

Municipality Of Chatham-Kent
Community Development
Planning Services

To: Mayor and Members of Council

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

Date: April 7, 2021

Subject: Applications for Official Plan Amendment (OPA 62), Zoning By-law Amendment & Consent
PL202100011 – First Family Homes Inc.
64 Canal Street East, Community of Tilbury (West Kent)

Recommendations

It is recommended that:

1. Official Plan Amendment D-09 TI/01/21/F, being OPA No. 62, in Part of Lot 17, Concession 4 Gore (Tilbury-East), to re-designate the lands to the Residential Area designation, be approved, and the implementing by-law be adopted;
2. Zoning By-law Amendment application File D-14 TI/14/21/F, to implement OPA No. 62, in Part of Lot 17, Concession 4 Gore (Tilbury-East); implement the proposed severances; rezoned the proposed retained parcel to Holding-Residential Medium Density First-1544 (H-RM1-1544) & Open Space (OS1) to:
 - a) permit semi-detached dwellings and row houses and include the following site-specific regulations:
 - i. Front Yard Depth Minimum – 5.48 m;
 - ii. Rear Yard Depth Minimum – 6 m; and,
 - iii. Lot Coverage Maximum – 50%;
 - b) implement the proposed location of a future stormwater management facility;be approved, and the implementing by-law be adopted.
3. Consent application File B-31/21, to sever and convey a new parcel, approximately 1,010 sq. m (10,870 sq. ft.) in area, containing an existing duplex, shown as Parcel 1 on the applicant's sketch, in Part of Lot 17, Concession 4 Gore (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 severed portion of the subject property from General Industrial (M1) to Residential Low Density Second (RL2);
 - b) that the severed parcel retain the civic address, "64 Canal Street East";
 - 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. It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).
4. Consent application File B-33/21, to sever and convey a new parcel, approximately 1,003 sq. m (10,800 sq. ft.) in area, shown as Parcel 2 on the applicant's sketch, in Part of Lot 17, Concession 4 Gore (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 severed portion of the subject property from General Industrial (M1) to Residential Low Density Second (RL2);
 - b) that the severed parcel be assigned the civic addresses, "1 Tilbury Street" and "3 Tilbury Street" to be individually assigned to the proposed semi-detached dwelling units;
 - 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. It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).

Background

The subject property is located on the north side of Canal Street, at the intersection of Tilbury Street, in the Community of Tilbury (Roll No. 3650 080 004 13700). The lands are approximately 0.97 ha (2.4 ac.) in area and contain a duplex and one (1) accessory structure. The lands are designated Employment Area in the Chatham-Kent Official Plan and are zoned General Industrial (M1). A key map showing the location of the

subject property is attached as Appendix A. Pictures showing the subject property and surrounding area are attached as Appendix B.

The site is proposed to be developed in three steps, the first two of which form part of this application.

First, a site specific Official Plan Amendment and Zoning By-law Amendment is required in support of the proposed development for the entire Site. Second, applications to sever two new lots fronting onto Canal Street, for an existing duplex dwelling on one lot, and a new semi-detached dwelling on another lot.

The final step will be an application for Draft Plan of Subdivision in order to create the balance of the residential lots, the internal roadway and the stormwater management pond. This application is anticipated in the future.

Details of the component applications recommended for approval include:

Official Plan Amendment – The Official Plan Amendment application proposes to re-designate the lands from Employment Area to Residential Area to facilitate future residential development on the lands.

Zoning By-law Amendment – The proposed Zoning By-Law Amendment will rezone the lands as follows:

- Severed Parcel 1 – Residential Low Density Second (RL2).
- Severed Parcel 2 – Residential Low Density Second (RL2).
- Retained Parcel – Holding-Residential Medium Density First-1544 (H-RM1-1544) & Open Space (OS1).
 - The proposed RM1 zoning will permit semi-detached dwellings and row houses and include the following site-specific regulations:
 - Front Yard Depth Minimum – 5.48 m
 - Rear Yard Depth Minimum – 6 m
 - Lot Coverage Maximum – 50%
 - The OS1 zone will be applied to the proposed location of a future stormwater management facility.
 - Development of the residential subdivision on the retained parcel will require the appropriate approvals including a Draft Plan of Subdivision application. The holding provision on the retained parcel will restrict development until a Draft Plan of Subdivision application has been accepted by to the satisfaction of the Municipality.

