



PLANNING, DEVELOPMENT
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File: C14-60/2/23026
September 21, 2023

Brian Bateman, MCIP, RPP
Senior Planner
City of Kitchener
City Hall, P.O. Box 1118
200 King Street West
Kitchener, ON N2G 4G7

Dear Mr. Bateman:

Re: ZBA 23/026/M/BB
Removal of Holding Provision – 42H
Klondike Homes Ltd.
7 Morrison Road
City of Kitchener

In accordance with By-law No. 17-035 of the Regional Municipality of Waterloo, please accept the following recommendation regarding the above-noted application on behalf of the Council of the Regional Municipality of Waterloo.

The applicant has submitted a request to lift the holding provision for the site. Holding Provision 42H is as follows:

42. “Notwithstanding Section 7 of this Bylaw, within the lands zoned RES-5 (361) and shown as being affected by this subsection on Zoning Grid Schedule Number 262 of Appendix “A”, only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region’s requirements have been satisfied with respect to the submission of a Record of Site Condition and a detailed Noise Study.”

Record of Site Condition

Since adoption of holding provision 42H Regional staff has determined in consultation with City of Kitchener staff, that the purpose of the original zoning by-law amendment (ZBA 22/024/M/BB) was to provide for a change in regulation, and not an increase in

density for a sensitive use on the subject site. As such, a Record of Site Condition is not required in accordance with the Region's Implementation Guideline for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites (June 24, 2009).

Detailed Noise Study

The applicant has submitted a noise study entitled, "Environmental Noise Study, 7 Morrison Road, Kitchener, Ontario" (JPE Engineering, April 5, 2023). The Report assessed the impacts of road and rail traffic noise on the proposed development. The Report conclusions and recommendations are acceptable to Regional staff, which recommendations include a 2.4m high noise wall on private property, provision for central air conditioning, brick veneer construction, and noise warning clauses. The Region's review comments are being provided under separate cover.

Implementation

Regional staff understands there is no provision under the Planning Act to enter into an agreement with the Region of Waterloo under the current (or original) zoning by-law amendment application to secure implementation of the noise study recommendations. However, Regional staff understands the applicant intends to make application for a plan of condominium, at which time these mitigation measures may be secured through conditions of draft approval, including entering into an agreement with the Region to secure implementation of the noise mitigation. This is satisfactory to Regional staff.

Based on the above, the Region has **no objection** to the removal of Holding Provision 42H at this time.

Satisfactory arrangements have been made with the applicant regarding remittance of the Region's fee for this application,

Should you have any questions, please do not hesitate to contact Shilling Yip, Senior Planner, at syip@regionofwaterloo.ca.

Yours truly,



Amanda Kutler, MCIP, RPP
Manager, Community Planning

cc. Pierre Chauvin, MHBC Planning

