

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

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

**Date:** June 26, 2020

**Subject:** Applications for Site Plan Control & Removal of the “H” - Holding Symbol  
PL202000045 – Solace Farms Inc.  
65 Mill Street West, Community of Tilbury (West Kent)

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#### **Recommendations**

It is recommended that:

1. Site Plan Control application File D-11 TI/07/20/M, to permit the construction of a new 252.96 sq. m (2,722.8 sq. ft.) combination gas bar and convenience store, with related pumps/canopies, and a proposed 360.43 sq. m (3,879.6 sq. ft.) restaurant with drive-through, at 65 Mill Street West, in Part of Lot 7, Plan 793, in the Community of Tilbury, as shown on the site plan drawing prepared by IBI Group Inc., and dated February 25, 2020, be approved, subject to the following conditions:
  - a) that the site plan agreement be executed;
  - b) that Consent application File B-17/20 be finally approved and a copy of the registered transfer document be submitted to the Municipality; and,
  - c) that the Chatham-Kent Zoning By-law be amended to remove the “H” – Holding symbol from the subject property.
2. Zoning By-law Amendment application File D-14 TI/12/20/M to remove the “H” – Holding Symbol from the subject property, in Part of Lot 7, Plan 793, in the Community of Tilbury, be approved, and the implementing by-law be adopted.

#### **Background**

The subject property is located on the south side of Mill Street West, in the Community of Tilbury. The lands are approximately 0.6 ha (1.48 ac.) in area and are currently vacant. The lands are designated Employment Area, and are within Site Specific Policy

Area B.2.4.13.5, Missant Investments Site, in the Chatham-Kent Official Plan. The lands are zoned Holding-Urban Commercial (Highway Commercial First)-842 (H-UC(HC1)-842). A key map showing the location of the subject property is attached as Appendix A. Photographs of the subject property and surrounding area are attached as Appendix B.

The application is proposing to permit the construction of a new 252.96 sq. m (2,722.8 sq. ft.) combination gas bar and convenience store, with related pumps/canopies, and a proposed 360.43 sq. m (3,879.6 sq. ft.) restaurant (McDonald's) with drive-through. The Site Plan drawing is attached as Appendix C.

On April 27, 2020, Council approved Consent Files B-17/20 & B-18/20, to sever and convey two (2) new parcels. To permit the development on these new parcels as proposed, the following Planning Act applications require approval:

### Site Plan Control

Site Planning is a tool used in Chatham-Kent when property is being developed to coordinate the developer's needs as well as the interests of the community, and use of public resources. It is extremely valuable in implementing Chatham-Kent's goals for continuous improvement towards being a welcoming, active and sustainable place to work and live.

The site plan submitted with this application implements Chatham-Kent's Official Plan and Zoning By-law. The site plan coordinates municipal servicing, public safety and compatibility of land uses. It provides opportunities for being a healthier and progressive place, and respects the developer's choice, style and budget for the project. The proposed site plan adheres to Chatham-Kent's requirements and will form part of the site plan agreement.

### Removal of Holding Symbol

The subject property is currently zoned H-UC(HC1)-842. The Holding symbol is a Planning tool applied to this parcel as a means to control development over these lands, through meeting a number of 'pre-condition' requirements applied to the site. The proposed development has met these requirements, and therefore it is appropriate to remove the Holding symbol.

### Comments

#### **Provincial Policy Statement (PPS)**

The proposal is consistent with the PPS. Specifically, Section 1.1.3, Settlement Areas, provides policy direction that promotes land use patterns within existing settlement areas where a range of uses and opportunities for intensification and redevelopment can be accommodated.

*1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The proposal will facilitate the development of underutilized lands, which supports intensification within an area of the Tilbury Primary Urban Centre. The development of these lands will utilize existing infrastructure and public services. There is no issue of provincial interest associated with this proposal.

### **Official Plan**

The Chatham-Kent Official Plan guides the majority of growth to occur within the Urban Centre Boundaries, such as Tilbury, to ensure that the Municipality develops in a compact, orderly and sustainable manner. As such, these Urban Centres are the focal points where residential, commercial and industrial development will be directed.

