

# Planning Justification Report

460 Keil Drive South  
Level Contracting



May 7, 2021



**Zelinka Priamo Ltd.**

LAND USE PLANNERS



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## **INTRODUCTION AND SUMMARY**

### **BACKGROUND**

Level Contracting has submitted an application to the Municipality of Chatham-Kent to amend the Official Plan and Zoning By-Law on the lands known municipally as 460 Keil Drive South (the subject lands) to permit the development a six-storey, mixed-use building containing 117 apartment dwelling units and 465m<sup>2</sup> (5,005ft<sup>2</sup>) of commercial floor space.

The purpose of the following Planning Justification Report is to provide design details of the proposed development and evaluate the proposed Official Plan Amendment and Zoning By-law Amendment within the context of applicable land use policies and regulations, including:

- 2020 Provincial Policy Statement;
- Municipality of Chatham-Kent Official Plan;
- Municipality of Chatham-Kent OPA46 – Secondary Plan for the Southwest Quadrant; and
- Municipality of Chatham-Kent Zoning By-Law 216-2009, as amended.

### **PRE-APPLICATION CONSULTATION**

A Pre-Application Consultation Meeting was held on August 27, 2020 with municipal planning staff. The Submission Requirements Checklist confirmed that an application for a Zoning By-law Amendment is required to facilitate the proposed redevelopment of the subject lands. Further conversations with municipal planning staff following the Pre-Application Consultation Meeting confirmed that an Official Plan Amendment is also required to permit residential uses on the subject lands. A Site Plan Approval application will be required by the Municipality upon completion of the Official Plan Amendment and Zoning By-law Amendment processes.

### **SUMMARY**

This report concludes that the proposed Official Plan Amendment and Zoning By-Law Amendment are appropriate and desirable for the development of the subject lands for following reasons:

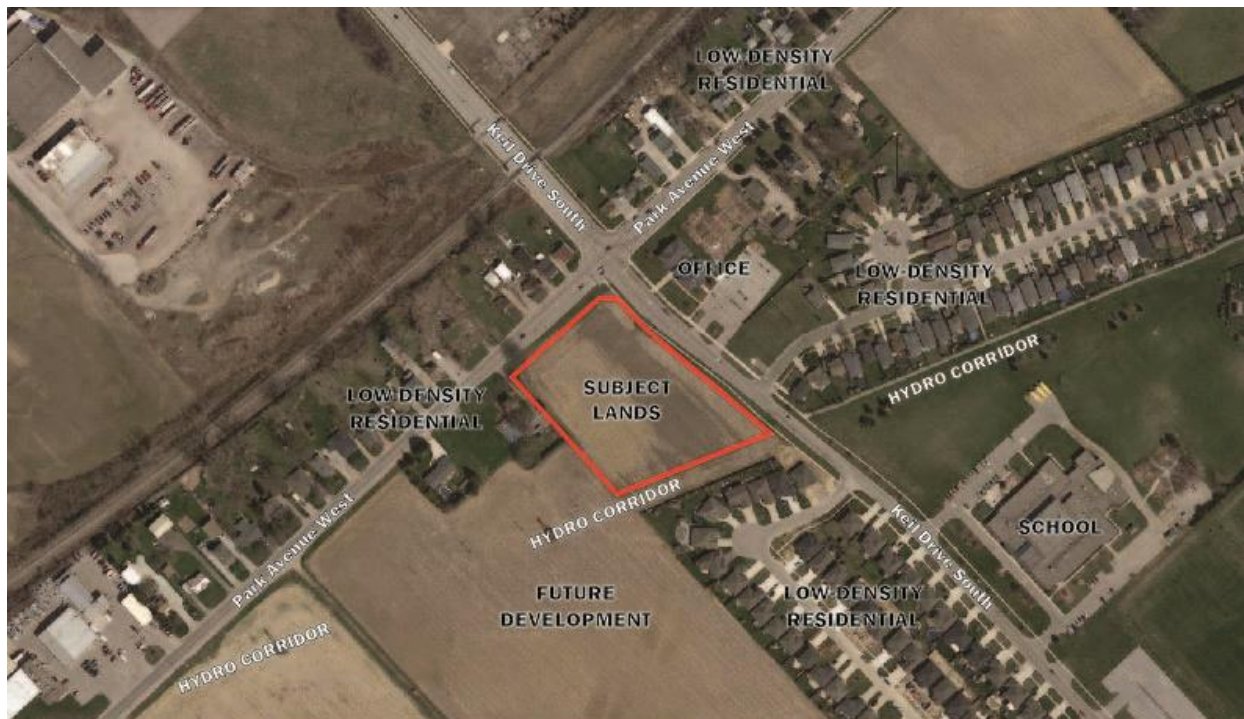
- The proposed Official Plan Amendment (Secondary Plan) and Zoning By-Law Amendment are consistent with the 2020 Provincial Policy Statement;
- In keeping with the purpose and intent of the Chatham-Kent Official Plan, the proposed applications will permit an appropriate density, mix of uses, and building heights given the location of the subject lands on two Urban Arterial roads that are served by transit;
- The residential density proposed for the subject lands will be well-served by a variety of proximate institutional uses as well as open space and parks;
- The proposed development provides a high degree of design and will urbanize the streetscape;
- The proposed development provides an appropriate density transition from the intersection of Keil Drive South and Park Avenue West to existing low-density residential uses to the south;

- The proposed development is sufficiently setback and buffered from the low-density residential areas that abut the lands to the west; and
- The technical submission materials prepared in relation to the Zoning By-law Amendment support the development as proposed.

## **SUBJECT LANDS**

The subject lands are located at the southwest corner of Keil Drive South and Park Avenue West in the municipality of Chatham-Kent (Figure 1). The subject lands are comprised of an irregularly-shaped parcel, approximately 1.22 ha (3.02 ac) in area, with a frontage along Park Avenue West of 80.4m (front lot line) and a maximum lot depth of approximately 138.7m along the easterly lot line abutting Keil Drive South, narrowing to 111.8m at the westerly lot line. The lands are currently vacant (Figure 2 and Figure 3). As the lands are used as a cultivated field, there are no significant landscape elements or natural features on the lands.

**Figure 1 – Subject Lands (outlined in red) and surrounding area**



**Figure 2 – Subject Lands facing southeast from Keil Drive South**



**Figure 3 – Subject Lands facing southwest from Park Avenue West**



The subject lands abut a hydro corridor to the southeast and a single-detached dwelling and cultivated fields to the southwest. The lands are located adjacent to single-detached dwellings across Park Avenue West and a union hall (offices) and single-detached dwellings across Keil Drive South. Land use in the broader area is primarily comprised of low-density residential and cultivated fields planned for future development.

The subject lands are shown within the “*Community Commercial Centre*” land use designation in the Chatham-Kent Official Plan; designated as “*Neighbourhood Commercial*” in the Secondary Plan for the Southwest Quadrant (OPA46); and, are currently zoned “*Urban Commercial, Neighbourhood Commercial (UC(NC))*” under Zoning By-law 216-2009, as amended. The subject lands are additionally identified as “*Flood Prone Areas*” and “*Special Policy Area*” according to the Chatham-Kent Official Plan and are regulated by Lower Thames Valley Conservation Authority (LTVCA).

The intersection of Keil Drive South and Park Avenue West is signalized. Full municipal services are available.



## **SPATIAL ANALYSIS AND NEIGHBOURHOOD CHARACTER**

### **SPATIAL ANALYSIS**

Figure 4 shows the subject lands, notable features, and land uses within 400m and 800m radii. Urban Arterial roads are shown as yellow arrows and Urban Collector roads are shown as green arrows. The two radii represent straight line walking distances of approximately 5 and 10 minutes, although due to sidewalk networks and other barriers, the circles may not represent true walking times.

**Figure 4 – Spatial Analysis**



Areas within 400m (5 minutes walking) are currently dominated by low-density residential uses, including newer single-detached dwellings on Keil Drive South, Bristol Drive, and Molengraaf Way (Figure 5) and older houses fronting onto Park Avenue West (Figure 6). Commercial uses in the area consist of a labour union office located adjacent to the subject lands at the southeast corner of Keil Drive South and Park Avenue West and a bakery located approximately 290m east of the subject lands at 561 Park Avenue West (Figure 7). Notably, a new, two-building, six-storey, 244-unit apartment development, known as Park Place, is currently under construction to the east at 550 Park Avenue West. Cultivated fields to the south and west are proposed to be developed for low-density residential uses and an elementary school, as well as commercial uses fronting onto Park Avenue West.

There are two significant utility/transportation corridors within a 400m radius, including a hydro corridor that forms the southern boundary of the subject lands and an active railway approximately 75m north of the subject lands. Keil Drive South crosses the railway at-grade, providing access to industrial areas to the north. A recreational trail is located within the portion of the hydro corridor

to the east of Keil Drive South, providing an active transportation link to residential, recreational, and institutional uses further east (Figure 8). A K-12 Christian school is located approximately 150m southeast of the subject lands at 475 Keil Drive South (Figure 9).

Generally, architectural styles within 400m vary between contemporary and mid-century suburban. Construction materials mainly consist of brick, stone, and vinyl/cement board siding, while the presence of the labour union hall provides some variety in style, including a glass atrium entrance off of Keil Drive South. All buildings within 400m are one or two-storeys in height with the notable exception of the two, 6-storey apartment buildings under construction to the east.

The streetscape along Keil Drive South is defined by the presence of the labour union office. Other than an assemblage of single-detached homes on Keil Drive South across from the K-12 Christian school, all other parcels that share a lot line with Keil Drive South are vacant or occupied by buildings that are oriented internally or toward other roads. Portions of Keil Drive South, especially those areas north of Park Avenue West, are dominated by privacy fencing providing separation between the yards associated with residential dwellings and the right-of-way. There are noticeable gaps in the Keil Drive South streetscape, including: the undeveloped parcel at the northeast corner of Keil Drive South and Bristol Drive; the parking lot associated with the labour union office; and, the undeveloped industrial lands north of the railway on both sides of Keil Drive South.

The streetscape along Park Avenue West is similarly defined by the labour union office building and is otherwise comprised of parcels that are either vacant or developed for low-density residential uses. The houses on the north side of Park Avenue West are generally oriented toward the street with shallow front yards. Setbacks on the south side of Park Avenue West vary but are generally deeper than those on the north side of the street, resulting in a more withdrawn street presence. There are a number of significant gaps in the Park Avenue West streetscape, including a large undeveloped parcel located approximately 100m west of the subject lands and a number of smaller parcels west of Keil Drive South. It is noted that there are no sidewalks on Park Avenue West to the west of Keil Drive South (all other streets in the area have sidewalks) and that the area is generally not scaled or oriented towards pedestrians.

