

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: June 15, 2020

Subject: Application for Draft Plan of Subdivision
PL202000024 – Henry Heyink Excavating Ltd. & 1815513 Ontario Inc.
Park Avenue East & Sass Road, Community of Chatham (City)

Recommendation

It is recommended that:

1. Draft Plan of Subdivision Application D-12 C/01/20/H, in Part of Lots 4 & 5, Concession 1, RTS (Harwich), in the Community of Chatham (City), for draft plan 36T-20501, which proposes 16 vacant industrial Lots, one (1) Block for municipal services, and two (2) Public Highways, subject to the draft conditions set out in Appendix D, be approved; and,
 - a) that the Mayor and Clerk be authorized to sign the Draft Plan of Subdivision;
 - b) that the Mayor and Clerk be authorized to execute the Subdivision Agreement;
 - c) that upon satisfaction of all conditions of draft approval, the Mayor and Clerk be authorized to sign the Final Plan of Subdivision; and,
 - d) that upon satisfaction of all servicing requirements, the Director of Engineering be authorized to execute a Certificate of Completion for the Development.

Background

The subject property is located at the northeast corner of the intersections Park Avenue East and Sass Road, in the Community of Chatham (City). The property is

approximately 14.85 ha (36.7 ac.) in area and is comprised of farmland. The property is designated Employment Area in the Official Plan and is zoned General Industrial (M1). A key map showing the location of the subject lands is attached as Appendix A.

The applicant is proposing to develop a new industrial subdivision with 16 new vacant lots on full municipal services. A copy of the proposed draft plan of the subdivision is attached as Appendix C,

Comments

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest and is consistent with the PPS.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities

The proposed development is within the Chatham Urban Boundary and is adjacent to existing built-up employment areas. The development is an efficient use of vacant industrial lands that have access to full municipal services, and are in close proximity to major transportation networks and existing municipal services. The proposed development will provide new lots to satisfy the demand of employers in the region, which will increase new employment opportunities over time.

2.6.3 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

A Stage 2 archaeological assessment was completed by Earthworks Archaeological Services Inc., and was submitted to the Ministry of Tourism, Culture and Sport (MTCS). The report concluded that no additional archaeological assessments are recommended

The Ontario Ministry of Tourism, Culture and Sport submitted a letter to the Municipality, dated April 3, 2020, which indicates that the archaeological report prepared by

Earthworks Archaeological Services Inc. has been entered into the Ontario Public Register of Archaeological reports.

The proposed application are consistent with the policies of the PPS.

Official Plan

The Official Plan policies also guide urban development and intensification. Policy 2.3.5.2.6, states that Chatham-Kent shall encourage development to, “locate in fully serviced urban areas... and will occur in a planned, orderly, efficient and sustainable manner; and will be in keeping with the available capacity of the infrastructure and public service facilities present to serve the development.”

The Official Plan policies contemplate changes in the industrial land supply over time. Policy 3.5.1.1, states that Chatham-Kent shall, “Encourage and accommodate economic activities that contribute to the protection and strengthening of the industrial land base in the Municipality.” Further, Policy 3.5.2.8 sets out that, “In planning for industrial development, the Municipality shall:

- Direct industrial traffic away from residential neighbourhoods wherever practical.
- Establish a transition in industrial zones and regulate permitted uses, lot coverage, building heights, building setbacks, parking and outdoor storage in the implementing Zoning By-law to address land-use compatibility issues with adjacent non-industrial uses.
- Through site-plan control processes, encourage attractive building and landscape design and screening or buffering.

The application is consistent with the Official Plan.

Draft Plan of Subdivision File No. 36T-20501

Section 6.3.3.29 – 34.3 of the Official Plan and Section 51(24) of the Planning Act sets out those matters Council must have regard for when considering a Draft Plan of Subdivision. Among other things these relate to Provincial interests, timing of development, adequacy of utilities, municipal services and school facilities, need for public-purpose land within the plan, conservation of natural resources, flood control and design features. To comply with the Municipality’s Development Standards, a Subdivision Servicing Agreement, the engineering review of the construction drawings and provisions for the installation full municipal services, is a requirement of final approval of the subdivision. The following notable items have considered and conditions of final approval (Appendix D) are applied where appropriate.

