

## **Municipality Of Chatham-Kent**

### **Community Development**

#### **Planning Services**

**To:** Mayor and Members of Council

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

**Date:** December 27, 2021

**Subject:** Application for Zoning By-law Amendment  
PL202100304 – Brad-Lea Meadows Ltd.  
671 Grand Avenue West, Community of Chatham (City)

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#### **Recommendation**

It is recommended that:

1. Zoning By-law Amendment application File D-14 C/76/21/B, to rezone the subject lands (671 Grand Avenue West), in Part of Lot 54, Plan 620, in the Community of Chatham (City), to a site-specific Urban Commercial (District Commercial)-1596 (UC(DC)-1596) Zone, to add Public Storage, as an additional permitted use, and to maintain the site-specific provisions of the UC(DC)-728 zone, be approved, and the implementing by-law be adopted.

#### **Background**

The subject property is located at the northeast corner of Keil Drive North and Grand Avenue West intersection, in the Community of Chatham (City). The lands are approximately 3.04 ha (7.52 ac.) in area and contain an 8,353 sq. m (89,911 sq. ft.) commercial building, which is part of a larger commercial centre known as Thames-Lea Plaza. The balance of the lands consists of off-street parking and loading spaces. The lands are designated Shopping Centre Commercial Area and subject to Site-Specific Policy B.2.6.19.1 in the Chatham-Kent Official Plan, and zoned Urban Commercial (District Commercial) (UC(DC)-728).

The commercial structure on the subject lands currently has two (2) units occupied by a grocery retail store (Mercato Fresh) and a fitness club (Planet Fitness). Between these units is approximately 5,275 sq. m (56,785 sq. ft.) of vacant commercial space.

The applicant has indicated that the commercial space associated with the subject property has not been fully leased since Target closed in 2015. This challenge is a

result of the relatively large size of the commercial space and certain limitations in converting the space into smaller commercial units. As well, other established commercial nodes in Chatham have attracted retailers requiring a larger space who would otherwise be the ideal tenants for the commercial space remaining on the subject lands. The commercial retail sector has also been experiencing a shift in demand due to the prominence of online retailers whereby vacant commercial space is becoming less desirable in general.

In an effort to make the property more viable for the applicant and for the community of Chatham-Kent overall, the proposal is to expand on the uses permitted as-of-right at this property. The proposal is to specifically permit an indoor, secure, climate-controlled public storage facility, which is not currently permitted in the UC(DC)-728 Zone. The intent is for approximately 3,252 sq. m (35,000 sq. ft.) to be permitted for this specific use. The zoning by-law amendment is required to facilitate this proposal and is described in more detail in the Comments Section below.

## **Comments**

### **Provincial Policy Statement**

The proposal does not raise any issues of Provincial interest.

### **Official Plan**

The subject property is designated Shopping Centre Commercial Area in the Chatham-Kent Official Plan. A shopping centre, in the context of the subject property, is defined as a strip plaza on full municipal services, situated on a prominent arterial road, in an Urban Centre with excellent visibility and exposure to passing traffic (Policy B.2.6.2). Uses intended for a shopping centre include a range of commercial uses that serve the needs of Chatham-Kent residents, and that have controlled access/circulation and ample shared parking onsite (Policy B.2.6.3). The subject property meets this description.

The Shopping Centre Commercial Area is intended to work in tandem with the Downtown/Main Street areas and other commercial nodes to support the concept of a strong and viable community, and to maintain economic viability by responding to market demand by providing facilities that better serve the retail needs of residents in the Chatham-Kent trade area (Policy B.2.6.3).

The proposal to add public storage as an additional permitted use on the subject property is a response to the shift in the retail market sector. As stated above, the commercial space at the subject property has remained underutilized since 2015 when a major retail tenant (Target) last occupied most of the available commercial space. Since that time a large portion of the gross floor commercial area has remained vacant. Although a public storage use is not specifically listed as a commercial use intended for the Shopping Centre Commercial Area, it is a use that will serve the needs of residents of Chatham-Kent and would not detract from the surrounding commercial uses in the

area. More specifically, the public storage use is appropriate for the subject property for the following reasons:

- It is a viable use for a large commercial space that is currently vacant within the existing commercial building.
- Does not require services beyond what exists at the subject property.
- Does not require major alterations to the physical building nor does it change any physical features to the subject site.
- It is intended to utilize the existing loading spaces at the rear of the commercial building which has direct access to and from Keil Drive North.
- It is a low intensity use and does not present any compatibility issues with surrounding land uses.
- Improves the long-term economic viability of the subject lands without compromising the surrounding commercial plaza which it is part of.

