



PLANNING, DEVELOPMENT  
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Shilling Yip (226) 753-1064 (cell)  
File: C14-60/22/027/B/CD

January 16, 2023

Craig Dumart, MCIP, RPP  
Senior Planner  
City of Kitchener  
City Hall, P.O. Box 1118  
200 King St. West  
Kitchener, ON N2G 4G7

Dear Mr. Dumart:

**Re: Post Circulation Comments  
ZBA 22/027/B/CD  
Activa Holdings Inc.  
Benninger Drive  
CITY OF KITCHENER**

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Region staff has reviewed the above-noted application and provide the following comments at this time. The applicant is requesting an amendment to the zoning by-law for lands located on Benninger Drive described as Blocks 22, 25, 28 and part of Blocks 20, 21, 23, 24, 26, 27 29 on Plan 58M-643 to allow for 42 street townhouse units with increased garage façade widths of 78 percent and reduced external (end unit) lot widths of 7 metres. The lands form part of Stage 2 of the Activa Trussler West Subdivision 30T-08204 which registered as 58M-643.

### **Corridor Planning**

Staff has reviewed the draft report entitled, "Activa Trussler (58M-643) Stage 2, Zoning By-law Amendment – Noise Impact Study" (Stantec, September 23, 2022). The report addresses road traffic and stationary noise sources. The conclusions and recommendations are acceptable.

### **Road Traffic Noise Sources**

Table 6.1 (p. 14 of report) summarizes the predicted daytime and nighttime noise levels of Blocks assessed. The results show that indoor noise levels exceed the applicable limits for all blocks and outdoor noise levels exceed the applicable limit for Block 28 and parts of Block 27 and Block 29. As such, provision for air conditioning and compliance

with the OBC are recommended to meet guideline limits. Noise warning clauses are also recommended (to be included in all Offers to Purchase). Proposed wording as follow:

“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 the Environment, Conservation and Parks.”

“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.”

The above recommendations are to be secured in an agreement with the City of Kitchener. Staff recommends an amendment to the residential subdivision agreement with the City.

#### Stationary Noise Sources

The report notes the closest stationary noise source is approximately 800 metres to the southeast (Mannheim Water Treatment Plant, Reservoir, and Pumping Station), and that site observations note that the Mannheim noise sources were not audible at the subject blocks. Therefore, no mitigation is required to address stationary noise.

Finally, staff notes the noise study is only in draft form and the Engineer’s Declaration is not signed and Owner Statement missing. Please provide a completed copy of the report to the Region.


Region staff has no objection with City staff proceeding with a recommendation to Committee and Council on the application subject to the above-noted comments.

#### **Other**

The Region’s planning modification fee was received January 13, 2023.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Shilling Yip, MCIP, RPP  
Principal Planner

cc. Pierre Chauvin, MHBC Planning (Kitchener)  
Joginder Bhatia, Region Corridor Planning

## Craig Dumart

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**From:** Pegah Fahimian  
**Sent:** Friday, January 13, 2023 3:19 PM  
**To:** Craig Dumart  
**Subject:** FW: OPA-ZBA-Trussler- Stage 2-

Hi Craig,

I reviewed the submitted package a. Enhanced elevations should be provided for the corner units and will be reviewed at the Building permit stage. The priority lots should be included in the site plan. All available space between the street and the building is to be landscaped, including street trees and entry features.

Thanks,

**Pegah Fahimian**, B.Arch, M.Arch, MUD

Senior Urban Designer / Planning Division / City of Kitchener  
519-741-2200 ext. 7342 / TTY 1-866-969-9994  
[Pegah.Fahimian@kitchener.ca](mailto:Pegah.Fahimian@kitchener.ca)



## Zone Change / Official Plan Amendment Comment Form

**Address:** Blocks 22, 25, 28 and Pt of Blocks 20,21,23,24, 26, 27, 29 Plan 58M-643 30T-08204  
**Owner:** Activa Holdings Inc  
**Application:** Zoning By-law Amendment #ZBA22/027/B/CD

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Comments Of: Parks and Cemeteries

Commenter's Name: Lenore Ross

Email: Lenore.ross@kitchener.ca

Phone: 519-741-2200 ext 7427

Date of Comments: Jan 13 2023

- ☐ 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)
- 

### 1. Documents Reviewed:

I have reviewed the documentation noted below submitted in support of an application to amend the Zoning By-law for the subject lands located on Benninger Drive described as Blocks 22, 25, 28 and Part of Blocks 20, 21, 23,24, 26, 27, 29 Plan 58M-643 (Trussler West Plan of Subdivision 30T-08204) to allow for 42 street townhouse dwelling units with increased garage facade widths of 78 percent and reduced external (end unit) lot widths of 7 metres.

- Planning Justification Report
- Sustainability Statement
- Noise Study
- Elevations and Floor Plans
- Preliminary Site Plan

### 2. General Comments & Issues:

- Parks and Cemeteries has no significant concerns with the proposed Zoning Bylaw amendments.
- Street Tree Planting Plans are required for this stage of the subdivision and with the reduced landscaped area and reduced available soil volumes available in front and flankage yards, alternate tree planting locations will be necessary to achieve tree planting targets.