Archaeological Assessment

As noted above, a Stage 2 archaeological assessment was completed by Earthworks Archaeological Services Inc., and was submitted to the Ministry of Tourism, Culture and

Sport (MTCS). The report concluded that no additional archaeological assessments are recommended

The Ontario Ministry of Tourism, Culture and Sport submitted a letter to the Municipality, dated April 3, 2020, which indicates that the archaeological report prepared by Earthworks Archaeological Services Inc. has been entered into the Ontario Public Register of Archaeological reports.

Infrastructure Servicing

An Engineering Report (Infrastructure Review and Sanitary Sewer Design Analysis), prepared by Baird AE was received as part of the application. In summary, the report describes an acceptable servicing strategy. The subdivision agreement will provide for:

Watermains and Sanitary Sewers – Watermains and sanitary sewers will be extended from their current locations along Park Avenue East and Sass Road, respectively, to service the subject lands. There is adequate capacity to service the lands.

Storm Sewers – This project will include installation of storm sewers along Sass Road to connect into Park Avenue East. The project includes a new stormwater retention pond to collect local runoff in accordance with the Development Standards Manual. The design of the proposed pond also has to be approved by the Ministry of the Environment and Climate Change and must meet their standards for quality, quantity and grading.

Roads and Sidewalks – The proposed development will require new street and sidewalk construction to Municipal standards. Appendix C shows the proposed draft plan and lot layout. The plan includes the construction of two new municipal roads, named Junction Avenue and Commodity Drive.

Sidewalks are to be installed on:

- a) South side of Junction Avenue; and
- b) West side of Commodity Drive.

Parkland – No additional parkland dedication is required for this subdivision. The applicant will be required to provide a payment of cash-in-lieu of parkland dedication as a condition of approval.

Boulevard Trees – The applicant is required to provide payment in-lieu of planting boulevard trees. The Municipality will plant boulevard trees at an appropriate time during build-out of the subdivision.

Traffic

A Traffic Impact Study, prepared by Baird AE was submitted as part of the application.

Development proposals that are likely to generate significant traffic shall prepare a Traffic Impact Study to determine their impact on the surrounding road system and adjacent land uses, and identify appropriate mitigation measures including road improvements. The Traffic Impact Study shall be prepared in accordance with the Municipality's Traffic Impact Study Guidelines and to the satisfaction of the Municipality.

The study concludes that:

- The development is expected to generate 247 two-ways trips during morning peak hour and 239 two-way trips during evening peak hour.
- Under 2019 and 2021 background conditions, the intersection of Park Avenue East with Sass Road/Creek Road will operate at acceptable level of service. No signal is warranted.
- An exclusive left turn lane is warranted for eastbound left turning vehicles at the intersection of Park Avenue East with Commodity Dr/Siemens Drive.
- Signal are warranted in 2021 post development condition at the intersection of Park Avenue East with Creek Road/Sass Road.
- With exclusive eastbound left turning lane at intersection of Park Avenue East with Commodity Drive/Siemens Drive, the intersection operates at overall acceptable level of service in 2036 condition.

Zoning By-law

The subject property is zoned General Industrial (M1), which permits a wide range of employment uses, and ancillary commercial uses. The zoning and proposed lot layout can be generally compared to the subdivisions at McGregor Place or Borrowman St/National Road in Chatham. Commercial uses such as restaurants, gas bars, car washes, etc. are permitted in the M1 zone.

The surrounding neighbourhood is primarily urban industrial and office uses to the north, west, and south. The McGregor Creek Diversion Channel borders the lands to the east, with rural agricultural uses beyond.

The proposed amendment is appropriate for this location. It will provide for new industrial lots in an existing industrial area of Chatham. The application conforms to the Zoning By-law.

