

**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:** Application for Zoning By-law Amendment  
PL202000085 – ATAP Properties Inc.  
530 Victoria Avenue, Community of Chatham (City)

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**Recommendation**

It is recommended that:

1. Zoning By-law Amendment application File D-14 C/26/20/A to rezone the subject lands, known as 530 Victoria Avenue, in Lots 100 to 102 and Part of Lots 99 & 103, Plan 479, in the Community of Chatham (City), to a site-specific Institutional (I-1518) Zone, to limit permitted uses on the property to:
  - i. Retail Store (no single use to exceed 343.73 sq. m (3,700 sq. ft.));
  - ii. Office;
  - iii. Personal Service Establishment;
  - iv. Assembly Hall; and
  - v. Commercial Entertainment and Recreational Establishment;

and that the property maintain the existing 71 off-street parking spaces, be approved and the implementing by-law be adopted.

**Background**

The subject property is a 0.87 ha (2.15 ac.) lot located on the southwest corner of Victoria Avenue and Crerar Drive in the Community of Chatham (City) (Roll No. 3650 420 044 16600). The property is designated Residential Area in the Chatham-Kent Official Plan and zoned Institutional (I). 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 subject lands are located in a low-density residential area. They maintain existing accesses from Victoria Avenue and Crerar Drive. The site contains a vacant structure, formerly utilized as a church & school, with 71 off-street parking spaces.

The applicant recently acquired the subject property with the intention of utilizing the existing structure and off-street parking area to service an array of new community commercial and office type uses. The proposed uses include:

- Retail Store;
- Office;
- Personal Service Establishment (i.e. hairdresser, tailor, beautician);
- Assembly Hall; and
- Commercial Entertainment and Recreational Establishment (i.e. fitness centre, boxing club).

The proposal is similar to the Blair's Campus property at 55 Forest Street in Chatham (City), where a former elementary school was redeveloped for similar type uses, including a fitness facility in the former gymnasium.

In support of the proposal, the applicant has provided a list of the proposed uses in relation to the existing floor plan along with a conceptual site plan delineating existing parking area to service the proposed uses. These documents are attached as Appendix C and D, respectively. The applicant also canvassed the immediate area to solicit feedback from residents regarding the proposal. It was indicated that the response received was positive. A summary of this effort is attached as Appendix E for review.

### *Zoning By-law Amendment*

The recommendation is that the subject property be placed into a site-specific zone that limits permitted uses to those noted above. The proposed zoning will also limit the intensity of the uses on site and require that all existing off-street parking be preserved. The zoning by-law amendment is described in more detail in the Comments section below.

## **Comments**

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

The proposed zoning by-law amendment is consistent with the policies of the PPS. In particular, Section 1.1.3 Settlement Areas, contains policies that direct growth and development to existing settlement areas where land use patterns are based on a range of uses and opportunities for intensification and redevelopment, and where there is the availability of suitable existing infrastructure (Policy 1.1.3.1; Policy 1.1.3.2; Policy 1.1.3.3).

The subject property is adequately serviced to accommodate the proposed change of use, and the proposal overall supports the redevelopment of an underutilized site in a manner suitable for the subject site and the surrounding area.

### **Official Plan**

The application has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under the following sections:

- Section 2.3.6, Primary Urban Centres.
- Section B.2.3, Residential Area Policies.
- Section 6.3.3, Planning Tools (Zoning By-law).

### Primary Urban Centres

The Official plan states that Primary Urban Centres, such as Chatham (City), shall be the focal point for growth and development, and have the highest concentration and intensity of uses in the Municipality. This includes the intensification and redevelopment of former institutional sites that are currently underutilized, such as the subject site.

