

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: January 4, 2022

Subject: Application for Zoning By-law Amendment
PL202100303 – John Gregory
360 & 364 Grand Avenue East, Community of Chatham (City)

Recommendation

It is recommended that:

1. Zoning By-law Amendment application D-14 C/80/21/S, to rezone the lands known as 360 & 364 Grand Avenue East, in Part of Lot 73 & Lot 74, Plan 781, from Urban Commercial (Highway Commercial First) (UC(HC1)) to site-specific Residential High Density Second-1577 (RH2-1577) and Hazard Land (HL), to:
 - a) Permit an Apartment Dwelling use;
 - b) Extend the Hazard Land zone to a distance of 32 m from the Thames River;
 - c) Amend the required off-street parking rate from 1.5 spaces per unit to 1.2 spaces per unit;
 - d) Amend the minimum required interior side yard setback on the southwest side of the apartment dwelling from half the building height (11 m) to 7.62 m (25 ft.);

be approved, and the implementing by-law adopted.

Background

The subject property is located on the south side of Grand Avenue East between Taylor Avenue and Kingsway Drive in the Community of Chatham. The lands are approximately 1.37 ha (3.4 ac.) in area. The lands are designated Residential Area in the Official Plan and are zoned Urban Commercial (Highway Commercial First) (UC(HC1)) and Hazard Land (HL). The lands are currently developed with a single detached dwelling (360 Grand Avenue East) and a commercial building (364 Grand

Avenue East). A key map showing the subject property and surrounding area is attached as Appendix A. Site photos are attached as Appendix B.

The purpose of the application is to permit the development of a multi-storey residential apartment building on the subject lands. The building is planned to have up to 6-storeys and contain up to 81 units, with surface parking at ground level. A conceptual site plan of the proposed development is attached as Appendix C.

Zoning By-law Amendment

Certain changes to the zoning regulations of the property are required to implement the proposed development. These amendments will implement the direction of the Official Plan, and will:

- Rezone the property to the Residential High Density Second (RH2) Zone. The RH2 Zone permits an Apartment Dwelling use.
- Extend the Hazard Land zone to a distance of 32 m from the Thames River.
- Amend the required off-street parking rate from 1.5 spaces per unit to 1.2 spaces per unit.
- Amend the minimum required interior side yard setback on the northeast side of the apartment dwelling from half the building height (11 m) to 7.62 m.

A preliminary site plan has been submitted with the above-noted application and has been reviewed by Administration. It is anticipated that the Site Plan Control process will formally be initiated if the applicant is successful in amending the zoning of the subject property.

Comments

Provincial Policy Statement

The Provincial Policy Statement (PPS) encourages growth and development to be focused in settlement areas such as Chatham (Policy 1.1.3.1). The land use patterns in settlement areas shall be based on the efficient use of land and resources through promoting opportunities for intensification and redevelopment. Intensification shall be directed towards locations with appropriate levels of infrastructure and public service facilities, to promote the efficient use and optimization of existing services (Policy 1.1.3.3; Policy 1.4.3; Policy 1.6.6.1; Policy 1.7.1). The proposed development of the subject property is consistent with the PPS.

Policies of Section 1.1.3, Settlement Areas, include:

- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policies of Section 1.4.3, Housing, is particularly relevant to the proposal. It reads:

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:
- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
 - 2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
 - c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
 - d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed; and
 - e) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Official Plan

The subject property is designated Residential Area. The planned land use within this designation over the long term is residential.

Housing Policies

There are a number of opportunities associated with increasing the proportion of residential development within the existing built up areas of Chatham-Kent's Urban Centres. Generally, many sites available for redevelopment are serviced with municipal

water and sewers, and offer good access to other hard infrastructure such as roads, indoor and outdoor recreation facilities and other public service facilities. On the other hand, there are often challenges that can be associated with intensification, such as existing infrastructure capacity, market demand, available policy tools and public perception.

In addition, as existing residents within the Municipality continue to age, demand for new forms of low-, medium- and high-density housing will continue to increase. These housing needs will range from traditional single-detached units to various other dwelling types, such as semi-detached units, townhouse units, apartments, and assisted living residences, within the built boundaries of Chatham-Kent's Urban Centres, which suggests that the demand for residential intensification will continue to increase.

