

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council
From: Ryan Jacques, Planner I
Date: December 11, 2017
Subject: Planning Services Report

Application Details

Application: Combined Application (File D-28 TE/52/17/B) for Zoning By-law Amendment (File D-14 TE/41/17/B) and Consent (Files B-80/17 & B-81/17)

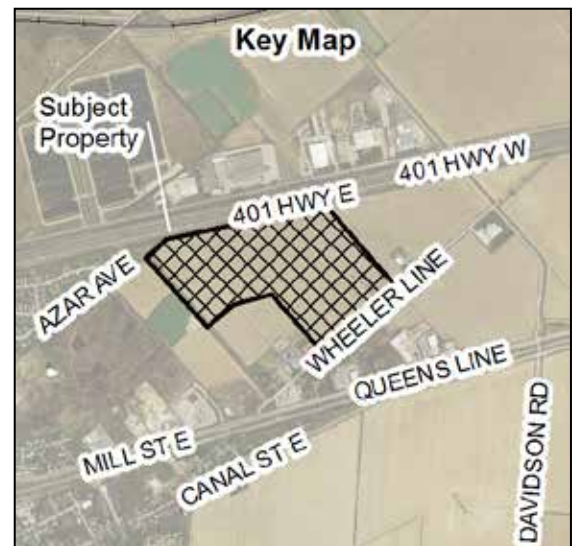
CityView #: PL201700169

Applicants: Bruno Bedard Family Trust,
Kenneth Mailloux, Madeleine
Delrue & John C. Taylor

Location: 3707 Wheeler Line
Part of Lot 15, Concession 4,
Tilbury-East

Roll Numbers: 3650 060 005 00990

Community: Tilbury (West Kent)



Recommendations

It is recommended that:

1. Consent application File B-80/17, to sever a new 0.58 ha (1.43 ac.) industrial lot, shown as Part 2 on the applicants' sketch, in Part of Lot 15, Concession 4 (Tilbury-East), in the Community of Tilbury, be approved, subject to the following conditions:

- a) that the Chatham-Kent Zoning by-law be amended to rezone the subject property to a site-specific Holding-General Industrial (H-M1) zone.
 - b) 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
 - c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Consent application File B-81/17, to sever a new 3.61 ha (8.92 ac.) industrial lot, shown as Part 1 on the applicants' sketch, in Part of Lot 15, Concession 4 (Tilbury-East), in the Community of Tilbury, be approved, subject to the following conditions:
- a) that the Chatham-Kent Zoning by-law be amended to rezone the subject property to a site-specific Holding-General Industrial (H-M1) zone.
 - b) 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
 - c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
3. Zoning By-law Amendment application File D-14 TE/41/17/B to:
- a) Rezone the proposed 0.58 ha (1.43 ac.) industrial lot, shown as Part 2 on the applicants' sketch, and the retained parcel, from General Industrial (M1) to Holding-General Industrial-1433 (H-M1-1433); and
 - b) Rezone the proposed 3.61 ha (8.92 ac.) industrial lot, shown as Part 1 on the applicants' sketch from General Industrial (M1) to Holding-General Industrial-1434 (H-M1-1434),

at 3707 Wheeler Line, in Part of Lot 15, Concession 4 (Tilbury-East), in the Community of Tilbury, be approved, and the implementing by-law adopted.

Description of Proposal

The subject property is located on the north side of Wheeler Line, between Mill Street East and Davidson Road, in the Community of Tilbury. The lands are approximately 25.8 ha (63.9 ac.) in area. The subject property is zoned General Industrial (M1) and designated Employment Area in the Chatham-Kent Official Plan.

The applicants have proposed to create two new industrial lots. These include:

1. A new 0.58 ha (1.43 ac.) industrial lot containing an existing telecommunication tower, and farmland, shown as Part 2 on the applicants' sketch.
2. A new 3.61 ha (8.92 ac.) parcel for a proposed open storage facility, shown as Part 1 on the applicants' sketch. An application for Site Plan Control has also been submitted for this parcel. The application is under review by Planning Services and does not form part of this report or recommendations. Coco Paving Inc. is the intended purchaser of this property. Coco Paving Inc. has indicated it will utilize the property to store concrete barriers for a number of years while the company fulfils its obligations related to Highway 401 improvements. A conceptual site plan for this property is attached as Appendix D.