*2.3.6.2.4 Intensification, infill and/or development/redevelopment of vacant designated, brownfield, former institutional or underutilized sites and areas in transition in the Primary Urban Centres will be encouraged.*

### Residential Area Policies

The Official Plan contains policies that contemplate non-residential uses that are complimentary to and serve the everyday needs of a residential neighbourhood. This includes those community, commercial and office type uses being proposed for the subject site. These policies include:

*B.2.3.7 A Neighbourhood Commercial Centre shall be permitted in the Residential Area, based on the following considerations:*

*B.2.3.7.1 Except where specifically permitted in the Zoning By-law, the neighbourhood centre shall contain no more than 16,000 sq. ft. of gross leasable floor area, and an individual unit shall not exceed 5,000 sq. ft. of gross leasable area.*

*B.2.3.7.2 The permitted convenience retail and service commercial uses shall serve the day-to-day needs of the residents in the surrounding residential area. These uses shall include variety stores, business and professional offices, personal services, financial institutions, doctors' offices/medical clinics and restaurants, as more specifically defined in the Zoning Bylaw.*

*B.2.3.7.3 Applications to amend the implementing Zoning By-law to permit a Neighbourhood Commercial Centre may be permitted in accordance with the following:*

- a) the site shall have direct access to an arterial or collector road, preferably at an intersection;*
- b) the location shall minimize the impact of traffic, noise, signs and lighting on adjacent residential areas;*
- c) the site shall be adequately sized to provide for on-site parking, loading and all other required facilities;*
- d) sufficient on-site landscaping, screening and buffering shall be provided to preserve the amenities and appearance of the adjacent residential areas.*

*B.2.3.12 Non-residential uses, except for parks and open space, shall:*

*B.2.3.12.1 Have frontage on a collector or arterial road;*

*B.2.3.12.2 Where practical, have parking areas located to the side or rear of the building;*

*B.2.3.12.3 Incorporate landscaping features to screen parking areas; and*

*B.2.3.12.4 Be restricted in size, as specified in the Zoning By-law.*

In sum, the proposed zoning by-law amendment will permit uses that are suitable for the subject site and the surrounding residential area. The following points further describe how the proposal meets the above noted polices:

- The proposal does not contemplate any physical change to the subject site. The proposed uses will be contained within the existing structure and the exterior will be limited to the existing parking area. Therefore, the site is not anticipated to generate any additional impact to the surrounding residential area.
- The subject property is a corner lot with two (2) existing accesses to Victoria Avenue, which is an Urban Collector Road that connects directly to an Urban Arterial Road to the south (McNaughton Avenue East). There is also an existing access from Crerar Drive, a Local Road.
- Currently, the site contains parking areas to the rear of the building and in front along Victoria Avenue capable of accommodating a total of 71 off-street parking spaces. Based on the uses proposed for the subject site, the existing parking is sufficient to appropriately service the lot. Therefore, all existing parking will be

required to be maintained on-site.

- The subject lands mainly abut the rear yards of those residential lots to the west and south. There are mature trees and fencing that line parts of this perimeter that provide screening and buffering from these uses.
- The site-specific zoning will limit any individual retail unit to a maximum 343.73 sq. m (3,700 sq. ft.), to ensure the site remains in compliance with the intent of Policy B.2.3.7.1, as noted above.

Overall, the proposed change of use being contemplated for the subject lands can be appropriately accommodated by the site, including existing municipal water and sanitary sewer services, and the surrounding residential area. Based on the nature of the uses proposed, there is not anticipated to be any additional impact that what has previously been generated from past uses. Therefore, the proposal meets the general intent of the Official Plan.

### **Zoning By-law**

The subject lands are currently zoned Institutional (I). The zoning by-law amendment application is proposing uses for the subject lands that fall outside the scope of uses permitted under this zoning, with the exception of Assembly Hall which is currently permitted. As such, based on the land use policies summarized above, it is being recommended that the subject lands be rezoned to a site-specific Institutional-1518 (I-1518) Zone that limits uses permitted on the site to:

- Retail Store (no single use to exceed 343.73 sq. m (3,700 sq. ft.));
- Office;
- Personal Service Establishment
- Assembly Hall; and
- Commercial Entertainment and Recreational Establishment.