**Figure 5 – Newer residential construction on Bristol Drive, southeast of the subject lands**



**Figure 6 – Mid-century residential homes on Park Avenue West, north of the subject lands**



**Figure 7 – Labour union offices and community gardens, east of the subject lands**



**Figure 8 – Recreational trail located within the hydro corridor, southeast of the subject lands**



**Figure 9 – Chatham Christian Schools (K-12), southeast of the subject lands**



Lands within 800m (10 minutes walking) include industrial areas and a limited selection of commercial uses to the north (Mr. Sub and a Shell gas bar). Lands to the east are developed for low-density residential development and a place of worship. Lands to the southeast are occupied primarily by low-density residential development and recreational areas including Blythe Park and the Mud Creek recreational trail. Areas to the south are currently used for cultivated fields but are proposed to be developed for low-density residential and institutional uses in the future. Finally, lands to the west are occupied by single-detached homes fronting onto Park Avenue West and an assortment of uses at the intersection of Park Avenue West and Howard Road, including commercial, light industrial, and residential uses and a place of worship.

## SITE SPECIFIC SPATIAL ANALYSIS

Figure 10 below shows the relationship between the subject lands and abutting uses.

Figure 10 – Site Specific Spatial Analysis



Active frontages are located along Keil Drive South and Park Avenue West (Urban Arterial frontages), shown in green. These locations will have an active relationship with abutting roads, and should accommodate buildings that are located close to the street and provide a positive pedestrian environment. These frontages must also accommodate points of vehicular access. Potential points of access are identified with yellow arrows, and are shown in locations that are physically separated from the signalized intersection of Keil Drive South and Park Avenue West.

The south side of the subject lands (rear lot line) interfaces with a hydro corridor and existing low-density residential development, and the west side of the subject lands (interior side lot line) abuts

low-density residential uses and cultivated fields that will be developed for residential uses. These interfaces are shown in blue. Buildings and site features located proximate to these areas should be sensitive to existing and proposed development, and should provide building characteristics and setbacks that are compatible.

As the subject lands are located at the intersection of two Urban Arterial roads, the northeast corner functions as a gateway to the developing residential, institutional, and recreational uses to the south. This area is identified on Figure 10 by a pink star. Additional attention to this location may come in the form of building design and street-level activation.

## **DESIGN GOALS AND OBJECTIVES**

The subject lands are located at the intersection of a two Urban Arterial roads and are proximate to existing and future low-density of residential uses. The lands are appropriately located and are large enough and to accommodate higher density forms of housing as well as community-oriented, small-scale commercial uses. As such, the design goals for the redevelopment of the subject lands are as follows:

- Make efficient use of the land for uses compatible with, and complementary to, existing development in the surrounding area;
- Limit adverse impacts on neighbouring residential uses through appropriate scaling and massing;
- Orient and scale building(s) to encourage active transportation and define the intersection of Keil Drive South and Park Avenue West for a positive pedestrian and vehicular experience;
- Provide additional height and massing for buildings located close to the street;
- Provide a density that makes efficient use of the land and the available municipal services, infrastructure, transit, and transportation infrastructure;
- Provide a positive and visually appealing focal point for the emerging neighbourhood;
- Provide opportunities for complete communities by providing a range of housing types that support aging in place; and,
- Provide a form of housing that may be priced lower per unit than single-detached forms of housing, providing a range of affordability options and housing choice in the community.

## PROPOSED DEVELOPMENT

The subject lands are proposed to be developed for a six-storey, mixed use building with 117 dwelling units and 465m<sup>2</sup> of commercial floor area, and surface parking (Figures 11-12).

Figure 11 – Concept Plan

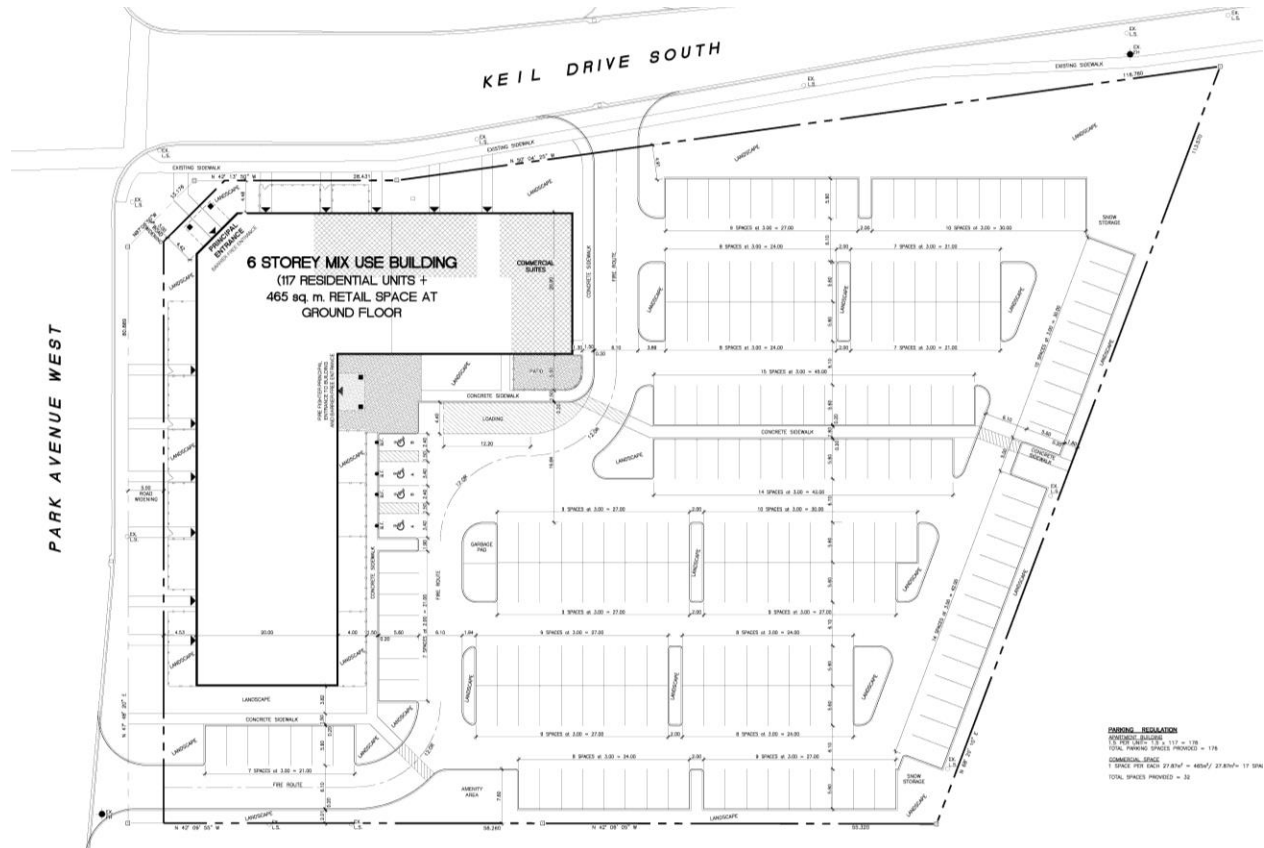


Figure 12 – Rendering of proposed six-storey, mixed use building



\*full size drawings are included in Appendix A

## **SITE DESIGN**

The northerly portion of the site is proposed to be developed for a six-storey mixed-use building containing 465m<sup>2</sup> of ground floor commercial uses and 117 residential units, corresponding to a residential density of 96 units per hectare (UPH). The L-shaped building is oriented to define the intersection of Keil Drive South and Park Avenue West, with front and exterior side yard setbacks of approximately 4.5m to the ultimate road right-of-way. These setbacks account for future road widenings and a daylight triangle at the corner. Pedestrian access is proposed at locations facing both outward towards the streets and internal to the site facing the parking area. It is intended that the proposed 465m<sup>2</sup> of commercial floor space will be occupied by community-scale uses such as restaurants, personal service establishments, and/or professional offices.

Vehicular access is provided by two, full-turn driveways, one each from the fronting roads. A total of 208 parking spaces are provided for the mixed-use building in an internal surface parking area (176 spaces for the residential portion and 32 spaces for the commercial portion). The parking area is screened from the abutting roads by the six-storey mixed use building and landscape areas. The proposed parking supply exceeds the standard requirements of the Zoning By-Law.

The mixed-use building is separated from the existing single-detached dwelling immediately west of the subject lands by a 19.43m interior side yard setback and from existing single-detached dwellings to the south by a rear yard setback measuring approximately 75.69m. We note existing development to the west of the subject lands abutting the interior side lot line is setback by approximately 11.0m resulting in a total building separation of approximately 30.43m, and the hydro corridor to the south of the subject lands provides additional buffering with total building separation of approximately 98.69m.

## **BUILT FORM, MASSING, AND ARTICULATION**

The building is oriented toward both public street frontages, providing a strong street presence. The proposed building provides a regular rhythm of at-grade openings, with street-facing doors providing access to commercial units and private residential amenity areas on the Keil Drive South and Park Avenue West frontages, respectively. The principal entrance for residential units (barrier-free) is oriented towards the intersection of Keil Drive South and Park Avenue West to emphasize the importance of the corner and provide a logical and visible point of access. Sufficient setbacks from the property line are provided to accommodate protrusions (such as awnings and outdoor amenity areas), door swings, and landscaping. The building is oriented to screen the surface parking area located internal to the site from the intersection, with additional opportunities for landscaping along the Keil Drive South frontage.

The building is designed with a flat roof and parapets at the roof line. The parapets correspond with non-balcony locations, breaking up the massing and providing variation on all facades. Balcony locations are recessed from the exterior building line at regular intervals to provide order and cohesion. The building is chamfered at the corner of Keil Drive South and Park Avenue West to provide visual interest, define the intersection, and highlight the location of the primary building entrances. The chamfer also effectively accommodates the required daylight triangle.

The proposal accommodates and responds to the proposed road widenings for Keil Drive South and Park Avenue West. Considering the planned width of each road will be anywhere from 26.0m to 35.0m (per the Urban Arterial road width standards set out in Official Plan Section 2.4.2.2.1), the proposed maximum building height of 21.16m is well proportioned to the planned right-of-way. The proposed height and massing of the mid-rise building is appropriate at this intersection of two Urban Arterial roads.

## CHARACTER AND IMAGE

The proposed buildings provide a strong and appropriate visual presence. The proposed heights are modest, and the proposed setbacks and architectural treatment is intended to maintain and enhance the character of the area. The proposed small-scale commercial uses and mid-density residential development will provide a neighbourhood focal point at this prominent location.

## ARCHITECTURAL TREATMENT

Conceptual cladding materials include brick, masonry, glass, horizontal siding, architectural paneling (aluminum, concrete, etc.), stucco, and a variety of accent materials. Conceptual elevations are shown in Figure 13 through Figure 16.

The architectural style of the buildings is modern and contemporary, with standardized use of building materials, windows, and functional architectural features. While the design of the buildings may be further refined through the Site Plan Approval process, building details contemplated at this stage include points of entry, windows, material treatment, and massing (parapets, façade design, etc.).