The retained parcel is approximately 21.6 (53.6 ac.) in area and is currently farmed.

A zoning by-law amendment is required to implement the proposed severances and open storage use. The proposed zoning is in accordance with the requirements of the Chatham-Kent Official Plan and the Provincial Policy Statement, and is discussed in detail in the Planning Analysis section, below.

Photographs of the subject lands are attached as Appendix A. A sketch showing the proposed severance and a key map showing the location of the subject property are attached as Appendix B and C, respectively.

Consultation

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the application. Lot creation in a Primary Urban Centre requires connections to the municipal water supply and sanitary sewer system. At this location, no sanitary sewer services are available to service the property at this time. The subject property should be zoned to restrict development to existing uses until such time the lands are redeveloped to the satisfaction of the Municipality. Provisions for the open storage of concrete barriers connected with ongoing improvements to the 401 can be considered, subject to Site Plan Control, provided that no buildings are erected.

External

Lower Thames Valley Conservation Authority (LTVCA)

The LTVCA was circulated for comments. They have reviewed the application and noted they have no objections to the proposal. An application is required from their office prior to any works/construction taking place within the regulated area.

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)

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)

Section 1.6.6.1 (Sewage, Water and Stormwater) of the PPS contains several policies outlining the provincial interest in directing and accommodating growth in a way that promotes the efficient use and optimization of existing sanitary sewers and water services. Specifically, Section 1.6.6.2 states that, *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*

The recommended zoning by-law amendment, discussed below, is required to implement the proposed severances and open storage use in accordance with the requirements of the Provincial Policy Statement, with respect to the development of property in Chatham-Kent's Primary Urban Centres where municipal sanitary sewers are not available.

Official Plan

Similar to the PPS, the Chatham-Kent Official Plan contains policies to ensure that cost-effective and adequate sewage treatment is provided to support, enhance and sustain existing and future residents and businesses in the Municipality. It is the policy of Chatham-Kent that:

2.4.7.2.1 All development and redevelopment in the Primary Urban Centres and all new development and redevelopment in the Secondary Urban Centres shall be connected to the municipal sewage treatment system.

The subject property is designated Employment Area by the Official Plan. The Employment Area designation is appropriate for the proposed use, subject to the recommended zoning by-law amendment. It is the policy of Chatham-Kent that:

B.2.4.2 The Employment Area is intended for a range of industrial and secondary commercial land uses which shall be developed on full municipal services.

B.2.4.3 Permitted industrial uses in the Employment Area shall include office, research facilities, printing, processing, manufacturing, assembling, warehousing, and shipping uses, as more specifically defined in the Zoning By-law. A limited amount of ancillary retail to the main permitted industrial use shall also be permitted.

The recommended zoning by-law amendment, discussed below, is required to implement the proposed severances and open storage use in accordance with the requirements of the Official Plan, with respect to the development of property in Chatham-Kent's Primary Urban Centres where municipal sanitary sewers are not available.

Zoning By-law Amendment

It is recommended that as a condition of consent, a zoning by-law amendment be required to implement the proposed severances and open storage use. The proposed zoning is in accordance with the requirements of the Chatham-Kent Official Plan and the Provincial Policy Statement, with respect to the development of property in Chatham-Kent's Primary Urban Centres where municipal sanitary sewers are not available.

The subject property is zoned General Industrial (M1). The M1 zone is appropriate for the proposed use, as it specifically permits an Industrial Use, which is defined as:

"Industrial Use" means the use of any land, building or structure for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services.

Through a Holding category, the zoning of the subject property limits the use of the proposed new 3.61 ha (8.92 ac.) industrial lot, shown as Part 1 on the applicants' sketch to agricultural uses and the open storage of concrete barriers, and that no buildings or structures are permitted. The Holding category will also limit the use of the proposed new 0.58 ha (1.43 ac.) industrial lot, shown as Part 2 on the applicants' sketch and the retained parcel to existing uses, and establish appropriate regulations.

The Holding category can be lifted upon application to the Municipality when it is demonstrated the lands have been serviced with municipal sanitary sewers, to the satisfaction of the Municipality. Upon lifting of the Holding category, the provisions of the General Industrial (M1) zone will apply.

