

Municipality of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council
From: Ryan Jacques, Planner I
Date: January 10, 2018
Subject: Planning Services Report

Application Details

Application: Consent Application (File B-93/17)
CityView #: PL201700190
Applicant: Liddle Brothers Fishery Ltd.
Location: 20947, 20941 & 20937 Erie Street South, Part of Lot 1 Broken Front Concession, Part of Townline Road Between Counties of Essex and Kent, Part of Original Diverted Fourth Concession Road



Roll Numbers: 3650 010 001 00700; 3650 010 001 00800; 3650 010 001 01000
Community: Wheatley (West Kent)

Recommendation

It is recommended that:

1. Consent application File B-93/17, to sever a new 0.22 ha (0.55 ac.) industrial lot, shown as Part 1 on the applicant's sketch, in Part of Lot 1 Broken Front Concession, Part of Townline Road Between Counties of Essex and Kent, Part of Original Diverted Fourth Concession Road, in the Community of Wheatley, be approved, subject to the following conditions:
 - a) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and
 - b) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.

Description of Proposal

The subject property is located at the southwest corner of Erie Street South and Deer Run Road (Municipality of Leamington), in the Community of Wheatley. The lands are approximately 0.56 ha (1.38 ac.) in area and contain a single detached dwelling, a detached garage, and one (1) industrial building. The subject property is zoned General Industrial (M1) and designated Rural Industrial in the Chatham-Kent Official Plan.

The applicant owns five (5) adjacent parcels of land. Three (3) of the parcels are located in Chatham-Kent, forming the subject property (20947, 20941 & 20937 Erie Street South), and two (2) are located in the Municipality of Leamington (2436 Deer Run Road). The Consent application applies to the lands described in the applicant's sketch and conceptual plan attached as Appendix A and B, respectively.

The parcels comprising the subject property are adjacent part lots under common ownership. In this scenario, the *Planning Act* restricts the applicant from dealing with the parcels independent of one another. Therefore, the applicant has applied for consent to sever the parcel at 20947 Erie Street South and convey it separately from the subject property.

The proposed severed parcel (20947 Erie Street South), shown as Part 1 on the applicant's sketch, is approximately 0.22 ha (0.55 ac.) in area and contains one (1) industrial building utilized by Liddle Brothers Fishery Ltd. The portion of the retained parcel located in Chatham-Kent (20941 and 20937 Erie Street South) contains a single detached dwelling and a detached garage, and is approximately 0.34 ha (0.84 ac.) in area. The portion of the retained parcel located in Leamington (2436 Deer Run Road) contains an industrial building. The proposed severed and retained parcels are serviced with separate municipal water and sanitary sewer connections.

A key map showing the location of the subject property and pictures showing the subject property and surrounding area are attached as Appendix C and D, respectively.

Consultation

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the application.

External

Municipality of Leamington

The Municipality of Leamington was consulted as the subject property abuts the municipal boundary. It has no concerns with the proposed consent.

Essex Region Source Protection Plan (ERSPP)

The subject property is within an Event Based Area of the Wheatley Municipal Drinking Water System, and as such, is subject to policies written under Section 59 (Restricted Land Use) of the *Clean Water Act* in the ERSPP, which came into effect October 1, 2015. These policies require building permits and planning applications to be screened for potential significant drinking water threats that were identified in the ERSPP.

Within these designated restricted land use areas, a notice from the Risk Management Official is required prior to approval of any *Planning Act* or Building Permit application. The Risk Management Official has issued a notice to the applicant confirming no further action is required by the applicant at this time.

Areas of Strategic Focus and Critical Success Factors

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

- Economic Prosperity:
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:
Chatham-Kent is a healthy and safe community with sustainable population growth
- People and Culture:
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- Environmental Sustainability:
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

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

- Financial Sustainability:
The Corporation of the Municipality of Chatham-Kent is financially sustainable

- Open, Transparent and Effective Governance:
The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- Has the potential to support all areas of strategic focus & critical success factors
- Neutral issues (does not support negatively or positively)

Planning Analysis

- Provincial Policy Statement (PPS):

The proposal is consistent with the PPS

- Chatham-Kent Official Plan:

The proposal conforms to the Chatham-Kent Official Plan

Provincial Policy Statement (PPS)

The application does not raise any issues of provincial interest.

Official Plan

The proposed consent has been reviewed under policies of the Official Plan. It has been specifically reviewed under Section 2.4 Community Infrastructure, Section 3.7 Rural Industrial Policies and Section 6.3.3 Planning Tools (Consent), and generally meets these policies.

Consent

The Official Plan policies support consents for technical or legal reasons, where the severed and retained lands comply with the Zoning By-law. It also requires that lots in the Primary Urban Areas be connected to the municipal piped water system and sewage treatment system.

The intent of the application is to legally re-establish a former lot that is effectively merged with an abutting parcel due to provisions of the *Planning Act*. The proposed severed and retained parcels meet the regulations of the General Industrial (M1) Zone, and both are serviced with municipal water and sanitary sewer connections.

Conclusion

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

Prepared by:



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Reviewed by:



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Director, Planning Services

Attachments: Appendix A – Sketch
Appendix B – Conceptual Plan
Appendix C – Key Map
Appendix C – Subject Property

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Appendix C – Key Map



This is not a plan of survey.
INCLUDES MATERIAL (S11) OF THE QUEEN'S PRINTER FOR ONTARIO - ALL RIGHTS RESERVED.



Appendix D – Subject Property



Looking southwest across the subject property from Erie Street South and Mersea 4 Road intersection.



Looking west across the subject property from Erie Street South.