

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: May 31, 2021

Subject: Application for Zoning By-law Amendment
PL202100107 – 002821727 Ontario Inc.
15 & 21 McKeough Avenue, Community of Chatham (City)

Recommendation

It is recommended that:

1. Zoning By-law Amendment application File D-14 C/40/21/O, to rezone the subject lands, Lots 4 & 5, Plan 310, in the Community of Chatham (City), to site-specific Institutional (I-1566 & I-1567) zones, to permit residential uses and apply site-specific regulations, be approved, and the implementing by-law be adopted.

Background

The subject lands are located on the north side of McKeough Avenue, west of St. Clair Street, in the Community of Chatham (City) (Roll Nos. 3650 420 031 07000 & 07100). The lands are comprised of two (2) parcels, as follows:

- 15 McKeough Avenue: a 497 sq. m (5,350 sq. ft.) parcel comprised of an existing parking lot. The parcel is designated Residential Area in the Chatham-Kent Official Plan and zoned Institutional (I); and,
- 21 McKeough Avenue: a 497 sq. m (5,350 sq. ft.) parcel comprised of a former church building, most recently used as a yoga and meditation studio. The parcel is designated Residential Area in the Chatham-Kent Official Plan and zoned Institutional (I).

A key map showing the location of the subject lands is attached as Appendix A. Site photos are attached as Appendix B.

The applicant is proposing to redevelop the subject lands into a live/work studio.

Development plans for the property are shown on the concept plan attached as Appendix C, and are as follows:

- 15 McKeough Avenue: construction of a new building, approximately 198 sq. m (2,130 sq. ft.) in area. The intended use of the new structure will be for a private gallery to display art works, a work area for light assembly of artworks, storage of large crafted artworks, occasional public display of artworks by appointment, and an accessory apartment dwelling unit.
- 21 McKeough Avenue: primarily be used as a dwelling with studio space for the fabrication of artworks (paintings and sculptures), a digital studio, and general office space.

The scope of institutional uses being proposed are currently permitted within the Institutional (I) zone. This includes an Art Gallery. The proposed zoning by-law amendment will introduce residential uses as additional permitted uses on the lands. These will include a single detached dwelling and secondary dwelling at 21 McKeough Avenue and an accessory dwelling at 15 McKeough Avenue. The by-law will also establish site-specific regulations for the proposed uses that are similar to the existing built form of the neighbourhood.

Comments

Provincial Policy Statement

The proposed zoning by-law amendment is consistent with the policies of the PPS. In particular, Section 1.1.3 Settlement Areas, contains policies that direct growth and development to existing settlement areas where land use patterns are based on a range of uses and opportunities for intensification and redevelopment, and where there is the availability of suitable existing infrastructure (Policy 1.1.3.1; Policy 1.1.3.2; Policy 1.1.3.3).

The proposed zoning by-law amendment 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 application has been reviewed under the policies of the Chatham-Kent Official Plan. It has been specifically reviewed under the following sections:

- Section 2.3.6, Primary Urban Centres
- Section B.2.3, Residential Area Policies
- Section 6.3.3, Planning Tools (Zoning By-law)

Primary Urban Centres

The Official Plan states that Primary Urban Centres, such as Chatham, shall be the focal point for growth and development, and have the highest concentration and intensity of uses in the Municipality. This includes the intensification and redevelopment of former institutional sites that are currently underutilized, such as the subject site.

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.

Residential Area Policies

Residential Area Official Plan policies encourage low and medium density residential development on full municipal services and in accordance with the housing policies continued in Section 2.3.4 (Policy B.2.3.2). The subject property is currently serviced with municipal water and sanitary sewers, and the application is proposing a new low density residential use.

Housing Policies

The Official Plan policies also encourage residential infill and intensification within the Primary and Secondary Urban Centres, such as Chatham City (Policy 2.3.4.2.4). More specific to infill redevelopment of former institutional sites, the proposal meets the following policies:

2.3.4.2.5 The Municipality will consider applications for infill development, intensification and redevelopment of sites and buildings, including brownfield or former institutional sites, through intensification based on the following considerations:

- 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 proposed Zoning By-law amendment to permit a single detached dwelling, secondary dwelling and accessory dwelling is consistent with these policies. While subject property is zoned Institutional, and does not currently contain a residential use, the property sits within a well-established low density residential neighbourhood. The proposed residential uses are compatible with surrounding land uses.

Future development of 15 McKeough Avenue is subject to the provisions of the Site Plan Control By-law. Prior to construction taking place on these lands, the appropriate applications must be made to the Municipality and approvals obtained as required.

Zoning By-law

The subject lands are zoned Institutional (I). The Zoning By-law Amendment application is proposing to introduce residential uses for the subject lands that fall outside the scope of uses permitted under this zone. As such, based on the land use policies summarized above, it is recommended that the subject lands be rezoned to site specific Institutional (I-1566 & I-1567) zones which will permit additional residential uses consistent with the permitted uses on other properties in the neighbourhood.

These residential uses include a single detached dwelling and secondary dwelling at 21 McKeough Avenue, where the existing institutional building sits, and an accessory dwelling at 15 McKeough Avenue to be permitted within the proposed private art gallery/studio.