Conclusion

The proposed Draft Plan of Subdivision application has been reviewed in the context of the Provincial Policy Statement and Chatham-Kent Official Plan, and will be in full conformity, if approved. Therefore, the application is being recommended for approval.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports 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 recommendation in this report supports 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 application, subject to the Conditions of Approval (Appendix D).

External

Lower Thames Valley Conservation Authority (LTVCA)

LTVCA was circulated on the application as the subject property is in an area regulated by the Conservation Authority. LTVCA advised that, *"the property in question is affected by flooding from back up into McGregor Creek during a regulatory flood event on the Thames River. All structures (including hydro boxes) should be flood proofed to a minimum elevation for the lowest openings into the structure. Also, no drainage from this development can be outletted into the Diversion Channel. The channel was not designed to carry additional flows from adjacent lands, especially once developed."*

A copy of the LTVCA letter is attached as Appendix E.

Financial Implications

There are no financial implications resulting from the recommendation

Prepared by:


Ryan Jacques, MCIP, RPP
Manager, Planning Services

Reviewed by:


Bruce McAllister, MCIP, RPP
Director, Planning Services

Reviewed by:

John Norton
General Manager
Community Development

Attachments: Appendix A – Key Map

Appendix B – Photographs of Subject Property and Surrounding Area

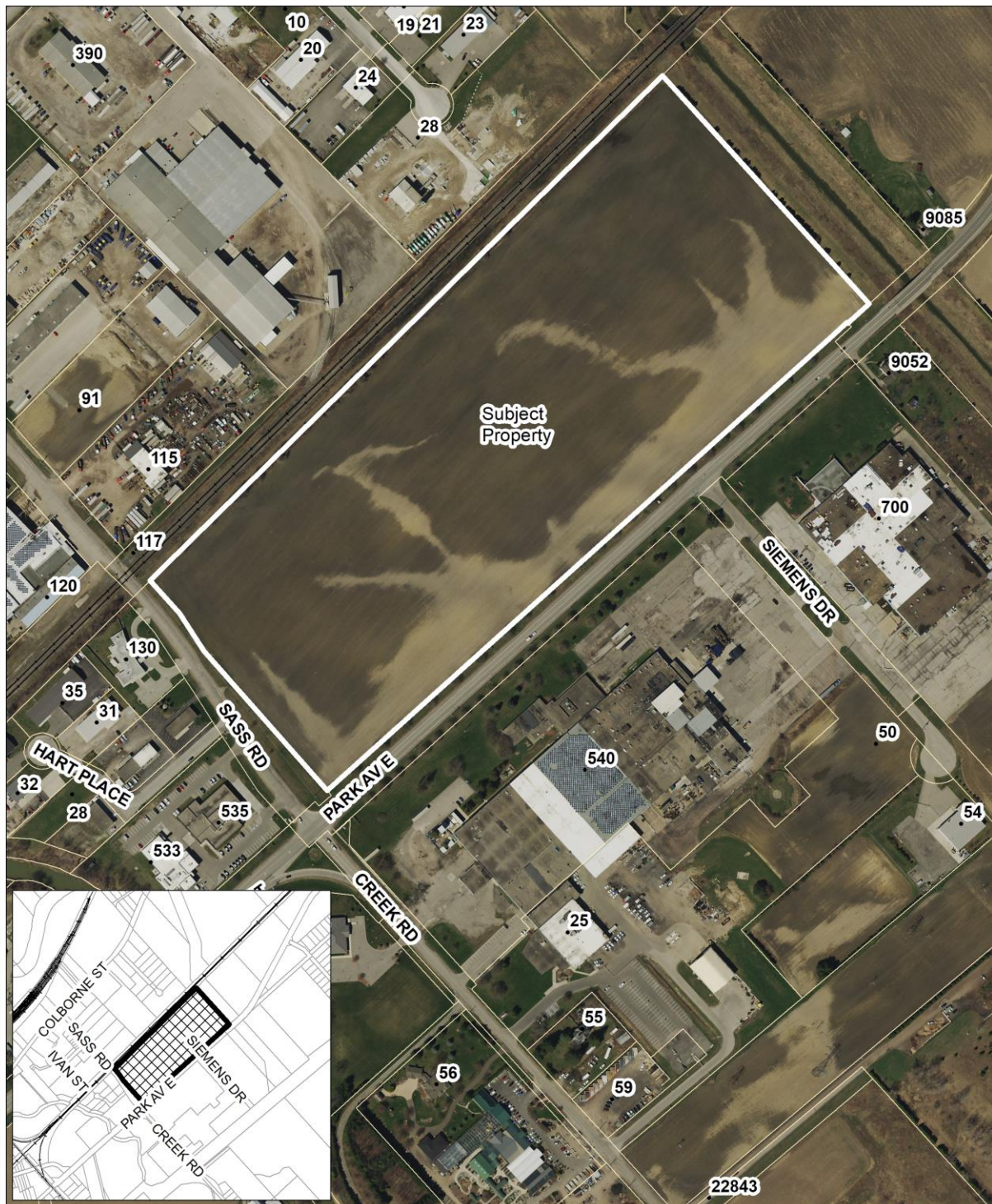
Appendix C – Draft Plan of Subdivision 36T-20501

