

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Member of Council

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

Date: May 28, 2021

Subject: Applications for Consent and Zoning By-law Amendment
PL202100109 – Cox Corporation
2459 Talbot Trail, Community of Romney (West Kent)

Recommendations

It is recommended that:

1. Consent application File B-63/21 to sever and convey a portion of land, approximately 0.35 ha (0.87 ac.) in area, shown as Parts 1 & 2 on the applicant's sketch, in Part of Lot 199, Concession Talbot Road Survey, in the Community of Romney, as a lot addition, and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the severed lands to the site-specific Rural Highway Commercial (RHC-324) zone;
 - b) that the lot addition to be severed, shown as Parts 1 & 2 on the applicant's sketch, be conveyed to the owner of the abutting parcel (2469 Talbot Trail / PIN 00849-0017) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent;
 - c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
 - d) 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
 - e) 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. Zoning By-law Amendment application File D-14 RO/25/21/C be approved and the implementing by-law be adopted.

Background

The subject property is located on the north side of Talbot Trail, between Campbell Road and Coatsworth Road, in the Community of Romney (Roll No. 3650 010 003 09300). The lands are approximately 32.6 ha (80.5 ac.) in area and are currently vacant. The lands are designated Agricultural Area in the Chatham-Kent Official Plan and zoned Agricultural (A1). A key map showing the location of the subject lands is attached as Appendix A. Pictures showing the subject lands and surrounding area are attached as Appendix B.

The application is proposing to sever and convey a portion of the subject lands as a lot addition to the abutting parcel to the east (2469 Talbot Trail). The lot addition lands are approximately 0.35 ha (0.87 ac.) in area, shown as Parts 1 and 2 on the applicant's sketch attached as Appendix C. Robinson Motorcycle Ltd., a used motorcycle dealership and repair shop, currently occupies a portion of the receiving lot. The applicant has indicated that the lot addition lands will be utilized as an additional parking area as well as for further space for large scale delivery vehicles to use as a turn-around. The retained farm parcel will be approximately 32.3 ha (79.6 ac.) in area and will continue to be farmed.

A portion of the severed parcel, shown as Part 2 on the applicant's sketch, is subject to an existing easement for access to the gas line, in favour of Union Gas Limited. The proposal will have no effect on the existing easement.

A Zoning By-law Amendment is required to implement the proposed severance and permit the proposed use on the lot addition lands. The zoning amendment is discussed in more detail in the Comments section below.

Comments

Provincial Policy Statement

The application does not raise any issues of provincial interest.

Official Plan

The proposed lot addition 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 (Consent), and complies with these policies.

The Official Plan, specifically under Policy 3.10.2.18.2(d), permits consent for the enlargement of a lot, subject to the following conditions:

- i) the viability of the retained lot as a farm parcel is not threatened;*
- ii) a need must be demonstrated in which the proposed enlargement is for a non-farm use;*
- iii) the proposed severance must merge with the lot being enlarged in accordance with Sections 50(3) and (5) of the Planning Act.*

The severed land will be utilized by the commercial portion of the receiving lot as additional parking and driveway space for its motorcycle sales and repair shop. The retained farm parcel will remain a viable farm parcel and will maintain frontage and access onto 2nd Concession Line.

A condition of this consent is that the lot addition lands be conveyed to the owner of the receiving lot (2469 Talbot Trail) and that Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is subject of this consent. This will ensure the lands merge in accordance with the above-noted policy.

Overall, the application maintains the general intent and purpose of the Official Plan.

Zoning By-law

The subject property is currently zoned Agricultural (A1), to support the proposed use of the lands it is recommended that the severed lands be rezoned to the site-specific Rural Highway Commercial (RHC-324) zone. This site specific Rural Highway Commercial (RHC-324) zone limits the permitted uses to a motorcycle sales and repair shop and is in place on a portion of the receiving lot. The proposed recommendation will allow the expansion of the existing commercial business on the receiving lot.

All other applicable zoning regulations are being met by this proposal.

Conclusion

The proposed severance and zoning by-law amendment have 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.

