

**To:** COUNCIL

**Meeting Date:** 2/3/2026

**Subject:** Recommendation Report for Zoning By-law Amendment - 55 Kerr Street

**Submitted By:** Brynn Nheiley, MCIP, RPP, Director of Planning

**Prepared By:** Melissa Mohr, MCIP, RPP, Senior Planner

**Report No.:** 26-001-PG

**File No.:** OR03/19

**Wards Affected:** Ward 4

**RECOMMENDATION(S):**

THAT Council approves the proposed Zoning By-law Amendment with additional site-specific and holding provisions for the property located at 55 Kerr Street for a mixed-use development with 445 dwelling units and approximately 113.9 square metres of retail at grade;

AND THAT Council deems that adequate notice was provided for the public meeting held December 10<sup>th</sup>, 2019 and that a further public meeting is not considered necessary;

AND THAT the corresponding Official Plan Amendment has been posted and comments closed on the Environmental Registry of Ontario (ERO No. 025-0194) website;

AND FURTHER THAT the By-law attached to Report 26-001-PG in Appendix D be passed.

**EXECUTIVE SUMMARY:**

**Purpose**

The purpose of this report is to provide a recommendation on an updated Zoning By-law Amendment for 55 Kerr Street to implement additional prohibitions and holding provisions for these lands.

## Key Findings

- The updated zoning for 55 Kerr Street adds new restrictions and new holding provisions for the property.
- The recommendations take into account requests from the Region of Waterloo and make sure the zoning matches the recent adopted Official Plan for the site.
- These changes are meant to better control how the land is used and how the new buildings are built.
- If Council approves the recommendations, the site will have the ability to add an additional 445 residential units toward our 19,000 unit housing pledge with stronger protections for source water and noise.

## Financial Implications

This amendment is a City initiated application, meaning no additional fees are required. The original application fees for the Official Plan Amendment and Zoning By-law Amendment were waived as 55 Kerr Street is located within the City's Core Area Community Improvement Plan.

## STRATEGIC ALIGNMENT:

Core Service

**Program: Development Approvals**

**Core Service:** Zoning By-law

## BACKGROUND:

### Subject Property

The subject lands are privately owned; addressed as 55 Kerr Street; and are located at the southwest corner of Kerr and Shade Streets. The lands are approximately 1.01 hectares (2.50 acres) in size with 95.60 metres (313.65 feet) of frontage on Kerr Street and 108.50 metres (355.97 feet) of frontage on Shade Street. The lands are vacant of buildings and structures and are shown in Figure 1 below:



Figure 1 – Aerial Map of the Subject Lands

### **Surrounding Land Uses**

Kerr Street and commercial uses are located north of the site, with the Region of Waterloo administrative office located to the south. Shade Street and residential uses are located to the east of the site and Mill Creek is located directly to the west.

### **Background**

The original Official Plan Amendment and corresponding Zoning By-law Amendment (ZBA) applications for 55 Kerr Street were received in 2019 (file No. OR03/19).

Council adopted the site-specific Official Plan Amendment and passed the Zoning By-law Amendment in 2021 and the Official Plan Amendment was sent to the Region of Waterloo for a decision, as the Region was the Approval Authority for Official Plan Amendments at the time. Staff Recommendation Report 21-094-CD for these

Amendments can be found in Appendix A of Report No. 26-001-PG and the original Zoning By-law Amendment passed by Council is in Appendix B of Report No. 26-001-PG.

The approved Zoning By-law permitted the development of two 18-storey buildings with a total of 445 dwelling units and 113.9 square metres (1,3006 square feet) of at-grade-retail space, subject to a holding provision.

Following receipt of the application, the Region identified outstanding Regional matters to be addressed by the applicant prior to a decision. The Region's letter is attached as Appendix C of Report No. 26-001-PG.

The studies required by the Region were not submitted by the applicant prior to the transition of approval authority on January 1, 2025. At that time, any outstanding Regional decisions on Official Plan Amendments became the responsibility of the Ministry of Municipal Affairs and Housing (Ministry).

The Ministry has consulted with City and Region staff regarding the application. The recommended Zoning By-law Amendment includes additional prohibitions and holding provisions that will address the outstanding studies. The amending by-law will ensure conformity with the Regional Official Plan, City Official Plan and the site-specific Official Plan Amendment that is awaiting the Ministry's decision.

Following Council's decision on the updated Zoning By-law, the Ministry will issue a decision on the Official Plan Amendment.

## **ANALYSIS:**

### **Proposed Amendments to Zoning By-law**

No changes to site specifications relating to the previously approved development are contemplated through this By-law, however, the following prohibitions and holding provisions are being recommended within the By-law to ensure conformity with the Regional and City Official Plans:

Additional site-specific prohibitions:

- That geothermal wells are prohibited on site.
- That engineered infiltration infrastructure is prohibited on site.
- That permanent passive and/or active dewatering infrastructure is prohibited on site.