Appendix D – Conditions of Approval for Draft Plan of Subdivision 36T-20501

Appendix E – Letter from Lower Thames Valley Conservation Authority, dated March 5, 2020

P:\RTC\Community Development\2020\Planning Services\July 20-20 Henry Heyink Excavating Ltd. & 1815513 Ontario Inc Report.docx

Appendix A – Key Map



This is not a plan of survey.
INCLUDES MATERIAL © (2010) OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

0 50 100 200 Meters

Appendix B – Photographs of Subject Property and Surrounding Area



Figure 1 - The subject lands from the north along the Sass Road Frontage.



Figure 2 - The subject lands from the east along the Park Avenue East Frontage.

Appendix C – Draft Plan of Subdivision 36T-20501

PROPOSED M1 - ZONING MATRIX		SITE CONDITIONS		SURVEYORS CERTIFICATE		OWNERS CERTIFICATE																																												
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Appendix D – Conditions of Draft Plan Approval for
Draft Plan of Subdivision File 36T-20501

July 20, 2020

FILE NO: 36T-20501

APPLICANT: Henry Heyink Excavating Ltd. & 1815513 Ontario Inc.

The Corporation of the Municipality of Chatham-Kent's conditions to final plan approval for registration of this subdivision, File No. 36T-20501, are as follows:

NO.	CONDITIONS
1.	That this approval applies to the attached Draft Plan of Subdivision prepared by Baird AE, dated June 11, 2020, which shows a total of 16 Lots, 1 Block, and 2 Public Highways as follows: <ul style="list-style-type: none">• Sixteen (16) Lots for industrial development• One (1) Blocks for Municipal Services• Two (2) Public Highways
2.	That approval of this Draft Plan of Subdivision will expire three (3) years from the date of approval and in accordance with Section 51(32) of the Planning Act.
3.	That the applicant provide a hard copy and AutoCAD.dwg version of the final draft plan projected to the NAD 83/UTM Zone 17N coordinate system, prior to final registration of the plan.
4.	That the road allowance included in this draft plan shall be dedicated as a public highway.
5.	That any dead ends and open sides of road allowances created by this draft plan or by future proposed phasing shall be terminated by 0.3 m reserves to be conveyed to, and held in trust by, the Municipality.
6.	That immediately following final approval, the Storm Water Management (SWM) Block be conveyed to the Municipality.
7.	That the final plan shall conform with the Municipality's Zoning By-law as thereby amended.
8.	That the Owner agree in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning the provision of paved roads, sidewalks and installation of services and drainage and in accordance with Municipality's Development Standards and to the satisfaction of the Municipal Engineer prior to final registration.

