

**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** August 11, 2025

**SUBMITTED BY:** Garrett Stevenson, Director of Development and Housing Approvals, 519-783-8922

**PREPARED BY:** Andrew Pinnell, Senior Planner, 519-783-8915

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** July 25, 2025

**REPORT NO.:** DSD-2025-310

**SUBJECT:** Official Plan Amendment Application OPA25/005/F/AP  
Zoning By-law Amendment Application ZBA25/011/F/AP  
132 Fairway Road North  
Maxwell Building Consultants Ltd.

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## RECOMMENDATION:

That Official Plan Amendment Application OPA25/005/F/AP for Maxwell Building Consultants Ltd. requesting to add *Specific Policy Area 83* to permit a multiple dwelling with a Floor Space Ratio of 1.33 on the parcel of land specified and illustrated on Schedule 'A', be approved, in the form shown in the Official Plan Amendment attached to Report DSD-2025-310 as Attachment 'A'; and

That Zoning By-law Amendment Application ZBA2/011/F/AP for Maxwell Building Consultants Ltd. be approved in the form shown in the Proposed By-law and Map No. 1 attached to Report DSD-2025-310 as Attachment 'B'; and further

That the *Revised Urban Design Brief*, prepared by GSP Group Inc., dated July 2025, attached as Attachment 'C' to report DSD-2025-310, be endorsed, and that staff be directed to implement the *Revised Urban Design Brief* through a future Site Plan Application Approval process and, at the discretion of the City's Director of Development and Housing Approvals, significant changes to the *Revised Urban Design Brief* will be to the satisfaction of Council.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) Applications for the subject property, addressed as 132 Fairway Road North. It is Development and Housing Approvals (DHA) staff's recommendation that the OPA and ZBA be approved and the *Revised Urban Design Brief* be endorsed.

- The requested amendments support the redevelopment of the lands with a 3-storey multiple dwelling consisting of 26 dwelling units, in place of a single detached dwelling. All dwelling units are proposed to be provided as rental affordable housing.
- Community engagement included:
  - A preliminary postcard notice and Neighbourhood Meeting invitation was mailed to all residents and property owners within 240 metres of the subject property;
  - Installation of two notice signs on the property;
  - Follow-up communication with respondents;
  - Virtual Neighbourhood Meeting held on June 18, 2025;
  - Postcard advising of the statutory public meeting was forwarded to all residents and property owners within 240 metres of the subject property and those who responded to the preliminary notice;
  - Notice of the public meeting was published in The Record on July 18, 2025.
- This report supports the delivery of core services.
- The applications were deemed complete on May 13, 2025. The Applicant can appeal these applications for non-decision after September 10, 2025.

### **EXECUTIVE SUMMARY:**

The owner of the subject property, addressed as 132 Fairway Road North, is requesting to amend the Official Plan and Zoning By-law, to facilitate redevelopment of the property with a “missing middle” housing, comprised completely of affordable units, in the form of a low-rise multiple dwelling. The proposed 3-storey building would contain a total of 26 dwelling units, comprising both studio and 1-bedroom units. The building has a flat roof design and an articulated parapet around the perimeter to add visual interest to the building. A total of 8 parking spaces are proposed at the rear of the property, with access off Jansen Avenue.

To facilitate the development concept, the applicant is requesting an Official Plan Amendment (OPA) to add a Site Specific Policy Area to permit a Floor Space Ratio of 1.33. In addition, the applicant is requesting a Zoning By-law Amendment (ZBA) to change the zoning of the subject property to permit a multiple dwelling and further regulate various zoning provisions, such as Floor Space Ratio, minimum-maximum front yard setbacks, minimum exterior and interior setbacks, private patio areas, and parking.

Development and Housing Approvals Staff is recommending that the applications be approved.

### **BACKGROUND:**

The City of Kitchener has received owner-initiated Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) Applications to facilitate redevelopment of the lands with a 3-storey multiple dwelling consisting of 26 dwelling units, all of which are proposed to be provided as rental affordable units. The OPA would retain the existing ‘Low Rise Residential’ land use designation and add a Site Specific Policy Area to permit a multiple dwelling with a Floor Space Ratio of 1.33. The ZBA would amend the zone category of the property under Zoning By-law 2019-051 from ‘RES-4’ to ‘RES-5’ with a Site Specific Provision. The requested zoning would permit a multiple dwelling and would further regulate various zoning provisions such as Floor Space Ratio, minimum-maximum front yard setbacks, minimum exterior and interior setbacks, private patio areas, and minimum parking requirements. Details of the amendments are outlined in the report, below.