Concurrent Application for Site Plan Control

An application for Site Plan Control (File D-11 TE/19/17/B) has also been submitted to the Municipality. Site plan approval for the proposed open storage use is required. The

site plan is still under review and will be finally considered by Planning Services at a future date. The site plan addresses traffic impacts, stormwater management, fencing, site layout, etc.

The subject property abuts Highway 401, therefore Ministry of Transportation (MTO) review of the site plan and stormwater management plan is required before the plans can be finalized. MTO review is ongoing at the time of writing this report.

Bringing the Consent and Zoning By-law Amendment application forward for Council consideration at this time will allow the severance process to continue, facilitating the applicants' sale of a portion of the lands.

Conclusion

The proposed consent and zoning by-law amendment have 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 applications are being recommended for approval.

Prepared by:



Ryan Jacques, MCIP, RPP
Planner, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
Director, Planning Services

Attachments: Appendix A – Subject Property
Appendix B – Applicants' Sketch
Appendix C – Key Map
Appendix D – Conceptual Site Plan
By-law to amend By-law 216-2009

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Report.doc

Appendix A –Site Photos



Looking northwest across the subject property, over the proposed 3.61 ha (8.92 ac.) parcel for a proposed open storage facility (Part 1 on applicants' sketch).

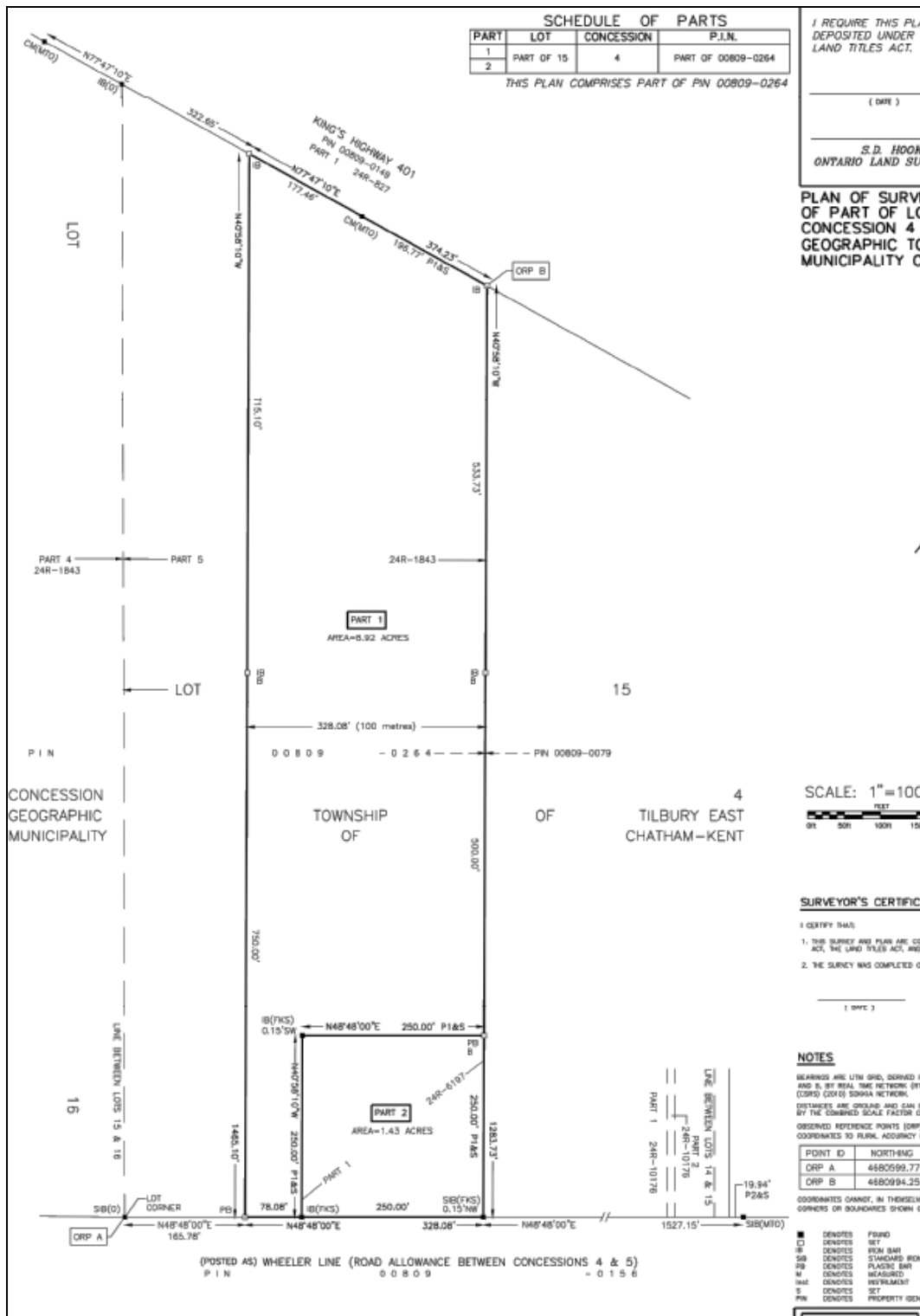


Looking west across the subject property toward the retained farmland.

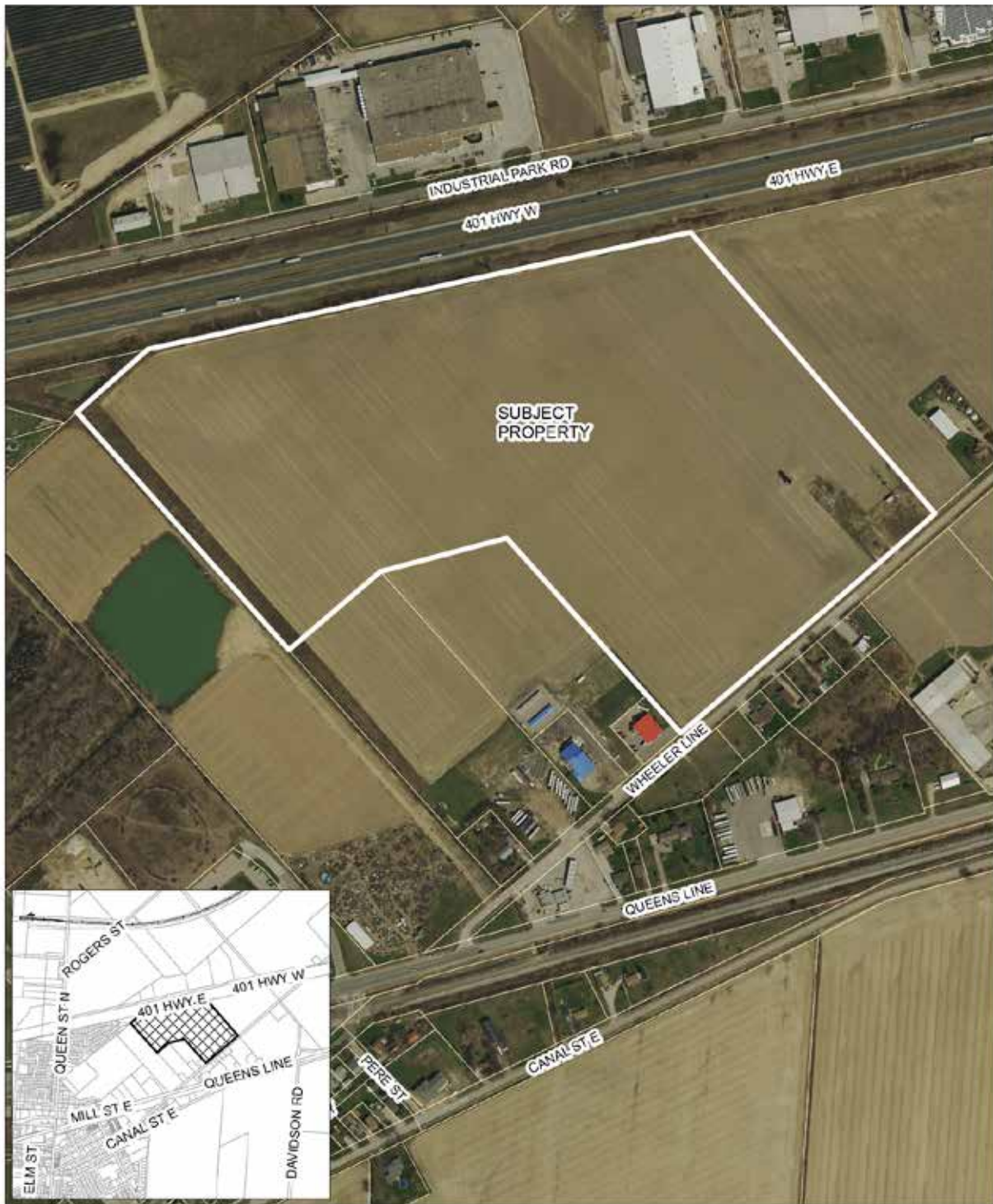


Looking north across the subject property over the proposed 0.58 ha (1.43 ac.) parcel for the existing telecommunication tower use (Part 2 on applicants' sketch).

