

Municipality of Chatham-Kent

Community Development

Planning Services

To: Mayor and Members of Council

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

Date: November 10, 2022

Subject: Application for Draft Plan of Subdivision & Zoning By-law Amendment
PL202200200 – 2873723 Ontario Inc.
800 Elizabeth Street, Community of Wallaceburg

Recommendations

It is recommended that:

1. Zoning By-law Amendment D-14 WA/55/22/O, to rezone the subject lands, in Lot 72, Part of Lot 70, 71 and Part of Alley, Plan 274; and Lot 9, RCP 785, in the Community of Wallaceburg, from Institutional (I) and Residential Low Density Third (RL3) to Residential Medium Density First-1633 (RM1-1633) and Holding-Residential Low Density Fourth-1632 (RL4-1632), be approved, and the implementing by-law be adopted.
2. Draft Plan of Subdivision Application D-12 WA/02/22/O, in Lot 72, Part of Lot 70, 71 and Part of Alley, Plan 274; and Lot 9, RCP 785, in the Community of Wallaceburg, for draft plan 36T-22502, which proposes 17 vacant residential Blocks, subject to the draft conditions set out in Appendix D, be approved; and,
 - a) that the Mayor and Clerk be authorized to sign the Draft Plan of Subdivision;
 - b) that the Mayor and Clerk be authorized to execute the Subdivision Agreement(s), to include the following cost sharing obligations for required municipal infrastructure renewal:
 - i. Applicant/Owner – 31%;
 - ii. CKPUC – 34%; and,
 - iii. Municipality – 35%;
 - c) that upon satisfaction of all conditions of draft approval, the Mayor and Clerk be authorized to sign the Final Plan of Subdivision; and,

- d) that upon satisfaction of all servicing requirements, the Director of Engineering be authorized to execute a Certificate of Completion for the Development.

Background

The subject lands are located in the block of Elgin Street, Lisgar Street, Elizabeth Street and Lorne Avenue, in the Community of Wallaceburg (Roll No. 3650 442 002 13300). The lands are approximately 1.75 ha (4.33 ac.) in area and were the former site of W.T. Laing Public School. The school closed in 2001 and was demolished in 2010 and has been vacant since that time. The lands are designated Residential Area in the Chatham-Kent Official Plan and zoned Institutional (I) and Residential Low Density Third (RL3). A key map showing the location of the subject lands is attached as Appendix A. Photographs of the subject lands are attached as Appendix B.

Summary of Proposal

The applications seek to rezone and subdivide the property to permit Semi-detached and Row House Dwelling development in the Block (Lot) layout shown in the enclosed, "Draft Plan of Subdivision 36T-22502", attached as Appendix C.

The Zoning By-law Amendment and Draft Plan of Subdivision applications apply to all of the lands described above. The lands are also described in the enclosed, "Draft Plan of Subdivision 36T-22502" ("the Plan").

Blocks 1-16, as shown on the Plan, are proposed to be rezoned to Holding-Residential Low Density Fourth-1632 (H-RL4-1632). The RL4 Zone permits Single Detached and Semi-detached Dwellings. These Blocks are proposed by the applicant to be developed with Semi-detached Dwellings, including the following special provisions which vary from the standard regulations of the RL4 Zone:

- Front Yard Depth Minimum – 6.7m
- Lot Coverage Maximum – 45%

Block 17, as shown on the Plan, is proposed to be rezoned to Residential Medium Density First-1633 (RM1-1633). This site-specific RM1 Zone will recognize Elgin Street as the Front Lot Line for zoning purposes (instead of the narrow frontage on Lorne Avenue). The RM1 Zone permits the following uses:

- Converted Dwelling, Semi-Detached Dwelling, Semi-Detached Dwelling Unit, Duplex Dwelling, Triplex Dwelling, Double Duplex, Fourplex Dwelling, Dwelling Row House, Dwelling Senior Citizen, Group Home, Small Rental Dwelling Unit, Large Rental Dwelling Unit

Block 17 is proposed to be developed by the applicant with purpose-built rental Row House (Townhome) Dwellings.

Public Information Centre

A Public Information Centre (PIC) facilitated by Storey Samways Planning Ltd., on behalf of the applicant, was held on October 17, 2022 to provide information to the public regarding the proposed development, answer questions and hear comments. A summary of the public meeting prepared by Storey Samways Planning Ltd. is attached as Appendix D.

Comments

Provincial Policy Statement

The applications do not raise any issues of provincial interest and are consistent with the Provincial Policy Statement.

Official Plan

The Official Plan policies contemplate changes in the residential land and housing supply over time. Policy 2.3.4.1.1, states that Chatham-Kent shall, *“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.”*

The Official Plan policies also guide urban development and intensification. Policy 2.3.5.2.6, states that Chatham-Kent shall encourage development to, *“locate in fully serviced urban areas... and will occur in a planned, orderly, efficient and sustainable manner; and will be in keeping with the available capacity of the infrastructure and public service facilities present to serve the development.”* Policy 2.3.4.2.4, states that Chatham-Kent has *“established a residential intensification target of 10% within the built up portions of the Primary and Secondary Urban Centres”*.

Finally, the Official Plan policies guide the redevelopment of former institutional sites, through intensification. Policy 2.3.4.2.5 states that:

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.

The proposal is consistent with this policy in that:

- The proposed development is within the Wallaceburg Primary Urban Centre that is appropriate suited for intensification;
- The lands are designated Residential Area in the Chatham-Kent Official Plan; suitable for the proposed residential development;
- Renewal of the existing services, including water and sanitary sewerage are required prior to the development along the frontage of Elizabeth Street and Lisgar Street. The medium density residential Block is adequately serviced from Lorne Avenue and Elgin Street;
- Elizabeth Street and Lisgar Street are Local Roads capable of accommodating the proposed low density residential uses. Elgin Street is an Urban Collector Road in which access to the row housing development will be provided;
- Parking requirements as set out in the Zoning By-law will be required to be met for each Block;
- The subject lands are surrounded by one and two-storey dwellings, with existing commercial uses at the intersection of Lisgar Street and Elgin Street. The proposed development will be consistent with the existing massing and scale in the neighbourhood.