The property is currently owned by Maxwell Building Consultants and will be conveyed to partner not-for-profit Eleven Housing Corporation. Eleven Housing Corporation has applied for and received approval for the City's affordable housing incentive programs including the Not-for-Profit Affordable Rental and Co-op Housing Incentive (pilot grant program) and the Affordable Rental Housing Fee Waiver. All proposed units qualify as affordable housing, will be managed by a not-for-profit, and will maintain affordability for a minimum period of 25 years.

**Site Context:**

The subject property is addressed as 132 Fairway Road North and is owned by Maxwell Building Consultants Ltd. The property is located at the intersection of Jansen Avenue and Fairway Road North, in the Centreville Chicopee Planning Community. The property has approximately 21.7 metres of frontage on Fairway Road North, and 47.9 metres of frontage on Jansen Avenue. The subject property is 952 square metres in area (1/4 of an acre) and is developed with a single detached dwelling (raised bungalow) constructed in approximately 1966. The dwelling was vacant when it was purchased by the current owner in August 2024 and continues to be vacant.



**Figure 1 - Location Map: 132 Fairway Road North**

The subject property is well-connected to transit and alternative transportation facilities, being located on local GRT routes 1 and 23, within 350 metres of iXpress route 206 and local routes 8 and 27, and within 1.5 kilometres of the Fairway ION Station. The Dom Cardillo Trail is located approximately 620 metres to the northeast.

The immediately surrounding area is comprised primarily of a mix of residential land uses, including single detached dwellings, semi-detached dwellings, townhouses, low-rise apartment buildings. Howard Robertson Public School is located on the opposite side of

Fairway Road North. Oaten Park is located approximately 250 metres to the northwest, while Idlewood Park is located 900 metres to the north.

It should be noted that in 2024, a property on the opposite side of Jansen Avenue, addressed as 179 Jansen Ave was the subject of a recent Zoning By-law Amendment Application and Site Plan Application, to permit the development of a 56-unit stacked townhouse complex. It is anticipated that final site plan approval will be granted in the near future, which will allow building permits to be issued.

## **REPORT:**

### **Proposed Development Concept**

The applicant is proposing to redevelop the subject property with a low-rise apartment building (Multiple Dwelling). The building is proposed to have a building height of 3-storeys (9.9 metres) and contain a total of 26 dwelling units (combination of studio and 1-bedroom dwelling units), all of which are proposed to be provided as rental affordable housing.

The owner is seeking to qualify for financing through CMHC, which requires at least 20% of units to have rents below 30% of the median total income of families and the total residential rental income must be at least 10% below its gross achievable residential income in order to qualify. All 26 proposed dwelling units are considered *affordable* under the Provincial Planning Statement definition:

in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
2. a unit for which the rent is at or below the average market rent of a unit in the municipality.

Within an updated document entitled, *Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin*, the Ontario Provincial Government outlines “the market-based (that is, average purchase prices and market rents) and income-based thresholds that are to be used to determine the eligibility of a residential unit for an exemption from development charges and exclusions from the maximum community benefits charge and parkland dedication requirements.” This document states that, for Kitchener, the maximum monthly affordable rent for a ‘bachelor’ (i.e., studio) unit is \$1,210 and \$1,382 for 1-bedroom units. By comparison, the owner of the subject property advises that the studio units are scheduled to be rented at \$860 per month (\$350 less expensive), and the 1-bedroom units are scheduled to be rented at \$1,139 per month (\$243 less expensive).

The proposed building will have a flat roof design and an articulated parapet around the perimeter to add visual interest to the building. The building will also have a raised basement to allow windows to encroach above grade level, allowing light to enter the basement units. The 3rd floor will include a small (17.0 sq.m / 183 sq.ft.) exterior amenity area that faces Jansen Avenue. Laundry facilities are proposed on-site. The principal entrance is to be provided to Jansen Avenue through a private vestibule and elevator lobby.

The building will have a bike storage room on the basement floor, with 28 Class A Bicycle Parking Stalls (secure, long-term parking) and 6 Class B Bicycle Parking Stalls (secure, short-term parking) fronting Jansen Avenue.

The preliminary design of the units vary in size from 22.3 square metres (240 sq.ft.) to 33.6 square metres (362 sq.ft.). The applicant advises that the proposed development will achieve accessibility to minimum building code standards, include rainwater harvesting and rooftop solar panels, and target an energy efficiency that is 35 percent better than current building code.