Appendix B – Applicants' Sketch



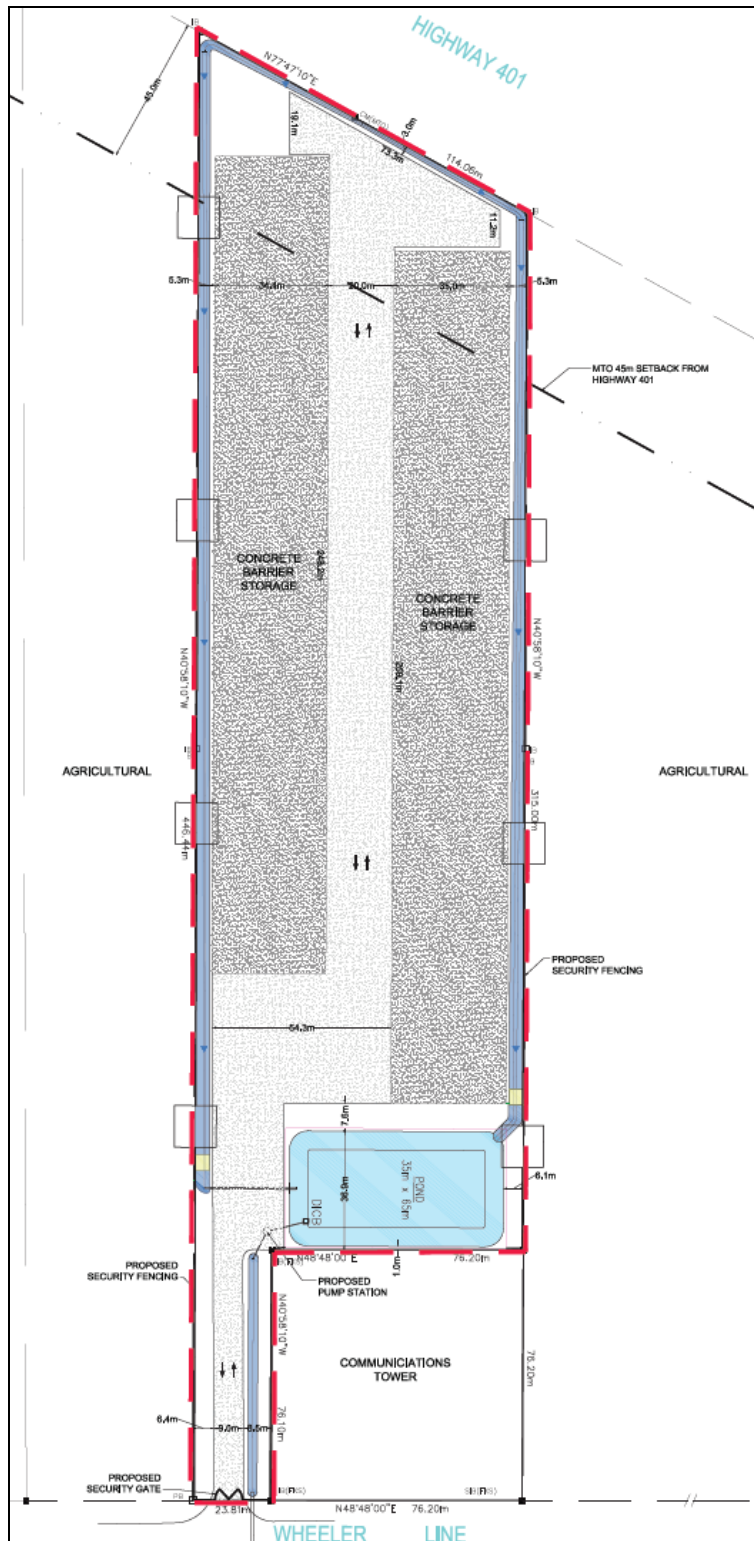
Appendix C – Key Map



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Appendix D – Conceptual Site Plan



