

**Municipality of Chatham-Kent**

**Community Development**

**Planning Services**

**To:** Mayor and Members of Council  
**From:** Ryan Jacques, Planner I  
**Date:** February 1, 2018  
**Subject:** Planning Services Report

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**Application Details**

**Application:** Combined Application (D-28 C/59/17/J) for Draft Plan of Subdivision (D-12 C/05/17/J) and Zoning By-law Amendment (D-14 C/50/17/J)

**CityView #:** PL201700187

**Applicant:** Jodamar Properties Ltd.

**Location:** Keil Trail North  
Part of Lots 20 & 21, Concession 2 (Dover)

**Roll Number:** 3650 420 056 85500 & 3650 420 056 86700

**Community:** Chatham (City)



**Recommendations**

It is recommended that:

1. Draft Plan of Subdivision Application D-12 C/05/17/J, in Part of Lots 20 & 21, Concession 2 (Dover), in the Community of Chatham (City), for draft plan 36T-17502, which proposes 11 Lots for single detached dwellings and 69 Blocks for semi-detached dwellings, subject to the draft conditions set out in Appendix D, be approved, and
  - a) That the Mayor and Clerk be authorized to sign the Draft Plan of Subdivision;

- b) That the Mayor and Clerk be authorized to execute the Subdivision Agreement;
  - c) That upon satisfaction of all conditions of draft approval, the Mayor and Clerk be authorized to sign the Final Plan of Subdivision;
  - d) That upon satisfaction of all servicing requirements, the Director of Engineering be authorized to execute a Certificate of Completion for the Development.
2. Zoning By-law Amendment application D-14 C/50/17/J, in Part of Lots 20 & 21, Concession 2 (Dover), in the Community of Chatham (City), to:
- a) Amend the zone of a portion of the subject property to Medium Density Residential First-1105 (RM1-1105), to permit a range of dwelling types including single detached dwellings and semi-detached dwellings, and establish appropriate regulations;
  - b) Amend the zone of a portion of the subject property to Medium Density Residential First-1106 (RM1-1106), to permit a range of dwelling types including single detached dwellings and semi-detached dwellings, and establish appropriate regulations;
  - c) Amend the location of the Open Space (OS1) zone; and
  - d) Remove the “H” Holding symbol,
- be approved, and the implementing by-law be adopted.

### **Description of Proposal**

The subject property is located on the east side of Bear Line Road, and at the north end of Keil Trail North, in the Community of Chatham (City). The lands are approximately 18.4 ha (45.5 ac.) in area and are currently farmed. The subject site is zoned under the following categories:

- Holding (Residential Medium Density First) H-RM1-810
- Holding (Residential Low Density Seventh) H-RL7-802
- Holding (Residential Medium Density First) H-RM1-815
- Open Space (OS1)

The subject property is designated Low Density Residential & Medium Density Residential by Northwest Quadrant ‘A’ Secondary Plan, under Section B.2.13 of the

Chatham-Kent Official Plan. Photographs of the subject lands are attached as Appendix A, and a key map showing the location of the subject property is attached as Appendix B.

The applicant is proposing to develop single detached and semi-detached dwellings on the lands. The plan calls for the creation of 11 single detached dwelling lots and 69 semi-detached dwelling blocks, for a total of 149 dwelling units, as part of an extension of the existing residential neighbourhood along Keil Trail North and Twilight Trail/Horizon Lane.

The lots will have lot frontages ranging from 12 m (39.3 ft.) to 18.53 m (60.78 ft.) and lot areas of 388.45 sq. m (4,181 sq. ft.) to 991 sq. m (10,667 sq. ft.).

## **Consultation**

### **Internal**

#### **Technical Advisory Committee (TAC)**

The Technical Advisory Committee supports the application.

#### **Infrastructure and Engineering Services (IES)**

Upon review of the submitted documents the Engineering & Transportation and Public Works Divisions have supplied technical comments, which have been incorporated into the recommended conditions of draft plan approval, where appropriate. The comments are discussed further in the Planning Analysis section, below.

### **External**

#### **Lower Thames Valley Conservation Authority (LTVCA)**

The LTVCA was circulated the details of the applications and has no objection to the proposal.