All parking spaces, a total of eight (8) parking spaces, are proposed at the rear of the property (furthest area from Fairway Road), with a single driveway access off Jansen Avenue. The parking comprises 5 standard parking spaces, 3 visitor parking spaces, one barrier-free space (Type A), and 2 compact spaces. Four (4) of the parking spaces are located below a cantilevered portion of the building (second and third storeys), while the other four (4) are fully outdoor spaces.

Table 1, below, highlights the development concept statistics while Figures 2, 3, 4, 5, and 6 show the conceptual site plan and renderings.

	<b>Development Concept</b>
<b>Number of Dwelling Units</b>	26 units – all affordable housing, rental, studio and 1-bedroom units
<b>Parking Spaces</b>	8 spaces (4 spaces below a cantilevered portion of the building; 4 fully outdoor)
<b>Building Height</b>	9.9 metres, excluding architectural features which are not counted towards building height
<b>Class A Bicycle Parking (within an enclosed, secure area with controlled access)</b>	28 stalls within a dedicated basement bicycle room, with access to an elevator
<b>Class B Bicycle Parking (short-term)</b>	6 stalls (outdoor; at-grade; facing Jansen Avenue)
<b>Floor Space Ratio</b>	1.33
<b>Landscaped Area</b>	282.9 square metres (33.5%)

**Table 1 – Proposed Development Concept Statistics**

[illegible]

**Figure 3 – Conceptual Rendering showing the proposed building, looking north from the intersection of Jansen Ave and Fairway Rd N.**



**Figure 4 – Conceptual Rendering showing the proposed building, looking southeast from Jansen Ave.**





**Figure 5 – Conceptual Rendering showing the proposed building, looking south.**



**Figure 6 – Conceptual Rendering showing the proposed building, looking west from Fairway Rd N.**





To facilitate the proposed development concept, an OPA is required to add a Site Specific Policy Area to permit a multiple dwelling with a Floor Space Ratio of 1.33. Also, a ZBA is required to change the zoning of the subject property since, for example, the current zoning does not permit multiple dwellings and requires 1 parking space per dwelling unit. The current Official Plan policies and zoning would not allow the proposed development concept. The details of the OPA and ZBA are discussed in detail in the *Requested Official Plan Amendment* and *Requested Zoning By-law Amendment* sections of this report.

### **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,

- e) The supply, efficient use and conservation of energy and water;
- 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 Planning Statement, 2024, 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 Planning Statement, 2024 and to ensure Provincial policy is adhered to.

#### **Provincial Policy Statement, 2024**

The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS 2024 came into force on October 20, 2024.

According to the Province, the PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. It enables municipalities to:

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready
- foster the long-term viability of rural areas
- protect agricultural lands, the environment, public health and safety

Sections 2.1.6 and 2.3.1.3 of the PPS 2024 promote planning for people and homes and supports planning authorities to support general intensification and redevelopment while achieving complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

Section 2.2.1 requires that Planning authorities provide for a range and mix of housing options and densities to meet projected needs of current and future residents. One way this is accomplished is by “permitting and facilitating: 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification...for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units...”

In this regard, Development and Housing Approvals (DHA) staff is of the opinion that the requested amendments are consistent with the PPS 2024; they will facilitate residential redevelopment of the property with affordable housing.

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

The subject property is located in the Urban Area and Delineated Built Up Area in the 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.

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. 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 requested amendments conform to the ROP by facilitating compact, well-connected development that will assist in transitioning the existing neighbourhood into a 15-minute neighbourhood. Moreover, the requested amendments will assist in diversifying the range of housing within the neighbourhood, in this case by providing affordable housing units that are easily accessed by nearby transit, pedestrian, and cycling facilities.

Regional staff has advised that they have no objections to the requested amendments, subject to a provision in the amending by-law prohibiting geothermal energy systems. In this regard, the recommended ZBA implements the Region's request.

### **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. The subject property is identified on Map 2 – Urban Structure of the City's Official Plan (OP) as 'Community Areas'. The OP states that "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." This urban structure component allows for limited intensification in accordance with the applicable land use designation and the Urban Design Policies in Section 11. In addition, "development must be sensitive to and compatible with the character, form and planned function of the surrounding context."

The subject proposal would facilitate the planned function by providing residential use through intensification that is sensitive to and compatible with the surrounding context. The requested amendments would facilitate low rise residential development that is compatible in height and massing with the adjacent neighbourhood.

DHA staff is of the opinion that the requested OPA and ZBA will support redevelopment that conforms to the City's Community Areas' policies.

#### *Housing Policies*

The City's Official Plan contains numerous housing-related objectives and policies that apply to the subject proposal, for example:

- 4.1.1. 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.
- 4.C.1.6. The City will identify and encourage residential intensification and/or redevelopment, including adaptive re-use and infill opportunities, including additional dwelling units, attached and detached, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure.
- 4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a

redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:

- a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard.
- b) Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood.
- d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.
- e) The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.

