

Rationale for the City of Kitchener to Deny the Application

**The public notice is
incomplete and
misleading.**

**No indication to demolish
2 habitable houses + third
structure.**





House with independent apartment at far end.





Structure Suitable for Habitation





**Trees
cleared for
development**

Subject Property  **Parking Lot**



Public Notice with no reference to demolition of the buildings.



YOU'RE INVITED TO A NEIGHBOURHOOD MEETING

FOR A PROPOSED DEVELOPMENT IN YOUR NEIGHBOURHOOD

Join us to learn more about the project, share your thoughts and understand your appeal rights. Visit us at:
kitchener.ca/PlanningApplications

Location: **Virtual Zoom Meeting**
Date: **July 10, 2024**
Time: **7:00 p.m.**

To connect to the virtual meeting online, go to: www.zoom.us/join and enter meeting ID# **892 1761 7602**

To participate by telephone, please dial: **1.647.558.0588** and enter meeting ID# **892 1761 7602** when prompted



Concept Drawing



1082 & 1094 Wilson Avenue



Employment Use



Relocation of Parking

We want to hear from you!

Submit your comments to the File Manager by:
July 5, 2024

File Manager:
Tim Seyler, Senior Planner
tim.seyler@kitchener.ca
519.741.2200 x 7860
200 King Street West, P.O. BOX 1118
Kitchener ON, N2G 4G7

Your City Councillor:
Jason Deneault, Ward 3
jason.deneault@kitchener.ca
519.741.2790

Current status:

- 1 Notice of development sent and feedback requested
- 2 Neighbourhood meeting to be held
- 3 Staff consolidating all feedback in order to finalize a recommendation to be considered by Planning Committee and City Council
- 4 Council decision communicated back to residents who requested a notice of decision

Next steps:

Public Notices Fail to State Request to Remove Holding Provision 22H.s

- Public has a right to know all pertinent information.**
- City has an obligation to be transparent.**
- Requests for information has not been responded to in a timely manner**

Requests for information remain unanswered.

- **Incomplete and misleading information resulted in a lack of public participation at the Neighbourhood Meeting.**
- **The City's flaunted invitation to the public to “ENGAGE” becomes disingenuous with lack of transparency.**

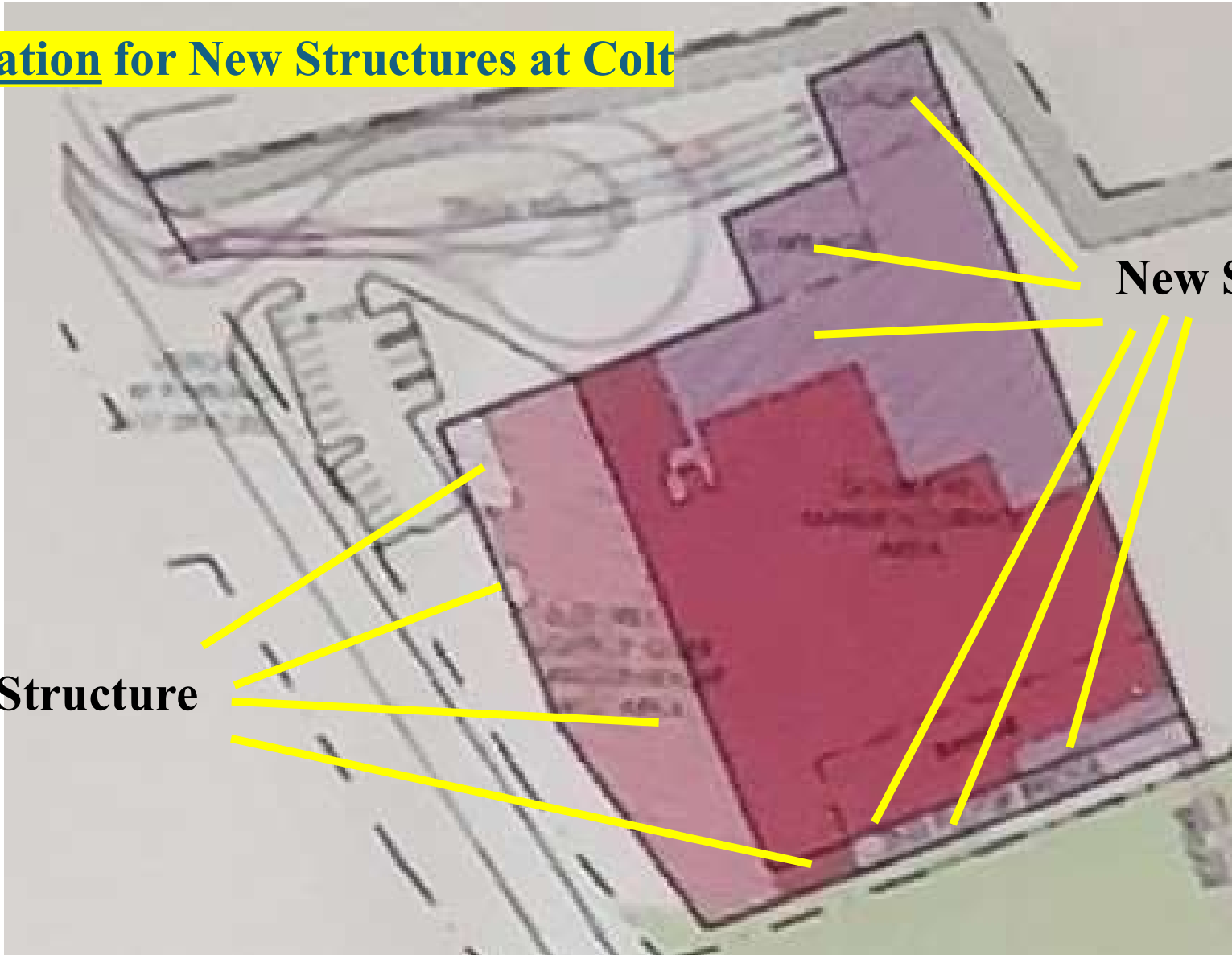
This application is not for a simple "proposed development". The public notice fails to state:

- a significant addition to the existing Colt Canada manufacturing plant (1036 Wilson Ave.)**
- reduction of parking at 1036 Wilson Ave.**

No Application for New Structures at Colt

New Structure

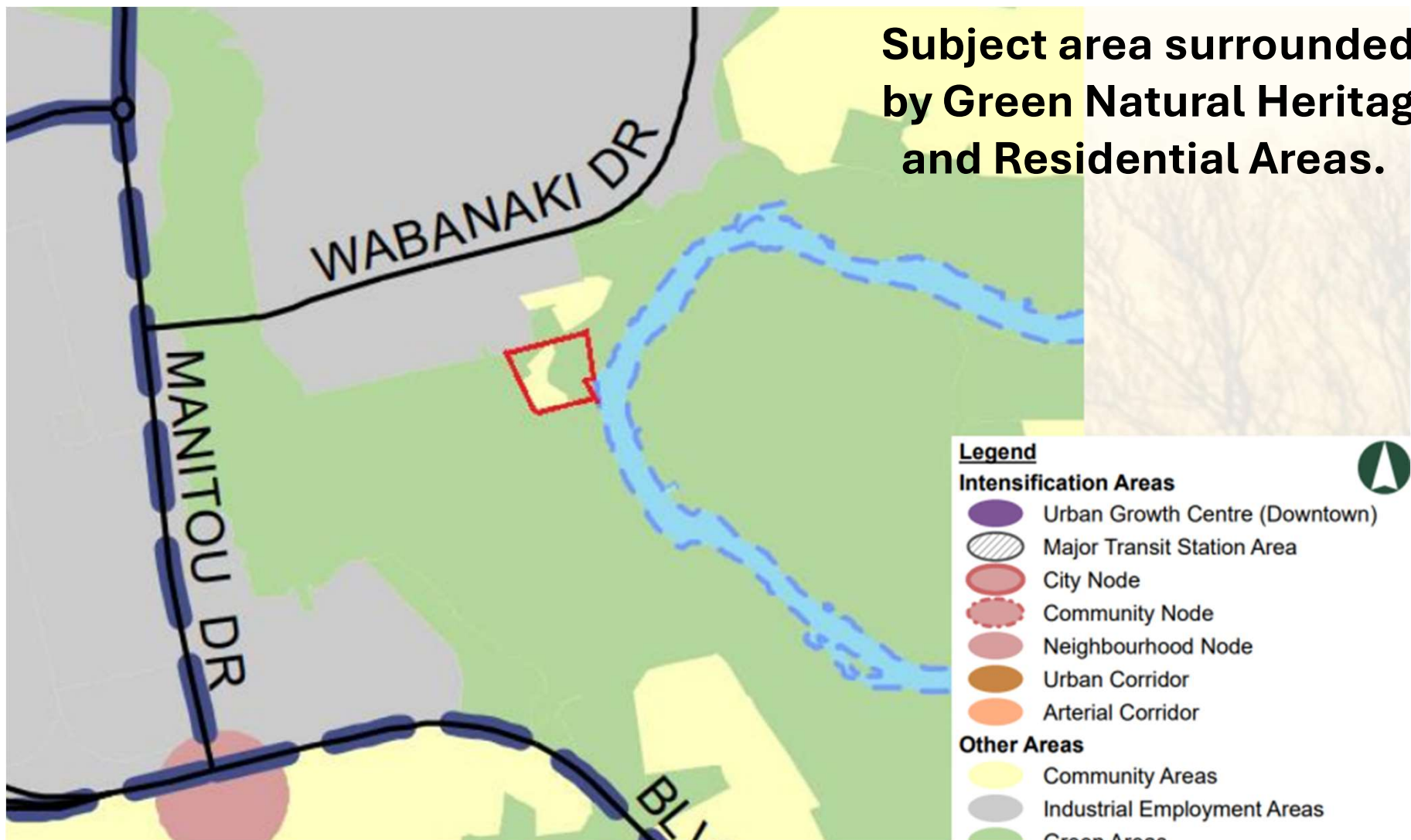
New Structure