For clarity on these proposed uses, consider the following definitions from the Chatham-Kent Zoning By-law:

#### Personal Service Establishment:

Means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, including but not necessarily restricted to, the premises of a barber, hairdresser, beautician, masseur, tailor, dressmaker and shoemaker, but does not include a massage or body-rub parlour or any adult entertainment establishment. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

**Commercial Entertainment and Recreational Establishment:**

Means a place where facilities for leisure time activities are provided for hire or gain, and includes, for example, a court for racquet sports, dance hall, gym or fitness centre, amusement game establishment, miniature golf, bingo hall, curling rink, bowling alley, cinema and indoor swimming pool.

The site-specific zoning will also require that the subject site maintain a minimum 71 off-street parking spaces, which is what currently exists on the site, and that no individual retail store exceed 343.73 sq. m (3,700 sq. ft.).

As there is no physical change proposed for the subject site, the property remains in full compliance with all applicable provisions of the Zoning By-law.

**Conclusion**

The proposed zoning by-law amendment has been reviewed in the context of the Provincial Policy Statement and the Chatham-Kent Official Plan, and generally complies with these documents. Therefore, the application is being recommended for approval as noted in the Recommendation section of this report.

**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**

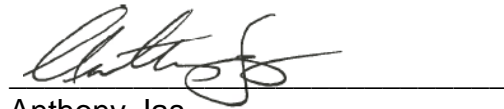
##### Technical Advisory Committee

The Technical Advisory Committee supports the application.

### **Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:



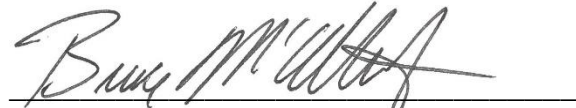
Anthony Jas  
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Reviewed by:



Ryan Jacques, MCIP, RPP  
Manager, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP  
Director, Planning Services

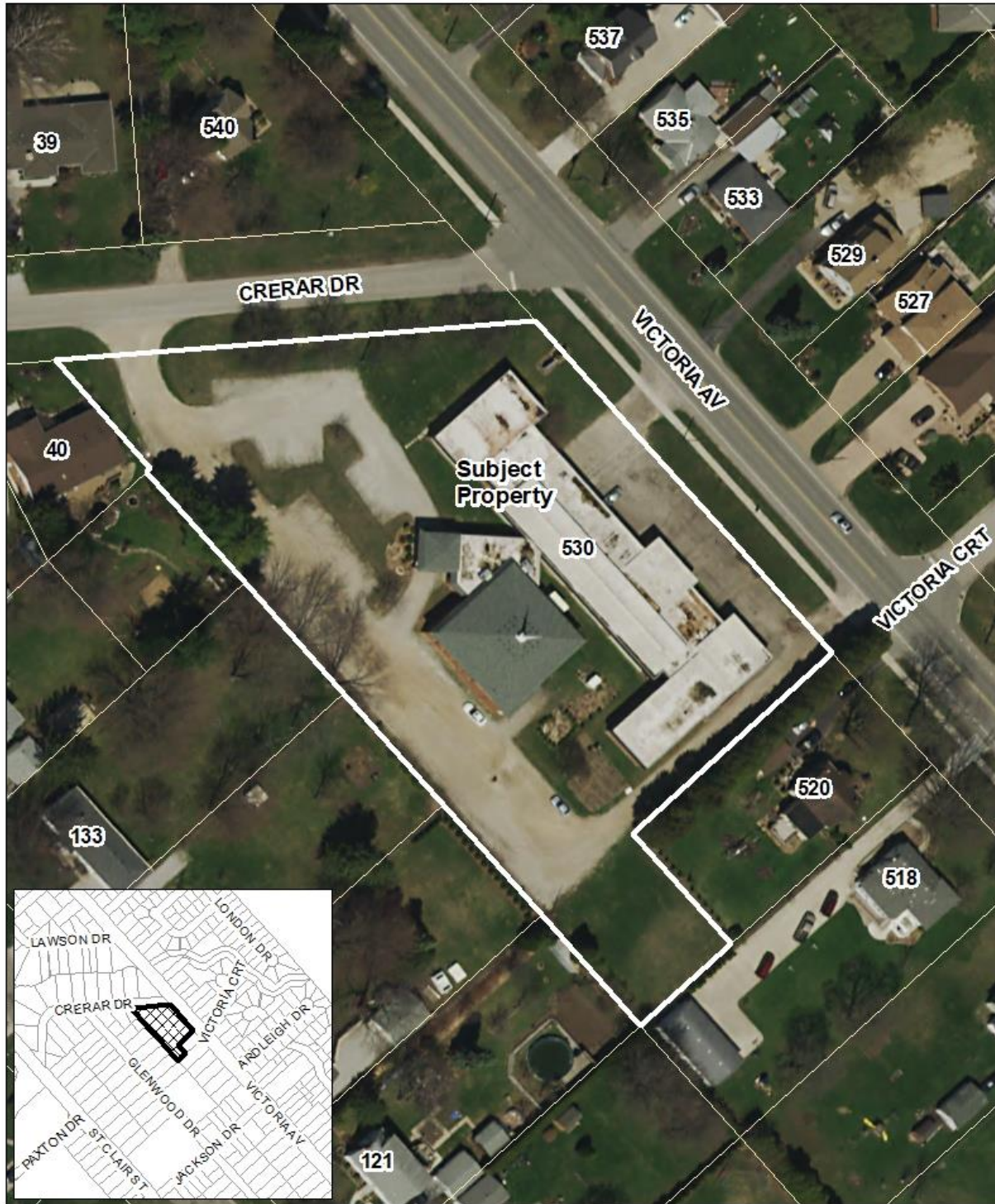
Reviewed by:

John Norton  
General Manager  
Community Development

Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Potential Uses / Floor Plan  
Appendix D – Conceptual Site Plan – (Existing Parking)  
Appendix E – Public Consultation Summary  
By-law to Amend By-law No. 216-2009

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Appendix A – Key Map





Appendix B – Site Photos



View of the subject lands and the most southerly entrance from Victoria Avenue.



View of the subject lands and the most northerly entrance from Victoria Avenue.



View of the subject lands and the entrance from Crerar Drive.



View of the subject lands from Crerar Drive. Picture depicts existing gravel area to the rear of the existing structure.

Appendix C – Potential Units / Floor Plan

ATAP PROPERTIES  
 530 VICTORIA AVENUE, CHATHAM

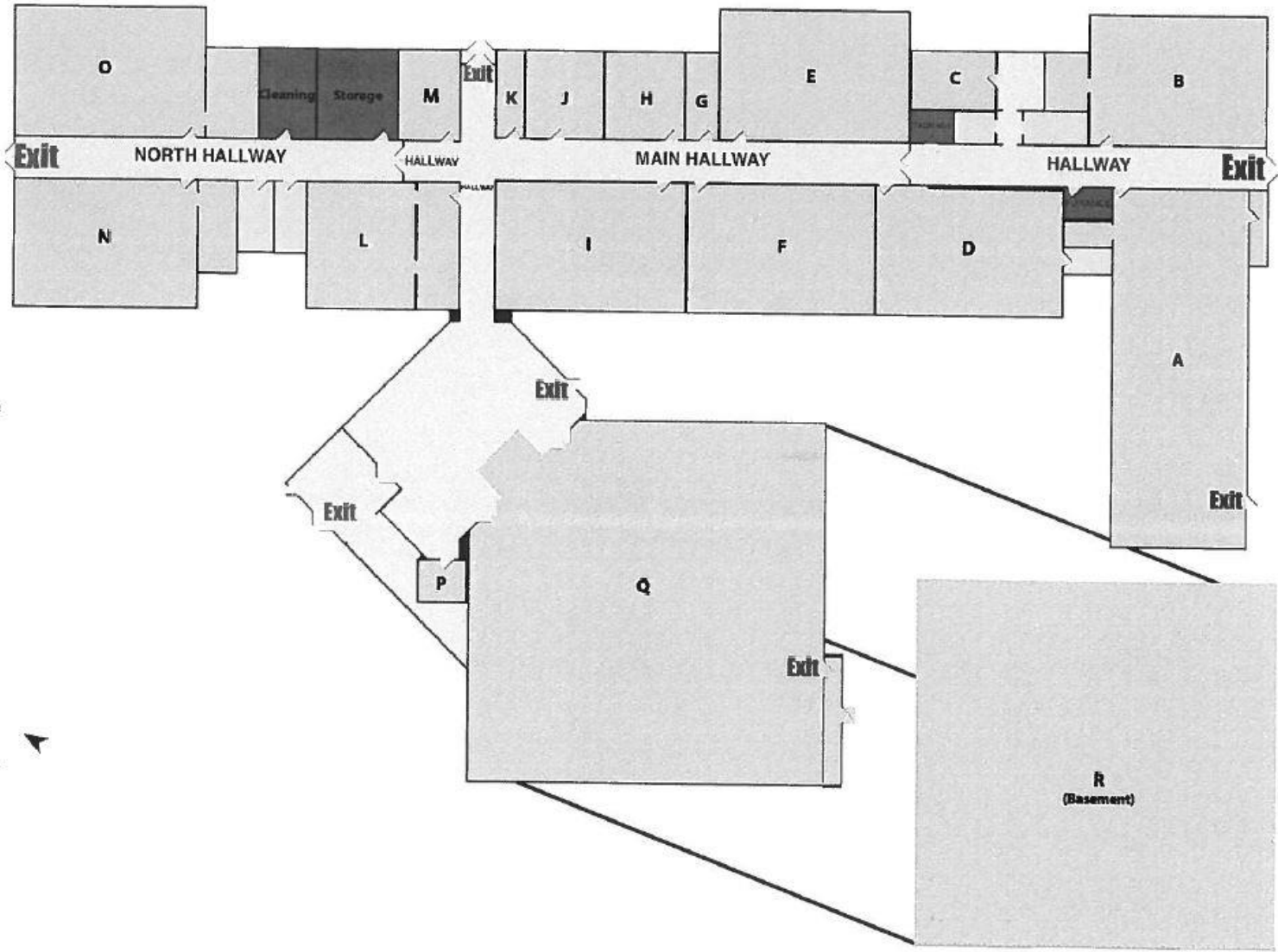
POTENTIAL USES AND POTENTIAL PARKING

UNIT	SQ. FT.	SQ. M	POSSIBLE USE	PARKING / SQ. M	REQUIRED PARKING	PROPOSED PARKING
A	1475	137	RETAIL	1/27.87	5	5
B	700	65	OFFICE	1/27.87	3/6	3
C	150	14	PERSONAL SERVICE	1/9.29	2	2
D	750	70	PERSONAL SERVICE	1/9.29	8	5
E	750	70	OFFICE	1/27.87	3/6	3
F	730	68	PERSONAL SERVICE	1/9.29	8	5
G	85	8	OFFICE	1/27.87	1/6	1
H	208	20	PERSONAL SERVICE	1/9.29	3	3
I	740	69	PERSONAL SERVICE	1/9.29	8	5
J	205	19	PERSONAL SERVICE	1/9.29	2	2
K	75	7	OFFICE	1/27.87	1/6	1
L	575	54	OFFICE	1/27.87	2/6	2
M	165	15	OFFICE	1/27.87	1/6	1
N	810	76	RETAIL	1/27.87	3/5	3
O	885	82	OFFICE	1/27.87	3/6	3
P	58	6	OFFICE	1/27.87	1/6	1 (45)
Q	3700	343	ASSEMBLY HALL	1/4.64	74	20
R	3500	325	COMMERCIAL ENTERTAINMENT	1/4.64	70	6
						71

NOTES:

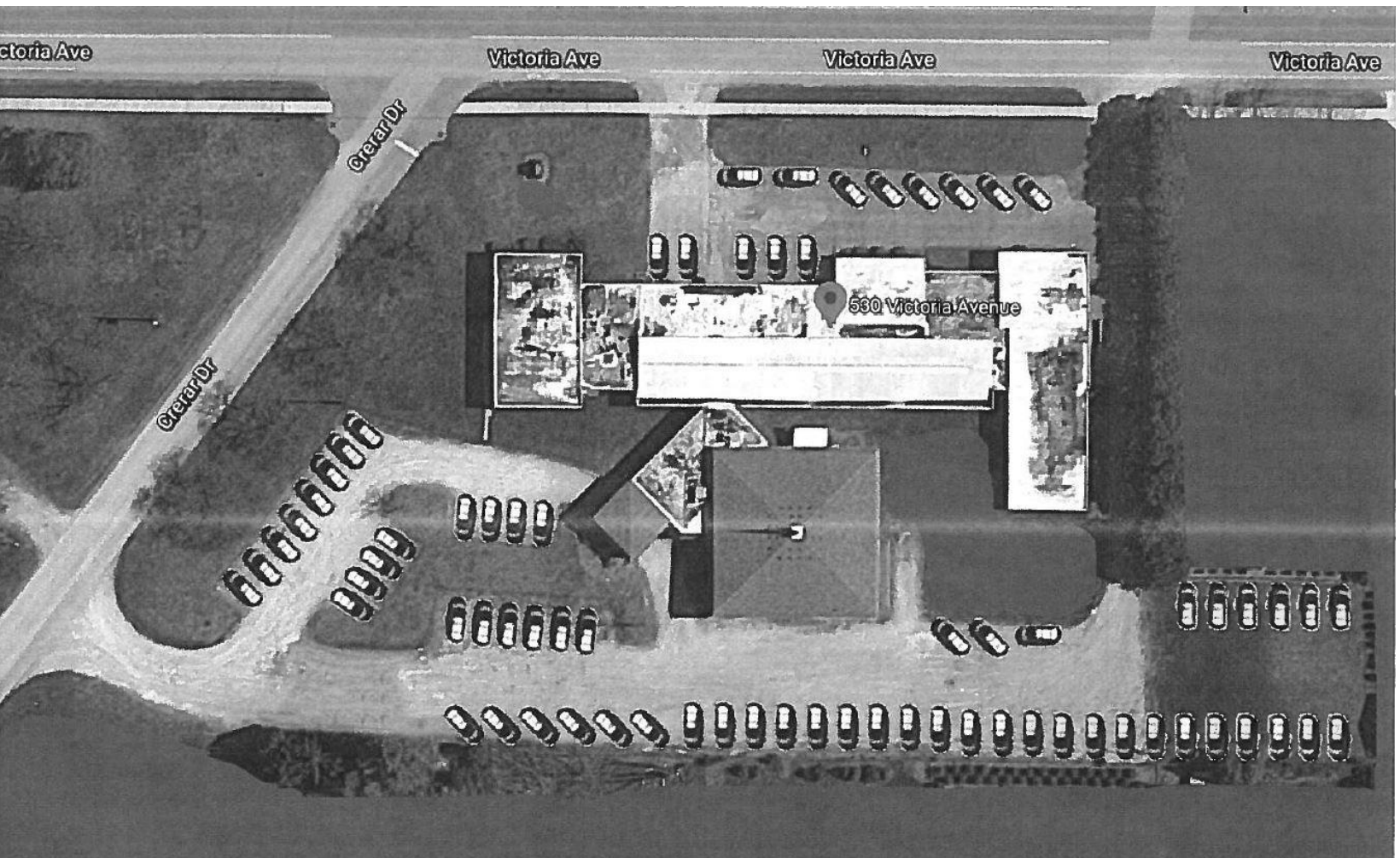
1. AT THIS POINT IN TIME THE USES ABOVE ARE THE TYPE OF USES THAT CAN BE EXPECTED IN THE BUILDING BASED ON THE ATAP PROPERTIES MARKETING AND BUSINESS PLAN.
2. AT THIS POINT IN TIME ANY USE ASSOCIATED WITH A SPECIFIC UNIT IS PURELY FOR DISCUSSION PURPOSES AND SHALL NOT BE CONSIDERED AS EXACT.
3. THE ASSEMBLY HALL USE IS CURRENTLY PERMITTED, AND SHOULD IT BE USED FOR RELIGIOUS PURPOSES, THE TIMING OF SUCH A USE IS NOT SEEN TO COINCIDE WITH OFFICE, RETAIL OR PERSONAL SERVICE USES.
4. THE COMMERCIAL ENTERTAINMENT USE IS PROPOSED TO HOUSE A LOCAL YOUTH BOXING CLUB, AND BASED ON THE EXPERIENCE OF THE CLUB OPERATOR, PARKING NEED IS LOW AS MOST PARENT DROP OFF KIDS. AS WELL, CLUB EQUIPMENT WILL TAKE UP A GREAT EXTENT OF FLOOR AREA.

