

Municipality of Chatham-Kent

Development Services

Planning Services

To: Mayor and Members of Council

From: Anthony Jas
Manager, Development, Planning Services

Date: May 27, 2024

Subject: Application for Zoning By-law Amendment
PL202400062 – Tom Dalios
861 & 863 Charing Cross Road, Community of Chatham (City)

Recommendation

It is recommended that:

1. Zoning By-law Amendment application File D-14 C/18/24/D, concerning lands known as 861 & 863 Charing Cross Road, in Part of Lot 1, Concession 3, Western Boundary (Harwich), to amend Special Zone Provision No. 20, to permit all uses in the the UC(HC1) Zone, be approved, and the implementing by-law be adopted.

Background

The subject property is located on the east side of Charing Cross Road, south of Indian Creek Road East, in the Community of Chatham (City) (Roll No. 3650 140 001 38600). The lands are approximately 2,497 sq. m (26,877 sq. ft.) in area and contain a mixed use commercial/residential building. The property is designated Employment Area in the Chatham-Kent Official Plan and zoned Urban Commercial (Highway Commercial First Density)-20 (UC(HC1)-20)). 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 building on the subject property is approximately 608 sq. m (6,545 sq. ft.) in area, and is currently occupied by three (3) retail stores (Ann's Tobacco Shop, Ann's Vape Shop & Fireside Home and Patio). The second floor contains an apartment dwelling unit, and the rear portion of the building is currently used for storage.

The UC(HC1)-20 zone does not reflect the current use of the subject lands, nor does it recognize the sites potential in terms of permitted uses. The Zoning By-law Amendment application proposes to expand on the list of permitted uses, while also preserving the site-specific zoning regulations that currently apply to the site. The overall intent is to improve the marketability of the site by permitting all uses permitted as-of-right under

the Urban Commercial (Highway Commercial First Density) (UC(HC1)) zone. This will capture all existing uses, and uses deemed appropriate for the site based on the policy analysis below.

Comments

Provincial Policy Statement

The application does not raise any issues of provincial interest.

Official Plan

The proposal has been reviewed under the policies of the Chatham-Kent Official Plan. It has specifically been reviewed under Section B.2.4, Employment Area Policies, and Section 6.3.3, Planning Tools, Zoning By-law Amendment, and generally meets these policies.

The subject property is located within an Employment Area that extends 200 m (650 ft.) east of the Charing Cross Road and Indian Creek Road East intersection, capturing lands fronting Indian Creek Road from the south. The area consists of commercial and light industrial type uses, which is consistent with the type of land use intended for the Employment Area, as set out in the following policies:

- B.2.4.2 The Employment Area is intended for a range of industrial and secondary commercial land uses which shall be developed on full municipal services.

- B.2.4.3 Permitted industrial uses in the Employment Area shall include office, research facilities, printing, processing, manufacturing, assembling, warehousing, and shipping uses, as more specifically defined in the Zoning By-law. A limited amount of ancillary retail to the main permitted industrial use shall also be permitted.
...

- B.2.4.4 Permitted secondary commercial uses in the Employment Area shall include restaurants, financial institutions, service commercial uses, automobile oriented uses such as vehicle sales and repair, service and gas bars with convenience retail, commercial recreational facilities, hotels, motels, conference facilities, meeting/banquet facilities, entertainment uses, public and private clubs, and police, fire or ambulance facilities, as more specifically defined in the Zoning By-law.

The subject site has historically functioned as a commercial parcel, consisting of uses that would be categorized as secondary commercial uses under Policy B.2.4.4. The purpose of the application is to expand the list of permitted uses for the property, as the current site-specific zoning is narrow and limiting in this regard. The type of uses that

will be permitted can be categorized as secondary commercial uses and light industrial uses (i.e. office, warehouse), which is consistent with the Employment Area policies. These uses are listed in the Zoning By-law section below.