In 2006, Chatham-Kent completed its first Housing Needs Assessment and Strategy and a Housing Study Update Report in 2012 to address new policy changes at the provincial level that impact housing across Ontario. As part of the Housing Study Update, the following housing vision for Chatham-Kent was adopted:

"To provide residents of Chatham-Kent with a full range of housing choices that meet their diverse needs and promote a community of collaboration, acceptance, and pride..."

In support of the housing vision, six housing objectives were identified. These objectives are set out in the Official Plan. Several of the objectives are advanced through this proposal and include:

It shall be the objective of Chatham-Kent to:

2.3.4.1.1 Plan for a diverse range of housing choices to ensure that the housing stock can accommodate an aging population, a variety of household types and sizes, a greater diversity of culture and a range of physical and mental disabilities, and that the housing stock can respond to fluctuations in these needs.

2.3.4.1.2 Improve and maintain the existing housing supply.

2.3.4.1.6 Promote, educate and create awareness of housing needs in Chatham-Kent.

In support of these objectives, the proposal implements several housing policies, which are analyzed below. First, the proposal merits consideration for infill development for the following reasons:

- It is within an urban area and appropriately suited for intensification in its current context.
- It is accommodated by existing water and sanitary sewage services.

- The road network can accommodate additional traffic.
- It is served by Chatham Urban Conventional Transit Route 2.
- Adequate parking can be accommodated on site.
- The subject site is a large lot with frontage along an Urban Arterial Road (Grand Avenue East).

The above considerations are in support of the following policies:

2.3.4.2.5 The Municipality will consider applications for infill development, intensification and redevelopment of sites and buildings, including brownfield or former institutional sites, through intensification based on the following considerations:

- a) The proposed development is within an urban area and is appropriately suited for intensification in the context of the specific community;*
- b) Intensification will be permitted in all areas designated for urban residential use or residential mixed-use, provided that the development is consistent with the policies of the appropriate land use designation associated with the land and in compliance with the general intent and purpose of the Zoning By-law;*
- c) The existing water and sanitary sewage services can accommodate the additional development;*
- d) The road network can accommodate the additional traffic;*
- e) The required parking can be accommodated; and*
- f) The proposed development is compatible with the existing development standards and physical character of the adjacent properties and the surrounding area. Specifically, intensification proposals should:*
 - i) respect and reinforce the existing physical characteristics of buildings, streetscapes and open space areas within an existing neighbourhood, including heights, massing and scale of proposed buildings;*
 - ii) provide adequate privacy, sunlight and sky views for existing and new residents;*
 - iii) screen any loading or service areas from adjacent properties for proposed developments that require such aspects.*

In summary:

- The proposal supports Chatham-Kent's housing vision.
- The proposal supports Chatham-Kent's housing objectives.
- The proposal provides housing choices to address the needs of current and future residents of Chatham-Kent.
- The proposal represents good infill development.

The proposal conforms to the Housing Policies of the Official Plan.

Residential Area Policies

In considering the subject property, the proposed development has a density of 60 units per hectare. Based on this calculation, the proposal is categorized as a medium-density residential development. Given the proposed zoning is for an apartment use, it is most appropriate rather, to analyze the high-density residential policies in support of the recommendation. Section B.2.3.6 contains the applicable policies for this scale of development:

B.2.3.6 High-density residential development shall:

B.2.3.6.1 Be developed to a density up to a maximum of 150 units per net residential hectare on full municipal services;

B.2.3.6.2 Be located on a collector or arterial road, or within the Downtown/Main Street Area;

B.2.3.6.3 Be located in reasonable proximity to community services, such as schools or churches and shopping;

B.2.3.6.4 Be designed to minimize the impact of shadows on adjacent low and medium-density development;

B.2.3.6.5 Be permitted to contain a small-scale convenience-retail commercial use on the first floor that fronts onto the street;

B.2.3.6.6 Have parking areas that are adequately screened;

B.2.3.6.7 Contain a high level of landscaping including, but not limited to, shrubs, trees, paving stones and decorative fencing;

B.2.3.6.8 Have driveway accesses, which are located on a collector or local road;

B.2.3.6.9 Incorporate amenities, such as onsite recreation facilities, for residents;

B.2.3.6.10 Be subject to Site Plan Control.

