Application #: Zoning By-law Amendment Application ZBA24/011/W/TS

Official Plan Amendment Application OPA24/006/W/TS

Address: 1082 & 1094 Wilson Avenue
Owner: Colt Canada Corporation

Comments of: Policy & Research, Planning Division & Environmental Planning

Provided by: Carrie Musselman, BSc., Dip., MCIP, RPP

Senior Environmental Planner | Planning | City of Kitchener

519-741-2200 x 7068 | carrie.musselman@kitchener.ca

Provided on: June 27, 2024 Required by: July 5, 2024

#### Plans, Studies and Reports submitted as part of a complete Planning Act Application:

- 1036, 1082 & 1094 Wilson Avenue, City of Kitchener, Region of Waterloo, Scoped Environmental Impact Study, prepared by Aboud & Associates Inc., dated March 22, 2024.
- Planning Justification Report, 1036, 1082 & 1094 Wilson Avenue, Colt Canada Corporation, City of Kitchener, Official Plan Amendment, Zoning By-law Amendment, prepared by GSP Group, dated April 2024.
- Geotechnical Investigation, Slope Stability Analysis 1036 Wilson Ave. Kitchener, Ontario, prepared by CMT Engineering Inc., dated February 1, 2024.

#### **Proposal:**

The owner is proposing extensive expansion their existing facility at 1036 Wilson Avenue as well as the relocation of employee parking to 1082 and 1094 Wilson Avenue, the construction of a three-storey stairwell and enclosed, elevated pedestrian connection linking the employee parking lot to the newly expanded facility. The existing dwellings at 1082 & 1094 Wilson Avenue are to be removed and converted into the new parking area.

The owner has requested to amend the Official Plan:

- Map 2 Urban Structure in the Official Plan to redesignate 'Community Area' to 'Industrial Employment Area'.
- Map 3- Land Use in the Official Plan, to redesignate 'Low Rise Residential' to 'Business Park Employment'. No change to Natural Heritage Conservation designation.

The owner has requested to amend the Zoning By-law

- from 'Low Rise Residential One Zone (RES-1) with Holding Provision 22H' to 'General Industrial Employment (EMP-2)' in By-law 2019-051

#### **Comments:**

Official Plan -

- <u>Urban Structure</u> The subject lands are located within the "Community Area" of the City's
   Urban Structure as identified on Map 2 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.
  - Residential uses in this area of the City are limited, the transition to 'Industrial Employment Area' would be compatible with the character, form and planned function

- of the surrounding context as the property to the north contains Colt Canada's existing facility that is located within the "Industrial Employment Area" of the Urban Structure.
- Lands to the north-east and south along the Grand River and lands to the west (Homer Watson Park) are within the "Green Areas" of the Urban Structure and are proposed to remain as such to protect and conserve the ecological functions and features that these areas provide.
- <u>Land Use Designation</u> The subject lands are designated 'Low Rise Residential' and 'Natural Heritage Conservation' on Map 3 in the Official Plan.
  - The Official Plan and Zoning By-law Amendments do not propose to alter any of the boundary of the existing natural feature; the existing designations and zoning regulations associated with the natural feature(s) will remain as-is.
  - Colt Canada's existing facility is to the north of the subject lands and designated 'General Industrial Employment' in the Official Plan. The redesignation from 'Residential' to 'General Industrial Employment' on the subject lands is in keeping with Policy 15.D.6.10 of the Official Plan which states that the City will encourage the retention, renewal and expansion of compatible existing industrial uses.
  - The existing residential uses on the subject lands are isolated and currently designated 'Low Rise Residential' to reflect the existing use rather than to accommodate future residential growth. The paramount land use on these properties is 'Natural Heritage Conservation' which is proposed to be retained.

#### **Supporting Studies Summary:**

Scoped Environmental Impact Study

- Based on the results of the scoped EIS, the proposed development will not result in negative impacts
  to the existing natural features, or their ecological functions provided the recommended mitigation
  measures are implemented throughout all phases of development.
- Recommended mitigation measures within the EIS can be addressed through the City's Site Plan process and/or through condition(s) of site plan approval.

