

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

From: Bruce McAllister, MCIP, RPP
Director, Planning Services

Date: June 19, 2018

Subject: Applications for Consent & Deeming By-law
PL201800084 – Roman Catholic Episcopal Corporation of the Diocese of
London in Ontario
32 Canal Street West and 11 St. Clair Street, Community of Tilbury
(West Kent)

Recommendations

It is recommended that:

1. Consent application File B-45/18, to sever and convey a 0.13 ha (0.32 ac.) lot addition from 32 Canal Street West (PIN:00796-0058) to 11 St. Clair Street (PIN:00796-0057), shown as Part 4 on the applicant's sketch, Lots 1 to 11 (inclusive), Lane, Block 16 & Part of Lots 10 to 18 (inclusive), Block 6 & Part of Poplar Street, Registered Plan 286, in the Community of Tilbury, be approved, subject to the following conditions:
 - a) that Deeming By-law application File D-14 TI/27/18/R be approved and the implementing by-law be adopted;
 - b) that the lot addition to be severed, shown on the applicant's sketch as Part 4, be conveyed to the owner of the abutting Institutional parcel (11 St. Clair Street/ PIN:00796-0057) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - c) 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

- d) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Deeming By-law application File D-14 TI/27/18/R, to deem Lots 1 to 11 (inclusive), Block 16, Plan 286 and Lots 1 to 18 (inclusive), Block 6, Registered Plan 286, in the Community of Tilbury, not to be on a Plan of Subdivision, be approved, and the by-law be adopted.

Background

The subject property consists of the following parcels:

- 32 Canal Street West, Lots 1 to 11 (inclusive), Lane, Block 16 & Part of Lots 10 to 18 (inclusive), Block 6 & Part of Poplar Street, Registered Plan 286, is approximately 1.20 ha (2.96 ac.) in area and contains St. Francis Xavier Church. The property is located on the north side of Canal Street West between Lyon Avenue North and Elm Street, in the Community of Tilbury (Roll No. 3650 080 002 19000). The lands are zoned Institutional (I) and designated Residential Area in the Chatham-Kent Official Plan.
- 11 St. Clair Street, Lots 1 to 9 (inclusive) & Part of Lots 10 to 18 (inclusive) & Part of Lane, Block 6, Registered Plan 286, is approximately 0.95 ha (2.35 ac.) in area and contains St. Francis Elementary School. The property is located on the south side of St. Clair Street between Lyon Avenue North and Elm Street, in the Community of Tilbury (Roll No. 3650 080 002 10500). The lands are zoned Institutional (I) and designated Residential Area in the Chatham-Kent Official Plan.

The application is proposing to sever and convey a 0.13 ha (0.32 ac.) lot addition consisting of landscaped open space from 32 Canal Street West to 11 St. Clair Street, shown as Part 4 on the applicant's sketch attached as Appendix A. The proposed lot addition lands are currently used as part of the outdoor activity area for students of St. Francis Elementary School. Therefore, the proposal is a boundary adjustment that more accurately reflects the current use of these lands.

Both the subject property and receiving lot are comprised of lots on an old plan of subdivision (Registered Plan 286). In this scenario, any of these full lots can be conveyed independently without *Planning Act* approval. Therefore, a concurrent deeming by-law application is required to deem all lots, on both properties, not to be lots in the underlying plan of subdivision. In doing so, no lot can then be conveyed separately in the future without *Planning Act* consent or decision by Council, and will preserve the existing form and function of both properties.

A key map of the subject lands and photographs of the subject properties and surrounding lands are attached as Appendix B and C, respectively.

Comments

Provincial Policy Statement

The applications does not raise any issues of provincial interest.

Official Plan

The proposed lot addition has been reviewed under the policies of the Official Plan. It has been specifically reviewed under Section 6.3.3, Planning Tools (Consent) and generally meets these policies. The Official Plan permits lot additions for technical or legal purposes, where the severed and retained lands will comply with the Zoning By-law.

Zoning By-law

The proposal complies with all required regulations of the Chatham-Kent Zoning By-law.

Conclusion

The proposed Consent and Deeming By-law applications have been reviewed in the context of the Provincial Policy Statement, the Chatham-Kent Official Plan and Zoning By-law and will be in full conformity, if approved. Therefore, the applications are being recommended for approval.

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)

Consultation

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the applications.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:



Anthony Jas
Planner II, Planning Services

Reviewed by:



Bruce McAllister, MCIP, RPP
Director, Planning Services

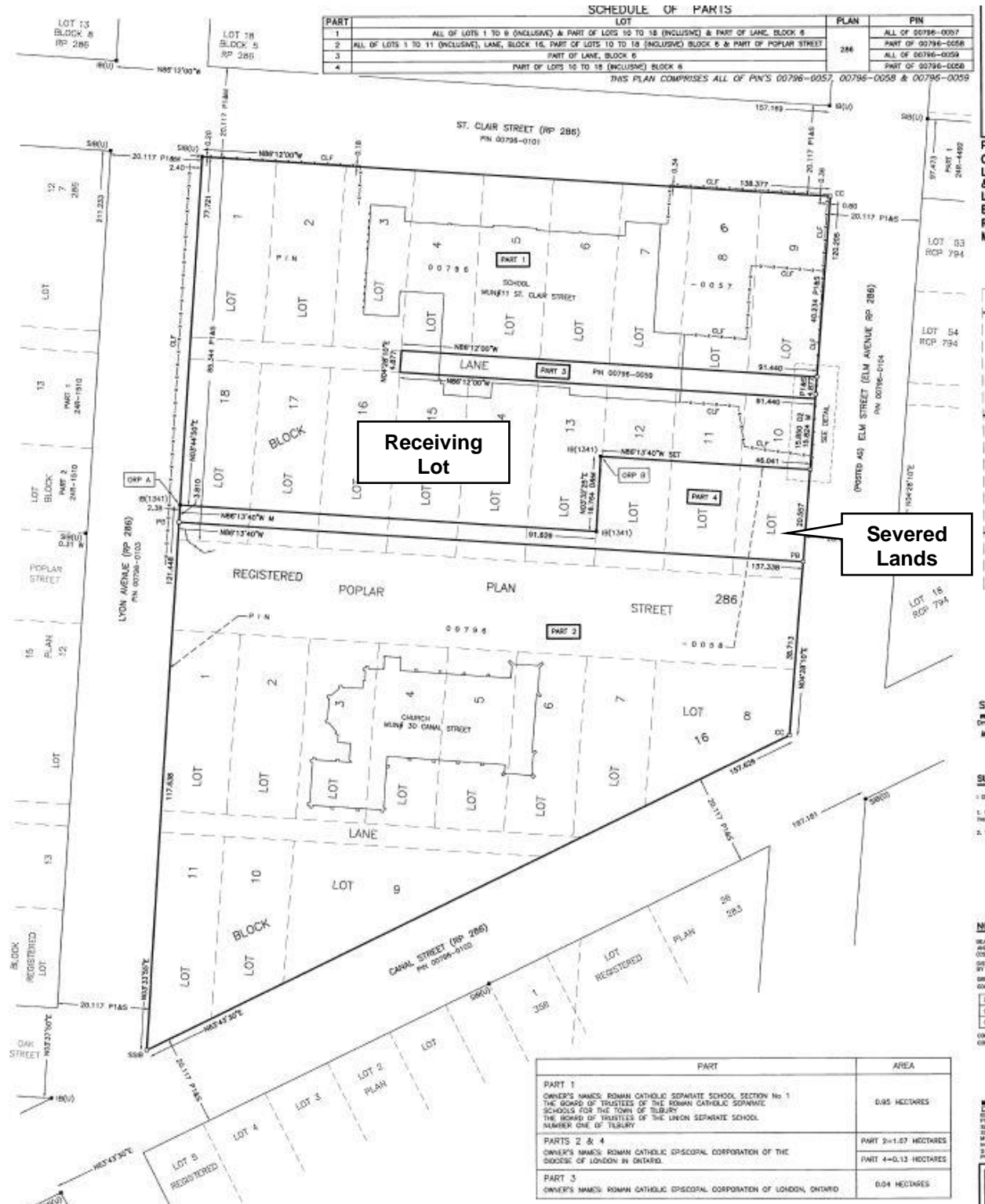
Reviewed by:

John Norton
General Manager
Community Development

Attachments: Appendix A – Applicant's Sketch
Appendix B – Key Map
Appendix C – Site Photos
Deeming By-law

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Episcopal Corporation Report.docx

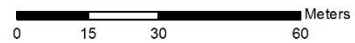
Appendix B – Applicant’s Sketch



Appendix B – Key Map



This is not a plan of survey.
INCLUDES MATERIAL © (2015) OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.



Appendix C – Site Photos



Looking west across the subject properties from Elm Street.



Looking northwest across the subject property from the corner of
Canal Street West and Elm Street.

By-law Number _____

of The Corporation of the Municipality of Chatham-Kent

A By-law to Deem Certain Parts of a Registered Plan Not to be Registered
(Roman Catholic Episcopal Corporation of the Diocese of London in Ontario)

CityView # PL201800084

Whereas Subsection 50(4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, authorizes a municipality to designate any plan of subdivision or part thereof that has been registered for eight years or more as not being a registered plan of subdivision for subdivision control purposes;

And Whereas it is deemed expedient to so designate the lands herein referred in order to adequately control the development of the said lands;

Now therefore be it and it is hereby enacted as By-law Number _____ of the Corporation of the Municipality of Chatham-Kent:

1. Those parts of a plan of subdivision described as follows are hereby designated as parts of said plan, which shall be deemed not to be parts of a registered plan of subdivision for the purpose of Subsection 50(3) of the Planning Act:

Lots 1 to 18 (inclusive), Block 6, Registered Plan 286

Lots 1 to 11 (inclusive), Block 16, Registered Plan 286

This By-law shall come into force and effect in accordance with the provisions of Subsection 50(27) of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the 16th day of July, 2018.

MAYOR – Randy R. Hope

CLERK – Judy Smith