The Official Plan contains policies related to flood protection (Policy 4.5.3). The subject lands are within a flood prone area and development plans requires the approval of permits from the St. Clair Region Conservation Authority which will further implement the direction of the following Official Plan policies:

4.5.3.2.1 Flood and erosion constraint areas consist of Floodplains, which may consist of Floodway, Floodfringes, Special Policy and erosion setback areas, as identified through consultation with the appropriate Conservation Authority. Flood and erosion constraint areas are identified on Schedule "C" Series – Natural Heritage and Hazards Features.

4.5.3.2.2 Development and site alteration will generally be directed outside of areas of flooding, erosion, and/or dynamic beach hazards along lakefronts, rivers and stream systems. Development and site alteration, however, may be permitted on certain floodplains and erosion constraint areas provided that:

- a) the flood hazard can be safely addressed;*
- b) no new hazards are created or existing ones aggravated;*
- c) no adverse environmental impacts will result;*
- d) vehicles and people can safely enter and exit the area during times of flooding...*

Draft Plan of Subdivision File No. 36T-22502

Section 6.3.3.29 – 34.3 of the Official Plan and Section 51(24) of the Planning Act sets out those matters Council must have regard for when considering a Draft Plan of Subdivision. Among other things these relate to Provincial interests, timing of development, adequacy of utilities, municipal services and school facilities, need for public-purpose land within the plan, conservation of natural resources, flood control and design features. To comply with the Municipality's Development Standards, a Subdivision Servicing Agreement, the engineering review of the construction drawings and provisions for the installation of full municipal services, is a requirement of final approval of the subdivision. The following notable items have been considered, and conditions of final approval (Appendix D) are applied where appropriate.

Infrastructure Servicing

An Engineering Report, prepared by MIG Engineering Ltd. was received as part of the application. In summary, the report describes an acceptable servicing strategy. The subdivision agreement will provide for:

Watermains and Sanitary Sewers – Watermains and sanitary sewers will be replaced across the Elizabeth Street and Lisgar Street frontage. The Block proposed for medium density residential development has access to adequate watermains and sanitary sewers on Elgin Street. Through consultation with the Municipality and CKPUC, it is identified that the age and condition of this existing infrastructure is a constraint to adding the additional service connections. These services are required to be replaced to provide adequate services to the proposed development and avoid negative impacts to the public.

Storm Sewers – Storm sewers will be replaced across the Elizabeth Street and Lisgar

Street frontage. The Block proposed for medium density residential development will be provided a storm sewer outlet on Lorne Avenue. The 2022 Lorne Avenue reconstruction project has considered the future servicing requirements of the subject lands.

Roads and Sidewalks – Elizabeth Street and Lisgar Street will be reconstructed to the modern development standards.

Parkland – No additional parkland dedication is recommended for this subdivision. The applicant is required to provide a payment of cash-in-lieu of parkland dedication as a condition of approval.

Boulevard Trees – The applicant is required to provide payment in-lieu of planting boulevard trees. The Municipality will plant boulevard trees at an appropriate time during build-out of the subdivision.

The recommended subdivision agreement shall include that the Municipality and CKPUC will undertake the engagement and management of the service providers necessary to complete the servicing on Elizabeth Street and Lisgar Street, with the applicant paying a portion of the costs for the construction and upgrades. CKPUC consideration of the general terms will be presented at a future meeting of the CKPUC, following Council approval of the applications.

Based on the recommendations, and provided the development timeline is not altered, Chatham-Kent plans to include the noted construction of Elizabeth Street and Lisgar Street as part of its 2024 lifecycle projects. This construction is not required for development of the medium density residential project fronting Elgin Street.

Zoning By-law

The subject property is zoned Institutional (I), which permits a wide range of institutional uses including the former school. The surrounding neighbourhood is primarily low density residential with some commercial uses (restaurant, funeral home) located to the northeast of the subject lands.

The proposed zoning by-law amendment will rezone the lands proposed for semi-detached dwellings from the existing Institutional (I) zone to a site-specific Holding-Residential Low Density Fourth-1632 (H-RL4-1632) zone which will permit all uses in the RL4 zone and apply the following special provisions:

- a) Minimum Front Yard Depth – 6.7 m
- b) Maximum Lot Coverage – 45%

As noted above, the lands will be placed into a Holding Symbol until such time that full reconstruction of Elizabeth Street and Lisgar Street has occurred and full municipal services are available to the property, to the satisfaction of the Municipality.

The zoning by-law amendment will also rezone a portion of the lands to a Residential Medium Density First-1633 (RM1-1633) zone. This site-specific zone will recognize Elgin Street as the front lot line, defined as follows:

“LOT LINE, FRONT” means the lot line that divides a lot from the street provided that in the case of a corner lot, the shorter lot line that abuts a street shall be deemed to be the front lot line, and the longer lot line that so abuts shall be deemed to be a side lot line. In the case of a through lot, only one of the lot lines abutting a street shall be deemed the front lot line.

The front lot line would otherwise be recognized as Lorne Avenue as it would be the shorter lot line abutting a street. This will provide appropriate setbacks for the development of the site.

Conclusion

The proposed Zoning By-law Amendment, and Draft Plan of Subdivision applications have been reviewed in the context of the Provincial Policy Statement and Chatham-Kent Official Plan, and will be in full conformity, if approved. The proposed subdivision is appropriate for this location. It provides an opportunity for new residential units in Wallaceburg. 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

Internal

Technical Advisory Committee

The Technical Advisory Committee supports the applications, subject to the Conditions of Approval (Appendix D).

