

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Manager, Planning Services

Date: January 21, 2019

Subject: Applications for Consent & Removal of the “H” – Holding Symbol
PL201900003 – 494112 Ontario Ltd.
42 - 46 Mill Street West, Community of Tilbury (West Kent)

Recommendations

It is recommended that:

1. Consent application File B-03/19 to sever and convey a portion of land, approximately 311 sq. m (3,345 sq. ft.) in area, shown as Part 2 on the applicant’s sketch, in Lot 6, RCP 792, in the Community of Tilbury, as a lot addition to the abutting parcel to the west, be approved, subject to the following conditions:
 - a) that the lot addition lands to be severed, shown as Part 2 on the applicant’s sketch, be conveyed to the owner of the abutting parcel to the west (46 Mill Street West / PIN: 00793-0006), shown as Part 1 on the applicant’s sketch, and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - b) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Consent application File B-04/19 to sever and convey a portion of land, approximately 0.95 ha (2.36 ac.) in area, shown as Part 4 on the applicant’s sketch, in Lot 3, RCP 792, in the Community of Tilbury, as a lot addition to an abutting parcel to the south, be approved, subject to the following conditions:
 - a) that the lot addition lands to be severed, shown as Part 4 on the applicant’s sketch, be conveyed to the owner of an abutting commercial parcel to the south

- b) (42 Mill Street West / PIN: 00793-0005), shown as Part 3 on the applicant's sketch, and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
3. Zoning By-law Amendment application File D-14 TI/01/19/O to remove the "H" – Holding symbol from the severed parcel, shown as Part 4 on the applicant's sketch, in Lot 3, RCP 792, in the Community of Tilbury, be approved, and the implementing by-law be adopted.

Background

The subject lands are located on the north side of Mill Street West between Lyon Avenue North and Autoliv Drive (private), in the Community of Tilbury. The lands are comprised of three (3) abutting parcels that are part of the land holdings of the applicant. The parcels are described as:

1. Parcel 1: a vacant 7.1 ha (17.55 ac.) land locked parcel (PIN No. 00793-0053) that abuts highway 401 to the north, commercial lots to the south, and industrial lots to the east and west (Roll No. 3650 080 001 17900). The lands are currently farmed. This parcel is designated Employment Area in the Chatham-Kent Official Plan and zoned Holding-General Industrial-850 (H-M1-850) which limits the permitted uses to the existing agricultural use.
2. Parcel 2: a 0.29 ha (0.71 ac.) commercial parcel, shown as Parts 2 & 3 on the applicant's sketch attached as Appendix A. The lands are fully serviced with municipal water and sanitary sewer connections and contain one (1) vacant commercial structure (42 Mill Street West; Roll No. 3650 080 001 18100). This parcel is designated Highway Commercial Area in the Chatham-Kent Official Plan and zoned Urban Commercial (Highway Commercial First) (UC(HC1)).
3. Parcel 3: a 0.1 ha (0.26 ac.) parcel, shown as Part 1 on the applicant's sketch. The lands contain one (1) dwelling (46 Mill Street West) with a detached garage and one (1) outbuilding (Roll No. 3650 080 001 18400). This parcel is designated Highway Commercial in the Chatham-Kent Official Plan and zoned Urban Commercial (Highway Commercial First)-532 (UC(HC1)-532).

The applicant is proposing to reconfigure the subject lands in a manner to accommodate development of 42 Mill Street West. The proposal does not create any new lots, rather, it increases the area of the two (2) parcels with frontage along Mill Street West. These parcels are fully serviced with municipal water and sanitary sewer connections, a requirement for the development of any part of the subject lands.

The proposal is described as follows:

- i. Sever and convey approximately 311 sq. m (3,345 sq. ft.) from Parcel 2, shown as Part 2 on the applicant's sketch, as a lot addition to Parcel 3. This will result in a larger single parcel with additional frontage along Mill Street West. For clarity, this parcel will be comprised of Parts 1 and 2 on the applicant's sketch. It is anticipated that these lands will eventually be developed with the abutting land locked parcel to the north; and,
- ii. Sever and convey approximately 0.95 ha (2.36 ac.) from Parcel 1, shown as Part 4 on the applicant's sketch, as a lot addition to the retained portion of Parcel 2. For clarity, this parcel will be comprised of Parts 3 and 4 on the applicant's sketch. The retained portion of the land locked lands will remain limited to their current agricultural use.