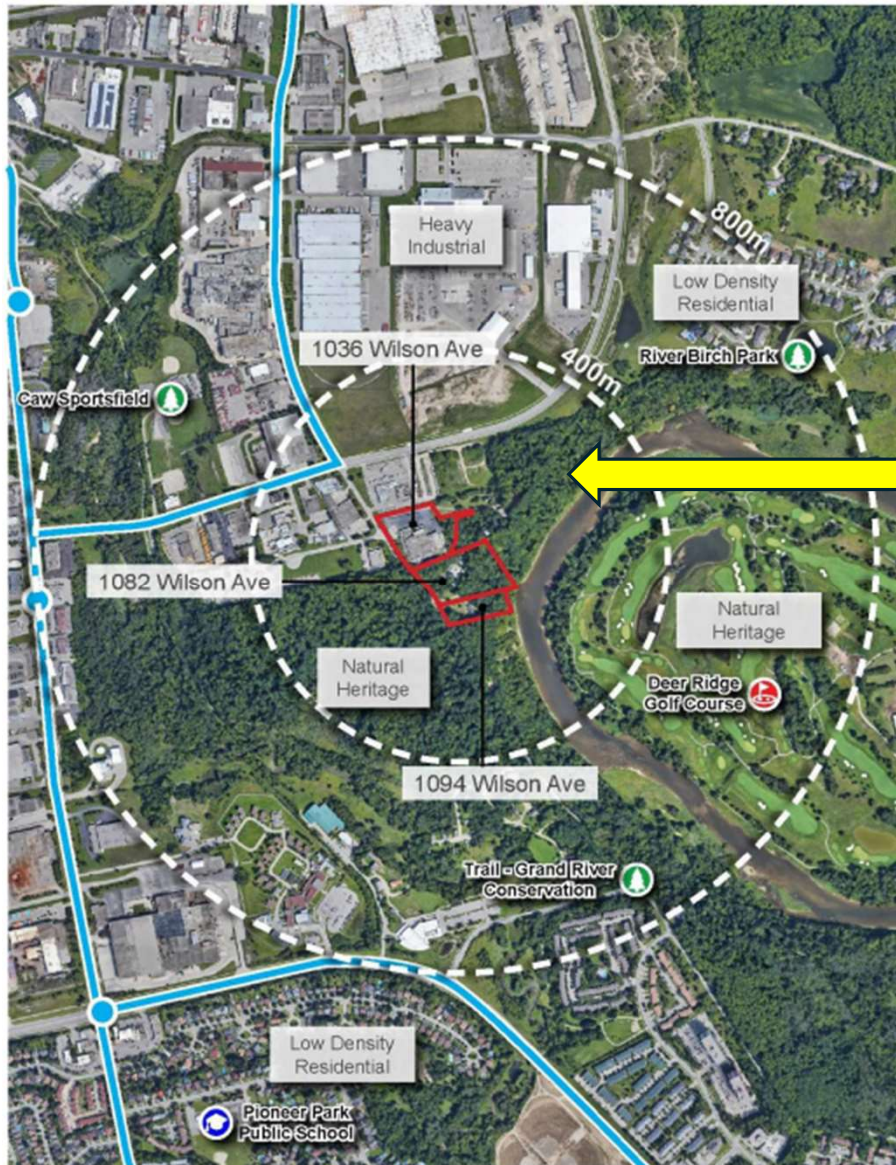


Existing Policy Context

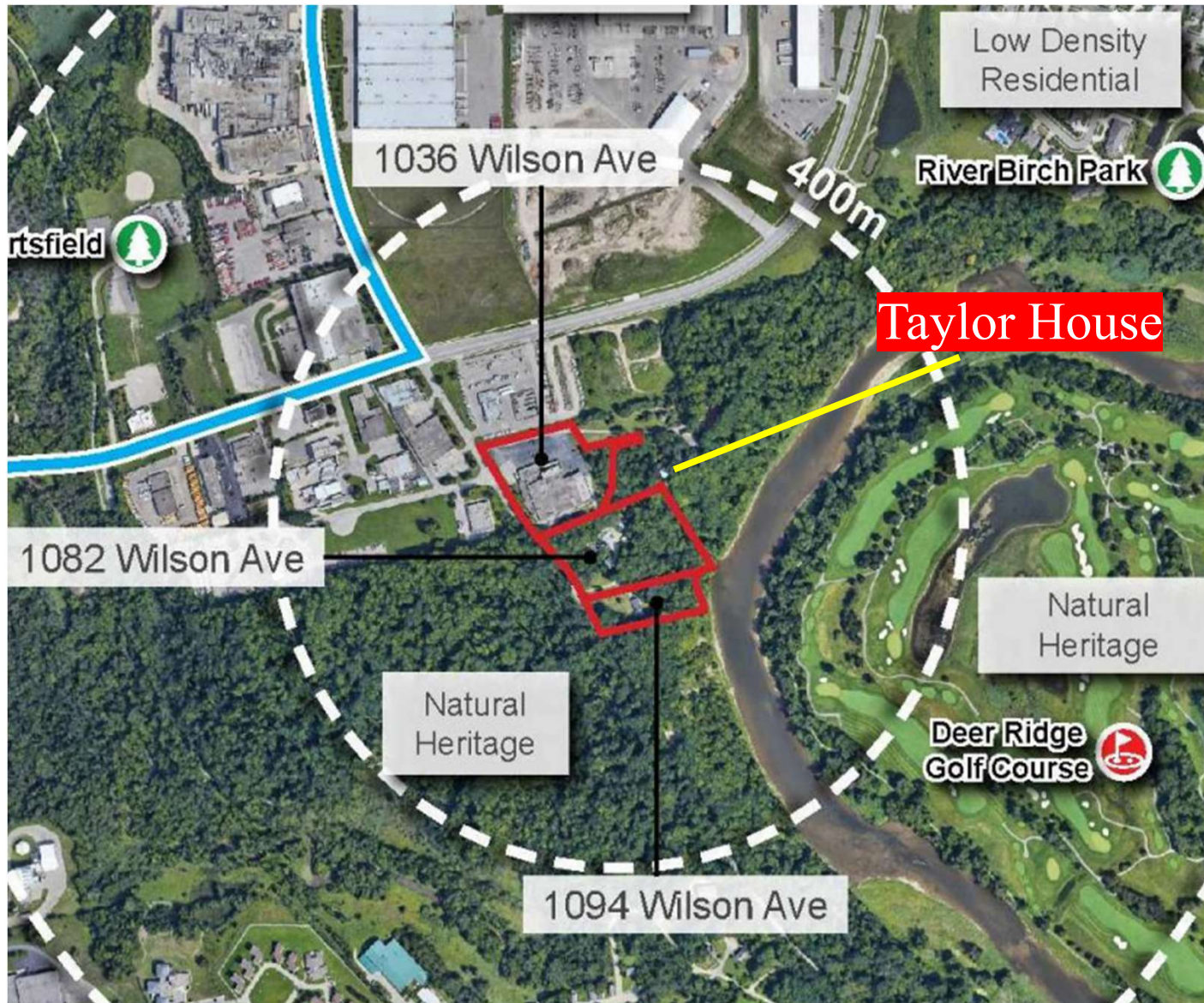
- **The Lands are identified as a Community Area and a Green Area in the City's Urban Structure**
- **Properties that are located within a Community Area are intended to provide residential uses as well as non-residential supporting uses intended to serve the immediate residential areas.**
- **The planned function of Green Areas is to protect and conserve the ecological functions and features and passive and active recreation that these areas provide.**

