

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: March 24, 2021

Subject: Applications for Consent and Zoning By-law Amendment
PL202100045 – The Mary Webb Cultural and Community Centre
87 Main Street West, Community of Highgate (East Kent)

Recommendations

It is recommended that:

1. Consent application File B-26/21, to sever and convey a new parcel, approximately 857.7 sq. m (9,232 sq. ft.) in area, shown as Parts 1 & 2 on the applicant's sketch, in Part of Lot 6, Concession 6 (Orford), in the Community of Highgate, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the severed and retained parcels, by amending the site-specific Village Commercial (VC-1356) Zone, to recognize the parcels as one lot for the purpose of the by-law;
 - b) that the severed parcel be transferred to 2573105 Ontario Inc. as outlined in the Agreement of Purchase and Sale dated January 11, 2021;
 - 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).
2. Consent application File B-27/21, to establish a permanent easement over a portion of the severed parcel, shown as Part 1 on the applicant's sketch, in favour of the retained parcel, in Part of Lot 6, Concession 6 (Orford), in the Community of

Highgate, for access and parking, be approved, subject to the following conditions:

- a) 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,
- b) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). 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).

3. Zoning By-law Amendment application File D-14 HI/09/21/M, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the north side of Main Street West, west of King Street North, in the Community of Highgate (Roll No. 3650 280 001 01000). The lands are approximately 3,427 sq. m (36,889 sq. ft.) in area and contains the Mary Webb Cultural and Community Centre (formerly Highgate United Church). The lands are designated Hamlet Area in the Chatham-Kent Official Plan and zoned Village Commercial-1356 (VC-1356). 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 application proposes to sever and convey a new parcel, 857.7 sq. m (9,232 sq. ft.) in area, shown as Parts 1 & 2 on the applicant's sketch, attached as Appendix C. The intended use of the severed parcel is for internet telecommunication facilities. The retained parcel will be approximately 2,569 sq. m (27,657 sq. ft.) in area and will contain the existing cultural centre.

The application is also proposing a permanent easement over a portion of the severed parcel, shown as Part 1 on the applicant's sketch, in favour of the retained parcel. The easement will allow the cultural centre continued use of the existing access from Main Street West and parking area located within this portion of the lands.

To implement the proposed severance, a zoning by-law amendment is required to deal with zoning deficiencies that will result from the severance. This application is discussed in more detail in the Comments section below.

It should be noted that the subject property is subject to an existing Site Plan approval, and development agreement. Therefore, all related considerations regarding site functionality, including: parking, access, servicing, stormwater management, and public safety will be thoroughly reviewed and approved prior to further development taking place at the property. A Site Plan amendment application is anticipated to be submitted.

Chatham-Kent Rural Fibre Backbone Project

Chatham-Kent has agreed to support TekSavvy in the investment of a backbone fibre network that is essential to connect rural areas to the internet to facilitate economic development and job creation, while also bringing fibre to local communities and Chatham-Kent public facilities. TekSavvy is planning to build backbone fibre internet facilities within Chatham-Kent. Construction of the backbone will also facilitate TekSavvy's intention to build further networks within the communities. The proposed severance is directly related to this vital infrastructure initiative.

Ontario Heritage Act

The subject property was designated under Part IV of the Ontario Heritage Act (OHA) in 2012, for its cultural heritage value or interest, which applies with the former Highgate United Church structure on the property. Although the current proposal only deals with vacant lands and not this structure, an approval will change the legal description of the property subject to the designation. In this scenario, an amendment to the designation by-law is required under Section 30.1 of the OHA to correct the legal description of the property. As such, if the proposed severance is approved and the new lot is created, a recommendation will come before Council to amend the heritage designation by-law, By-law 129-2012 for this purpose.

Comments

Provincial Policy Statement

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. It contains policies specific to settlement areas such as Highgate where growth and development is to occur. The use of land and resources in these communities is to promote efficient development patterns that ensures the effective use of public infrastructure.

The proposed lot creation is consistent with the policies and intent of the PPS as it focuses new development and growth within an existing settlement area of Chatham-Kent.