*It shall be the objective of Chatham-Kent to:*

*2.3.5.1 Promote the development of safe and healthy communities that are accessible, diverse, economically thriving, environmentally sustainable and offer choices to all residents.*

*It shall be the policy of Chatham-Kent that:*

*2.3.5.2.1 The majority of new population and employment growth shall be directed to the Primary Urban Centres, as designated on Schedule "E" Series – Land Use to this Official Plan.*

The development proposed by this application generally supports the overall objective of the Chatham-Kent Official Plan.

The property is designated Employment Area, which supports the development of a gas bar and convenience store, and a drive-through restaurant, on the lands. Specifically the policies read as follows:

*B.2.4.2 The Employment Area is intended for a range of industrial and secondary commercial land uses which shall be developed on full municipal services.*

*B.2.4.3 Permitted industrial uses in the Employment Area shall include office, research facilities, printing, processing, manufacturing, assembling, warehousing, and shipping uses, as more specifically defined in the Zoning By-law. A limited amount of ancillary retail to the main permitted industrial use shall also be permitted.*

The subject property also falls within "Site Specific Policy Area B.2.4.13.5, Missant Investments Site" (SSPA B.2.4.13.5) in the Chatham-Kent Official Plan, as identified on Schedule "E5", Community of Tilbury, Land Use Schedule.

The Site Plan Control application is subject to the following site-specific policy:

*B.2.4.13.5 Missant Investments Site*

*For the lands identified on Schedule "E" Series – Land Use as "Site Specific Policy Area B.2.4.13.5" and located on the south side of Mill Street west, notwithstanding, or in addition to, other policies of the Official Plan, the following policies will apply:*

- a) The maximum gross floor area for a single retail facility or combination of retail facilities shall be less than 20,000 sq. ft.;*
- b) The minimum gross floor area for a single retail facility shall be 5,000 sq. ft.;*
- c) Highway Commercial uses permitted in the Employment Area designation and as outlined more specifically in the amending zoning by-law shall be permitted on the subject property;*

The proposed maximum gross floor area of all facilities is 613.39 sq. m (6202.47 sq. ft.). The proposed development is permitted on the subject property, subject to the Removal of the "H"- Holding Symbol application.

In support of the Site Plan application, the applicant has also submitted a number of supporting studies and technical documents, which have been reviewed and accepted by the Municipality:

- a) Planning Justification Report

A Planning Justification Report evaluates the development against policies in the Provincial Policy Statement, the Planning Act, and the local Official Plan and Zoning By-law. It is used to explain why a particular development is appropriate for the desired location. It was completed by a Registered Professional Planner. The applicant has submitted a Planning Justification Report acceptable to the Municipality.

b) Stormwater Management Plan & Report

A storm water management Plan (SWM) starts with calculations to determine the storm water volumes for the proposed site development and then a design for the movement and storage of storm water that will not upset the natural water cycle of the area. A SWM plan will determine measures that are necessary to allow sediment to settle out of the storm water and to prevent flooding and erosion. The developer has submitted a stormwater management plan acceptable to the Municipality and it will form part of the site plan agreement.

### **Zoning By-law**

The subject property is currently zoned Holding-Urban Commercial (Highway Commercial First)-842. The proposed commercial development of the severed lands requires an application for Removal of the “H” - Holding Symbol.

The Holding symbol currently restricts development until *“the Corporation has determined 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”*.

On April 27, 2020, Council approved Consent applications which demonstrated the proposed development will not restrict development of the adjacent lands. The remainder of the lands that formed the retained parcel will remain viable for future development, which satisfies the zoning provisions.

### **Conclusion**

The proposed Site Plan Control & Removal of the “H” – Holding Symbol applications 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 applications are 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**

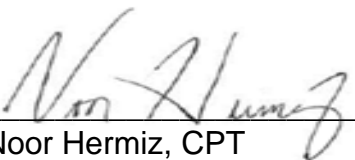
The Technical Advisory Committee supports the applications.

### **Financial Implications**

There are no financial implications resulting from the recommendations.