#### Geotechnical Investigation

- The Slope Assessment was prepared in accordance with all applicable provincial regulations and concluded that the Proposed Development (parking area, walkway and tower structure) will be located outside of the stable slope allowance and is not a risk from a geotechnical and slope stability perspective. Further, it is not anticipated to create any new hazards or aggravate existing hazards and will have very minimal impacts on the existing natural features.
- Recommended mitigation measures within the Geotechnical Investigation can be addressed through the City's Site Plan process and/or through condition(s) of site plan approval.

# **Policies, Standards and Resources**

- Official Plan City of Kitchener
- Zoning bylaw City of Kitchener
- <u>Urban design City of Kitchener</u>

# City of Kitchener OPA/ZBA comments

**Application type:** Zoning By-law Amendment Application ZBA24/011/W/TS

Official Plan Amendment Application OPA24/006/W/TS

**Project address:** 1082 & 1094 Wilson Avenue

**Comments of:** Transportation Services

Commenter's name: Dave Seller

Email: dave.seller@kitchener.ca

**Phone:** 519-741-2200 e 7369

Date of comments: July 5, 2024

Comments due: July 5, 2024

#### **Development proposal**

The owner is proposing to expand an existing manufacturing facility at 1036 Wilson Avenue and requires the existing dwellings to be removed and converted into a new parking area. The owner has requested to amend the Urban Structure in the Official Plan to redesignate the property from 'Community Area' to 'Industrial Employment Area', and to redesignate the property to 'Business Park Employment' from 'Low Rise Residential'. The owner has requested to amend the Zoning By-law to 'General Industrial Employment (EMP-2)' in By-law 2019-051 from 'Low Rise Residential One Zone (RES-1) with Holding Provision 22H' in Zoning By-law 2019-051.

Also, a new staff parking area is being proposed with approximately 110 parking spaces and one full moves access to Wilson Avenue.

#### Parking area analysis

One vehicle access point to Wilson Avenue is appropriate. Below are some site plan related comments.

- Typical parking drive aisle widths.
  - 7.3m double loaded parking
  - 6.7m single loaded parking
  - o 6.1m with no parking on either side of the drive aisle.
- Typical parking space dimensions 5.5m x 2.6m
- Driveway visibility triangles 3.0m x 4.5m

#### **Active Transportation analysis**

Wilson Avenue is a major active transportation route with no dedicated pedestrian or cycling facilities for this portion of Wilson Avenue. While there is no road widening for this section of Wilson Avenue, Transportation Services is consulting with our legal department regarding the feasibility of a boulevard

multi-use trail (BMUT) along the 1094 Wilson Avenue frontage. Transportation Services additional comments regarding the BMUT after consultation with our legal staff.	will provided



# PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

Community Planning

150 Frederick Street 8th Floor Kitchener Ontario N2G 4J3 Canada Telephone: 519-575-4400 TTY: 519-575-4608

Fax: 519-575-4466 www.regionofwaterloo.ca

Melissa Mohr 1-226-752-8622 File: D17/2/24006 C14/2/24011

July 8, 2024

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

Dear Mr. Seyler,

Re: Proposed Official Plan Amendment OPA 24/06 and

Zoning By-law Amendment ZBA 24/011

1082 and 1094 Wilson Avenue

GSP Group (C/O Kristen Barisdale) on behalf of Colt

Canada Corporation CITY OF KITCHENER

GSP Group has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 1082 and 1094 Wilson Avenue (referred to as subject lands) in the City of Kitchener.

The Owner is proposing to demolish two single detached dwellings on each lot to permit a new parking area that will be associated with the existing manufacturing facility at 1036 Wilson Avenue.