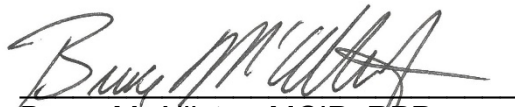
Prepared by:


Allison Lambing
Planner II, Planning Services

Reviewed by:


Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

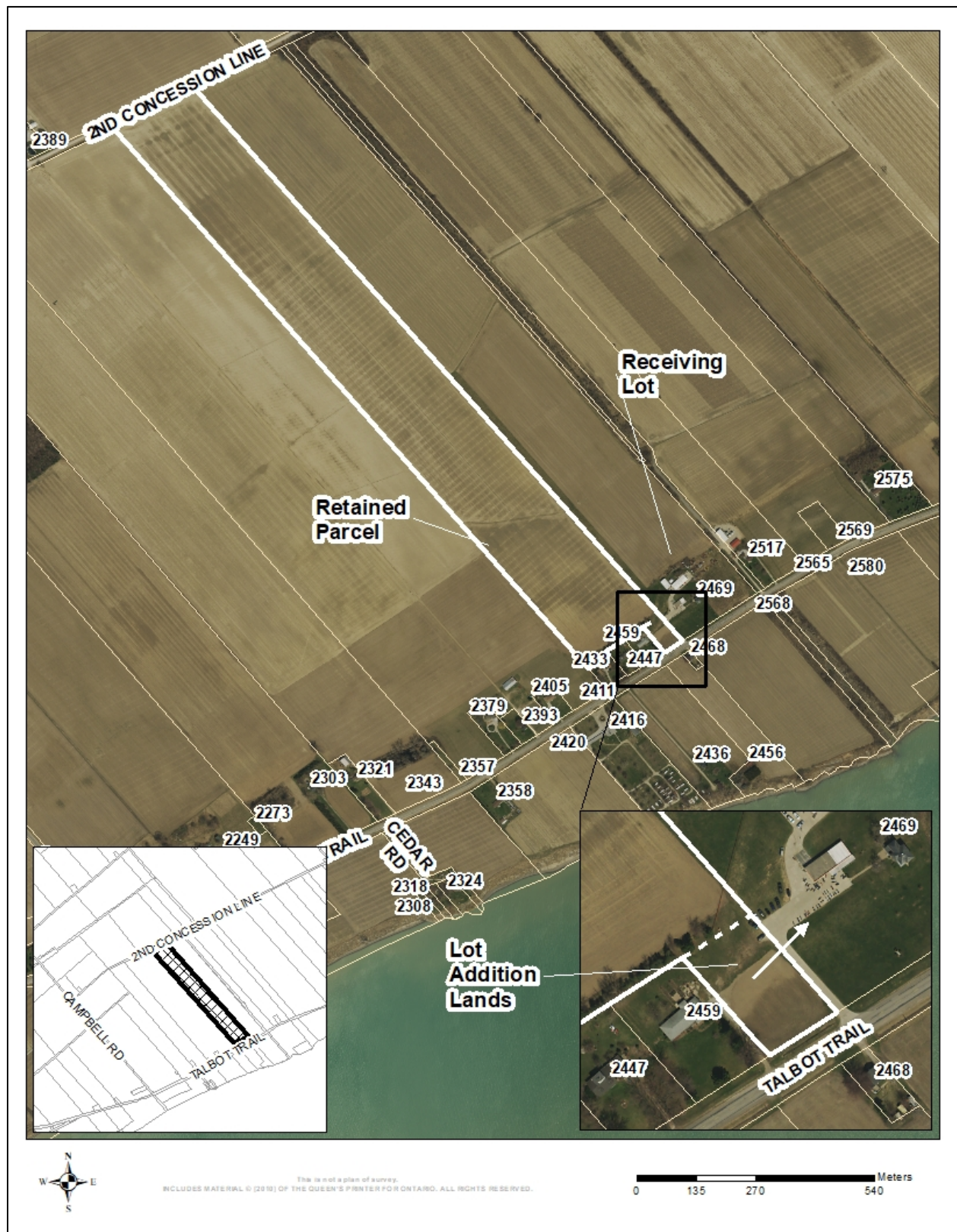
A handwritten signature in black ink, appearing to read "Bruce McAllister", is written over a horizontal line.