## **Areas of Strategic Focus and Critical Success Factors**

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

- Economic Prosperity:  
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:  
Chatham-Kent is a healthy and safe community with sustainable population growth

- People and Culture:  
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- Environmental Sustainability:  
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

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

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

In 2015 Council accepted the Age Friendly Chatham-Kent 2015 Action Plan (Action Plan). The intent of the Action Plan is to build a diverse, inclusive, accessible and respectful community that enables independence and healthy lifestyles at all stages of aging. Age-friendly communities ensure a sufficient diversity of housing options exist to suit each stage or need, and provide a smooth transition from independent residential living to retirement homes and finally long-term care.

The proposed development supports the following goal of the Action Plan:

Goal	Recommended Action	Accountability	Partners and Stakeholders	Performance Indicators
H1	Community stakeholders adopt objectives to provide models that support transition through the continuum of accommodation from independent living up to nursing care	Age Friendly Chatham-Kent	Municipality of Chatham-Kent, developers, retirement homes, nursing homes, CCAC	Sufficient senior housing, retirement home, assisted living supports, and long term care beds exist to meet the needs of the community

Semi-detached dwellings have proven to be a popular housing type across Chatham-Kent among retirees. The proposed subdivision amendment will add additional semi-detached dwellings to the market while also maintaining supply of lots for single detached dwellings. The subdivision will be served by a continuous sidewalk network throughout the subdivision.

## **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

## **Comments**

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

The application does not raise any issues of provincial interest. Section 1.4.3 specifically promotes that municipalities provide for an appropriate range and mix of housing types to meet the requirements of current and future residents by permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents. Further, Section 1.1.3.6 directs that these forms of housing be directed to locations appropriately serviced for the proposed use, including infrastructure and public service facilities, and active transportation and transit facilities.

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

### **Official Plan**

The Official Plan policies contemplate changes in the residential land and housing supply over time. Policy 2.3.4.1.1, states that Chatham-Kent shall, “Plan for a diverse range of housing choices to ensure that the housing stock can accommodate an aging population, a variety of household types and sizes, a greater diversity of culture and a range of physical and mental disabilities, and that the housing stock can respond to fluctuations in these needs.”

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

The proposed draft plan of subdivision is in keeping with the orderly development of the area. The subdivision will be adequately serviced by municipal water, storm sewer, and sanitary sewer services underground, as well as paved road, curbs, and sidewalks above.

The proposal is suitable for this site and is consistent with the overall development policies of the Official Plan.

Northwest Quadrant Area “A” Secondary Plan (NWASP)

The subject property is designated Low Density Residential and Medium Density Residential within the Northwest Quadrant Area “A” Secondary Plan (NWASP) within the Primary Urban Centre of Chatham. The NWASP sets out appropriate types and intensities of land uses for approximately 162 ha (400 ac.) of land annexed from the former Township of Dover by the former City of Chatham in 1995. The NWASP was implemented by Official Plan Amendment Nos. 61 and 68 to the City of Chatham Official Plan in 1998 and 1999 respectively. The NWASP was incorporated into the Chatham-Kent Official Plan upon its approval in 2008 as Section B.2.13.1 (a).

The NWASP sets out specific development policies for elements of the proposed subdivision including the following:

- Minimum lot area for low density residential development
- Maximum density for medium density residential development
- Public walkways
- Entrance features and lighting

The proposal is consistent with the overall development policies of the Northwest Quadrant Area “A” Secondary Plan.

Draft Plan of Subdivision File No. 36T-17502

Section 6.3.3.29 – 34.3 of the Official Plan and Section 51(24) of the Planning Act sets out those matters Council must have regard for when considering a draft plan of subdivision. Among other things these relate to Provincial interests, timing of development, adequacy of utilities, municipal services and school facilities, need for public-purpose land within the plan, conservation of natural resources, flood control and design features. These items are discussed in detail, below:

- Appendix C shows the proposed draft plan and lot layout. The plan includes an extension of Keil Trail North, and three intersecting streets. Street ‘A’ provides a secondary connection to the subdivision through the existing Twilight Trail subdivision development via Horizon Lane (under development in 2018).
- The draft conditions include a provision that notes that approval of the draft plan will expire five (5) years from the date of approval in accordance with Section 51(32) of the Planning Act and Section 6.3.3.34.2 of the Official Plan.
- The draft conditions includes a provision that the applicant enter into a Subdivision Servicing Agreement satisfactory to the Municipality to comply with the engineering review of the construction drawings and will provide for the installation of a piped water supply, sanitary sewers, storm sewers, stormwater management plan, paved roads with concrete curb and gutter and concrete sidewalks, which will include the following provisions:

- a) That two (2) sidewalks be installed, one (1) on each side, of Keil Trail North;
  - b) That one (1) sidewalk be installed on Street 'A', Street 'B', Street 'C', and Horizon Lane;
  - c) That one (1) sidewalk and associated fencing be installed through Block 81, to connect to the Municipal Park;
  - d) That a continuation of the existing walkway along the west side of the open drain on lands immediately east of the subject property be constructed in conjunction with the construction of the proposed extension of Keil Trail North; and
  - e) That a storm sewer outlet to the stormwater management facility be installed at a grade, and sized appropriately to service the lands included in the draft plan of subdivision.
- The draft conditions include a provision that the applicant enter into a Subdivision Servicing Agreement that includes a clause that all street lighting installed is to be LED, and be consistent with the style and design of street lighting in the area.
  - No additional parkland dedication is required for this subdivision. Parkland is provided based on the Northwest Quadrant Area "A" Secondary Plan (NWASP).

### Zoning By-law Amendment

The lands are proposed to be rezoned to the same zoning classifications as the zoning of the developed lands to the south to maintain consistent dwelling types and regulations. The neighbourhood to the south consists of semi-detached dwellings on Keil Trail North and Summerset Place, and single detached dwellings are planned for Horizon Lane connecting to Twilight Trail.

The applicant is proposing to construct semi-detached dwellings on Keil Trail North, and the intersecting streets labelled as Street 'A', Street 'B', and Street 'C' on the draft plan of subdivision. Single detached dwellings are proposed on Horizon Lane. The proposed zoning classifications are as follows:

- East side of Keil Trail North – Residential Medium Density First – 1105 (RM1-1105)
- Street 'A' - Residential Medium Density First – 1106 (RM1-1106)
- Street 'B' - Residential Medium Density First – 1106 (RM1-1106)
- Street 'C' - Residential Medium Density First – 1106 (RM1-1106)
- West side of Horizon Lane – Residential Low Density Seventh (RL7)

The proposed zoning by-law amendment maintains the general intent and purpose of the Official Plan.

## Conclusion

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

Prepared by:



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Ryan Jacques, MCIP, RPP  
Planner I, Planning Services

Reviewed by:



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Bruce McAllister, MCIP, RPP  
Director, Planning Services

Attachments: Appendix A – Subject Property  
Appendix B – Key Map  
Appendix C – Draft Plan of Subdivision  
Appendix D – Conditions of Draft Plan Approval for Draft Plan of  
Subdivision File 36T-17502  
By-law to amend By-law No. 216-2009

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Report.docx



Appendix A – Subject Property



Looking northwest from the north limit of Keil Trail North toward the subject property.

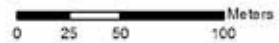


Looking west from the north limit of Keil Trail North toward the subject property.

