

Transportation Services have no concerns with this application.

Dave Seller, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener

519-741-2200 ext. 7369 | TTY 1-866-969-9994 | [dave.seller@kitchener.ca](mailto:dave.seller@kitchener.ca)

Hi Eric,

Engineering has no concerns with the proposed ZBA.

Thanks,

**Christine Goulet, C.E.T.**

Project Manager | Development Engineering  
519-741-2200 Ext. 7820

Hi Eric,

Heritage planning staff have no issues or concerns with this application.

**Kind Regards,**

**Deeksha Choudhry, MSc., BES**

**Heritage Planner | Development and Housing Approvals Division | City of  
Kitchener**

**200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7**

**519-741-2200 ext. 7602**

**[deeksha.choudhry@kitchener.ca](mailto:deeksha.choudhry@kitchener.ca)**



## Zone Change / Official Plan Amendment Comment Form

**Address:** 115 – 125 Whitney Place  
**Owner:** Hilt's Auto Inc  
**Application:** Zoning By-law Amendment #ZBA24/006/W/ES

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**Comments Of:** Park Planning  
**Commenter's Name:** Lenore Ross  
Email: Lenore.ross@kitchener.ca  
Phone: 519-741-2200 ext 7427  
**Date of Comments:** April 08 2024

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### **Site Specific Comments & Issues:**

Park Planning has no significant concerns with the proposed Zoning Bylaw amendment and can provide conditional support subject to the comments below.

- There is existing sanitary and storm infrastructure on or immediately adjacent these lands and this infrastructure impacts the existing structures located on 125 Whitney Place. Easements do not appear to be place and Development Engineering and Storm and Sanitary Utilities may request an easement as a condition of approval.
- Parkland Dedication will be deferred at the Zoning Bylaw Amendment application and assessed at any future required site plan application according to the Planning Act, Parkland Dedication By-law and Parkland Dedication Policies in effect.
- There is treed vegetation at the rear of the site and any future development application should include a Tree Protection and Enhancement Plan and Arborist Report will be required as part of a complete site plan application or building permit application.

### **Policies, Standards and Resources:**

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw and Park Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

Hi Eric. Currently this property is serviced off a 32mm gas main on Whitney. Any changes to the existing gas service should be requested through David Paetz and/or Michele Kamphuis via our on-line gas application process. Charges may apply, including potentially upsizing the existing gas main.

Thanks, Sylvie (she/her)  
519-498-9553



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES  
Community Planning

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Melissa Mohr 1-226-752-8622  
File: C14/2/24006  
April 4, 2024

Eric Schneider, MCIP, RPP  
Senior Planner  
City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor  
P.O. Box 1118, Kitchener, ON  
N2G 4G7

Dear Mr. Schneider,

**Re: Proposed Zoning By-law Amendment ZBA 24/06  
115-125 Whitney Place  
Dryden, Smith & Head Planning Consultants (C/O  
Andrew Head) on behalf of Hilts Auto Inc. (C/O Mike  
Hilts)  
CITY OF KITCHENER**

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Dryden, Smith and Head has submitted a Zoning By-law Amendment to recognize an existing use at 115-125 Whitney Place (subject lands) in the City of Kitchener.

The applicant is proposing to add a site-specific provision to permit *Automotive Detailing and Repair Operation* in the Existing Use (E-1/Existing Use Floodplain (EUF-1) Zoned portion of the property. The site contains an existing building historically used for commercial/industrial land uses.

The subject lands are located in the Urban Area and designated Built Up Area on Map 2 of the Regional Official Plan. The subject lands are designated General Industrial (front portion) and Open Space in the City of Kitchener Official Plan and Existing Use (E-1) Zone in Zoning By-law 85-1 and is proposed to change to Existing Use Floodplain (EUF-1) in Zoning By-law 2019-051.

