

Report To: Development and Technical Services Committee

Date of Meeting: June 16, 2008

Submitted By: Jeff Willmer, Director of Planning (741-2325)

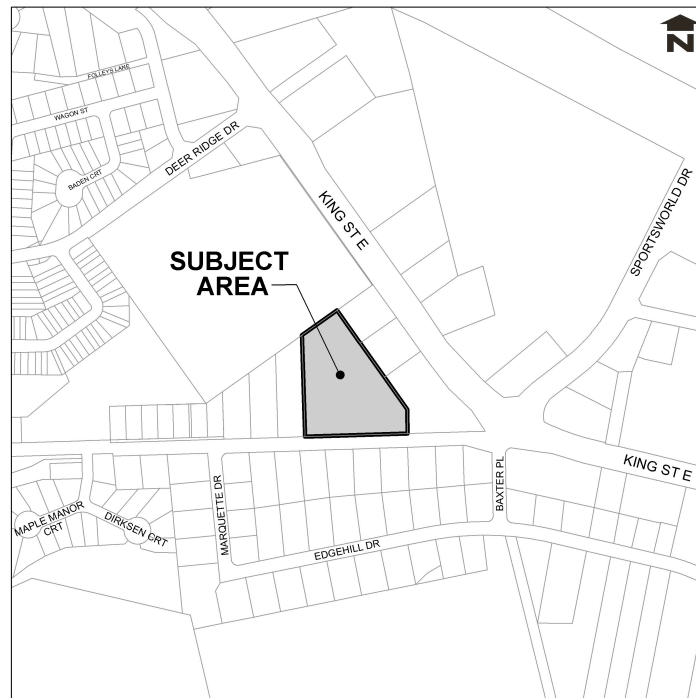
Prepared By: Juliane von Westerholt, Senior Planner (741-2667)

Ward(s) Involved: Ward 3

Date of Report: June 20, 2008

Report No.: DTS-08-107 (Addendum to DTS-08-084)

Subject: Plan of Subdivision 30T-06201
ZC08/07/P/JVW
56 Pioneer Tower Road
Pioneer Grove (Kenmore Homes Inc.)



EXECUTIVE SUMMARY:

Kenmore Homes Inc. is proposing to develop Plan of Subdivision 30T-06201, which is located at 56 Pioneer Tower Road. The subject property is 2.007 hectares in size and the revised plan proposes 30 single detached residential dwellings and a small park block.

This application was presented to Development and Technical Services (DTS) Committee on June 16th, 2008 at which time, after some discussion, staff was requested to consult with the developer about the relocation of the park block from the original location mid block along the frontage of 56 Pioneer Tower Road to an internal location within the cul-de-sac. Council further requested that the remaining lots fronting along Pioneer Tower be slightly enlarged thus reducing the number of lots in the Plan of Subdivision from 31 lots to 30.

The applicant has made the revisions to the Plan of Subdivision and these changes have been reflected in the attached report, conditions of Draft Approval and the amending by-law. The Changes to the original report DTS-08-084 have been highlighted so that they are easily identified.

RECOMMENDATION:

- A. That Zone Change Application ZC 08/07/I/JVW (City of Kitchener) requesting a change in zoning from Neighbourhood Institutional Zone (I-1) to Neighbourhood Institutional (I-1) with Special Regulation 479R and Public Park Zone (P-1) on lands legally described as Part of Lot 9, Beasley's Broken Front Concession, being part of Part 1 on Reference Plan 58R-15891, in the City of Kitchener, be approved in the form shown in the attached "Proposed By-law ", dated June 19, 2008, without conditions.
- B. That the City of Kitchener, pursuant to Section 51 (31) of the Planning Act R.S.O. 1990, Chapter P 13 as amended, and delegation by-law 2002-64, grant draft approval to Plan of Subdivision Application 30T-06201, in the City of Kitchener, for Kenmore Homes Inc., subject to the following conditions:

- 1. That this approval applies to Plan of Subdivision 30T-06201 as shown on the plan prepared by PEIL dated June 18, 2008 and as shown on the attached Plan of Subdivision prepared by the City of Kitchener dated June 23, 2008, which shows the following:

Stage One

- Lots 1 to 30 - residential (maximum 30 lots)
- Block 31 - Bell Utility
- Block 32 - Park
- Blocks 33 &34 - road widening

2. **CITY OF KITCHENER CONDITIONS:**

- 2.1 That the Mayor and Clerk be authorized to sign a City Standard Residential Subdivision Agreement, satisfactory to the City Solicitor, with the SUBDIVIDER (Kenmore Homes Inc.) regarding the lands shown outlined on the attached Plan of Subdivision dated June 23, 2008 and which shall contain the following special conditions:

Part 2 – Prior to Area Grading

- 2.11 The SUBDIVIDER shall provide confirmation that any on-site abandoned wells shall be decommissioned in accordance with Ministry of Environment standards to the satisfaction of the CITY'S Director of Engineering Services.

- 2.12 The SUBDIVIDER shall contact residents/homeowners at municipal addresses 11, 22, 33, 49, 59, 69, 79, 88, 89, 98, 99, 110 Pioneer Tower Road regarding connecting their homes to the underground services. If the residents are willing to connect to the municipal services, the connection charge will be at the cost of the individual property owners.

