



PLANNING, DEVELOPMENT AND
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File: D20-20/24 KIT
November 25, 2024

VIA EMAIL

Connie Owen
Administrative Clerk, Legislative Services
City of Kitchener
200 King Street West
Kitchener, ON N2G 4G7

**Re: Comments on Consent Applications:
B2024-017, B2024-018, and B2024-037 to B2024-047 (inclusive)
Committee of Adjustment Hearing December 10, 2024
City of Kitchener**

Please accept the following comments for the above-noted Consent applications to be considered at the upcoming Committee of Adjustment Hearing.

B2024-037 (NEW) & B2024-017 / B2024-018 62 Fourth Ave (DEFERRED)

135 Gateway Park Dr

PLAN 1744 BLK 4 PT LOT 1 PLAN 1745 LOTS 8-9 PT LOT 10 PT BLK 11

Owner: 1289193 ONTARIO INC.

Owner/Developer: MHBC c/o Emily Elliot & Jennifer Gaudet

Note: B2024-17 and B2024-18 were originally submitted with a concept to create two lots. The applications were heard at August 2024 COA meeting, and then deferred to allow for further discussion between Owner/Developer and City.

The Owner/Developer is proposing consent to sever to create three lots and associated access easements. The easements would maintain current vehicular circulation and access points. No physical redevelopment is proposed.

- B2024-017/ Retained Lands/ Parts 1 and 2 – approx. 1.24ha with 82.6m frontage on Tu-Lane St and 181m frontage on Gateway Park Dr. Presently occupied by wholesale business, 329 surface parking, and shared drive aisle (easement over Part 2).
- B2024-037/ Severed Lands A/ Parts 3 and 4 – approx. 0.48ha with 57 frontage on King St E and 53.4m frontage on Tu-Lane St. Presently occupied by restaurant, 104 surface parking, and shared drive aisle (easement over Part 4).
- B2024-18/ Severed Lands B/ Parts 5 and 6 – approx. 2.01ha with 237.7m frontage on King St E and 194m frontage on Gateway Park Dr. Presently occupied by former Landmark Cinema building, 397 surface parking, and shared drive aisle (easement over Part 6).

In the Regional Official Plan, the subject lands are designated Delineated Built-up Area within the Urban Area Boundary (Map 1, 2), and MTSA – Sportsworld Station (Fig 8a).

Archaeological Assessment (Advisory)

The subject lands have potential for recovery of archaeological resources, for which Regional Staff do not have a record of clearance. While clearance is not required to support this consent application, any future Planning Act application proposing physical redevelopment of the site will require the submission of the completed Archaeological Assessment and associated acknowledgment letter from the Ministry of Citizenship and Multiculturalism. If in the Owner/Developer's possession, please provide a copy of the acknowledgement letter for our records.

Regional Fees

Regional staff have not received the fee for consent review of \$350 per application. The payment of fee will be required as a condition of consent approval.

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

B2024-038 (AMENDMENT TO B2024-19)

250 Shirley Ave

TRACT GERMAN COMPANY PT LOT 122

Owner: HIDAYATH HOLDINGS INC c/o Farhan Hidayath

Owner/Developer: 1123766 Ontario Ltd c/o Sharon Shaw

Note: B2024-19 was originally heard at August 2024 COA, and approved. This application is an amendment to the B2024-019 Decision, to include the partial discharge of the mortgage, in favour of HSBC Bank Canada (or as assigned), registered as WR1561020 on PIN 22712-0241 LT. 250 Shirley Ave will be granted a partial discharge having the same legal description as the severance transfer to be stamped over 82024-019.

The Owner/Developer is proposing consent to sever a triangular parcel of land in the easterly rear yard having a width of 58m and an area of 0.15 hectares to be conveyed as a lot addition to the property municipally addressed as 260 Shirley Ave (owned by 1123766 Ontario Ltd). The severed lands are vacant, while the retained and benefitting lands are used for industrial purposes. The consent will facilitate a lot line adjustment that conforms more closely to the current use of both properties.

In the Regional Official Plan, the subject lands are designated Delineated Built-up Area within the Urban Area Boundary (Map 1, 2), and Employment Area (Map 3).

Regional Fees

Regional staff have not received the fee for consent review of \$350 per application. The payment of fee will be required as a condition of consent approval.

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

B2024-039/040**120 Keewatin Ave - Parcel A/ Parcel B****PLAN 1515 LOT 34****Owner: Furoy, Guy & Sindjic, Drago****Owner/Developer: Craig Dumart**

The Owner/Developer is proposing consent to sever to create two lots for future semi-detached dwelling units and retain one lot for a future single detached dwelling. Being, severed lot (Parcel A) with an area of 225 sqm and frontage of 7.5m; severed lot (Parcel B) with an area of 230 sqm and frontage of 7.5m; and retained lot with an area of 783 sqm and frontage of 38.5m. The consent will facilitate the redevelopment of the subject lands. No other development applications are anticipated to facilitate the proposal.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2).

Environmental Noise**Environmental Noise Study**

Approval of an Environmental Noise Study will be required as a condition of consent approval.

At this location, the proposed development may encounter environmental noise sources due to Lackner Boulevard (RR# 54). It is the responsibility of the Owner/Developer to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, staff recommend that the Owner/Developer prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements.

The consultant who prepares the Environmental Noise Study must be listed on the Region of Waterloo's Approved List of Noise Consultants. The noise consultant is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations, submitting the Consultant Noise Declaration and Owner/Authorized Agent Statement. The consultant preparing the Environmental Noise Study must contact Region of Waterloo staff for transportation data, including traffic forecasts and truck percentages, for the purpose of preparing the Environmental Noise Study. Region of Waterloo 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>). Resubmission of any Transportation Noise Study may be subject to a \$250 resubmission fee.