External

St. Clair Region Conservation Authority (SCRCA)

SCRCA was circulated on the applications as the subject property is in an area regulated by the Conservation Authority. A copy of the SCRCA letter is attached as Appendix F.

Financial Implications

The estimated cost of infrastructure renewal (as of October 2022) required to redevelop the lands as proposed is \$2,900,000.00 (exclusive of H.S.T). Under the recommended agreement, the cost sharing arrangement is: Applicant/Owner – 31%; CKPUC – 34%; and, Municipality – 35%. There will be a future Tender to Award, which will detail the funding required.

Prepared by: Greg Houston, Planner I, 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 Photo

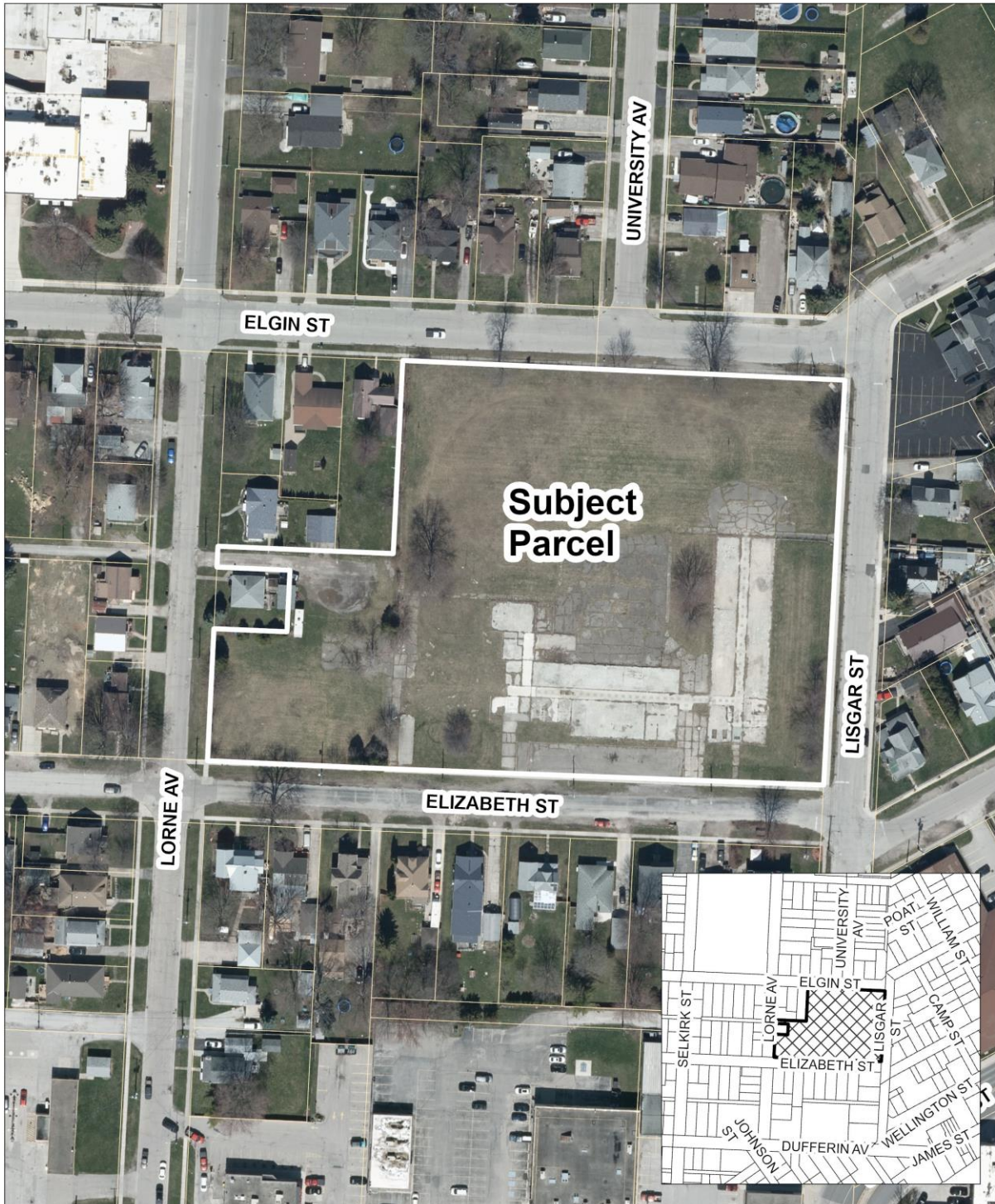
Appendix C – Draft Plan of Subdivision 36T-22502

Appendix D – Public Information Centre Summary

Appendix E – Conditions of Draft Plan Approval for File 36T-22502

Appendix F – St. Clair Region Conservation Authority Comments

Appendix A – Key Map



This is not a plan of survey.
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Appendix B – Site Photos