**Figure 13 – Proposed North Elevation (Front Yard, Park Avenue West frontage)**





Figure 14 – Proposed East Elevation (Exterior Side Yard, Keil Drive South frontage)



Figure 15 – Proposed South Elevation (Rear Yard, facing the internal parking area)



Figure 16 – Proposed West Elevation (Interior Side Yard, facing the drive aisle from Park Avenue West)



\*full size drawings are included in Appendix A

## **LIGHTING**

A photometric plan demonstrating no adverse lighting impacts on adjacent properties will be required at the Site Plan Approval phase for the proposed development on the subject lands. Accent lighting, may be provided to enhance night-time visual interest in the building, considering its prominent location.

## **SIGNAGE**

Signage will be limited to the proposed commercial uses. Any required signage will be confirmed during the Site Plan Approval process.

## **SERVICING & LOADING**

Water, sanitary, and stormwater services are proposed to be used for the subject lands. Such services are identified in the Preliminary Servicing Report submitted with this application.

A loading location is provided adjacent to a barrier-free entrance that faces the internal parking area and is well-positioned to serve both the commercial and residential portions of the proposed building. The loading area is located internally on the site and is screened from adjacent streets by the mixed-use building. The loading space is set back approximately 55m from the interior side lot line, and by approximately 73m from the rear lot line.

## **PUBLIC REALM**

The public realm consists of the Keil Drive South and Park Avenue West streetscapes, both of which will be enhanced by the proposed development. The public realm will be defined by the location of the six-storey mixed-use building close to the street line, providing a focal point for the neighbourhood at a prominent location of two intersecting Urban Arterial roads. A variety of street-level openings will activate and engage with pedestrian traffic and landscape elements and architectural features will further improve the public realm. Specific elements within the public realm, including landscaping and hardscape features, will be refined through the Site Plan Approval process.

Overall, the proposed development will significantly enhance the public realm and pedestrian experience along both street frontages. The building is intended to serve as a landmark gateway feature for the neighbourhood.

## **PROPOSED OFFICIAL PLAN AMENDMENT**

As confirmed during the Pre-Application Consultation, the proposed six-storey, mixed-use building is permitted under the “*Community Commercial Centre*” land use designation in the Chatham-Kent Official Plan. However, as the residential component of the proposed development is not permitted under the current “*Neighbourhood Commercial*” designation in the Secondary Plan for the Southwest Quadrant (OPA46), an Official Plan Amendment is required.

The proposed amendment is to add a site-specific special policy area to the subject lands that maintains the “*Neighbourhood Commercial*” designation in the Secondary Plan and introduces permissions for a mixed-use building on the subject lands. As part of the proposed amendment, the residential component would be subject to Section B.2.3.6 of the Chatham-Kent Official Plan (high-density residential development). A draft of the proposed amendment is included below, to be confirmed and refined subject to a review of the application by Staff through the approvals process:

*“Notwithstanding Section 7.3.2(a) of the Secondary Plan for the Southwest Quadrant (OPA46), a mixed-use building containing residential dwelling units is permitted on the lands known municipally as 460 Keil Drive South, subject to the policies contained in Section B.2.3.6 of the Chatham-Kent Official Plan.”*

## **PROPOSED ZONING BY-LAW AMENDMENT**

As the proposed development is not permitted under the regulations of the current “*Urban Commercial, Neighbourhood Commercial (UC(NC))*” zone, a Zoning By-law Amendment is required to permit the proposed development. The proposed Amendment is to rezone the subject lands to a site-specific, special regulation “*Urban Commercial, Community Commercial (UC(CC-(\_)))*” zone.

Table 1.1 (below) provides a breakdown of the standard regulations of the *UN(CC)* zone, the proposed regulations for the “*Urban Commercial, Community Commercial (UC(CC-(\_)))*” zone for the development of the subject lands, and site statistics as shown on the Concept Plan (Appendix A).

The site-specific development standards are to be confirmed and refined subject to a review of the application by Staff through the approvals process.

**Table 1.1: Existing and proposed zoning regulations, and proposed concept plan statistics. An asterisk denotes a proposed site-specific zone regulation.**

	Existing Regulations By-law 216-2009	Proposed Regulations By-law Amendment	Shown on Concept Plan
	UC(CC) Zone	UC(CC-(_)) Zone	
<b>Use</b>	Mixed Use Commercial/ Residential Building	Mixed Use Commercial/ Residential Building	Mixed Use Commercial/ Residential Building
<b>Lot Area (Min.)</b>	N/A	N/A	11,803m <sup>2</sup>
<b>Lot Area (Max.)</b>	N/A	N/A	11,803m <sup>2</sup>
<b>Lot Frontage (Min.)</b>	15.24m	15.24m	80.89m (a)
<b>Front Yard Setback (Min.)</b>	7.62m	4.00m*	4.53m* (b)
<b>Rear Yard Setback (Min.)</b>	N/A (c)	N/A (c)	75.69m (d)
<b>Exterior Side Yard Setback (Min.)</b>	3.05m	3.05m	4.48m
<b>Interior Side Yard Setback (Min.)</b>	N/A (e)	4.57m	19.43m
<b>Lot Coverage (Max.)</b>	50%	50%	16% (f)
<b>Building Height (Max.)</b>	12.19m	22.00m*	21.16m*
<b>Gross Leasable Area (Max.)</b>	929m <sup>2</sup>	929m <sup>2</sup>	465m <sup>2</sup>
<b>Density</b>	74 UPH	100 UPH*	96 UPH*
<b>Parking (Min.)</b>	193 (g)	193 (g)	208
<b>Loading Space (Min.)</b>	1 (h)	1 (h)	1

- (a) - The proposed lot frontage will be reduced as a result of right-of-way dedications for Park Avenue West and Keil Drive South but will exceed the minimum requirement of 15.24m.
- (b) - The proposed front yard setback of 4.53m takes into account the required right-of-way dedication for Park Avenue West which has a consistent width of 5.00m. Including the right-of-way dedication, the proposed front yard has a depth of 9.53m.
- (c) - No minimum rear yard setback is specified except if abutting a residential zone (the rear lot line of the subject lands abuts a hydro corridor)
- (d) - The rear yard setback measurement of 75.69 is approximate.
- (e) - No minimum interior yard setback is specified except if abutting a residential zone (the interior side lot line of the subject lands abuts a UC(OS) zone)
- (f) - Lot coverage of 16% is approximate.
- (g) - 1.5 spaces required per “*Dwelling – more than three dwelling units per building*” (117 units x 1.5 = 176) and 1 space required per 27.87 m<sup>2</sup> of “*Office*” or “*Retail Store*” (465m<sup>2</sup> / 27.87m<sup>2</sup> = 17) for a total of 193 spaces.
- (h) - One (1) loading space is required where commercial GFA is greater than 92.9m<sup>2</sup> but less than 2,322.5m<sup>2</sup>.

Generally, the zone regulations proposed in the *UC(CC-(L))* zone components are standard, except for the following:

- **Front yard setback**, where a 3.62m reduction in the minimum required depth (from 7.62m to 4.00m) is requested. The concept plan proposes a 4.53m setback between the proposed mixed-use building and Park Avenue West, subsequent to a required road widening dedication along Park Avenue;
- **Building height**, where a 9.81m increase in maximum permitted height (from 12.19m to 22.00m) is requested. The concept plan proposes a building height of 21.16m; and,
- **Density**, where a 26 UPH increase in maximum permitted density (from 74 UPH to 100 UPH) is requested. The concept plan proposes a total density of 96 UPH.

In addition, a minor degree of flexibility is built into the proposed special regulations in order to allow flexibility for the final design of the building through the Site Plan Approval process.

## **SUPPORTING SUBMISSION MATERIALS**

This report relies, in part, on the supporting submission materials as outlined below. The supporting submission materials were prepared in accordance with the submission requirements identified in the August 27, 2020 Pre-consultation Review: Direction for a Complete Application form.

### **ACOUSTICAL REPORT**

The Acoustical Report prepared by Baird AE, dated February 11, 2021, examines the impacts of noise created by rail and road traffic on the proposed six-storey mixed-use building. The MOECC publication NPC-300 “Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning” was used in this noise study. The report recommends the following measures in order to satisfy MOECC noise criteria:

- To mitigate acoustical impacts from Park Avenue West and Keil Drive South, units are to be equipped with air conditioning and forced air heating, and units shall include a warning clause on title;
- Due to exposure to traffic and rail noise, some units require special building components for areas of sensitive use (i.e. bedroom, living room, dining room, kitchen, etc.). Windows, doors, and walls will be designed to meet the minimum STC requirements outlined in the report; and,
- Prior to the issuance of building permits it is recommended that an acoustical consultant review the STC for the proposed development’s walls, windows and doors to ensure they conform to the recommendations outlined in this report.

### **PRELIMINARY SERVICING REPORT**

The Preliminary Servicing Report dated April 7, 2021 prepared by AGM for the subject lands concludes:

- Water servicing to the proposed redevelopment can be provided by the existing 300mm municipal watermain along Keil Drive South;
- The existing 200mm sanitary sewer along Keil Drive South has ample capacity to convey flows from the proposed development;
- The existing 375mm storm drainage pipe along Keil Drive South can provide adequate servicing if the existing catchbasin is capped and another connection made at a more suitable location near the intersection of Keil Drive South and Bristol Drive (exact location and final determination of connection requirements to be confirmed during the detailed design phase); and,
- The proposed development will significantly increase hard surfaces on the subject lands, resulting in higher peak flows. Stormwater management strategies will be implemented to comply with the municipal requirement to limit runoff to “pre-development peak flow condition for the 1:2 year rainfall events with a duration of 24 hours”. Subject to the detailed servicing and grading design, a “super pipe” system will be included beneath the proposed surface parking area to restrict peak flows to the Keil Drive South storm sewer to pre-development levels.

## **TRAFFIC IMPACT STUDY**

The Traffic Impact Assessment dated February 2021 was prepared by RC Spencer Associates Inc. in support of the Zoning By-law Amendment Application. The purpose of this study is to examine, quantify, and qualify the potential traffic impact of the proposed development on area traffic operations; in particular, the potential effects of the development at the existing signalized intersections of Richmond Street and Park Avenue West with Keil Drive South. Upon completion of the analysis, it was concluded that:

- The signalized intersections of Richmond Street at Keil Drive South and Park Avenue West at Keil Drive South are currently operating at satisfactory levels of service; even with the addition of site generated traffic and background traffic growth (1% per year 2026-2031), it is anticipated that the intersection will continue to operate at a satisfactory level of service in all horizon traffic scenarios; and,
- The proposed site accesses at Keil Drive South and Park Avenue West will operate favourably in all horizon scenarios; there is sufficient sight distance to accommodate safe egress from the proposed site accesses.

## **PLANNING POLICY ANALYSIS**

This section of the Planning Justification Report evaluates the proposed Official Plan Amendment and Zoning By-Law Amendment for the subject lands within the context of applicable land use planning policies and regulations.

### ***2020 PROVINCIAL POLICY STATEMENT***

The Provincial Policy Statement (2020), issued under the authority of Section 3 of the Planning Act “*provides policy direction on matters of provincial interest related to land use planning*” in order to ensure efficient development and the protection of resources. All planning applications, including Official Plan Amendment and Zoning By-Law Amendment applications are required to be consistent with these policies.