Bruce McAllister, MCIP, RPP
General Manager
Community Development

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

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos

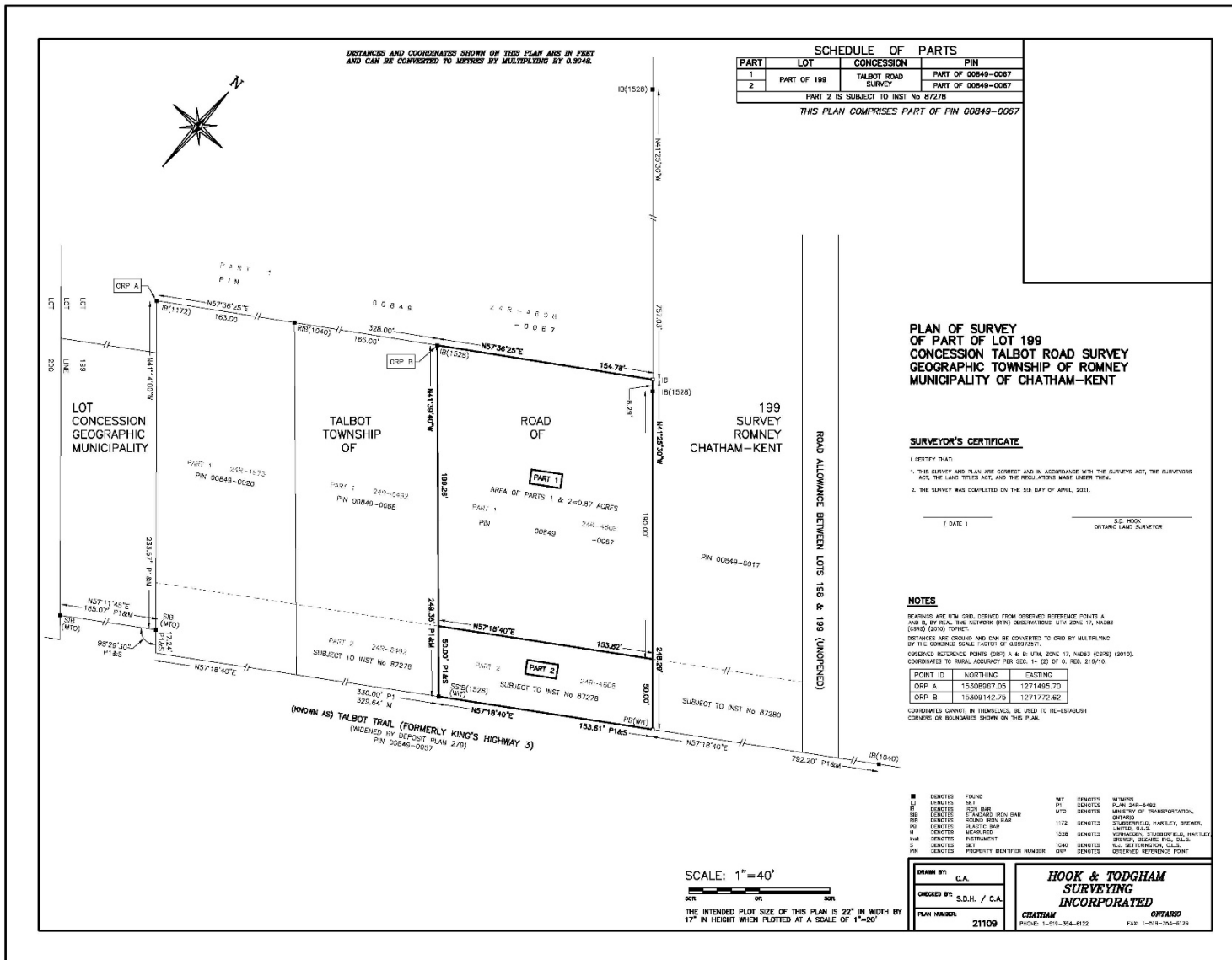


Looking northwest from Talbot Trail at the severed lands.



Looking north from Talbot Trail towards the commercial portion of the receiving lot, operated by Robinson Motorcycle Ltd.

Appendix C – Applicant's Sketch



By-law Number ____-2021

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

(Cox Corporation)

CityView # PL202100109

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Romney in order to rezone the lands to permit a commercial use;

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 Agricultural (A1) to Rural Highway Commercial-324 (RHC-324) on the lands so depicted on Schedule “A” hereto annexed and also forming part of this by-law.

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.