Official Plan

The subject property is designated Hamlet Area by the Chatham-Kent Official Plan. The proposed use of the severed lot, a telecommunication facility, is a permitted use in any land-use designation, which is consistent with Section 2.4.6.2.1 of the Official Plan.

2.4.6.2.1 Oil and natural gas pipelines and related facilities, electric power generation and supply facilities, telecommunications facilities and local utilities shall be permitted in any land-use designation, provided that the development satisfies applicable provincial and/or federal legislation.

The proposed lot creation conforms to the general policies found in Section 6.3.3, Planning Tools, of the Official Plan. The division of land by Consent is supported based on the conformity to section 6.3.3.40. As detailed below, severed lands must demonstrate the following:

- i) frontage on an improved municipal road;

Comment: the severed and retained lands will both maintain access and frontage on Main Street West, an improved municipal road.

- ii) lot size appropriate for and in character with the existing development;

Comment: the lot size of the severed lands is appropriate for the proposed use, an internet telecommunication facility. The lot size of the retained lands is consistent with lot sizes in the area and adequate for the existing cultural centre.

- iii) will not restrict the development of adjacent lands;

Comment: the proposal will not restrict the development of adjacent lands. The adjacent lands to the west and east are already developed with commercial and residential uses. The lands to the north are comprised of agricultural land.

- iv) be appropriately serviced;

Comment: It is the policy of Chatham-Kent that:

2.3.9.2.4 Development proposals in Hamlet Areas will be limited to infilling, redevelopment of brownfield and former institutional sites, and shall demonstrate the suitability of the site for the proposed method of sanitary sewage disposal to the satisfaction of Chatham-Kent and other approval agencies.

The site is adequately serviced with municipal water and private sanitary.

- v) convey 2% of the lands for park purposes or a cash-in-lieu payment;

Comment: not applicable.

- vi) not be within an area of significant aggregate resources.

Comment: not applicable.

Overall, the proposal meets the intent of the Official Plan as outlined in the Recommendations of this report.

Zoning By-law

As mentioned above, a zoning by-law amendment is being recommended to implement the proposed lot creation. The recommendation is to amend the site-specific Village

Commercial-1356 (VC-1356) Zone to recognize the resulting parcels as one lot for the purpose of the by-law. This approach will alleviate the severed parcel from dealing with zoning infractions that will result from the severance (i.e. lot area minimum, lot frontage) while also not complicating the terms of the site plan agreement, as this agreement will continue to apply to both the severed and retained lands.

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

Municipal Heritage Committee (MHC)

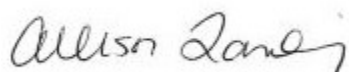
As an advisory committee to Council regarding Ontario Heritage Act matters, the Municipal Heritage Committee was consulted regarding this proposal. The Committee was in support of the proposal and passed the following motion at their February 17, 2021, meeting:

“That the Municipal Heritage Committee supports the proposal to convey these lands to Teksavvy.”

Financial Implications

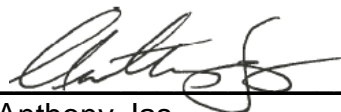
There are no financial implications resulting from the recommendations.

Prepared by:



Allison Lambing
Planner II, Planning Services

Prepared by:



Anthony Jas
Planner I, Planning Services

Reviewed by:



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

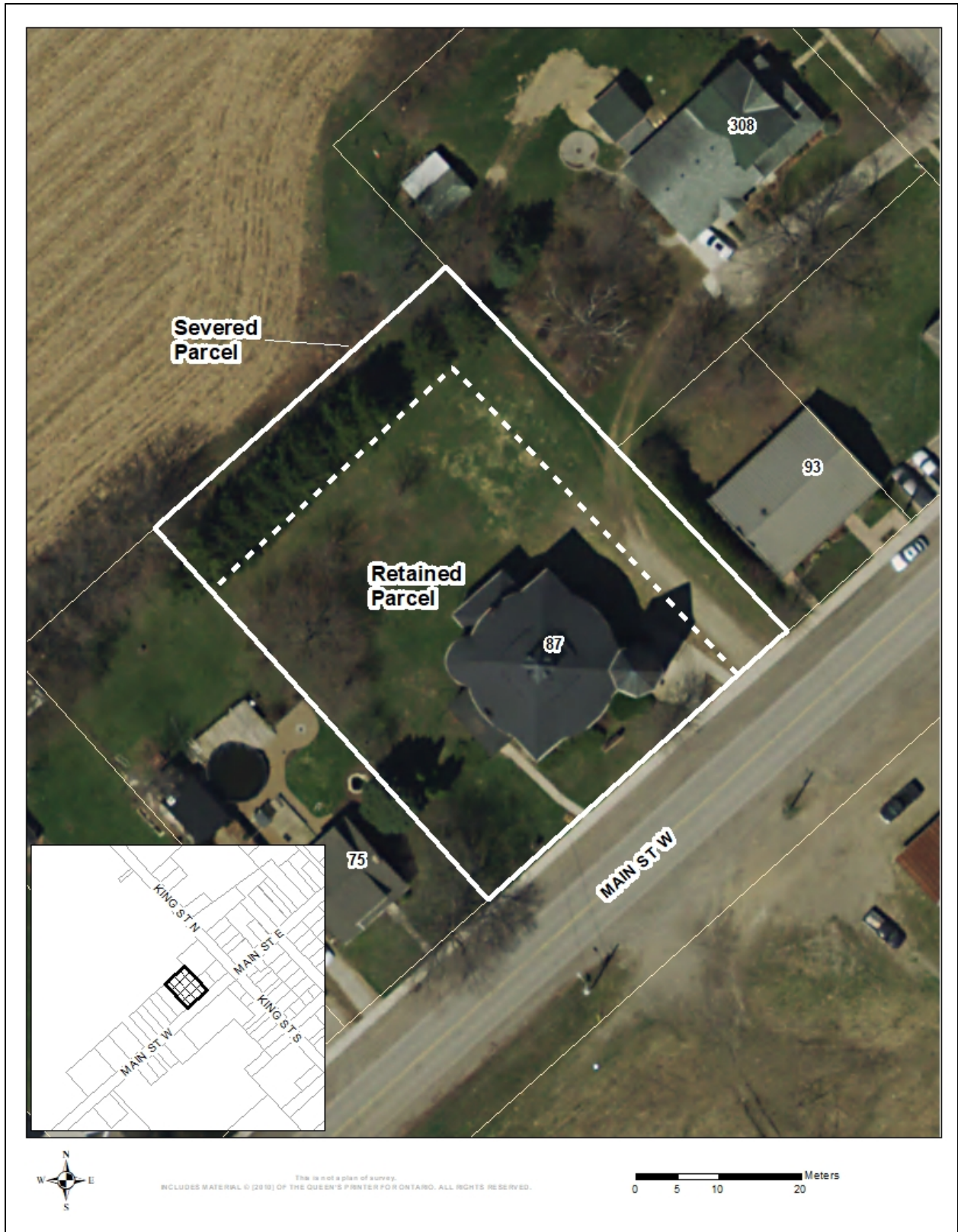


Bruce McAllister, MCIP, RPP
General Manager,
Community Development

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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Cultural Report.docx