The subject lands are designated Urban Area and Delineated Built Up Area in the Regional Official Plan. The site is designated Low Rise Residential and Core Natural Feature in the City of Kitchener Official Plan and zoned RES-1 and NHC-1 in the City of Kitchener Zoning By-law. The applicant has requested an **Official Plan Amendment** to redesignate the subject lands from the 'Community Area' to the 'Industrial Employment Area' and to redesignate the land from 'Low Rise Residential' to 'Business Park Employment'. The applicant has also proposed a **Zoning By-law Amendment** to rezone the subject lands from the Low Rise Residential One (RES-1) Zone to the General Industrial Employment (EMP-2) Zone. The applicant is proposing to remove Holding Provision 22H from the lands. Holding Provision 22H relates to ensuring adequate city

services are 'available' or that 'acceptable arrangements' have been made and that an Environmental Impact Study has been approved by the City's Director of Planning.

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 the site is designated Low Rise Residential in
the City of Kitchener Official Plan. The site is adjacent to an industrial use and the
proposal is to permit additional parking for the industrial operation at 1036 Wilson
Avenue.

### Built Up Area Policies:

Section 1.6 of the Regional Official Plan establishes the overview of the Regional Planning Framework and Section 2.B.1 and 2.C establish policies for the Urban System. Section 2.F of the Regional Official Plan establishes policies for intensification targets within the Delineated Built-Up Area, which is set at 60% annually for the City of Kitchener. Furthermore, development in the Built Up Area is intended to provide gentle density that's assists in providing opportunities for residents to use alternative forms of transportation (e.g. walking, rolling, strolling). The Delineated Built Up Area is intended to support the 15-minute neighborhood and includes an appropriate mix of jobs, local stores and services as well as a full range of housing and transportation options. Regional staff understand that the proposal will support an existing manufacturing operation directly adjacent to the site (Colt Canada).

# **Core Environmental Features:**

The subject lands contain a Regional Core Environmental Feature on the entirety of the subject lands. The applicant has submitted an Environmental Impact Study to establish the limits of development on site and the impact to the Core Environmental Feature. As indicated below, the Region has no objection to the Environmental Impact Study submitted and agrees with the conclusions and recommendations contained in the study. Further detailed information can be found in the Environmental Planning section below.

# Servicing:

Regional staff understand that the subject lands are serviced by a municipal water system, but do not have a connection to a municipal wastewater system. Please be advised that the preferred form of servicing within the Urban Area and Delineated Built Up Area of the Regional Municipality of Waterloo is servicing from a municipal water and wastewater system. Regional staff understand that municipal water and wastewater is not required to service a parking lot, however Regional staff advise the applicant and owner that should an expansion to the building be proposed, the development will be required to be serviced by municipal water and wastewater services in accordance with the Regional Official Plan.

Further to the above, Regional staff have the following technical comments relating to the proposal:

# **Environmental Planning:**

The scoped Environmental Impact Study (EIS), prepared by Aboud & Associates, dated March 22, 2024 has been reviewed and Regional staff offer the following comments on the report:

Regional staff understand that the proposed parking lot and tower/stairwell for the pedestrian bridge are to be situated in areas that are not included in the designated Core Environmental Feature on the subject lands and no development activity shall occur within the Core Environmental Feature. In addition, a suitable buffer has been included to ensure additional protection for the feature.

Furthermore, Regional staff understand that the elevated walkway through the forest canopy is to be constructed in such a manner that impacts to the woodland feature will be minimal and can be readily mitigated through recommendations made in the EIS.

Regional staff have no objections to the methodology, conclusions and recommendations contained in the scoped Environmental Impact Study and require that the remainder of the property continue to be designated Core Natural Feature in the City of Kitchener Official Plan and NHC-1 in the City of Kitchener Zoning By-law. Furthermore, Regional staff recommend that the recommendations contained within Section 7 of the EIS be implemented through the future site plan and be implemented to the satisfaction of the City of Kitchener and Regional Municipality of Waterloo.

# Regional Cultural Heritage

Regional staff understand that site alteration and development on the subject lands is intended to take place on portions of the land that have been disturbed. Please be advised that should development or site alteration take place in any areas outside of the current areas containing disturbance, an archaeological assessment must be completed by a licensed archaeologist, due to the subject lands proximity to hydrology, its location within a historic landform and the sites proximity to historic buildings.