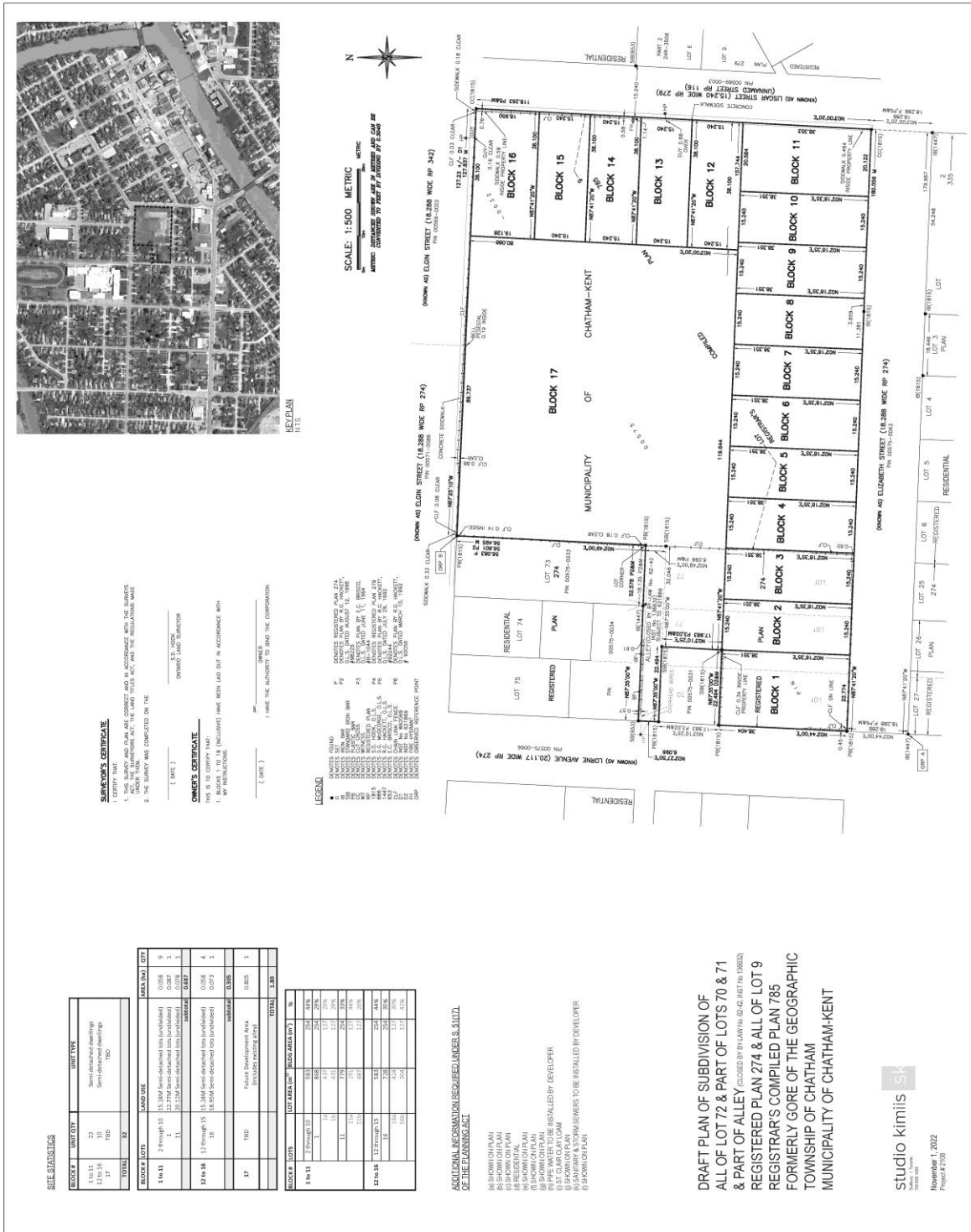


Looking north at the subject lands from Elizabeth Street.



Looking south at the subject lands from Elgin Street.

Appendix C – Draft Plan of Subdivision 36T-22502



BACKGROUND CERTIFICATE
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SERVICES...
 2. THE SURVEY WAS COMPLETED ON THE...

OWNER'S CERTIFICATE
 I, the undersigned, own the land shown on this plan in accordance with the registration...

- LEGEND**
- REGISTERED LOT
 - REGISTERED PLAN
 - REGISTERED EASEMENT
 - REGISTERED SERVITUDE
 - REGISTERED EJECTMENT
 - REGISTERED ENCUMBRANCE
 - REGISTERED INTEREST
 - REGISTERED CHARGE
 - REGISTERED MORTGAGE
 - REGISTERED CREDIT AGREEMENT
 - REGISTERED LIEN
 - REGISTERED OPTION
 - REGISTERED RIGHT OF WAY
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 - REGISTERED RIGHT OF REDEMPTION BY PURCHASER
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BLOCK #	UNITS/LOTS	UNIT TYPE	AREA (M ²)	
			PLAN	LOT
1 to 11	9	Single detached housing	10,808	9
12 to 14	3	Single detached housing	3,242	3
15 to 16	2	Single detached housing	2,161	2
17	1	TRD	2,701	1
TOTAL	32		18,912	32

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			PLAN	LOT
1 to 11	9	Single detached housing	10,808	9
12 to 14	3	Single detached housing	3,242	3
15 to 16	2	Single detached housing	2,161	2
17	1	TRD	2,701	1
TOTAL	32		18,912	32

ADDITIONAL INFORMATION (REQUIRED UNDER S. 31(12.1) OF THE CONTOURACTS ACT)

(A) SHOWING CURBS
 (B) SHOWING PLANS
 (C) SHOWING UTILITIES
 (D) SHOWING EASEMENTS
 (E) SHOWING ENCUMBRANCES
 (F) SHOWING MORTGAGES
 (G) SHOWING LIENS
 (H) SHOWING RIGHTS OF WAY
 (I) SHOWING RIGHTS OF ACCESS
 (J) SHOWING RIGHTS OF INTERFERENCE
 (K) SHOWING RIGHTS OF BURDEN
 (L) SHOWING RIGHTS OF ENJOYMENT
 (M) SHOWING RIGHTS OF POSSESSION
 (N) SHOWING RIGHTS OF USE
 (O) SHOWING RIGHTS OF OCCUPANCY
 (P) SHOWING RIGHTS OF RESIDENCE
 (Q) SHOWING RIGHTS OF REDEMPTION
 (R) SHOWING RIGHTS OF REVERSION
 (S) SHOWING RIGHTS OF RETURN
 (T) SHOWING RIGHTS OF SURRENDER
 (U) SHOWING RIGHTS OF EXTINGUISHMENT
 (V) SHOWING RIGHTS OF CONFIRMATION
 (W) SHOWING RIGHTS OF CURE
 (X) SHOWING RIGHTS OF REINSTATEMENT

