

Internal memo

Development Services Department



www.kitchener.ca

Date: July 19, 2023
To: Craig Dumart
From: Nolan Beatty
Subject: Zoning By-Law Amendment and Official Plan Amendment Application
50 Thaler Avenue, 300 Kinzie Avenue
City of Kitchener, Waterloo Catholic District School Board
ZBA23/014/T/CD
OPA23/009/T/CD

The below comments have been prepared through the review of the supplied Planning Summary and Opinion letter "50 Thaler Avenue Planning Summary_FINAL.pdf", dated December 2, 2022 prepared by GSP Group Inc.; in support of the above noted applications.

General Comments:

1. **Engineering is in support of the above applications**, and proposed land exchange between the Waterloo Catholic District School Board and the City of Kitchener.

Advisory Comments:

2. There is no existing storm sewer main along the Thaler Avenue frontage (proposed park location). Any potential stormwater management required would need to be dealt with on site, or potential agreements made with the adjacent property owner (Waterloo Catholic District School Board) for directing flows onto their property. This may add potential design constraints to park design, or even the need for easements.
3. As part of the development/construction of the new park location, closure of the existing entrance off of Thaler Avenue and relocation of the existing fire hydrant may be required, this would trigger the Engineering off-site works process to be followed.

A handwritten signature in black ink, appearing to read "N. Beatty".

Nolan Beatty, C.E.T.
Engineering Technologist



Region of Waterloo

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File: D17/2/23009

C14/2/23014

July 28, 2023

Craig Dumart, MCIP, RPP
Senior Planner
City of Kitchener
200 King Street West, 6th Floor
P.O. Box 1118, Kitchener, ON
N2G 4G7

Dear Mr. Dumart,

**Re: Proposed Official Plan Amendment OPA23/09 and
Zoning By-law Amendment ZBA 23/14 – updated
comments
50 Thaler Drive and 300 Kinzie Drive
City of Kitchener and Waterloo Catholic District School
Board
CITY OF KITCHENER**

The City of Kitchener and the Waterloo Catholic District School Board have submitted an Official Plan Amendment and Zoning By-law Amendment for a development proposal at 50 Thaler Drive and 300 Kinzie Drive (subject lands) in the City of Kitchener.

The applicant has proposed the development of the site with a new Elementary School with a childcare centre on the Waterloo Catholic District School property and the City of Kitchener's property. The applicant is proposing to relocate the existing municipal park located at the corner of River Road East and Kinzie Avenue to the rear of the site (along Thaler Avenue) to facilitate the construction of the Elementary School and associated parking lot that will front along River Road. An Official Plan Amendment and Zoning By-law Amendment are required to facilitate the relocation of land for the park and Elementary School.

The subject lands are located in the Urban Area and designated Built Up Area in the Regional Official Plan. The subject lands are designated Institutional and Open Space in the City of Kitchener Official Plan and zoned Neighbourhood Institutional (INS-1) and

Open Space: Greenways in Zoning By-law 2019-051. The applicant has requested an **Official Plan Amendment** to redesignate a part of the property where the existing park area is to Institutional use and the rear of the site from Institutional to the Open Space Designation to permit the relocation of uses to facilitate the construction of the elementary school and park on site. The applicant has requested a **Zoning By-law Amendment** to permit an elementary school and daycare facility on the portion of the property owned by the City and the park on the lands currently owned by the School Board. 'Land exchanges' are also anticipated with this proposal.

The Region has had the opportunity to review the proposal and offers the following:

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated "Urban Area" and "Built-Up Area" on Map 2 of the Regional Official Plan (ROP) and is designated Institutional and Open Space in the City of Kitchener Official Plan.

Within the Urban Area, the Region directs the majority of growth to the Urban Growth Centers, Major Transit Station Areas, Reurbanization Corridors, Major Local Nodes and Urban Designated Greenfield Areas. These areas are planned to have a more compact form with a mix of employment, housing and services in close proximity of each other and higher frequency transit.

Regional staff understand that the development proposal is located on a planned cycling route that is within proximity to transit stops. The Region is supportive of the future school and park as they will contribute to the transition of the existing neighbourhood into a 15 minute community.

The Region wishes to advise the applicant of the following technical comments related to the proposal:

Corridor Planning

Environmental Noise:

At this location, the proposed school may encounter environmental noise sources due to traffic on River Road East. The proponent must undertake a detailed transportation noise study to assess the potential impacts of transportation noise on the noise-sensitive development and the study must provide recommendations on any noise mitigation measures for the proposed development. The accepted mitigation measures shall be implemented within the building during the construction stage to avoid any retrofit to the development in the future. Implementation of the mitigation measures shall be through a development agreement with the Regional Municipality of Waterloo at a future consent stage (if applicable).

The consultant who prepares the Environmental Noise Study must be on the Region of Waterloo's Approved List of Noise Consultants and is responsible for obtaining current

information, applying professional expertise in performing calculations, making detailed and justified recommendations, and submitting the Consultant Noise Declaration and Owner/Authorized Agent Statement. The consultant preparing the Environmental Noise Study must contact Regional staff for transportation data, including traffic forecasts and truck percentages, for the purpose of preparing the Environmental Noise Study. Regional staff will provide this data within three weeks of receiving the request from the noise consultant.

Please note that there is a \$500 fee for the preparation of the traffic forecasts and review of the Environmental Noise Study. The noise consultant preparing the Environmental Noise Study must submit the transportation data request online via (<https://rmow.permitcentral.ca/Permit/GroupApply?groupId=3>).