In the event that a stationary noise source is identified as potential concerns, the Owner/Developer will be required to pay for a third party review by an external Noise

Consultant retained by the Region. The fee for this third party review is \$4000 + HST. Please submit payment for the third party review along with the submitted noise study. Additional fees may apply depending on scope of review required.

Airport

While the site is partially located within the AZR, no issues are anticipated.

Other

Please note that a new access connection to Lackner Boulevard would not be permitted. Staff understand that all accesses are proposed onto Keewatin Avenue and are in agreement with that approach.

Regional Fees

Regional staff have not received the fee for consent review of \$350 per application. The payment of fee will be required as a condition of consent approval.

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.
2. That the Owner/Developer complete the Environmental to the satisfaction of the Regional Municipality of Waterloo, and if necessary, enter into an amending agreement with the Region to implement any recommendation of the Noise Study.

B2024-041 – B2024-047

217 – 233 Lancaster St E; 98 & 102 Weber St E

Owner: 1678838 Ontario Inc (c/o William Reitzel) & William Reitzel/Lisa Willms

Owner/Developer: UP Consulting Ltd c/o David Galbraith

Consent to sever is proposed for a series of lot adjustments to residential properties fronting Lancaster St E (5 parcels in total), and to consolidate lands on 98-102 Weber St E. The Owner/Developer provides that the consents will re-establish individual lotting for several properties which have inadvertently merged on title, with lot line adjustments to facilitate the logical future build out of the block. Minor variances are also proposed to facilitate the consents. A pre-submission application in September 2023, proposed redevelopment of 98-102 Weber St E with a multi-unit residential building.

Redevelopment or site alteration is not proposed through the consent applications.

In the Regional Official Plan, the subject lands are designated Delineated Built-up Area within the Urban Area Boundary (Map 1, 2), and MTSA – Frederick Station (Fig 8a).

Cultural Heritage, Archaeology, and Indigenous Engagement (Advisory)

Based on a review of the Region's archaeological potential model, the subject properties may possess the potential for the recovery of archaeological resources. The Region does not require the submission of an archaeological assessment, however, the Owner/Developer should be made aware that:

- (1) If archaeological resources are discovered during future development or site alteration of the subject property, the Owner/Developer 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; and/or,
- (2) If human remains/or a grave site is discovered during development or site alteration of the subject property, the Owner/Developer 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.

Environmental Noise

At this location, the proposed development may encounter traffic noise sources due to Weber St E (RR#8). It is the responsibility of the Owner/Developer to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the Owner/Developer must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the

preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements. The Regional process for this requirement can be provided upon request.

217-233 Lancaster St E

In lieu of an Environmental Noise Study for the properties fronting on Lancaster St E, the Region will require as a condition of consent approval that the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo to implement the following noise mitigation measures.

- a) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements for all dwelling units on the parcels municipally addressed as 217 Lancaster St E, :221 Lancaster St E, 225 Lancaster St E, 229 Lancaster St E, and 233 Lancaster St E:
 - (i) "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks."

98-102 Weber St E

An Environmental Noise Study will be required for the properties fronting on Weber St E. The Region will require as a condition of consent approval that the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo to complete an Environmental Noise Study prior to Site Plan approval, and to enter into an Amending agreement with the Region and/or City to implement the recommendations of the Noise Study.

- a) That prior to Site Plan approval the Owner/Developer agrees to complete a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber St E to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

Road Widening (Advisory)

The following will be a condition of a future Site Plan application:

At this location, the subject property has direct frontage to Regional Road 08 (Weber Street East). Weber Street East has a designated road width of 26.213m in accordance with Schedule 'A' of the Regional Official Plan (ROP). We estimate that an approximate road widening of 3.5 metres will be required along the Weber Street East frontage of the property.

The Owner/Developer must engage an OLS to prepare a draft reference plan which illustrates the required road allowance and daylight triangle widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the

Transportation Planner for review. An electronic copy of the registered plan is to be emailed to the Transportation Planner. Further instructions will come from the Region's Legal Assistant regarding document preparation and registration.

It is recommended that the OLS contact Region staff to discuss the road widening prior to preparing the Reference Plan. The land must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. All land dedications must be identified on the Site Plan. Please ensure the road widening lands are excluded from any future Record of Site Condition (RSC) filing for the overall property, if one is required.

Regional Review Fees

Regional Staff are not in receipt of the required consent review fee of \$350 per application. The consent review fee is required as a condition of approval for the consent application.

Fees must be submitted individually to the Region, in-person, by mail, or e-payment.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.
2. That the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo to implement the following noise mitigation measures.
 - a. That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements for all dwelling units on the parcels municipally addressed as 217 Lancaster St E, 221 Lancaster St E, 225 Lancaster St E, 229 Lancaster St E, and 233 Lancaster St E:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks.”

3. That the Owner/Developer enter into a registered Development Agreement with the Region of Waterloo agreeing to complete prior to Site Plan approval, a Detailed Environmental Noise Study for properties municipally addressed as 98-102 Weber St E to assess transportation and stationary noise, and to enter into an Amending Agreement with the Region of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the Study, all to the satisfaction of the Region.

General Comments

Any submission requirements may be subject to peer review, at the owner/ Owner/Developer's expense as per By-law 23-062. If any other applications are required to facilitate the application, note that fees are subject to change and additional requirements may apply.

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the above-noted Regional condition clearances.

Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

Thank you,

A handwritten signature in cursive script that reads "Erica".

Erica Ali RPP
Planner, Regional Growth, Development and Sustainability Services
Regional Municipality of Waterloo