

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: August 11, 2025

SUBMITTED BY: Garrett Stevenson, Director of Development and Housing Approvals,
519-783-8922

PREPARED BY: Andrew Pinnell, Senior Planner, 519-783-8915

WARD INVOLVED: 5

DATE OF REPORT: July 18, 2025

REPORT NO.: DSD-2025-039

SUBJECT: Draft Plan of Subdivision Modification Application (Stage 4, 30T-08204)
Official Plan Amendment Application OPA24/015/T/AP
Zoning By-law Amendment Application ZBA24/010/T/AP
Address: 468 Trussler Road
Owner: Activa Holdings Inc.

RECOMMENDATION:

That the City of Kitchener, pursuant to Section 51 (44) of the Planning Act R.S.O. 1990, Chapter P 13, as amended, modify the conditions of draft approval for Draft Plan of Subdivision Application 30T-08204, in the City of Kitchener, for Activa Holdings Inc., in the form shown in the *Third Modification to Conditions of Draft Approval*, attached to Report DSD-2025-039 as Attachment 'A'; and,

That Official Plan Amendment Application OPA24/015/T/AP for Activa Holdings Inc. be approved, in the form shown in the Official Plan Amendment attached to Report DSD-2025-039 as Attachment 'B'; and further,

That Zoning By-law Amendment Application ZBA24/010/T/AP for Activa Holdings Inc. be approved in the form shown in the Proposed By-law and Map No. 1, attached to Report DSD-2025-039 as Attachment 'C'.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide a planning recommendation regarding a Draft Plan of Subdivision Modification, an Official Plan Amendment Application, and a Zoning By-law Amendment Application, to allow Stage 4 of the subject subdivision to be developed for Multiple Residential (111-222 dwelling units), Open Space / Trail, and Road Widening purposes.

- Development and Housing Approvals staff recommends approval of the applications subject to the conditions outlined in the report. The development proposal represents good planning and will allow for the completion of the residential portions of the subdivision.
- Community engagement included mailing postcards advising of the applications to all occupants within 240 metres of the subject lands on November 28, 2024. The Official Plan Amendment and Zoning By-law Amendment Applications were originally advertised in The Record on November 28, 2024. A notice sign was posted on the property and information regarding the applications were posted to the City's website in November 2024. The staff report was posted to the City's website with the agenda in advance of the Council / Committee meeting. Notice of the Public Meeting was posted in The Record on July 18, 2025 (a copy of the Notice may be found in Attachment 'D'). Postcards advising of the consideration of these applications by Committee / Council were sent to all occupants within 240 metres of the subject lands, prior to the Committee meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject lands are owned by Activa Holdings Inc. and are located within the Laurentian West Community, on the west side of Kitchener, abutting Trussler Road, which is the western boundary of Kitchener. The subject lands are addressed as 468 Trussler Road, also identified as Stage 4 of Draft Plan of Subdivision 30T-08204.

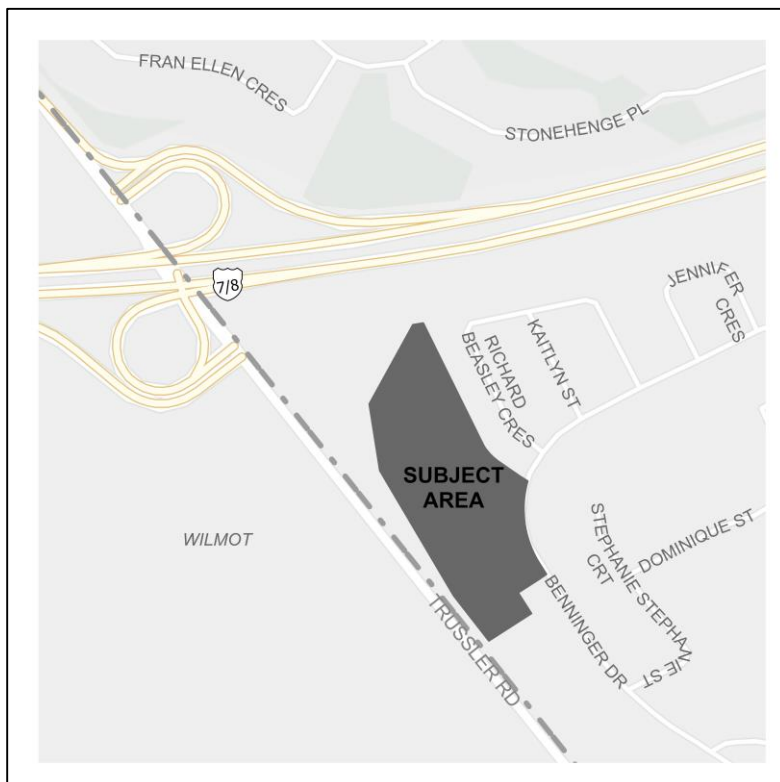


Figure 1 – Map showing the Subject Area, addressed as 468 Trussler Road, and identified as Stage 4, Draft Plan of Subdivision 30T-08204