Part 3 –Prior to Servicing

- 3.17 The SUBDIVIDER shall make arrangements to the satisfaction of the Director of Engineering to extend the sidewalk at the SUBDIVIDER's cost across the entire frontage of municipal lots of 88,98 and 110 Pioneer Tower Road in order to connect to the existing sidewalk along the north side of Pioneer Tower Road as per Policy I-1120.
- 3.18 The SUBDIVIDER shall make arrangements to the satisfaction of the Director of Engineering to extend the sidewalk at the SUBDIVIDER's cost within the frontage of municipal lot 4355 King Street along the North side of Pioneer Tower Road in order to connect to the existing sidewalk at the intersection of Pioneer Tower Road and King Street as per Policy I-1120.
- 3.19 Prior to Servicing or Registration, whichever may come first, the SUBDIVIDER shall use decorative street signage and street lighting for the subdivision to the satisfaction of the CITY'S Director of Transportation Planning in consultation with KW Hydro. Should these decorative elements be utilized, they shall be installed at the appropriate time frame and to the SUBDIVIDER'S cost, including the provision of 10% of the materials for future replacement/maintenance, to the satisfaction of the CITY'S Director of Transportation Planning in consultation with KW Hydro.
- 3.20 Prior to Servicing, the SUBDIVIDER shall submit a final Functional Servicing Report establishing methods of servicing and a capacity analysis for the proposed development and downstream facilities to the satisfaction of the CITY'S Director of Engineering.
- 3.21 The SUBDIVIDER shall submit a detailed Water Servicing Report that reviews the extent of lands that will be serviced by the municipal water distribution network to the satisfaction of the CITY'S Director of Engineering.
- 3.22 The SUBDIVIDER shall submit a detailed Geotechnical Investigation Report that discusses the suitability of soils to support the infiltration measures proposed to the satisfaction of the CITY'S Director of Engineering in consultation with the Chief Building Official.
- 3.23 The SUBDIVIDER agrees that prior to the Servicing or Registration of any stage of this plan that the required upgrades for quality control to the Kriszanderson Storm Water Management pond (Block 67 on Plan 58M-90) have to be completed by the City of Kitchener. The SUBDIVIDER agrees to contribute payment in accordance with the City's Master Stormwater Management Policy I-113 in the amount of \$31,800.00. Further the SUBDIVIDER agrees that a Stormwater Management Report be submitted to the City addressing quality and quantity in accordance with the Kriszanderson Subdivision "Pioneer Tower West

Community” Stormwater Management Plan Final Report and Erosion and Sedimentation Control Plan dated March 1998, to the satisfaction of the CITY’S Director of Engineering.

- 3.24 The SUBDIVIDER shall submit an on-street Parking Plan to the satisfaction of the CITY’S Director of Transportation Planning and the SUBDIVIDER further agrees to show the on-street parking on the servicing drawings.
- 3.25 The SUBDIVIDER agrees to construct the overland drainage corridors over lots 20,21, 25 and 26 to the satisfaction of the City’s Director of Engineering.

Part 4-Prior to Applying for/ or Building Permits Being Issued

- 4.22 The SUBDIVIDER agrees that no building permit shall be applied for or issued for Corner (C) Priority Lots, being Lots 7, and 30, until building elevation drawings have been submitted and approved by the CITY’S Director of Planning to ensure that consideration has been given to the design treatment along both frontages of each lot/dwelling; including such items as the provision of porches, porticos, stairs or other projections; secondary door entries; horizontal articulation; brick or masonry style skirting and /or accentuated (bay) windows or second entry to the flanking street.
- 4.23 The SUBDIVIDER agrees that no building permit shall be applied for or issued for Priority Lots fronting on a Priority Street (Pioneer Tower Road), being Lots 1,2,3,4,5,6, until building elevation drawings have been submitted to and approved by the CITY’S Director of Planning to ensure that consideration has been given to the design treatment along both frontages of each lot/dwelling; including such items as the provision of porches, porticos, stairs or other projections; secondary door entries; horizontal articulation; brick or masonry style skirting and /or accentuated (bay) windows or second entry to the flanking street.

Part 6 –Other Time Frames

- 6.10 Prior to Registration, the SUBDIVIDER shall satisfy the park dedication requirements of 0.10035 ha for the subdivision by conveying Block 32 (0.0704 ha) and the remaining 0.03 ha dedication shall be taken as cash in lieu of land. The SUBDIVIDER further agrees to construct the neighbourhood park [Block 32] to the satisfaction of the CITY’S General Manager of Community Services. The grading, topsoil and seeding shall be completed before occupancy of the first unit or in the event of winter conditions by June 1st immediately following the issuance of the first occupancy permit. Any, and all, construction costs of the park [including grading, topsoil, seeding, sodding, installation of playground equipment, landscaping, seating and signage] in accordance with the approved park design shall be paid for by the SUBDIVIDER and the applicable construction costs, such as playground equipment and landscaping, shall be reimbursed to the SUBDIVIDER through Council approved capital accounts.

- 6.11 The SUBDIVIDER agrees that if the existing private water supply is disrupted to properties located adjacent to the plan, within two years of the completion and acceptance of underground services for the entire subdivision, as a result of the development of the subdivision, it shall provide at its cost a water supply, to the said properties, to the satisfaction of the CITY'S Director of Engineering.
- 6.12 The SUBDIVIDER agrees that construction traffic to and from the proposed subdivision shall be restricted to using Pioneer Tower Road to Baxter to King Street East only and prohibited from using any other streets in the community. The SUBDIVIDER agrees to advise all relevant contractors, builders and other persons of this requirement with the SUBDIVIDER being responsible for any required signage, all to the satisfaction of the CITY'S Director of Engineering. Any alternate routes must be to the approval of the CITY'S Director of Engineering.
- 6.13 The SUBDIVIDER agrees to implement all landscaping on public rights of ways including cul-de-sac islands at the SUBDIVIDER'S cost prior to occupancy of the first dwelling or one year after registration, whichever comes first.
- 6.14 The SUBDIVIDER agrees to ensure that any corner lot fences are in compliance with City of Kitchener policy.