4.C.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.

4.C.1.12. 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.

4.C.1.19. The City will encourage and support affordable housing to locate in close proximity to public transit, commercial uses and other compatible non-residential land uses, parks and community facilities and have convenient access to community, social and health services.

In this regard, DHA staff is satisfied that the subject proposal would facilitate an increased range and mix of housing types within the neighbourhood, noting that there are few low-rise multiple dwellings in the neighbourhood on a small footprint, as is proposed. Being an affordable housing project, the proposal is also consistent with the City-supported principle that housing assistance be provided to community members who have difficulty accessing safe, suitable, and affordable housing. As has been established above, this proposed affordable housing development is well-connected to transit and alternative transportation

facilities, and several commercial plazas are within a 5-7 minute walking distance, while Fairview Mall and supermarkets are within a 15-minute walking distance.

The requested Site Specific Provision will facilitate a development concept that is appropriate in massing and scale and is compatible with the surrounding built form. Also, the request to modify the required front yard setbacks for the proposed building will not negatively impact the neighbourhood character or streetscape.

It should be noted that compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”. Rather, it means uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable adverse effects. City Urban Design Staff has reviewed the proposal and *Revised Urban Design Brief* submitted in support of the applications against the City’s Urban Design Manual and is supportive of the proposal. DHA staff is recommending that the *Revised Urban Design Brief*, be endorsed by Council and that staff be directed to implement the *Revised Urban Design Brief* through a future Site Plan Application Approval process.

Through the application review phase, staff worked with the applicant to reduce the number of windows on the east side of the proposed building (adjacent to 136 Fairway Road North) where a slightly reduced minimum interior side yard setback is requested (from 3.0 metres to 2.4 metres), to prevent overlook and mitigate privacy impacts to acceptable levels, while ensuring that sufficient light enters the proposed dwelling units for tenants. It should also be noted that the single detached dwelling at 136 Fairway Road North only has two windows that face the subject property.

As a space-saving alternative to providing an at-grade amenity space, a common amenity space is proposed within a recessed portion of the 3<sup>rd</sup> floor, to provide compatible on-site recreational space for residents.

Furthermore, Transportation Services Staff do not have any concerns with the provision of 8 parking spaces for this development, noting that affordable housing does not generate the higher parking demand of non-affordable housing developments. Also, as noted above, the subject property is well-connected to transit and alternative transportation facilities. The number of Class A Bicycle Parking Stall provided far exceeds the minimum By-law requirement and exceeds the number of proposed dwelling units.

In addition, Section 4.15.7a) of the Zoning By-law states, “...for any public use containing dwelling units that qualify as affordable housing as defined in the Provincial Planning Statement:...c. Minimum parking space requirements of Table 5-5 shall not apply. The proposed units meet the definition of affordable housing in the PPS 2024, but the use is not considered a “public use”, because it is not being established “...by or on behalf of, or in partnership with, the Federal or Provincial governments, the Region, the Grand River Conservation Authority, or the City.” If the same proposal was being sought by, for example, Kitchener Housing, then no parking would be required under the Zoning By-law.

Lastly, the proposed residential redevelopment responds to changing housing needs and assists in reducing infrastructure and servicing costs.

DHA staff is of the opinion that the requested OPA and ZBA will support redevelopment that conforms to the City's Housing policies.

### *Land Use Designation*

The subject property is currently designated 'Low Rise Residential' on Map 3 – Land Use of the City of Kitchener Official Plan. The 'Low Rise Residential' land use designation is intended to accommodate a full range of low density housing types, including single detached dwellings, additional dwelling units, semi-detached dwelling, street townhouse dwellings, cluster townhouses, low-rise multiple dwellings, special needs housing, and other forms of low density residential use. Within this designation, the City encourages and supports the mixing and integration of innovative and different forms of housing within a low-rise built form.

The 'Low Rise Residential' designation limits building height to 3 storeys or 11 metres. However, where a property has primary frontage on a Regional Road, a maximum building height of 4 storeys or 14 metres is permitted. In this case, while the property is located on Fairway Road North, which is a Regional Road. This would allow the possibility of a 4-storey building through a ZBA alone. Notwithstanding, the applicant has not requested a height increase for the proposed multiple dwelling.