As the intent of the application is to reconfigure the location of the City's park and principle land use permits both the school and park, Regional staff strongly recommends that the City of Kitchener require a Transportation noise study at the future site plan application stage for the school.

Stationary Noise:

Due to the proposed noise sensitive development (school and daycare site) and its proximity to noise sensitive developments (single detached residential uses), Regional staff require a stationary noise study to be prepared for the future school lands. As the application is to reconfigure the location of the City's park and principle land use permits the school and park, Regional staff strongly recommend that the City of Kitchener require a Stationary Noise study at the future site plan application stage to assess stationary noise sources from the building on on-site sensitive points of reception and off-site sensitive land uses.

In addition to the above, please be advised that the Region has implemented a standardized peer review process for environmental noise studies. **The detailed noise study shall be peer reviewed at the applicant's expense and the current fee for the peer review is \$4000.00 + HST (\$4,520.00 Total). This fee shall be required when the detailed study is submitted to the Region.**

Airport Zoning:

Please be advised that the subject lands are located within the Airport Zoning Regulated area and are specifically located under the flight path with a height restriction of 44.5m AGL.

The development may be subject to noise and the presence of flying aircrafts. More details shall be required at the site plan stage to ensure the proposed school/day care building and any crane used in the construction of the building will remain below the 44.5m ASL height restriction.

As part of a future consent application, the following noise-warning clause shall be required to be implemented through a registered development agreement with the Regional Municipality of Waterloo:

"Prospective tenants are advised that this parcel of land is located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and that directional lighting along this path and noise from aircraft using the flight path may cause concern to some individuals."

Site Plan Application Stage:

Grand River Transit (GRT)/Transit Planning

The subject property is served by Grand River Transit (GRT) Route 1, which travels two ways on both River Road and Kinzie Avenue. This site is served by GRT stop #3480 adjacent to the property to the south on Kinzie Avenue and GRT stop #3479 across on River Road East, each stop consisting of a landing pad.

To facilitate transit to the proposed school, transit stop #3480 on Kinzie Ave will be relocated onto the River Road frontage and the applicant will be required to construct a concrete landing pad 9.5m in length and the full width of the boulevard approximately (no less than) 6m from the sidewalk. The exact location of the stop will be determined through the Site Plan Application.

In addition, Regional staff recommend that the City of Kitchener provide "no stopping" signage for vehicular traffic on Kinzie Avenue adjacent to the school to facilitate GRT bus and vehicular movements.

Risk Management/Part 4 Area of the Clean Water Act

Please be advised that the subject lands at 50 Thaler Avenue and 300 Kinzie Avenue, Kitchener are in a source protection area where Risk Management or prohibition policies implemented by the Region of Waterloo may apply; therefore, a Notice of Source Protection Plan Compliance (Valid Section 59 Notice) is required.

Under the 2022 Grand River Source Protection Plan, a Risk Management Plan for salt application may be required for proposed and/or altered surface parking and vehicle driveway areas greater than eight (8) parking spaces or 200 square metres. Design considerations with respect to salt management that will form the Risk Management Plan include; minimizing the transport of meltwater across the parking lots or driveways; directing downspouts away from paved areas; and, locating snow storage areas on impermeable (i.e. paved) surfaces that drain directly to catch basins.

In addition, a Risk Management Plan for storm water management may be required if any engineered and/or enhanced infiltration features are proposed on site. Please be advised that the subject lands are within a chloride Issue Contributing Area and the Region of Waterloo does not support any engineered and/or enhanced infiltration of runoff originating from paved surfaces within chloride Issue Contributing Areas.

Engineered and/or enhanced infiltration features may include ponds, infiltration galleries, permeable pavers, ditches, swales, oil-grit separators, etc.

Please visit the TAPS (<https://taps.regionofwaterloo.ca>) to determine all applicable source protection plan requirements, and to contact the Risk Management Official (rmo@regionofwaterloo.ca) as required. Please allow sufficient time to negotiate the Risk Management Plan, if required, as a notice will not be issued until a signed Risk Management Plan is complete.

Hydrogeology and Source Water Protection

The subject lands are located in Intake Protection Zone 2; therefore, as part of a future site plan application, a salt management plan shall be required if this requirement is not addressed through a Risk Management Plan as described above.

Regional Water Services

Please be advised that no connection to regional watermain shall be permitted in accordance with Section B.2.1.4.1 of the *Design Guidelines and Supplemental Specifications for Municipal Services, February, 2022*.

Fees:

The City of Kitchener is the applicant. Regional Application fees do not apply to applications made by the Area Municipalities.

Follow Up:

Based on the above, the following shall be addressed to the Region's satisfaction prior to City Council's consideration of the Official Plan and Zoning By-law Amendments:

1. Obtain a valid Section 59 Notice.

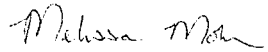
Conclusions:

Once the above has been addressed to the Region's satisfaction, the Region has no objection to the above noted applications. The Region of Waterloo strongly recommends that the City of Kitchener require a detailed transportation and stationary noise study at the future site plan stage to ensure there are no impacts from transportation or stationary noise on the noise sensitive development and adjacent noise sensitive land uses.

Furthermore, please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the decision pertaining to this application. Should you have any questions, please do not hesitate to contact me.

Yours truly,

A handwritten signature in cursive script, appearing to read "Melissa Mohr".

Melissa Mohr, MCIP, RPP
Senior Planner

C. City of Kitchener C/O Karen Leasa (Applicant)