

Municipality Of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, MCIP, RPP
Manager, Planning Services

Date: September 11, 2020

Subject: Applications for Consent & Zoning By-law Amendment
PL202000136 – Sam Sankar
229 Walnut Street West, Community of Bothwell

Recommendations

It is recommended that:

1. Consent application File B-66/20, to sever and convey a new 940.64 sq. m (10,118 sq. ft.) residential lot, shown as Parcel 1 on the applicant's sketch, in Part of Lots 565 & 566, Plan 141, in the Community of Bothwell, be **REFUSED**.
2. Zoning By-law Amendment application File D-14 BO/36/20/S, be **REFUSED**.

Background

The subject property is located on the south side of Walnut Street West, between Catherine Street and Gordon Street North, in the Community of Bothwell (Roll No. 3650 320 001 12000). The lands are approximately 1,881 m (20,250 sq. ft.) in area and are currently vacant. The property is designated Secondary Urban Centre in the Chatham-Kent Official Plan and zoned Residential Low Density First-Estate (RL1-E). A key map showing the location of the subject property is attached as Appendix A. Pictures showing the proposed severed and retained parcels are attached as Appendix B.

The application proposes to sever and convey a new 940.64 sq. m (10,118 sq. ft.) residential parcel, as shown on the applicant's sketch attached as Appendix C. The retained parcel is proposed to be approximately 940.64 sq. m (10,118 sq. ft.) in area.

In addition to the Consent application, the proposal would also require relief from the Zoning By-law to reduce the minimum lot area requirement from 1,449.4 sq. m (15,601 sq. ft.) to 940.64 sq. m (10,125 sq. ft.).

The basis of the recommendations is simply that, in Bothwell, infill development or intensification of land uses requiring Planning Act approval does not conform to Chatham-Kent's land use policies. Bothwell is not serviced – or planned to be serviced – with municipal sanitary sewers. Infill development and intensification serviced by private septic systems is not in line with policy.

This position is not favorable to the applicant, whom desires an approval. Should Council wish to proceed with an approval, it can consider the draft recommendations and by-law set out in Appendix D.

Comments

The planning process relies on the Provincial Policy Statement and Chatham-Kent Official Plan to evaluate development proposals and make recommendation to Municipal Council.

The Provincial Policy Statement, 2020 (PPS), provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS sets out that Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas.

The Official Plan is a key part of Chatham-Kent's planning policy structure that will guide land use decisions in the Municipality. The goal of the Official Plan is to reflect the shared views of its citizens within the established Provincial planning policy framework. The Official Plan sets out that Secondary Urban Centres, such as Bothwell (Pain Court, Merlin, Charing Cross, Thamesville, and Mitchell's Bay), are either serviced or planned to be serviced, with full municipal piped water supply and sanitary sewage services.

Provincial Policy Statement, 2020

In reviewing this proposal in the context of the PPS, several relevant policies apply. These include:

Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Settlements Areas are defined in the Chatham-Kent Official Plan as Primary Urban Centres, Secondary Urban Centres, Hamlets, Suburban Residential Areas and Rural Settlement Areas. The lands pertaining to this application are located in Bothwell, which

is designated a Secondary Urban Centre, and subject to the following policy, which reads:

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

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;

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.

Lot creation to support further development within Bothwell is not consistent with the requirements of the PPS.

Chatham-Kent Official Plan

The application has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 2.3.7, Secondary Urban Centre Policies, and Section 6.3.3, Planning Tools (Consent), and does not meet these policies.

Secondary Urban Centre Policies

Secondary Urban Centres are compact rural communities consisting of fewer than 1,000 people, comprising some housing, commercial and industrial businesses, and public use land. Chatham-Kent contains a number of Secondary Urban Centres, which are either serviced, or planned to be serviced, with full municipal piped water supply and sanitary sewage services. Population and employment growth will be encouraged in the Secondary Urban Centres that have full municipal services. Specifically, the policy reads as follows:

It shall be the objective of Chatham-Kent to:

2.3.7.1 Protect and preserve the unique character of Secondary Urban Centres, while providing opportunities for population and employment growth based on full municipal services.