Appendix A – Key Map



Appendix B – Site Photos

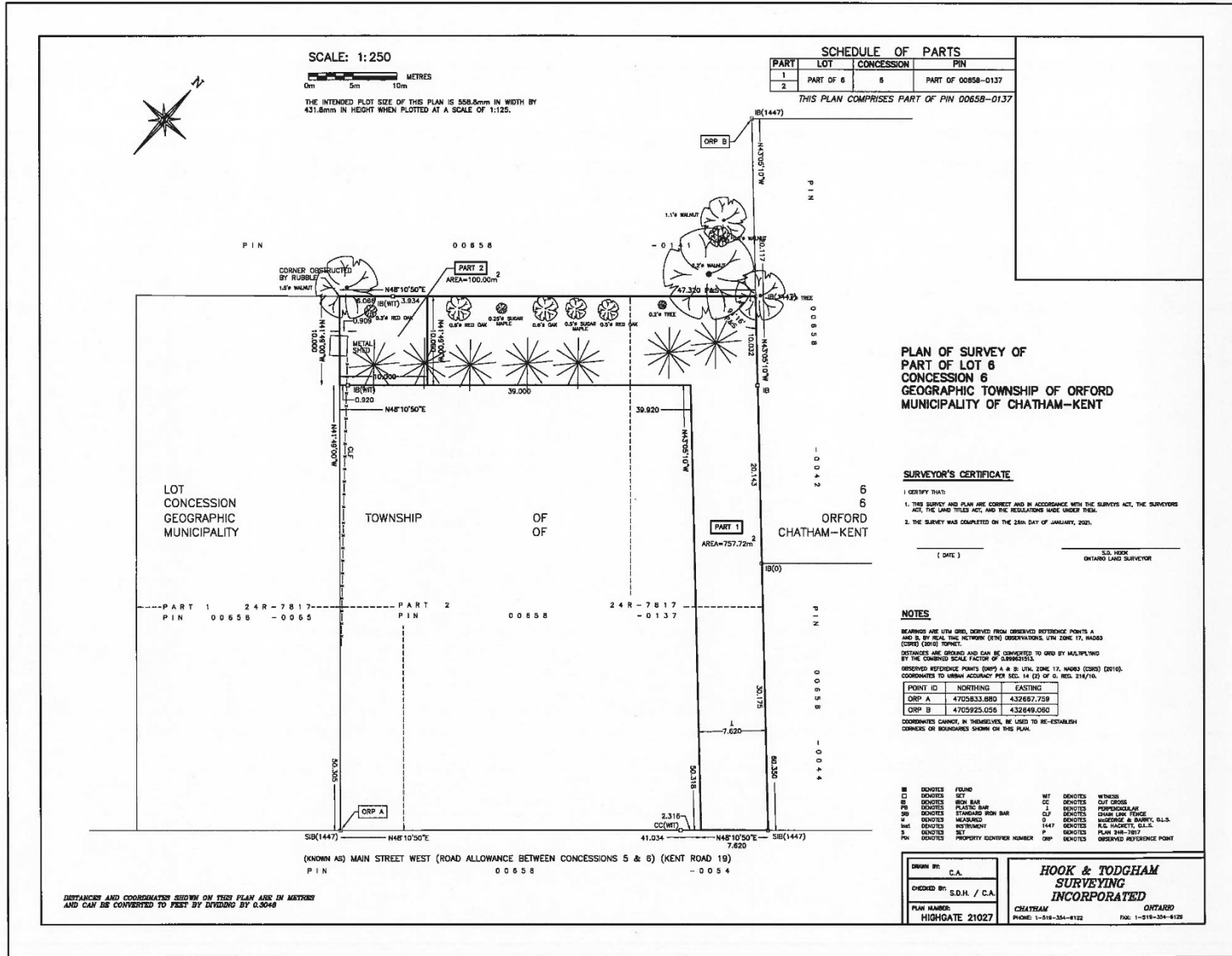


Looking northwest at a portion of the severed parcel and the location of the proposed easement.



Looking north at the Mary Webb Cultural and Community Centre on the retained parcel.

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

(The Mary Webb Cultural and Community Centre)

CityView # PL202100045

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Highgate in order to amend the site-specific Village Commercial (VC-1356) Zone that applies to these lands in order to implement a consent;

And Whereas the proposed uses would conform to the Official Plan;

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 "B", Zone Exceptions, of the said By-law 216-2009, be amended by deleting the Special Zone Provisions for Exception No. 1356, in its entirety, and replacing it with the following Special Zone Provisions:

Exception No.	Special Zone Symbol	Special Zone Provisions
1356	VC-1356	Notwithstanding any other provisions of the by-law to the contrary, those lands zoned VC-1356 shall be considered one lot for the purposes of the By-law, and the permitted uses of the VC zone shall be limited to: i) Cultural Facility

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