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 “Delineated Built-Up Area” on Map 2 of the Regional Official Plan (ROP) and is designated General Industrial and Open Space in the City of Kitchener Official Plan.

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 acknowledge that the owner is recognizing the existing industrial building on site. The building and industrial complex are within the Delineated Built Up Area of the Region where the Region’s goal is to transform existing neighbourhoods into 15-minute neighbourhoods with a broad mix of land uses are supported to allow people to meet their daily needs for goods, services, and employment within a 15-minute trip by walking, cycling and rolling or by direct, frequent and convenient transit.

In addition to the above, Regional staff acknowledge that the subject lands are regulated by the Grand River Conservation Authority (GRCA) and the property is within the two-zone floodplain where development may safely occur. In accordance with Section 7.H.8 of the Regional Official Plan, development or site alteration may be permitted in hazardous lands and hazardous sites where development or site alteration is carried out in accordance with floodproofing standards, protection work standards and access standards; vehicles and people have a way of safely entering and existing the area during times of flooding, erosion or other emergencies; new hazards are not created or existing hazards are not aggravated and no adverse environmental impacts will result. Regional staff have no objection to the GRCA’s approach to permit the existing building so long as the building is not altered (e.g. demolish and reconstruct or add to the building) and that no new buildings or structures shall be erected or altered within the floodway (in accordance with the two-zone floodplain policies).

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

### Part 4 Area of the Clean Water Act

The subject lands are located within a Source Protection Area under the 2022 Grand River Source Protection Plan where Risk Management Plan and Prohibition Policies may apply; therefore, a Notice of Source Protection Plan Compliance (Valid Section 59 Notice) is **required** as part of a complete Zoning Bylaw Application; however please be advised that the Region has **not** received a Valid Section 59 Notice as part of the application.

Under the 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; locating snow storage areas on impermeable (i.e. paved) surfaces that drain directly to catch basins.

In addition to the above, a Risk Management Plan for storm water management may be required if any engineered and/or enhanced infiltration features are proposed. Please note that this property is within a Chloride Issue Contributing Area, where Region of Waterloo does not support any engineered and/or enhanced infiltration (e.g. ponds, infiltration galleries, permeable pavers, ditches, swales, oil-grit separators, etc.) of runoff originating from paved surfaces.

Please visit the Region's TAPS website here: (<https://taps.regionofwaterloo.ca>) to determine all applicable Source Protection Plan requirements, and contact the Risk Management Official ([rmo@regionofwaterloo.ca](mailto:rmo@regionofwaterloo.ca)) if required. In addition, the applicant should allow for sufficient time to negotiate the Risk Management Plan, as a Notice will not be issued until a signed Risk Management Plan is complete.

#### **Regional Cultural Heritage:**

The subject lands possess the potential for the recovery of archaeological resources due to the subject lands proximity to hydrology and historic landform, however, as the subject lands have been developed between 1900-1960 and the site has been disturbed, an Archaeological Assessment is not required.

The applicant is advised that if archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act.

In addition to the above, if human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

#### **Fees**

By copy of this letter, the Region of Waterloo respectfully requests the Zoning By-law Amendment Review fee of \$3,000.00.

#### **Follow Up**

The Region shall require a copy of the Valid Section 59 Notice and the application fee of \$3,000.00 prior to a recommendation being made to City of Kitchener Council.



**Conclusions:**

The Region has no objection to the proposal, subject to receipt of a Valid Section 59 Notice and the application review fee of \$3,000.00.

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,



Melissa Mohr, MCIP, RPP  
Senior Planner

- C. Hiltz Auto Inc. – Mike Hiltz (Owner)  
Dryden, Smith & Head Planning Consultants – Andrew Head (Applicant)



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 [www.grandriver.ca](http://www.grandriver.ca)

April 2, 2024

Eric Schneider  
Senior Planner  
City of Kitchener  
200 King Street West  
Kitchener ON N2G 4V6  
[eric.schneider@kitchener.ca](mailto:eric.schneider@kitchener.ca)

**Re: Zoning Bylaw Amendment ZBA24/006/W/ES  
115-125 Whitney Place  
Hilts Auto**

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Dear Mr. Schneider,

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted application to permit additional automotive uses on the property.