Should any work be proposed in the undisturbed portion of the subject lands, the owner/applicant must submit the Archaeological Assessment report(s) to the Ministry of Citizenship and Multiculturalism, and once reviewed and accepted, <u>provide a copy of the Ministry's Acknowledgement letter(s)</u> and the Assessment report(s) to the satisfaction of the Regional Municipality of Waterloo.

# **Hydrogeology and Water Programs/Source Water Protection**

The owner/developers is advised that a salt management plan is required to the satisfaction of the Regional Municipality of Waterloo as part of a future site plan application. Regional staff encourage the Owner/Developer to incorporate the following design considerations with respect to salt management into the design of the site and within the salt management plan:

- Ensuring that cold weather stormwater flows are considered in the site design.
   Consideration should be given to minimize the transport of meltwater across the parking lots or driveway. This also has the potential to decrease the formation of ice and thereby the need for de-icing.
- Directing downspouts towards pervious (i.e. grassy) surfaces to prevent runoff from freezing on parking lots and walkways.
- Locating snow storage areas on impervious (i.e. paved) surfaces.
- Locating snow storage areas in close proximity to catchbasins.
- Using winter maintenance contractors that are Smart About SaltTM certified.
- Using alternative de-icers (i.e. pickled sand) in favour of road salt.

The proponent is eligible for certification under the Smart About SaltTM program for this property. Completion of the SMP is one part of the program. To learn more about the program and to find accredited contractors please refer to:

http://www.smartaboutsalt.com/. Benefits of designation under the program include cost savings through more efficient use of salt, safe winter conditions by preventing the formation of ice, and potential reductions in insurance premiums.

Please be advised that the Region does not support infiltration of chloride laden runoff from parking lots.

#### Fees:

Please be advised that the Region is in receipt of the Official Plan Amendment review fee of \$7,000.00 and the Zoning By-law Amendment Review fee of \$3,000.00 (total \$10,000) was received in full July 5, 2024.

#### **Conclusions:**

The Region has <u>no objection</u> to the above noted applications to permit a parking facility associated with an adjacent industrial use provided the following is implemented within the Official Plan Amendment and Zoning By-law Amendment:

1. That the areas outside the area where development is to occur continues to be designated Core Natural Feature in the City of Kitchener Official Plan and NHC-1 in the City of Kitchener Zoning By-law.

# **Next Steps:**

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

Melissa Moh

C. GSP Group Inc. C/O Kristen Barisdale (Applicant), Colt Canada Corporation C/O JoAnne McCormick (Owner)



Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

July 19, 2024 via email

Tim Seyler, Senior Planner Kitchener City Hall, 6th Floor 200 King Street West, P.O. Box 1118 Kitchener ON N2G 4G7

Dear Tim Seyler,

Re: Zoning By-law Amendment Application ZBA24/011/W/TS

Official Plan Amendment Application OPA24/006/W/TS

1082 and 1092 Wilson Avenue, City of Kitchener

**Colt Canada Corporation** 

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application for amendments to the Official Plan and Zoning By-law to allow the existing dwellings to be removed and converted into a new parking area.

# **Recommendation**

Based on our review of the material submitted with the application, the GRCA recommends deferral to allow the applicant time to address our comments. Additional information is required to confirm the extent of the riverine slope erosion hazard and development setback.

# **Documents Reviewed by Staff**

Staff have reviewed the following documents submitted with this application:

- Geotechnical Investigation, prepared by CMT Engineering Inc., dated February 1, 2024.
- Stormwater management Brief, prepared by WalterFedy, undated.

# **GRCA** Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as per our CA Board approved policies.

Information available at this office indicates that the subject properties contain floodplain associated with the Grand River, a riverine slope erosion hazard and the regulated allowances to these features. Due to the presence of these features, a portion of the properties are regulated by the Grand River Conservation Authority under Ontario Regulation 41/24. Any future development activities, including the proposed parking area and tower, will require the prior issuance of a permit from the GRCA.