The proposal conforms to the high-density residential development policies noted above, in that:

- The proposed density is 60 units per net residential hectare, below the maximum as set out above.
- Grand Avenue East is identified as Urban Arterial Road by Map Schedule B-5 of the Chatham-Kent Official Plan.
- The proposed development is within close proximity to community services.
- Adequate landscape strips and privacy fencing and shrubs will be provided as per the site plan process.
- Prior to any development, full Site Plan Control process is required.

Overall, the proposal conforms to the Official Plan.

Zoning By-law

The applicant proposes to develop the subject property with a residential apartment building. To achieve this, the application is to rezone the subject lands to a site-specific Residential High Density (RH2) zone that permits this use.

The Chatham-Kent Zoning By-law defines an Apartment Dwelling as:

“DWELLING APARTMENT” means a building containing five or more dwelling units each of which has its chief access to and from the outside by way of common hallways, stairways or elevators. However, it does not include a row house dwelling, boarding house, rooming house, tourist establishment, hotel or motel.”

The standard provisions of the RH2 zone will apply to the Apartment Dwelling use, in addition to the following site-specific provisions:

- Off-street parking rate to be provided at 1.2 spaces per unit. A minimum of 102 parking spaces will be provided.
- Interior side yard setback on the northeast side of the apartment dwelling from half the building height (11 m) to 7.62 m. This side of the property abuts a commercial designated and zoned property currently containing a single detached dwelling.

In consultation with the Lower Thames Valley Conservation Authority, a 32 m setback from the Thames River is required for new development. A portion of the property will

be zoned to the Hazard Land (HL) zone to implement this requirement in the municipal Zoning By-law.

The proposed development will be required to meet all other applicable provisions of the Zoning By-law.

Community Improvement

On March 2, 2020, Council approved the Chatham-Kent Community Improvement Plan (CIP). The new Chatham-Kent CIP is a “Plan to Support the Chatham-Kent Growth Strategy and 2018-2022 Council Term Priorities” in order to allow market driven investment for targeted needs throughout all of Chatham-Kent (i.e. rental/affordable housing, commercial and employment business growth). The new CIP replaced the former Downtown and Main Street Areas, Commercial, and Employment CIPs. It brings forward or enhances the most impactful and popular programs from the existing CIPs and introduces new incentives focused on encouraging much needed rental housing and affordable housing in the Municipality.

The CIP offers targeted financial incentives for Major Rental Housing Developments, which means development, redevelopment or adaptive reuse of a property with fifty (50) or more Dwelling Units all of which are intended for use as rented residential premises. Specifically, Major Rental Housing Developments are eligible for a 10 year grant under the Property Tax Increment Equivalent Program for 60% of the incremental tax increase over the 10 years (Note: until March 31, 2022 this rate is 100%). The amount of the grant will be determined based upon the incremental increase in the municipal taxes that results from the work being completed and the project being assessed by MPAC. In addition, Major Rental Housing Developments are also eligible for up to a 50% exemption of Development Charges levied by the CKPUC.

In providing up to 81 new rental dwelling units, this project will meet the definition of a Major Rental Housing Development, which is the type of development the Municipality is targeting through the CIP.

Conclusion

The proposed development conforms to the Provincial Policy Statement and Official Plan. 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

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the application.

Financial Implications

There are no financial implications resulting from the recommendations.

Prepared by:


Ryan Jacques, MCIP, RPP
Director, Planning Services

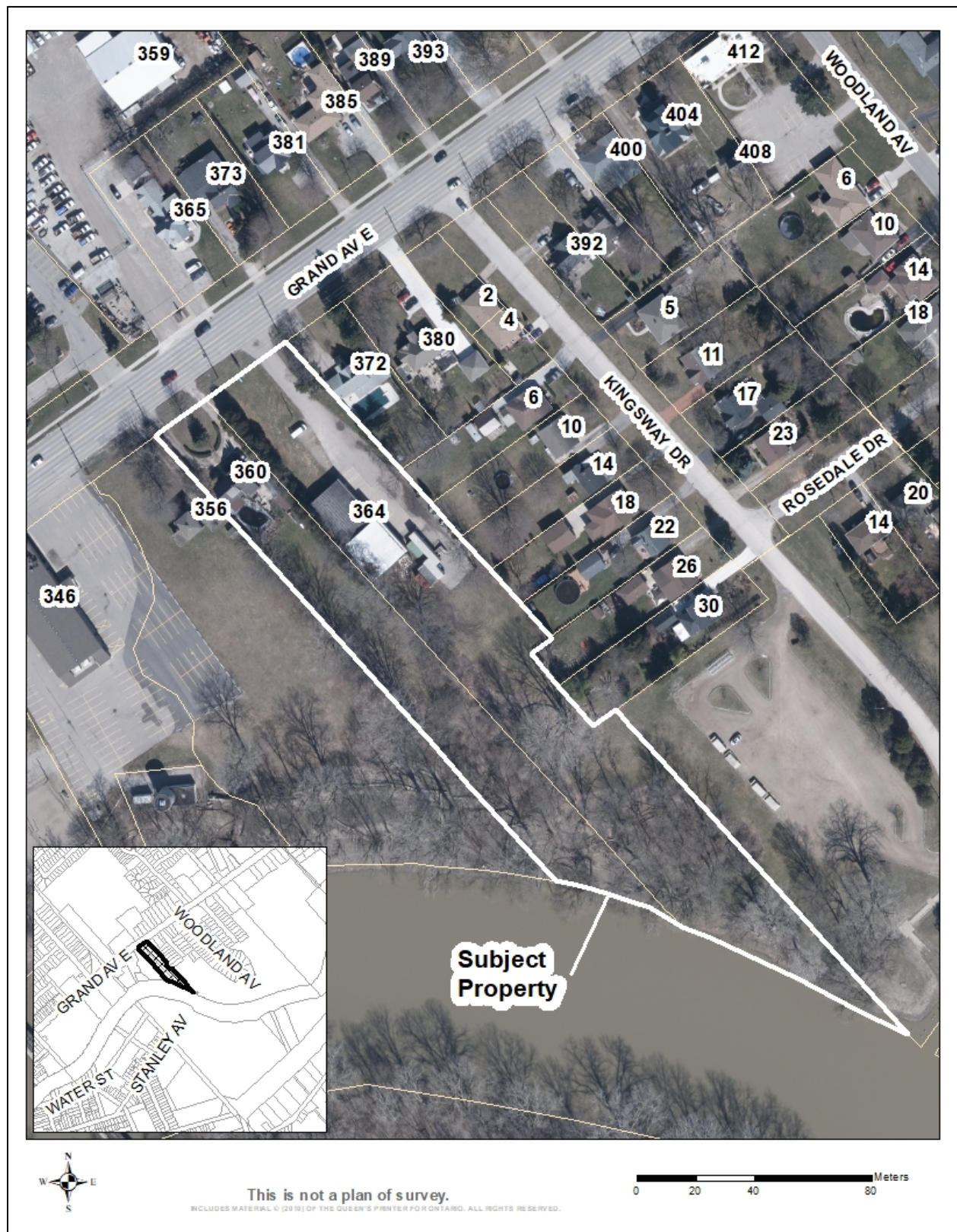
Reviewed by:


Bruce McAllister, MCIP, RPP
General Manager
Community Development

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

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Report.docx

Appendix A – Key Map



Appendix B – Site Photos



Looking south across the subject property from Grand Avenue East. In view is the existing commercial building to be removed from the subject property.

