

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

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

**Date:** May 28, 2021

**Subject:** Applications for Consent & Zoning By-law Amendment  
PL202100099 – 2820150 Ontario Limited  
21275 Klondyke Road, Community of Wheatley (West Kent)

---

#### **Recommendations**

It is recommended that:

1. Consent application File B-66/21 to sever and convey a new residential parcel, approximately 844.9 sq. m (9,094.3 sq. ft.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 7, Concession 1, and Part 1, Plan 24R-8331, in the Community of Wheatley (West Kent), be approved, subject to the following conditions:
  - a) that the Chatham-Kent Zoning By-law be amended to rezone the subject parcel from Rural Highway Commercial-322 (RHC-322) to Residential Low Density First-1565 (RL1-1565) to facilitate the development of a new single detached dwelling on the proposed severed and retained parcels, and to establish the following zoning regulations for such use:
    - i. Front Yard Depth Minimum - 7.62 m (25 ft.); and,
    - ii. Lot Coverage Maximum - 35%;
  - b) that the retained parcel be assigned a new 911 number, subject to the satisfaction of the Municipality;
  - c) that the existing commercial building be removed from the subject property and that the applicant provide evidence of the removal to the satisfaction of the municipality;
  - d) that new municipal water and sanitary sewer connections to the retained parcel be installed at the applicant's expense and to the satisfaction of the Municipality, and that the applicant provide documentation confirming permit issuance and

payment of fees for all connections;

- e) 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,
- f) 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).

2. Zoning By-law Amendment application File D-14 WH/37/21/O be approved and the implementing by-law be adopted.

### **Background**

The subject property is located on the east side of Klondyke Road, south of Talbot Trail, in the Community of Wheatley (Roll No. 3650 010 001 77800). The lands are approximately 1,690 sq. m (18,189 sq. ft.) in area and contain a vacant commercial building. The subject property is designated Residential Area in the Chatham-Kent Official Plan and zoned Rural Highway Commercial-322 (RHC-322). A key map showing the location of the property is attached as Appendix A. Photographs of the lands are attached as Appendix B.

The application is proposing to facilitate the redevelopment of the subject lands into two (2) new residential lots each containing a single detached dwelling. This planned development will replace the previous commercial use on the subject parcel, which consisted of a restaurant and more recently an ice cream parlour. It has been communicated by the applicant that the existing commercial building has been vacant for the past two (2) years and is in a state of disrepair. There is a process currently underway to remove this structure from the property.

To facilitate the planned redevelopment of the subject lands, the application is proposing to sever the north half of the lot, approximately 844.9 sq. m (9,094.3 sq. ft.) in area, shown as Part 1 on the applicant's sketch attached as Appendix C, as a separate parcel. The retained parcel, shown as Part 2 on the applicant's sketch, will be approximately 844.9 sq. m (9,094.3 sq. ft.) in area. Both the severed and retained lands will be appropriately sized for new residential development and each will have sufficient frontage along Klondyke Road. A conceptual plan of how the resulting parcels are intended to be developed is attached as Appendix D, and a conceptual rendering with floor plan is attached as Appendix E for added context.

### ***Zoning By-law Amendment***

The Zoning By-law Amendment application is required to rezone the subject lands from the current commercial zone to a residential zone that permits the planned single detached dwelling development for each resulting parcel. This application is discussed in greater detail in the Comments section below.

## **Comments**

### **Provincial Policy Statement**

The proposal does not raise any issues of provincial interest.

### **Official Plan**

The application has been reviewed under policies of the Chatham-Kent Official Plan. It has been specifically reviewed under Section 2.3.4, Housing, Section 2.3.6, Primary Urban Centres, Section 2.6, Potentially Contaminated Properties, Section B.2.3, Residential Area Policies, and Section 6.3.3, Planning Tools (Consent and Zoning By-law Amendment), and meets the intent of these policies.