The GRCA understands that the applicant is proposing to amend Map 2 – Urban Structure in the Official Plan to redesignate the property from 'Community Area' to 'Industrial Employment Area' and amend Map 3- Land Use' in the Official Plan to redesignate the property to 'Business Park Employment' from 'Low Rise Residential.' In addition, the applicant has

requested to amend the Zoning By-law to 'General Industrial Employment (EMP-2)' in By-law 2019-051 from 'Low Rise Residential One Zone (RES-1) with Holding Provision 22H.

Prior to recommending approval, the GRCA requests that the comments below, which pertain to the site specific geotechnical investigation, be addressed, in order to allow the slope erosion hazard overlay to be updated. The GRCA recommends that the slope erosion hazard overlay be updated to confirm that the proposed development activity will be outside of the natural hazards.

- 1. Have potential impacts to the (lower) slope from the proposed developments (e.g., the tower structure, parked vehicles, and construction impacts such as equipment/heavy machinery) been considered in the slope stability analysis? Please clarify and confirm.
- 2. There is a discrepancy in the long-term stable slope extent (in the vicinity of the proposed tower and walkway) shown on Drawing 2 and Drawing 28. Please clarify and update the drawing(s). The long-term stable slope must be delineated and captured on an updated erosion hazard overlay.

The GRCA will defer a detailed review of the proposed grading and stormwater management design to site plan. However, at this time we would like to note that the stormwater management must, in part, control post-development peak flows to pre-development levels for all storms up to and including the 100-year storm (i.e., 2, 5, 10, 25, 50 and 100-year storms) for all site outlets, and ensure there are no additional impacts during the regulatory storm. The applicant is encouraged to engage in pre-consultation to confirm submission requirements.

#### Site Plan Application

Based on a review of the submitted materials, the GRCA would request that the geotechnical investigation report be updated with the following as part of a future Site Plan Application.

- 3. Please attach the survey by Van Harten Surveying Inc. (the most updated version) to the geotechnical report. The vertical datum must be provided on the survey. The survey must be signed by a certified OLS.
- 4. The geotechnical report should be updated to review and confirm that the proposed grading and servicing will not have a negative impact to the slope stability.

#### **Advisory Comments**

 No response is required. Upon further review, the GRCA does not consider the upper slope to be part of the riverine erosion hazard. We would recommend that if any development is proposed on the upper slope in the future, that a geotechnical engineer review and provide input, however, a permit from the GRCA will not be required.

Consistent with GRCA's 2024 approved fee schedule, this application is considered a major Official Plan and/or Zoning Bylaw Amendment, for which the review fee is \$2,500. The GRCA acknowledges receipt of a previous payment in the amount of \$255 for an Inquiry fee. The applicant will be invoiced the difference in the amount of \$2,245, for the GRCA's review of this application.