Consents (Severances) – The proposed severance of land includes the following:

- Sever the existing dwelling (64 Canal Street East) on a new 1,010 sq. m (10,870 sq. ft.) parcel (Parcel 1).
- Sever a vacant parcel (Parcel 2) approximately 1,003 sq. m (10,800 sq. ft.) in area to permit the construction of a new semi-detached dwelling.

- The retained parcel will be approximately 0.77 ha (1.9 ac.) in area and is for future residential development.

Comments

Provincial Policy Statement (PPS)

The proposal is consistent with the PPS. Specifically, Section 1.1.3, Settlement Areas, provides policy direction that promotes land use patterns within existing settlement areas where a range of uses and opportunities for intensification and redevelopment can be accommodated.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The proposal will facilitate the development of underutilized lands, which supports intensification within an area of the Tilbury Primary Urban Centre. The development of these lands will utilize existing infrastructure and public services.

The PPS contains policies specific to the conversion of employment lands to non-employment uses.

1.3.2.4 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;*
- b) the proposed uses would not adversely affect the overall viability of the employment area; and*

c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

The proposal is consistent with the PPS in that:

- The land is not required for employment purposes over the long term.
- The employment land conversion will have a minor impact on the overall vacant land inventory.
- The area is not desirable for industrial uses as it is located closer to the existing built up area and not contiguous with the main employment areas of Tilbury.
- There are alternative locations for employment in the settlement area which are more desirable. Employment growth areas are located generally in the east, west and north areas of Tilbury.

Section 1.6.6 (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, water services & stormwater management.

As part of the application submission, the applicant submitted an Infrastructure and Servicing Brief to review the existing water, sanitary and storm sewer conditions. The submission identified that the existing storm sewers on Canal Street East are unable to convey the additional storm water flow from future subdivision development at this location. This is consistent with the conclusions of the Tilbury Stormwater Master Plan. The preferred solution for storm drainage is a new outlet to the east to the Malott Diversion Drain. As a condition of final zoning approval, through the use of an "H" Holding Symbol on the retained lands, no development may occur on the retained parcel until a legal drainage outlet has been obtained and a Draft Plan of Subdivision application has been approved by the Municipality.

Official Plan

The subject property is designated Employment Area in the Official Plan, as identified on Schedule E5, Community of Tilbury, Land Use Schedule. The Employment Area designation is generally reserved for employment uses, and therefore the property does not currently allow residential development.

To recognize the existing residential use on the property and encourage future residential development, an amendment to the land use designation is requested. The amendment proposes to change the land use designation from Employment Area to Residential Area.

The subject property is well suited to residential development. In support of the proposed designation change, the subject property displays the following characteristics:

- The property is located centrally within the Tilbury Urban Centre, next to existing residential and commercial uses.
- The property is serviceable by existing municipal sanitary sewers and piped water.
- A storm drainage outlet can be achieved and implemented through a future draft plan of subdivision application process.

The proposed Residential Area designation is compatible with the existing land uses in the surrounding neighborhood. Surrounding land uses include:

- A similarly sized residential development to the west known municipal as Kelly Crescent.
- Beyond the single detached dwellings fronting Canal Street East to the south are medium density residential uses.
- A single detached dwelling to the east followed by an existing commercial business (CarQuest Auto Supply), and residential uses beyond.
- A former rail corridor and commercial uses to the north.

In support of the Official Plan Amendment application, the applicant has also submitted a number of supporting studies and technical documents, which have been reviewed and accepted by the Municipality. These include:

1. Planning Justification Report
2. Environmental Site Assessment
3. Infrastructure and Servicing Brief

The results of the studies and technical documents are summarized below:

1. Planning Justification Report

The Planning Justification Report provides detailed justification for the proposal. It includes much of the policy analysis, which is summarized throughout this report. The following commentary is reasonable and describes the intent of the land use policies in the context of the wide neighbourhood:

“The Site is ideally suited for residential development for the following reasons:

- *The land area is sufficient to accommodate the proposed development,*
- *The Site has adequate buffering from abutting land uses,*
- *The Site is generally level which is conducive to easy vehicular movements,*
- *The Site will be able to accommodate municipal water, storm and sewer systems,*
- *There are no anticipated traffic concerns,*
- *There are no environmental concerns,*
- *There are no hazards, and*

- *The location of the proposed development is appropriate in that it will blend well with the abutting uses in the surrounding area.*

The proposal represents good planning as it addresses the need for the Municipality to provide affordable residential, in the form of a residential development which contributes to affordability and intensification requirements.