In support of the application, the applicant has submitted a Planning Opinion prepared by Storey Samways Planning Ltd., which is attached as Appendix C for review. This is a professional land use planning opinion that has evaluated the proposal against policies in the Provincial Policy Statement, the Planning Act, and the local Official Plan and Zoning By-law. Further, it provides justification as to why the proposal is an equitable approach to retaining viability of the subject lands for the benefit of the current owner and the community. It also provides a statement from the owner regarding the current market conditions and the impact this has had for the subject property. The Planning Opinion concludes that:

*“...the excessive number of recently approved, and upcoming, residential building permits will result in the demand for offsite storage increasing beyond what is available in the market today. Your proposed indoor, climate-controlled, secure public storage facility is well poised to meet this increasing demand while at the same time offering a product not available elsewhere (at this scale) in Chatham-Kent.*

*Also, it is my suggestion that by securing any type of tenant for this space, whether it be the proposed public storage facility, or some type of retail use, will ensure both the sustainability and the relevance of the Thames-Lea Plaza shopping centre by providing much-needed operating capital through rents for on-going maintenance / renovations and marketing programs.*

*The proposed rezoning to permit a public storage use at 671 Grand Avenue West in the Community of Chatham (City) is consistent with the Provincial Policy Statement, and is in conformity with the Chatham-Kent Official Plan, and will comply with the Chatham-Kent Zoning By-law upon the approval of the zoning by-law amendment application. Further, for the reasons outlined in the above report, the proposed rezoning represents good planning.*

*Therefore, it my recommendation that the application for zoning by-law amendment be approved.”*

In terms of the intent and purpose of the Chatham-Kent Official Plan, the proposal supports the overarching objective of promoting the Primary Urban Centres, such as Chatham (City), as the focal point for the highest concentration and intensity of uses, and public and private sector investment (Policy 2.3.6.1 and Policy 2.3.6.2.3).

### **Zoning By-law**

The subject lands are currently zoned Urban Commercial (District Commercial) (UC(DC)-728), which permits a range of retail and service commercial uses and includes specific zoning regulations for this site. The proposal is to add a “Public Storage” as an additional permitted use. The Zoning By-law defines this use as:

*“a building or part thereof used for the temporary storage of household items and seasonal or recreational vehicles, boats, trailers, etc. and designed primarily to accommodate those vehicles, boats, trailers, etc., which may not conveniently or legally be parked or stored elsewhere. Public storage may also include a fenced open outdoor storage compound for the storage of the above-noted items.”*

The public storage use will be limited to indoor storage and to a maximum gross floor area of 3,252 sq. m (35,000 sq. ft.). It is intended that the public storage area will be accessed from the rear of the building where existing loading space is located.

As such, it is proposed that the subject property be zoned to the site-specific UC(DC)-1596 Zone. This site-specific zone will include all permitted uses and zoning regulations of the current UC(DC)-728 zone, and will include public storage as an additional permitted use with specific regulations as noted above.

### **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:

  
\_\_\_\_\_  
Anthony Jas  
Manager, Development, Planning Services

Reviewed by:

  
\_\_\_\_\_  
Ryan Jacques, MCIP, RPP  
Director, Planning Services

Reviewed by:

  
\_\_\_\_\_  
Bruce McAllister, MCIP, RPP  
General Manager,  
Community Development

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

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Appendix A – Key Map



This is not a plan of survey.

INCLUDES MATERIAL © (2010) OF THE QUEEN'S PRINTER FOR ONTARIO. ALL RIGHTS RESERVED.

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## Appendix B – Site Photos



Looking north across the subject property from Grand Avenue West. Shown is the commercial structure on the subject lands.



Looking east across the subject lands from Keil Drive North. Shown is the rear of the commercial building on the subject lands where the loading space exists.



## Appendix C



55 FOREST STREET, SUITE N • CHATHAM • ON • N7L 1Z9 • 519-354-4351  
[WWW.STOREYSAMWAYS.CA](http://WWW.STOREYSAMWAYS.CA)

November 23, 2021

Brad-Lea Meadows Ltd.  
Dean Bradley, President  
615 Richmond Street  
Chatham, ON N8M 1G4

**Re: Planning Opinion Letter re Proposed Rezoning at 671 Grand Avenue West,  
Community of Chatham (City)**

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Dear Mr. Bradley,

Storey Samways Planning Ltd. (SSPL) was retained by you to prepare a planning opinion letter, as required by the Municipality of Chatham-Kent, to support an application for Zoning By-law Amendment concerning 671 Grand Avenue West, Community of Chatham (City), to permit, as an additional permitted use, Public Storage, at this location. This letter is intended to serve this purpose.