Policy 15.D.3.11 states:

“A maximum *Floor Space Ratio* of 0.6 will apply to all development and redevelopment. Site-specific increases to allow up to a maximum *Floor Space Ratio* of 0.75 may be considered where it can be demonstrated that the increase in the *Floor Space Ratio* is compatible and meets the general intent of the policies in this Plan. An Official Plan Amendment will be required to consider an increase in the *Floor Space Ratio* greater than 0.75.”

In this case, a low-rise multiple dwelling is proposed with a Floor Space Ratio (FSR) of 1.33, despite the maximum FSR requirement of 0.75 (see section entitled, *Requested Official Plan Amendment*, below).

### **Requested Official Plan Amendment**

To facilitate the proposed development concept outlined in the *Proposed Development Concept* section of this report, the applicant is requesting an OPA to add a Site Specific Policy Area to permit a multiple dwelling with a Floor Space Ratio of 1.33, whereas the 'Low Rise Residential' land use designation permits a maximum FSR of 0.75. The 'Low Rise Residential' land use designation would be retained.

Floor Space Ratio (FSR) is a metric that is used to quantify the massing / bulk of a building, relative to the lot area. The formula for FSR is Building Floor Area (i.e., total floor area of all storeys of a building excluding below grade floor area) divided by lot area.

Despite the City's use in regulating massing / bulk through FSR regulations, there are other metrics / tools that can be used to quantify and regulate the perceived massing / bulk of a building. For example, within the current 'RES-4' Zone and requested 'RES-5' Zone,



other land uses do not employ FSR as a tool for regulating the massing / bulk of a building (e.g., single detached dwellings, semi-detached dwellings, street townhouses). Instead, the zoning uses maximum lot coverage, maximum building height, and minimum setbacks.

For these other uses, lot coverage is limited to 55% and building height is limited to 11.0 metres. If these metrics are applied to the subject proposal, it easily complies with a lot coverage of 36% and a building height of 9.9 metres. Furthermore, the required 7.5 metre minimum rear yard setback is easily achieved under both the current and requested zoning, with a proposed setback of 13.5 metres.

Lastly, although a Site Specific Provision in the zoning is requested for the minimum interior side yard setback (from 3.0 metres to 2.4 metres) for a multiple dwelling, if the proposal was for a single detached dwelling, semi-detached dwelling, or street townhouse, the setback would be easily achieved (1.2 metres is required, whereas 2.4 metres is proposed). Essentially, apart from a 0.5 metre deficiency in the minimum exterior yard setback and minimum front yard setback, a single detached dwelling with the same height, lot coverage, and interior side yard setback as the current proposal could be constructed on the subject property, without the need for Planning Act approvals.

It is important to reiterate that since the subject property is located on a Regional Road, it would be possible for the applicant to request a 4-storey building through a ZBA alone. Despite this, the applicant is not requesting such a ZBA and is instead seeking to develop a 3-storey building under the 'stock' RES-5 permissions.

For these reasons, DHA staff is satisfied that the requested OPA is appropriate.

## **Policy Conclusion**

DHA staff is of the opinion that the requested Official Plan Application is consistent with policies of the Provincial Policy Statement, 2024, the Regional Official Plan, and is appropriate within the greater policy context of City of Kitchener Official Plan.

## **Requested Zoning By-law Amendment**

To facilitate the proposed development concept outlined in the *Proposed Development Concept* section of this report, the applicant is requesting a Zoning By-law Amendment (ZBA). The property is currently zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. The applicant is requesting to change the zoning to 'Low Rise Residential Five Zone (RES-5)', primarily to add multiple dwelling as a permitted use. The ZBA would also add a Site Specific Provision.

A zoning comparison table is provided below. Bolded, red text with an asterisk under the 'Provided / Proposed' column denotes a deficiency and, consequently, the need for relief via a requested Site Specific Provision as part of the ZBA (see Table 2 – Zoning Comparison / Review Table)