**Subject area surrounded
by Green Natural Heritage
and Residential Areas.**





**Mapping Ignores
Existing Low Density
Residential per Justification
Report**



“Shall not be located within 250 metres of a residential use, a day care facility, elementary school, secondary school or a post-secondary school or a lot zoned to permit a residential use, a day care facility, elementary school, secondary school or a post-secondary school.”
SECTION 10 (4) –
Employment (EMP) Zones





**Residential
Properties**

NT0 **Residential Properties**
Neil Taylor, 2024-07-27T20:57:37.702

Existing Zones

- **Lands are zoned ‘Low Rise Residential One Zone (RES-1)’, Natural Conservation (NHC-1), and Holding Provision ‘22H’. (Zoning By-law 2019-051)**
- **Zoning permits: – Single Detached Dwelling – Additional Dwelling Units – Home Business (Zoning By-law 2019-051)**
- **Existing Natural Conservation zoning permits: – Existing Agriculture – Natural Heritage Conservation (Zoning By-law 2019-051)**

Subject Area Incompatible With Surroundings

WABANAKI DR

Low Rise Residential

Natural Heritage

Legend

- Refer to Secondary Plan For Data
- Urban Growth Centre (Downtown)
Refer to Map 4
- Area Under Deferral
- Low Rise Residential
- Medium Rise Residential
- High Rise Residential
- Mixed Use
- Commercial Campus
- Commercial
- Heavy Industrial Employment
- General Industrial Employment
- Business Park Employment
- Institutional
- Prime Agriculture
- Rural
- Natural Heritage Conservation
- Open Space
- Major Infrastructure and Utilities

- **The public notice boldly states that the purpose is “Employment Use” and “Relocation of Parking”.**
- **The report states that Colt currently has 149 employees. There is no indication that the employment number at Colt will increase if the Application is successful.**

No mention of House Demolition - City Web Site

- **Official Plan Amendment to redesignate a portion of the properties from Low Rise Residential to Business Park Employment**
- **Zoning By-law amendment to change the zoning from RES-1 to EMP-2 to permit the expansion of a manufacturing facility and associated parking.
(Cross-reference: OPA24/006/W/TS)**

No Proposal to Demolish Houses

Proposed Official Plan Amendment:

- **Requesting a redesignation of lands from Community Area, to General Industrial Area within the urban structure, and redesignate the lands General Industrial Employment from Low Rise Residential Proposed Zoning By-law Amendment: Zoning By-law 2019-051:**
- **Change from RES-1 to EMP-2 – to permit a parking facility on the properties**

The public notice fails to show:

- a glass three-storey enclosed stairway (1082 and 1094 Wilson Ave),**
- a glass enclosed pedestrian bridge connecting to the manufacturing plant, and**
- significant lighting structures for parking adjacent to a Natural Heritage Area and a residential property.**

The City Official Plan (2022):

“To maintain the stability of Community Areas for residential purposes and related community infrastructure.” (3.2.7.)

Response: There has been a small residential community on Wilson Ave. for many decades. I have resided here for 50 years. Demolition of 2 homes is not maintaining this unique community.

- **“The City will generally not support changes in land use designation and zoning within Urban Structure Components that could reduce the planned density and/or compromise the planned function or intended built form of Intensification Areas unless the City is satisfied that the change in land use designation and/or zoning will achieve other goals and objectives of this Plan.” (3.C.2.2.)**
- **Response: The change in land use will not achieve the desired purpose of the Application.**

- **“The City will only consider expansions to Intensification Areas identified on Map 2 as follows: iv) the expansion to accommodate the additional lands is compatible with adjacent properties and the surrounding area.” 3.C.2.6.**
- **Response: The proposed intensification is not compatible with the surrounding Natural Heritage areas nor with the Low-rise Residential community.**

- “To encourage and support the retention and rehabilitation of older housing or the reconstruction of existing housing to maintain the housing stock and the stability and community character of established residential neighbourhoods.” (4.1.5.)
- Response: **Demolition of scarce housing** is not maintaining the housing stock and the stability and community character of an established residential neighbourhood existing for many decades.

