

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

CITY OF KITCHENER
507 Frederick Street, 40, 44 Becker Street &
Plan 42, Pt Lots 27 to 30, RP 58R-15854 Pt 1

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AMENDMENT NO. __ TO THE OFFICIAL PLAN
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SECTION 1 – TITLE AND COMPONENTS

This amendment shall 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 change the land use designation on Map 3 for properties located on Becker Street, which are proposed to be added to the lands containing an existing funeral home, and to add a new site-specific policy area to Section 5.D.12 and amend Map 5 to permit one crematorium/cremator unit as a permitted accessory use to a funeral home.

The purpose of the Official Plan Amendment is to amend:

- Map 3 is amended by changing the land use designation of 40, and 44 Becker Street, as well as the triangle-shaped portion of land west of Becker Street and north of Fife Avenue, legally described as Plan 42, Pt Lots 27 to 30, RP 58R-15854 Pt 1 from 'Low Rise Residential' to 'Commercial'.
- Map 5 is amended by adding Specific Policy Area 58 to 507 Frederick Street, 40, and 44 Becker Street, as well as the triangle-shaped portion of land west of Becker Street and north of Fife Avenue, legally described as Plan 42, Pt Lots 27 to 30, RP 58R-15854 Pt 1, to permit a crematorium/cremator use on all lands.
- Adding Policy 15.D.12.58 to Section 15.D.12 to permit one crematorium/cremator unit as a permitted accessory use to a funeral home:

SECTION 3 – BASIS OF THE AMENDMENT

Planning Analysis:

Provincial, Regional, and City planning policy provide guidance that must be considered when evaluating changes in land use permissions as discussed below.

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 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.

Provincial Policy Statement (PPS)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

Section 3(5) of the Planning Act requires that a decision of the council of a municipality shall be consistent with the policy statement that are in effect on the date of decision and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The PPS focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

Policy 1.1.1 of the PPS states that, "Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting 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; and
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The PPS notes that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets, and policy 1.1.3.1 states that settlement areas shall be the focus of growth and development. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which;

- a) efficiently use land and resources; and
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.2.6.1 notes that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

Funeral homes and crematoriums are necessary uses in a City to ensure that end of life accommodations for residents can be addressed. The Owner has indicated that the use of the cremation facility, located at Williamsburg Cemetery, does not suit their future needs, and a new facility is required. An on-site facility is desirable to reduce the number of trips required to complete an end of life service. An on-site facility will reduce vehicle trips across the City.

The Owner has completed several studies, including a Land Use Compatibility Study, Emission Summary and Dispersion Modelling (ESDM) Report, and an Acoustic Assessment Report, which were submitted to the City and the Region of Waterloo to demonstrate that their proposed crematorium will meet Provincial standards and that there will be no adverse impacts to surrounding lands.

As a Zoning By-law amendment application is required to add a crematorium use, the City and the Region of Waterloo were able to undertake the review of the crematorium proposal through the planning application public process. The City retained RWDI Consultants to peer review the reports submitted by Trinity Consultants on behalf of the Owner. As confirmed through the peer review process, the proposed mitigation will include:

- A requirement for the installation and maintenance of two 3 metre high noise walls adjacent to 133 Ann Street,
- Site specific zoning regulations limiting the site to one cremator that is 56 metres from a residential property,
- Enhanced landscape materials along the rear yards of Ann Street to provide additional screening,
- Periodic air quality testing of the cremation unit to ensure it operates optimally and in compliance with the MECP Environmental Compliance Approval (ECA), and
- A 1.2 metre high parapet atop the roof along the perimeter of the building to provide noise attenuation to rooftop mechanical equipment.

Planning staff is of the opinion that with the proposed mitigations listed above, the recommended zoning by-law amendment and Site Specific Provision (357) is consistent with the PPS.

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

The Growth Plan's strong emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the urban area.

The Growth Plan directs Planning authorities in the Region of Waterloo to plan for a population of 923,000 people and 470,000 jobs by 2051. This would mean a population increase of approximately 299,070 in comparison to the Region's 2020 population of 623,930.

The Growth Plan notes that complete communities should be designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. Complete communities support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through building compact, mixed-use communities.

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of a changing climate. The Province of Ontario has committed to reduce greenhouse gas emissions by 30 per cent below 2005 levels by 2030. Kitchener has committed to a 50% reduction of greenhouse gas emissions by 2030.

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
- g) integrate green infrastructure and appropriate low impact development.

Expanding the existing funeral home within the Community Node will allow for additional end of life services at the existing location. Funeral homes and crematoriums are required for end of life services for the growing population of the City and Region. Expanding the existing building with a modest building addition will reduce the total amount of construction materials required for a

new facility located elsewhere. The subject lands have good access to the transportation network, including public transit and the road network, including the expressway. Planning staff are of the opinion that the recommended zoning by-law amendment conforms to the Growth Plan.