2.2 Prior to Registration:

That prior to final approval of the plan to be registered, the SUBDIVIDER shall fulfill the following conditions:

1. The City Standard Residential Subdivision Agreement be registered on title.
2. The SUBDIVIDER shall submit copies of the final plan for registration to the CITY'S Director of Planning and shall obtain approval therefrom.
3. The SUBDIVIDER agrees to commute all local improvement charges outstanding on any part of the lands and to pay all outstanding taxes on the lands.
4. The SUBDIVIDER agrees to stage the plan to the satisfaction of the CITY'S Director of Planning.
5. The final plan for registration shall show all lots intended for development as single detached, semi detached or duplex dwellings and a City Standard Supplementary Residential Subdivision Agreement showing such lotting shall be registered for each stage prior to the registration of such stage. This condition shall not apply if the plan is to be registered prior to the approval of servicing plans.
6. The SUBDIVIDER agrees to show emergency access/secondary access, if required in accordance with City policy, on the final plans for registration to the satisfaction of the CITY'S Director of Planning.
7. The SUBDIVIDER shall install within the subdivision any required geodetic monuments under the direction of the CITY'S Director of Engineering, with co-ordinate values and elevations thereon and submit for registration the plans showing the location of the

monuments, their co-ordinate values, elevations and code numbers as prescribed by the Surveyor General of Ontario.

8. The SUBDIVIDER shall make satisfactory arrangements with Kitchener Wilmot Hydro for the provision of permanent electrical services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
9. The SUBDIVIDER shall make satisfactory arrangements for the provision of permanent telephone services to the subdivision and/or the relocation of the existing services. Further, the SUBDIVIDER acknowledges that this may include the payment of all costs associated with the provision of temporary services and the removal of such services when permanent installations are possible.
10. The SUBDIVIDER shall make arrangements for the granting of any easements required for utilities and municipal services. The SUBDIVIDER agrees to comply with the following easement procedure:
 - (a) to provide copies of the subdivision plan proposed for registration and reference plan(s) showing the easements to HYDRO, and telephone companies and the City, to the CITY'S Director of Planning.
 - (b) to ensure that there are no conflicts between the desired locations for utility easements and those easement locations required by the CITY'S Director of Engineering Services for municipal services;
 - (c) to ensure that there are no conflicts between utility or municipal service easement locations and any approved Tree Preservation/Enhancement Plan;
 - (d) if utility easement locations are proposed within lands to be conveyed to, or presently owned by the CITY, the SUBDIVIDER shall obtain prior written approval from the CITY'S Director of Planning or, in the case of parkland, the CITY'S General Manager of Community Services; and
 - (e) to provide to the CITY'S Director of Planning, a clearance letter from each of HYDRO and telephone companies. Such letter shall state that the respective utility company has received all required grants of easement, or alternatively, no easements are required.
11. The SUBDIVIDER shall dedicate all roads, road widenings and public walkways to the CITY by the registration of the Plan of Subdivision.
12. The SUBDIVIDER shall erect and maintain a subdivision billboard sign at each major entrance to the subdivision, in accordance with a plan approved by the CITY'S Director of Planning, in accordance with the following criteria:
 - a) The sign shall be located outside the required yard setbacks of the applicable zone and outside the corner visibility triangle, with the specific, appropriate location to be approved by the CITY'S Director of Planning;

- b) The sign shall have a minimum clearance of 1.5 metres, a maximum height of 6 metres, and a maximum area of 13 square metres;
- c) Graphics shall depict the features within the limits of the subdivision including, without limiting the generality of the foregoing, approved street layout, including emergency access roads, zoning, lotting and specific land uses, types of parks, storm water management areas, hydro corridors, trail links and walkways, potential or planned transit routes and bus stop locations, notification regarding contacts for school sites, noise attenuation measures, environmentally sensitive areas, tree protection areas, special buffer/landscaping areas, water courses, flood plain areas, railway lines and hazard areas and shall also make general reference to land uses on adjacent lands including references to any formal development applications, all to the satisfaction of the CITY'S Director of Planning;
- d) Approved subdivision billboard locations shall be conveniently accessible to the public for viewing. Low maintenance landscaping is required around the sign and suitable parking and pedestrian access may be required between the sign location and public roadway in order to provide convenient accessibility for viewing; and,
- e) The SUBDIVIDER shall ensure that the information is current as of the date the sign is erected. Notice shall be posted on the subdivision billboard signs advising that information may not be current and to obtain updated information, inquiries should be made at the CITY'S Department of Development and Technical Services.

13. The SUBDIVIDER agrees that the streets shall be named to the satisfaction of the CITY'S Director of Planning in accordance with Council Policy I -1070.

14. To expedite the approval for registration, the SUBDIVIDER shall submit to the CITY'S Director of Planning, a detailed written submission documenting how all conditions imposed by this approval that require completion prior to registration of the subdivision plan(s), have been satisfied.