9. That such easements as may be required for walkways, utility or drainage purposes shall be granted to the appropriate authority, and in a form acceptable to the authority.
10. That if any underground or overhead utility line, pipeline, drain or other facility must be relocated, replaced or otherwise altered as a result of the subdivision, this shall be at the Owner's sole cost and expense.
11. That signs be erected, located and maintained, to the satisfaction of the Municipality, at the entrance to the subdivision to show the roadway layout within the boundary of the development and include the location of the lots.
12. That the Owner provide a soil report, indicating the suitability and stability of the soils for the proposed development, to be prepared by a professional engineer at the Owner's sole cost and expense.
13. That the Subdivision Agreement between the Owner and the Municipality include, as an attached schedule, the soil report described in Condition 12.
14. That the Subdivision Agreement between the Owner and the Municipality make reference to any special requirements recommended in the soil report described in Condition 12.
15. That the Subdivision Agreement between the Owner and Municipality include a clause that at the time of Building Permit application the Chief Building Official may require additional Geo-Technical investigation before building permits are issued.
16. That the Subdivision Agreement between the Owner and the Municipality contain provisions for the looping of watermain satisfactory to the Municipality.
17. That the Owner enters into a Subdivision Servicing Agreement satisfactory to the Municipality of Chatham-Kent to comply with the Municipality's Development Standards, and the engineering review of the construction drawings, and will provide for the installation full municipal services, which will include the following provisions:
 - a) Sidewalks to be installed on:
 - i. south side of Junction Avenue;
 - ii. west side of Commodity Drive.
 - b) Road classification types for proposed streets shall be:
 - i. Junction Avenue – Local Road
 - ii. Commodity Drive – Local Road
 - c) Phasing:


- i. All dead-end streets shall have turn-arounds and must be removed after no longer in use. Temporary dead-ends shall not exceed 300 metres in length measured to the end of the cul-de-sac.
18. That the Subdivision Agreement between the Owner and Municipality include a clause that appropriate dust, dirt and control measures be applied during construction and for any unpaved road surfaces.
19. That the Subdivision Agreement between the Owner and Municipality include a clause that all vacant blocks not under construction be grass seeded for weed control.
20. The Owner shall agree in the Agreement, in words satisfactory to the applicable telecommunications provider, to grant the telecommunications provider any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with the existing telecommunications provider facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
21. The Owner shall be required to enter into an agreement (Letter of Understanding) with the telecommunications provider complying with any underground servicing conditions imposed by the Municipality, and if no such conditions are imposed the owner shall advise the Municipality of the arrangement made for such servicing.
22. That the Owner provide payment-in-lieu of parkland in accordance with Section 51.1 of the Planning Act.
23. That the Owner shall agree to provide the necessary details for the provision of adequate servicing corridors to the satisfaction of Bell Canada, Union Gas, Hydro One or Entegrus, and Cogeco Cable, and provide documentation that the above noted utilities are in agreement with the corridor details.
24. That the Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies.

Notes To Draft Approval:

1. It is the owner's responsibility to fulfill the conditions of draft approval and to ensure that any required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the plan of subdivision file number.
2. The applicant should be aware of the following subsections of the Land Titles Act, R.S.O. 1990, c.L.5:
 - a) Subsection 144(1) requires all new plans be registered in a Land Titles system if the land is situated in a land titles division; and