### LOCATION AND BACKGROUND

The subject parcel is located in the northeast corner of the intersection of Grand Avenue West and Keil Drive. **Please refer to Appendix A.** The property is approximately 3.04 ha (7.52 ac.) in size and is a part of a larger existing shopping plaza, known as Thames-Lea Plaza, and ancillary parking areas providing for 506 parking spaces. **Please refer to the site plan, attached as Appendix B.**

At the present time, the existing 8457 sq. m (91,030 sq. ft.) plaza at this location contains a 1695 sq. m (18,245 sq. ft.) grocery retail store (Mercato Fresh), and a 1756 sq. m (18,900 sq. ft.) fitness club (Planet Fitness). In the past the building contained singular large-retail uses (Zellers; Target).

It is proposed that that roughly a 3065 sq. m (33,000 sq. ft.) vacant portion of the building contain an indoor, secure, climate-controlled, public storage facility, with access provided at the rear of the building. The remaining vacant area will continue to be marketed for an appropriate commercial use.

**Please refer to the proposed floor plan, attached as Appendix C.**

Immediately to the east is a parcel containing a continuation of the Thames Lea Plaza facility containing a mixture of retail uses, as well as additional parking area. To the west, across Keil Drive are two car dealerships; to the north is a mixture of single detached dwellings and low-rise apartment dwellings; and to the south, across Grand Avenue West, is a restaurant, a retirement residence, and two high-rise apartment dwellings, with the Thames River immediately beyond these uses.

The subject property is designated Shopping Centre (SSPA B.2.6.19.1) by Map Schedule E-2 (**please refer to Appendix D**) of the Chatham-Kent Official Plan; and is zoned Urban Commercial (District Commercial), UC(DC)-728 by the Chatham-Kent Zoning By-Law (**please refer to Appendix E**).

In order to facilitate the provision of a public storage facility within the existing building a zoning by-law amendment is required to permit this use. This amendment is discussed later in this letter. For the information of the reader, the Chatham-Kent Zoning By-law defines Public Storage as:

*"PUBLIC STORAGE" means a building or part thereof used for the temporary storage of household items and seasonal or recreational vehicles, boats, trailers, etc. and designed primarily to accommodate those vehicles, boats, trailers, etc., which may not conveniently or legally be parked or stored elsewhere. Public storage may also include a fenced open outdoor storage compound for the storage of the above-noted items.*

#### Current Situation - Difficulty of Leasing the Old Target Property

*Target went dark in 2015. Since that time, we as landlord's have worked on finding new retail tenants to fill the space. Given the evolution of retail real estate, and the size of the market in Chatham, there are few if any modern retailers that are interested in the entire 93,000 sq. ft. building.*

*As such, most of the six years since Target departed Canada we have been focused on subdividing the building into smaller retail units. This has been challenging given the deep depth of the building and its structural column grid. Only a certain minimum size retail tenant can fit within the length and width of this footprint.*

*With the help of our retail real estate broker, we have spent years identifying and trying to attract this size of retail user. One challenge we faced is the fact that most 'big box' retailers are already in the market up in the Smart Center retail node in North Chatham.*

*We have had some success in leasing 33,000 sq. ft. but even after six years the balance remains vacant despite our best efforts. (Dean Bradley, President, Brad-Lea Meadows Ltd.)*

## ANALYSIS

### Provincial Policy Statement (PPS)

The Community of Chatham (City) is considered to be a settlement area in terms of the PPS. The proposed applications raise no issues of Provincial significance, and therefore the proposal is consistent with the PPS.

### Chatham-Kent Official Plan (CKOP)

The Community of Chatham (City) is designated as a Primary Settlement Area by the Chatham-Kent Official Plan (CKOP), and the subject parcel is designated Shopping Centre (SSPA B.2.6.19.1).

From an overall CKOP perspective, a wide range of residential, commercial, employment and institutional uses are permitted within a Primary Settlement Area. As such, the inclusion of a public storage use in a Primary Settlement Area does not offend this aspect of CKOP.