15. The SUBDIVIDER agrees to convey to the City the following lands for the purposes stated therein, at no cost and free of encumbrance, concurrently with the registration of the plan of subdivision:

- a) Block 32 as Park;
- b) Blocks 33 and 34 as Road Widening

16. The SUBDIVIDER agrees to include a statement in all Offers of Purchase and Sales Agreements that advises:

- i. that the home/business mail delivery will be from one or more designated Centralized Mail Boxes.
- ii. that the SUBDIVIDER be responsible for officially notifying the purchasers of the exact Centralized Mailbox locations prior to the closing of any home sales
- iii. that the location of all centralized mail receiving facilities shall be

shown on maps, information boards and plans, including maps displayed in the sales office(s).

17. The SUBDIVIDER shall satisfy the total 5% (0.10035 ha) parkland dedication for the entire subdivision by the conveyance of Block 32 (0.0704ha) and pay the remaining (0.03 ha) as Cash-in-lieu .
18. The SUBDIVIDER agrees that if servicing or grading has not commenced prior to final approval of the plan, a Detailed Vegetation Plan is to be submitted to and approved by the City's Director of Planning. The Detailed Vegetation Plan shall also show approved grading. The SUBDIVIDER agrees to implement all of the measures identified in the approved Detailed Vegetation Plan including delivering all information contained in the approved Detailed Vegetation Plan to prospective purchasers to ensure that the requirements are carried out as specified.
19. The SUBDIVIDER agrees to have all proposed tree and shrub plantings on public rights of ways including cul-de-sac islands reviewed and approved by the CITY'S General Manager of Community Services.
20. The SUBDIVIDER agrees to obtain the appropriate land use plan, from the City of Kitchener, for the area being subdivided in order to satisfy Condition 1.22a) of the Subdivision Agreement.
21. The SUBDIVIDER agrees that prior to the Servicing or Registration of any stage of this plan that the required upgrades for quality control to the Kriszanderson Storm Water Management pond (Block 67 on 58M-90) have to be completed by the City of Kitchener by the end of 2008. The SUBDIVIDER agrees to contribute payment in accordance with the City's Master Stormwater Management Policy I-113 in the amount of \$31,800.00. Further the SUBDIVIDER agrees that a Stormwater Management Report be submitted to the City addressing quality and quantity in accordance with the Kriszanderson Subdivision "Pioneer Tower West Community" Stormwater Management Plan Final Report and Erosion and Sedimentation Control Plan dated March 1998, to the satisfaction of the CITY'S Director of Engineering.
22. The SUBDIVIDER shall deposit a reference plan showing a 3.0 metres easement over the full depth of lots 20 and 21 and lots 25 and 26 for the purposes of providing an overland drainage corridor.
23. Prior to Registration, the SUBDIVIDER agrees to register on title warning clauses to prospective purchasers for lots 20, 21, 25, and 26 indicating that the land over the easements is to remain unobstructed by structures including fences and decks.
24. Prior to Registration, the SUBDIVIDER shall enter into a servicing easement agreement to ensure that the drainage easements remain unobstructed with the CITY to the satisfaction of the City's Director of Engineering and shall register said agreement on title against lots 20, 21, 25, and 26 on the approved plan of subdivision.
25. Prior to Servicing or Registration, whichever may come first, the SUBDIVIDER shall use decorative street signage and street lighting for the subdivision to the satisfaction of the CITY'S Director of Transportation Planning in consultation with KW Hydro. Should these decorative elements be utilized, they shall be installed at the

appropriate time frame and to the SUBDIVIDER'S cost, including the provision of 10% of the materials for future replacement/maintenance, to the satisfaction of the CITY'S Director of Transportation Planning in consultation with KW Hydro

26. The SUBDIVIDER agrees to convey to Bell Canada, **Block 31 for utilities**, at no cost and free of encumbrance, concurrently with the registration of the plan of subdivision.

3.0 REGIONAL MUNICIPALITY OF WATERLOO CONDITIONS

- 1) That the subdivision agreement be registered by the City of Kitchener against the land to which it applies and a copy of the registered agreement be forwarded to the Commissioner of Planning, Housing and Community Services for the Regional Municipality of Waterloo prior to final approval of the subdivision plan.
- 2) That the owner agrees to stage the development of this subdivision in a manner satisfactory to the Commissioner of Planning, Housing and Community Services for the Regional Municipality of Waterloo.
- 3a) That the owner enter into an Agreement for Servicing with the Regional Municipality of Waterloo to preserve access to municipal water supply and municipal wastewater services prior to final approval or any agreement for the installation of underground services, whichever occurs first. Where the owner has already entered into an agreement for the installation of underground servicing with the area municipality, such agreement shall be amended to provide for a Regional Agreement for Servicing prior to registration of any part of the plan. The Regional Commissioner of Transportation and Environmental Services shall advise prior to an Agreement of Servicing that sufficient water supplies and wastewater treatment capacity is available for this plan, or a portion of the plan to be registered.
- b) That the owner include the following statement in all Agreements of Purchase and Sale and/or Rental Agreements that may be entered into pursuant to Section 52 of the Planning Act, prior to the registration of this plan.