The Draft Plan of Subdivision was originally draft approved by the Ontario Municipal Board (OMB; now the Ontario Land Tribunal) via an Order issued March 3, 2015, which draft

approved the subdivision as of January 8, 2015. The OMB also approved a related Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA).

Draft Plan of Subdivision 30T-08204 comprises 4 Stages and a total land area of 55.64 hectares (137.5 acres). The subdivision facilitates low rise residential land uses with a range of 679 - 1,238 dwelling units, in the form of single detached dwellings, multiple residential, and mixed use / multiple residential development. The subdivision also features a school site, woodland (7.5 ha), parks / parkettes, trails, pumping station, stormwater management facilities, and roads.

Apart from the school block (i.e., Stage 3), the subject lands (i.e. Stage 4) represent the last subdivision stage to be registered as part of the Draft Plan. The subject lands include 3 subdivision blocks totaling 4.3 hectares (10.64 acres) in land area.

The subject lands are irregular in shape and are bounded by Highway 7/8 to the north, Trussler Road and the Kitchener-Wilmot boundary to the west, an Open Space / Stormwater Management block to the south (registered along with a previous stage of the subject draft plan), and lands that are planned primarily for low rise residential development (dwelling construction started). The subject lands front and have access only onto Benninger Drive, which was developed along with Stages 1 and 2 of the Draft Plan.

It should be noted that the lands addressed as 493 Trussler Road, on the opposite side of Trussler Road, in Wilmot Township, are occupied by an equestrian establishment. The equestrian establishment is a semi-private boarding stable and presently houses horses. Staff understand from the applicant that the equestrian establishment can accommodate a maximum of 56 medium-frame horses.

Activa Holdings Inc. has requested approval of a modification to Draft Plan of Subdivision Application 30T-08204, an Official Plan Amendment, and a Zoning By-law Amendment to allow Stage 4 of the subject subdivision to be developed for Multiple Residential (111-222 dwelling units), Open Space / Trail, and Road Widening purposes.

REPORT:

Requested Modification to Draft Plan of Subdivision:

Following the March 2015 OMB Order that originally draft approved the subject Draft Plan of Subdivision Application 30T-08204, the City of Kitchener approved two modification applications. The latest modification resulted in the approval of the current Draft Plan (drawing), dated March 6, 2018 (see Figure 2, below).