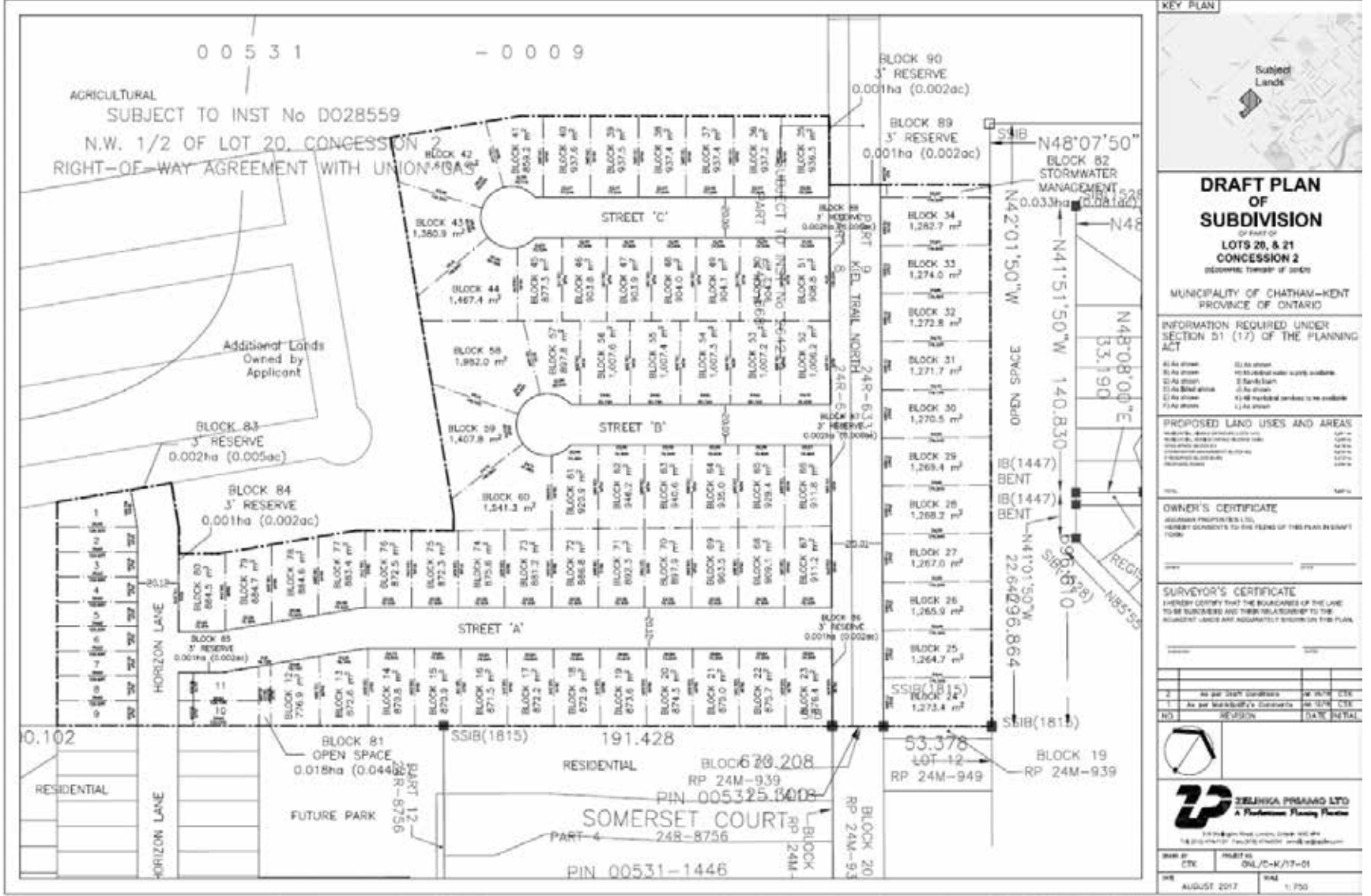
Appendix B – Key Map



This is not a plan of survey.  
INC-LTR-MATRIAL-01 (PART) OF THE CITIES PROCTOR FOR ONTARIO. ALL RIGHTS RESERVED.



Appendix C – Draft Plan of Subdivision File 36T-17502



Appendix D – Conditions of Draft Plan Approval

February 12, 2018

FILE NO: 36T-17502

APPLICANT: Jodamar Properties Ltd.

The Corporation of the Municipality of Chatham-Kent's conditions to final plan approval for registration of this subdivision, File No. 36T-17502, are as follows:

NO.	CONDITIONS
1.	That this approval applies to the attached draft plan of subdivision prepared by Zelinka Priamo Ltd., dated August 2017, which shows a total of Seventy-one (71) Blocks and Eleven (11) Lots, as follows: <ul style="list-style-type: none"><li>· Sixty-nine (69) Blocks for semi-detached dwellings;</li><li>· Eleven (11) Lots for single detached dwellings; and</li><li>· Two (2) Open Space Blocks.</li></ul>
2.	That approval of this draft plan of subdivision will expire five (5) years from the date of approval and in accordance with Section 51(32) of the Planning Act.
3.	That the applicant provide a hard copy and AutoCAD.dwg version of the final draft plan projected to the NAD 83/UTM Zone 17N coordinate system, prior to final registration of the plan.
4.	That the road allowance included in this draft plan shall be dedicated as a public highway.
5.	That the streets be named and numbered to the satisfaction of the Municipality.
6.	That any dead ends and open sides of road allowances created by this draft plan or by future proposed phasing shall be terminated by 0.3 m reserves to be conveyed to, and held in trust by, the Municipality.
7.	That a 0.3 m reserve adjacent to Keil Trail North along the side of Blocks 23, 67, 66, 52, 51, & 35 be conveyed to, and held in trust by, the Municipality.
8.	That a 0.3 m reserve adjacent to Street 'A' along the side of Block 11 be conveyed to, and held in trust by, the Municipality.
9.	That a 0.3 m reserve adjacent to Horizon Lane along the side of Block 80 be conveyed to, and held in trust by, the Municipality.