: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

(Bruno Bedard Family Trust, Kenneth Mailloux, Madeleine Delrue, & John C. Taylor)
CityView # PL201700169

WHEREAS an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Tilbury in order to rezone the lands to facilitate the creation of two new industrial parcels;

AND WHEREAS it is deemed advisable to make the said lands subject to a holding classification for which the owner may apply to have the said holding classification removed once the owner demonstrates the lands are services with municipal sanitary sewer services, to the satisfaction of the Municipality;

AND WHEREAS the application conforms to the Chatham-Kent 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 By-law 216-2009, as amended, of the Municipality of Chatham-Kent, be amended by changing the zone classification from General Industrial, (M1) to Holding – General Industrial - 1433, (H-M1-1433) and Holding – General Industrial - 1434, (H-M1-1434) on the lands respectively so depicted on Schedule “A” hereto annexed and also forming part of this by-law.

2. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Exception No., the following:

Exception No. 1433
Exception No. 1434

3. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to Exception No. 1433, the following Special Zone Symbol:

H-M1-1433

4. That Schedule “B” Zone Exceptions of the said By-law 216-2009, be amended by adding to Exception No. 1434, the following Special Zone Symbol:

H-M1-1434

5. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Area 1433:

Exception No.	Special Zone Symbol	Special Zone Provisions
1433	H-M1-1433	<p>a) Despite Clause b) of Subsection 4.14, until the Holding "H" Symbol is removed, the permitted uses are limited to uses existing on January 15, 2018, and no structures or buildings are permitted</p> <p>Regulations:</p> <p>i) Lot Coverage Maximum – 0%</p> <p>b) The Holding “H” Symbol may be removed by by-law passed under Section 36 of the Planning Act when the owner demonstrates the lands are services with municipal sanitary sewer services to the satisfaction of the Municipality.</p> <p>c) Upon removal of the Holding “H” Symbol, the provisions for the General Industrial (M1) Zone apply.</p>

6. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Area 1434:

Exception No.	Special Zone Symbol	Special Zone Provisions
1434	H-M1-1434	<p>a) Despite Clause b) of Subsection 4.14, until the Holding "H" Symbol is removed, the permitted uses are limited to uses existing on January 15, 2018, and no new building or structure shall be erected or located on the lands, and the following:</p> <ul style="list-style-type: none">i) Open Storage of concrete barriers, no buildings are permitted <p>b) Regulations:</p> <p>Notwithstanding any other provisions of the by-law to the contrary for Open Storage of concrete barriers the regulations of Section 4.26 and the following shall apply:</p> <ul style="list-style-type: none">i) Lot Frontage Minimum – 28 mii) Interior Side Yard Width Minimum – 5.3 miii) Rear Yard Depth Minimum – 11 miv) Lot Coverage – 50% <p>c) The Holding “H” Symbol may be removed by by-law passed under Section 36 of the Planning Act when the owner demonstrates the lands are services with municipal sanitary sewer services to the satisfaction of the Municipality.</p> <p>d) Upon removal of the Holding “H” Symbol, the provisions for the General Industrial (M1) Zone apply.</p>