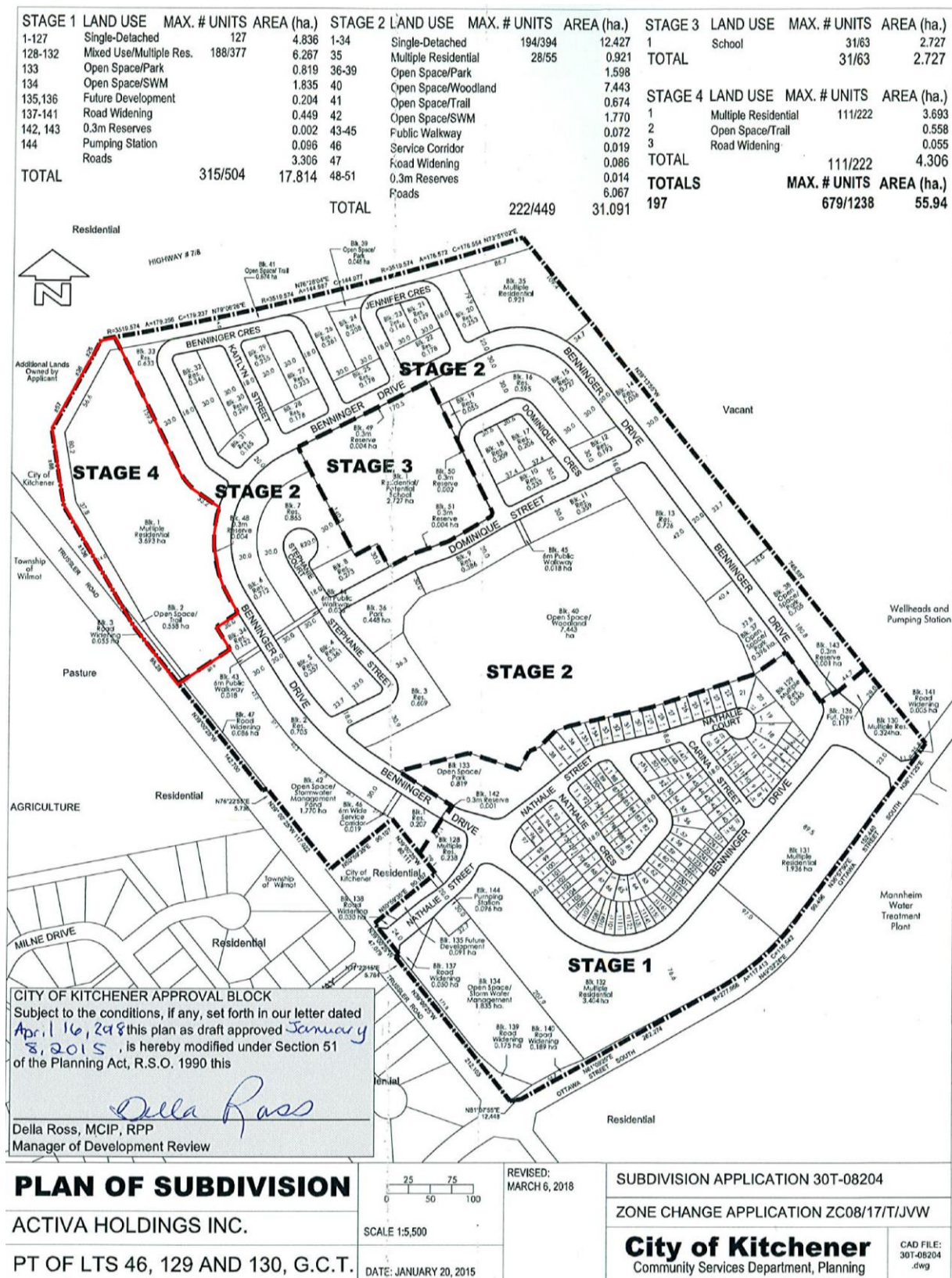


Figure 2 – Draft Approved Plan of Subdivision 30T-08204. Stage 4 (subdivision stage affected by the subject applications) is outlined in red

The applicant is now requesting a further (third) modification to the Draft Plan of Subdivision Application. The requested modification would allow development of Stage 4, being the last residential stage of Draft Plan of Subdivision 30T-08204, for Multiple Residential (111-222 dwelling units), Open Space / Trail, and Road Widening (Trussler Road) purposes. If the subject modification application is approved and registered, the school block (Stage 3) would be the only subdivision stage that remains unregistered.

Through the requested modification, only the Draft Approval conditions are proposed to change, as outlined below (see Attachment 'A'). It should be noted that the Draft Plan drawing is not proposed to be changed. The purpose of the requested modification is to delete Conditions 6.28 and 2.1.36. The wording of both Conditions 6.28 and 2.1.36 is the same:

“The SUBDIVIDER agrees that Stage 4 shall not be registered until the holding provision is removed from the subdivision lands within Stage 4 by by-law.”

These conditions relate to Holding Provision (30H) within Zoning By-law 2019-051, which requires that development comply with the Minimum Distance Separation (MDS) Formulae for the equestrian establishment located west of Trussler Road, in Wilmot Township.

The reason for the modification to the conditions of Draft Approval is to delete the requirement for Minimum Distance Separation (MDS) since, under the Provincial Planning Statement (PPS), MDS cannot legally be applied to the subject lands which are within an existing settlement area, despite the potential for odour impacts on the proposed subdivision stage associated with the existing equestrian establishment. The Province's policies do not apply to require MDS within settlement areas. Since the Ontario Municipal Board draft approved this Plan of Subdivision, the Provincial Planning Statement (formerly Provincial Policy Statement) has changed to require that MDS only be applied in the case of new settlement areas and settlement area boundary expansions, rural lands, prime agricultural areas.