### 3. Comments on Submitted Documents

- 1) No comments, no concerns.

### 4. Policies, Standards and Resources:

- City of Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw 2022-101 and Park Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law

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Working Together – Growing Thoughtfully – Building Community

## Zone Change / Official Plan Amendment Comment Form

- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

### 5. **Anticipated Fees:**

Parkland dedication is not currently required for the application as it has been satisfied through Kitchener Draft Agreement (KDA) 30T-08204.

Dedication requirements are subject to the Parkland Dedication Bylaw 2022-101, Policy and rates in effect. Please be advised that an updated Parkland Dedication Policy and By-law were approved by City of Kitchener Council on August 22 2022. The Bylaw is under appeal. Further changes to the Bylaw may be required as a result of the Bill 23 – More Homes Built Faster Act.

## Craig Dumart

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**From:** Gaurang Khandelwal  
**Sent:** Wednesday, January 11, 2023 9:53 AM  
**To:** Craig Dumart  
**Subject:** RE: Circulation for Comment - Benninger Drive (ZBA)

Hi Craig,

No policy concerns for this application.

Regards,

**Gaurang Khandelwal** (he/him), MA, MCIP, RPP  
Planner (Policy) | Planning Division | City of Kitchener  
519-741-2200 x 7611 | TTY 1-866-969-9994 | [gaurang.khandelwal@kitchener.ca](mailto:gaurang.khandelwal@kitchener.ca)



**From:** Natalie Goss <[Natalie.Goss@kitchener.ca](mailto:Natalie.Goss@kitchener.ca)>  
**Sent:** Friday, December 23, 2022 9:01 AM  
**To:** Gaurang Khandelwal <[Gaurang.Khandelwal@kitchener.ca](mailto:Gaurang.Khandelwal@kitchener.ca)>  
**Subject:** FW: Circulation for Comment - Benninger Drive (ZBA)

Hi Gaurang,

Quick review and comments to Craig as necessary. Don't think that there is much to comment on here. And it is for Activa's Trussler Road subdivision not Benninger Drive as noted above.

Natalie

**Natalie Goss** (she/her), MA, MCIP, RPP  
Manager Policy & Research | City of Kitchener  
519-741-2200 Ext 7648 | TTY 1-866-969-9994 | [natalie.goss@kitchener.ca](mailto:natalie.goss@kitchener.ca)

**From:** Christine Kompter <[Christine.Kompter@kitchener.ca](mailto:Christine.Kompter@kitchener.ca)>  
**Sent:** Friday, December 16, 2022 2:19 PM  
**To:** \_DL\_#\_DSD\_Planning <[DSD-PlanningDivision@kitchener.ca](mailto:DSD-PlanningDivision@kitchener.ca)>; Bell - c/o WSP <[circulations@wsp.com](mailto:circulations@wsp.com)>; Carlos Reyes <[Carlos.Reyes@kitchener.ca](mailto:Carlos.Reyes@kitchener.ca)>; Darren Kropf <[Darren.Kropf@kitchener.ca](mailto:Darren.Kropf@kitchener.ca)>; Dave Seller <[Dave.Seller@kitchener.ca](mailto:Dave.Seller@kitchener.ca)>; David Paetz <[David.Paetz@kitchener.ca](mailto:David.Paetz@kitchener.ca)>; Ellen Straus <[Ellen.Straus@kitchener.ca](mailto:Ellen.Straus@kitchener.ca)>; Enova Power Corp. - Greig Cameron <[greig.cameron@enovapower.com](mailto:greig.cameron@enovapower.com)>; Enova Power Corp. - Shaun Wang <[shaun.wang@enovapower.com](mailto:shaun.wang@enovapower.com)>; Feds <[vped@feds.ca](mailto:vped@feds.ca)>; GRCA - Planning ([planning@grandriver.ca](mailto:planning@grandriver.ca)) <[planning@grandriver.ca](mailto:planning@grandriver.ca)>; Greg Reitzel <[Greg.Reitzel@kitchener.ca](mailto:Greg.Reitzel@kitchener.ca)>; Hydro One - Dennis DeRango <[landuseplanning@hydroone.com](mailto:landuseplanning@hydroone.com)>; Jim Edmondson <[Jim.Edmondson@kitchener.ca](mailto:Jim.Edmondson@kitchener.ca)>; Justin Readman <[Justin.Readman@kitchener.ca](mailto:Justin.Readman@kitchener.ca)>; Katherine Hughes <[Katherine.Hughes@kitchener.ca](mailto:Katherine.Hughes@kitchener.ca)>; Mike Seiling <[Mike.Seiling@kitchener.ca](mailto:Mike.Seiling@kitchener.ca)>; Ontario Power Generation <[Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com)>; Park Planning (SM) <[Park.Planning@kitchener.ca](mailto:Park.Planning@kitchener.ca)>; Region - Planning

## Craig Dumart

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**From:** Deeksha Choudhry  
**Sent:** Tuesday, January 10, 2023 11:52 AM  
**To:** Craig Dumart  
**Subject:** Re: Circulation for Comment - Benninger Drive (ZBA)

Hi Craig,

No heritage planning issues or concerns for this application.