10. That the Owner convey Blocks 81 and 82, as identified in the draft plan to the Municipality at a time, and in a condition satisfactory to the Municipality.
11. That prior to final approval, the land is to be zoned to reflect the residential uses proposed, with site and building regulations appropriate to those uses, and that the final plan shall conform with the Municipality's zoning by-law as thereby amended.
12. That the Owner agree in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning the provision of paved roads, sidewalks and installation of services and drainage and in accordance with Municipality's Development Servicing Requirements and to the satisfaction of the Municipal Engineer prior to final registration.
13. That such easements as may be required for walkways, utility or drainage purposes shall be granted to the appropriate authority, and in a form acceptable to the authority. Necessity for easements are subject to final design.
14. That if any underground or overhead utility line, pipeline, drain or other facility must be relocated, replaced or otherwise altered as a result of the subdivision, this shall be at the Owner's sole cost and expense.
15. That signs be erected, located and maintained, to the satisfaction of the Municipality, at the entrance to the subdivision to show the roadway layout within the boundary of the development and include the location of the lots.
16. That the Owner provide a soil report, indicating the suitability and stability of the soils for the proposed development, to be prepared by a professional engineer at the Owner's sole cost and expense.
17. That the Subdivision Agreement between the Owner and the Municipality include, as an attached schedule, the soil report described in Condition 16.
18. That the Subdivision Agreement between the Owner and the Municipality make reference to any special requirements recommended in the soil report described in Condition 16.
19. That the Subdivision Agreement between the Owner and Municipality include a clause that at the time of Building Permit application the Chief Building Official may require additional Geo-Technical investigation before building permits are issued.
20. That the Subdivision Agreement between the Owner and the Municipality contain phasing plans satisfactory to the Municipality.
21. That the Subdivision Agreement between the Owner and the Municipality contain provisions for the looping of water mains satisfactory to the Municipality.

22. That the Subdivision Agreement between the Owner and the Municipality includes a clause requiring the planting of one tree per final dwelling unit, in accordance with Municipal policy.
23. That the Owner enters into a Subdivision Servicing Agreement satisfactory to the Municipality of Chatham-Kent to comply with the engineering review of the construction drawings and will provide for the installation of a piped water supply, sanitary sewers, storm sewers, stormwater management plan, paved roads with concrete curb and gutter and concrete sidewalks, which will include the following provisions:
  - a) That two (2) sidewalks be installed, one (1) on each side, of Keil Trail North;
  - b) That one (1) sidewalk be installed on Street 'A', Street 'B', Street 'C', and Horizon Lane;
  - c) That one (1) sidewalk and associated fencing be installed through Block 81, to connect to the Municipal Park;
  - d) That a continuation of the existing walkway along the west side of the open drain on lands immediately east of the subject property be constructed in conjunction with the construction of the proposed extension of Keil Trail North;
  - e) That a storm sewer outlet to the stormwater management facility be installed at a grade, and sized appropriately to service the lands included in the draft plan of subdivision; and
  - f) That the sanitary sewer to be installed in the Keil Trail North corridor be sized appropriately to accommodate the remainder of undeveloped lands in the Northwest Quadrant "A" Development Area.
24. That the Subdivision Agreement between the Owner and Municipality include a clause that all street lighting to be LED, and be consistent with the style and design of street lighting in the area.
25. That the Subdivision Agreement between the Owner and Municipality include a clause that appropriate dust, dirt and control measures be applied during construction and for any unpaved road surfaces.
26. That the Subdivision Agreement between the Owner and Municipality include a clause that all vacant blocks not under construction be grass seeded for weed control.

