

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

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

**Date:** October 14, 2020

**Subject:** Application for Zoning By-law Amendment  
PL202000165 – 1027459 Ontario Ltd. o/a Goodreau Excavating Ltd.  
23966 Baptiste Road, Community of Tilbury-East (West Kent)

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#### **Recommendation**

It is recommended that:

1. Zoning By-law Amendment application File D-14 TE/42/20/O to rezone the subject lands, known as 23966 Baptiste Road, in Part of Lot 16, Concession 3 North, in the Community of Tilbury-East, to the Rural Industrial (MR) Zone, be approved, and the implementing by-law be adopted.

#### **Background**

The subject property is located on the east side of Baptiste Road, north of Mint Line, in the Community of Tilbury-East (Roll No. 3650 060 001 25200). The subject property is approximately 1.9 ha (4.6 ac) in area and is currently used as an industrial storage yard for construction materials and is vacant of any structures. The property is designated Agricultural Area in the Chatham-Kent Official Plan and zoned Rural Industrial-239 (MR-239). A key map showing the location of the subject property is attached as Appendix A. Photographs of the subject property are attached as Appendix B.

The application proposes to rezone the subject lands to the Rural Industrial (MR) zone to facilitate new development on these lands, specifically, a new building for an office and shop to support the business.

The applicant, Goodreau Excavating Ltd., has provided construction services to surrounding farmland and urban areas in Chatham-Kent for over 40 years. Services provided include; municipal and farm drainage, septic systems, erosion protection, and general construction services. They currently use the property for the storage of

construction materials and equipment but are intending to expand to include a shop and office on the subject lands.

It should be noted that industrial development is subject to Site Plan approval; therefore, all related requirements regarding site functionality, including: parking, access, servicing, stormwater management, and public safety will be properly designed and controlled through a site plan agreement prior to any new development on the subject lands. As well, the subject property is within the regulated area of the Lower Thames Valley Conservation Authority (LTVCA) and consultation with LTVCA will be required prior to submitting a Site Plan application.

The applicant has submitted a preliminary site plan for review, attached as Appendix C, delineating how the site will function with the proposed office/shop building, gravel parking/storage area and stormwater management pond. A Site Plan application is anticipated to be submitted following a successful zoning amendment.

### **Comments**

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

The proposed zoning by-law amendment does not raise any issues of provincial interest.

#### **Official Plan**

The proposal has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 3.10 – Agricultural Area Policies and Section 6.3.3 - Planning Tools (Zoning By-Law), and generally meets these policies.

The Official Plan permits industrial development that is supportive of the Agricultural Area and is required to be in close proximity to farming operations.

Specifically Section 3.10.2.2 states *the Agricultural Area designation means that the primary use shall be agriculture, farm-related industrial and farm-related commercial uses and accessory uses.*

Goodreau Excavating Ltd. provides services to surrounding farmland, including drainage, septic systems, erosion protection, and site servicing. They have supported the agricultural area for over 40 years and benefit from being in close proximity to farming operations.

The application maintains the general intent and purpose of the Official Plan.

## **Zoning By-law**

The subject property is currently zoned Rural Industrial-239 (MR-239), which limits the permitted uses to the storage of construction materials and equipment. To support the future development of the subject lands, it is recommended that these lands be rezoned to the Rural Industrial (MR) zone. The MR zone permits a range of rural industrial uses, including the existing and proposed use of the property.

The subject lands are located just outside the border of the Tilbury urban boundary. They are therefore in close proximity to compatible land uses, including other established industrial properties. As well, the area of the subject lands is sufficient for accommodating future development that meets the zoning regulations of the MR zone.

From a municipal servicing standpoint, the MR zone is intended for rural areas where access to a municipal water supply and/or sanitary sewer system is not available. The applicant is arranging with the Chatham-Kent Public Utilities Commission to connect to the municipal water supply in the area. There is no municipal sanitary sewer available at the property. Future development at the property can be supported by a private sanitary system.

## **Conclusion**

The proposed zoning by-law amendment has been reviewed in the context of the Provincial Policy Statement and the Chatham-Kent Official Plan, and generally comply with these documents. Therefore, the application is being recommended for approval as noted in the Recommendation section of this report.

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

The recommendation in this report supports 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 supports 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 application.

Site Plan approval is required prior to redevelopment of the property. Site Plan application requirements have been provided to the applicant for the proposed site plan. These include detailed site plan, grading plan, infrastructure servicing brief, stormwater management plan and report, lighting plan and photometric data and Ontario Building Code Data Matrix.

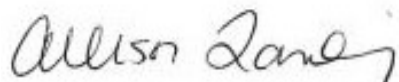
Drainage Services has confirmed the property is assessed to the Mallot Drain.