DRAFT PLAN OF SUBDIVISION OF ALL OF LOT 72 & PART OF LOTS 70 & 71 & PART OF ALLEY (CLOSED BY PLAN 76 & 72) (REG. NO. 038001) REGISTERED PLAN 274 & ALL OF LOT 9 REGISTRAR'S COMPILED PLAN 785 FORMERLY GORE OF CHATHAM TOWNSHIP OF CHATHAM MUNICIPALITY OF CHATHAM-KENT



Appendix D – Public Information Centre Summary

The Public Information Centre for this proposal was held on October 17, 2022 at the UAW Local 251 Hall, 88 Elm Drive South, Wallaceburg. The meeting started at 6:30 pm and ended at approximately 8:30 pm. Approximately 125 identified land owners were mailed an invitation, dated October 3, 2022. A copy of the invitation is attached to this email for ease of reference.

Of those that were invited, approximately 25 people attended, and of those, 10 submitted comment sheets. It is also noted that one letter was received prior to the meeting. You were provided copies of all comments received, and the letter, in earlier emails.

Also in attendance, representing the developer was Gurpremjit Singh (Owner / Developer), Ali Saeed, Randy Hope, David French, David Graham (MIG Engineering) & Kristin Beites (architect). Noor Hermiz, Planner, representing CK, attended in an observatory capacity, but was not called upon to provide any answers to any of the questions.

As per the invitation, the development team provided introductions and a brief overview (with PowerPoint presentation) of the project, followed by a question and answer period.

Most discussion surrounded the issue of potential on-street parking, and at a high-level, the introduction of new designs and dwelling types into an established (older) residential neighbourhood. Concern was also raised regarding the existing poor drainage conditions and whether or not the new development would compound the existing issue. Appropriate responses were provided – the by-law required parking is being provided on each lot to service the dwelling units; in an infill situation like this, it is reasonable to expect new designs and dwelling types based on today's standards and markets; and the requirement that the developer handle all stormwater runoff so as not to spill onto neighbouring properties. Further this last comment, it was indicated that the road and infrastructure upgrades, which will include storm sewers, will assist, and not compound, the existing drainage situation.

I would also note there were a number of positive comments too related to the provision of additional housing options for the Wallaceburg community; and the fact that a derelict and vacant property that has seen vandalism and other questionable activities, would be redeveloped and no longer ignored.

From my perspective, I didn't get a sense there was a great deal of community / neighbour objection to the redevelopment, and no outright opposition to the proposal. People were there to find out what was planned and ask questions. The overall tone in the room (both public and developer sides) was, on balance, positive and respectful.

I trust the above provides an accurate summary of the PIC event and comments received.

Please reach out if you have any questions.

Regards,
David

David French, BA, CPT
Storey Samways Planning Ltd.
55 Forest Street / Suite N / Chatham / ON / N7L 1Z9
519-354-4351 / davidf@storeysamways.ca / www.storeysamways.ca



Appendix E – Conditions of Draft Plan Approval for File 36T-22502

November 28, 2022

FILE NO: 36T-22502

APPLICANT: 2873723 Ontario Inc.

The Corporation of the Municipality of Chatham-Kent's conditions to final plan approval for registration of this subdivision, File No. 36T-22502, are as follows:

NO.	CONDITIONS
1.	That this approval applies to the attached Draft Plan of Subdivision prepared by Studio Kimiis, dated November 1, 2022, which shows: <ul data-bbox="332 756 1307 829" style="list-style-type: none"><li data-bbox="332 756 950 787">• Blocks 1-16 for semi-detached dwellings<li data-bbox="332 798 1307 829">• Block 17 for purpose-built rental row house (townhome) dwellings
2.	That approval of this Draft Plan of Subdivision will expire five (5) years from the date of approval and in accordance with Section 51(32) of the Planning Act.
3.	That the applicant provide a hard copy and AutoCAD.dwg version of the final draft plan projected to the NAD 83/UTM Zone 17N coordinate system, prior to final registration of the plan.
4.	That the streets be numbered to the satisfaction of the Municipality.
5.	That prior to final approval, Blocks 1-11 fronting Elizabeth Street and Lots 12-16 fronting Lisgar Street be rezoned with additional special zone provisions for a Holding symbol, to reflect the residential uses, with site and building regulations appropriate to those uses, once infrastructure renewal across the Elizabeth Street and Lisgar Street frontage has occurred, and that the final plan shall conform with the Municipality's Zoning By-law as thereby amended.
6.	That the applicant circulate grading plans to be reviewed and approved by St. Clair Region Conservation Authority, ensuring that the following floodproofing measures are met: <ul data-bbox="284 1617 1372 1871" style="list-style-type: none"><li data-bbox="284 1617 1372 1690">i. be floodproofed with a minimum lowest opening elevation of 181.66 metres Canadian Geodetic Datum (CGD);<li data-bbox="284 1690 1307 1764">ii. all mechanical/heating/electrical must be no lower than 181.66 metres (CGD);<li data-bbox="284 1764 1193 1795">iii. all structures must be designed to withstand hydrostatic force;<li data-bbox="284 1795 1307 1871">iv. only non-deleterious substances are to be used below 181.66 metres (CGD); and