Notwithstanding, the subdivision modification request to delete the MDS-related requirements, the applicant is amenable to adding a subdivision condition that would require an odour-notification clause to be included in all future Agreements of Purchase and Sale and all future lease/rental agreements, as follows:

“The SUBDIVIDER agrees to include the following notification clause in all future Agreements of Purchase and Sale and all future lease/rental agreements and condominium declarations for all residential dwelling units within Stage 4, relative to odours associated with the nearby equestrian establishment:

- WARNING: Purchasers/tenants within Stage 4 are advised that this dwelling unit is located within proximity of an equestrian establishment/livestock use, which is in continuous operation and which operations will create, without limitation, odours associated with animal manure and manure storage.
- Purchasers/tenants are advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to

remain closed, thereby reducing odour levels associated with nearby livestock uses.

- Purchasers/tenants are advised that despite the inclusion of central air conditioning, odour levels within the dwelling unit and within outdoor living areas may on occasion interfere with some activities of the dwelling occupants.”

A condition has also been added requiring the Subdivider / Owner / Builder to design all dwelling units with an air-ducted heating and ventilation system, suitably sized and designed and installed with a central air conditioning system, and to install these systems prior to occupancy of each unit.

The purpose of these conditions is to notify prospective purchasers and renters of potential odours and to ensure that central air conditioning is installed in each unit to allow windows and doors to remain closed during warm weather, so that occupants can avoid odours.

In addition to being established in the Zoning By-law, the MDS requirement related to the equestrian establishment is further entrenched through parallel Specific Policy Area #24 in the 2014 Official Plan. Through the subject Official Plan Amendment and Zoning By-law Amendment Applications, the above noted MDS requirements are proposed to be deleted (see below sections entitled, *Requested Official Plan Amendment* and *Requested Official Plan Amendment*, for more details).

Planning Analysis:

Planning Act, R.S.O. 1990, c. P.13 25:

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Planning Statement, 2024, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Planning Statement, 2024 and to ensure Provincial policy is adhered to.

Provincial Planning Statement, 2024 (PPS):

The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS 2024 came into force on October 20, 2024.

According to the Province, the PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. It enables municipalities to:

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready
- foster the long-term viability of rural areas
- protect agricultural lands, the environment, public health and safety

Sections 2.1.6 and 2.3.1.3 of the PPS 2024 promote planning for people and homes and supports planning authorities to support general intensification and redevelopment while achieving complete communities by, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

The PPS provides numerous MDS-related policies, which apply to new settlement areas and settlement area boundary expansions, rural lands in municipalities, and prime agricultural areas. However, under the PPS, the subject lands are identified as being within a settlement area. In this regard, Policy 2.3.1.1 states that "*Settlement areas* shall be the focus of growth and development. Within *settlement areas*, growth should be focused in, where applicable, *strategic growth areas*, including *major transit station areas*." In this regard, settlement areas are to be the focus of growth and development. Moreover, there are no policies in the PPS to require that MDS be applied within settlement areas.

OMAFRA Guideline 853:

OMAFRA provides guidelines for the implementation of MDS via Publication 853 and applies to all Planning Act applications made after March 1, 2017. DHA staff has confirmed with OMAFRA directly that MDS does not apply within settlement areas.

Regional Official Plan (ROP):

The subject property is located in the Urban Area and Designated Greenfield Area in the Regional Official Plan (ROP). Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area.

The ROP directs most of the region's future growth within the Urban Area to delineated built-up areas through intensification. However, new development will also be directed to designated greenfield areas, to accommodate some of the Region's forecasted growth.

It should be noted that Draft Plan of Subdivision 30T-08204 was originally approved (2015) many years before Regional Official Plan Amendment #6 was approved (August 2022), which was a comprehensive update to the ROP. Accordingly, the original approval did not consciously consider updates to sections of the ROP such as the update to Section 2.G, which states that,

“New greenfield communities will be compact and efficient to meet the vision and objectives of this Plan. They will be designed as *15-minute neighbourhoods* that enable people to live car-free or “car-lite” (i.e., households with fewer vehicles than workers) by offering convenient access to a diverse mix of jobs, housing, schools, cultural, and recreational opportunities, and local shops and food destinations.”

However, it is understood that the subdivision met the Provincial Policy Statement in effect at the time of the OMB approval in 2015. The requested modification represents a minor modification that does not propose to change the layout of the subdivision or the land uses, only to delete conditions, a Site Specific Policy in the Official Plan policies, and a Holding Provision in the zoning that involve MDS matters related to the nearby equestrian establishment. No other changes are proposed.