Specifically speaking to the site-specific policy area (SSPA) Shopping Centre OP policies, these policies effectively permit whatever (commercial) use is permitted in the implementing zoning by-law, which upon approval of your rezoning application, the proposed public storage facility will conform. Based on the fact that public storage is permitted in certain commercial zones by the Chatham-Kent Zoning By-law, it is clear that public storage can be classified as a commercial use.

While I have not provided direct and specific review to each policy contained in the CKOP, the applicable policies – policies that strive to keep Chatham-Kent relevant and thriving from both economic and social perspectives – were considered. Empty storefronts, regardless of the size, do not portray Chatham-Kent as either relevant or thriving.

On balance, it is my opinion that locating a public storage facility – a use that will generate both income for your business, and taxes for the municipality – in an otherwise vacant portion of your building is entirely appropriate in this situation. In addition to the

use of the physical building, the existing parking areas and servicing infrastructure will be used without requiring any type of publicly-funded upgrades, and little private input as well.

For the reasons provided above, along with the reasons provided below, it is further my opinion that the proposed rezoning to permit a public storage use at this location implements important policies surrounding the long-term success and sustainability of the Municipality, and does not offend the remainder of the document.

#### Chatham-Kent Zoning By-law (ZBL)

The existing zoning on the subject parcel, Urban Commercial (District Commercial)-728 permits a wide array of commercial uses, and also provides for site-specific performance standards relating to the existing shopping centre site. It is noted that the UC(DC)-728 zone does not permit Public Storage as-of-right. It is also noted the Public Storage is permitted in certain commercial zones, and therefore can be considered as a commercial use.

In reviewing the Chatham-Kent Zoning By-law (ZBL), and looking at existing examples of public storage facilities located throughout Chatham-Kent, it is clear that the model of public of storage facility contemplated in this case, that is through the adaptive re-use of an existing under-utilized building, specifically at this location, was not considered at the time of the adoption of the by-law.

As provided earlier in this report, the Chatham-Kent Zoning By-law defines Public Storage as:

*"PUBLIC STORAGE" means a building or part thereof used for the temporary storage of household items and seasonal or recreational vehicles, boats, trailers, etc. and designed primarily to accommodate those vehicles, boats, trailers, etc., which may not conveniently or legally be parked or stored elsewhere. Public storage may also include a fenced open outdoor storage compound for the storage of the above-noted items.*

It is my opinion that the above definition covers what I would consider to be the more traditional model which provides purpose-built, often prefabricated structures, with each unit accessed from a vehicular laneway, within a secure fenced compound. However, it is my further my opinion that the above definition will also describe what you proposing within your existing building.

In the case of the storage facility proposed by yourself, it is my recommendation that the existing UC(DC)-728 zone be amended to permit public storage as an additional permitted use.

#### Site Plan

Strictly for the information of the reader only, a drawing depicting the existing buildings and parking areas on the overall Thames-Lea Plaza site is attached.

#### CONCLUSION

##### General Comments

While this may be argued as anecdotal versus quantifiable, based on my recent experiences related to residential development projects, locally, and elsewhere in southwestern Ontario, it is clear to me, that due to escalating dwelling unit prices, and what may be perceived as affordable, there is an apparent trend to reduce both lot sizes and dwelling sizes in order to reduce both per-unit development costs and selling prices.

With the reduction in living area also comes a reduction in storage area available to homeowners within these newer developments. As such, homeowners often seek off-site storage facilities to house seasonal items, and perhaps business-related items, that otherwise would overwhelm the on-site storage afforded by their dwelling.

It is my suggestion that the excessive number of recently approved, and upcoming, residential building permits will result in the demand for offsite storage increasing beyond what is available in the market today. Your proposed indoor, climate-controlled, secure public storage facility is well poised to meet this increasing demand while at the same time offering a product not available elsewhere (at this scale) in Chatham-Kent.

Also, it is my suggestion that by securing any type of tenant for this space, whether it be the proposed public storage facility, or some type of retail use, will ensure both the sustainability and the relevance of the Thames-Lea Plaza shopping centre by providing much-needed operating capital through rents for on-going maintenance / renovations and marketing programs.

##### Closing Statement

The proposed rezoning to permit a public storage use at 671 Grand Avenue West in the



Community of Chatham (City) is consistent with the Provincial Policy Statement, and is in conformity with the Chatham-Kent Official Plan, and will comply with the Chatham-Kent Zoning By-law upon the approval of the zoning by-law amendment application. Further, for the reasons outlined in the above report, the proposed rezoning represents good planning.

Therefore, it my recommendation that the application for zoning by-law amendment be approved.