- v. the final grade around the dwellings must be above 181.66 metres (CGD) to ensure that sheet flows during severe rain storm events do not impact the residential dwellings.
7. That the Owner agree in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning the provision of paved roads, sidewalks and installation of services and drainage and in accordance with Municipality's Development Standards and to the satisfaction of the Municipal Engineer prior to final registration.
 8. That such easements as may be required for walkways, utility or drainage purposes shall be granted to the appropriate authority, and in a form acceptable to the authority.
 9. That if any underground or overhead utility line, pipeline, drain or other facility must be relocated, replaced or otherwise altered as a result of the subdivision, this shall be at the Owner's sole cost and expense.
 10. That signs be erected, located and maintained, to the satisfaction of the Municipality, at the entrance to the subdivision to show the roadway layout within the boundary of the development and include the location of the lots.
 11. That the Subdivision Agreement between the Owner and Municipality include a clause that at the time of Building Permit application the Chief Building Official may require additional Geo-Technical investigation before building permits are issued.
 12. That the Owner enters into a Subdivision Servicing Agreement satisfactory to the Municipality of Chatham-Kent to comply with the Municipality's Development Standards, and the engineering review of the construction drawings, and will provide for the installation full municipal services, which will include the following provisions:
 - a) The Developer shall pay Chatham-Kent the amount of \$700 per Block for each final Semi-detached Dwelling Unit shown on the final Draft Plan of Subdivision.
 13. That the Subdivision Agreement between the Owner and Municipality include a clause that appropriate dust, dirt and control measures be applied during construction and for any unpaved road surfaces.
 14. That the Subdivision Agreement between the Owner and Municipality include a clause that all vacant lands not under construction be grass seeded for weed control.
 15. The Owner shall agree in the Agreement, in words satisfactory to the applicable

telecommunications provider, to grant the telecommunications provider any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with the existing telecommunications provider facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

16. The Owner shall be required to enter into an agreement (Letter of Understanding) with the telecommunications provider complying with any underground servicing conditions imposed by the Municipality, and if no such conditions are imposed the owner shall advise the Municipality of the arrangement made for such servicing.
17. That the Owner shall agree to provide the necessary details for the provision of adequate servicing corridors to the satisfaction of Bell Canada, Union Gas, Hydro One or Entegrus, and Cogeco Cable, and provide documentation that the above noted utilities are in agreement with the corridor details.
18. That the Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies.

Notes To Draft Approval:

1. It is the owner's responsibility to fulfill the conditions of draft approval and to ensure that any required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the plan of subdivision file number.
2. The applicant should be aware of the following subsections of the Land Titles Act, R.S.O. 1990, c.L.5:
 - a) Subsection 144(1) requires all new plans be registered in a Land Titles system if the land is situated in a land titles division; and
 - b) Subsection 144(2) allows certain exceptions.
3. All measurements on the subdivision final plan must be presented in metric units.
4. Council, in its discretion, may withdraw the draft approval or change the conditions of approval at any time before final approval is given (Subsection 51(44) of the Planning Act).
5. The Ministry of Environment must be advised immediately should waste materials and/or other contaminants be discovered during the development of this plan of subdivision. If discovered, a further approval under Section 46 of the Environmental Protection Act may be required from the Ministry of Environment.

6. Prior to final approval, a hard and electronic copy of the draft plan must be submitted to the telecommunications provider for review and comment.
7. The applicant or any public body may, at any time before final approval is given, appeal any of the conditions of approval to the Ontario Municipal Board by filing with the Municipality a notice of appeal setting out the reason(s) for the appeal, accompanied by the fee required by the Board (Subsection 51(39) of the Planning Act).
8. Prior to final approval, a hard copy and electronic version of the draft plan, must be submitted to Bell Canada, Union Gas, Hydro One or Entegrus, and Cogeco Cable confirming that the space provided for utilities is sufficient.
9. Should the Owner or Municipality require underground Bell Canada facilities to serve the subdivision, then the Owner must confirm with the Municipality that satisfactory arrangements have been made with Bell Canada for underground services.
10. The Owner is to also be advised that should any conflicts with existing Bell Canada facilities or easements arise, the Owner shall be responsible for rearrangements or relocation. Further, the Owner is to provide easements as required to service the subdivision.
11. The applicant should be aware that it is municipal policy that division of row house dwelling blocks into row house dwelling unit lots, will be through the consent process under Section 53 of the Planning Act, and, for greater clarity, not by Part Lot Control exemption.

Appendix F – Letter from St. Clair Region
Conservation Authority dated November 7, 2022



St. Clair Region Conservation Authority
205 Mill Pond Cres., Strathroy, ON, N7G 3P9
(519) 245-3710 (519) 245-3348 FAX
E-Mail: stclair@scrca.on.ca
Website: www.scrca.on.ca

Member
Municipalities

Township of
Adelaide-Metcalf

Municipality of
Brooke-Alvinston

Municipality of
Chatham-Kent

Township of
Dawn-Euphemia

Township of
Enniskillen

Municipality of
Lambton Shores

Municipality of
Middlesex Centre

Village of
Newbury

Village of
Oil Springs

Town of
Petrolia

Town of
Plympton-Wyoming

Village of
Point Edward

City of
Sarnia

Municipality of
Southwest Middlesex

Township of
St. Clair

Municipality of
Strathroy-Caradoc

Township of
Warwick

Planning File No: PL#2021-0073

November 7, 2022

Municipality of Chatham-Kent
315 King St. West, P.O. Box 640
Chatham ON N7M 5K8

Attention: Greg Houston, Planner I, Chatham-Kent

Dear Mr. Houston:

**Re: Draft Plan of Subdivision & Zoning By-Law Amendment
800 Elizabeth Street
Lot 11, Concession 2, Geographic Township of Chatham, Municipality
of Chatham-Kent
Applicant: Gurpremjit Singh**

St. Clair Region Conservation Authority (SCRCA) staff reviewed the above noted application for Draft plan of Subdivision and Zoning By-Law Amendment concerning the subject property located at 800 Elizabeth Street.

