

Municipality Of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: April 21, 2021

Subject: Application for Consent
PL202100100 – Green Acres Industrial Park Inc.
28 Mill Street West, Community of Tilbury (West Kent)

Recommendation

It is recommended that:

1. Consent application File B-58/21, to sever and convey three (3) new lots for industrial development, in Part of Lot 20, Plan 791, and Parts 1 & 2, Plan 24R-9010, in the Community of Tilbury, being:
 - i) Parcel 1 – an industrial parcel, approximately 0.53 ha (1.30 ac.) in area, shown as Part 1 on the applicant's sketch;
 - ii) Parcel 2 – an industrial parcel, approximately 2.08 ha (5.13 ac.) in area, shown as Part 2 on the applicant's sketch;
 - iii) Parcel 3 - a residential parcel, approximately 1.17 ha (2.88 ac.) in area, shown as Part 3 on the applicant's sketch;

be approved, subject to the following conditions:

- a) that the lots be assigned the following street numbers:
 - i. Parcel 1: 85 Lyon Avenue North;
 - ii. Parcel 2: 75 Lyon Avenue North;
 - iii. Parcel 3: 65 Lyon Aveune North;
- b) 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,
- c) 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).

Background

The subject property is located on the north side of Mill Street West in the Community of Tilbury (Roll No. 3650 080 001 17300). The lands are approximately 8.53 ha (21.09 ac.) in area and contain an industrial building. The property is designated Employment Area in the Chatham-Kent Official Plan and zoned General Industrial (M1). A key map showing the location of the subject property is attached as Appendix A. Photographs of the subject property are attached as Appendix B.

The application is proposing to sever and convey three (3) new industrial lots from the subject property, with frontage along Lyon Avenue North. The new lots are shown as Parts 1-3 on the applicant's sketch attached as Appendix C. The retained lot will be approximately 4.77 ha (11.78 ac.) in area, and contains the existing industrial building fronting Mill Street West.

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. The severed parcel will be developed with point of presence infrastructure that will enable end-users to connect to the internet.

Parcel 1, shown as Part 1 on the applicant's sketch is related to the TekSavvy project.

Parts 2 and 3 are being severed for future development opportunities.

The proposal is discussed in more detail under the Comments section below.

Comments

Provincial Policy Statement (PPS)

The PPS contains policies which encourage the development of efficient telecommunications infrastructure. Specifically, the policy reads as follows:

1.7.1 Long-term economic prosperity should be supported by:

...l) encouraging efficient and coordinated communications and telecommunications infrastructure.

The proposal meets the general intent of the PPS.

Official Plan

The proposal has been reviewed under the policies of the Chatham-Kent Official Plan and meets these policies. It has been specifically reviewed under the following sections:

- Section 2.4.6, Utility and Communications Corridors and Transmission Facilities
- Section 6.3.3, Planning Tools (Consent)
- Section B.2.4, Employment Area Policies

Utility and Communications Corridors and Transmission Facilities

The world has been significantly influenced by technological advances in modern telecommunications such as high-speed Internet service. The continued long term planning for high-quality telecommunications will be vital to the future success of businesses in Chatham-Kent, and also ensures the provision of adequate and reliable internet service to residential communities in both rural and urban areas. As such, the Official Plan contains policies that:

- 2.4.6.1 Encourage the development of modern transmission and communications facilities to serve residents and businesses in the Municipality.*

Further, the proposed telecommunication facility proposed for Part 1 on the applicant's sketch, is a permitted use in any land-use designation, which is consistent with Section 2.4.6.2.1, that reads:

- 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.*

Consent Policies

The proposed lot creation conforms to the policies found in Section 6.3.3, Planning Tools, of the Chatham-Kent Official Plan. These include:

The Official Plan provides for flexibility as set out in Section 6.3.3.38 below:

- 6.3.3.38 A consent should only be considered where a plan of subdivision is deemed by the approval authority to be unnecessary, and where the application conforms with the policies of this Official Plan.*

Division of land by Consent is supported based on the conformity to section 6.3.3.40. As detailed below, the proposal demonstrates the following:

- i) *frontage on an improved municipal road;*

Comment: the subject property has frontage on Mill Street West, an urban arterial road. The severed parcels will maintain frontage on Lyon Avenue North, an improved local road.

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

Comment: the proposed lot sizes conform to the established regulations in the General Industrial (M1) Zone.

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

Comment: the proposed lots are of sufficient area to meet required setbacks and separation from uses on adjacent lands. The abutting lands to the north and south have been developed with industrial uses. Lands to the east are developed as a residential subdivision.

- iv) *be appropriately serviced;*

Comment: the proposed lots will each require new municipal water, sanitary and storm connections. These servicing provisions will be provided, as necessary, as the severed parcels develop through provisions of the Site Plan Control By-law.

- v) *convey 5% 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: The subject property is not within an area of significant aggregate resources.

Employment Area Policies

The proposed consent conforms to the Employment Area policies. As described above, Part 1 on the applicant's sketch will be utilized for the TekSavvy project. Parts 2 and 3 are proposed to be severed to accommodate future uses permitted in the Employment Area designation. Specifically, the proposal meets Section B.2.4.2, which reads:

The Employment Area is intended for a range of industrial and secondary commercial land uses which shall be developed on full municipal services.