City of Kitchener Official Plan (OP):

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete, and healthy community.

The subject lands are primarily within the Designated Greenfield Area, as outlined on Map 1 – City Urban Area and Countryside, though a narrow strip of the subject lands adjacent to Highway 7/8 is within the Built Up Area.

The Official Plan states that “Although much growth will be accommodated within the Built-Up Area, the Designated Greenfield Area is also an important location for planned growth. Development in these areas will contribute to a healthy, complete and balanced community. Generally, new development in this area will be planned and designed based on transit routes (existing and planned) and walkability.”

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. The subject lands are primarily identified as Community Areas, as outlined on Map 2 – Urban Structure, though a narrow strip of the subject lands adjacent to Highway 7/8 is identified as Green Areas. The Official Plan states that, “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.” Moreover, “Limited intensification may be permitted within Community Areas in accordance with the applicable land use designation...”

The planned subdivision stage will facilitate residential uses. Staff is of the opinion that the requested Subdivision Modification, Official Plan Amendment, and Zoning By-law Amendment will support development that conforms to the City’s Urban Structure policies.

Land Use Designation

The subject lands are designated ‘Low Rise Residential (LRR)’, as outlined on Map 3 – Land Use, though a narrow strip of the subject lands adjacent to Highway 7/8 is designated ‘Open Space’. The Official Plan states that the purpose of the LRR designation is to “accommodate a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing.” Furthermore, “The City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form.”

The planned subdivision stage will facilitate a range of low density housing types, including low-rise multiple dwellings.

Requested Official Plan Amendment:

In addition to applying the Low Rise Residential designation to the subject lands (and Open Space designation for the trail along Highway 7/8), the Official Plan Amendment (OPA) approved by the OMB in 2015 applied Specific Policy Area #24 Trussler Rd / Highway 7 & 8 / Bleams Rd, as shown on Map 5 – Specific Policy Areas of the Official Plan. The policy that applies to this Specific Policy Area is policy 15.D.12.24, which states, “Any development within the identified area will comply with the Minimum Distance Separation Formulae for any equestrian facility located west of Trussler Road in Wilmot Township.”

Through the review of the initially circulated Draft Plan of Subdivision Modification Application and Zoning By-law Amendment Application, it was determined that an OPA Application is also required to permit the lands to be developed with low rise multiple residential development.

In this regard, the requested OPA seeks to delete Specific Policy Area 24 and associated Site Specific Policy 15.D.12.24. The deleted policy would not be replaced with a new policy.

The rationale to delete Site Specific Policy Area 24 is the same as the rationale to delete the subdivision draft approval conditions related to MDS: Under the PPS, MDS cannot legally be applied to the subject lands which are within an existing settlement area. The Province's policies do not apply to require MDS within settlement areas. Accordingly, DHA staff is satisfied that the requested OPA to delete Site Specific Policy Area 24 and associated Site Specific Policy 15.D.12.24 is justified.

Requested Zoning By-law Amendment:

In addition to applying the 'RES-5' Zone with site specific provisions to the subject lands (and OSR-2 Zone for the trail along Highway 7/8), the Zoning By-law Amendment (ZBA) approved by the OMB in 2015 applied a Holding Provision, which was subsequently renamed as Holding Provision (30H), through a comprehensive Zoning By-law review by the City. Holding Provision (30H) states the following:

"Within the lands zoned RES-5 and OSR-2 and shown as affected by this provision on Zoning Grid Schedules 8, 23 and 24 of Appendix A, the holding provision will not be removed unless development within the identified area complies with the Minimum Distance Separation Formulae for any equestrian establishment located west of Trussler Road in Wilmot Township."

In this regard, the applicant has submitted a ZBA Application to permit the lands to be developed with low rise multiple residential development. The requested ZBA seeks to delete Holding Provision (30H). The deleted provision would not be replaced with a new provision.

It should be noted that this request to *delete* the holding provision is different than a request to *lift* the holding provision, the latter of which would require the condition to be fulfilled (i.e., the subdivision would have to comply with MDS), though the outcome is the same: the holding provision would cease to apply to the subject lands.

The rationale to delete Holding Provision (30H) is the same as the rationale to delete the subdivision draft approval conditions related to MDS: Under the PPS, MDS cannot legally be applied to the subject lands which are within an existing settlement area. The Province's policies do not apply to require MDS within settlement areas. Accordingly, DHA staff is satisfied that the requested ZBA to delete Holding Provision (30H) is justified.

