

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

CITY OF KITCHENER

142-146 Fergus Avenue

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

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ## to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment is change the land use designation and amend Map 3 as well as to add a site specific policy area and amend Map 5 to permit the development of the subject lands with a ten storey multiple dwelling.

The amendment comprises of the following changes:

- Map 3 is amended by changing the land use designation from 'Low Rise Residential' to 'Medium Rise Residential';
- Map 5 is amended by adding Specific Policy Area 56; Section 15.D.12 is amended by adding Policy 15.D.12.56 to permit a Floor Space Ratio (FSR) of 2.3 instead of the maximum permitted 2.0 in the Medium Rise Residential land use designation and a Holding Provision.

SECTION 3 – BASIS OF THE AMENDMENT

The subject lands are currently designated as 'Low Rise Residential'.

Planning staff are recommending that the land use designation for the subject lands be amended to Medium Rise Residential with Site Specific Policy Area 56.

The Medium Rise Residential land use designation is applied to lands that are planned to accommodate a range of medium density housing types including townhouse dwellings in a cluster development, multiple dwellings and special needs housing. A minimum Floor Space Ratio of 0.6 and maximum Floor Space Ratio of 2.0 will apply to all development and redevelopment. No building will exceed 8 storeys or 25 metres in height, whichever is the lesser, at the highest grade elevation.

Site Specific Policy Area 56 is intended to ensure that any future building is compatible. The proposed permissions would permit a 7 storey multiple dwelling with a Floor Space Ratio (FSR) of 2.3 and 78 dwelling units.

The lands are identified as a Community Area in the Official Plan. 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. Lands within Community Areas may be designated as Low Rise Residential, Medium Rise Residential, High Rise Residential, Open Space, Institutional and/or Major Infrastructure and Utilities. Limited intensification may be permitted within Community Areas in accordance with the applicable land use designation and the Urban Design Policies in the Official Plan. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.

The Official Plan Supports 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 City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods.

The Official Plan contains policies to consider when a site-specific zoning regulation is proposed to facilitate residential intensification or a redevelopment of lands. The overall impact of the special zoning regulations will be reviewed by the City to ensure:

- That 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,
- That 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, and
- That 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.

In addition, when planning for new Medium Rise Residential locations in new community plans and secondary plans or when considering redevelopment opportunities, consideration will be given to whether the proposed Medium Rise Residential uses will:

- result in the preservation of features of the natural environment which may otherwise be compromised with more dispersed low density development;
- take advantage of vistas;
- constitute neighbourhood landmarks or reference points;
- be located within walking distance of nodes, corridors and public transit stops and non-residential uses; and,
- have a strong focus placed on the creation of links for pedestrians and cyclists with surrounding non-residential uses

The proposed change in land use designation will permit an infill development which is compatible with surrounding land uses, maintains the existing character and planned function of the stable neighbourhood and is located immediately adjacent to a Mixed-Use Node therefore supporting and strengthening the planned function of the Node and commercial corridor. Furthermore, the proposed design responds to the design direction of the Medium rise designation in that the proposed mid-rise building:

- a) Provides opportunity for residential intensification and the provision of a housing alternative in the neighbourhood.
- b) Fits within the existing and emerging context, scaled to respect the proportions of Fergus Avenue and demonstrating no adverse shadow impacts.
- c) Enhances the existing character of the streetscapes along Fergus Avenue.
- d) Sets back 39.8 metres from Fergus Avenue to allow for sufficient area for the parkland and tree planting along the street edge.
- e) Provides appropriate transition from the one and two-storey built forms to the east and west through setbacks, stepbacks and variation in heights.
- f) Includes highly articulated building elevations with regularly spaced openings which will not only enhance the appearance of the streetscape but will also be a neighbourhood landmark given it is a terminating view from Fasley Avenue.

Staff is of the opinion that the proposed Medium Rise Residential land use designation with Special Policy Area No. 56 is appropriate for the subject lands and is good planning.

Planning Staff is of the opinion that Official Plan Amendment is in compliance with the Kitchener Growth Management Strategy by supporting appropriate intensification that better utilizes the existing infrastructure while ensuring that any future development be compatible and complementary to the existing neighbourhood, while bringing new residents into a stable community.

The applications align with Provincial, Regional, and City policies and will contribute to the community. Planning staff are of the opinion that the additional two storeys, coupled with the site specific policy area and zoning regulations, will result in a development that will not have adverse impacts on the community.

Planning staff is of the opinion that the Official Plan Amendment conform to the Growth Plan. The development of the subject lands with a more intense residential use within the City's delineated built up area, represent intensification and will help the City to meet density targets.

Planning staff is of the opinion that the requested applications are consistent with the policies and intent of the Provincial Policy Statement. The proposed Official Plan Amendment will facilitate the intensification of the subject property with a more intensive residential use 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.

Planning staff is of the opinion that the proposed Official Plan Amendment conform to the Regional Official Plan (ROP). Urban Area policies in the ROP identify that the focus of the Region's future growth will be within the Urban Area. This area contains the physical infrastructure and community infrastructure to support major growth, including transportation networks, municipal drinking-water supply systems and municipal wastewater systems, and a broad range of social and public health services. It is also well-served by the existing Regional transit system. For these reasons, lands within the Urban Area have the greatest capacity to accommodate growth and serve as the primary focus for employment, housing, cultural and recreational opportunities in the region.

SECTION 4 – THE AMENDMENT

1. The City of Kitchener Official Plan is hereby amended as follows:
 - a) Part D, Section 15.D.12 is amended by adding Site Specific Policy Area 15.D.12.56 as follows:

“15.D.12.56. 142-146 Fergus Avenue

Notwithstanding the Medium Rise Residential land use designation and policies on the lands municipally known as 142-146 Fergus Avenue:

- a) A Maximum Floor Space Ratio (FSR) of 2.3 will be permitted.
 - b) 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 detailed Stationary Noise Study has been acknowledged by the Province and a release has been issued by the Region.
 - b) Amend Map No. 3 – Land Use by:
 - i) Designating the lands municipally addressed as 142-146 Fergus Avenue 'Medium Rise Residential' instead of 'Low Rise Residential', as shown on the attached Schedule 'A'.
 - c) Amend Map No. 5 – Specific Policy Areas by:

- i) Adding Specific Policy Area 56 to the subject lands, municipally addressed as 142-146 Fergus Avenue, as shown on the attached Schedule 'B'.

APPENDIX 1 Notice of the Meeting of Planning and Strategic Initiatives Committee of February 13, 2023.

Advertised in The Record – January, 2023

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

142-146 Fergus Avenue

NOTICE OF PUBLIC MEETING
for a development in your neighbourhood
142-146 Fergus Avenue



Concept Drawing

Have Your Voice Heard!

Date: **February 13, 2023**
Time: **7:00 p.m.**
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:

Brian Bateman, Senior Planner
519.741.2200 x 7869
brian.bateman@kitchener.ca



Multiple Dwelling



7 Storeys,
78 Dwelling
Units



Floor Space
Ratio of 2.3

The City of Kitchener will consider applications for Official Plan and Zoning By-law Amendments to facilitate the development of a 7-storey multiple dwelling with 78 residential units, having a Floor Space Ratio (FSR) of 2.3, proposed reduced side and rear yard setbacks and providing 89 vehicle parking spaces and 51 bicycle spaces.