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

Zoning By-law

Telecommunication facilities are permitted in all zones as outlined in Section 4.37 of the Chatham-Kent Zoning By-law, provided that they comply with the Regulations of said zone:

4.37 Uses Permitted in All Zones

Nothing in this By-law shall apply to prevent or otherwise restrict in any way any of the following:

4.37.1 Services and Utilities

- (a) Any telephone, telegraph, cable or Internet system, any transportation system, or public use, owned or operated by or for the corporation, the Department of Federal Government or Ministry of the Provincial Government, including Entegrus or Hydro One and any railway company may, for the purpose of the public service and utility, use any land or erect any building or structure in any zone notwithstanding that such building or structure or proposed use does not conform to the provisions of this By-law for such zone.*
- (b) Provided, however, that such use, building or structure shall comply with all height, yard and lot coverage regulations prescribed for the zone in which it is located. However, such uses shall not be subject to the lot area requirements for the zone in which they are located.*

All applicable provisions of the Zoning By-law are met by this proposal.

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 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

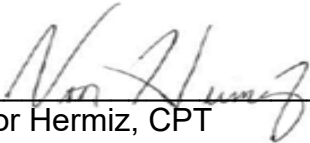
There was no consultation required as part of this application.

Financial Implications

There are no financial implications resulting from this recommendation.

Prepared by:

Reviewed by:



Noor Hermiz, CPT
Planner II, Planning Services



Ryan Jacques, MCIP, RPP
Director, Planning Services

Reviewed by:

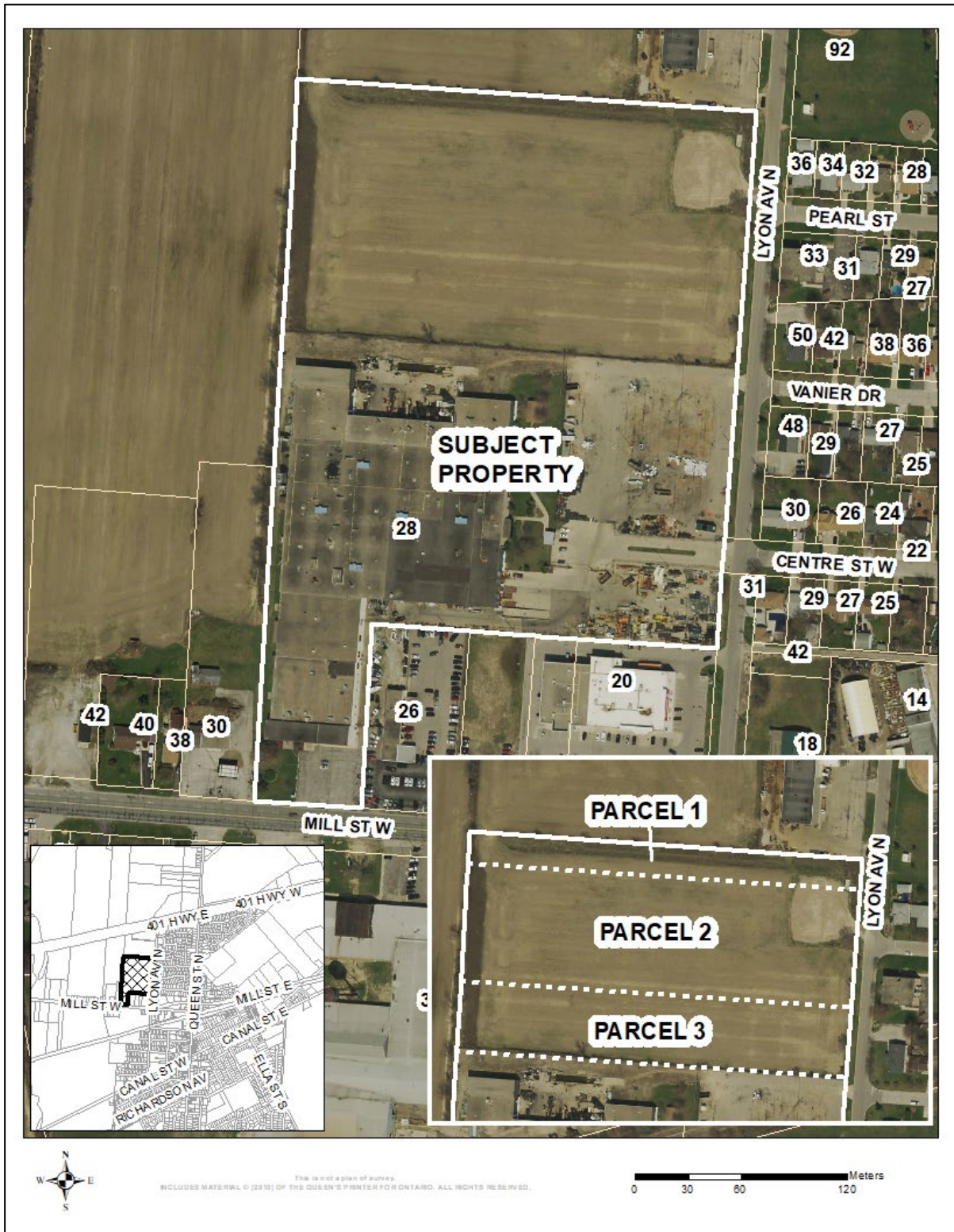
A handwritten signature in black ink, appearing to read "Bruce McAllister", written over a horizontal line.

Bruce McAllister, MCIP, RPP
General Manager

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

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Industrial Park Inc Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking north towards the existing industrial building on the proposed retained parcel, from Mill Street West.



Looking west towards the proposed location of the property line separating Parts 1 & 2 on the applicant's sketch, from Lyon Avenue.



Looking west towards Parts 2 and 3 on the applicant's sketch, from Lyon Avenue.