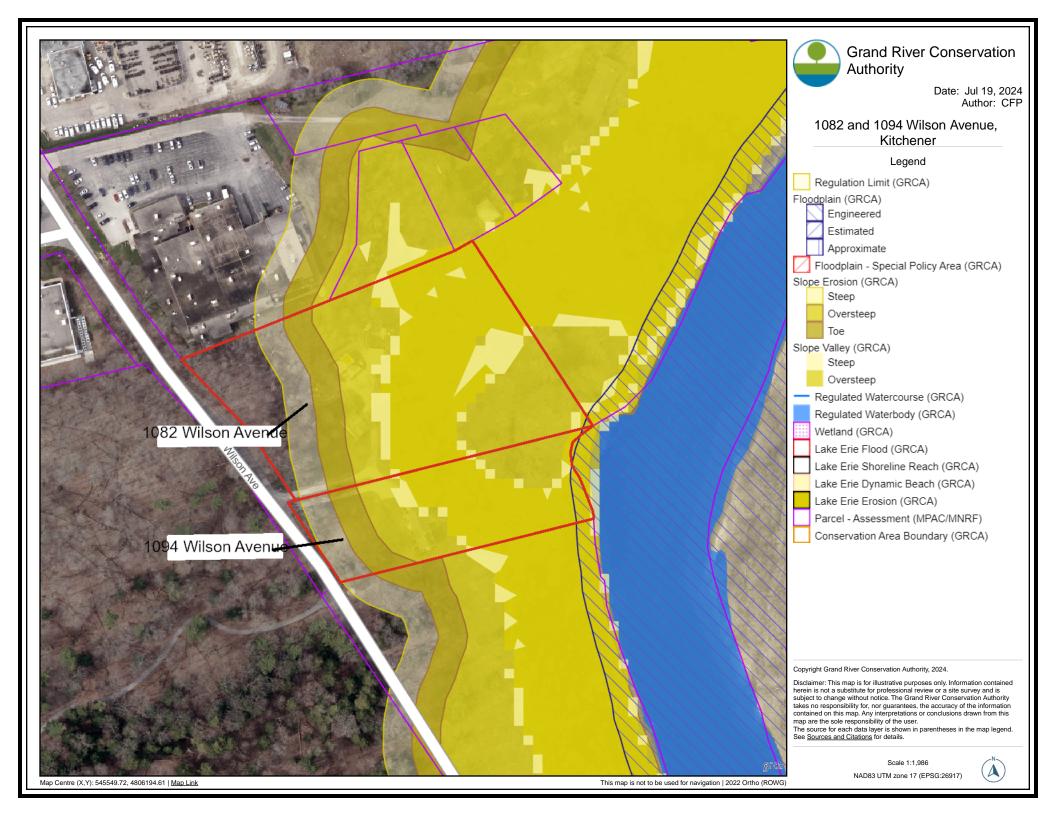
Should you have any questions, please contact the undersigned at cfosterpengelly@grandriver.ca or at 519-621-2763 extension 2319.

Sincerely,

Chris Foster-Pengelly, M.Sc.

Supervisor of Planning and Regulations

Enclosed: GRCA map of the properties



# **City of Kitchener**

# **Zone Change / Official Plan Amendment Comment Form**

Address: 1082, 1094 Wilson Ave (connected with 1036 Wilson Ave)

Owner: Colt Canada

Application: ZBA24/011/W/TS and OPA24/006/W/TS

Comments Of: Park Planning Commenter's Name: Lenore Ross

Email: Lenore.ross@kitchener.ca Phone: 519-741-2200 ext 7427

Date of Comments: July 05 2024

☐ I plan to attend the meeting (questions/concerns/comments for discussion)

No meeting to be held

☐ I do NOT plan to attend the meeting (no concerns)

#### **Documents Reviewed:**

I have reviewed the documentation noted below submitted in support of an OPA and/or ZBA to allow the expansion of an existing manufacturing facility at 1036 Wilson Avenue and requiring the existing dwellings to be removed to be converted into a new parking area. The owner has requested to amend Map 2 – Urban Structure in the Official Plan to redesignate the property from 'Community Area' to 'Industrial Employment Area'. And Map 3- Land Use in the Official Plan to redesignate the property to 'Business Park Employment' from 'Low Rise Residential' (as shown on the attached Schedule 'A'). The owner has also requested to amend the Zoning By-law to 'General Industrial Employment (EMP-2)' in By-law 2019-051 from 'Low Rise Residential One Zone (RES-1) with Holding Provision 22H' in Zoning By-law 2019-051

List of documents reviewed.

- Scoped EIS Aboud and Associates dated March 22 2024
- Circulation Letter dated May 24 2024

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

The lands that are subject to these Planning applications are immediately adjacent to City owned lands identified as Kitchener Core Natural Heritage Features and Regional Core Environmental Features. These Natural Heritage Conservation lands are known as Homer Watson Park to the west and Petrifying Spring Natural Area to the east. In addition, there is a land-locked, City owned NHC parcel immediately east of the 1036 Wilson Ave lot and through subsequent development applications related to the proposed expansion of the manufacturing facility, access to these City owned lands and that remaining residential parcels east of the site should be addressed. This may require additional Planning applications.