Regional Official Plan (ROP)

On August 18, 2022, the Regional Municipality of Waterloo adopted Regional Official Plan (ROP) Amendment 6. The ROP Amendment No. 6 is now before the Minister of Municipal Affairs and Housing for a decision in accordance with Sections 17 and 26 of the Planning Act. As such, ROP Amendment No. 6 is now posted on the Province's Environmental Registry (ERO) website, and comments from the public will be accepted until January 4, 2023.

The subject lands are designated "Urban Area" and "Built-Up Area" in the Regional Official Plan (ROP). The Urban Area designation of the ROP has the physical infrastructure and community infrastructure to support major growth and social and public health services.

A key objective of ROP Amendment No. 6 is to accommodate forecasted growth by building 15-minute neighbourhoods. These are compact, well-connected places where people can meet their daily needs for goods, services, and employment within a 15-minute trip from home by walking, cycling, and rolling, and where other needs can be met by using direct, frequent, and convenient transit. F

Section 2.D.1 of the ROP states that in preparing or reviewing planning studies, or in reviewing development applications or site plans, the Region and/or Area Municipalities will ensure that development occurring within the Urban Area is planned and developed in a manner that:

- a) Supports the Planned Community Structure described in this Plan;
- b) Is serviced by a municipal drinking-water supply system and a municipal waste-water system;
- c) Contributes to the creation of complete communities with development patterns, densities and an appropriate mix of land uses that supports walking, cycling and the use of transit;
- d) Protects the natural environment, and surface water and groundwater resources;
- e) Conserves cultural heritage resources and supports the adaptive reuse of historic buildings;
- f) Respects the scale, physical character and context of established neighbourhoods in areas where reurbanization is planned to occur;
- g) Facilitates residents' access to locally grown and other healthy foods in neighbourhoods; and
- h) Promotes building designs and orientations that incorporate energy conservation features and the use of alternative and/or renewable energy systems.

Section 2.D.6.1 of ROP Amendment No. 6 states that in addition to the general development policies, the Region and the area municipalities will apply the following transit supportive development criteria in reviewing and evaluating development applications or site plans, within strategic growth areas and other intensification areas identified by the area municipality:

- (a) creates an interconnected, multimodal street pattern that prioritizes walking, cycling, and rolling, and taking transit over automobile trips, and supports vibrant mixed-use developments;
- (b) supports a more compact built form that locates the majority of transit supportive uses within a comfortable walking distance of a transit stop or Major Transit Station Area;
- (c) provides an appropriate mix of land uses, including a range of food destinations, local services and amenities to meet peoples' daily needs for living;

- (d) promotes medium and higher-density development as close as possible to the transit stop to support higher frequency transit service and optimize transit rider convenience;
- (e) supports a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and
- (f) provides access from various transportation modes to the transit facility, including consideration of pedestrian, bicycle parking, and where applicable, passenger transfer and commuter pick-up/drop off areas.

Section 2.G.10 of the Regional Official Plan requires the City of Kitchener to establish policies within their Official Plan to minimize the impact of Sensitive Land Uses and potential incompatible land uses from each other.

Section 2.I.1 of ROP Amendment No. 6 requires the Region and the area municipalities to ensure that major facilities and sensitive land uses are planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures. Section 2.I.1.2 outlines the same criteria in the PPS above to determine where avoidance is not possible.

Regional staff recommended prohibiting new sensitive uses until such time that a record of site condition is completed and acknowledged by the Minister. This provision is included in the site-specific zoning proposed by Planning staff with this application.

Planning staff is of the opinion that the applications conform to the Region of Waterloo Official Plan. Regional staff have no concerns with the peer review undertaken by RWDI for the proposed installation of a Facultative FT-III cremator on the subject lands, subject to the mitigation criteria outlined above in the PPS section of this report.

Regional Planning staff have no objections to the proposed applications and provided comments (Appendix E) that will be taken under advisement for future development applications.

City of Kitchener Official Plan

The vision of the City's Official Plan states *"Together we will build an innovative, vibrant, attractive, safe, complete and healthy community contributing to an exceptional quality of life."* A complete community creates and provides access to a mix of land uses including a full range and mix of housing types. 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. 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.

Urban Structure

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 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. Policy 3.C.2.1 states that lands within Urban Structure Components will be designated an appropriate land use to achieve their planned function. The policies pertaining to

each Urban Structure component stipulate what the applicable land use designations may include.

