

City to establish minimum distance between high-rise towers | Your online newspaper for Kitchener, Ontario

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By Heather Abrey
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A development dispute has brought to the forefront an issue that could impact Kitchener's future intensification — minimum distances required between high-rises.

The city currently has no policy dictating how far high-rise towers must be from property lines, but are currently writing an interim guideline they hope to bring before councillors on Nov. 10. They will also investigate staggering of towers, so they aren't built side by side along street frontage.

The issue came forward when Momentum Developments submitted a plan to build two towers at 100 Victoria St. S.

That proposal hit a snag with adjacent property owners, who said it was too close to their land.

Originally, Momentum planned to have their tower three metres from the property line that abuts Arthur Place properties. However, those owners, particularly Owen Allerton, expressed concerns that having a high-rise tower so close to the property line could impact the redevelopment potential, and therefore the value, of the Arthur Place lands.

"It is clear that at some point someone said, 'Don't worry about Arthur Place. There's no one there that matters; this won't be an issue.' To whoever that was I say clearly to you now: You are wrong. And you have always been wrong for thinking about the citizens who live on streets like Arthur

Place in this way," Allerton said at Monday's council meeting.

He has requested a setback of 12.5 metres from either side of the property line. After councillors voted for a deferral to allow further negotiation, Momentum Developments put forward a setback of about six metres as their final offer — a plan city staff support.

"The report concludes that the revised design is even better than the original design, and improves the interface with the Arthur [Place] properties," said Alain Pinard, the city's director of planning.

Staff found that many municipalities don't have guidelines, but those that do range from 12 to 30 metres, split on either side of the property line.

Pinard also said staff believe the current plan would allow for a range of redevelopment options on Allerton's land.

"If a greater distance separation is required, and we follow the principle that that distance has to be split between the properties, that would actually impact the development potential of both properties," he said, adding that it may require the towers to be smaller to the point that they are no longer feasible.

However, Rick Pennycook of Lakeshore Group, a planning consultant hired by Allerton, said best practices dictate a 12.5-metre setback from the edge of the property, and the city should have dealt with this issue when intensification policies were developed.

Chris Pidgeon of GSP Group, representing Momentum, said his client is unwilling to move to the 12.5-metre setback, and even shifting the tower from three metres to six metres away required a complete reprogramming of the space.

“We think this development fulfills the plan function and the vision of the City of Kitchener and council, and the investment that you have made to downtown Kitchener. It’s private investment of tens of millions of dollars,” he said.

But Pennycook offered a different reason why Momentum is unwilling to move the tower further.

“I was very shocked to learn . . . that there were pre-sold units,” Pennycook said. “How that can be done with no municipal approvals is quite frankly baffling to me. And I would suggest that approving the development based on pre-solds is something that will not be defensible at an [Ontario Municipal Board hearing], should one be required.”

Both parties agreed to a deferral and will return to city council on Nov. 17.

“In the scope of this project, the coming years it will take to build and the 100-plus years it will stand in our community, taking a few extra weeks to get it right is the prudent and responsible thing to do at this early, early stage in the process,” Allerton said.