The proposed development of the Site represents an efficient development pattern that optimizes the use of vacant land in an existing built-up area which has an existing mix of commercial and residential uses surrounding the Site.”

2. Environmental Site Assessment

An Environmental Site Assessment (ESA) evaluates past uses of a site and the likelihood of contaminants on or below the surface. A Phase 1 ESA gathers information from a site inspection and various forms of records. A Phase 2 ESA includes soil and groundwater sampling and analysis. The outcome of the assessment is a determination about possible adverse effects, further requirements, and recommendations for any remediation that is needed.

The applicant submitted a Phase 1 ESA that concluded, “nothing was identified that is likely to result in potential subsurface impacts at the Site. As such, no subsurface investigation work (Phase II ESA) is recommended at this time.”

3. Infrastructure and Servicing Brief

An Infrastructure and Servicing Report considers the planning for sanitary sewage and water services. The applicant has submitted an Infrastructure and Servicing Report acceptable to the Municipality. A Drainage Act process will be required to provide a legal outlet to the retained parcel to facilitate future development.

Regarding policies for infill development, the proposal supports the goal of Chatham-Kent to accommodate 10% of new residential development through redevelopment of an underutilized property within an existing neighbourhood, as set out in Policy 2.3.4.2.4:

A portion of Chatham-Kent’s housing supply will be accommodated through residential intensification. The Municipality has established a residential intensification target of 10% within the built-up portions of the Primary and Secondary Urban Centres. Residential intensification may include any of the following:

b) Residential infill development of vacant or underutilized land in existing neighbourhoods;

Overall, the proposal conforms to the Official Plan.

Zoning By-law

Under the current General Industrial (M1) zone, new development on the lands is limited to industrial uses. As mentioned above, the property contains an existing single detached dwelling and is more conducive to residential development.

The proposed zoning by-law amendment will rezone the lands as follows:

Severed Parcel 1 – Residential Low Density Second (RL2).

Severed Parcel 2 – Residential Low Density Second (RL2).

Retained Parcel – Holding-Residential Medium Density First-1544 (H-RM1-1544) & Open Space (OS1) with the following site-specific regulations:

- Front Yard Depth Minimum – 5.48 m
- Rear Yard Depth Minimum – 6 m
- Lot Coverage Maximum – 50%

The RM1 zone permits the proposed dwelling types including semi-detached dwellings and row house dwellings. The OS1 zone will be applied to the proposed location of a stormwater management pond.

As mentioned above, the holding provision will restrict development of the retained parcel until such time that the storm water management and drainage outlet issues have been resolved and a draft plan of subdivision application has been approved.

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

Conclusion

The proposal has 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

Technical Advisory Committee

The Technical Advisory Committee supports the recommendations, subject to the noted conditions.

Infrastructure and Engineering Services (IES)

IES has reviewed the Infrastructure and Servicing Brief and agrees with the Consultant's recommendation that the storm sewers for the future subdivision must outlet to the Malott Diversion Drain.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:

Reviewed by:

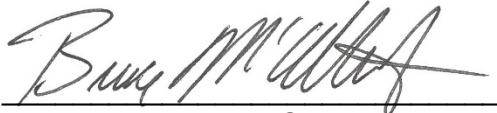


Greg Houston, CPT
Planner II, Planning Services



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

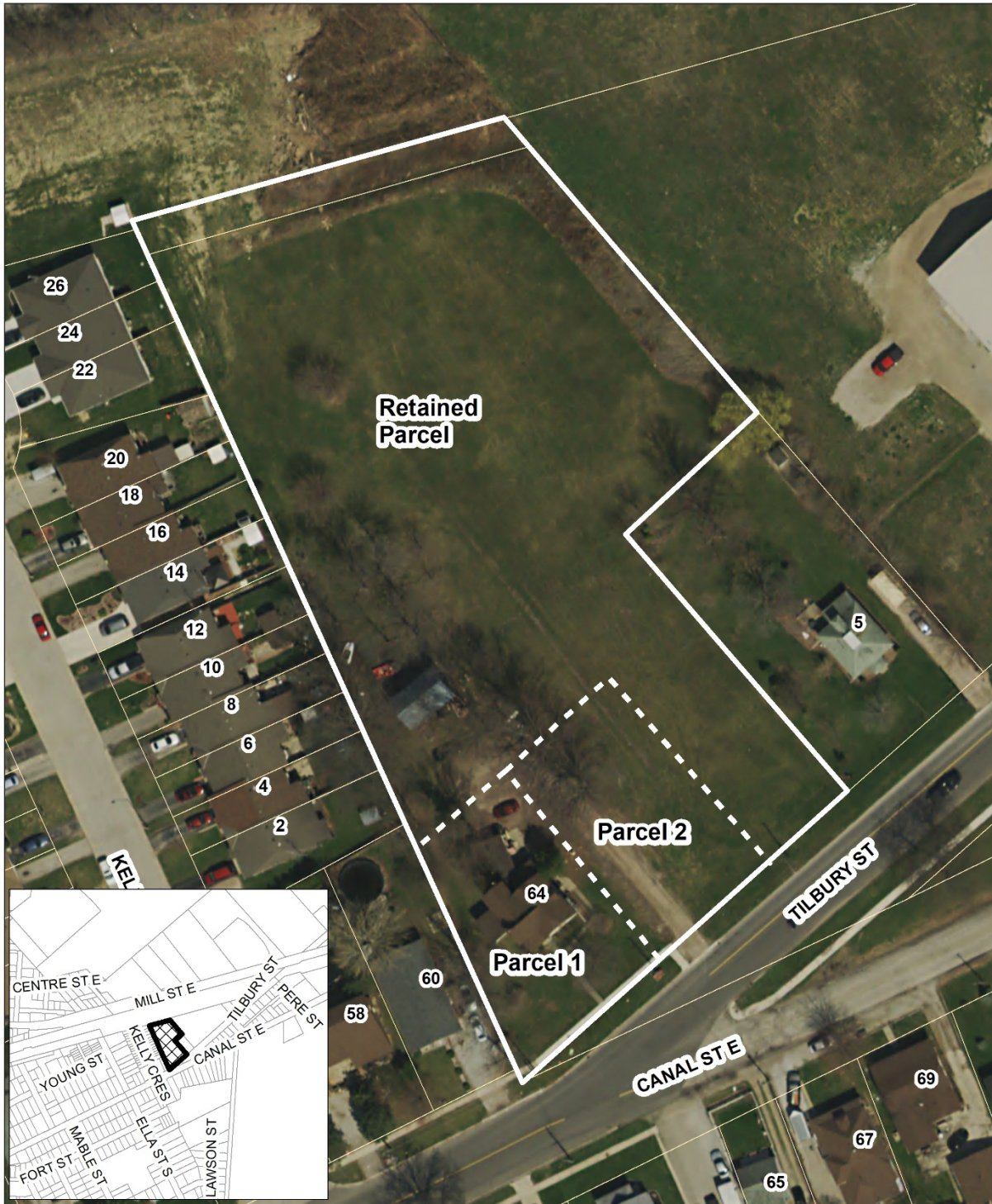
A handwritten signature in black ink, appearing to read "Bruce McAllister", written over a horizontal line.

Bruce McAllister, MCIP, RPP
General Manager,
Community Development

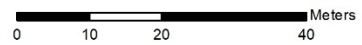
Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Applicant's Sketch
By-law to amend By-law 216-2009

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Homes Inc Report.docx

Appendix A – Key Map



This is not a plan of survey.
INCLUDES MATERIAL © (2010) OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.