It shall be the policy of Chatham-Kent that:

2.3.7.2.2 Secondary Urban Centres shall continue to function as service centres for the surrounding agricultural areas ... In Secondary Urban Centres, low- and medium-density residential uses and commercial,

recreational, industrial and institutional uses shall be permitted based on full municipal services.

2.3.7.2.4 Development in Secondary Urban Centres will include infilling, the redevelopment of brownfield and former institutional sites and the logical building out of the urban areas through greenfield development based on full municipal piped services, provided that such development satisfies the policies of this Plan and is compatible with the size and scale of the urban area.

Consent Policies

The proposed lot creation does not conform to the policies found in 6.3.3, Planning Tools (Consent) of the Chatham-Kent Official Plan. This section contains policies which are to be utilized for evaluating all consent applications. Specifically, the policy reads as follows:

6.3.3.40 The following general policies shall be utilized for evaluating consent

d) Water and Sanitary Sewage Services:

- i) consents within the Primary and Secondary Urban Centres as designated on Schedule "A" Series – Land Use shall only be considered where the lot can be serviced by the municipal water and sanitary sewage systems, as a condition of approval.*

As the proposed lot creation cannot be serviced by a municipal sanitary sewage system, it does not currently meet the Secondary Urban Centre policies, nor the consent requirements to sever a new lot. Further, there is no commitment to service Bothwell with sanitary sewers.

Zoning By-law

The property is zoned Residential Low Density First-Estate (RL1-E) in the Chatham-Kent Zoning By-law. It is 1,881 m (20,250 sq. ft.) in area.

The proposal requires an amendment to the Chatham-Kent Zoning By-law No. 216-2009, as amended, to address the lot regulation in Section 5.1.2(b), Lot Area Minimum, which requires lots to be 1,449.4 sq. m (15,601 sq. ft.). The proposed lot area is 940.64 sq. m (10,125 sq. ft.).

The proposed lots would meet all other zone regulations.

A single detached dwelling is a permitted use in the zone, which the dwelling type proposed by the applicant.

Conclusion

The proposed consent has been reviewed in the context of the Provincial Policy Statement and Chatham-Kent Official Plan and does not comply with these documents. Therefore, the application is being recommended for refusal as outlined in the Recommendations section of this report.

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

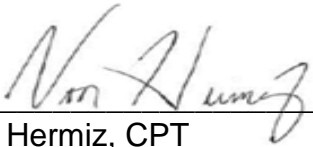
The Technical Advisory Committee was consulted and concurs with the recommendations.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:

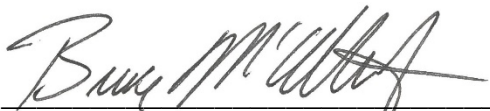


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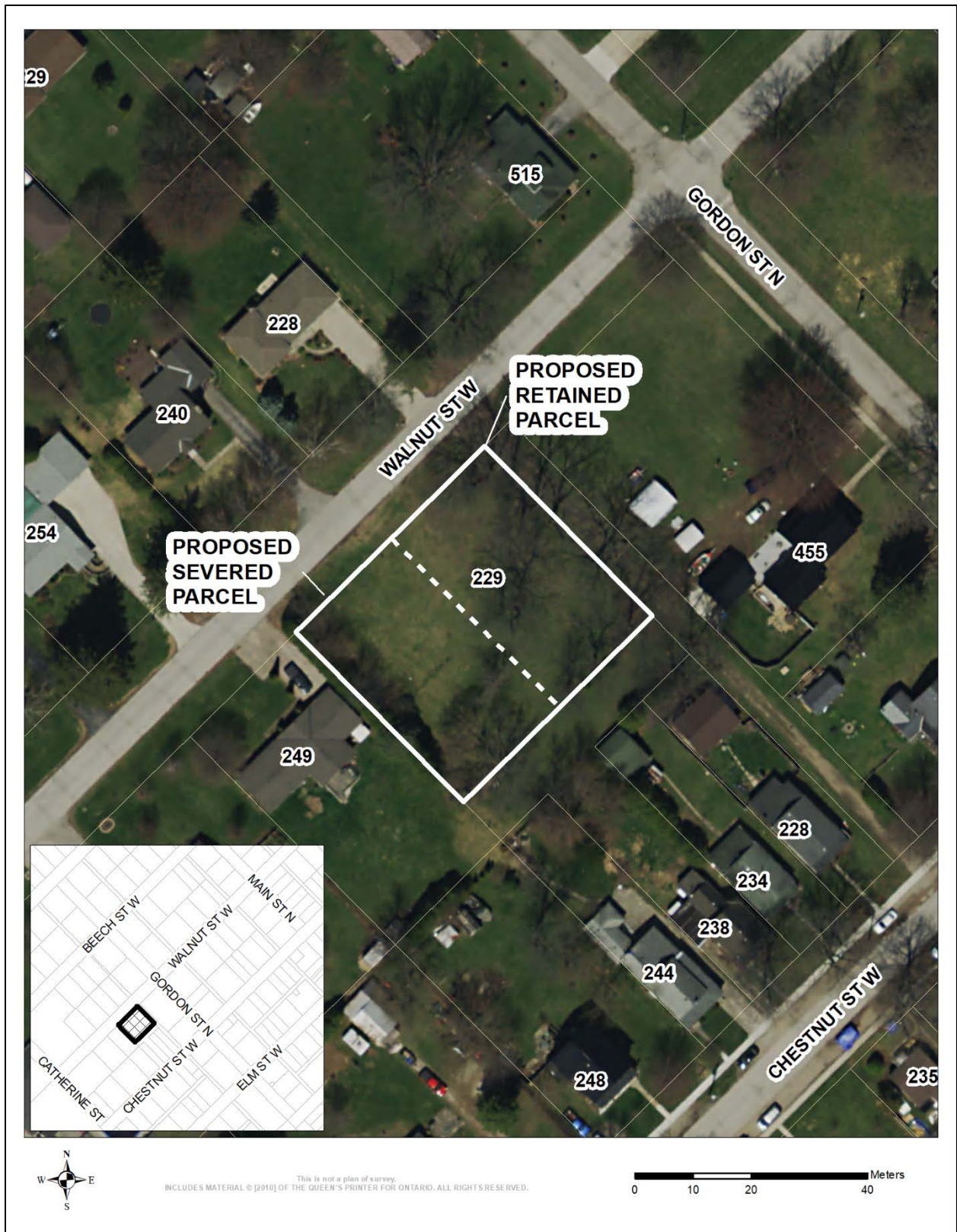


Bruce McAllister, MCIP, RPP
Acting General Manager, Community Development
Director, Planning Services

- Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
Appendix D – Alternate Recommendations for Approval
By-law to amend By-law 216-2009