A zoning by-law amendment is required to remove the "H"- Holding symbol from the severed lands from the land locked parcel being added to 42 Mill Street West. The Holding symbol is a Planning tool applied to this parcel as a means to control development over these lands. The removal of the Holding symbol over the lot addition lands do not raise any concerns.

A key map showing the location of the subject property is attached as Appendix B. Photographs of the subject property and surrounding area are attached as Appendix C.

Comments

Provincial Policy Statement (PPS)

The applications are consistent with the PPS and do not raise any items of provincial interest.

Official Plan

The applications have been reviewed under policies of the Chatham-Kent Official Plan. They have been specifically reviewed under Section 2.3.6, Primary Urban Centres, and Section 6.3.3, Planning Tools (Consent and Holding Provision), and generally meet these policies.

The proposal is to reconfigure the subject parcels. No new lots are being created and there is no impact to existing servicing. The proposal will result in more efficient lot configuration that will support future development.

Zoning By-law

As described above, all of Parcel 1 is currently a land locked parcel zoned Holding-General Industrial-850 (H-M1-850). The Holding Zone prohibits any new development on these lands until such time *“that either the land will be developed in conjunction with abutting land under the same ownership or, if not, that access and servicing can be made available to the land”*.

As a consequence of the proposed severance, part of Parcel 1 will be severed and conveyed to an abutting parcel with frontage along Mill Street West. The receiving lands are fully serviced with municipal water and sanitary sewer connections. This meets the stated requirements for the lifting of the holding provision from the severed lands.

Therefore, the zoning amendment applies only to the severed lands described as Part 4 on the applicant’s sketch. The amendment lifts the hold on these lands and places it into the General Industrial (M1) zone, where all as-of-right uses of this zone are then permitted.

It is important to note that the enlarged parcel created as a result of this lot addition (consisting of Parts 3 and 4 on the applicant’s sketch) will be divided into more than one zone. As such, each portion of the lot is required to be used in accordance with the zoning provisions applicable to each zone.

Conclusion

The proposed consent and zoning by-law amendment to remove the holding symbol have been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law, and will comply with these documents, if approved. Therefore, the application is being recommended for approval subject to the conditions noted in the Recommendations of this report.

Areas of Strategic Focus and Critical Success Factors

The recommendations in this report support the following areas of strategic focus:

Economic Prosperity:

Chatham-Kent is an innovative and thriving community with a diversified economy

A Healthy and Safe Community:

Chatham-Kent is a healthy and safe community with sustainable population growth

People and Culture:

Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community

Environmental Sustainability:

Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

Financial Sustainability:

The Corporation of the Municipality of Chatham-Kent is financially sustainable

Open, Transparent and Effective Governance:

The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership

Has the potential to support all areas of strategic focus & critical success factors

Neutral issues (does not support negatively or positively)

Consultation

Internal

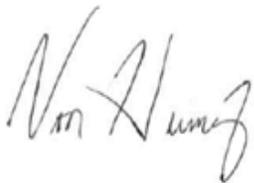
Technical Advisory Committee

The Technical Advisory Committee supports the applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



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Attachments: Appendix A – Applicant's Sketch
Appendix B – Key Map
Appendix C – Site Photos
By-law to amend No. 216-2009

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Appendix C – Site Photos



Looking north towards the subject lands. To the left is the existing dwelling (46 Mill Street West) on Part 1 of the applicant's sketch. The lot addition lands are to the right of the dwelling.



Looking north towards the subject lands. In view is the vacant commercial structure on Part 3 of the applicant's sketch.

By-law Number _____

of The Corporation of the Municipality of Chatham-Kent

A By-law to Amend Zoning By-law 216-2009 of the Municipality of Chatham-Kent

(494112 Ontario Ltd.)

CityView # PL201900003

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Tilbury for removal of the holding classification on said lands as the necessary conditions for removal have been satisfied to the satisfaction of the Corporation;

And Whereas the proposed use would conform to the Official Plan;

And Whereas Council, after due investigation and consideration, concurs in the proposed amendment;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. That Schedule "A" of the By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by removing the holding symbol "H" from the zone classification of the lands so depicted on Schedule "A" hereto annexed and forming part of this by-law, so that the said lands shall be zoned General Industrial (M1).

This By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the 11th day of February, 2019.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule "A" to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 11th day of February, 2019.