The proposed Zoning By-law Amendment will rezone the subject lands from the existing Institutional (I) and Residential Low Density Third (RL3) to Residential Medium Density First-1633 (RM1-1633) and Holding-Residential Low Density Fourth-1632 (H-RL4-1632). The proposed site-specific residential zones apply the following special provisions:

- Front Yard Depth Minimum – 6.7m
- Lot Coverage Maximum – 45%

The proposed residential subdivision consists of the following:

- 16 Blocks (Blocks 1-16) for semi-detached dwellings (32 units in total)
- 1 Block for a medium density development

Site Characteristics

The vacant subject property is designated as Residential on Schedule 'E6' Wallaceburg Urban Centre of the Chatham-Kent Official Plan and zoned as Institutional on Schedule 'A' of the Zoning By-law. The subject property contains lands within the floodplain for the Sydenham River. The flood hazard on the property is identified as Flood Prone Areas on the *Municipality of Chatham-Kent Schedule of Natural Heritage & Hazard Features C16 Community of Wallaceburg* of the Official Plan and as Flood Proofing and Flood Fringe Area on the *Municipality of Chatham-Kent Schedule E6 Wallaceburg Flood Proofing and Flood Fringe Areas of the Zoning By-law*.

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Conservation
Ontario

"working together for a healthy environment"

Recommendations

SCRCA has no concerns with the proposed Zoning By-law amendment to rezone the subject lands for residential development and allow for a site-specific residential zone.

Our current elevation mapping indicates the entire property as being impacted by Ontario Regulation 171/06. This means that written permission is required by the Authority prior to commencement of a development activity in a regulated area. It is our intention, however, to have Conservation Authority requirements be incorporated in the subdivision agreement so that individual lot permits for development are not required from the Authority

SCRCA is satisfied that the flood hazard can be safely addressed through floodproofing measures implemented through the Subdivision Agreement. In order to address the flooding related concerns of the SCRCA, new buildings intended for human habitation within the regulated area must:

- 1) Be floodproofed with a minimum lowest opening elevation of 177.24 metres (C.G.D.);
- 2) All mechanical/heating/electrical must be no lower than 177.24 metres (C.G.D.)
- 3) Full basements are generally not recommended, crawl space only. If full basements are proposed, dry-passive floodproofing methods, certified by a professional engineer is required;
- 4) All structures must be designed to withstand hydrostatic forces;
- 5) Only non-deleterious substances are to be used below 177.24 metres (C.G.D.); and
- 6) The final grade around the dwellings must be above 176.78 metres (C.G.D.) to ensure that sheet flows during severe rain storm events do not impact the residential dwellings;

As a condition of the draft plan of subdivision, the grading plans should be reviewed and approved by the SCRCA.

Written permission from the SCRCA under Ontario Regulation 171/06 will be required for the stormwater management facility and outlet and should be included as a condition in the draft plan of subdivision.

DELEGATED RESPONSIBILITY AND STATUTORY COMMENTS
Provincial Policy Statement Section 3.1 - Natural Hazards

SCRCA staff provide the following comments as part of SCRCA's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (PPS), 2020.

The subject property is within an area prone to flooding during a Regulatory Storm. The Regulatory Flood Standard for the Municipality is based upon flooding that would be expected during a Hurricane Hazel storm event.

The PPS generally directs development outside of hazardous lands adjacent to river and stream systems, which are impacted by flood and erosion hazards. Specifically, the PPS prohibits development in locations that would be rendered inaccessible during flooding emergencies and the floodway, which is the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. The PPS defines development as the creation of a new lot, a change in land use or the construction of buildings or structures required approval under the Planning Act. The proposed application is for the creation of new residential lots through a Plan of Subdivision. Development may be permitted in accordance with policy 3.1.7 of the PPS, which is reiterated in the Municipality of Chatham-Kent Official Plan policy 4.5.3.2.2;

4.5.3.2.2 Development and site alteration will generally be directed outside of areas of flooding, erosion, and/or dynamic beach hazards along lakefronts, rivers and stream systems. Development and site alteration, however, may be permitted on certain floodplains and erosion constraint areas provided that:

- a) the flood hazard can be safely addressed;
- b) no new hazards are created or existing ones aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people can safely enter and exit the area during times of flooding; and
- e) the development does not include:
 - i) an institutional use associated with hospitals, nursing homes, preschool, school nurseries, day care and schools;
 - ii) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; and
 - iii) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

The Municipality of Chatham-Kent Comprehensive Zoning By-law No. 216-2009 sets out the Flood Proofing and Flood Fringe area policies in section 4.8 which requires (emphasis added):

- a) *in all zones the elevation of any part of any habitable room in a dwelling or dwelling unit erected hereafter or in an addition or renovation made hereafter to an existing dwelling or non-residential building shall be as determined and approved by the relevant Conservation Authority;*

- b) *in all Residential, Institutional and Agricultural Zones, the elevation of any exterior building opening to a habitable room in a dwelling or dwelling unit erected hereafter or in addition or renovation made hereafter to an existing dwelling or non-residential building shall be as determined and approved by the relevant Conservation Authority;*
- c) *in all Residential, Institutional and Commercial Zones, the elevation of any mechanical, electrical or heating equipment in a building erected hereafter or in an addition or renovation to an existing building shall be as determined and approved by the relevant Conservation Authority;*

The Community of Wallaceburg is considered a Primary Urban Centre in the Chatham-Kent Official Plan. The Primary Urban Centre Plan in Part B of the Official Plan is to establish a more detailed planning framework in support of the general policy framework. Specific to the Community of Wallaceburg, policy B.2.10.8.4 of the Official Plan states:

B.2.10.8.4 Wallaceburg Urban Centre

The Sydenham River, Otter Creek and Running Creek Channels, plus 3.0 meters from the top of bank on each side, constitute the Floodway for the Wallaceburg Urban Centre. The balance of the Wallaceburg Urban Centre is identified as Flood fringe on Schedules "C" Series – Natural Heritage and Hazards Features.