**Recommendation**

The GRCA does not object to using existing lands and buildings in principle. Additional site-specific restrictions should be considered to balance use of the existing building with GRCA and City flooding hazard policies.

**Documents Reviewed by Staff**

Staff have reviewed the site plan (dated February 8, 2024) submitted with this application.

## GRCA Comments

The GRCA has reviewed this application under Ontario Regulation 686/21, acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as well as in accordance with Ontario Regulation 41/24 and GRCA's Board approved policies.

Information currently available at our office indicates that the subject lands are adjacent to Schneider Creek and contain its floodplain. The floodplain is designated as a Two-Zone Floodplain Policy Area, which separates the floodplain into the floodway (where deeper and faster flows occur), and the flood fringe (where flows and velocities are less severe). Provincial, GRCA and City floodplain policies significantly restrict development in the former and are more permissible in the latter. Development in the floodway presents a high risk of impacting flood flows, and therefore upstream and downstream properties.

“Automotive Repair and Detailing Operation” uses are proposed in the floodway portion of the floodplain, which coincides with the City's Existing Use (E-1) / Existing Use Floodplain (EUF) zoning. The GRCA does not object to this use taking place in the existing building, as this would not present additional risk of impacting flood flows.

The GRCA can support a site-specific change that does not allow alteration of the existing building (e.g. reconstruction, additions, etc.). The City's EUF zoning states that “No person shall...erect, alter or use any building or structure for any purpose other than [existing uses].” Site-specific zoning should stipulate that no new buildings or structures shall be erected or altered in the floodway, consistent with Provincial, City and GRCA Two-Zone Floodplain policies.

Furthermore, while the GRCA does not object to parking operational vehicles in the floodway, we would be concerned with the risk of outdoor storage (e.g. non-operational vehicles, equipment, scrap, or shipping containers) or site grading occurring on floodway portions of the property. We'd advise the City to consider additional site-specific zoning restrictions to mitigate this risk, and prohibit site alteration and outdoor storage in the floodway.

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A proposal consistent with GRCA's comments will be considered a minor zoning application. As per GRCA's 2024 approved fee schedule, we will invoice the applicant \$465 for our review.

Additional fees will be charged if additional risk is presented to the floodway, as this will necessitate further staff time and analysis, and elevate this to a major zoning application (\$2,500). Separate fees will apply to any required GRCA permits.

We trust this information is of assistance. If you have any questions or require additional information, please contact me at 519-621-2761 ext. 2292 or [theywood@grandriver.ca](mailto:theywood@grandriver.ca).

Sincerely,



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Trevor Heywood  
Resource Planner  
Grand River Conservation Authority

Encl. Resource Mapping

cc: Andrew Head, Dryden Smith and Head



- Legend**
- Regulation Limit (GRCA)
  - Floodplain (GRCA)
    - Engineered
    - Estimated
    - Approximate
  - Floodplain - Special Policy Area (GRCA)
  - Slope Erosion (GRCA)
    - Steep
    - Oversteep
    - Toe
  - Slope Valley (GRCA)
    - Steep
    - Oversteep
  - Regulated Watercourse (GRCA)
  - Regulated Waterbody (GRCA)
  - Wetland (GRCA)
  - Lake Erie Flood (GRCA)
  - Lake Erie Shoreline Reach (GRCA)
  - Lake Erie Dynamic Beach (GRCA)
  - Lake Erie Erosion (GRCA)
  - Parcel - Assessment (MPAC/MNRF)
  - Conservation Area Boundary (GRCA)

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Scale 1:554

NAD83 UTM zone 17 (EPSG:26917)

