

A G E N D A

**THE NINTH MEETING OF THE COMMITTEE OF ADJUSTMENT
OF THE CITY OF ST. THOMAS 2018**

**COMMITTEE ROOM #415
CITY HALL**

10:00 A.M.

**THURSDAY
SEPTEMBER 27, 2018**

DISCLOSURE OF INTEREST

MINUTES

Confirmation of the minutes of the meeting held on August 23, 2018.

HEARING OF APPLICATIONS

B06/18 - Merle Mugford - 353 Wellington Street Pages 2-11

Planning Report - B06/18 Pages 12-13

B07/18 - Talbot Development ULC - 1055 Talbot Street Pages 14-23

Planning Report - B07/18 Pages 24-25

B08/18 - KRP Enterprises Ltd - 327 Talbot Street Pages 26-37

Planning Report - B08/18 Pages 38-39

UNFINISHED BUSINESS

NEW BUSINESS

Next Meeting

October 11, 2018 at 10:00 a.m. in Room #415

ADJOURNMENT



PLANNING & BUILDING SERVICES DEPARTMENT

t. (519) 633.2560 f. (519) 633.6581

9 Mondamin Street
St. Thomas, Ontario, N5P 2T9

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

August 21st, 2018

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held with Planning Department Staff and the applicant on August 1st, 2018.

An application for Consent, regarding 353 Wellington Street, was filed on August 21st, 2018.

This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

Please contact the Planning & Building Services Department if you have any questions.

Yours truly,

Patrick. J. C. Keenan
Director of Planning & Building Services



THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: <u>August 21/18</u>	Consultation Date: <u>August 1/18</u>
	Date Application Deemed Complete: _____	

Application #: BO60/18

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
 545 Talbot Street
 St. Thomas ON N5P 3V7
 Tel: (519) 831-1880 ext 4125 Fax: (519) 633-9019
 Email: mknapp@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$450 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal Information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. (a) Registered Owner(s): MERLE MUGFORD
 Mailing Address: 353 WELLINGTON STREET
 Postal Code: N5R 2T4 Telephone: 631-7506 Fax: _____
 email: _____

(b) Owner's Solicitor or Authorized Agent (if any): BERT DENNIS
 Mailing Address: 36340 FINGAL LINE
 Postal Code: N5P3A8 Telephone: 613-769-2242 Fax: SAME
 email: (BERT DENNIS AGL)

(c) Please specify to whom all communications should be sent:

Owner Solicitor Agent

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Easement _____ | |

(b) If a lot addition, identify the lands to which the parcel will be added:

N/A

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

UNKNOWN

3. Are there any existing easements or restrictive covenants affecting the land?

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) ST. THOMAS.

Concession No 353 WELLINGTON Lot(s) 849 Registered Plan No 80 Lot(s) 849

Reference Plan No BLOCK 0 Part(s) _____

Name of Street WELLINGTON Street No 353

5. Description of ^{SEVERED} subject land: (In metric units) Part No. on sketch _____

(a) Frontage 21.9 Depth 39.6 Area 867.7 M²

(b) Existing Use VACANT Proposed Use SEMI-DETACHED BUNGALOW

(c) Existing and proposed buildings and structures on the subject land:

Existing: VACANT LOT

Proposed: SEMI-DETACHED

6. Description of land to be retained: (in metric units) Part No. on sketch _____

(a) Frontage 25.9 M Depth 60.6 M Area 2429.4 M²

(b) Existing Use RESIDENCE Proposed Use RESIDENCE

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: RESIDENCE & GARAGE

Proposed: N/A

7. (a) Type of access to subject land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

(b) Type of access to retained land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

10. What is the current designation of the subject land in any applicable official plan?

(a) Local Municipal Official Plan RESIDENTIAL

(b) Regional Policy Plan N/A

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____
Status: _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____
Land Use on severed parcel _____
Date parcel transferred _____
Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: _____
Status: _____

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

(b) Are the subject lands within an area of land designated under a Provincial Plan or Plans?