Appendix B – Site Photos

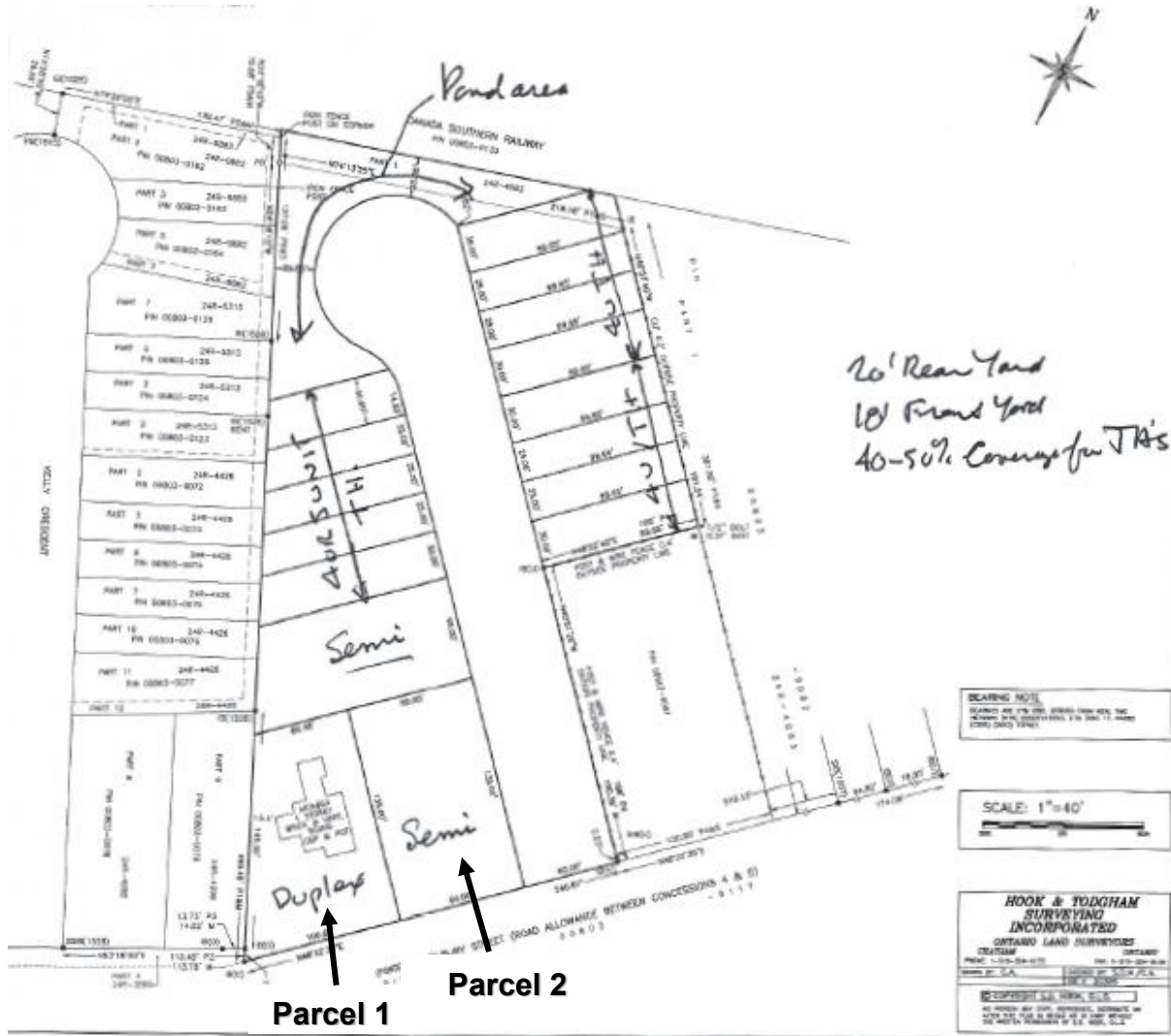


Looking west at the existing dwelling (64 Canal Street East).



Looking north at the vacant lot and the retained parcel for future development.

Appendix C – Applicant's Sketch



By-law Number _____

Of The Corporation
of the Municipality of Chatham-Kent

A By-law to Amend Zoning By-law 216-2009 of the Municipality of Chatham-Kent

(First Family Homes Inc.)

