

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: April 27, 2021

Subject: Applications for Consent and Removal of the "H" - Holding Symbol
PL202100086 – RM Auto Restoration Ltd. & 1616330 Ontario Inc.
5 Classic Car Drive, Community of Harwich (South Kent)

Recommendations

It is recommended that:

1. Consent application File B-55/21, to sever and convey a portion of land, approximately 1 ha (2.5 ac.) in area, shown as "To Be Severed" on the applicant's sketch, in Part of Lot 25, Concession 1, ECR, in the Community of Harwich, be approved, subject to the following conditions:
 - a) that the Chatham-Kent Zoning By-law be amended to rezone the subject lands from Holding-Rural Highway Commercial-968 (H-RHC-968) & Holding-Rural Highway Commercial-969 (H-RHC-969) to Rural Highway Commercial (RHC);
 - b) that the lot addition to be severed, shown as "To Be Severed" on the applicant's sketch, be conveyed to the owner of the abutting property (5 Classic Car Drive/ PIN: 00898-0155) 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 the subject of this consent;
 - 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.
2. Zoning By-law Amendment application File D-14 HA/21/21/R, to remove the "H" – Holding Symbol from the subject lands, known municipally as 5 Classic Car Drive, in

Part of Lot 25, Concession 1, ECR, being Parts 2,3,7,8,9,10 & 12 to 15, Plan 24R-7862, and the lands shown as “To Be Severed” on the applicant’s sketch, be approved, and the implementing by-law be adopted.

Background

The subject lands are comprised of two (2) parcels located at the northwest end of Classic Car Drive, in the Community of Harwich. The two (2) parcels are as follows:

5 Classic Car Drive: a 1.47 ha (3.64 ac.) parcel contained an existing commercial building (Roll No. 3650 140 007 14515). The property is designated Highway Commercial Area in the Chatham-Kent Official Plan and contained within Site-Specific Policy Area 3.9.2.17.1. The property is zoned Holding-Rural Highway Commercial-969 (H-RHC-969).

Classic Car Drive (no address): a 4.38 ha (10.84 ac.) parcel currently vacant (Roll No. 3650 140 007 14520). The property is designated Highway Commercial Area in the Chatham-Kent Official Plan and contained within Site-Specific Policy Area 3.9.2.17.1. The property is zoned Holding-Rural Highway Commercial-968 (H-RHC-968).

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 portion of lands, approximately 1 ha (2.5 ac.) in area, shown as “To Be Severed” on the applicant’s sketch, attached as Appendix C, as a lot addition to the abutting property owner (5 Classic Car Drive).

The receiving lot is developed as a commercial site and was formerly occupied by Duke’s Harley Davidson motorcycle dealership. The motorcycle dealership has closed and the building is currently vacant. The applicant owns both parcels under different holdings and is facilitating a sale of the property for a new commercial/service trade use. The purchaser intends to acquire the lot addition lands to accommodate additional parking and a new storage building.

The application also proposes to remove the “H” holding symbol from the zoning of the property to permit the proposed use. The holding symbol is a *Planning Act* tool that allows the Municipality to control development over certain lands until such time as specific pre-conditions are satisfied.

The subject lands are zoned H-RHC-968 & H-RHC-969, which currently restricts these lands from any type of new development. In June 2005, a proposal to subdivide and rezone three commercial lots was approved by Council, including the subject lands. The holding symbol was applied to the subject properties to limit the land uses to the existing and proposed development at the time of that application.

A development proposal for the lands has been presented to Planning Services. The proposal contemplates the development of a new commercial/service trade use on the property. The Zoning By-law Amendment application will remove the “H” holding symbol from the subject lands and allow the purchaser to use the lands for the proposed commercial/service trade use.

Future development of parking areas, buildings, stormwater management, etc., on the lands is subject to site plan control.

Comments

Provincial Policy Statement (PPS)

The application does not raise any items of Provincial Interest.

Official Plan

The application has been reviewed under policies of the Chatham-Kent Official Plan. Specifically Section 6.3.3, Planning Tools (Holding Provision), and generally meets these policies.

Zoning By-law

As stated above, the lands are currently zoned Holding-Rural Highway Commercial-968 (H-RHC-968) & Holding-Rural Highway Commercial-969 (H-RHC-969). The holding symbol prohibits any new buildings or structures from being erected or located on these lands until such time as “*all matters regarding financial impact, servicing and road extensions and improvements have been addressed to the satisfaction of the Municipality*”. The motorcycle dealership has closed, and the development proposal at hand will facilitate the reuse of a vacant commercial building. No additional public services or infrastructure improvements are warranted at this time.

Therefore, the proposed zoning by-law amendment will remove the holding symbol and place the property into the Rural Highway Commercial (RHC), where all as-of-right uses of this zone, including a Service Trade Establishment, will be permitted.

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 the recommendations.

