proposed development represents intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

### **Regional Official Plan (ROP):**

Urban Area policies of the ROP identify that the focus of the Region’s future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Section 2.F of the ROP as the proposed development supports the achievement of the minimum annual intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. The subject lands are located in the Queen Street Station Major Transit Station Area (MTSA) in the ROP. The minimum density target within the Market Station MTSA is 160 people and jobs/ha. The density proposed through this application exceeds the density target of 160 people and jobs/ha on a site specific basis and the proposed development will contribute to the achievement of the overall density target for the Queen Street Station MTSA. 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 Region of Waterloo have indicated they have no objections to the proposed application (Attachment '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.

### Urban Structure

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

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

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

### Land Use

The subject lands are designated 'Medium Density Commercial Residential' in the Cedar Hill Secondary Plan (Map 11) in the City of Kitchener Official Plan. The Medium Density Commercial Residential designation permits a variety of commercial and residential uses up to a maximum FSR (Floor Space Ratio) of 2.0.

The applicant is proposing to add a Special Policy Area to the Cedar Hill Secondary Plan to permit an increase in the FSR to 5.1.

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 ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

A Holding Provision to ensure an Environmental Noise Study is implemented is being proposed.

### Neighbourhood Planning Review (NPR)

The subject lands are within the Cedar Hill Neighbourhood Planning Review (NPR) area. A statutory public meeting was held on December 9, 2019 regarding draft amendments to the Cedar Hill Secondary plan. The NPR project within the Major Transit Station Areas (MTSA) has been incorporated into the City’s Growing Together Planning framework expected to be presented to Council in early 2024.

### Urban Design Policies:

The City’s urban design policies are outlined in Section 11 of the City’s OP. In the opinion of staff, the proposed development satisfies these policies including: 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 is acceptable and outlines the vision and principles guiding the site design and informs the proposed zoning regulations.

**Streetscape** – The proposed tower portion of the building has been oriented to the corner of Benton Street and St. George Street to address the streetscape and provide a prominent treatment of the corner of the site. Ground floor glazing of the commercial unit and lobby area provides visual interest and activation at the pedestrian scale.

**Safety** – As with all developments that go through site plan approval, staff will ensure Crime Prevention through Environmental Design (CPTED) principles are achieved and that the site meets emergency services policies. Lighting of underground parking areas is required to meet standards for safety and security.

**Universal Design** – The development will be designed to comply with Accessibility for Ontarian’s with Disabilities Act and the Ontario Building Code. Barrier Free parking will be provided at the ground floor with access to elevator for floors above.

**Site Design, Building Design, Massing and Scale** – The proposed building is designed to be developed at a scale that is compatible with the existing and planned surroundings. Through feedback from the neighbourhood, the building design was changed to provide building material, color, and articulation that takes cues from the existing Cedar Hill neighbourhood.



### Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the requirements outlined in the City of Kitchener Urban Design Manual.

### Tower Design

The proposed 13-storey tower is classified as a “Compact Slab” as the proposed tower floor plate is 617square metres in area. The tower placement has been oriented towards the corner of Benton Street and St. George with an 7-storey podium articulation and building step backs at the 7th floor. The tower massing is broken up vertically by variation and the articulation of building materials and balconies.

### Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. The proposed development is expected to increase winds locally on Benton Street, and localized speed increases are most noticeable near the building corners. Mitigation measures and wind control features will be required through the site plan application.

### 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. The North and West property lines face the street, so staff evaluated the South and East sides. City staff has confirmed that the proposed tower exceeds the offsite separation requirement on the South side and meets 80% compliance on the East side. The proposed development is acceptable for offsite separation distance requirements of the Design for Tall Building Guidelines.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located in close proximity to the Queen Street ION station stop. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the downtown cycling grid. The location of the subject lands, in the context of the City’s integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

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

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more dense residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, the applicant is proposing to provide secure, indoor bicycle storage to encourage active transportation.

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.

Policy 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 increases the range and supply of dwelling units available in the city, and is proposed in a primary intensification area. The development is contemplated to include one and two bedroom units in a high rise setting. This will provide additional housing choices and options in the Cedar Hill neighbourhood.

**SECTION 4 – THE AMENDMENT**

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

- a) Part 3, Section 13.3.4 Special Policies is amended by adding Special Policy 13.3.4.9 thereto as follows:

"9. Notwithstanding the Medium Density Commercial Residential land use designation and policies, applied to the lands located at 93-99 Benton Street and 39-43 St. George Street, the maximum Floor Space Ratio shall be 5.1.

A Holding Provision shall be applied to residential uses and will not be removed through a by-law amendment until such time as the City of Kitchener is in receipt of an Noise Study and implementation measures have been reviewed and approved by the Region of Waterloo.

- b) Map No. 11 – Secondary Plan – Cedar Hill Neighbourhood Plan for Land Use is amended by designating the lands, municipally addressed as 93-99 Benton Street and 39-43 St. George Street, as 'Medium Density Commercial Residential with Special Policy Area 9' instead of 'Medium Density Commercial Residential', as shown on the attached Schedule 'A'.

APPENDIX 1

# NOTICE OF PUBLIC MEETING

for a development in your neighbourhood  
93-99 Benton Street and 39-43 St. George Street



Concept Drawing

## Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **December 4, 2023**  
Location: **Council Chambers,  
Kitchener City Hall  
200 King Street West  
or Virtual Zoom Meeting**

Go to [kitchener.ca/meetings](http://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:

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

or contact:

**Eric Schneider, Senior Planner**  
[eric.schneider@kitchener.ca](mailto:eric.schneider@kitchener.ca)  
519.741.2200 x7843



Mixed Use



13 Storeys



43 Car &  
92 Bicycle  
Parking Spaces

The City of Kitchener will consider applications for an Official Plan Amendment and a Zoning By-law Amendment to facilitate the redevelopment of the site. The existing two-storey multiple residential dwellings are proposed to be removed and a new 13-storey mixed use building is proposed. The proposed building has a Floor Space Ratio of 5.1, ground floor commercial space, and 99 dwelling units on the upper floors. A total of 43 parking spaces are proposed.

APPENDIX 2

Minutes of the Meeting of Planning and Strategic  
Initiatives Committee – December 4, 2023

APPENDIX 3

Minutes of the Meeting of City Council – December 11,  
2023