### **Financial Implications**

There are no financial implications resulting from the recommendation.

Prepared by:

Reviewed by:

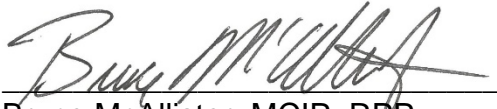


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Allison Lambing  
Planner II, Planning Services



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Ryan Jacques, MCIP, RPP  
Manager, Planning Services

Reviewed by:

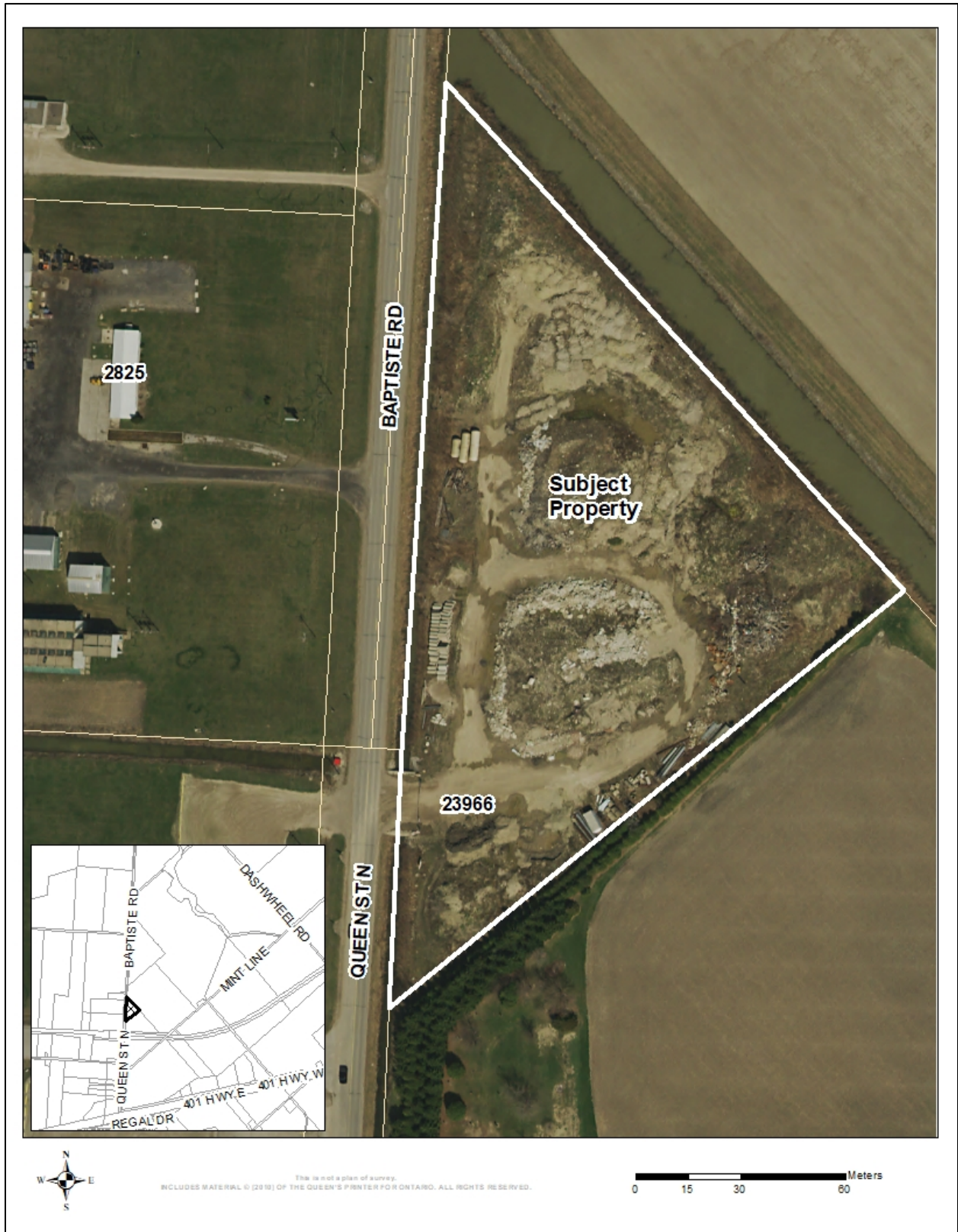
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Bruce McAllister, MCIP, RPP  
Acting General Manager  
Community Development  
Director, Planning Services

Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Applicant's Sketch

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Appendix A – Key Map



Appendix B – Site Photos



Looking east at the subject property.



Looking west at the surrounding industrial development.



Appendix C – Applicant's Sketch