"The lot, lots, block or blocks which are the subject of this agreement of lease or purchase and sale are not yet registered as a plan of subdivision. The fulfillment of all conditions of draft plan approval, including the commitment of water supply and sewage treatment services thereto by the Region and other authorities, has not yet been completed to permit registration of the plan. Accordingly, the purchaser should be aware that the vendor is making no representation or warranty that the lot, lots, block or blocks which are the subject of this agreement or lease or purchase and sale will have all conditions of draft plan approval satisfied, including the availability of servicing, until the plan is registered".

- 4). That prior to final approval or the commencement of any grading or construction on the site, the owner must provide copies of records of well abandonment for all monitoring wells on the property to the Regional Commissioner of Planning, Housing and Community Services.
- 5) That prior to final approval the owner prepare a noise study to the satisfaction of the

Regional Commissioner of Planning, Housing and Community Services, to indicate to the Regional Municipality of Waterloo, methods to be used to abate traffic noise levels from King Street East (Regional Road #8) and from surrounding stationary noise from abutting land uses, and if necessary, shall enter into an agreement with the Regional Municipality of Waterloo to provide for implementation of the approved noise study attenuation measures.

- 6) That the developer enter into an agreement with the City of Kitchener to include the following warning clause in all Agreements of Purchase and Sale and/or Rental Agreements:

“Prospective purchasers/tenants are advised that noise emanating for the Pioneer Sportsmen Club, a gun club, which is in proximity to all lots and blocks in this Subdivision Plan, may periodically interfere with the enjoyment of outdoor activity for certain individuals.”

4. OTHER AGENCY CONDITIONS

1. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a. A detailed Stormwater Management Report and Plans in accordance with the 2003 Ministry of the Environment and Energy Report entitled “Storm water Management Practices Planning and Design Manual” and in keeping with the Preliminary Servicing Design Brief (Prepared by Stantec Consulting dated February 26,2007).
 - b. A Final lot Grading, Drainage and Storm Servicing Plan
 - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority’s Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized on-site throughout all phases of grading and construction.

5. CLEARANCE CONDITIONS

1. That prior to the signing of the final plan by the City's Director of Planning, the Director shall be advised by the Regional Commissioner of Planning, Housing and Community Services Conditions 3.1 to 3.6 have been carried out to the satisfaction of the Regional Municipality of Waterloo. The clearance letter from the Region shall include a brief statement detailing how each condition has been satisfied.
2. That prior to the signing of the final plan by the City’s Director of Planning, the Director, shall be advised by the telephone company that Conditions 2.2.9 and 2.2.10 have been carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.
3. That prior to the signing of the final plan by the City’s Director of Planning, the Director shall be advised by Kitchener Wilmot Hydro that Conditions 2.2.8 and 2.2.10 have been

carried out satisfactorily. The clearance letter should contain a brief statement as to how the conditions were satisfied.

4. That prior to the signing of the final plan by the City's Director of Planning, the Director shall be advised by Grand River Conservation Authority that Condition 4.1 has been carried out satisfactorily. The clearance letter should contain a brief statement as to how the condition was satisfied.

6. NOTES

Development Charges

1. The owner/developer is advised that the provisions of the Development Charge By-laws of the City of Kitchener and the Regional Municipality are applicable.

Registry Act

2. The final plans for Registration must be in conformity with Ontario Regulation 43/96, as amended, under The Registry Act.

Updated Information

3. It is the responsibility of the owner of this draft plan to advise the Regional Municipality of Waterloo and the City of Kitchener Development and Technical Services Departments of any changes in ownership, agent, address and phone number.

Agreement

4. Most of the Regional Municipality of Waterloo conditions can be satisfied through an agreement. The onus is on the owner to contact Regional staff in writing to request the preparation of such an agreement. A copy of a reference plan showing the lands to be registered that are affected by the agreement and the conditions to be covered by the agreement should be provided. The fees for the preparation and registration of this agreement, payable to the Regional Municipality of Waterloo, are currently \$375.00 and \$50.00 respectively.

Fees

5. The owner/developer is advised that the City of Kitchener and the Regional Municipality of Waterloo have adopted By-Laws, pursuant to Section 69 of the Planning Act, R.S.O. 1990 c. P.13, to prescribe a tariff of fees for application, recirculation, draft approval, modification to draft approval and registration release of plans of subdivision.

Approvals for Servicing Systems

6. The proposed water distribution system meets the definition of a "water works" as defined in the Ontario Water Resources Act. Prior to the construction of the proposed water supply system. The proponent must ensure that the application for approval of water works, and appropriate supporting information, is submitted to the Ministry of the Environment for approval.

Stormwater Management

7. The proposed stormwater management system meets the definition of a "sewage works" as defined in the Ontario Water Resources Act. Therefore, approval of the Director must be obtained under Section 53 of the Ontario Water Resources Act prior to the construction of the proposed stormwater management system. The proponent must ensure that the application for approval of sewage works, and appropriate supporting

information, is submitted to the Ministry of the Environment for approval.

Sewage System

8. The proposed sanitary sewage collection system meets the definition of a "sewage works" as defined in the Ontario Water Resources Act. Therefore, approval of the Director must be obtained under section 53 of the Ontario Water Resources Act prior to the construction of the proposed sanitary sewage collection system. The proponent must ensure that the application for approval of sewage works, and appropriate supporting information, is submitted to the Ministry of the Environment for approval.

Planning Act Applicability

9. This draft plan was received on July 9, 2007 and shall be processed and finally disposed of under the Planning Act, R.S.O. 1990, c. P.13, as amended as of that date.