In terms of impact to surrounding lands, the proposal does not represent a change to how the subject property will function, including servicing and access. Nor does it represent any additional impact to surrounding lands beyond that which can be expected under the current zoning, and the intended use of these lands under the Employment Area designation. As stated, the proposal is only to permit secondary commercial and light industrial uses, excluding heavy industrial uses that would otherwise be intended for the Employment Area.

Based on this analysis, the proposal is consistent with the general intent of the Official Plan.

Zoning By-law

The subject property is currently zoned Urban Commercial (Highway Commercial First Density)-20 (UC(HC1)-20). This site-specific zone limits permitted uses to “*sales and service of motorcycles and related products and an office*”, and applies the following regulations to the subject property:

- Minimum rear yard setback of 5 m
- Maximum lot coverage of 50%

This legacy zoning dates back to pre-amalgamation and has not reflected the existing uses on the subject lands for quite some time.

As stated above, the proposal is to recognize existing uses at the site and to provide flexibility to the site in terms of permitted uses. To achieve this, the Recommendation is to amend the UC(HC1)-20 zone, to permit all uses within the UC(HC1) zone, which includes:

- Adult Secondary School
- Agricultural Service and Supply Establishment
- Assembly Hall
- Automobile Repair Shop
- Automobile Sales and Service Establishment
- Automobile Service Station
- Bake Shop
- Bank/Financial Institution
- Beer/Liquor Store
- Builder’s Supply Yard
- Call Centre
- Car Wash, Automatic
- Car Wash, Manual

- Child Care Centre
- Church
- Clinic
- Clinic, Veterinary
- Club, Private
- Commercial Entertainment and Recreational Establishment
- Commercial School
- Contractor's Yard
- Cultural Facility
- Dry Cleaning Establishment
- Eating Establishment
- Eating Establishment – Take Out
- Funeral Home
- Furniture Store
- Gas Bar
- Hotel/Motel
- Laundromat
- Mixed Use Commercial/Residential Building
- Nursery
- Office
- Personal Service Establishment
- Pet Shop
- Print Shop
- Public Storage
- Rental Establishment
- Retail Store
- Retail Store - Convenience
- Service or Repair Shop
- Service Trade Establishment
- Tavern
- Taxi Establishment
- Temporary Care Facility
- Warehouse
- Wholesale Establishment

The site-specific regulations regarding rear yard setback and lot coverage will continue to apply to the property.

Overall, 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.

Council Term Priorities

This report supports the following Council Term Priorities:

			
Deliver Excellent Service	Promote Safety & Well-Being	Grow Our Community	Ensure Environmental Sustainability
		4(b)	

Consultation

Lower Thames Valley Conservation Authority (LTVCA)

The LTVCA was circulated notice of the application as the property is within the regulated area. No comment has been received from LTVCA at the time of writing. It is noted that a permit from their office may be required prior to any new construction works taking place.

Communication

Information on Council's action will be posted to the municipal website. All persons who have made a submission regarding this application will receive a notice of Council's decision. Any other person who wishes to receive notice must submit a written request to the Clerk.

Diversity, Equity, Inclusion and Justice (DEIJ)

This report does not have implications related to diversity, equity, inclusion or justice.

Financial Implications

There are no financial implications resulting from the recommendation.

Prepared by: Greg Houston, Planner I, Planning Services

Reviewed by: Anthony Jas, Manager, Development, Planning Services

Reviewed by: Ryan Jacques, MCIP, RPP, Director, Planning Services

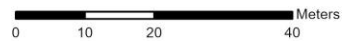
Reviewed by: Bruce McAllister, MCIP, RPP, General Manager, Development Services

Attachments: Appendix A – Key Map
Appendix B – Site Photos
By-law to amend By-law 216-2009

Appendix A – Key Map



This is not a plan of survey.
INCLUDES MATERIAL © [2010] OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.



Appendix B – Site Photos



Looking northeast at the subject property.



Looking east towards the rear of the subject property.