CityView # PL202100011

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 permit residential uses;

And Whereas the proposed use would conform to the Official Plan upon the final approval of Official Plan Amendment No. 62 (OPA 62);

And Whereas Council, after due investigation and consideration, concurs in the proposed amendment;

Now therefore be it and it is hereby enacted as By-law Number _____ 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 zoning classification from General Industrial (M1) to Residential Low Density Second-1543 (RL2-1543), Residential Medium Density First-1544 (RM1-1544), and Open Space (OS1) on the lands 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:

1544

3. That Schedule "B" Zone Exceptions of the said By-law 216-2009, be amended by adding to the list of Special Zone Symbols, the following:

RM1-1544

4. That Schedule "B", Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Exception Areas:

Exception No.	Special Zone Symbol	Special Zone Provisions
1544	H-RM1-1544	<p>a) Despite clause b) of Subsection 4.14, until the Holding "H" Symbol is removed, no new building or structure shall be erected or located on the lands.</p> <p>b) The Holding "H" Symbol may be removed by by-law passed under Section 36 of the Planning Act, once draft plan of subdivision</p>

Exception No.	Special Zone Symbol	Special Zone Provisions
		<p>approval has been granted by the Municipality.</p> <p>c) Upon removal of the Holding Symbol, the provisions for Residential Medium Density-1544 apply.</p> <p>Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply:</p> <p>Regulations:</p> <ul style="list-style-type: none"> i. Front Yard Depth Minimum – 5.48 m ii. Rear Yard Depth Minimum – 6 m iii. Lot Coverage Maximum – 50%

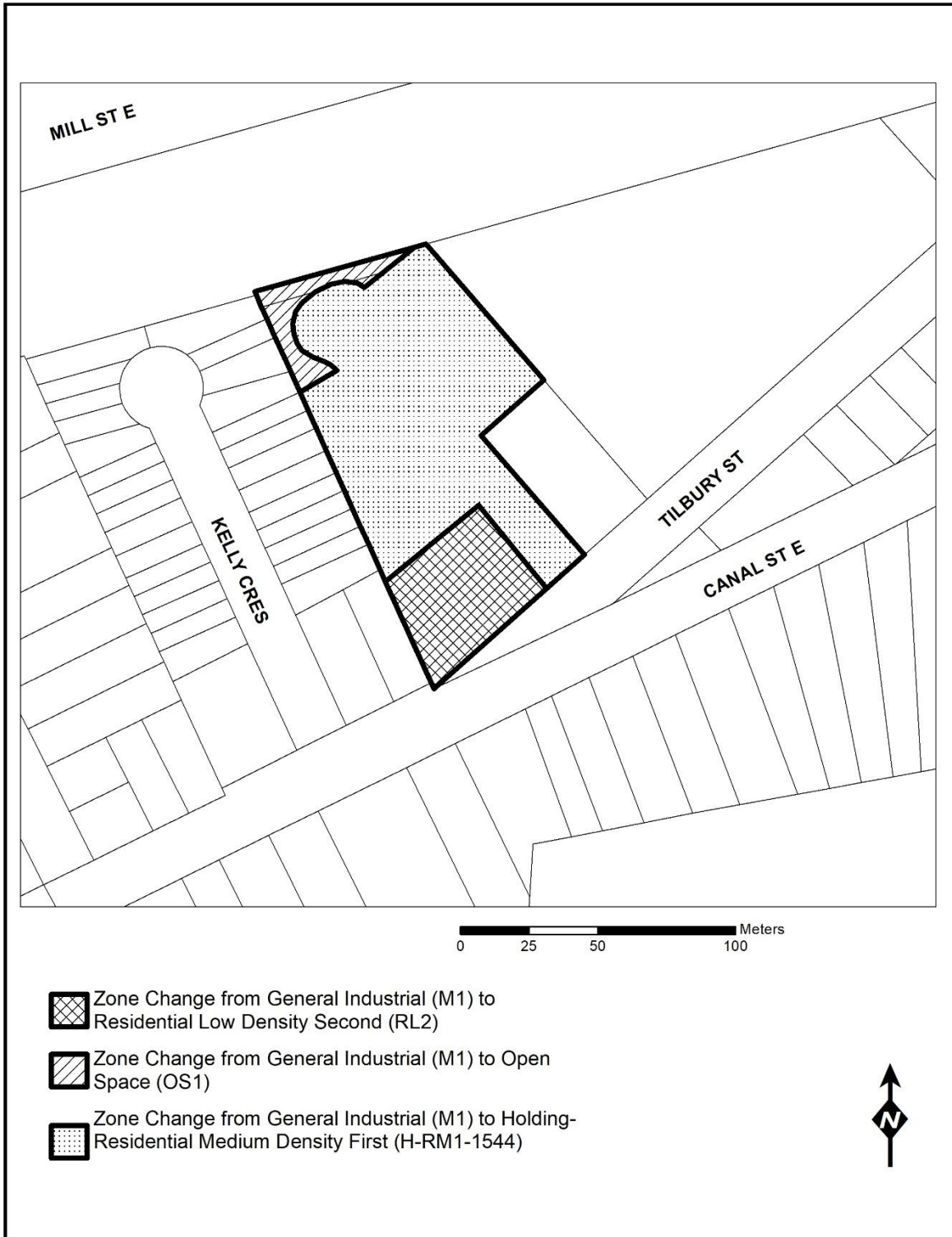
This By-law shall come into force and effect upon the final passing thereof, subject to the provisions of the Planning Act, R.S.O. 1990 Chapter. P.13, as amended.