The proposed lot creation is consistent with the policies of Section 2.3.6, Primary Urban Centres, which encourage intensification and infill development. Specifically, the policy reads as follows:

2.3.6.1 *Promote Primary Urban Centres as the major focal points for growth and public and private sector investment in the Municipality.*

2.3.6.2.4 *Intensification, infill and/or development/redevelopment of vacant designated, brownfield, former institutional or underutilized sites and areas in transition in the Primary Urban Centres will be encouraged.*

The Official Plan considers applications for infill development, intensification and redevelopment of sites under the following considerations (Policy 2.3.4.2.5):

- a) *The proposed development is within an urban area and is appropriately suited for intensification in the context of the specific community;*
- b) *Intensification will be permitted in all areas designated for urban residential use or residential mixed-use, provided that the development is consistent with the policies of the appropriate land use designation associated with the land and in compliance with the general intent and purpose of the Zoning By-law;*
- c) *The existing water and sanitary sewage services can accommodate the additional development;*
- d) *The road network can accommodate the additional traffic;*
- e) *The required parking can be accommodated; and*
- f) *The proposed development is compatible with the existing development standards and physical character of the adjacent properties and the surrounding area. Specifically, intensification proposals should:*

- i. respect and reinforce the existing physical characteristics of buildings, streetscapes and open space areas within an existing neighbourhood, including heights, massing and scale of proposed buildings;*
- ii. provide adequate privacy, sunlight and sky views for existing and new residents;*
- iii. screen any loading or service areas from adjacent properties for proposed developments that require such aspects.*

The subject property is located within the Wheatley Primary Urban Centre and is designated Residential Area. This designation is intended for a range of low-density and medium-density residential development on full municipal services (Policy B.2.3.2). The proposed redevelopment is consistent with the intent of the Residential Area designation and the resulting lots will be in keeping with the existing built characteristics of the area, which consists primarily of low density residential development. Suitability of the resulting lots in terms of servicing and access is detailed below.

### *Consent*

The Official Plan contains general Consent policies under Section 6.3.3.40 that are to be utilized for evaluating Consent applications in all designations. These policies ensure that any lands subject to a Consent application maintain appropriate lot area, frontage and access to an improved public road, and are suitable for the proposed method of water supply and sanitary sewage disposal. Further, that the proposed lots do not restrict future development of parcels in the subject area.

The application will result in parcels that will be of sufficient size to accommodate the intended residential development. Each parcel will maintain appropriate frontage along Klondyke Road, an improved Urban Collector Road that is maintained on a year-round basis. Further, the lots will be appropriately serviced with municipal water and sanitary sewer connections along Klondyke Road. Connection to these services has been included as a condition of the proposed severance. Overall, the proposal will result in residential infill development that is complementary to the surrounding residential area.

### *Environmental Site Assessment*

As the subject lands formerly contained a commercial use, it was determined that the appropriate environmental site assessment be undertaken prior to any consideration of the proposed change of use to residential, a more sensitive land use for the subject lands. The Official Plan contains policies in this regard under Section 2.6, Potentially Contaminated Properties. More specifically, the following policy was applied to this proposal following preliminary review:

- 2.6.1.2 For properties that have been identified through the planning application review process as potentially contaminated and where*

*there is a land-use change proposed to a more sensitive use, the Municipality shall:*

- a) require verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and/or regulations that the property or properties in question do not require remediation in accordance with provincial legislation and regulations, or the property or properties in question have been remediated and made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by municipal policy or provincial legislation and/or regulations. ...*

In February 2021, Coulson & Associates Limited was retained to prepare a Phase 1 Environmental Site Assessment (ESA 1) of the subject property in consideration of the proposed land use change. A Phase 1 ESA is a systematic qualitative process to assess the environmental condition of a site based on its historical and current uses. In general, the purpose of the study is to identify actual environmental concern. Following completion of the Phase 1 ESA, Coulson & Associates Limited concluded that there is no significant evidence of potential or actual environmental contamination of the subject property and that no further investigation or remedial action be required. The Executive Summary from the Phase 1 ESA is attached as Appendix F for review.

Overall, the proposal is consistent with the general intent of the Official Plan

### **Zoning By-law**

The subject lands are currently zoned Rural Highway Commercial-322 (RHC-322). This site specific zoning permits a single detached dwelling and a convenience store, and buildings and structures accessory to those uses. Based on the overall intent of the proposal to sever the lands to facilitate new residential development, it is appropriate that the lands be rezoned to a low-density residential zone which contains appropriate zoning regulations for the intended residential use.

As such, the recommendation is to rezone the severed and retained parcels to a site-specific Residential Low Density First-1565 (RL1-1565) Zone which will permit a single detached dwelling on each parcel. The site-specific zone will also provide the following regulations:

- Front Yard Depth Minimum - 7.62 m (25 ft.); and
- Lot Coverage Maximum at 35%.