- b) Subsection 144(2) allows certain exceptions.
3. All measurements on the subdivision final plan must be presented in metric units.
 4. Council, in its discretion, may withdraw the draft approval or change the conditions of approval at any time before final approval is given (Subsection 51(44) of the Planning Act).
 5. The Ministry of Environment must be advised immediately should waste materials and/or other contaminants be discovered during the development of this plan of subdivision. If discovered, a further approval under Section 46 of the Environmental Protection Act may be required from the Ministry of Environment.
 6. Prior to final approval, a hard and electronic copy of the draft plan must be submitted to the telecommunications provider for review and comment.
 7. The applicant or any public body may, at any time before final approval is given, appeal any of the conditions of approval to the Ontario Municipal Board by filing with the Municipality a notice of appeal setting out the reason(s) for the appeal, accompanied by the fee required by the Board (Subsection 51(39) of the Planning Act).
 8. Prior to final approval, a hard copy and electronic version of the draft plan, must be submitted to Bell Canada, Union Gas, Hydro One or Entegrus, and Cogeco Cable confirming that the space provided for utilities is sufficient.
 9. Should the Owner or Municipality require underground Bell Canada facilities to serve the subdivision, then the Owner must confirm with the Municipality that satisfactory arrangements have been made with Bell Canada for underground services.
 10. The Owner is to also be advised that should any conflicts with existing Bell Canada facilities or easements arise, the Owner shall be responsible for rearrangements or relocation. Further, the Owner is to provide easements as required to service the subdivision.
 11. The applicant should be aware that it is municipal policy that division of row house dwelling blocks into row house dwelling unit lots, will be through the consent process under Section 53 of the Planning Act, and, for greater clarity, not by Part Lot Control exemption.

Appendix E –
Letter from Lower Thames Valley Conservation Authority, dated March 5, 2020



March 5, 2020

Municipality of Chatham-Kent
315 King Street West, Box 640
Chatham, ON N7M 5K8

Attn: Ryan Jacques

Re: Parkside Development
Part Lot 4-5, Concession 1 RTS
Community of Chatham, City
Municipality of Chatham-Kent

Thank you for providing the LTVCA with the opportunity to review the Parkside Development proposal for a commercial subdivision at the corner of Sass Road and Park Avenue East within the Community of Chatham, City. The Conservation Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, R.S.O. 152/06 under the Conservation Authorities Act.

Staff have reviewed the following documents that were submitted to this office on February 4, 2020:

1. Grading Plan, Parkside Development, Baird Architecture and Engineering,
2. Storm Area Plan, Parkside Development, Baird Architecture and Engineering
3. Utility Plan, Parkside Development, Baird Architecture and Engineering
4. Parkside Ave. Plan & Profile 1, Parkside Development, Baird Architecture and Engineering
5. Parkside Ave. Plan & Profile 2, Parkside Development, Baird Architecture and Engineering
6. Siemens Drive Plan & Profile, Parkside Development, Baird Architecture and Engineering

As a result of our review, staff have the following comments to make:

1. Please provide the vertical datum used for elevations on the grading plan.
2. The development area is subject to Conservation Authorities Act and Ontario Regulation 152/06. The area is subject to Development portion of the Ontario Regulation 152/06. The issue of concern is flooding due to Thames River and McGregor Creek (backup flooding). Therefore, Permits from this office will be required for development on each parcel.
3. For the majority, road surface elevation for Siemens Drive and Parkside Avenue is above the Regulatory Flood Datum (RFD) for this area.

It is strongly recommended that LID be incorporated as much as possible into the design of this business park.

After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alterations to Watercourses portion of the regulations. The issue of concern in this area is the Indian/McGregor Creek Diversion Channel, flooding and erosion.

100 Thames Street, Chatham, ON N7L2Y8 • www.ltvca.ca
Phone: 519-354-7310 • Fax: 519-352-3435 • E-mail: admin@ltvca.ca

The property in question is affected by flooding from back up into McGregor Creek during a regulatory flood event on the Thames River. All structures (including any hydro boxes) should be flood proofed to the minimum opening elevation for the lowest openings into structures. Also, no drainage from this development can be outletted into the Diversion Channel. The channel was not designed to carry additional flows from adjacent lands, especially once developed.

An application from this office is required prior to any works/construction taking place within the regulated area. The lands are subject to flooding under regulatory storm conditions. Any proposed structure(s) will be required to be flood proofed to a minimum elevation for the lowest openings into the structures. Setbacks from Diversion Channel are also required to any proposed structures.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly



Valerie Towsley
Resource Technician

Yours truly



Sarbjit Singh, EIT
Natural Hazards Program Assistant

c.c. Baird AE Attn: Peter Zalewski
Baird AE Attn: Matthew J. Baird