

APPENDIX "F" - HOLDING PROVISIONS FOR SPECIFIC LANDS

57. Notwithstanding Section 13A of this By-law, within the lands zoned C-8 and shown as affected by this Subsection on Schedules 4, 5, 12 and 13 of Appendix 'A' and legally described as Part of Lot 39, German Company Tract, the holding provision for Phase 2 will not be removed until such time as the City of Kitchener is advised by the Region of Waterloo's Commissioner of Planning Housing and Community Services and the City's General Manager of Development and Technical Services, that the following has been completed to their satisfaction:

1. That a minimum of six months following the construction and occupancy of a substantial portion (approximately 80% to 90%) of the 17,186.5 square metres of anchor store uses permitted on the City of Kitchener portion of the site AND the 23,225 square metres of anchor stores, cinema and fitness centre permitted on the City of Waterloo portion of the site, the owner shall at their expense undertake an update to the "Ira Needles Mixed Use Development Transportation Impact Study" Final Report (dated December 2008) by Paradigm Transportation Solutions Ltd. to the satisfaction of the Regional Commissioner of Planning Housing and Community Services and the City's General Manager of Development and Technical Services, to determine if the assumptions, conclusions and recommendations contained in the original study remain valid and to determine what, if any, additional Regional and/or local road improvements are required to accommodate Phase 2 of the development of the site; and
2. That the Region of Waterloo and the City of Kitchener have both the physical and financial resources available to provide for the construction of any Regional and/or local road improvements identified within the updated Transportation Impact Study required in accordance with 1. above that are necessary to accommodate the Phase 2 development. If the updated Transportation Impact Study identifies a critical need for any recommended improvements to immediately support development of Phase 2 of the site, such improvements shall be in place prior to occupancy of any development in Phase 2.

(By-law 2009-138, S.6) (Ira Needles Boulevard)