The intent of these regulations is to allow the severed and retained parcels to be developed as proposed by the conceptual plan submitted with the applications, and to provide opportunity for future development of each lot that will be consistent with the built characteristics of a residential lot and those lots in the subject area. This may include a future accessory building or structure on each lot.

## **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)

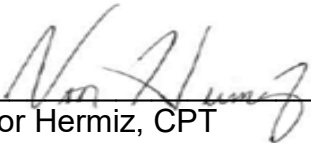
### **Consultation**

There was no consultation required as part of these applications.

### **Financial Implications**

There are no financial implications resulting from these recommendations.


Prepared by:

  
\_\_\_\_\_  
Noor Hermiz, CPT  
Planner II, Planning Services

Reviewed by:

  
\_\_\_\_\_  
Ryan Jacques, MCIP, RPP  
Director, Planning Services

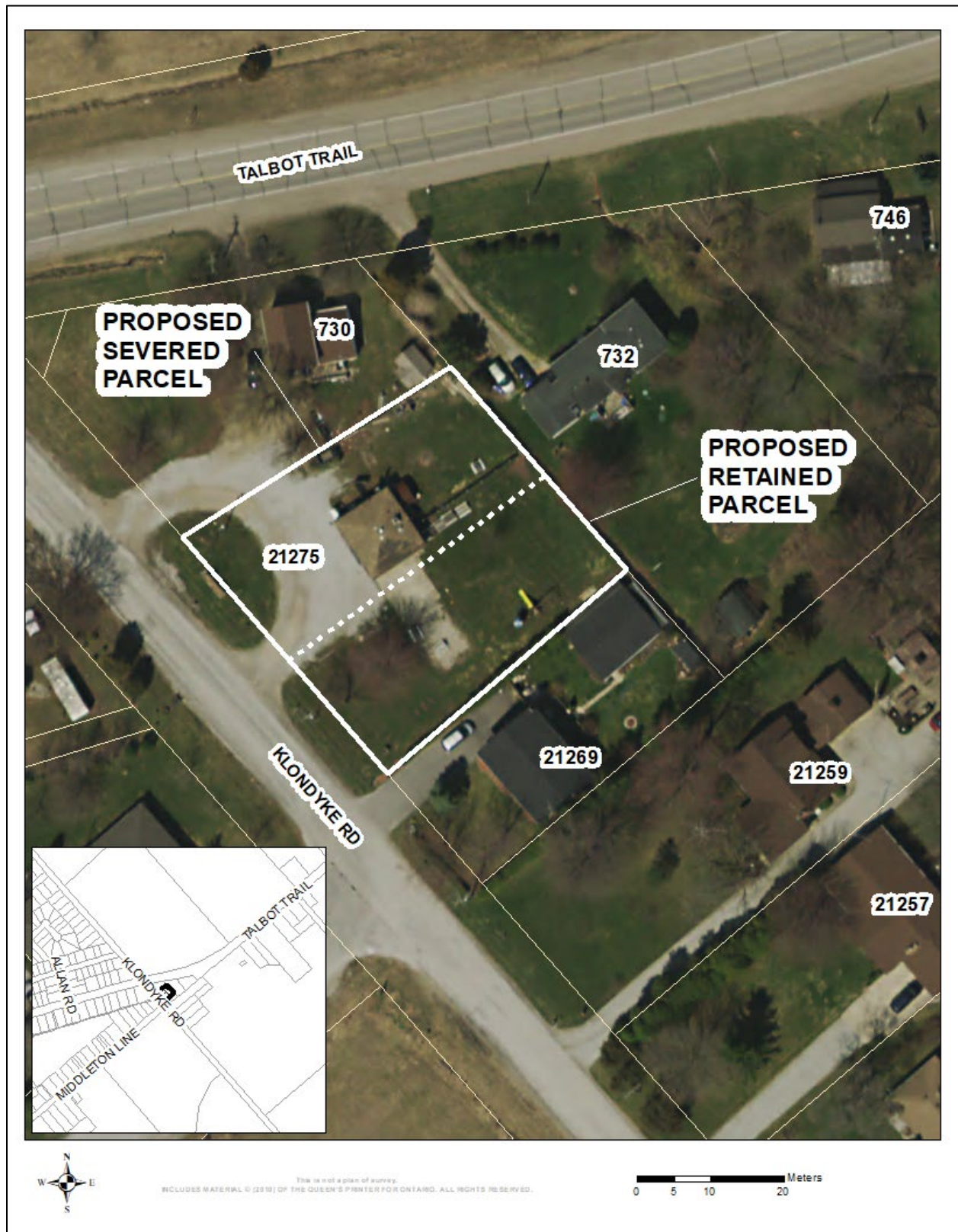
Reviewed by:

  
\_\_\_\_\_  
Bruce McAllister, MCIP, RPP  
General Manager, Community Development

Attachments: Appendix A – Key Map  
Appendix B – Site Photos  
Appendix C – Applicant's Sketch  
Appendix D - Development Concept Plan  
Appendix E – Conceptual Rendering and Floor Plan  
Appendix F – Phase 1 ESA (Executive Summary)  
By-law to amend By-law 216-2009

P:\RTC\Community Development\2021\Planning Services\June 21-21 2820150 Ontario Limited Report.docx

Appendix A – Key Map





## Appendix B – Site Photos

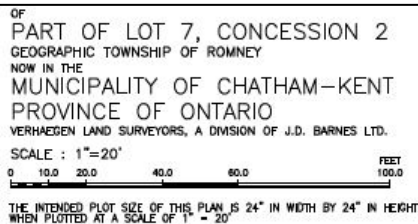


Looking east towards the existing commercial establishment on the proposed severed parcel from Klondyke Road. This building will be removed to facilitate the development of a single detached dwelling.



Looking northeast towards the subject property from Klondyke Road. The proposed severed parcel is to the left, and the proposed retained parcel is to the right, in the above image.

ROAD ALLOWANCE BETWEEN LOTS 6 & 7  
Locally Known as KLONDYKE ROAD  
P.I.N. 00839-0120



"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE  
IN FEET AND CAN BE CONVERTED TO METRES BY  
MULTIPLYING BY 0.3048

PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA
1	PART OF LOT 7	CONCESSION 2	ALL OF 00839-0220	0.209 Acres
2				0.209 Acres

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17 NAD83 (CSRS) (2010.0)		
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF G.REG 216/10.		
POINT ID	NORTHING	EASTING
ORP-A	15294185.04	1247028.18
ORP-B	15293663.84	1247203.45
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

FOR BEARING COMPASSING THE FOLLOWING ROTATIONS WERE APPLIED TO CONVERT TO GRID BEARINGS	
PLAN	CLOCKWISE ROTATION
P	1°00'30"

#### LEGEND AND NOTES

REMARKS ARE LTA ONE, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME KINEMATICS (RTK) OBSERVATIONS, LTA ZONE 17, NAD83 (GRS) (3013).

SCALE FACTOR OF EMBROIDERY

ALL MONUMENTS SHOWN 2-1/2" x 4" x 8" IRON BARS (B) UNLESS OTHERWISE NOTED.  
 88 (C) IDENTIFIED 22mm x 22mm x 1.22m SPANISH IRON BAR  
 89 (C) IDENTIFIED 22mm x 22mm x 1.22m SPANISH IRON BAR  
 90 (C) IDENTIFIED 18mm x 18mm x 0.81m IRON BAR  
 91 (C) IDENTIFIED 18mm diameter x 0.81m POLISH IRON BAR  
 92 (C) IDENTIFIED CUT-GRASS  
 93 (C) IDENTIFIED STEEL PIPE  
 94 (C) IDENTIFIED PLASTIC BAR  
 95 (C) IDENTIFIED SURVEY MONUMENT POUND  
 96 (C) IDENTIFIED MONUMENT SET AND MARKED 1754  
 97 (C) IDENTIFIED WITNESS (C) IDENTIFIED HERRINGBONE  
 98 (C) IDENTIFIED WITNESS (C) IDENTIFIED HERRINGBONE  
 99 (C) IDENTIFIED OBSERVED RECORDING POINT  
 ALL SIZES AND PG. WEIGHTS OF MONUMENTS DUE TO LACK OF DISCREPANCY  
 AND/OR PROBABILITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH  
 SECTION 11(4) OF GEO. 225/91. (N) DOES NOT IDENTIFIABLE  
 (S/P) IDENTIFIED SET PROPORTIONALLY  
 (C) IDENTIFIED  
 (140) IDENTIFIED VERMADON SURVEYORS INC., G.L.S.  
 (140) IDENTIFIED

## SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYOR'S ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 11th DAY OF FEBRUARY, 2021.