The by-law will also establish site-specific regulations for the proposed uses which are similar to the existing built form of the neighbourhood. These are:

15 McKeough Avenue

- Front Yard Depth Minimum – 3 m
- Rear Yard Depth Minimum – 3 m
- Interior Side Yard where abutting an Institutional Zone – 2 m
- Lot Coverage Maximum 45%

- Off-Street Parking Requirement – 1 space per property
- Accessory Building Maximum Height – 6 m

21 McKeough Avenue

- Lot Coverage Maximum 45%
- Off-Street Parking Requirement – 1 space per property
- Accessory Building Maximum Height – 6 m

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

Conclusion

The proposed zoning by-law amendment has been reviewed in the context of the Provincial Policy Statement and Chatham-Kent Official Plan, and will be in full conformity, if approved. Therefore, the application is being recommended for approval.

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

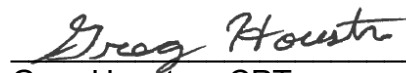
Technical Advisory Committee

The Technical Advisory Committee supports the recommendation.

Financial Implications

There are no financial implications resulting from the recommendation.

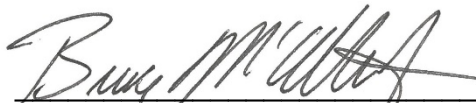
Prepared by:


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Director, Planning Services

Reviewed by:


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Attachments: Appendix A – Key Map
Appendix B – Site Photos
Appendix C – Concept Plan & Rendering
By-law to amend By-law 216-2009

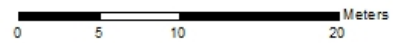
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Ontario Inc Report.docx

Appendix A – Key Map



This is not a plan of survey.

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Appendix B – Site Photos

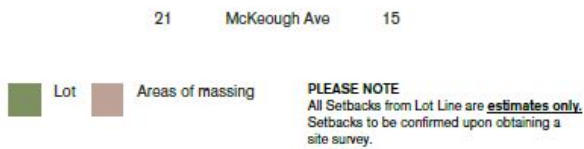
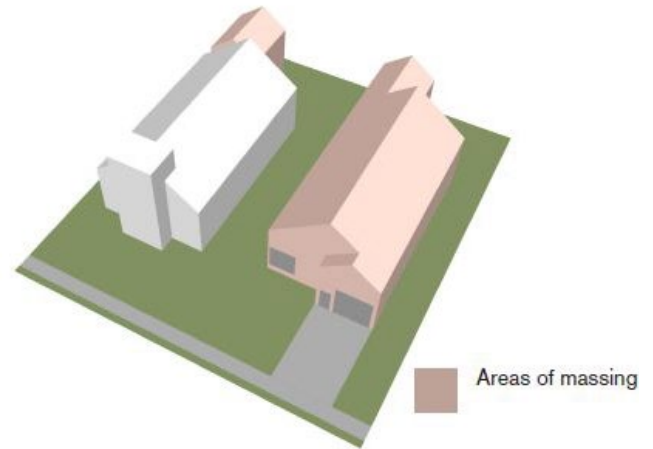
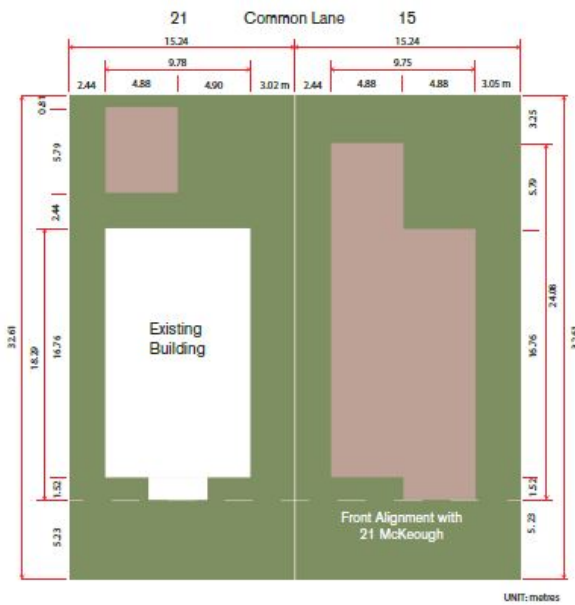


Looking north at the existing parking lot on 15 McKeough Avenue.



Looking west at the existing building on 21 McKeough Avenue.

Appendix C – Concept Plan & Rendering



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

(00281727 Ontario Inc.)

CityView # PL202100107

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Chatham (City) to permit residential uses and apply site-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 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 Institutional (I) to Institutional-1566 (I-1566) & Insitutional-1567 (I-1567) 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:

Exception No. 1566

Exception No. 1567

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:

I-1566

I-1567

4. That Schedule “B”, Zone Exceptions, of the said By-law 216-2009, be amended by adding the following Special Zone Provisions:

Exception No.	Special Zone Symbol	Special Zone Provisions
1566	I-1566	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply: i) Permitted Uses include but not limited to:

Exception No.	Special Zone Symbol	Special Zone Provisions
		<div><div>a. Single Detached Dwelling</div><div>b. Secondary Dwelling</div><div>ii) Lot Coverage Maximum – 45%</div><div>iii) Off-Street Parking Requirement – 1 space</div><div>iv) Accessory Building Maximum Height – 6 m</div></div>
1567	I-1567	<div>Notwithstanding any other provision of the by-law to the contrary, the following shall also apply:</div> <div><div>i) Permitted Uses include but not limited to:</div><div>a. Accessory Dwelling</div><div>ii) Front Yard Depth Minimum – 3 m</div><div>iii) Rear Yard Depth Minimum – 3 m</div><div>iv) Interior Side Yard Depth Minimum where abutting an Institutional Zone – 2 m</div><div>v) Lot Coverage Maximum – 45%</div><div>vi) Off-Street Parking Requirement – 1 space</div><div>vii) Accessory Building Maximum Height – 6 m</div></div>

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 21st 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 21st day of June, 2021.