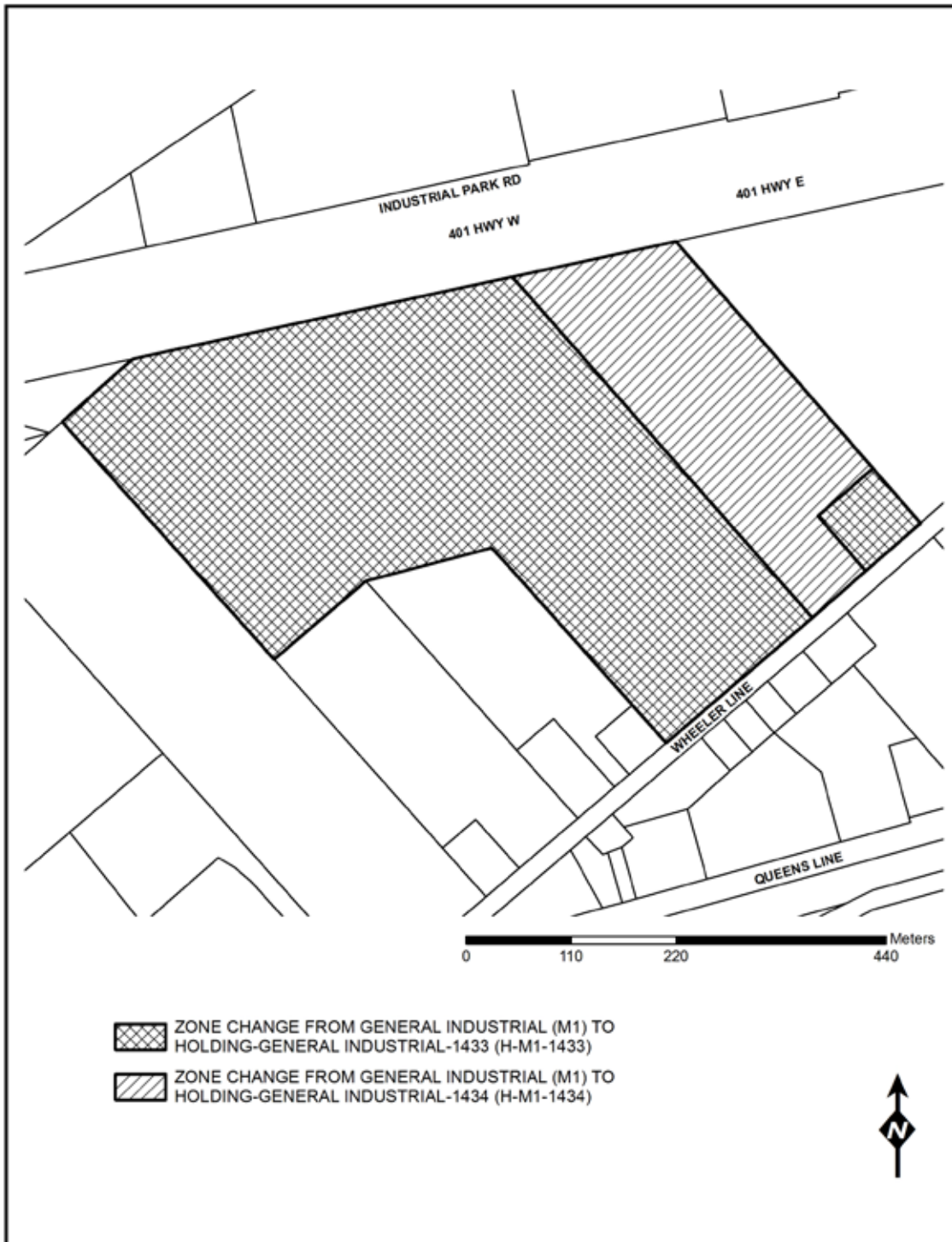
THIS By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 15th day of
January, 2018.

MAYOR – Randy R. Hope

CLERK – Judy Smith

This is Schedule "A" to By-law No. -2018 of the Corporation of the Municipality of Chatham-Kent passed on the 15th day of January, 2018.



Municipality of Chatham-Kent
Planning Services

Sent by fax: 519-436-3237


Dear Sir or Madam:

**RE: FILE NO. D-28, TE/52/17/B
APPLICATION FOR CONSENT BY BRUNO BEDARD FAMILY TRUST ET AL
PART LOT 15, CONCESSION 4, TILBURY EAST
PUBLIC MEETING DATE: JANUARY 15, 2018**

I, John C. Taylor, one of the owners of Part of Lot 15, Concession 4, hereby object to the proposed re-zoning (not the severance) of the subject property for the following reasons:

1. The current zoning of the entire subject property is General Industrial, subject only to site planning control. It is not in any sort of Holding Category;
2. Neither the applicants nor the proposed purchasers nor any other interested persons have requested the down-zoning of any part of the property into a Holding Zone;
3. It appears to me that the introduction of the idea to down-zone the retained parcel of 53.9 acres is entirely the idea of Planning Services, probably for the purpose of lessening any competition to Chatham's Industrial Park from the Tilbury Industrial Park;
4. My suggestion is that the proposed amendment to the zoning of these lands is to eliminate the imposition of the Holding Zone on the remaining 53.9 acres of the subject property.

Dated at Tilbury, Ontario this 2nd day of January, 2018.


John C. Taylor
17360 Melody Drive
Tilbury ON N0P 2L0
519-682-2726