- **“A demolition control application will be required for any requests to remove residential dwelling units from the housing supply in accordance with the Demolition Control Policies in Section 17.E.25. ” (4.C.1.11.)**
- **Response: No demolition control application is apparent.**

- **“On lands zoned to recognize an existing use, a change in use may be permitted through a Zoning By-law Amendment provided: a) that the subsequent use is compatible with surrounding land use;” (6.C.2.22.)**
- **Response: The zoning By-law Application must be denied since the subsequent use is incompatible with surrounding land use. i.e. Natural Heritage and Low-rise residential.**

“Where lands contain two or more features of the Natural Heritage System, the more restrictive policies in this Plan pertaining to those features will apply in the event of any conflict.” (7.C.2.15.)

Response: There are 3 Natural Features: Petrifying Springs ESPA, Homer Watson ESPA and the World Heritage Grand River. The more restrictive policy must apply. Deny the applications.

“All proposals for development, redevelopment or site alteration within, or adjacent to, any features included as part of the Landscape Level System or Core Environmental Features outlined in Policy 7.C.2.17 will be reviewed in accordance with the Regional Official Plan.” (7.C.2.18.)

Response: No review has been presented re. the Regional Official Plan.

- **“Notwithstanding Policy 7.C.2.57, where feasible, the City will consider acquiring land to protect and improve the Natural Heritage System.” 7.C.2.58.**
- **Response: The subject land is surrounded by Natural Heritage designation. This is an opportunity to acquire significant properties to extend, protect and improve this Natural Heritage system.**

- **“Any decision considered by the City for any development application with respect to land on or within adjacent lands of a natural heritage feature will be made in consultation with the appropriate authorities, in accordance with the policies of this Plan, using the best available information at that time.” 7.C.2.59.**
- **Response: The Reports submitted are replete with subjective comments and opinions without the benefit of peer review**

“Development applications will be required to demonstrate to the satisfaction of the City, through the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10, that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.” (7.C.4.4.)

Response: The Official Plan is new (2022) and took years to develop. Its relevance is indisputable. The applications do not meet the sustainable development policies of the Plan and sustainable development design standards.

“The City will *consider* applications for site-specific amendments to this Plan within the context of the policies and criteria set out throughout this Plan.” (17.E.2.16.)

Response: No site-specific plan has been submitted and the application does not demonstrate the rationale for the amendment and to evaluate and address such matters, including but not limited to the: a) conformity with Provincial and Regional policies and plans; b) conformity to the vision, goals, objectives and policies of this Plan; c) need for the proposed use; (employment) d) suitability of the lands for the proposed use; e) land use compatibility with the existing and future uses of surrounding lands (Natural Heritage); f) adequacy of infrastructure and community infrastructure to support the proposed use; and, g) precedents which may be established by the approval of the amendment. (Demolition of structurally sound houses)