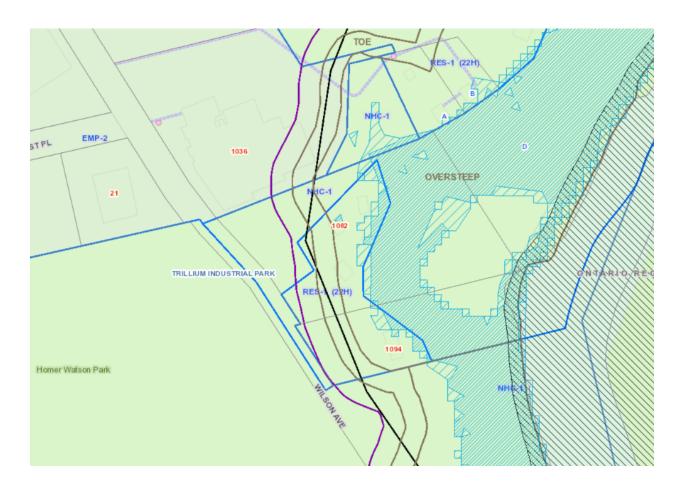
Through the expected site plan application for the proposed expansion of the manufacturing facility, conveyance of the NHC lands to the City will be explored with the intent of providing secure access to

# **City of Kitchener**

# **Zone Change / Official Plan Amendment Comment Form**

City lands and connecting natural heritage features in public ownership. If direct conveyance of some portions of the NHC lands on 1082 and 1094 Wilson Ave is not possible because of operational or security needs, registration of a conservation easement in favour of the City can be explored as an option.

Park Planning has no significant concerns with the proposed Official Plan and Zoning Bylaw amendments and can provide support for the applications.



# **Comments on Submitted Documents**

No comments

#### **Anticipated Fees:**

Parkland Dedication

The parkland dedication requirement for this submission is **deferred** and will be assessed at a future Site Plan application for the subject and adjoining lands. Parkland dedication will be assessed based on the

# **City of Kitchener**

# **Zone Change / Official Plan Amendment Comment Form**

land use class(es) and density approved through the OPA and ZBA and required as a condition of Site Plan Approval

Dedication requirements are subject to the Planning Act, Parkland Dedication Bylaw, Park Dedication Policy and rates in effect. The Bylaw is under appeal.

# City of Kitchener Pre-submission Application Comment Form

Project Address: 1082-1094 Wilson Avenue

Date of Meeting: July 05, 2024

**Application Type:** ZBA / OPA

Comments Of: Development Engineering

Commenter's Name: Jason Brule

Email: jason.brule@kitchener.ca

Phone: 519-741-2200 x.7419

Date of Comment:

☐ I plan to attend the meeting (questions/concerns/comments for discussion)

X I do NOT plan to attend the meeting (no concerns) There is no meeting scheduled

#### 1. Site Specific Comments & Issues:

• No sanitary or storm infrastructure along the frontage here.

# 2. Plans, Studies and Reports to submit as part of a complete Planning Act Application:

#### Zoning Bylaw Amendment:

- For the OPA/ZBA a Functional Servicing Report detailing outlets to the municipal sanitary and storm servicing system is required to the satisfaction of Engineering Services. Sanitary design sheets developing population based on zoning with peaked flows must be submitted to run the sanitary capacity modeling. The City of Kitchener will use this information to determine if there are any downstream issues. If the capacity analysis determines that the sanitary sewers will need to be upgraded to support the development, then these upgrades will be rolled into the development costs. Further studies will be required at the time of development to determine the approximate length of sanitary sewers that will need to be upgraded.
- Stormwater Management may be addressed through the Site Plan Approval process.
- For the OPA/ZBA a Water Distribution Report is required to the satisfaction of Engineering Services in consultation with Kitchener Utilities and the Region of Waterloo.