Additional Holding Provisions that have been included in the proposed By-law include:

- Archaeological Assessment and corresponding Ministry Acknowledgement Letter(s)
- Detailed Stationary Noise Study that complies with the City of Cambridge, Regional and MECP NPC-300 Guidelines
- Hydrogeological Study that includes a Vulnerability Assessment and Sensitivity Analysis
- Source Water Protection Potential Contamination Study

The above studies shall be completed, reviewed and accepted to the satisfaction of the City of Cambridge and/or the Regional Municipality of Waterloo prior to the release of the holding provision.

### **Policy Overview**

The original Official Plan and Zoning By-law Amendments were adopted and passed by City Council in 2021.

The above noted prohibitions are being recommended as the site is located within Wellhead Protection Sensitive Area 5 and Source Water Protection Area under the Clean Water Act.

The above holding provisions are being recommended to capture approvals that are required as part of the detailed design of the site.

### **EXISTING POLICY / BY-LAW(S):**

#### **City of Cambridge Official Plan, 2012, as amended**

**Existing Land Use Designations:** Urban Area, Urban Growth Centre, Galt City Centre, Community Core Area, with site-specific Policy 83 (pending Ministry approval), Regeneration Area

**Proposed Land Use Designations:** N/A – no change proposed

#### **City of Cambridge Zoning By-law 150-85, as amended**

**Existing Zoning:** Commercial One Multiple Residential One (C1RM1) Zone

**Proposed Zoning:** Commercial One Multiple Residential One (C1RM1) Zone with site-specific s.4.1.419

The existing and proposed Official Plan designations are shown on Figure 2 and Figure 3 below:

Figure 2: Existing Zoning



Figure 3: Proposed Zoning



## Recommendation

Staff gave consideration to Provincial, Regional and City policies relating to the Zoning By-law Amendment.

It is the opinion of Planning staff that the updated Zoning By-law is consistent with the Provincial Planning Statement, 2024 and conforms with the policies of the Regional Official Plan and City of Cambridge Official Plan. Furthermore, subject to the requested changes, the proposal meets the general intent and purpose of the City of Cambridge Zoning By-law No. 150-85, as amended.

## FINANCIAL IMPACT:

- The original application fees for the Official Plan Amendment and Zoning By-law Amendment were waived as 55 Kerr Street is located within the Galt Core.
- Future planning application fees will be required as part of a complete Site Plan Application and/or Plan of Condominium Application.
- City Cash-in-Lieu Payments and City and Regional Development Charge fees will be collected prior to building permit issuance.
- Any further costs associated with the development of the site are to be borne by the Applicant.

## **ADVISORY COMMITTEE INPUT:**

Not Applicable

## **PUBLIC INPUT:**

The statutory public meeting required under the Planning Act was held on December 10, 2019. As the proposed revisions to the Zoning By-law are only to include additional prohibitions and studies to be completed prior to lifting the holding provision, additional public consultation was not required.

Concerns from Council and the public as well as agencies that were circulated on the original applications were addressed in the recommendation report attached in Appendix A of Report No. 26-001-PG.

Further to the above, public input was requested through the Environmental Registry of Ontario website and two sets of comments were received by the Ministry.

Comments came from two residents concerned about potential noise contamination from the proposed development. These residents requested additional noise studies be undertaken. These concerns has been addressed in this latest Zoning By-law Amendment through the use of a holding provision to obtain a detailed noise study to the satisfaction of the City of Cambridge.

The second set of comments were from the Region of Waterloo who submitted the memo attached to this report as Appendix C. These comments have been addressed through site-specific prohibitions and holding provisions of the updated Zoning By-law Amendment.

## **INTERNAL / EXTERNAL CONSULTATION:**

Staff consulted the Region of Waterloo and Ministry of Municipal Affairs and Housing on this amendment prior to this recommendation being made.

## **CONCLUSION:**

The recommended Zoning By-law Amendment is consistent with the Provincial Planning Statement, 2024, and conforms to the Regional and City Official Plans, meets the general intent and purpose of the City of Cambridge Zoning By-law No. 150-85, and represent good planning.

## **REPORT IMPACTS:**

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

**APPROVALS:**

**This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:**

**Director**

**General Manager**

**Chief Financial Officer**

**City Solicitor**

**City Manager**

**ATTACHMENTS:**

1. 26-001-PG Appendix A – Original Recommendation Report 21-094-CD
2. 26-001-PG Appendix B – Original Zoning By-law Passed by Council
3. 26-001-PG Appendix C - Regional Letter with Outstanding Requirements
3. 26-001-PG Appendix D – Updated Proposed Zoning By-law Amendment