**Table 2 – Zoning Comparison / Review Table**

	Requirement under Requested RES-5 Zone (for Multiple Dwelling)	Provided / Proposed (note: figures are pre-road-widening, per s.4.21).
Minimum Lot Area	495	952 m <sup>2</sup>
Minimum Lot Width (Fairway Rd N)	19.0 m	21.7 m
Minimum Front Yard Setback (Fairway Rd N)	7.2 m	<b>*5.9 m (note that the applicant is requesting a Minimum Front Yard of 5.5 metres to allow for flexibility in building placement).</b>
Maximum Front Yard Setback (Fairway Rd N)	9.2	<b>*5.9 m (note that the applicant is requesting a Maximum Front Yard Setback of 7.5 metres to allow for flexibility in building placement).</b>
Minimum Exterior Yard Setback (Jansen Ave)	4.5 m	<b>*4.0 m</b>
Minimum Interior Side Yard Setback (adjacent to 136 Fairway Rd N)	3.0 m	<b>*2.4 m</b>
Minimum Rear Yard Setback	7.5	13.5 m
Minimum Landscaped Area	20%	33.5%
Maximum Floor Space Ratio	0.6	<b>*1.33</b>
Maximum Building Height	11.0 m	9.9 m
Maximum number of storeys	3	3
Private Patio Area	For multiple dwellings, each dwelling unit located at ground floor level shall have a patio area adjacent to the dwelling unit with direct access to such dwelling unit.	<b>*Dwelling units located at <i>ground floor</i> level shall not be required to have a patio area adjacent to the <i>dwelling unit</i> with direct access to such <i>dwelling unit</i>.</b>
Minimum Class A Bicycle Parking Stalls	0.5 per dwelling unit = 13 stalls	28 stalls
Minimum Class B Bicycle Parking Stalls	6 stalls	6 stalls

<b>Minimum Parking Spaces</b>	1.0 per dwelling unit = 26 spaces	<b>*5 spaces</b>
<b>Minimum visitor parking spaces</b>	0.15 per dwelling unit = 4 spaces	<b>*3 spaces</b>
<b>Maximum Compact Visitor Parking Spaces</b>	Where 10 or more parking spaces are required, a maximum of 10 percent of the total angled parking spaces may be reduced to a minimum of 2.4 metres in width and a minimum of 4.8 metres in length and where reduced, shall be clearly identified, demarcated, and reserved for compact motor vehicles.	<b>*A maximum of 2 angled parking spaces may be reduced to a minimum of 2.4 metres in width and a minimum of 4.8 metres in length and where reduced, shall be clearly identified, demarcated, and reserved for compact motor vehicles.</b>
<b>Geothermal Energy Systems</b>	Not regulated	<b>*Geothermal Energy Systems shall be prohibited</b>

DHA staff has the following additional comments regarding the requested ZBA, noting that since certain City of Kitchener Official Plan policies and OPA matters relate directly to the ZBA matters, several ZBA matters have been already addressed in the above sections entitled, *City of Kitchener Official Plan (OP)* and *Requested Official Plan Amendment* (i.e., changes related to parking, floor space ratio, front yard setbacks, and interior side yard setback).

#### *Change from RES-4 to RES-5*

DHA staff supports the change from 'RES-4' to 'RES-5' to add a 'Multiple Dwelling' as a permitted use. This change in zone category will assist in further diversifying the zone categories within this neighbourhood and, consequently, the land uses and built form. The location of the subject property at an intersection, and having frontage on a Regional Road, as well as the fact that it has a greater width than many other lots developed with single detached dwellings, lends itself well to redevelopment at a higher density than currently exists.

#### *Site Specific Provision*

DHA comments regarding the requested site specific provisions related to parking, Floor Space Ratio, and interior side yard setback have been provided in the above sections entitled, *City of Kitchener Official Plan (OP)* and *Requested Official Plan Amendment*.

Regarding the request for a Site Specific Provision for the required Minimum – Maximum Front Yard Setback requirements, the range provided will allow minor flexibility in building placement, while ensuring an adequate setback to Fairway Road as well as reasonably consistent street wall. The Region (owner of Fairway Road North) has not identified any concerns with the amendment to these regulations.

Regarding the request for a reduction in the Minimum Exterior Yard Setback (Jansen Avenue) from 4.5 metres to 4.0 metres, DHA staff is of the opinion that this change is nominal and does not create unacceptably adverse impacts on the abutting public realm.

There is sufficient space in the exterior side yard to accommodate a walkway leading to the front door off Jansen Avenue, appropriate landscaping, and 6 Class B bicycle parking stalls, while ensuring a sufficient buffer to the right-of-way. This reduced minimum exterior side yard setback will also help to increase the interior side yard setback on the opposite side of the building, to the extent possible (staff is of the opinion that proposed interior side yard setback is adequate, given the 3-storey building height and reduced number of windows). It should be noted that Jansen Avenue is not identified in the City's Official Plan as a road to be widened and Transportation Services has not identified any concerns.

Regarding the request not to require a private patio area for dwelling units located at ground floor level (of which there are 6), DHA staff is of the opinion that the small, common amenity space within a recessed portion of the 3<sup>rd</sup> floor is sufficient for amenity needs, especially due to the prevalence of public amenity areas and parks within walking distance of the subject property. For example, nearby Oaten Park (250 metres) and Howard Robertson Public School provide opportunities for recreation. Idlewood Park is located 900 metres to the north.