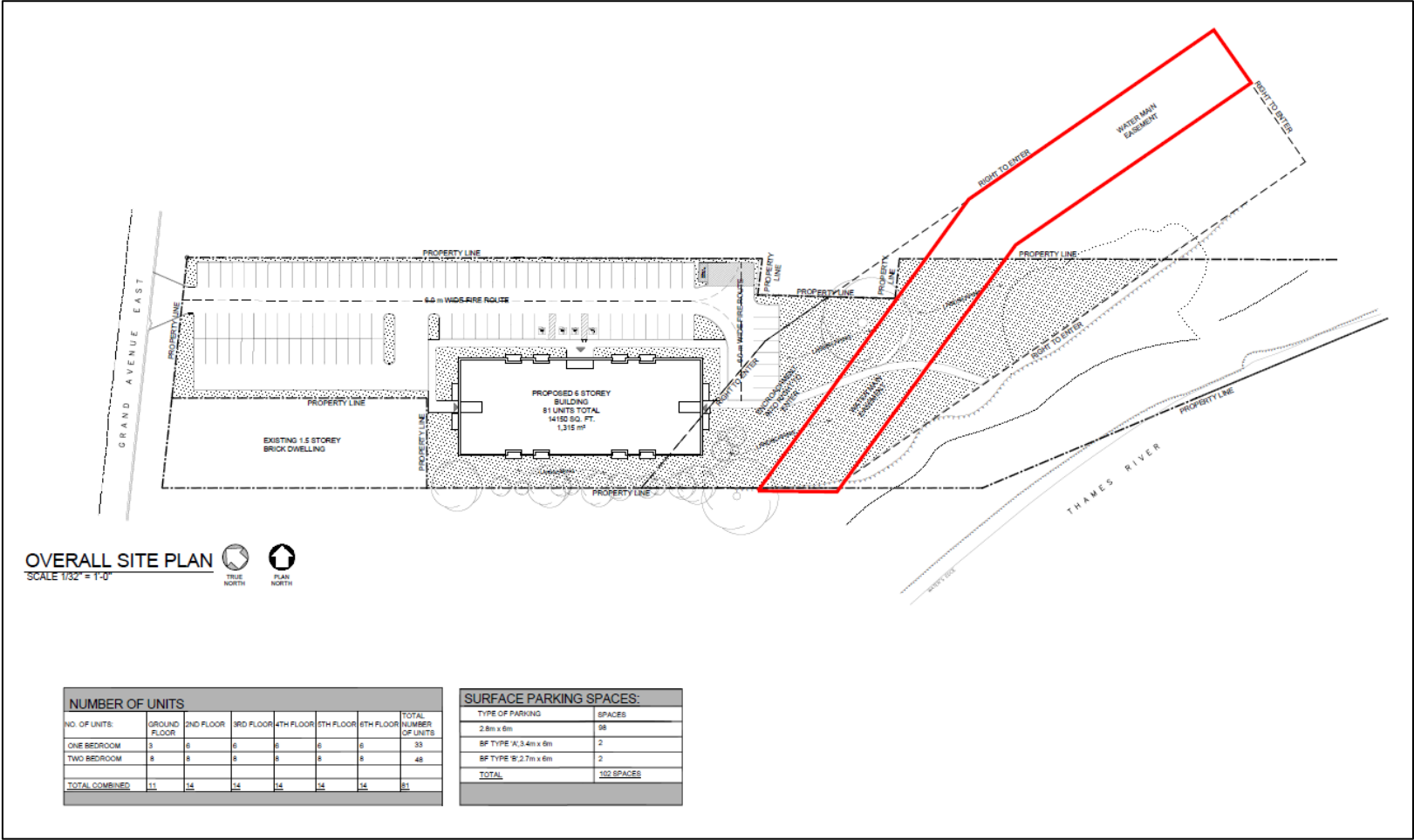


Looking south from Talbot Street West. In view is the existing dwelling to remain on the subject property.



Looking west, existing commercial and high-density residential uses are present on Grand Avenue East.

Appendix C – Conceptual Site Plan



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
(John Gregory)
CityView # PL202100303

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 in order to rezone the lands to permit a residential development with site-specific zoning provisions;

And Whereas the proposed uses 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 (Highway Commercial First) (UC(HC1)) to Residential High Density Second-1577 (RH2-1577) and Hazard Land (HL) 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:
1577

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:
RH2-1577

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
1577	RH2-1577	Notwithstanding any other provision of the by-law to the contrary, the following shall also apply: <div><div>i)</div><div>Minimum Off-Street Parking – 1.2 spaces per unit.</div><div>ii)</div><div>Minimum Westerly Yard Setback – 7.62 m.</div></div>

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.