DATE FEBRUARY 18, 2001.

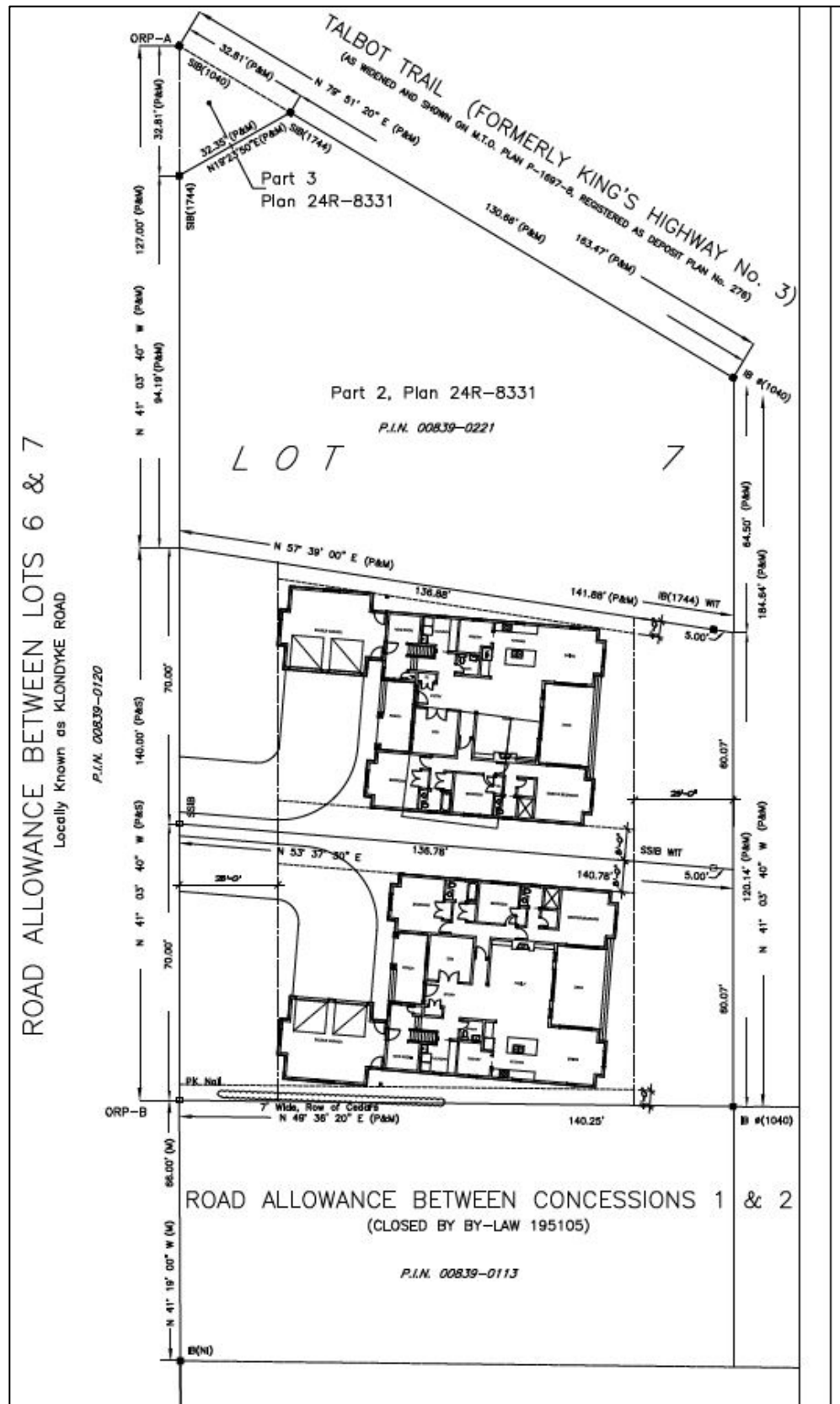
BRAN COAD  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXXXXX

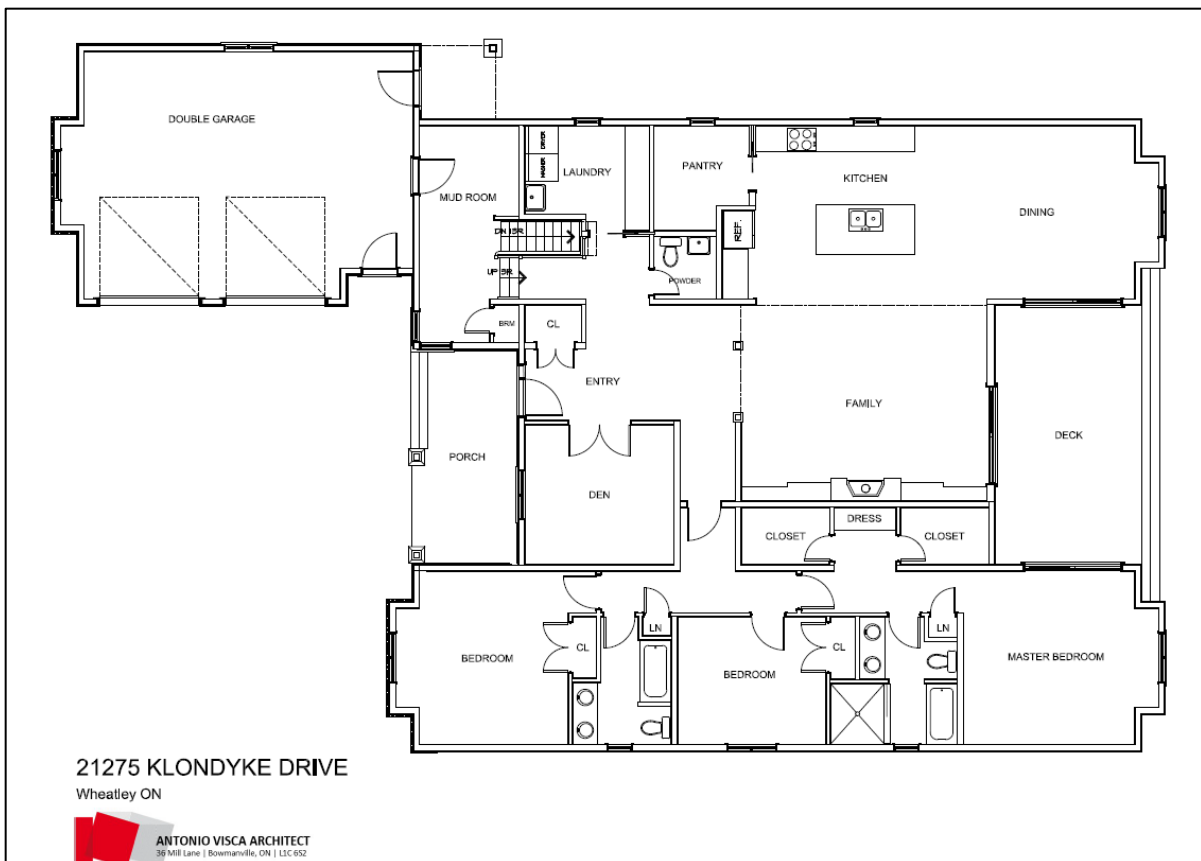
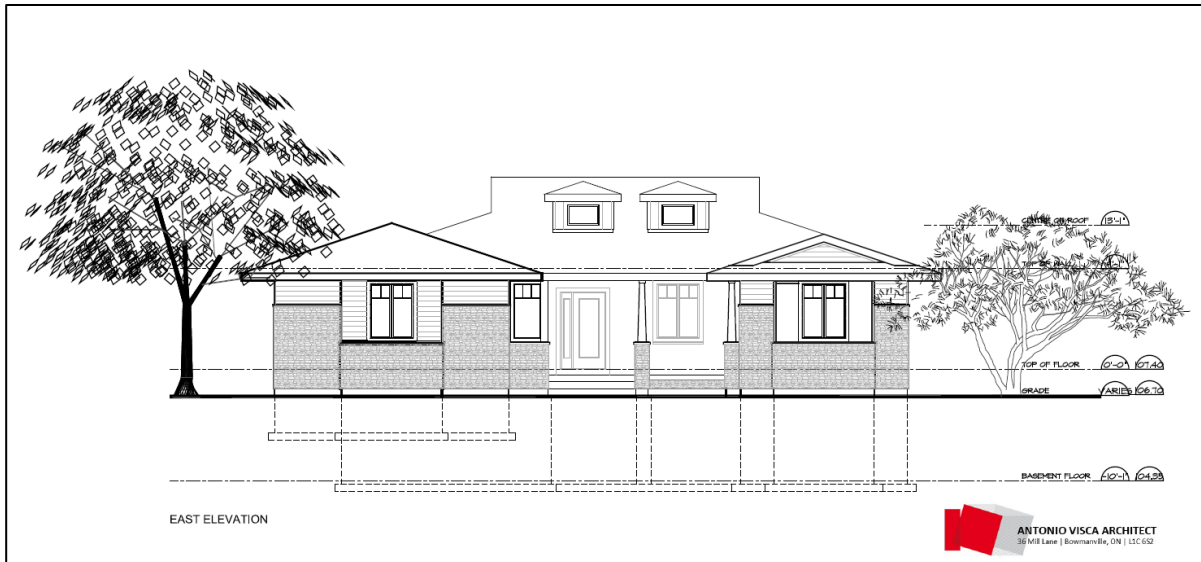
2  
SP-1 SURVEY INFORMATION