#### ***Policy Analysis***

In this analysis section, relevant policies are *bordered and italicized*, with discussion on how the proposed application is consistent with that policy immediately after.

#### **Section 1.1.1**

*Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and*

*f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.*

The proposed development will benefit the financial well-being of the Province and the Municipality of Chatham-Kent by providing a compact, mid-density form of development that minimizes land consumption and represents an efficient and economical use of the subject lands. The addition of new commercial and residential uses to the site will generate increased tax assessment revenue for the Municipality without requiring any significant expansion of municipal infrastructure, utilities, or services (the proposal is for a fully-serviced infill site located within the urban boundary). The proposed mix of community commercial uses and residential dwelling types is appropriate for the subject lands which are served by public transit and two Urban Arterial roads.



The proposal will introduce commercial uses to an underserved area, providing employment opportunities as well as convenience to the existing community. The residential component of the project will increase the range and affordability of housing choice while providing opportunities for ageing-in-place and downsizing within the southwest Chatham community. The proposed residential uses would be within walking distance of several recreational areas (including Blythe Park and an assortment of trails) and public institutions (including schools and places of worship).

### **Section 1.1.3.1**

*Settlement areas shall be the focus of growth and development.*

The subject lands are within a settlement area. The proposed development seeks to introduce a mix of compatible uses that will complement the southwest Chatham community.

### **Section 1.1.3.2**

*Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation; and*
- f) are transit-supportive, where transit is planned, exists or may be developed.*

The proposed development will efficiently use land and resources by generally intensifying the use of the subject lands and introducing a level of residential and commercial density that is appropriate for a fully serviced site located adjacent to two Urban Arterial Roads. As demonstrated in the Preliminary Servicing Report prepared by AGM, the proposed development has access to full municipal services and will not require any significant servicing expansion. The proposal is designed to support active transportation by orienting most entrances and commercial units toward to the public street thereby ensuring that residents and patrons can easily access the main doors from the sidewalk. Additionally, the subject lands are located within 800m of several institutions and recreational areas, and residents may choose to use active transportation to carry out daily activities. The proposal supports transit by introducing medium density mixed-uses adjacent to a CK Transit stop (Conventional Bus Route 4) located at the corner of Keil Drive South and Park Avenue West.

### **Section 1.1.3.3**

*Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through 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 location and available service levels make the subject lands an appropriate site for the proposed development that will introduce a broader supply and range of new housing options to the community.

### **Section 1.1.3.4**

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

The proposed development is in keeping with the vision and intent expressed in Chatham-Kent Official Plan. The proposed Official Plan Amendment and Zoning By-law Amendment would permit massing, height, and intensity that is appropriate for the subject lands and can be appropriately accommodated with deep rear yard and interior side yard setbacks that provide a transition in scale and density.

The proposed zoning regulations are generally reflective of standard regulations established in the existing By-law. Minor, site-specific regulations are proposed which, as discussed later in this report, are appropriate. There are no risks to public safety arising from the proposed development.

### **Section 1.1.3.6**

*New development taking place in designated growth areas should occur adjacent to the existing built-up area and should 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 adjacent to an existing built-up residential area. It provides a compact and efficient form, a desirable mix of uses, and an appropriate density that represents an efficient use of land, infrastructure, and public service facilities.

### **Section 1.3.1**

*Planning authorities shall promote economic development and competitiveness by:*

*d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4.*

The proposed development is compact and will introduce a mix of uses that are supportive of livable and resilient communities, including a range of housing types and community commercial uses that will serve residents of the surrounding area.

### **Section 1.4.3**

*Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

*b) permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and; 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; and*

*d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.*

The proposed development provides a form of housing that is in immediate demand. The apartment dwelling units will help to address issues of affordability and provide an efficient built form at an appropriate location adjacent to two Urban Arterial roads that are served by transit. The proposed apartment dwellings will provide an alternative to the single-detached dwellings that currently dominate the area, thereby supporting ageing-in-place and downsizing. As detailed in the accompanying Preliminary Servicing Report prepared by AGM, the existing municipal infrastructure is sufficient to accommodate the servicing needs of the proposed development. The proposed development will encourage the use of transit and active transportation by virtue of its design which generally contributes to an improved pedestrian realm and its location adjacent to two Urban Arterial roads and a CK Transit bus stop.

**Section 1.6.6.2**

*Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The proposed development will make use of the available municipal services including sanitary sewers, water, and storm sewers.

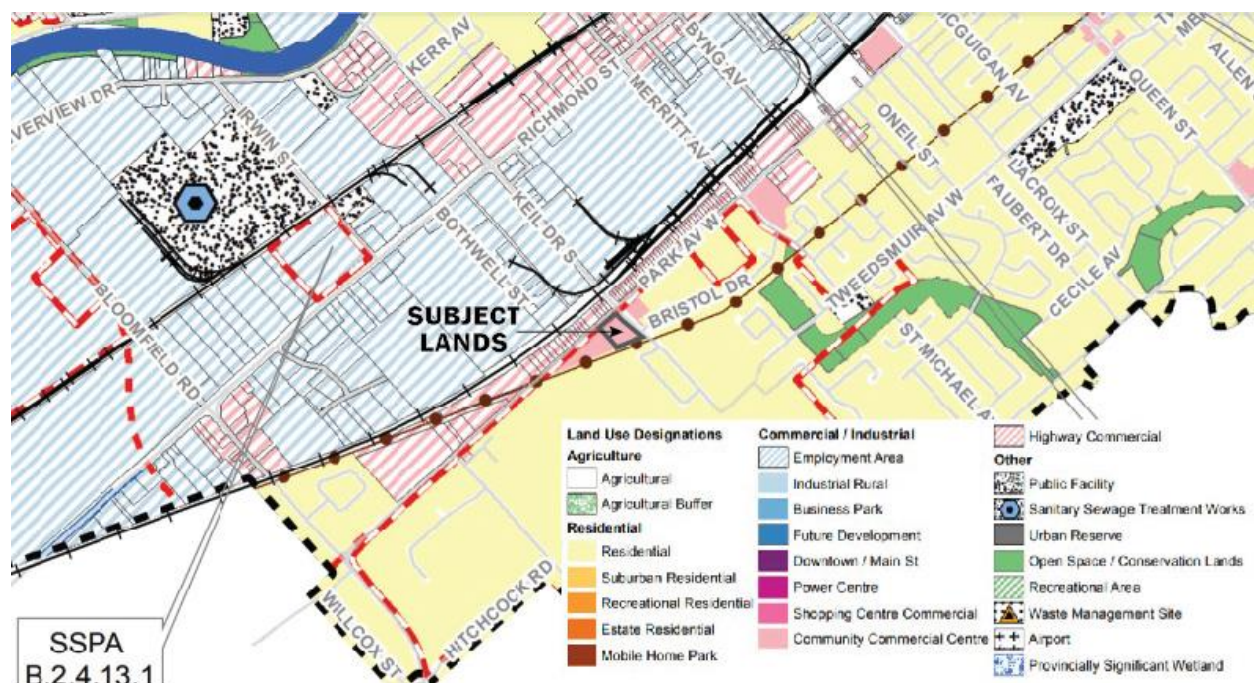
For the reasons identified above, the proposed Official Plan Amendment and Zoning By-Law Amendment applications are consistent with the intent and policies of the 2020 Provincial Policy Statement.

## CHATHAM-KENT OFFICIAL PLAN

The Chatham-Kent Official Plan was adopted on December 24, 2008 by MMAH decision and was last consolidated November 19, 2018. The plan generally promotes efficient development patterns, an appropriate mix of land uses, and opportunities for intensification and redevelopment to maximize the use of existing public service facilities and infrastructure.

The subject lands are located within a Primary Urban Centre (Chatham) where the majority of projected population and employment growth will be directed. The subject lands are located within the “Community Commercial Centre” designation according to Schedule E2 – Land Use (Chatham Urban Centre) (Figure 17). The “Community Commercial Area” is intended for a range of retail and service commercial uses that serve the needs of the larger Urban Centre.

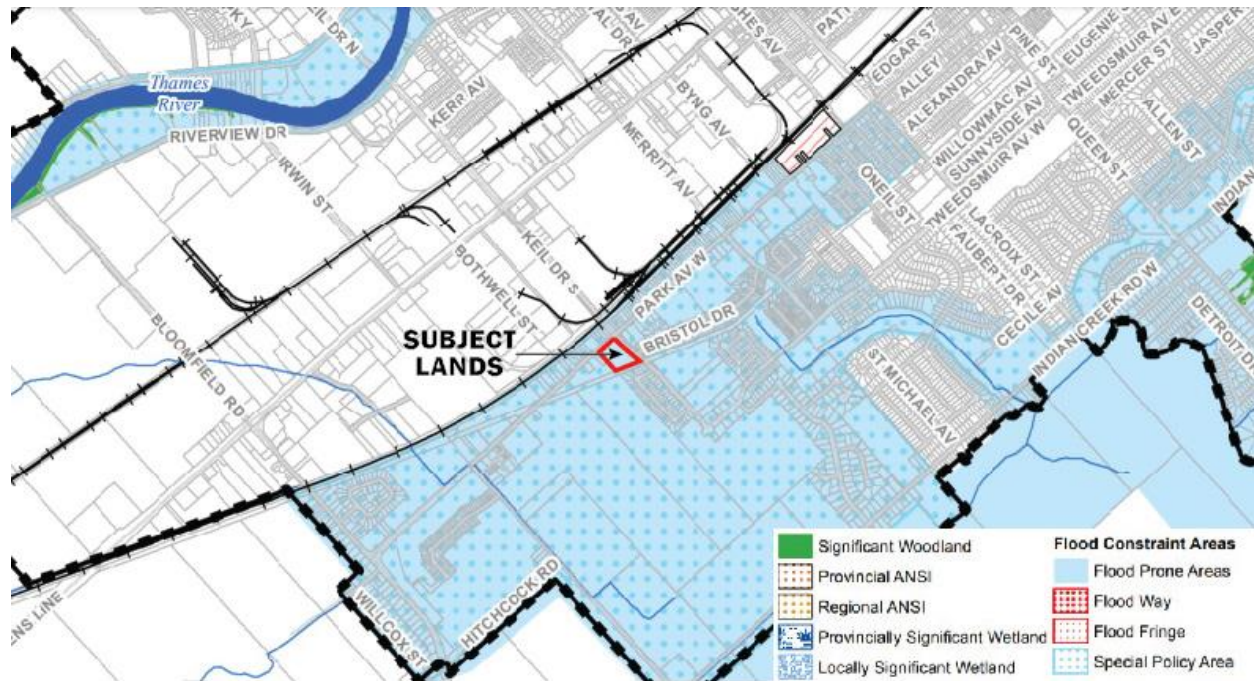
Figure 17 – Chatham-Kent Official Plan, Schedule ‘E2’ (excerpt) – Land Use



A “Highway Commercial” designation abuts the subject lands to the north, across Park Avenue West; the areas to the east of the subject lands, across Keil Drive South, are designated “Community Commercial Centre” and “Residential”; lands to the south are designated “Residential”; and the lands to the west are designated “Community Commercial Centre”. A “Hydro Electric Power Commission” corridor forms the southern boundary of the subject lands and the “Community Commercial Centre” designation.