DHA staff supports the Region's request for a Site Specific provision to prohibit geothermal energy systems. This provision would prohibit geothermal energy systems that might otherwise cause contamination to the region's groundwater resources.

*Proposed Zoning By-law Amendment Application Conclusions:*

DHA staff is of the opinion that the requested ZBA Application represents good planning, since it would facilitate the redevelopment of the lands with "missing middle" housing, in the form of a low rise multiple dwelling, comprised fully of affordable dwelling units. The subject property is well-connected to transit and alternative transportation facilities and is close to schools and several City parks. The proposed development concept will provide visual interest along Fairway Road North. For these reasons, DHA staff supports the proposal and recommends that the requested ZBA be approved, as shown in Attachment 'B'.

## **Department and Agency Comments**

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken on May 15, 2025 to all applicable City departments and other review authorities. No significant concerns were identified by any commenting City department or agency and any necessary revisions and updates have been incorporated into the proposal. Copies of the comments are found in Attachment 'E' of this report.

The following Reports and Studies were considered as part of these proposed Official Plan and Zoning By-law Amendment Applications:

### **Planning Justification Report and Addendum**

- prepared by GSP Group Inc. (May 2025, updated July 7, 2025)

### **Revised Urban Design Brief**

- prepared by GSP Group Inc. (May 2025, updated July 2025)

#### Conceptual Site Plan, Elevations & Floor Plans

- prepared by mcCallumSather (April 29, 2025, updated July 7, 2025).

#### Existing Conditions Plan and Preliminary Grading Plan and Preliminary Servicing Plan

- prepared by MTE Consultants Inc. (April 11, 2025, updated July 4, 2025)

#### Functional Servicing Report

- prepared by MTE Consultants Inc (April 16, 2025, updated July 4, 2025)

#### Function SWM Brief

- prepared by MTE Consultants Inc (July 4, 2025)

#### Noise Impact Study

- prepared by GHD (March 19, 2025, updated July 3, 2025)

#### Section 59 Notice of SPP Compliance

- prepared by the Region of Waterloo (April 11, 2025).

#### Sustainability Statement

- prepared by mcCallumSather (April 16, 2025).

#### Tree Management Plan

- prepared by GSP Group (April 17, 2025, updated July 7, 2025)

#### Arborist Report and Tree Removal Appraisal

- prepared by GSP Group Inc. (April 29, 2025, updated July 7, 2025)

#### Parking Study

- prepared by Paradigm Transportation Solutions (April 2025).

#### Phase II Environmental Site Assessment

- prepared by MTE Consultants Inc. (February 12, 2025)

#### Topographic Survey

- prepared by MTE Consultants Inc. (August 6, 2024)

#### **Community Input and Staff Responses:**

Staff received written responses from 2 community members with respect to the proposed development. The comments received are included in Attachment 'F'. A Neighbourhood Meeting was held on June 18, 2025. A summary of what we heard, and staff responses are noted below.

# WHAT WE HEARD



**667 households (occupants and property owners) were circulated and notified**



**3 people/households provided comments by email or telephone.**



**A City-led Neighbourhood Meeting was held on June 18, 2025 and approximately 7 different users logged on.**

What We Heard	Staff Comment
Concern with proposed parking reduction	<p>The subject site is proposed to be developed with affordable housing. The applicant anticipates that most units will be occupied by single person households and most tenants will not have personal vehicles.</p> <p>The site is located within a 5-minute walk of 5 bus routes and within 20-minute walk of an ION station. There are 28 secure, weather-protected bicycle stalls provided for the 26 units. The property is also within a 5-7 minute walking distance to several commercial plazas and within a 15-minute walk of Fairview Mall and supermarkets.</p> <p>Transportation Services is of the opinion that the proposed parking reduction is appropriate for the proposed development.</p>
Concern with increases to traffic on Fairway Rd N	<p>The subject development is not anticipated to generate significant traffic and traffic impacts to the local street system will be negligible. Regional Transportation Planning staff indicated that Fairway Road North is a Regional Road and is intended and designed to carry high-levels of traffic including truck traffic and comment that this is an existing condition and will not be materially altered by this proposal. Fairway Road North has sidewalks on both sides and a signalized cross-walk at Morgan Avenue which is approximately 150 metres to the subject property.</p> <p>The Region is currently undertaking a Corridor Study on Fairway Road North in preparation for future capital works. Reconstruction of this segment is planned for 2032-2033. Interested parties will be able to view the results on the Region's website in a few months' time. Regional road reconstruction projects take a balanced approach to accommodating all transportation modes, including the integration of bus stops and pedestrian/cycling facilities, while accommodating for the necessary road traffic.</p>