Regional Servicing Agreement

10. The owner/developer is advised that draft approval is not a commitment by The Regional Municipality of Waterloo to water and wastewater servicing capacity. To secure this commitment the owner/developer must enter into an "Agreement for Servicing" with The Regional Municipality of Waterloo by requesting that the Region's Planning and Culture Department initiate preparation of the agreement. When sufficient capacity is confirmed by the Region's Commissioner of Engineering to service the density as defined by the plan to be registered, the owner/developer will be offered an "Agreement for Servicing". This agreement will be time limited, define the servicing commitment by density and use. Should the "Agreement for Servicing" expire prior to plan registration, a new agreement will be required.

The owner/developer is to provide the Regional Municipality of Waterloo with two print copies of the proposed plan to be registered along with the written request for a servicing agreement.

Registration Release

11. To ensure that a Regional Release is issued by the Regional Commissioner of Planning and Culture to the City of Kitchener prior to year end, it is the responsibility of the owner to ensure that all fees have been paid, that all Regional conditions have been satisfied and the required clearance letters, agreements, prints of plan to be registered, and any other required information or approvals have been deposited with the Regional Planner responsible for the file, no later than December 15th. Regional staff cannot ensure that a Regional Release would be issued prior to year end where the owner has failed to submit the appropriate documentation by this date.

Final Plans - Subdivision

12. When the survey has been completed and the final plan prepared to satisfy the requirements of the Registry Act, they should be forwarded to the City of Kitchener. If the plans comply with the terms of approval, and we have received an assurance from the Regional Municipality of Waterloo and applicable clearance agencies that the necessary arrangements have been made, the signature of the CITY's Director of Planning will be endorsed on the plan and it will be forwarded to the Registry Office for registration.

The following is required for registration and under The Registry Act and for our use:

One	(1)	original mylar
Four	(4)	mylar copies
Four	(4)	white paper prints

REPORT:

Description

Kenmore Homes Inc. is proposing to develop Plan of Subdivision 30T-06201, which is located at 56 Pioneer Tower Road. The subject property is 2 hectares in size and proposes 30 lots for single detached dwellings and a small parkette.

Official Plan

These lands are designated Low Rise Residential in the Official Plan. The type and density of development proposed conforms to the municipal plan.

Special Policy Area

These lands are designated Low Density Residential and are located within the Pioneer Tower West Special Policy Area. This Special Policy Area recognizes the existing larger lot development on private services, and states as follows:

“New municipally serviced residential development within Pioneer Tower West may take place at higher densities than that of the existing residential areas. Notwithstanding the Low Rise Residential designation, generally, the net residential density of all new residential development shall not exceed 10 units per net hectare over the developing portion of the community. Residential uses will be primarily single detached dwellings, with many new areas within the community developing on relatively large lots, taking advantage of the character of the community and ensuring compatibility with existing built residential areas, particularly in areas of transition between existing and new residential development.”

The subject property is approximately 2 hectares in size and 30 lots are being proposed, resulting in about 15 units per hectare for this property. Subsequent to discussion at the June 16 public meeting, it has been determined that the evidence at the Pioneer Tower West OMB hearing was that “the developing portion of the community” comprised the larger subdivision lands to the west of Marquette Drive and did not include infill sites such as the subject property. Even if the subject property were to be interpreted as being within “the developing portion of the community” the development still complies as the policy refers to all new development over the developing portion of the community, not each new development within the developing portion of the community.

The Special Policy also encourages development to occur that is compatible to the existing development. The subject lands are zoned Neighbourhood Institutional Zone (I-1). This zone permits single detached residential uses as well as semi-detached residential uses. As the adjacent lands are mainly comprised of single detached residential uses, the proposed single detached residential subdivision would be more compatible to the existing single detached homes in the area than would semi-detached homes, which are also permitted by the zoning of the subject property.

The Pioneer Tower West Special Policy in the Official Plan also permits multiple residential uses adjacent to large commercial sites. The current zoning does not permit multiple residential developments despite the proximity of the subject property to adjacent commercial lands to the east with frontage onto King Street. The higher density single detached residential subdivision provides a transition between the larger estate homes on private services and the commercial development on King Street East.

The development of these lands would constitute a redevelopment of a former school site and thus no natural features or scenic vistas are being compromised by this development. The Pioneer Tower West Special Policies also speak to road improvements that are required to Deer Ridge Drive, Baxter Place and Highway 8 area. These improvements have been made and this development is not expected to significantly increase traffic to this community. A Traffic Study was prepared by Paradigm Engineering, which looked at traffic in the area and the potential impacts that this development would have on that local traffic. The report concluded that no additional road improvements would be required as a result of the approval of this plan of subdivision.

With respect to the historical character of the area appropriate decorative street lighting and signage will be required for this development.

Provincial Policy Statement and Places to Grow

The application was submitted in July of 2007 and is therefore subject to the 2005 Provincial Policy Statement. This plan was submitted after the 2006 Growth Plan for the Greater Golden Horseshoe. This area/plan is designated Greenfield in the Places to Grow Plan, which sets a density target of 50 persons and jobs per hectare. The Region sets a density target of 55 persons and jobs per hectare. This density target is intended to be achieved on a Region wide basis so that some developments may be below the density target and some may exceed it.

In the case of this development, the lands are expected to come in at a density of approximately 51 persons and jobs per hectare, which is lower than the Regional target but is acceptable due to the size of the parcel.