The subject lands are also shown within the “Flood Prone Area” and “Special Policy Area” designations according to Chatham-Kent Official Plan Schedule C12 – Natural Heritage and Hazard Features (Chatham) (Figure 18). Policies relating to the “Flood Prone Area” and “Special Policy Area” designations are detailed below.

Figure 18 – Chatham-Kent Official Plan, Schedule ‘C12’ (excerpt) – Natural Heritage and Hazard Features



### Policy Analysis

The permitted uses for the “*Community Commercial Centre*” designation are outlined in Section B.2.7.3 of the Official Plan. A broad range of commercial uses are permitted, including retail stores, restaurants, professional services, personal services, and offices. A maximum commercial gross leasable floor area of 100,000 ft<sup>2</sup> (9,290 m<sup>2</sup>) is permitted in the “*Community Commercial Centre*” designation as set out in Section B.2.7.2 whereas the proposal contains approximately 5,005 ft<sup>2</sup> (465 m<sup>2</sup>) of gross leasable floor area.

Official Plan Section B.2.3.7.5 states that residential units may be permitted in the “*Community Commercial Centre*” designation if located on the second storey above commercial uses. The proposed 117 apartments units, occupying all storeys of the proposed six-storey mixed-use building (including portions of the ground floor), are contemplated under Policy B.2.3.7.5.

Evaluation of the proposed amendment must consider the objectives and intent of the Chatham-Kent Official Plan. In this analysis section, relevant policies are *bordered and italicized*. Each listed policy is followed immediately by a discussion regarding the proposed development’s consistency with that policy.

### **Section 2.3.4.2.5 - Housing**

*The Municipality will consider applications for infill development, intensification and redevelopment of sites based on the following considerations (2.3.4.2.5):*

*a) The proposed development is within an urban area and is appropriately suited for intensification in the context of the specific community;*

*b) Intensification will be permitted in all areas designated for urban residential use or residential mixed-use, provided that the development is consistent with the policies of the appropriate land use designation and in compliance with the general intent and purpose of the Zoning By-law;*

*c) The existing water and sanitary sewage services can accommodate the additional development;*

*d) The road network can accommodate the additional traffic;*

*e) The required parking can be accommodated; and*

*f) The proposed development is compatible with the existing development standards and physical character of the adjacent properties and the surrounding area. Specifically, intensification proposals should:*

*i) respect and reinforce the existing physical characteristics of buildings, streetscapes and open space areas within an existing neighbourhood, including heights, massing and scale of proposed buildings;*

*ii) provide adequate privacy, sunlight and sky views for existing and new residents; and*

*iii) screen any loading or service areas from adjacent properties for proposed developments that require such aspects.*

The proposed development is located within the Chatham urban boundary, on a site that is well-suited for the proposed building. The subject lands are fully serviced and are located at the intersection of two Urban Arterial roads within walking distance of a range of institutions and recreational areas. The Preliminary Servicing Report and Traffic Impact Study included as part of this application conclude that the existing municipal service levels and road network can accommodate the proposed development. All required parking for the proposed commercial and residential uses (as established in the Zoning By-law) can be accommodated on-site.

The proposal is compatible with adjacent uses and the physical characteristics of the surrounding area. Specifically, the proposed development is designed to complement and enhance the physical character of the surrounding area by:

- providing sufficient setbacks and a sensitive density transition through the inclusion of greater-than-required setbacks and landscaped areas, to ensure privacy and sunlight access;
- locating and orienting buildings to support active transportation, providing a strong street wall, and framing the intersection;
- physically separating the loading area from adjacent lands to minimize adverse impacts;
- screening parking and loading areas from the street; and,
- taking material cues from existing buildings to reinforce the character of the neighbourhood.

Overall, the proposal is scaled to provide the appropriate residential and commercial density for this centrally-located and highly visible site.

**Section 2.3.5.2.6 - Community Structure**

*Urban development within Chatham-Kent, including intensification opportunities, will be encouraged to locate in fully serviced areas such as within the Primary Urban Centre boundaries.*

The subject lands are fully serviced and can support the proposed intensification, as detailed in the accompanying Preliminary Servicing Report.

**Section 2.4.2.2.1.b) - Road Network**

*Urban Arterial Roads shall generally be planned and developed to comply with the following general road classification and function and design requirements:*  
*serve local and regional travel;*  
*direct access from abutting properties is limited near major intersections;*  
*right-of-way widths vary from 26.0m to 35.0m; and*  
*posted speeds vary from 60 km/hr to 90 km/hr.*

The proposed development accommodates the planned widenings of the Keil Drive South and Park Avenue West rights-of-way. The proposed driveways are located to provide sufficient separation from the intersection, thereby reducing potential conflicts; the proposed driveways are separated from the intersection by approximately 50.0m (Keil Drive South access) and 67.2m (Park Avenue West access).

**Section 2.4.9.2.1 - Stormwater Management**

*All stormwater shall be managed onsite for new developments. No new development, excluding agricultural uses, shall have a negative impact on the drainage characteristics of adjacent lands.*

As outlined in the accompanying Preliminary Servicing Report, measures will be taken to comply with the municipal requirement to limit runoff to “pre-development peak flow condition for the 1:2 year rainfall events with a duration of 24 hours”. Specifically, a “super pipe” system located beneath the proposed surface parking area is being considered to restrict peak flows to pre-development levels.

**Section 2.4.9.2.2 - Stormwater Management**

*Stormwater management facilities shall be designed to manage stormwater quality and quantity.*

As detailed in the Preliminary Servicing Report prepared by AGM, stormwater runoff is to be limited to pre-development levels in compliance with Chatham-Kent Development Standards (June, 2019).



### **Section 4.5.3.2.2 - Flood Protection**

*Development and site alteration will generally be directed outside of areas of flooding, erosion, and/or dynamic beach hazards along lakefronts, rivers and stream systems. Development and site alteration, however, may be permitted on certain floodplains and erosion constraint areas provided that:*

- a) the flood hazard can be safely addressed;*
- b) no new hazards are created or existing ones aggravated;*
- c) no adverse environmental impacts will result;*
- d) vehicles and people can safely enter and exit the area during times of flooding; and*
- e) the development does not include: i. an institutional use associated with hospitals, nursing homes, preschool, school nurseries, day care and schools; ii. an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; and iii. uses associated with the disposal, manufacture, treatment or storage of hazardous substances.*

In accordance with the conditions set out in Policy 4.5.3.2.2, the proposed development can safely address the flood hazard by ensuring that openings, habitable floors, mechanical equipment, and other features are located above the regulatory flood datum. The development will have regard to the flood proofing measures set out in Section B.2.11.2.2 and Section B.2.11.2.3 of the Official Plan.

The proposed development will not locate any institutional uses, essential emergency services, or sites for the disposal, manufacture, treatment or storage of hazardous substances on the subject lands.

### **Section B.2.3.6 - High-Density Residential Development**

*High-density residential development shall:*

- 1. Be developed to a density up to a maximum of 150 units per net residential hectare on full municipal services;*
- 2. Be located on a collector or arterial road, or within the Downtown/Main Street Area;*
- 3. Be located in reasonable proximity to community services, such as schools or churches and shopping;*
- 4. Be designed to minimize the impact of shadows on adjacent low and medium-density development;*
- 5. Be permitted to contain a small-scale convenience-retail commercial use on the first floor that fronts onto the street;*
- 6. Have parking areas that are adequately screened;*
- 7. Contain a high level of landscaping including, but not limited to, shrubs, trees, paving stones and decorative fencing;*
- 8. Have driveway accesses, which are located on a collector or local road;*
- 9. Incorporate amenities, such as onsite recreation facilities, for residents; and,*
- 10. Be subject to Site Plan Control.*

In accordance with the proposed Official Plan Amendment, the proposed six-storey, mixed-use building conforms with the high-density residential development policies set out in Section B.2.3.6:

- 1. The proposed development has a density of approximately 96 UPH and has access to full municipal services;
- 2. The subject lands are located at the intersection of Keil Drive South and Park Avenue West, both of which are designated as Urban Arterial roads in the Chatham-Kent Official Plan;
- 3. The subject lands are within walking distance of a number of community services and facilities, including commercial areas, places of worship, schools, and recreational areas;
- 4. The development proposal seeks to limit shadowing impacts on adjacent low-density residential development by providing greater-than-required setbacks at the rear and interior side yards. The proposed six-storey building would cast shadows primarily on the Keil Drive South and Park Avenue West rights-of-way, with limited shadowing impacts on existing residential properties proximate to the subject lands;
- 5. The development proposal includes a small-scale, ground-level commercial component that is accessible from the public sidewalk;
- 6. Surface parking areas are effectively screened from the public street by the proposed mixed-use building and landscape areas;
- 7. Landscape areas will be provided between the proposed mixed-use building and internal parking area/drive aisles, throughout the internal surface parking area, and in all

required yards. A detailed landscape plan confirming the location of any shrubs, trees, fencing, etc. will be developed during the Site Plan Approval process;

- 8. The proposed site plan includes two driveway accesses, one from each of the abutting roads (Keil Drive South and Park Avenue West);
- 9. A ground-floor amenity area and gym will be provided for resident use; and,
- 10. A Site Plan Approval application will be required by the Municipality upon completion of the Official Plan Amendment and Zoning By-law Amendment processes.

#### **Section B.2.7.5 – Community Commercial Area**

*Access to a new development will be provided from an arterial or collector road. Access will be controlled and designed to minimize the danger to vehicular and pedestrian traffic. Multiple driveways will be discouraged, unless separate driveways for cars and trucks are warranted for safety reasons.*

In accordance with Section B.2.7.5, access to the subject lands will be provided from Urban Arterial Roads (Keil Drive South and Park Avenue West). Only one driveway is provided from each Urban Arterial Road to minimize the number of curb cuts and danger to vehicular and pedestrian traffic.

#### **Section B.2.7.9 – Community Commercial Area**

*Where new development is proposed on lands designated Community Commercial Area that are adjacent to a Residential Area, the following will be required (B.2.7.9):*

- 1. Additional buffering, including but not limited to, increased yard requirements, treed landscaping and fencing;*
- 2. The orientation of facilities for the loading and unloading of vehicles away from the Residential Area;*
- 3. Outdoor storage of any goods or raw materials will be oriented away from the Residential Area;*
- 4. Illumination will be directed, focused, shielded and/or screened to prevent light pollution of the Residential Area from the illumination of: a) any parking area; and b) gas stations and other automobile-type uses, if the use is permitted in the Zoning By-law.*
- 5. The orientation of outdoor public address or drive-through restaurant speaker systems away from the Residential Area.*

In accordance with Policy B.2.7.9, the proposed development provides additional buffering from adjacent residential areas through an increased interior side yard of 19.43m (minimum 4.57m required by Zoning By-law) and increased rear yard of 75.69m. We note the rear yard also abuts a hydro corridor and that landscape buffers are provided along all property lines. In essence, the building is located as far away from abutting residential uses as possible. Additional buffering, screening, and landscaping measures may be considered as part of the Site Plan Approval process.