Yes No

(c) If the answer to (b) is "yes" does the proposed consent application conform to or does it not conflict with the Provincial Plan or Plans?

Yes

No

15. As provided for in Ontario Regulation 197/96, and as required by this Committee of Adjustment, an application must be accompanied by a preliminary drawing prepared, signed and dated by an Ontario Land Surveyor, showing the information set out below. In the case of multiple applications, one drawing plus one extra copy for each additional application will suffice.

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks;
- (f) the existing uses on adjacent land, such as residential, agricultural and commercial uses;
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- (i) the location and nature of any easement affecting the subject land.

16. One copy of this application form is to be filed for each subject parcel, together with the preliminary drawing and the applicable application fee in cash, money order or by cheque made payable to the City of St. Thomas.

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, BERT DENNIS, the Owner or Authorized Agent, hereby agree
(Print name of Owner or Authorized Agent)
and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9, (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, BERT DENNIS of SOUTH ACD in the province of ONT.
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of St. Thomas on this 21st day of August, 2018.
City Day Month Year

Bert Dennis
Signature of Owner or Authorized Agent

AUG 21 2018
Date

Crystal Marie Perney
Signature of Commissioner of Oaths, etc.

August 21, 2018
Date

Crystal Marie Perney, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the City of St. Thomas.
Expires September 18, 2019.

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

✓ I, MERLE MUGFORD, am the owner of the subject lands, and I authorize BERT DALLIS, to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