Prepared by:

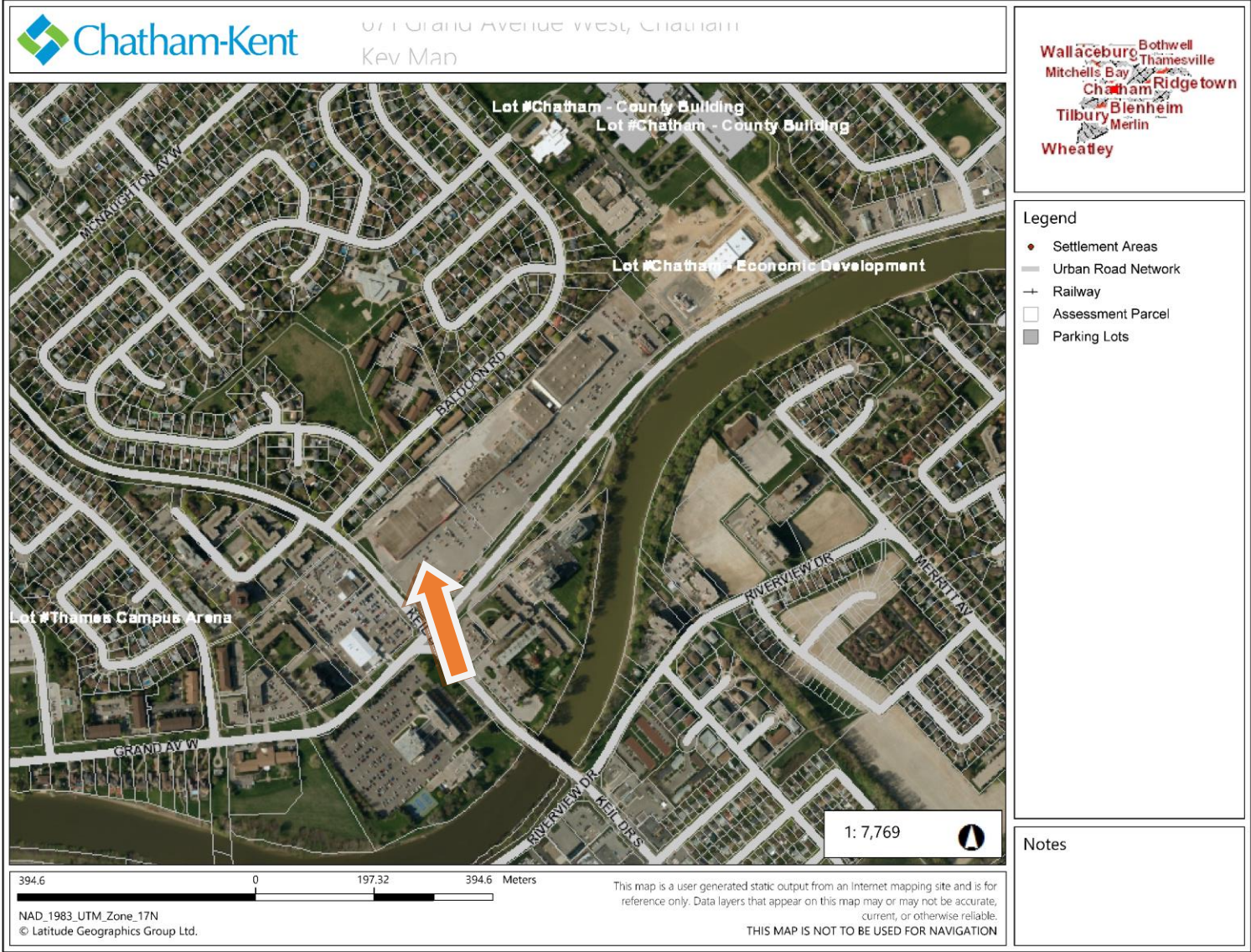
A handwritten signature in black ink, appearing to read 'David French', with a horizontal line drawn through it.

David French, BA, CPT  
Storey Samways Planning Ltd.