B.2.10.8.4.1 Development will be permitted in the Flood fringe provide that floodproofing to the Regional Flood elevation, which is 177.24 meters Canadian Geodetic Datum.

The approximate extent of the flood hazard is also identified in the Zoning By-law on *Schedule E6 – Wallaceburg Flood Proofing and Flood Fringe Areas*. Therefore, in addition to the flood proofing requirements of the Official Plan, the Zoning By-law requires floodproofing within Flood Proofing and Flood Fringe Areas as indicated in Section 4.8.

Using SCRCA's best available elevation data, we can confirm that based on the existing grade elevations at the location of the subject property, the SCRCA does not have a concern with the construction of residential dwellings within the proposed plan of subdivision, as the natural hazard concerns can be adequately addressed through the following floodproofing measures:

- I. be floodproofed with a minimum lowest opening elevation of 177.24 metres (C.G.D.);

- II. all mechanical/heating/electrical must be no lower than 177.24 metres (C.G.D);
- III. Full basements are generally not recommended, crawl space only. If full basements are proposed, dry-passive floodproofing methods, certified by a professional engineer is required;
- IV. all structures must be designed to withstand hydrostatic forces;
- V. only non-deleterious substances are to be used below 177.24 metres (C.G.D); and
- VI. the final grade around the dwellings must be above 176.78 metres (C.G.D.) to ensure that sheet flows during severe rain storm events do not impact the residential dwellings;

Provided that the above noted floodproofing measures are implemented, it is expected that there will be no aggravation of existing hazards or creation of new hazards, vehicles and people can safely enter and exit the area during a flooding emergency and no adverse environmental impacts are anticipated. Therefore, consistency with the natural hazard policies of the PPS can be demonstrated, provided that the floodproofing requirements are included as a condition within the draft plan of subdivision to be brought forward to the subdivision agreement and implemented through the building permit process. If the floodproofing measures are included within the subdivision agreement, written permission from the SCRCA under Ontario Regulation 171/06 will not be required for future development on the subject property. As a condition of the draft plan of subdivision, the grading plans should be reviewed and approved by the SCRCA.

SCRCA has no concerns with the proposed Zoning By-law Amendment to rezone the subject lands to Residential Medium Density First-1633 (RM1-1633) and Holding-Residential Low Density Fourth-1632 (H-RL4-1632). SCRCA has no concerns with the site-specific residential zone.

Stormwater Management

Any proposed Stormwater Management facility and outlet will require review from SCRCA. The SWM report and outlet information should be sent to SCRCA staff for review and permit requirements under Ontario Regulation 171/06 should be included as a condition in the draft plan of subdivision. Quality control measures should be reviewed by the Ministry of the Environment Conservation and Parks (MECP).

SCRCA recommends that the applicant explores the use of Low Impact Development SWM controls on the property.

St. Clair Region Conservation Authority - Ontario Regulation 171/06

SCRCA staff provide the following comments as part of SCRCA's Regulatory Authority under Ontario Regulation 171/06 "*Development, Interference with Wetlands and Alterations to Shoreline and Watercourses*" made under Section 28 of the *Conservation Authorities Act*.

The subject property has been identified as being regulated under Ontario Regulation 171/06. The policies of the Authority regulate development including: construction/reconstruction of a structure; placement or removal of fill; regrading; altering a watercourse; altering/developing a shoreline; or interfering with the function of a wetland. Written approval from this Authority will be required in order to undertake any of these activities within the regulated area. Provided the above noted floodproofing measures are brought forward to the subdivision agreement, written approval from this Authority **will not be** required in order to undertake any of these activities within the regulated area on the subject property.

A proposed stormwater management facility (SWMF) and outlet **will** require written permission from the SCRCA under Ontario Regulation 171/06

Please be aware that the extent of the Regulation Limit as shown on the attached map is an approximation based on the available information. Please refer to Ontario Regulation 171/06 for a full description of the Regulation Limit.

ADVISORY COMMENTS

Provincial Policy Statement Section 2.1 - Natural Heritage

In accordance with Planning Act section 3(5), municipal decisions on planning matters shall be consistent with the Provincial Policy Statement, 2020 (PPS). Municipalities are responsible for the implementation of Section 2.1 of the PPS, pertaining to Natural Heritage. SCRCA provides natural heritage technical review and commenting services on behalf of our member municipalities, as per our understanding.

There are no natural features within 120 meters of the subject property, therefore the proposal satisfies Section 2.1 of the PPS.

Thames-Sydenham and Region Source Protection Plan

As per Authority Board direction, we also provide the following information as part of our "disclosure service". The Thames-Sydenham and Region Source Protection Plan has been approved and is designed to identify and help address drinking water source protection concerns. The Approved Plan, supporting documents and relevant maps are available at: <http://www.sourcewaterprotection.on.ca>. Portions of the subject property have been identified as being within a vulnerable area or an area where drinking water threat policies apply. These policies have been

developed with the intent to reduce risks posed by identified water quality and quantity threats. These approved policies are also available on the website.

SUMMARY

Given the above comments, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS can be demonstrated provided that the floodproofing measures are implemented through the Subdivision Agreement;
2. Ontario Regulation 171/06 does apply to the subject site. Written permission from SCRCA will not be required for development within the approved plan of subdivision, provided that the floodproofing measures are implemented through the subdivision agreement;
3. Written permission from SCRCA will be required for the stormwater management facility and outlet;
4. Consistency with Section 2.1 of the PPS has been demonstrated;
5. The subject site is located within an area that is subject to the policies contained in the Source Protection Plan.

Thank you for the opportunity to comment. We respectfully request to receive a copy of the decision and notice of any appeals filed.

If you have further questions, please do not hesitate to contact the undersigned.

Sincerely,



Melissa Deisley
Director of Planning & Regulations



Vitra Chodha
Planner