Read a First, Second and Third Time the 19th day of April, 2021.

Mayor – Darrin Canniff

Clerk - Judy Smith

This is Schedule "A" to By-law Number _____ of the Corporation of the Municipality of Chatham-Kent passed on the 19th day of April, 2021.



**AMENDMENT No. 62 TO THE
OFFICIAL PLAN FOR THE
MUNICIPALITY OF CHATHAM-KENT**

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

BY-LAW NO. -2021

A BY-LAW TO ADOPT AMENDMENT NO. 62 TO THE OFFICIAL PLAN FOR THE
MUNICIPALITY OF CHATHAM-KENT

First Family Homes Inc.
CityView No.: PL202100011

The Council of the Corporation of the Municipality of Chatham-Kent, in accordance with the provisions of Sections 17 and 21 of the Planning Act, hereby enacts as follows:

1. Amendment No. 62 to the Official Plan for the Community of Tilbury consisting of the attached Schedule "1" and explanatory text, is hereby approved.
2. This by-law shall come into force and take effect on the day of the final passing thereof.

Read a First, Second and Third Time and Finally Passed This 19th Day of April, 2021.

Mayor – Darrin Canniff

Clerk – Judy Smith

AMENDMENT No. 62 TO THE
OFFICIAL PLAN FOR THE
MUNICIPALITY OF CHATHAM-KENT

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AMENDMENT No. 62 TO THE
OFFICIAL PLAN FOR THE
MUNICIPALITY OF CHATHAM-KENT

STATEMENT OF COMPONENTS

PART "A" - PREAMBLE does not constitute part of this amendment.

PART "B" - THE AMENDMENT consisting of the following text and one (1) map (entitled Schedule "1") constitutes an amendment to the Official Plan for the Municipality of Chatham-Kent, namely Amendment No. 62 to the Official Plan for the Municipality of Chatham-Kent.

PART "C" - APPENDICES does not constitute part of this amendment. These appendices contain the background information and planning considerations associated with this amendment.

PART "A" - PREAMBLE

1. Purpose

The purpose of this amendment is to re-designate certain lands within the Employment Area designation to the Residential Area designation.

2. Location

The lands subject to this amendment are located in Part of Lot 17, Concession 4, Gore (Tilbury-East); known locally as 64 Canal Street East, Tilbury.

3. Basis

The subject property is located on the north side of Canal Street East, east of Kelly Crescent, in the Community of Tilbury. The lands are approximately 0.97 ha (2.4 ac.) in area. The property is designated Employment Area in the Chatham-Kent Official Plan and zoned General Industrial (M1).

The purpose of the Official Plan Amendment and Zoning By-law Amendment applications is to permit residential uses on the lands.

PART "B" - THE AMENDMENT

All of this part of the document, entitled "Part B - The Amendment", consisting of the following Item 1 and one (1) map (entitled Schedule "1") together constitute Amendment No. 62 to the Chatham-Kent Official Plan.