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos

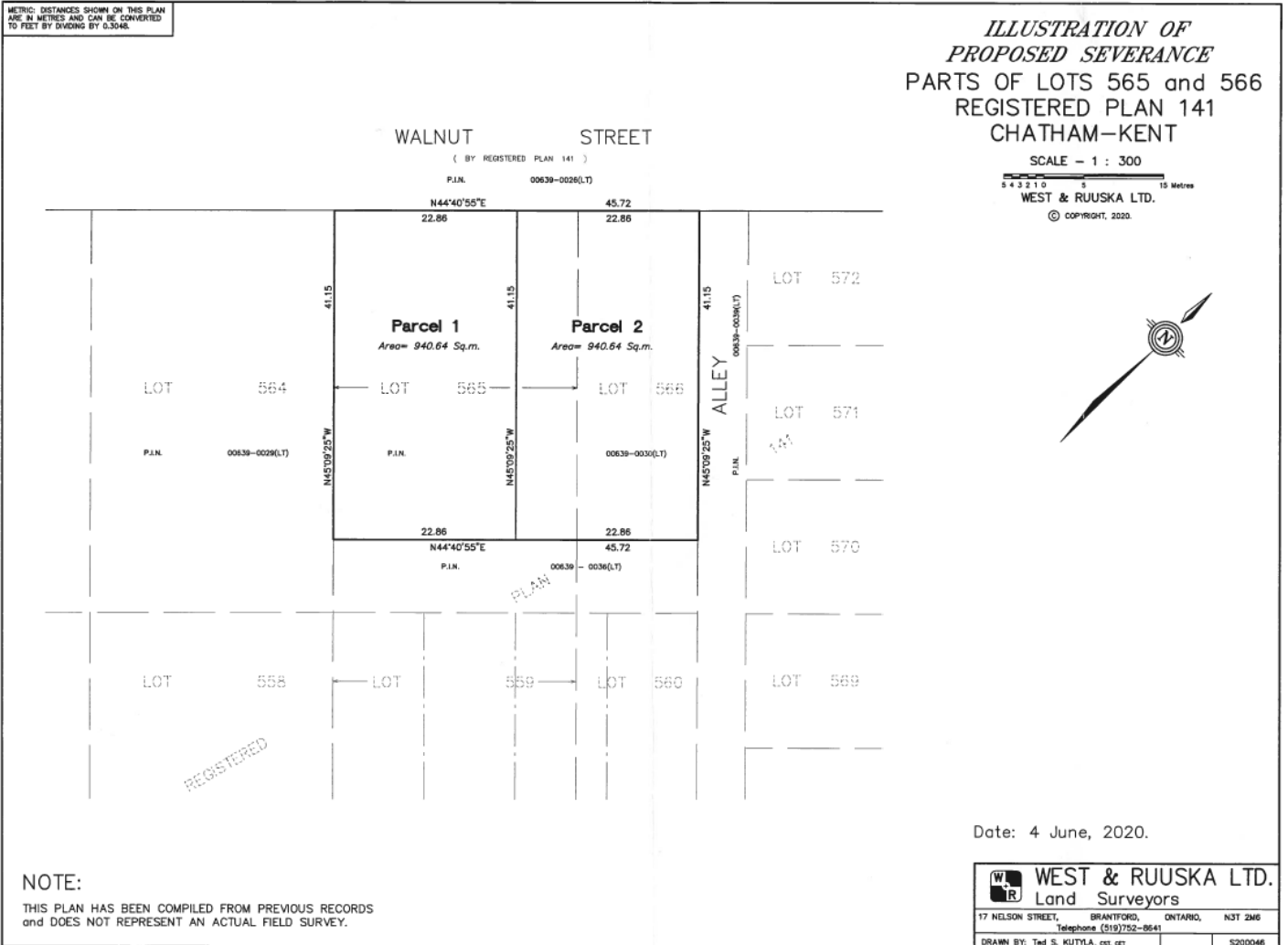


Looking south towards the proposed severed parcel (right) and proposed retained parcel (left) from Walnut Street West.



Looking southwest towards the proposed retained parcel (left) and proposed severed parcel (right) from Walnut Street West.

Appendix C – Applicant’s Sketch



Appendix D – Alternative Recommendations for Approval

1. Consent application File B-66/20, to sever and convey a new 940.64 sq. m (10,118 sq. ft.) residential lot, shown as Parcel 1 on the applicant's sketch, in Part of Lots 565 and 566, Plan 141, in the Community of Bothwell, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the severed and retained parcels to a site-specific Residential Low Density First – Estate -1528 (RL1-E-1528) zone, to require a minimum lot area of 940 sq. m (10,118 sq. ft.);
 - b) that the severed parcel be assigned the civic address '239 Walnut Street West';
 - c) that the applicant arrange for a new water service connection to the severed parcel, to the satisfaction of the Chatham-Kent Public Utilities Commission;
 - d) 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,
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.
2. Zoning By-law Amendment application File D-14 BO/36/20/S, be approved, and the implementing by-law be adopted.