Prepared by:

Reviewed by:

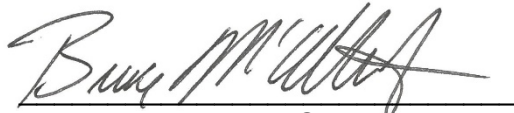


Greg Houston, CPT
Planner II, Planning Services



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

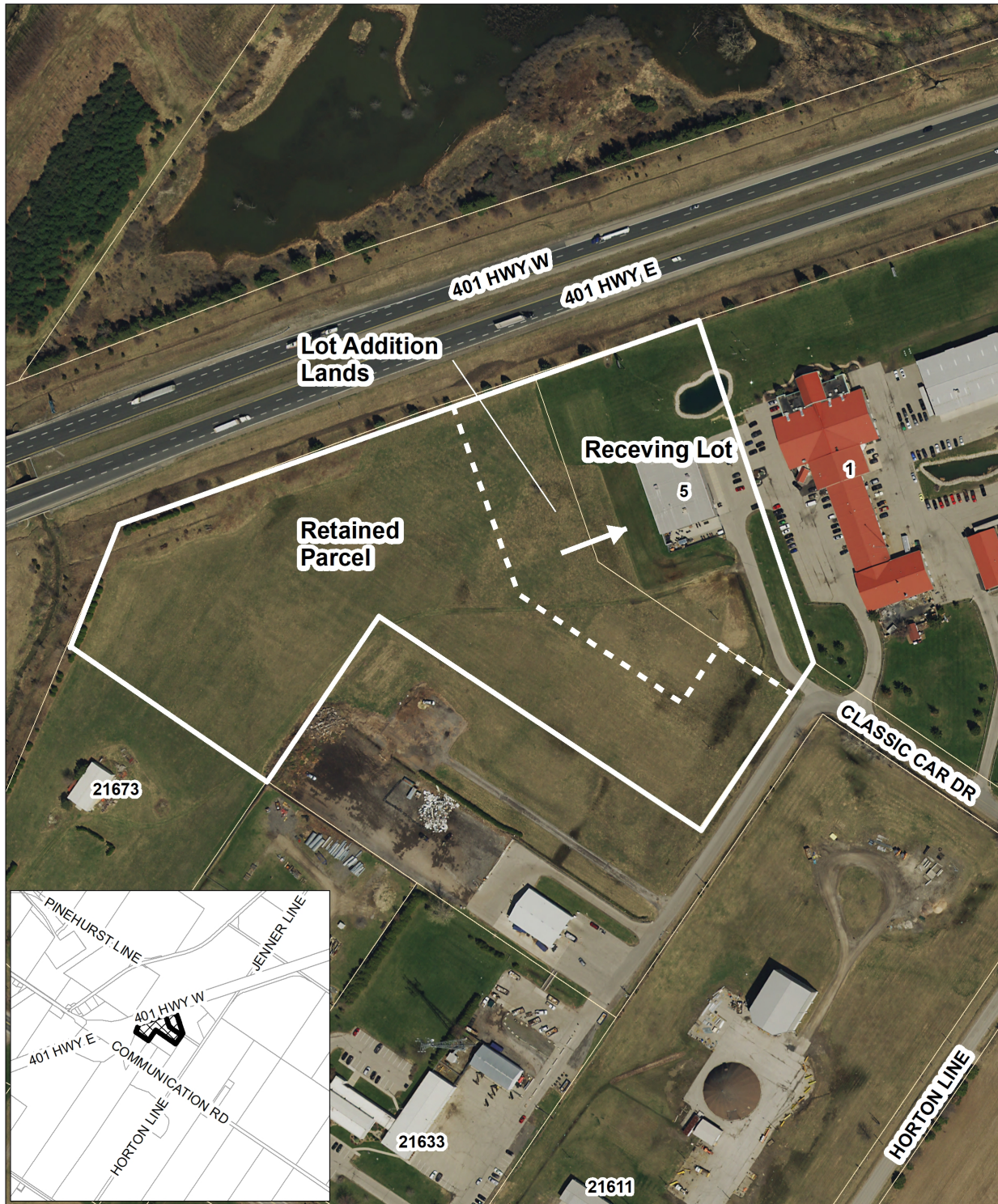
A handwritten signature in black ink, appearing to read 'Bruce McAllister', written over a horizontal line.

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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Restoration Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking north at the existing commercial building on the receiving lot.



Looking northwest at the lot addition lands.

[illegible]

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

(RM Auto Restoration Ltd. & 1616330 Ontario Inc.)

CityView # PL202100086

Whereas an application has been received for an amendment to the zoning by-law for a certain parcel of land in the Community of Harwich for removal of the holding classification on said lands as the necessary conditions for removal have been satisfied to the satisfaction of the Corporation;

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 removing the holding symbol “H” from the zone classification of the lands so depicted on Schedule “A” hereto annexed and forming part of this by-law, so that the said lands shall be Rural Highway Commercial (RHC).

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 17th day of May, 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 17th day of May, 2021.