Item 1:

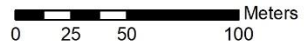
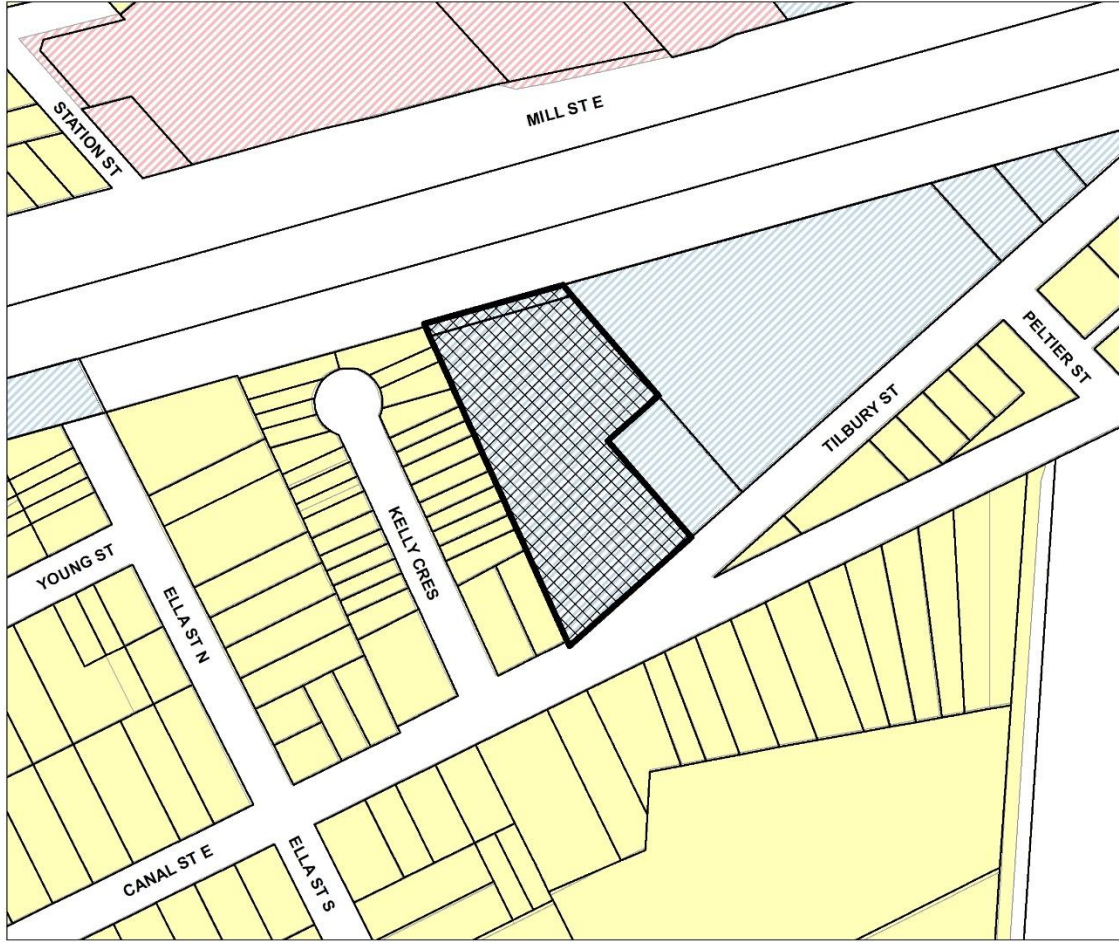
Map Schedule “E5 “, Community of Tilbury (Land Use Schedule), is amended by re-designating the lands to Residential Area as depicted on the attached Map Schedule “1”.

PART “C” - APPENDICES

The following appendices do not constitute part of Amendment No. 62 to the Chatham-Kent Official Plan, but are included for information supporting the amendment.

APPENDIX 1 – April 7, 2021, Planning Report (attached).

SCHEDULE "1"



 Lands to be Re-designated from Employment Area to Residential Area

Land Use Designations

-  AGRICULTURAL
-  RESIDENTIAL
-  EMPLOYMENT AREA
-  HIGHWAY COMMERCIAL