The lands are identified as a Community Node and Community Area in the Official Plan. Community Nodes are located along existing or planned transit corridors. The planned function of Community Nodes is to provide for commercial uses with a mix of residential and institutional uses necessary to support and complete surrounding residential communities. Community Nodes primarily serve an inter-neighbourhood market and are intended to intensify, be transit-supportive and cycling and pedestrian-friendly.

Commercial Land Use Designation

Lands designated as 'Commercial' are intended to provide for a range of retail and service commercial uses that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. A funeral home is a permitted use for lands designated as Commercial within a Community Node.

Noise, Vibration, Light and Other Emissions

An objective in the Official Plan is to minimize and mitigate land use conflicts between sensitive land uses, and noise, vibration and emission sources in accordance with all applicable Provincial, Regional and City regulations and guidelines. The City has regard for the Provincial Land Use Compatibility Guidelines relating to noise, vibration, odour and particulate matter when considering the siting of sensitive land uses.

Official Plan Conclusions

Planning staff is recommending approval of the Official Plan Amendment and Zoning By-law Amendment application to permit the expansion of the existing funeral home use and the establishment of a crematorium use. The existing funeral home is a permitted use in the Official Plan and Zoning By-law and the Owner has submitted the required land use compatibility reports to satisfy Provincial requirements for a crematorium use. Funeral homes are permitted within Community Nodes and the planned function of Community Areas is to provide for residential uses as well as non-residential supporting uses intended to serve the immediate residential areas.

The property municipally addressed as 507 Frederick Street is designated as 'Commercial' and the four Becker Street properties (triangle shaped property and 40, and 44 Becker Street) are designated as 'Low Rise Residential' in the City's Official Plan. A portion of lands form part of a Community Node in the City's Urban Structure.

Planning staff are supportive of amending the land use designation of 40, and 44 Becker Street, as well as the triangle-shaped portion of land), from 'Low Rise Residential' to 'Commercial'.

For clarity, Planning staff are recommending adding Specific Policy Area 58 in the Official Plan to permit a crematorium/cremator use as an accessory use to a funeral home use. While Zoning By-law 2019-051 lists a crematorium and funeral homes as separate uses, the Official Plan does not list the two uses separately. Funeral home is not a defined term in the Official Plan.

SECTION 4 – THE AMENDMENT

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

- a) Amend Map No. 3 – Land Use by:
 - i) Designating the lands municipally known as 40 and 44 Becker Street, as well as the triangle-shaped portion of land west of Becker Street and north of Fife Avenue, legally described as Plan 42, Pt Lots 27 to 30, RP 58R-15854 Pt 1 as ‘Commercial’ instead of ‘Low Rise Residential’, as shown on the attached Schedule ‘A’.
- b) Amend Map 5 – Specific Policy Area by:
 - i) Adding Specific Policy Area 58 to lands municipally known as 507 Frederick Street, 40 and 44 Becker Street, as well as the triangle-shaped portion of land west of Becker Street and north of Fife Avenue, legally described as Plan 42, Pt Lots 27 to 30, RP 58R-15854 Pt 1, as shown on the attached Schedule ‘B’.
- c) Amend Policy 15.D.12 by adding Policy 15.D.12.58 as follows:

“15.D.12.58 ***507 Frederick Street and 40 and 44 Becker Street***

Notwithstanding the Commercial land use designation and policies on the lands municipally known as 507 Frederick Street and 40 and 44 Becker Street, and a triangular-shaped parcel of land west of Becker Street and north of Fife Avenue, one crematorium/cremator unit will be permitted as an accessory use to a funeral home.”

APPENDIX 1: Notice of the Planning & Strategic Initiatives Committee Meeting (January 9, 2023)

NOTICE OF PUBLIC MEETING
for a development in your neighbourhood
507 Frederick Street & 40-48 Becker Street



Have Your Voice Heard!



Concept Drawing

Date: **January 9, 2023**
Time: **To be determined**
Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

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

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)**

or contact:

Garett Stevenson, Interim Director
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garett.stevenson@kitchener.ca



Funeral
Home



Crematorium/
Cremator



Reduced
Setbacks to
Becker Street

Official Plan and Zoning By-law Amendments will be considered to change the land use designation and zoning for 40-48 Becker Street to permit commercial uses, including a funeral home. Special zoning regulations are also proposed for reduced setbacks from Becker Street. These properties, along with 507 Frederick Street, are also proposed to permit a Crematorium/Cremator as a permitted use.

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (January 9, 2023)

APPENDIX 3 - Minutes of the Meeting of City Council (January 30, 2023)

APPENDIX 4 - Minutes of the Meeting of City Council (February 27, 2023)

APPENDIX 5 - Minutes of the Meeting of City Council (March 20, 2023)