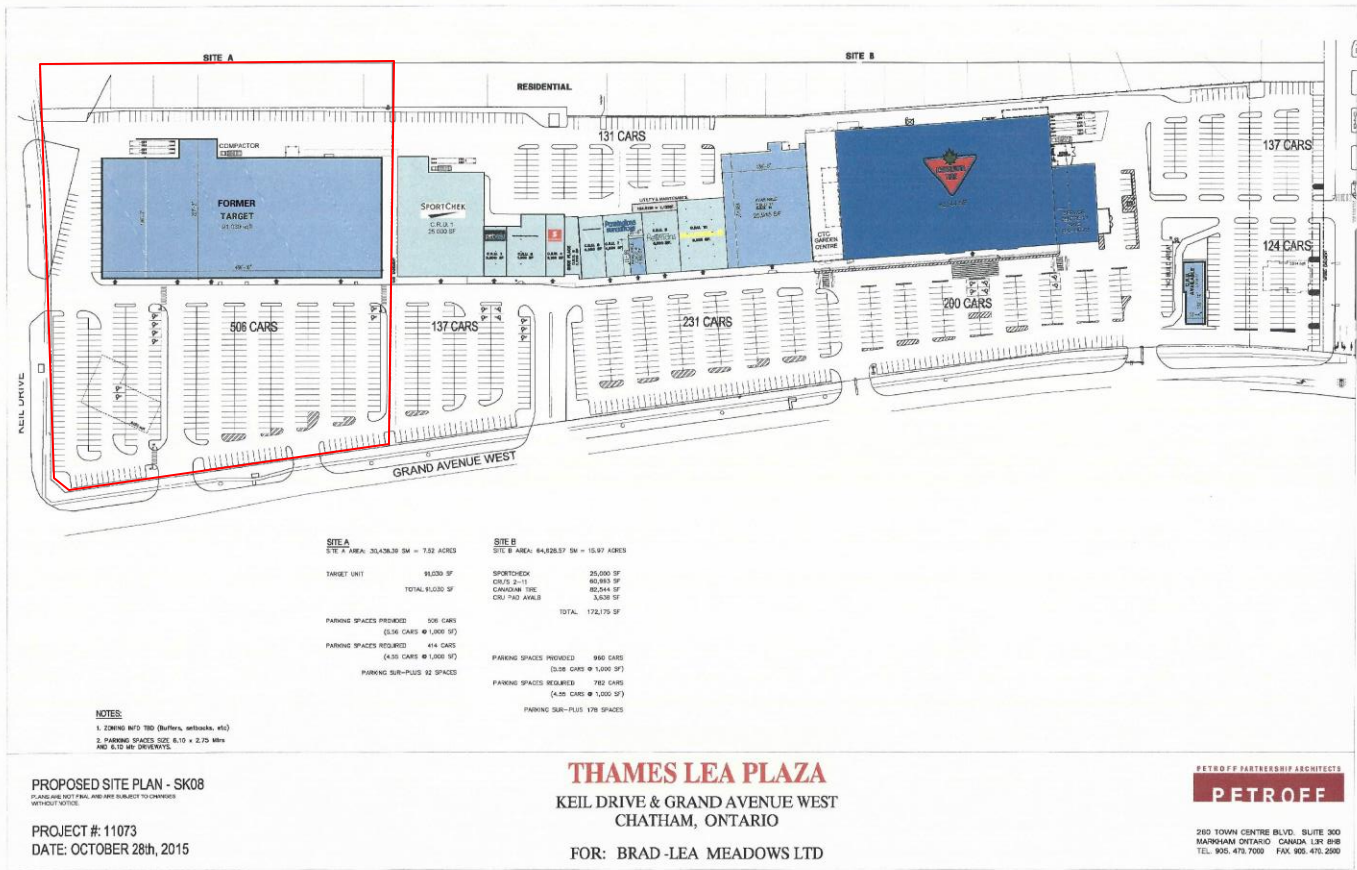
Attachments:

- Appendix A – Key Map
- Appendix B – Site Plan
- Appendix C – Proposed Floor Plan
- Appendix D – CKOP Map Schedule E-2
- Appendix E – Zone Map