	Any upgrades warranted through this study on the basis of volume/other considerations will be implemented through reconstruction.
Concern with on-street parking on local roads	Transportation Services Staff comment that on-street parking is available equally to all members of the general public, to a maximum duration of 3 hours. On-street parking is available on the east side of Jansen Avenue, directly adjacent to the subject property. Parking is prohibited on Fairway Road North.
Impact to pedestrian safety and school zones.	<p>Both Fairway Road North and Jansen Avenue have sidewalks on both sides of the street, and there is a signalized cross-walk at Fairway Road North and Morgan Avenue, which is about 150 metres to the subject property, which provides a safe pedestrian crossing location.</p> <p>The Region of Waterloo has indicated that this stretch of Fairway Road North is not in the school zone and the proposed development does not introduce conflicts with school bus access of drop-off at Howard Robertson Public School.</p>
Concern with changes that will permit a multiple dwelling	The neighbourhood surrounding the subject site consists of a mix of low-rise dwelling types including single detached, semi-detached, townhouse and low-rise multiple dwellings many of which are zoned 'RES-5' (which is the zoning category proposed for the subject site). Staff note that 147 Fairway Road North which is across Fairway Road North is developed with a 3 storey multiple dwelling, and there is a planned 3 storey stacked townhouse development approved for 179 Jansen Avenue. The proposed 3-storey multiple dwelling is consistent with the established and planned built form in the neighbourhood.
Concern with lack of large units for families	<p>The subject development is proposed to include affordable studio and 1-bedroom units, which have not been designed or intended for families with children. The developer has indicated that while this project is not designed for families, other housing developments in their portfolio do address this need.</p> <p>The applicant has indicated that they collaborate with local agencies dedicated to supporting vulnerable populations in tenanting units and in order to match units with needs. This proposal does address a critical need in our community. Data from the Region of Waterloo's housing waitlist—along with experience in the affordable housing market—shows that the greatest demand comes from single- and two-person households.</p>
Concern with overlook and privacy of neighbouring dwellings.	An Urban Design Brief has been prepared in support of the proposed development. Urban design staff have worked with the applicant to refine the building design to reduce the number of windows on the 2 <sup>nd</sup> and 3 <sup>rd</sup> floor corner units so that windows face Fairway Road North and the rear yard parking area. Remaining windows primarily overlook the roof of 136 Fairway Road North rather than the front or back yard.

Concern that the proposed building does not include sufficient amenities for future tenants.	Staff have reviewed the proposed floor plans for the proposed development and can confirm that the building includes a large indoor bike storage room, a shared 3 <sup>rd</sup> floor outdoor patio area, an elevator and a shared laundry room. The building will comply with Ontario Building Code requirements for accessibility, and barrier-free parking is provided.
Concern with garbage collection and property maintenance.	<p>The subject development will be required to have private waste management. A deep-well system is proposed, which helps to minimize odours and has lower visual impact than garbage bins. This approach will be secured through a Site Plan Agreement with the City.</p> <p>Further, the owner will be required to maintain the property in accordance with landscaping and lighting plans, which must be submitted as part of a future Site Plan Application. These plans will be subject to the City's Property Standards by-laws. Residents are encouraged to contact By-law enforcement with any complaints about compliance with property standards.</p>

### **STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

### **FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

### **COMMUNITY ENGAGEMENT:**

**INFORM** – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. A notice sign was posted on the property and information regarding the application was posted to the City's website on May 15, 2025. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, those responding to the preliminary circulation and who attended the Neighbourhood Meeting. Notice of the Statutory Public Meeting was also posted in The Record on July 18, 2025 (a copy of the Notice may be found in Attachment 'D').

**CONSULT** – The proposed Official Plan Amendment and Zoning By-law Amendment Applications were circulated to residents and property owners within 240 metres of the subject lands on May 15, 2025. In response to this circulation, staff received 2 written responses, which are summarized as part of this staff report and is appended in Attachment 'F'. DHA staff also had one-on-one conversations with residents on the telephone and responded to emails.

**PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Provincial Planning Statement, 2024
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051

**REVIEWED BY:** Tina Malone-Wright, Manager of Development Approvals

**APPROVED BY:** Barry Cronkite, Acting General Manager of Development Services

**ATTACHMENTS:**

Attachment A – Proposed Official Plan Amendment  
Attachment B – Proposed Zoning By-law Amendment  
Attachment C – Revised Urban Design Brief, dated July 2025.  
Attachment D – Newspaper Notice  
Attachment E – Department and Agency Comments  
Attachment F – Community Comments