Prepared by:

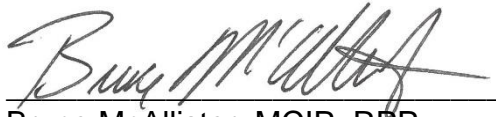
Reviewed by:

  
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Ryan Jacques, MCIP, RPP  
Manager, Planning Services

Reviewed by:

Reviewed by:



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Bruce McAllister, MCIP, RPP  
Director, Planning Services

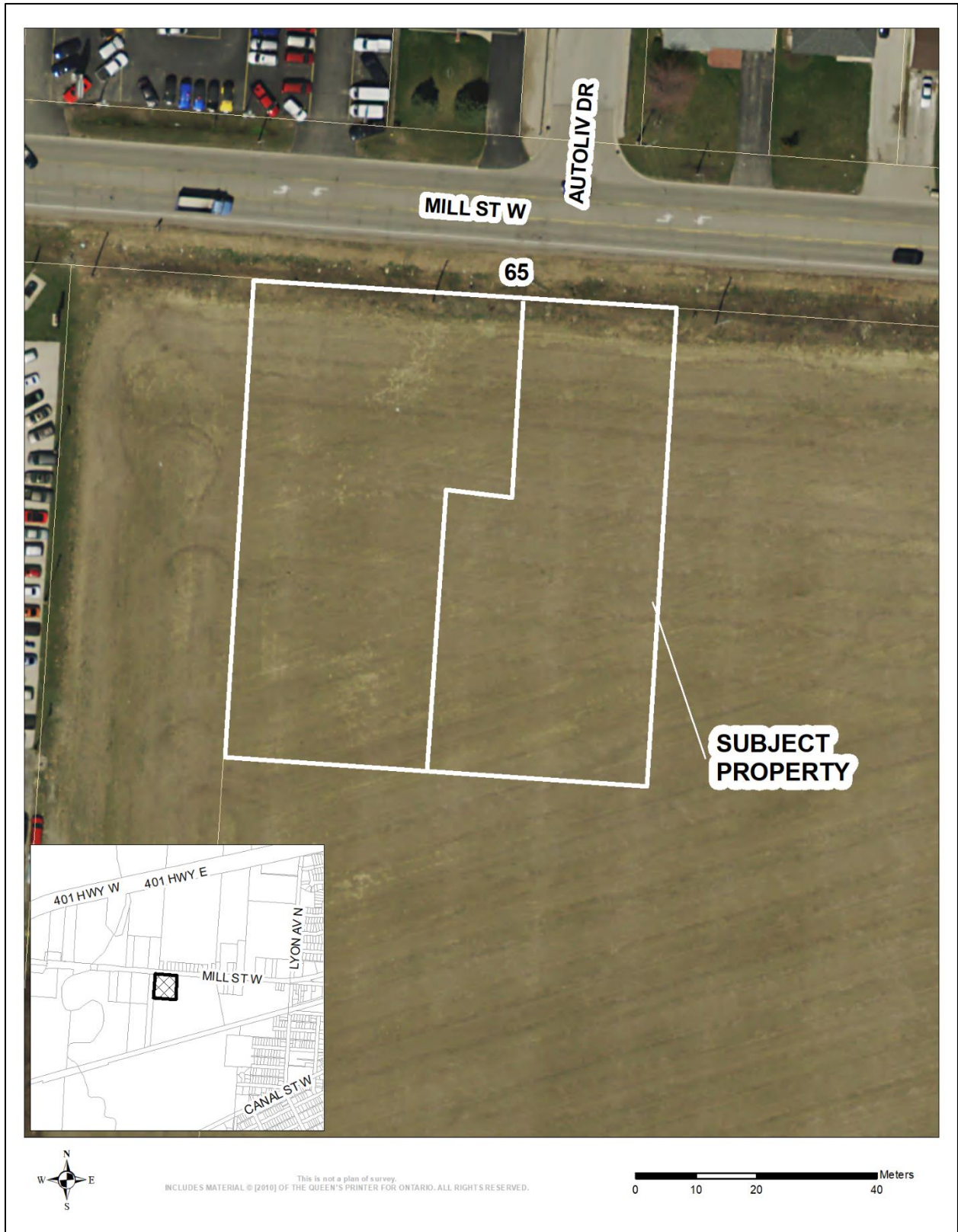
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John Norton  
General Manager  
Community Development

Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Site Plan

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Report.docx

Appendix A – Key Map





Appendix B – Site Photos

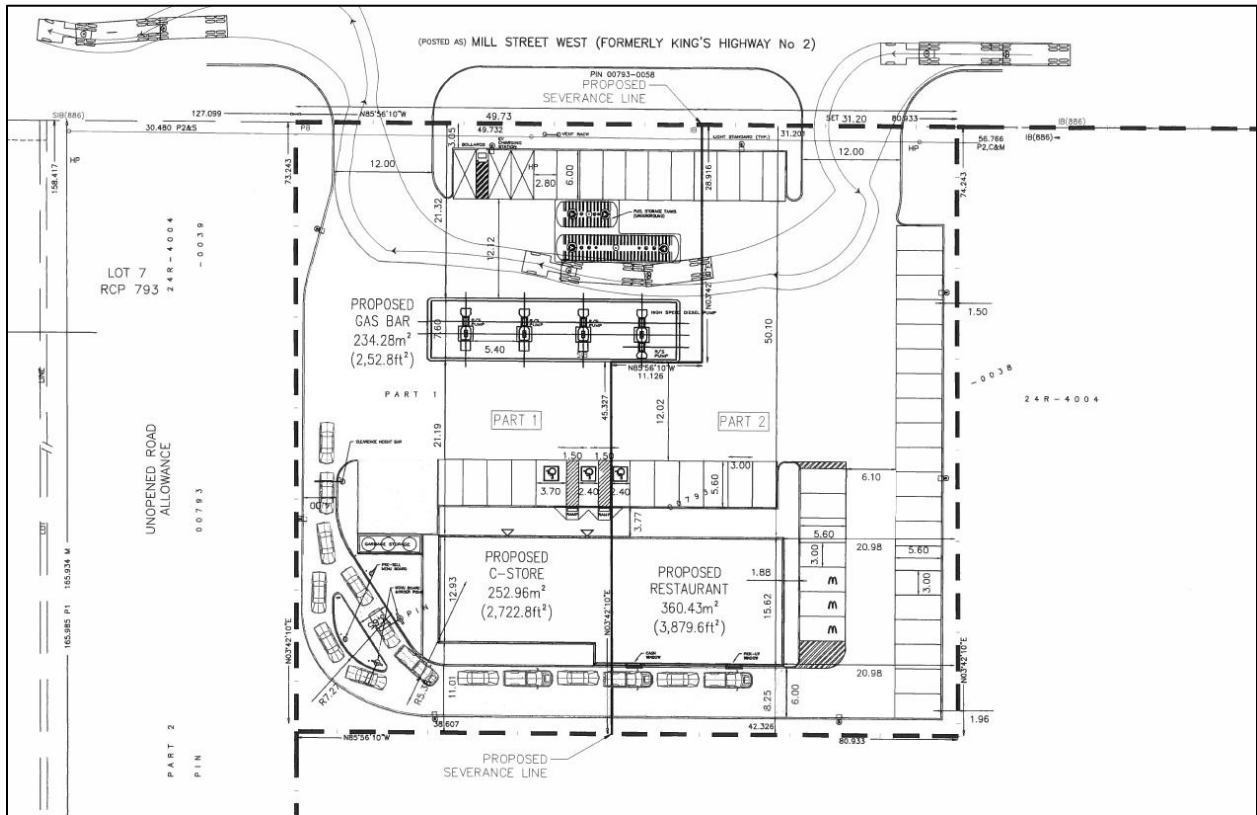


Looking southwest towards the subject property.



Looking southeast towards the subject property.

Appendix C – Site Plan



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

(Solace Farms Inc.)

CityView # PL202000045

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 Urban Commercial (Highway Commercial First)-842.

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 20<sup>th</sup> day of July, 2020.

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Mayor – Darrin Canniff

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Clerk - Judy Smith

This is Schedule "A" to By-law Number \_\_\_\_\_ of the Corporation of the Municipality of Chatham-Kent passed on the 20<sup>th</sup> day of July, 2020.