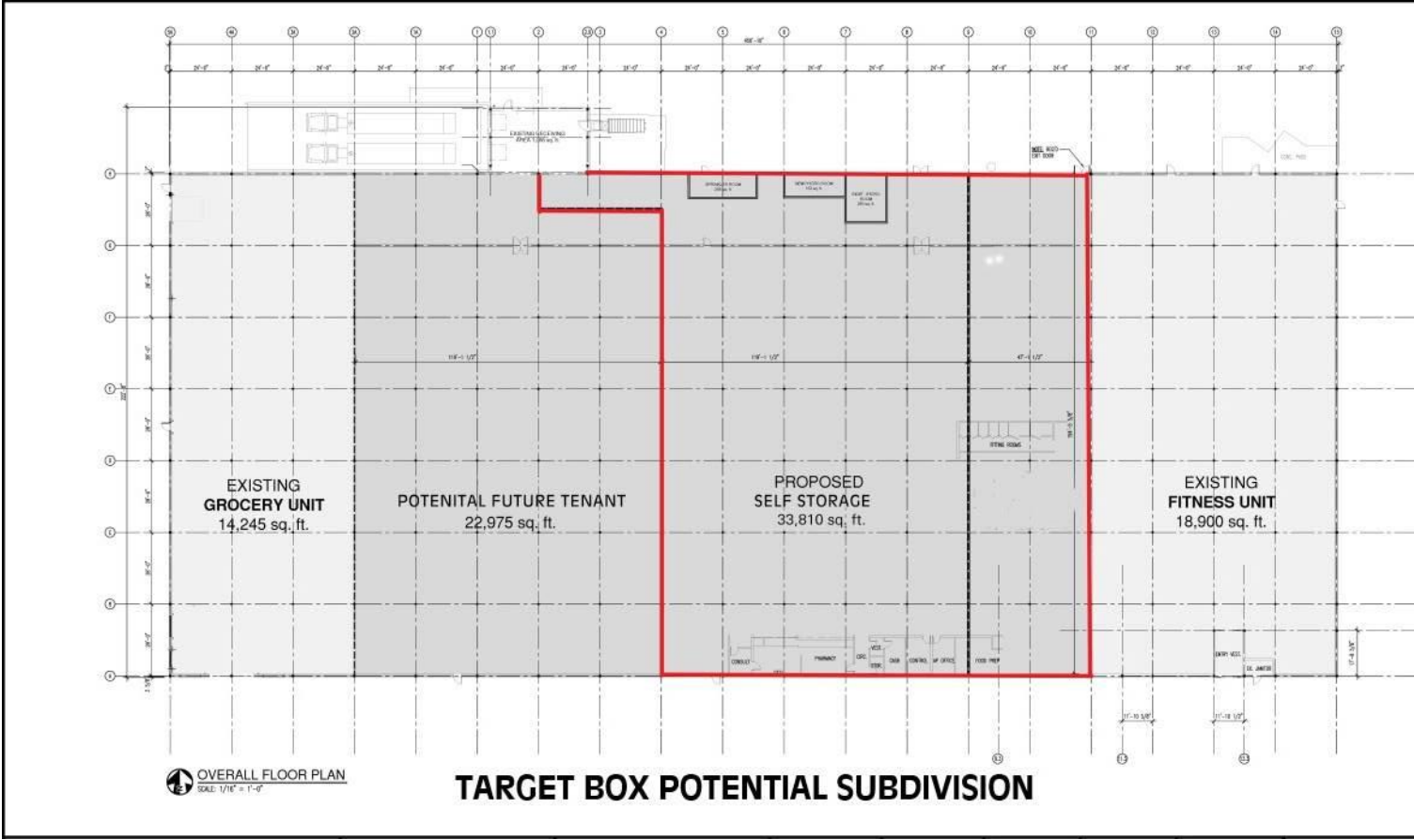
APPENDIX A



APPENDIX B



APPENDIX C

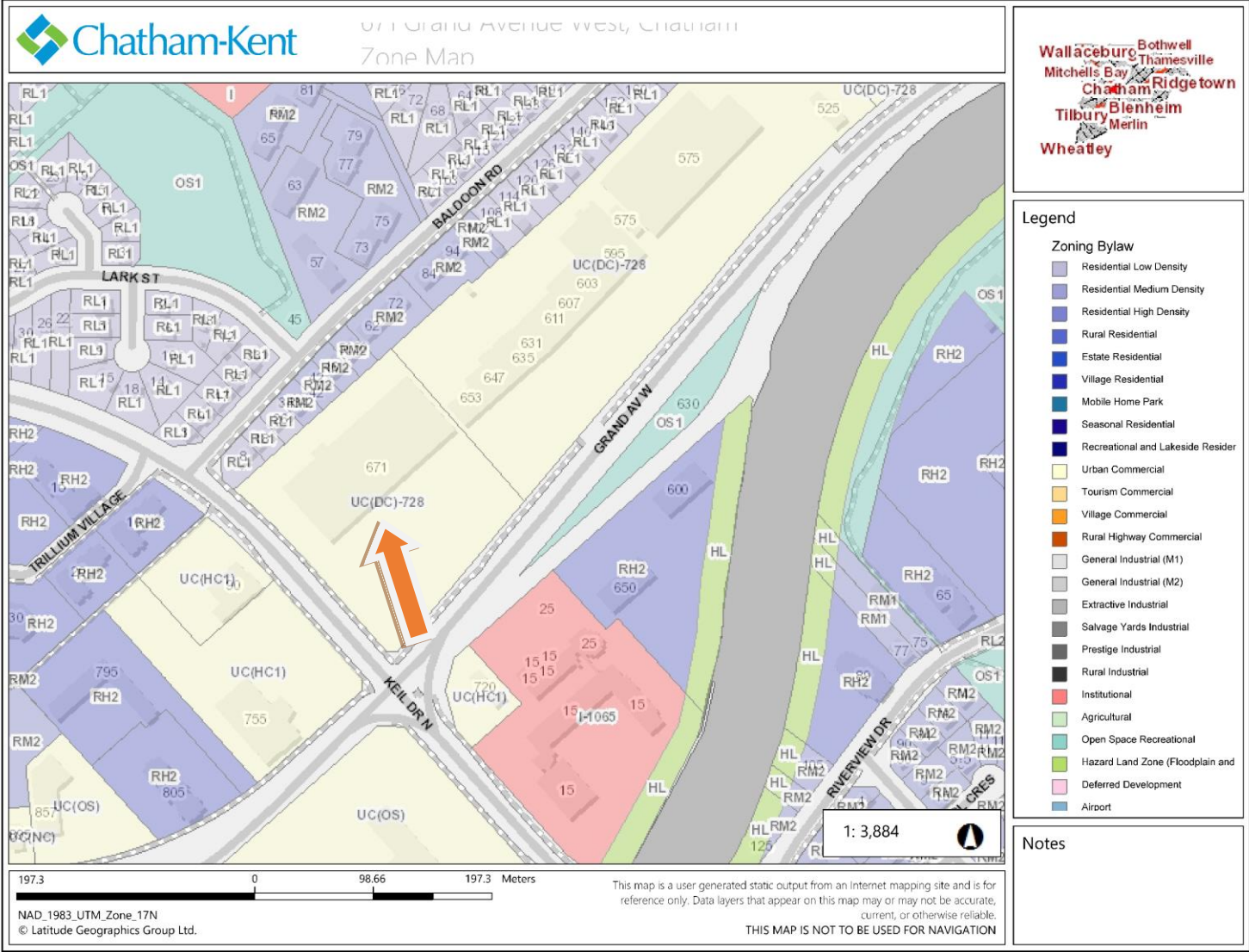








APPENDIX E



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  
(Brad-Lea Meadows Ltd.)  
CityView # PL202100304

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 add public storage as an additional permitted 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 Urban Commercial (District Commercial)-728 (UC(DC)-728) to Urban Commercial (District Commercial)-1596 (UC(DC)-1596)) 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. 1596

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:

UC(DC)-1596

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

Exception No.	Special Zone Symbol	Special Zone Provisions
1596	UC(DC)-1596	Notwithstanding any other provision of the by-law to the contrary, the permitted uses also include:  a) Office b) Non-department store type merchandise (Non-DSTM) store c) Home improvement related merchandise (HIRM) store d) Rental establishment

Exception No.	Special Zone Symbol	Special Zone Provisions