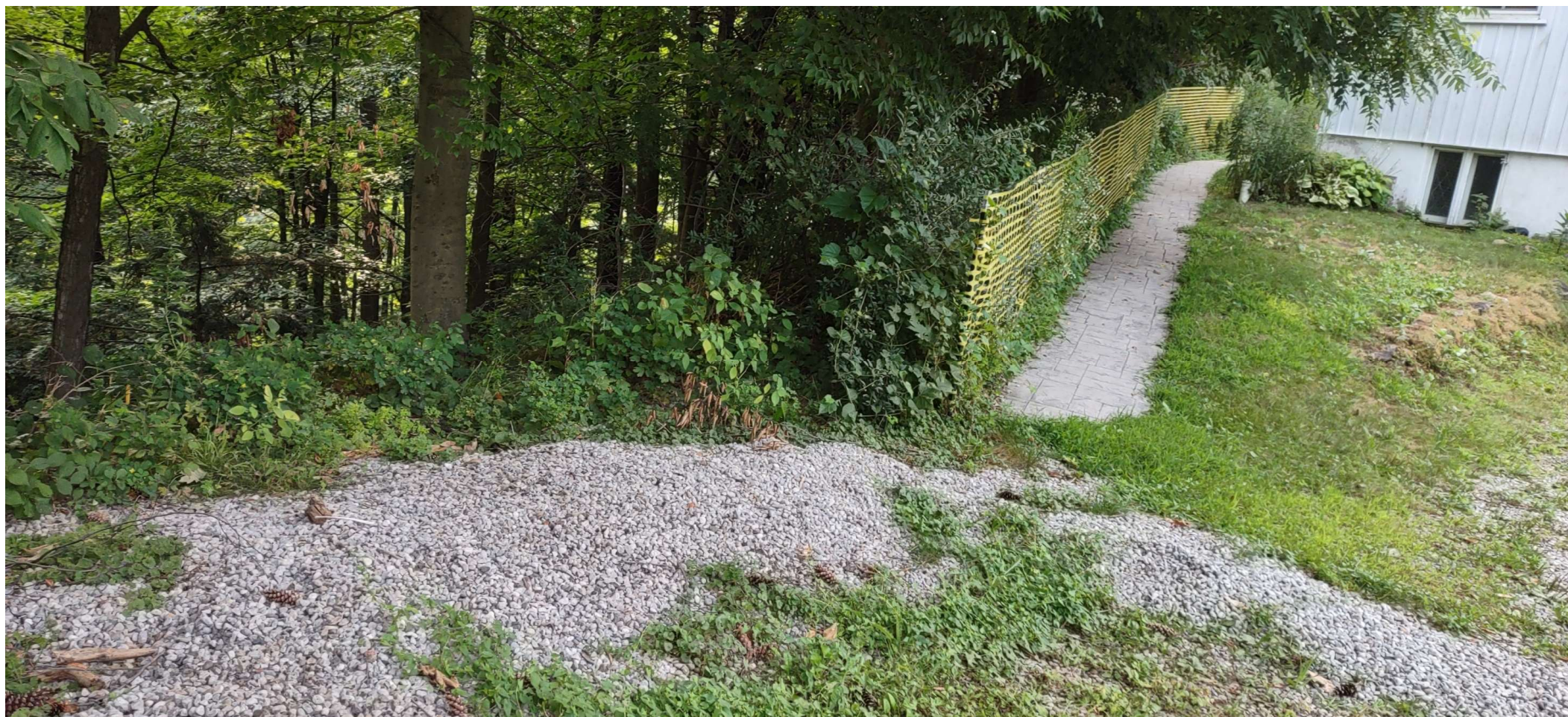
- **“The City may require, as part of a complete application, a site plan, elevation drawings, 3D model, shadow study, angular plane analysis, urban design brief and/or urban design report and any other appropriate plans and/or studies in accordance with the Urban Design Policies in Section 11, to: a) demonstrate that a proposed development or redevelopment is compatible; b) address the relationship to and the privacy of adjacent residential development; and, c) ensure compatibility with the existing built form and the physical character of the established area and/or neighbourhood.” (17.E.10.5.)**
- **Response: No site plan exists to satisfy the requirements of a), b), or c).**

- **“The City may conduct a peer review of any part of the submission or other information and materials submitted where necessary to determine whether the quality of the submission is satisfactory. Such peer review will be completed by an appropriate agency or professional consultant retained by the City at the owner/applicant’s expense.” (17.E.10.8.)**
- **Response: This is a prime example where a peer review is required of the subjective reports developed in the interests of the proponent.**

- **“Should site alteration be undertaken without the approval of the City prior to a development application being submitted, the City may refuse to process the application until the site has been rehabilitated to the satisfaction of the City.” (17.E.26.2.)**
- **“The City will encourage development and construction practices that minimize the levels of soil erosion and siltation.” (17.E.26.3.)**
- **Response: In the absence of a specific site plan and any reference to the treatment of snow removal, the application should be denied.**

Gravel Left from Colt Snow Removal at Lip of Steep Lip





Provincial Policy Statement, 2020

- “Land Use Compatibility” (PPS, 2020, 1.2.6)
- “Alternative locations for the proposed use have been evaluated” (PPS, 2020, 1.2.6.1)
- “No alternative locations for the proposed use have been presented or evaluated” (PPS, 2020, 1.2.6.1)
- **Alternatives have NOT been evaluated!**



Note the fence within centimeters of lip of steep slope.

Trees Cut Recently at Edge of Steep Bank



“Development or site alteration adjacent to a steep slope will be subject to a setback from the stable top of bank. The stable top of bank will be determined in consultation with the Grand River Conservation Authority. A minimum setback of 6 metres **will be required to accommodate an erosion access allowance.” (6.C.2.14.)**