The proposal orients loading facilities away from the adjacent residential area by providing approximately 54.93m of separation between the loading space and interior side lot line. No

outdoor storage or drive-throughs are proposed as part of the proposed development. Matters of illumination will be fully resolved during the site plan approval process.

### **Section B.2.11.1.3 – Special Policy Area**

*Applications for new buildings, expansions or major renovations on lands that are located within a Special Policy Area will require the approval of the appropriate Conservation Authority.*

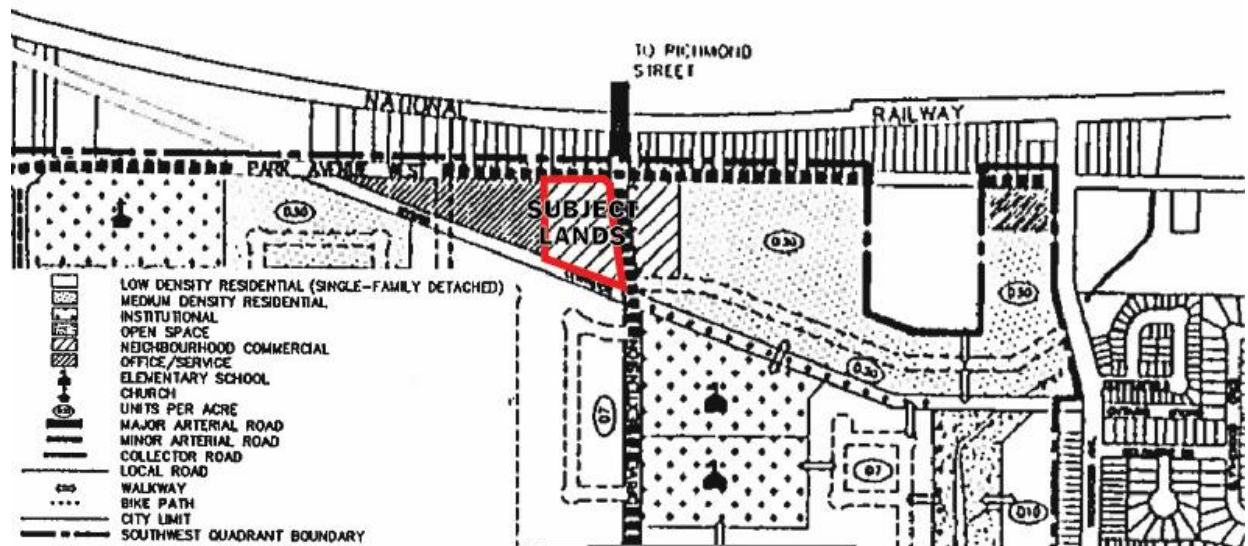
The proposed development will be reviewed by the Lower Thames Valley Conservation Authority as required.

### **Secondary Plan for the Southwest Quadrant (OPA46)**

The Secondary Plan for the Southwest Quadrant was adopted by Municipal Council on January 3, 1991 and has been amended five times by site-specific OPA. The Secondary Plan establishes the land use scheme and provides detail on the policies set out in the Official Plan. The plan resolves servicing constraints and provides guidance with respect to housing and infrastructure development and its impacts on adjacent areas.

The subject lands are designated “*Neighbourhood Commercial*” on Schedule B1 – Development Concept of the Secondary Plan (Figure 19). “*Neighbourhood Commercial*” means a group of convenience or service establishments which serve the most frequent needs of the residents of nearby residential areas.

**Figure 19 – Secondary Plan for the Southwest Quadrant, Schedule ‘B1’ – Development Concept**



The permitted uses for the “*Neighbourhood Commercial*” designation are outlined in Section 7.3.2.a) of the Secondary Plan. A broad range of commercial uses are permitted, including variety stores, personal services, banks, offices, restaurants, clinics, day care or nursery schools and other convenience facilities. However, there are no provisions for residential uses in the “*Neighbourhood Commercial*” designation, and, as previously noted, an Official Plan Amendment will be required to permit the proposed six-storey, mixed-use building.

The proposed amendment would redesignate the subject lands within a site-specific special policy area that maintains the “*Neighbourhood Commercial*” designation and introduces permissions for a mixed-use building on the subject lands, subject to the policies of Section B.2.3.6 of the Chatham-Kent Official Plan (as discussed above).

The proposed amendment meets the overall intent of the Chatham-Kent Official Plan which promotes efficient development patterns, an appropriate mix of land uses, and opportunities for intensification and redevelopment in appropriate locations. The proposed mixed-use building includes a ground-floor commercial component, ensuring that the planned function and intent of the “*Neighbourhood Commercial*” Secondary Plan designation is maintained.

Given the predominantly residential context of the surrounding area and the availability of soft services (schools, commercial areas, places of worship, parks, etc.), the introduction of residential permissions on the subject lands is desirable and appropriate. The proposed dwelling typology will provide an in-demand form of housing that addresses housing needs of the Chatham-Kent Community, providing opportunities for downsizing and ageing-in-place.

The proposed building height (6 storeys) and residential density (96 UPH) are appropriate for this location that is fully serviced and located at the intersection of two Urban Arterial roads served by transit. The proposed site design and building layout provide a compatible form of development that maintains privacy for the adjacent low-density residential uses (though setbacks and buffering) while contributing positively to the streetscape and providing a focal point for the community.

Evaluation of the proposed amendments must also consider the following relevant Secondary Plan policy:

**Section 7.3.7.a) - Neighbourhood Commercial**

*Careful attention shall be given to setbacks, orientation, lighting and screening so as to create a compatible environment with adjacent residential, commercial and institutional areas. Measures to minimize the impact of traffic, noise, signs and lighting shall be implemented including adequate on-site landscaping, screening and buffering and their maintenance.*

The proposed development provides generous setbacks and is generally oriented to ensure compatibility with adjacent residential uses. Loading areas, building entrances, and other elements are located internal to the site and are sufficiently set back and oriented away from sensitive areas. Specific measures for landscaping, buffering and lighting will be refined during the Site Plan Approval process.

**CONCLUSION**

Overall, the proposed development and associated Official Plan Amendment and Zoning By-Law Amendment applications represent an appropriate and compatible form of mixed-use development. As the subject lands are fully serviced and located at the intersection of two Urban Arterial roads served by transit, they are an appropriate location for the proposed density and mix of uses. The proposed site design and building layout provide a compatible form of development that maintains privacy for the adjacent low-density residential uses (though setbacks and buffering) while contributing positively to the streetscape and providing a focal point for the

community. The proposed residential unit types will provide opportunities to downsize and age-in-place for existing residents.

For the reasons described above, the proposed Official Plan Amendment and Zoning By-Law Amendment are consistent with the intent of the Chatham-Kent Official Plan, and are appropriate and desirable for the subject lands.

## **COMPREHENSIVE ZONING BY-LAW 216-2009, AS AMENDED**

According to the Comprehensive Zoning By-law 216-2009 of the Municipality of Chatham-Kent, as amended, the subject lands are zoned “*Urban Commercial, Neighbourhood Commercial (UC(NC)) Zone*” (Figure 20).

**Figure 20 – Comprehensive Zoning By-law 216-2009 of Municipality of Chatham-Kent, as amended**



As the proposed development is not permitted under the current *UC(NC)* regulations and permissions, a Zoning By-law Amendment is required to permit the proposed development. The proposed Amendment is to rezone the subject lands to a site-specific “*Urban Commercial, Community Commercial (UC(CC-(\_))) Zone*” with special regulations for minimum front setback, maximum permitted building height, and maximum permitted residential density, as previously identified in this report.

Table 1.1 (below) provides a breakdown of the existing and proposed regulations for the “*Urban Commercial, Community Commercial (UC(CC-(\_))) Zone*” as well as a comparison to the built form regulations exhibited in the Concept Plan (Appendix A). The table below is also provided in the section of this report titled “Proposed Zoning By-law Amendment” and is repeated for reference.

The site-specific development standards are to be confirmed and refined subject to a review of the application by Staff through the approvals process.

**Table 1.1: Existing and proposed zoning regulations, and proposed concept plan statistics. An asterisk denotes a proposed site-specific zone regulation.**

	Existing Regulations By-law 216-2009	Proposed Regulations By-law Amendment	Shown on Concept Plan
	UC(CC) Zone	UC(CC-( )) Zone	
<b>Use</b>	Mixed Use Commercial/ Residential Building	Mixed Use Commercial/ Residential Building	Mixed Use Commercial/ Residential Building
<b>Lot Area (Min.)</b>	N/A	N/A	11,803m <sup>2</sup>
<b>Lot Area (Max.)</b>	N/A	N/A	11,803m <sup>2</sup>
<b>Lot Frontage (Min.)</b>	15.24m	15.24m	80.89m (a)
<b>Front Yard Setback (Min.)</b>	7.62m	4.00m*	4.53m* (b)
<b>Rear Yard Setback (Min.)</b>	N/A (c)	N/A (c)	75.69m (d)
<b>Exterior Side Yard Setback (Min.)</b>	3.05m	3.05m	4.48m
<b>Interior Side Yard Setback (Min.)</b>	N/A (e)	4.57m	19.43m
<b>Lot Coverage (Max.)</b>	50%	50%	16% (f)
<b>Building Height (Max.)</b>	12.19m	22.00m*	21.16m*
<b>Gross Leasable Area (Max.)</b>	929m <sup>2</sup>	929m <sup>2</sup>	465m <sup>2</sup>
<b>Density</b>	74 UPH	100 UPH*	96 UPH*
<b>Parking (Min.)</b>	193 (g)	193 (g)	208
<b>Loading Space (Min.)</b>	1 (h)	1 (h)	1

(a) - The proposed lot frontage will be reduced as a result of right-of-way dedications for Park Avenue West and Keil Drive South but will exceed the minimum requirement of 15.24m.

(b) - The proposed front yard setback of 4.53m does not include the right-of-way dedication for Park Avenue West which has a consistent width of 5.00m. Including the right-of-way dedication, the proposed front yard has a depth of 9.53m.

(c) - No minimum rear yard setback is specified except if abutting a residential zone (the rear lot line of the subject lands abuts a hydro corridor)

(d) - The rear yard setback measurement of 75.69 is approximate.

(e) - No minimum interior yard setback is specified except if abutting a residential zone (the interior side lot line of the subject lands abuts a UC(OS) zone)

(f) - Lot coverage of 16% is approximate.

(g) - 1.5 spaces required per "Dwelling – more than three dwelling units per building" (117 units x 1.5 = 176) and 1 space required per 27.87 m<sup>2</sup> of "Office" or "Retail Store" (465m<sup>2</sup> / 27.87m<sup>2</sup> = 17) for a total of 193 spaces.

(h) - One (1) loading space is required where commercial GFA is greater than 92.9m<sup>2</sup> but less than 2,322.5m<sup>2</sup>.

