

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

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CITY OF KITCHENER

134-152 Shanley Street

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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 amend:

- Map 3 -Land Use by redesignating lands from Low Rise Residential to Medium Rise Residential..
- Map 5 - Specific Policy Areas to add the lands at 134 Shanley Street to Specific Policy Area No. 18.
- Site Specific Policy 15.D.12.18. to permit a maximum Floor Space Ratio (FSR)of 3.0 and a maximum Building Height of 27.75 metres:

**SECTION 3 – BASIS OF THE AMENDMENT**

**Planning Analysis:**

**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 and rapid 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 multiple dwelling development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a multiple dwelling development that is compatible with the surrounding community 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 forgoing, 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) Municipalities will support housing choice through the achievement of the minimum intensification and 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.

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.

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 Official Plan. In the Official Plan on Map 2 – Urban Structure the lands appear within the MTSA circle for the Central station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, the MTSA's boundaries were endorsed by Regional Council and these lands are within the MTSA. The proposed development represents intensification and will help the City achieve density targets. 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. The multiple dwelling development is also proposed to include several unit types with direct access to Duke Street and Shanley Street, increasing the variety of housing options for future residents. Planning staff is of the opinion that the applications conform to the Growth Plan.

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

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

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 and proposed Official Plan Amendment:**

The subject lands are designated 'Low Rise Residential' (Map 3) in the 2014 Official Plan with Specific Policy Area No. 18 applying to 152 Shanley Street. The existing Low Rise Residential land use designation permits a full range of low-density housing types which may include single detached dwellings, semi-detached dwellings, street townhouse dwellings, and low-rise multiple. Specific Policy Area No. 18 applies to 152 Shanley street and allows for a maximum building height of 14.0 metres, and a maximum Floor Space Ratio (FSR) of 2.0.

The applicant is proposing to change the land use designation to Medium Rise Residential and to amend Specific Area Policy No. 18. The Medium Rise Residential designation permits medium density housing types including townhouse dwellings in a cluster development, multiple dwellings and special needs housing. The applicant is proposing to apply Site Specific Policy Area No. 18 to both 134 and 152 Shanley Street and to amend Policy 15.D.12.18 to allow for a maximum Floor Space Ratio (FSR) of 3.0 and a maximum building height of 27.75 metres whereas the Medium Rise Residential policies permit a maximum Floor Space Ratio of 2.0 and a maximum building height of 8 storeys or 25 metres. The increase in building height is to accommodate taller 4.5 metre ground floor units that could be converted into non-residential uses in the future.

### 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 transit and rapid 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 policies for a Major Transit Station Area but also contributes to the vision for a sustainable and more environmentally friendly city.

### 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 – A key design feature of the proposed development are street fronting townhouse style units fronting onto Duke Street and Shanley Street. The ground floor units are proposed to

incorporate balconies, porches and raised patio areas along Duke and Shanley Street. The raised patios included enhanced landscaping plantings. These units will have direct pedestrian connections to the sidewalk to animate both streets.

**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.

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

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a building that will be developed at a scale that is compatible with the existing and planned surroundings. The front yard setbacks of the proposed building are compatible with existing adjacent properties. Building setbacks are provided to mitigate overlook issues with adjacent residential properties. Townhouse-style units with covered porches (below upper unit balconies) and raised patios are proposed in the front and exterior side yards of the site to enhance the human scale within the development along Shanley Street and Duke Street. Enhanced screening such as landscaping and a 2.44 metre tall fence (8 foot visual barrier) will be required where the surface parking is adjacent to low-rise residential uses and public spaces.

#### Transportation

The Official Plan provides for 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 close to public transit routes, and within 800 metres (about a 10-minute walk) of a rapid transit station. The building has excellent access to cycling networks, including existing on and off-street cycling facilities, including the Spur Line Trail. 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.

#### Cultural Heritage

The subject property is not listed or designated under the Ontario Heritage Act (OHA) but is identified on the Heritage Kitchener Inventory of Historic Buildings as a property of interest, and is located within the Mt. Hope/Breithaupt/Gruhn/Gildner Green Neighbourhood, a Cultural Heritage Landscape (CHL), as described in appendix 5 of the 2014 Cultural Heritage Landscape Study approved by Council in 2015. The CHL Study identifies the neighbourhood as a Cultural Heritage Landscape of Considerable Value and Significance. Phase 2 of the City's CHL Study has not been completed for this CHL, so appropriate conservation tools (e.g. designation under the OHA) have not yet been identified. As a result, based on definitions in the Planning Act and PPS, the CHL does not meet the definition of a protected heritage property. But it is still a significant CHL.

A Salvage, Reuse and Commemoration Plan is required through the site plan process which requires the applicant to incorporate materials from the original Electrohome building. The applicant has retained original building materials from the former Electrohome building which will be incorporated into the new building.

#### Housing

The City's primary objective with respect to housing is 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 range of dwelling units available in the city. The development is contemplated to include a

range of unit types including, one, two and three bedroom units. Furthermore 'townhouse-style' ground floor units will be designed to have direct access to the sidewalks along Duke and Shanley street, and the range of units will appeal to a variety of households.

### Conclusion

The amendment as proposed herein is consistent with the objectives of the Provincial Policy Statement, conform with Policies of the Growth Plan for the Greater Golden Horseshoe, and conforms to the Regional Official Plan and policies of the City's Official Plan. Staff are of the opinion that the proposed Official Plan Amendment represents good planning, and recommends that the proposed Official Plan Amendment be approved.

### **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 Area of Amendment as 'Medium Rise Residential' instead of 'Low Rise Residential', as shown on the attached Schedule 'A';
- b) Amend Map No. 5 – Specific Policy Areas by:
  - i. Adding Specific Policy Area No. 18 to the Area of Amendment, as shown on the attached Schedule 'B'; and
- c) Amend Site Specific Policy 15.D.12.18 as follows:
  18. **134 and 152 Shanley Street**

Notwithstanding the Medium Rise Residential land use designation and policies of the lands located at 134 and 152 Shanley Street:

- a) the maximum Floor Space Ratio will be 3.0;
- b) the maximum building height will be 28 metres; and
- c) A Holding provision pursuant to Section 17.E.13 will apply to residential uses, day care uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region.

APPENDIX 1: Notice of the Planning & Strategic Initiatives Committee Meeting (February 7, 2022)

**PROPERTY OWNERS AND INTERESTED PARTIES ARE INVITED  
TO ATTEND A PUBLIC MEETING TO DISCUSS  
PROPOSED OFFICIAL PLAN & ZONING BY-LAW AMENDMENTS  
UNDER SECTIONS 17, 22 & 34 OF THE PLANNING ACT**

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (February 7, 2022)

APPENDIX 3 - Minutes of the Meeting of City Council