27. The Owner shall agree in the Agreement, in words satisfactory to the applicable telecommunications provider, to grant the telecommunications provider any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with the existing telecommunications provider facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
28. The Owner shall be required to enter into an agreement (Letter of Understanding) with the telecommunications provider complying with any underground servicing conditions imposed by the Municipality, and if no such conditions are imposed the owner shall advise the Municipality of the arrangement made for such servicing.
29. That the Owner shall agree to provide the necessary details for the provision of adequate servicing corridors to the satisfaction of Bell Canada, Union Gas, Hydro One or Entegrus and Cogeco Cable, and provide documentation that the above noted utilities are in agreement with the corridor details.
30. That the Owner register an application at the Registry Office to delete from Title of the lands, development agreements associated with all earlier Registered Plans of Subdivision, prior to the registration of the final plan of subdivision.
31. That the Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies prior to the final plan of subdivision being registered.

**Notes To Draft Approval:**

1. It is the owner's responsibility to fulfill the conditions of draft approval and to ensure that any required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the plan of subdivision file number.
2. The applicant should be aware of the following subsections of the Land Titles Act, R.S.O. 1990, c.L.5:
  - a) Subsection 144(1) requires all new plans be registered in a Land Titles system if the land is situated in a land titles division; and
  - b) Subsection 144(2) allows certain exceptions.
3. All measurements on the subdivision final plan must be presented in metric units.
4. Council, in its discretion, may withdraw the draft approval or change the conditions of approval at any time before final approval is given (Subsection 51(44) of the Planning Act).
5. The Ministry of Environment must be advised immediately should waste materials and/or other contaminants be discovered during the development of this plan of subdivision. If discovered, a further approval under Section 46 of the Environmental Protection Act may be required from the Ministry of Environment.
6. Prior to final approval, a hard and electronic copy of the draft plan must be submitted to the telecommunications provider for review and comment.
7. The applicant or any public body may, at any time before final approval is given, appeal any of the conditions of approval to the Ontario Municipal Board by filing with the Municipality a notice of appeal setting out the reason(s) for the appeal, accompanied by the fee required by the Board (Subsection 51(39) of the Planning Act).
8. Prior to final approval, a hard copy and electronic version of the draft plan, must be submitted to Bell Canada, Union Gas, Hydro One or Entegrus, and Cogeco Cable confirming that the space provided for utilities is sufficient.
9. Should the Owner or Municipality require underground Bell Canada facilities to serve the subdivision, then the Owner must confirm with the Municipality that satisfactory arrangements have been made with Bell Canada for underground services.
10. The Owner is to also be advised that should any conflicts with existing Bell Canada facilities or easements arise, the Owner shall be responsible for rearrangements or relocation. Further, the Owner is to provide easements as required to service the subdivision.



11. The applicant should be aware that it is municipal policy that division of row house dwelling blocks into row house dwelling unit lots, will be through the consent process under Section 53 of the Planning Act, and, for greater clarity, not by Part Lot Control exemption.

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

BY-LAW NO. -2018

A BY-LAW TO AMEND ZONING BY-LAW 216-2009

OF THE MUNICIPALITY OF CHATHAM-KENT

(Jodamar Properties Ltd.)  
CityView # PL201700187

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 a portion of said lands to implement a draft plan of subdivision, by setting out permitted dwelling types and to establish appropriate regulations;

AND WHEREAS the proposed use would conform to the Official Plan;

AND WHEREAS Council, after due investigation and consideration, concurs in the proposed amendments;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED AS By-law No. -2018 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 zone classification from Holding-Residential Low Density Seventh – 802 (H-RL7-802) to Residential Low Density Seventh (RL7), Residential Medium Density First – 1106 (RM1-1106), and Open Space (OS1); and changing the zone classification from Open Space (OS1) to Residential Medium Density First – 1106 (RM1-1106); and changing the zone classification from Holding-Residential Medium Density First – 810 (RM1-810) to Residential Medium Density First – 1106 (RM1-1106), and changing the zone classification from Holding-Residential Medium Density First – 815 (RM1-815) to Residential Medium Density First – 1105 (RM1-1105); on the lands respectively so depicted on Schedule "A" hereto annexed and also forming part of this by-law.

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 AND FINALLY PASSED this 12<sup>th</sup> day of February, 2018.

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MAYOR – Randy R. Hope

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CLERK – Judy Smith

This is Schedule "A" to By-law No. -2018 of the Corporation of the Municipality of Chatham-Kent passed on the 12<sup>th</sup> day of February, 2018.