Zoning

A Zone Change Application is not required to permit the residential uses as the subject lands are zoned Neighbourhood Institutional Zone (I-1) and this zone permits single detached and semi-detached homes and duplexes in addition to the institutional uses typically associated with this zone such as a school or church. Semi-detached residential units, although permitted by the current zoning are not contemplated by this plan as single detached units were thought to be more compatible with the existing single detached residences in the area.

However, a park lot was added to the subdivision as per the request of the City's Community Services Department and in response to the neighbourhood residents requesting for areas for children to play. In this regard, there is a City initiated zoning by-law will be required to rezone the **Park Block 32 to** 'Open Space' from 'Institutional'. As well, a Special Regulation 403 will be placed on the priority lots with frontage on Pioneer Tower Road in order to prohibit garages from protruding more than 1.8 metres beyond the facades of the homes and it will limit the width of the garage to a **maximum of 55%** of the width of the lot. This regulation was added in order to help ensure that the street frontage along Pioneer Tower Road remains compatible with the residential character of the area.

Stormwater Management

The Krizsanderson Stormwater Management facility is located to the west of the subject lands. The City of Kitchener will have to upgrade the stormwater management facility for quality control, in order to accommodate this and other development occurring in this area. The developer will be contributing to these works through a cash-in-lieu payment. The required upgrades to the facility will be required prior to the development proceeding and this is acknowledged as a condition of draft approval. These works are to be completed by the City by the end of 2008 and have already commenced.

The applicant had proposed that minor storm water quantity flows will flow to the Krizsanderson Storm Water Management (SWM) Facility while major flows will ultimately discharge to the Grand River via an unnamed watercourse draining directly to the Grand River. The minor storm flows will be conveyed by storm sewers, and major runoff will be conveyed along roads and blocks to sufficient outlets. In general, the major and minor drainage systems with the subdivision will outlet to a SWM facility located in the area of the existing low-lying/ wetland area and will utilize the existing watercourse south of Pioneer Tower Road for both minor and major system outlets to the Grand River. On site infiltration is proposed is proposed for the lots within this plan of subdivision and soak away pits are recommended for all run off from roof top areas.

The subject lands were considered in the original design of the Krizsanderson Storm Water Management (SWM) facility and therefore the proposal to direct the minor storm water flows to this SWM facility is acceptable to the City of Kitchener. As part of the design for the storm water management scheme for the entire Pioneer Tower West Community, the Grand River Conservation Authority (GRCA) was consulted and a watercourse analysis was determined together with the input from the GRCA. Subsequently, the GRCA approved sending the major overland flows to the Grand River via the unnamed watercourse in a letter dated September 9, 1996, which contemplated the storm water flows from these lands. Based on this information, an on site storm water management facility will not be required.

Sanitary/Water Servicing

All lots will be serviced with gravity sanitary drainage and municipal water servicing in accordance with City of Kitchener standards. The services are to be extended along Pioneer Tower Drive.

Sidewalks

A sidewalk will be required along the Pioneer Grove Court cul-de-sac and along the north side of Pioneer Tower Road extending from King Street, west along Pioneer Tower Road past the subject land and continuing west to 110 Pioneer Tower Road to connect with an existing sidewalk as per City Policy I-1120.

Parks/ Open Space and Community Trails

A small neighbourhood park is proposed. The park proposed will comprise **about 70%** of the required parkland for this development. The balance of which will be taken as cash-in-lieu. As part of the parkland dedication required for this development the owner will be responsible to grade, sod, design and construct the neighbourhood park prior to any occupancy of the dwellings.

Comments from Neighbourhood Circulation

Four comments were received from the neighbourhood circulation. The issues raised are summarized below with staff comments.

Character of Area- (lot size, home design, frontage)

The character of the area is not compromised by a variety of housing types. Single detached residential units continue to be the predominant form of housing. The lot sizes, though smaller than existing lots, will be on full municipal services in keeping with the Places to Grow and Provincial Policy Legislation. The existing lots were larger in order to accommodate private water and septic servicing. The home design of existing homes was governed by restrictive covenants between the developer at that time and the purchasers of the lots. The restrictive covenant has no legal bearing on these lands.

Housing design is also a personal choice. The frontages proposed for the lots in this subdivision conform to the requirements of the I-1 zone. Smaller frontages are feasible as a result of these lots being on full municipal services. In order to provide a more compatible and appealing streetscape, a small park mid-block will be constructed and the number of lots with frontage on Pioneer Tower Road was reduced from nine to seven. In addition, a Special Regulation on the lots facing onto Pioneer Tower Road will restrict the amount that a garage may project beyond the façade of the house and will restrict the width of the garage to a maximum of 50% of the lot width. This will help create a more appealing and compatible streetscape along Pioneer Tower Road, which is a Priority Street. The Developer will also be required to submit and receive staff approval for elevations for the homes on corner lots or those along the Priority Street. In turn, this will help ensure that the development is more compatible with other development in the area.

Increased Pollution/Garbage

This is a behavioural issue that can be helped with public education. In addition, some concern was raised with noise, light and environmental pollution particularly during construction. The construction phase will be a temporary phase. Noise will likely be reduced as the homes will buffer or block out noise emanating from King Street. The street lights will be at a pedestrian scale and will be decorative. All lighting has to comply with the City of Kitchener's lighting regulations and standards.