**ATAP Properties**  
**530 Victoria Ave, Chatham, ON**



- A - 1,475 FT<sup>2</sup>
- B - 700 FT<sup>2</sup>
- C - 150 FT<sup>2</sup>
- D - 750 FT<sup>2</sup>
- E - 750 FT<sup>2</sup>
- F - 730 FT<sup>2</sup>
- G - 85 FT<sup>2</sup>
- H - 208 FT<sup>2</sup>
- I - 740 FT<sup>2</sup>
- J - 205 FT<sup>2</sup>
- K - 75 FT<sup>2</sup>
- L - 575 FT<sup>2</sup>
- M - 165 FT<sup>2</sup>
- N - 810 FT<sup>2</sup>
- O - 885 FT<sup>2</sup>
- P - 58 FT<sup>2</sup>
- Q - 3,700 FT<sup>2</sup>
- R - 3,500 FT<sup>2</sup>

Appendix D – Conceptual Site Plan (Existing Parking)



## Appendix E – Public Consultation Summary

Good Afternoon,

In order to comply with Chatham-Kents' request for public consultation, the following steps have been taken in regards to 530 Victoria Avenue zoning amendments.

Over the past week the owners of 530 Victoria Ave, Nate and Melissa Blair along with their dog Cali have canvassed the required radius of the property with great success. While practicing safe social distancing protocol they were able to speak with 95% of the area residents. With each interaction they cordially introduced themselves as the new property owners and neighbors. They explained their renovation and renewal plans for the property with a unanaomous possative resspnse from the residents about the plans and expressed gratitude for our initiative.

The following are some of the comments expressed by the residents:

"Such a great use of the property."

"Thrilled with the improvements you have made."

"Nice to see small business supported."

"This will certainly help our community."

"The yard looks fantastic."

"Can't wait for an open house to see what you've done."

"We love all the green space surrounding such a gorgeous property."

"Thank you for installing the security lighting."

"We have lived across the street here for thirty years and are thrilled to see the improvements you are making. Thank you."

"Will you have a space suitable to host one on one music lessons? It would be great to have an office studio so close to home."

These are just a few of the comments made by the residents with overwhelming approval. Nate and Melissa found this to be a very enjoyable experience and a great way to meet their neighbors.

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

(ATAP Properties Inc.)

CityView # PL202000085

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Chatham (City) in order to rezone the lands to permit a limited number of commercial/office type uses;

And Whereas the proposed uses 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 changing the zoning classification from Institutional (I) to Institutional-1518 (I-1518) on the lands so depicted on Schedule "A" hereto annexed and also forming part of this by-law.
2. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:  
1518
3. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:  
I-1518
4. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Areas:

Exception No.	Special Zone Symbol	Special Zone Provisions
1518	I-1518	Notwithstanding any other provision of the by-law to the contrary, the permitted uses include, and are limited to, the following: <ol style="list-style-type: none"><li>1. Retail Store (no single use to exceed 343.73 sq. m (3,700 sq. ft.))</li><li>2. Office</li><li>3. Personal Service Establishment</li><li>4. Assembly Hall</li><li>5. Commercial Entertainment and Recreational Establishment</li></ol>

Exception No.	Special Zone Symbol	Special Zone Provisions
		Regulations:  a) Minimum off-street parking requirement – 71 spaces

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.

\_\_\_\_\_  
 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 20<sup>th</sup> day of July 2020.