Review Process:

Minor subdivision modifications, such as the subject application, are typically decided by the Director of Development and Housing Approvals, rather than City Council. However, in this case, there is an accompanying Official Plan Amendment and Zoning By-law Amendment Application, which require decision by City Council, despite being technical in nature and not controversial. For consistency purposes, staff made the determination to prepare a single staff report that comprehensively addresses all three (3) related applications and direct it to City Council for decision.

Department and Agency Comments:

The Subdivision Modification and Zoning By-law Amendment Applications were circulated to all applicable City departments and other review authorities on May 13, 2024. The Official Plan Amendment Application was circulated to all applicable City departments and other review authorities on November 26, 2024. Through the application review, staff has addressed all comments. Copies of the comments are found in Attachment 'E' of this report.

The following reports and studies were considered as part of the subject applications:

Notice of Source Protection Plan Compliance
Prepared by: MHBC Planning, April 3, 2024

Planning Justification Report
Prepared by: MHBC Planning, April 2024

Planning Justification Report Addendum
Prepared by MHBC Planning, December 2024

Notice of Source Protection Plan Compliance (Section 59 Notice)
Prepared by MHBC Planning, April 3, 2024

Community Input:

The Official Plan Amendment Application was originally advertised in The Record on November 28, 2024. Postcards were sent to all occupants within 240 metres of the subject lands on November 28, 2024. A Neighbourhood Meeting was not deemed necessary based on the scoped nature of the applications. Staff did not receive any comments from the community in response to the circulation of the applications.

Planning Analysis and Conclusions:

Development and Housing Approvals staff is recommending approval of the requested Subdivision Modification, Official Plan Amendment and Zoning By-law Amendment. The applications would facilitate the development of the final residential stage (i.e., Stage 4) of the overall subdivision. Stage 4 is planned for Multiple Residential (111-222 dwelling units), Open Space / Trail, and Road Widening purposes. The overall subdivision features the development of low rise residential land uses with a range of 679-1,238 dwelling units, in the form of single detached dwellings, multiple residential, and mixed use / multiple residential development. The subdivision also features a school site, woodland (7.5 ha), parks / parkettes, trails, pumping station, stormwater management facilities, and roads. The compatibility questions related to the nearby equestrian establishment that resulted in Minimum Distance Separation (MDS) requirements have been adequately addressed; it has been determined that MDS does not apply within settlement areas, such as the subject lands. Draft approval conditions have been added to notify prospective purchasers and renters of potential odours and to ensure that central air conditioning is installed in each unit to allow windows and doors to remain closed during warm weather, so that occupants can avoid odours.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget - Upon registration, there will be ongoing operations costs for the maintenance of the sidewalks, streets, street trees, underground services, and other infrastructure which is being dedicated to the City. In the long term, there will be repair and replacement costs for streets, sidewalks and services. Following registration, there will be ongoing revenue in the form of residential property tax revenue. Development Charges will be paid to the City, the Region, and school boards at the time of building permit issuance.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee/ Council meeting. A notice sign was posted on the property and information regarding the application posted to the City’s website in November 2024. Notice of the Public Meeting was posted in The Record on July 18, 2025 (a copy of the Notice may be found in Attachment ‘D’).

CONSULT – Postcards advising of the applications were sent to all occupants within 240 metres of the subject lands in April, 2025. The Official Plan and Zoning By-law Amendment Applications were advertised in The Record on November 28, 2024. Staff did not receive any comments from the community in response to the circulation of the applications.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act, R.S.O. 1990, c. P.13*
- *Provincial Planning Statement, 2024*
- *Regional Official Plan, as amended by ROPA 6*
- *City of Kitchener Official Plan, 2014*
- *Zoning By-law 2019-051*
- *Ontario Municipal Board decision re Case No. PL110574, March 2, 2015 and March 3, 2015*
- *KDA Report 18/14, Modifications to Conditions of Approval, Draft Plan of Subdivision 30T-08204, April 16, 2018*
- *KDA Report 18/12, Modifications to Conditions of Subdivision 30T-08204, April 10, 2018*

REVIEWED BY: Tina Malone-Wright - Manager, Development Approvals

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

Attachment 'A' – Third Modification to Conditions of Draft Approval
Attachment 'B' – Proposed Official Plan Amendment
Attachment 'C' – Proposed Zoning By-law Amendment
Attachment 'D' – Newspaper Notice
Attachment 'E' – Department and Agency Comments