Generally, the zone regulations proposed in the *UC(CC-(L))* zone components are standard, except for specific regulations regarding minimum front setback, maximum permitted building height, and maximum permitted residential density, as discussed below.

## **FRONT YARD SETBACK**

The proposed front yard setback for the mixed-use building is 4.53m, whereas 7.62m is standard under the base *UC(CC)* zone. A zoning regulation permitting a minimum front yard setback of 4.0m for the mixed-use building is proposed in order to afford flexibility for revisions that may be required through the formal site plan process. All the functional requirements of the front yard, such as access, door swings, landscaping, and services are adequately provided for within the proposed 4.0m setback. Given that the general intent of the Chatham-Kent Official Plan is to encourage intensification opportunities that support active transportation and well-defined streetscapes, the reduction in front yard setback is appropriate. The proposed regulation will assist to frame the intersection with a high-quality building.

A large portion of the existing front yard will be dedicated to the municipality for the widening of Park Avenue West (5.0m), and the proposed setback is taken from the ultimate right-of-way limit. Until the physical roadway is widened, the building will appear well set back from the road.

## **BUILDING HEIGHT**

The proposed building height for the six-storey mixed-use building is 21.16m, whereas 12.19m is the current standard under the base *UC(CC)* zone. A zoning regulation permitting a maximum height of 22.00m for the mixed-use building is proposed in order to afford flexibility in the final building design. The difference would not result in any additional storey and would only serve the purpose of accommodating changes in average grade or architectural features such as a parapet or cornice. The analysis presented in the Official Plan section of this report concludes that taller, more intensive forms of development are appropriate for the subject lands due to their location at the intersection of two Urban Arterial roads that are served by public transit.

The requested increase in maximum permitted height is appropriate given the increasingly medium-density context of the Southwest Chatham community, specifically the two-building apartment complex (height of six storeys) currently under construction approximately 220m east of the subject lands. The proposed mixed-use building exhibits a high standard of design, with material selection and architectural detailing that are reflective of the building's prominent location, height, and potential to serve as a community focal point. Additionally, the proposed six-storey building would cast shadows primarily on the Keil Drive South and Park Avenue West rights-of-way, with limited shadowing impacts on existing residential properties proximate to the subject lands.

The proposed height increase is further supported by the proposed interior side yard and rear yard setbacks which provide sufficient separation from the proposed six-storey, mixed-use building to existing low-density residential uses located to the west and south of the subject lands, respectively. A 19.43m interior side yard setback and 75.69m rear yard setback are proposed,



whereas the required setbacks under the base *UC(CC)* zone are 4.57m (interior side yard) and 0.00m (rear yard). The provided setbacks are intended to mitigate any shadowing and privacy impacts. For each metre of building height that exceeds the *UC(CC)* standard of 12.19m, yard depths are increased by 1.65m at the interior side lot line, and by 8.41m at the rear lot line.

## **RESIDENTIAL DENSITY**

The density of the proposed development is 96 UPH, whereas 74 UPH is standard under the base *UC(CC)* zone. A zoning regulation permitting a maximum density of 100 UPH is proposed in order to afford a limited amount of flexibility in the final design. This report concludes that the subject lands are an appropriate location for increased residential density as they are adjacent to two arterial roads and well-served by public facilities including transit, schools, and recreation areas. As previously noted, the Official Plan generally considers residential densities of up to 150 UPH for this type of development, whereas a maximum of 100 UPH is proposed. Additionally, the site design seeks to limit impacts of increased density on adjacent parcels wherever possible, through the use of setbacks, buffering, and compatible material selection. The design seeks to leverage the proposed density and associated height and massing to create a landmark structure that would serve as a community focal point in the emerging Southwest Chatham residential community.

## **OTHER**

The proposed development is in compliance with the General Provisions set out in Section 4.20 of Zoning By-law 216-2009, as amended, relating to minimum dimensions for parking spaces, loading spaces, driveways, and drive aisles. The proposal also conforms to the sight visibility triangle provisions in Section 4.34 and the minimum gross floor area requirements for residential units in the *UC(CC)* zone, as set out in Section 5.10.2

Based on the findings of this report, the requested “*Urban Commercial, Community Commercial (UC(CC-(\_))) Zone*” is an appropriate implementing zone for the proposed six-storey mixed-use building and associated Zoning By-law Amendment.

## **ADDITIONAL CONSIDERATIONS**

### **ACCESS**

The subject lands are served by two Urban Arterial roads that will provide direct access to the subject lands via private driveways (as shown on the Concept Plan). The subject lands are additionally served by public transportation and are in close proximity to a number of sidewalks and recreational trails that provide opportunities for active transportation.

### **BUFFERING**

Buffering measures, specifically landscaping and fencing, will be used as appropriate to maintain privacy for abutting low density-residential uses. Use of wooden privacy fencing, evergreen trees, and columnar hardwood species (e.g. Pyramidal English Oak) may be used to as buffing measures to enhance compatibility and privacy. Municipal rights-of-way and a hydro corridor form buffers between the subject lands and existing single-detached residential development beyond the north, east, and south lot lines of the subject lands. Buffering measures will be considered in greater detail during the Site Plan Approval process, but overall an emphasis will be placed on the interior side (west) yard to provide visual screening for the abutting single detached dwellings.

### **DESIGN CONSIDERATIONS**

The proposed development will enhance the streetscape on Keil Drive South and Park Avenue West by providing a strong, well-designed street edge. The mixed-use building is well-proportioned to the adjacent rights-of-way and by providing at-grade openings, including a main entrance facing the intersection, the proposal will contribute to a public realm that is scaled and oriented towards pedestrians. We note that the proposed development is generally consistent with the direction provided in the Municipality's Development Standards Manual.

The use of recessed balconies creates a rhythm of solid-void that articulates the massing of the mixed-use building while parapet walls provide variation and additional visual interest in the flat roof design. The proposal utilizes a variety of cladding materials that reflect the predominant building materials found in the immediate vicinity of the subject lands. The proposed variety allows for different colours and textures to be used as accents on the exterior of the building.

### **GATEWAY**

The subject lands are located at the intersection of two Urban Arterial roads and a gateway to the existing and planned residential areas to the south. As such, the proposed mixed-use building is designed and oriented to address the corner with a strong streetscape presence, pedestrian-friendly orientation, and massing to frame views along Keil Drive South and Park Avenue West.

## **CONCLUSION**

The subject lands are well located to support additional height and density, and the proposed site design is responsive to abutting and adjacent land uses. Buffering measures, including fencing and landscaping, will be refined through the Site Plan Approval process. The built form of the proposed development is appropriate for the subject lands and is compatible with existing and planned uses abutting the lands. The proposed mixed-use building will enhance the pedestrian realm and visual appearance of the area.

The proposed range of residential unit types will increase housing choice in the area while helping to meet the needs of the current housing market. The proposed commercial uses will establish a community focal point and will help to meet the needs of area residents by providing a limited range of commercial uses to this underserved area of Chatham.

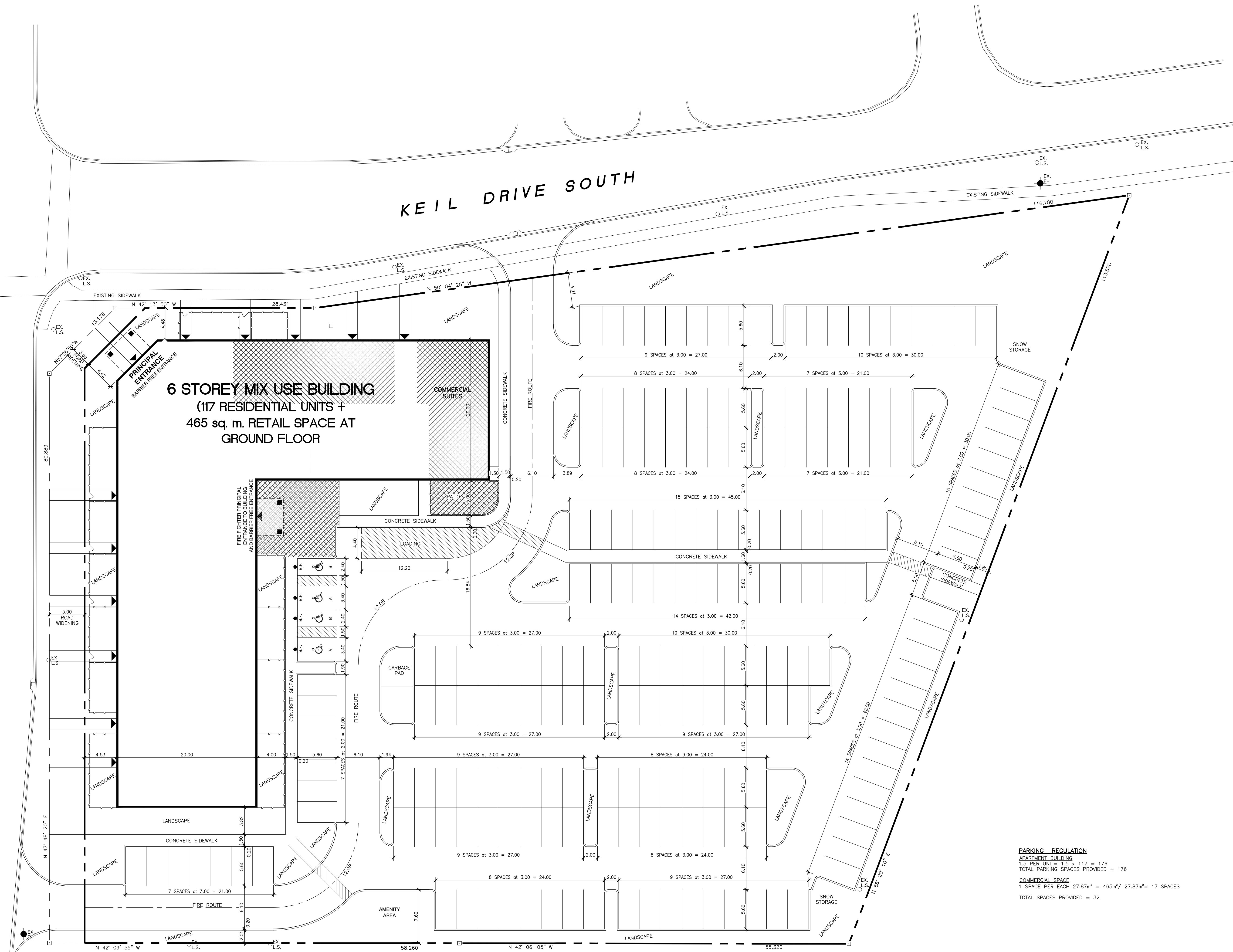
The proposed Official Plan Amendment and Zoning By-Law Amendment are consistent with the 2020 Provincial Policy Statement and the purpose and intent of Chatham-Kent Official Plan. All supporting documentation (technical submission materials) support the development as proposed. The proposed development is appropriate and desirable for the subject lands, and represents good land use planning.

