



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES

150 Frederick Street, 8th floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
Fax: 519-575-4449
www.regionofwaterloo.ca

Will Towns, MCIP, RPP
519-616-1868
File: D20-20/25 KIT
May 5, 2025

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

CofA@kitchener.ca

Re: Comments on Consent Applications: B2025-014 to B2025-017
Committee of Adjustment Hearing, May 20, 2025
City of Kitchener

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

File No: B2025-014
Address: 508 Fall Harvest Place
Description: Lot 27, Plan 58M-527
Owner: Mark Fackoury
Applicant: Tony Bocchino

The owner/applicant is seeking consent to add lands currently owned by the Grand River Conservation Authority to a residential lot located at 508 Fall Harvest Place. The application proposes to sever 180.2 square metres from Part 3, 58R-7207 and add these lands to 508 Fall Harvest Place.

Regional staff have reviewed the application and have the following comments to provide:

Environmental Threats: For City staff's awareness, the Threat Inventory Database (TID) identifies no threats on or adjacent to 508 Fall Harvest Place.

Regional Fees: Regional staff acknowledge receipt of the required \$350 fees for review of a consent application (received May 1, 2025). No additional fees are required.

Regional staff have no objection to this application.

File No: B2025-015
Address: 512 Fall Harvest Place
Description: Lot 26, Plan 58M-527
Owner: Deer Ridge Heights Inc.
Applicant: Tony Bocchino

The owner/applicant is seeking consent to add lands currently owned by the Grand River Conservation Authority to a residential lot at 512 Fall Harvest Place. The application seeks to sever 342.5 square metres Part 3, 58R-7207 and add these lands to 512 Fall Harvest Place.

Regional staff have reviewed the application and have the following comments to provide:

Environmental Threats: For City staff's awareness, the Threat Inventory Database (TID) identifies no threats on or adjacent to 512 Fall Harvest Place.

Regional Fees: Regional staff acknowledge receipt of the required \$350 fees for review of a consent application (received May 1, 2025). No additional fees are required.

Regional staff have no objection to this application.

File No: B2025-016
Address: 1950 Fischer Hallman Road
Description: Part Lots 158 and 159 German Company Tract
Owner: Schlegel Urban Developments Corp.
Applicant: GSP Group (c/o Richard Kelly-Ruetz)

The owner/applicant has applied for a consent to facilitate a long-term lease in excess of 21 years in favour of a McDonald's on the subject lands (as previously reviewed by Regional staff through site plan application SP23/024/F/CD). The proposed lease area is approximately 1,457.1 square metres and consists of the restaurant building, stacked drive-through lanes, seven parking spaces, and associated landscaping and walkway areas.

Regional staff have reviewed the application and have the following comments to provide:

Threats Inventory Database: For City staff's awareness, the Threat Inventory Database (TID) identifies no threats on or adjacent to 1950 Fischer Hallman Road.

Regional Consent Review Fee: Regional staff have not received the fee for consent review of \$350 per application. The fee payment is requested as a condition of approval.

Regional staff have no objection to B2025-016 subject to the following condition:

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

File No: B2025-017
Address: 864 King Street West
Description: XLT 306, 319-320 PL 385 KITCHENER; PT LT 304-305, 312 PL 385 KITCHENER AS IN1309823, SAVE & EXCEPT PTS 1 & 2 ON EX PL WR838553 & PTS 1, 6 & 7, 58R18537;T/W & S/T 725378; T/W 694748
Owners: Vive Development Corp.
Applicant: Craig Dumart

The owner/applicant is seeking consent to sever lands at 864 King Street West to create a new parcel totalling 3,045.1 square metres to facilitate the development of the lands in two phases with a 45-storey residential development inclusive of 304 residential units. The retained parcel is proposed to be 3,259.6 square metres. A blanket easement is also proposed that would apply to both properties for access and servicing. Regional staff provided pre-submission consultation comments on this proposal on March 4, 2025.

Source Water Protection: The property is located within an area subject to Part IV of the Clean Water Act. Regional staff note that the applicant negotiated a provisional Risk Management Plan with the Risk Management Official (rmo@regionofwaterloo.ca) in fall 2024 applicable to previous zoning by-law amendment application ZBA24/022/K/ES; staff also understand that a final Risk Management Plan is currently being negotiated with the applicant in association with an in-progress site plan application. A valid Section 59 Notice for site plan has not yet been issued.

Notwithstanding the above and consistent with pre-consultation comments, issuance of a valid Notice of Source Protection Plan Compliance (Section 59 Notice) is required for this consent application (to be required as a condition) separate from the Risk Management Plan process for site plan. The applicant is asked to contact the Risk Management Official to obtain the Notice for this consent application.

Environmental Noise: The Region is in receipt of a noise study related to the proposed development on these lands entitled “Noise Feasibility Study, Proposed Residential Development, 864-872 King Street West, Kitchener, Regional Municipality of Waterloo, ON” (prepared by HGC Engineering, dated July 24, 2024). Regional staff have reviewed the study in relation to the Regional road noise source (King Street West) and have no concerns with the study or its recommendations (which pertain only to the retained lands). Regional staff request that the owner/developer enter into a registered agreement with the Region to implement the study’s recommendations. Specifically, the following will be required for inclusion in the agreement:

- The provision of central air conditioning for all units.
- Noise warning clauses included in any agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations:

East, west, and south facades:
Type B:

Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic (King Street West) may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Type C:

This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Regional staff also note that an update to the noise study will be required in association with a future Planning Act application pertaining to the proposed Phase 2 of the development (to be located on the severed lands).

Environmental Threats: For the City's awareness, the Regional Threats Inventory Database identifies "high" threats identified in the Regional Threats Inventory Database for the subject lands (associated with past operations of Electrohome Ltd. and CTV Television Inc.), as well as records of an historical landfill on and adjacent to the subject lands. This information was also provided to the applicant in Regional comments associated with ZBA24/022/K/ES on September 13, 2024.



Regional Consent Review Fee: Regional staff have not received the fee for consent application review of \$350 as per Regional By-law 24-052. The fee payment is requested as a condition of consent approval.

Regional staff have no objection to Consent File B2025-016 subject to the following conditions:

1. That the Owner/Developer provide a valid Notice of Source Protection Plan Compliance (Section 59 Notice) to the satisfaction of the Regional Municipality of Waterloo.
2. That for the retained lands, the Owner/Developer enter into a registered development agreement with the Regional Municipality of Waterloo to implement the environmental noise recommendations specific to noise impacts from King Street West (Regional Road No. 8) identified in the noise study report entitled "Noise Feasibility Study, Proposed Residential Development, 864-872 King Street West, Kitchener, Regional Municipality of Waterloo, ON" (prepared by HGC Engineering, dated July 24, 2024). For the severed lands, the agreement shall also specify that an update to the noise study assessing noise impacts associated with King Street West shall be completed prior to site plan approval of any future development on these lands.
3. That the Owner/Developer submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.

General Comments:

If any other applications are required to facilitate the application additional fees and/or requirements may apply. Any submission requirements may be subject to peer review, at the owner/applicant's expense as per By-law 24-052.

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.

Thank you,

Will Towns, MCIP RPP
Senior Planner
Regional Growth, Development and Sustainability Services
Regional Municipality of Waterloo