		<p>e) Public Storage</p> <p>The following shall also apply:</p> <ul style="list-style-type: none"><li>i. Minimum lot frontage - no requirement</li><li>ii. Minimum lot area - no requirement</li><li>iii. Maximum gross floor area - 29,264.46 sq. m</li><li>iv. Minimum rear yard - 3.05 m</li><li>v. Minimum interior side yard - 9.08 m</li><li>vi. Minimum exterior side yard - a setback of 22.86 m from the original centre line of Grand Ave. applies, subject to xii) below</li><li>vii. Minimum front yard - a setback of 22.86 m from the original centre line of Keil Dr. applies</li><li>viii. Maximum gross leasable area - no requirement</li><li>ix. "Gross floor area" is deemed to exclude mezzanines</li><li>x. Off-street parking - minimum one space per 20.44 sq. m of gross floor area</li><li>xi. Parking is permitted in the front yard and the exterior side yard</li><li>xii. For a maximum of 15% of the length of the side lot line abutting Grand Avenue West, no exterior side yard is required.</li></ul> <p>The following shall apply to Public Storage Use:</p> <ul style="list-style-type: none"><li>i. No outdoor storage permitted</li><li>ii. Maximum total gross floor area – 3252 sq. m</li></ul>

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 January, 2022.

\_\_\_\_\_  
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 January, 2022.