## **APPENDIX A**

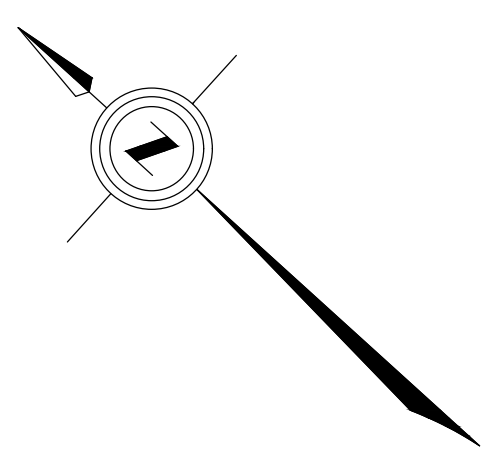
### CONCEPTUAL SITE PLAN, ELEVATIONS, AND SECTIONS

PARK AVENUE WEST

KEIL DRIVE SOUTH



**PARKING REGULATION**  
 APARTMENT BUILDING  
 1.5 PER UNIT = 1.5 x 117 = 176  
 TOTAL PARKING SPACES PROVIDED = 176  
 COMMERCIAL SPACE  
 1 SPACE PER EACH 27.87m<sup>2</sup> = 465m<sup>2</sup> / 27.87m<sup>2</sup> = 17 SPACES  
 TOTAL SPACES PROVIDED = 32



<p>OSCHMID DESIGN STUDIO P.L.L.C. (SINCE 1982)</p>	<p>STATUS: CLIENT REVIEW                  FLUTED: 2021-01-31 4:58 PM                  SCALE: 1:250                  DRAW BY: YSR                  DATE: JANUARY 2021</p>	<p>DATE: _____                  NO. _____                  REVISION: _____</p>
	<p>PROJECT: <b>MIXED USE DEVELOPMENT</b>                  460 KEIL DRIVE, SOUTH                  Chatham, Ontario</p>	
<p>TITLE: <b>SITE PLAN</b></p>		<p>SHEET No. <b>A1.1</b></p>



**FRONT ELEVATION**  
(FACING PARKING LOT)



**RIGHT SIDE ELEVATION**  
(FACING KEIL STREET)

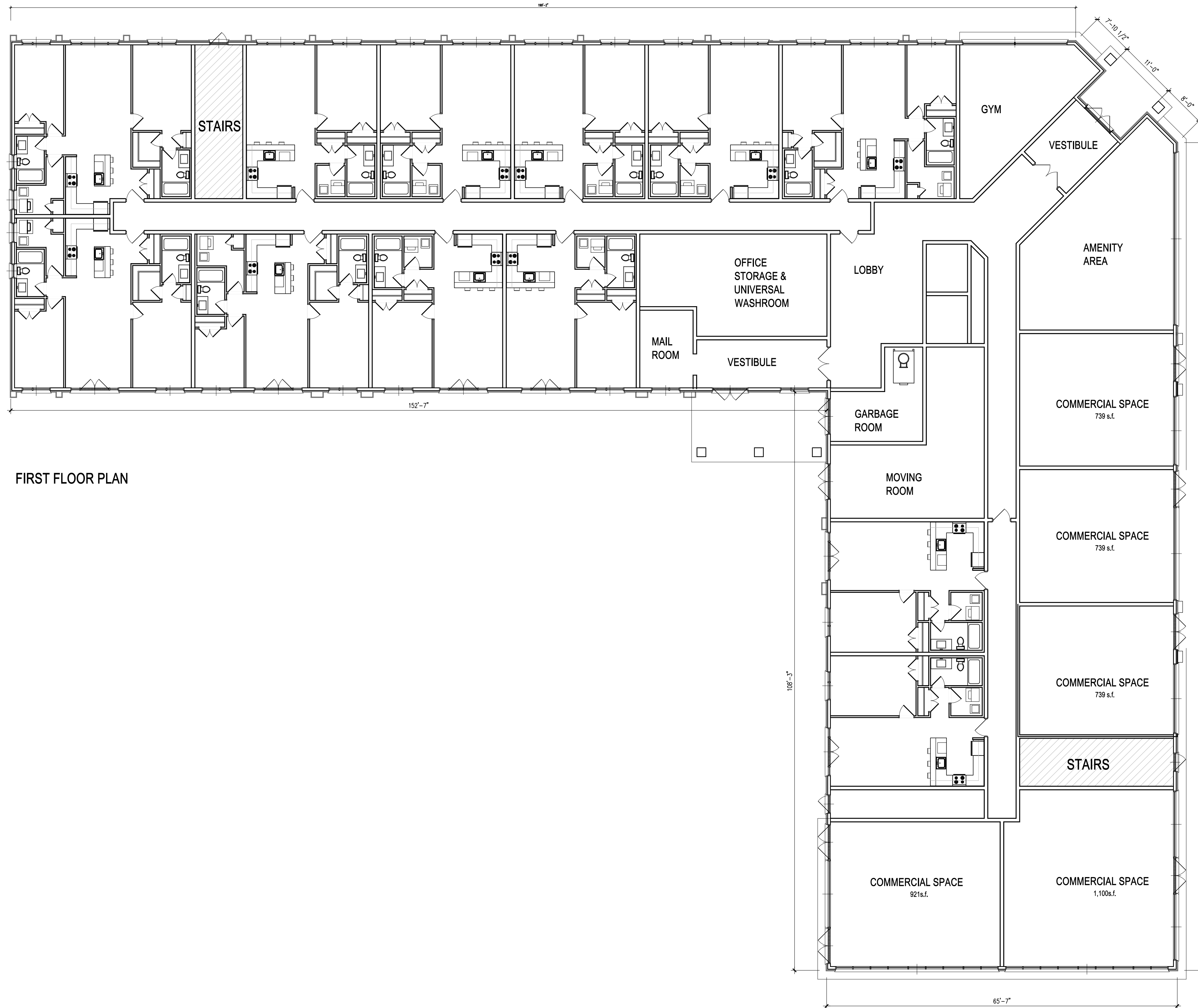


LEFT SIDE ELEVATION

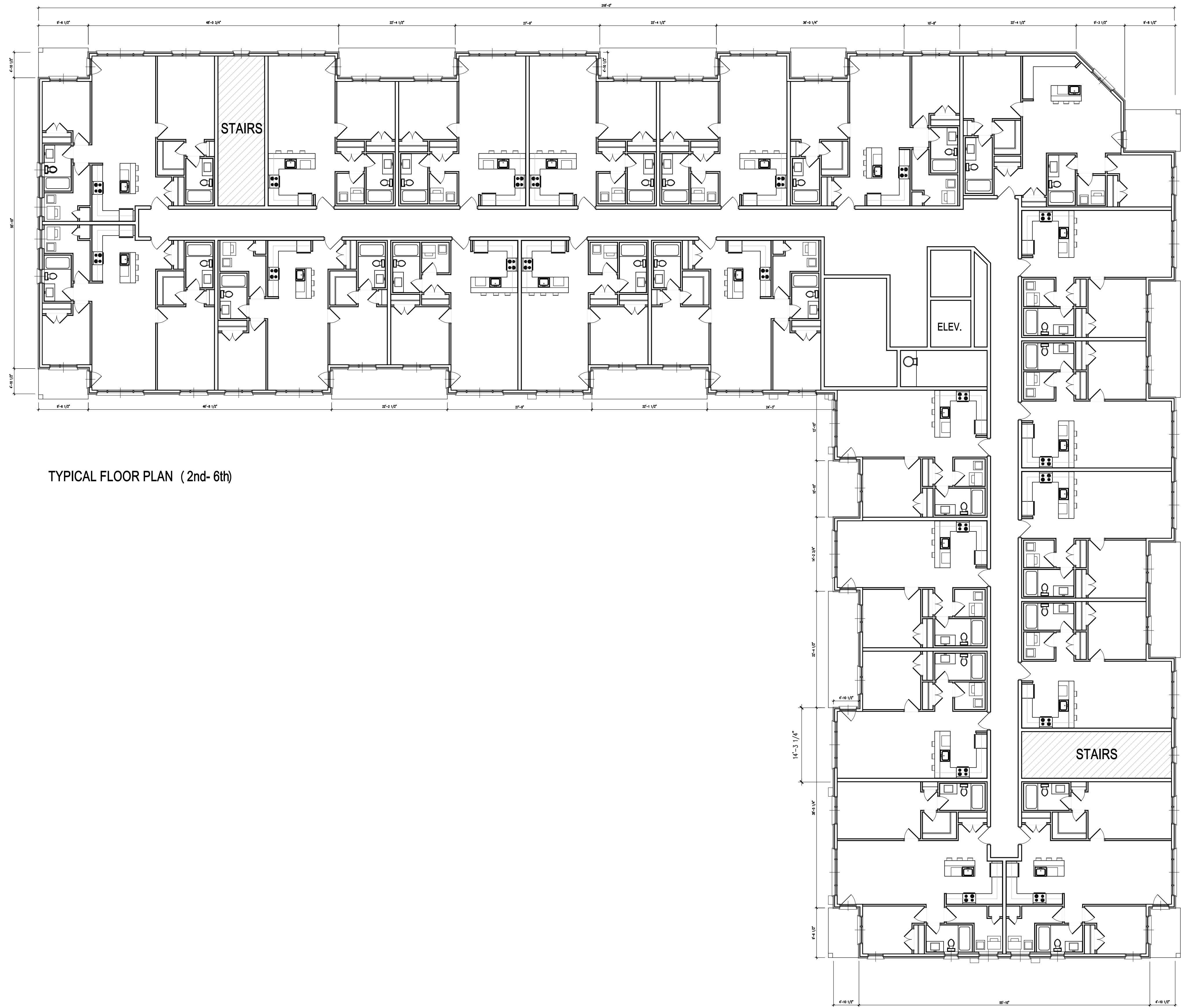




REAR ELEVATION  
(FACING PARK AVENUE)



FIRST FLOOR PLAN



TYPICAL FLOOR PLAN (2nd-6th)



PROJECT <b>MIXED USE DEVELOPMENT</b> <b>460 KEIL DRIVE, SOUTH</b> Chatham, Ontario	STATUS: CLIENT REVIEW PLOTTED: 2021-01-31 4:58 PM SCALE: 1/250 DWN BY: YSR DATE: JANUARY 2021	SHEET No. <b>A1.2</b>
	TITLE <b>SITE SECTION</b>	DATE JANUARY 2021
PROJECT <b>MIXED USE DEVELOPMENT</b> <b>460 KEIL DRIVE, SOUTH</b> Chatham, Ontario	STATUS: CLIENT REVIEW PLOTTED: 2021-01-31 4:58 PM SCALE: 1/250 DWN BY: YSR DATE: JANUARY 2021	SHEET No. <b>A1.2</b>
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I, the undersigned, being a duly qualified Architect or Engineer, do hereby certify that this is a true and correct copy of the original design as submitted to me by the client, and that it complies with the provisions of the Act respecting access to information and protection of personal information and with the provisions of the Act respecting the environment.

ARCHITECT  
**OSCHMIDT**  
**DESIGN**  
 (S) 9520-9114