Parking

Residents in the area were concerned that there would not be sufficient off street parking for the proposed development. This coupled with the existing by-law prohibiting parking on Pioneer Tower Road only increased their concern. The applicant has submitted a parking plan to the Transportation Planning Division for their review and approval. Discussion with Transportation Planning staff indicated that on-street parking will continue to be prohibited on Pioneer Tower Road and all parking will have to be accommodated on site. The subdivision agreement contains conditions to ensure that this is achieved.

Impact on wells and drainage in the area

The developer will be required to monitor wells in the area, both pre and post development in order to ensure there are no impacts to the existing wells. The developer will be responsible to mitigate any impacts that are a result of this development. With regard to the drainage, the developer has to submit lot-grading plans and has to submit an overall stormwater management plan, which has to be to the satisfaction of the City's Director of Engineering.

Safety of Roads and Increased Traffic

A traffic study prepared by Paradigm Engineering has not indicated any significant increase in traffic to the area as a result of this development. The necessary upgrades to the existing street network have been done to accommodate traffic generating from this and other development. Further upgrades and improvements will be made to King Street with the redevelopment of

Sportsworld. Pioneer Tower Road will have curb and gutter and a sidewalk, which will improve pedestrian safety and it will be built to full municipal standards, which will accommodate the traffic. In addition, Transportation Planning Staff indicated that traffic calming measures can be considered for this location as part of the 2009 Traffic Calming Program.

Contamination from adjacent lands

A resident indicated concern with the potential for contamination coming from adjacent lands to the east (gas station). The developer has filed a Record of Site Condition for the subject lands with the Ministry of the Environment. Regional Staff have acknowledged receipt of a Phase 1 and Phase 2 Environmental Site Assessment, prepared by AMEC Earth and Environmental and that a Record of Site Condition was completed and filed with the Ministry of the Environment Brownfields Environmental Site Registry (RSC # 1949, June 16th, 2005). The Region has further indicated that no further action is required by the applicant in this regard.

Available Greenspace

A concern was indicated over the loss of the green space that once housed the school. The developer has agreed to provide a small parkette and the Grand River Trail system associated with the heritage Pioneer Tower is in close proximity.

Zoning

It was suggested that the property should revert to an R-2 or similar zoning. This is not necessary as the I-1 zone permits the residential uses proposed for the subdivision.

Density

Several residents indicated that the density is too high for the area. In keeping with the Region's Growth Strategy as well as the Places to Grow legislation, this development is consistent with the density targets. This area is at a significantly lower density and will never achieve the overall density targets outlined in the above noted legislation, as development in this area is largely on private services.

Buffering

The City does not require buffering between two similar uses, such as residential and residential. However, the developer has been approached about the possibility of the provision of shrubs or a hedge forming a living fence, for the property abutting the subject lands to the west (88 Pioneer Tower Road). Discussions are ongoing between the developer and the adjacent land owner at 88 Pioneer Tower Road.

FINANCIAL IMPLICATIONS:

There will be immediate and ongoing Operations costs for the maintenance of parkland, storm water management facilities, streets, sidewalks and underground services. In the long term, there will be repair and replacement costs for all of the foregoing engineering services.

COMMUNICATION:

Agency and Department Circulation

This plan was circulated to all required agencies and city departments. The comments received have either been addressed or included as conditions of draft approval.

Neighbourhood Circulation

The plan was circulated to all property owners on August 1st, 2007 and report DTS-08-084 was circulated to the residents prior to the meeting on June 16th, 2008 and the plan and zoning by-law was advertised in the Kitchener Waterloo Record May 23, 2008. No additional notice is

required as the proposed revisions to the plan do not significantly alter the layout or intent of the original plan.

Neighbourhood Meeting and Stakeholder Meeting

On October 25th, 2007 a neighbourhood meeting was held to invite neighbours to discuss the plan of subdivision and allow them an opportunity to raise their concerns and have some of their questions answered. The developer and his consultants were present as was City of Kitchener staff and the Ward Councillor. In addition to this meeting a smaller follow-up stake holder meeting was held on May 27th, 2008 to go over the staff's report and to flag any additional questions.

Updated Report:

At the Development and Technical Services (DTS) Meeting held on June 16th, 2008, Committee members requested some changes to the Draft Plan of Subdivision. These changes included the relocation of the park block from Pioneer Tower Road to an internal lot on the cul-de-sac known as Pine Grove Court and the enlargement of the remaining seven lots fronting on Pioneer Tower Road. These proposed changes were intended to address concerns raised by area residents over the location of the park and safety for children playing in the park as well as concerns over compatibility of the lot sizes of the new lots in relation to the existing larger lots on private services in the area.

The Planning report was changed to reflect all of the re-numbering of blocks and lots in the revised plan of subdivision. Furthermore, the plan of subdivision was modified to show the new park location, the increased frontages along Pioneer Tower Road for the seven lots fronting on this road and all lots and blocks on the plan had to be renumbered. The Zoning By-law was also revised. These changes are acceptable to Development and Technical Services, the Developer, and Staff and were based on the comments made by area residents at the Development and Technical Services Committee meeting held on June 16th, 2008.

CONCLUSION:

City staff supports the revisions noted above and recommends that Plan of Subdivision 30T-06201 and that zoning by-law amendment application ZC08/07/P/JVW **as revised** be adopted.

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Senior Planner

Jeff Willmer, MCIP, RPP
Director of Planning

Della Ross MA, MCIP, RPP
Manager Development Review

Attachments

Revised Plan of Subdivision 30T-06201
Revised Proposed by-law ZC08/07/P/JVW