ZONING BYLAW ASSESSMENT: MUNICIPALITY OF CHATHAM-KENT ONTARIO				
	EXISTING		PROPOSED	
1.	ZONING	RHC-322	ZONING	RL1
2.	LAND AREA			
	EXISTING	0.418 ACRES	PART 1	9,094.3 SF 844.89 SQ M
			PART 2	9,094.5 SF 844.91 SQ M
3.	ZONE PROVISIONS			
	SETBACKS			
	FRONT YARD		FRONT YARD	25.0' 7.62m
	REAR YARD		REAR YARD	25.0' 7.62m
	SIDE YARD		SIDE YARD	4.0' 1.22m
	SIDE YARD		SIDE YARD	8.0' 2.44m

Appendix D – Development Concept Plan



## Appendix E – Conceptual Rendering and Floor Plan





## Appendix F - Phase 1 ESA (Executive Summary)

### PHASE I ENVIRONMENTAL SITE ASSESSMENT

PROJECT # 21-28

#### EXECUTIVE SUMMARY

In February 2021, Coulson & Associates Limited (CAL) was retained by Antonio Visca Architect to prepare a Phase I Environmental Site Assessment (ESA I) of the property at 21275 Klondyke Road, Ontario, referred to hereafter as the 'Site' or 'Property'.

A Phase I ESA is a systematic qualitative process to assess the environmental condition of a Site based on its historical and current uses. In general, the purpose of this study is to identify actual environmental concern and associated potential area of concern by the evaluation and reporting of existing information collected through:

- A review of the current and historical use of the subject property.
- A review of records available from the municipality and government regulatory agencies in general accordance with the CSA – Z768-01 guidelines "*Phase I Environmental Site Assessment*" – reaffirmed 2016.
- A site reconnaissance and examination of the property and any buildings which may be present.
- A review of the current ERIIS (Environmental Risk Information Services) report.
- A review of the current and historical use of the surrounding properties and their impact on the environmental conditions of the subject property.
- Conduct interviews with property owner(s).
- Review previous environmental site assessments where available.
- Preparation of the final report, conclusions and recommendations.

A Phase I ESA does not include sampling or testing of air, soil, groundwater, surface water or building materials.

The assessment of the Site for the potential presence of hazardous building materials was based on a non-intrusive visual review of the Site. For this Phase I ESA, no enhancements to the CSA standard were made. A Phase I ESA does not constitute a hazardous materials survey or Designated Substances Survey.

Based on information gathered and on observations made during this investigation, the Phase I Environmental Site Assessment has revealed no significant evidence of potential or actual environmental contamination of the subject property.

No further investigation or remedial action is required at this time.

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

(2820150 Ontario Limited)

CityView # PL202100099

Whereas an application has been received for an amendment to the zoning by-law for certain parcels of land in the Community of Wheatley, in order to rezone the severed and retained parcels to Residential Low Density First-1565 (RL1-1565) to permit a residential use on each parcel with specific regulations;

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

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

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 Rural Highway Commercial-322 (RHC-322) to Residential Low Density First-1565 (RL1-1565), 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:  
  
1565
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:  
  
RL1-1565
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
1565	RL1-1565	Notwithstanding any other provisions of the by-law to the contrary, the following shall also apply:  i) Front Yard Depth Minimum – 7.62 m ii) Lot Coverage Maximum – 35%

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 21<sup>st</sup> day of June, 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 21<sup>st</sup> day of June, 2021.