Thanks!

Kind Regards,

Deeksha Choudhry, **MSc, BES**  
Heritage Planner | Planning Division | City of Kitchener  
519-741-2200 ext. 7291 | TTY 1-866-969-9994  
deeksha.choudhry@kitchener.ca



Residents are encouraged to visit [kitchener.ca/covid19](https://kitchener.ca/covid19) for the most up-to-date information about City services.



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**From:** Christine Kompter <Christine.Kompter@kitchener.ca>

**Sent:** Friday, December 16, 2022 2:18 PM

**To:** \_DL\_#\_DSD\_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Straus <Ellen.Straus@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feds <vped@feds.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Greg Reitzel <Greg.Reitzel@kitchener.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; WCDSB - Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine\_burns@wrdsb.ca) <elaine\_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>

## Craig Dumart

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**From:** Dave Seller  
**Sent:** Friday, December 23, 2022 11:26 AM  
**To:** Craig Dumart  
**Subject:** UPDATED ZBA comments: (Trussler West Subdivision 30T-08204 Benninger Drive)

### City of Kitchener

**Application Type:** Zoning By-law Amendment

**Application #:** ZBA22/027/B/CD

**Project Address:** Blocks 22, 25, 28 and Part of Blocks 20, 20, 23, 24, 26, 27, 29, Plan 58M-643 (Trussler West Subdivision 30T-08204 Benninger Drive)

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**Comments of:** Transportation Services

**Commenter's Name:** Dave Seller

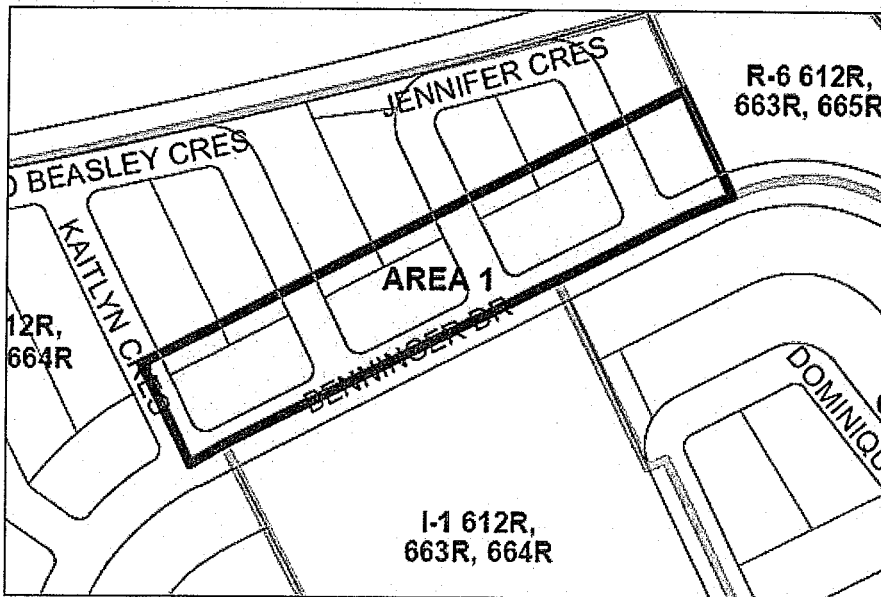
**Email:** dave.seller@kitchener.ca

**Phone:** 519-741-2200 ext. 7369

**Date of Comments:** December 23, 2022

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- a. Transportation Services have no concerns with the proposal to allow for 42 street townhouse dwelling units with increased garage facade widths of 78 percent and reduced external (end unit) lot widths of 7 metres.



**Dave Seller, C.E.T.**

Traffic Planning Analyst | Transportation Services | City of Kitchener  
519-741-2200 ext. 7369 | TTY 1-866-969-9994 | [dave.seller@kitchener.ca](mailto:dave.seller@kitchener.ca)

**From:** Craig Dumart <Craig.Dumart@kitchener.ca>  
**Sent:** Friday, December 23, 2022 11:00 AM  
**To:** Dave Seller <Dave.Seller@kitchener.ca>  
**Subject:** RE: ZBA comments: (Trussler West Subdivision 30T-08204 Benninger Drive)

Hi Dave,



## **Craig Dumart**

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**From:** Niall Melanson  
**Sent:** Friday, December 23, 2022 9:20 AM  
**To:** Craig Dumart  
**Cc:** Angela Mick  
**Subject:** ZBA22/027/B/CD - Engineering & KU Clearance

Morning Craig

Engineering and Kitchener Utilities can provide our clearances for the ZBA.

Merry Christmas

**Niall Melanson, C.E.T.**

Project Manager | Development Engineering | City of Kitchener  
519-741-2200 Ext. 7133 | TTY 1-866-969-9994 | [niall.melanson@kitchener.ca](mailto:niall.melanson@kitchener.ca)