✓ AUG 13, 2018
Date

✓ [Signature]
Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

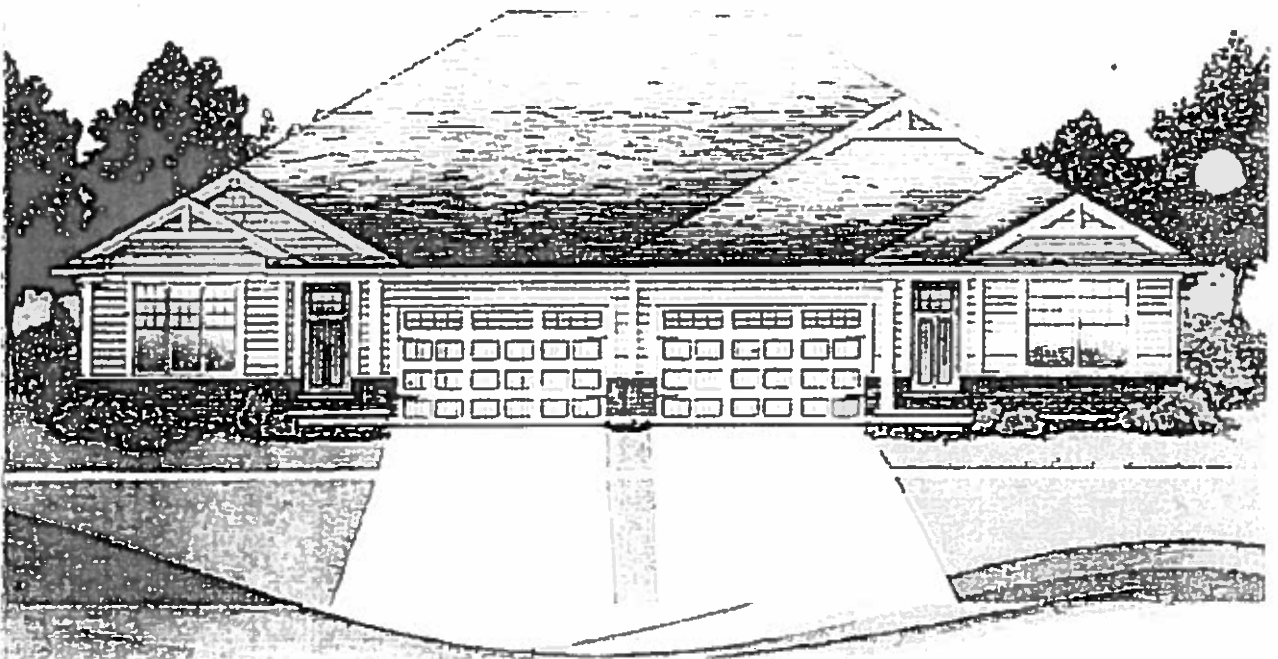
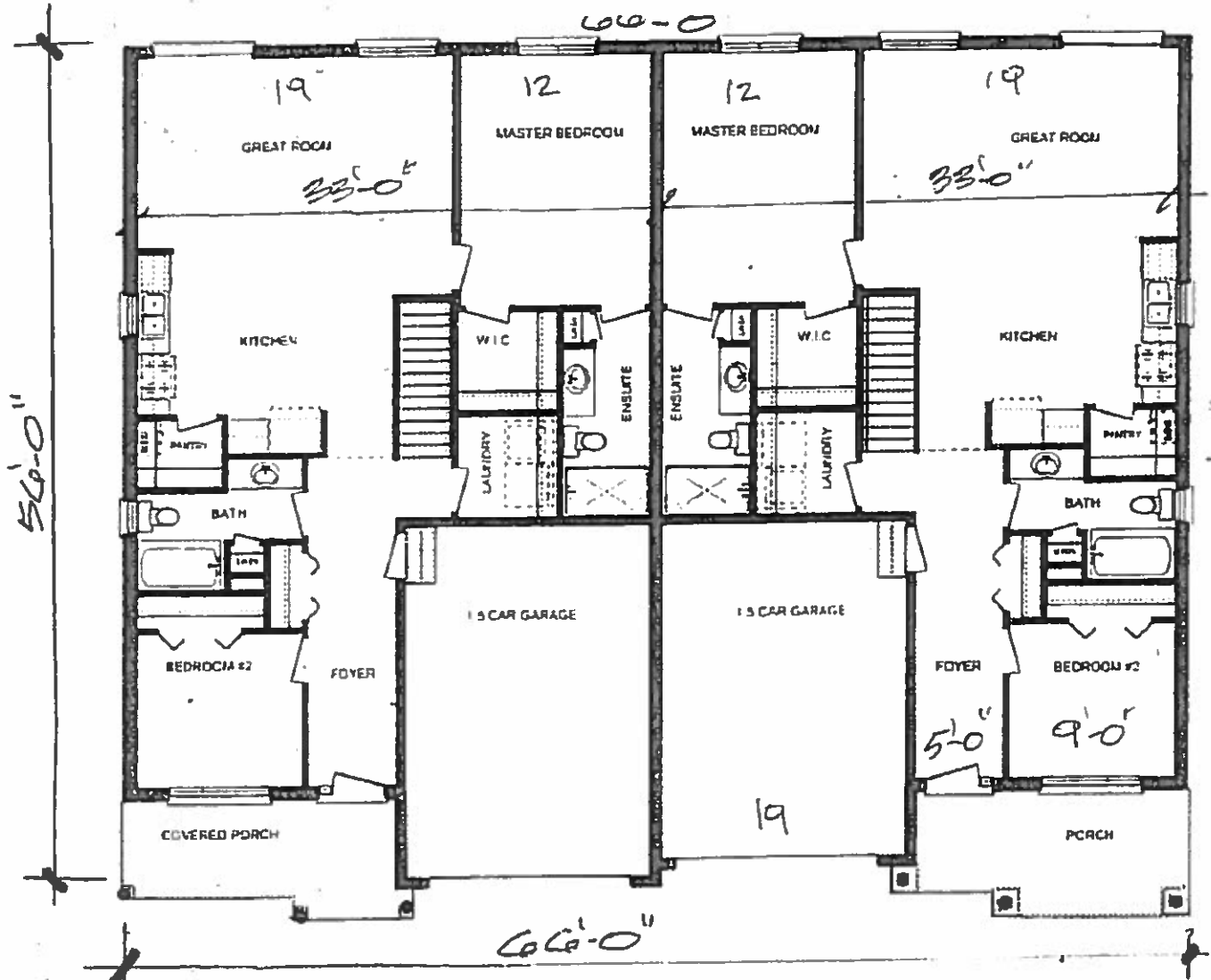
In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

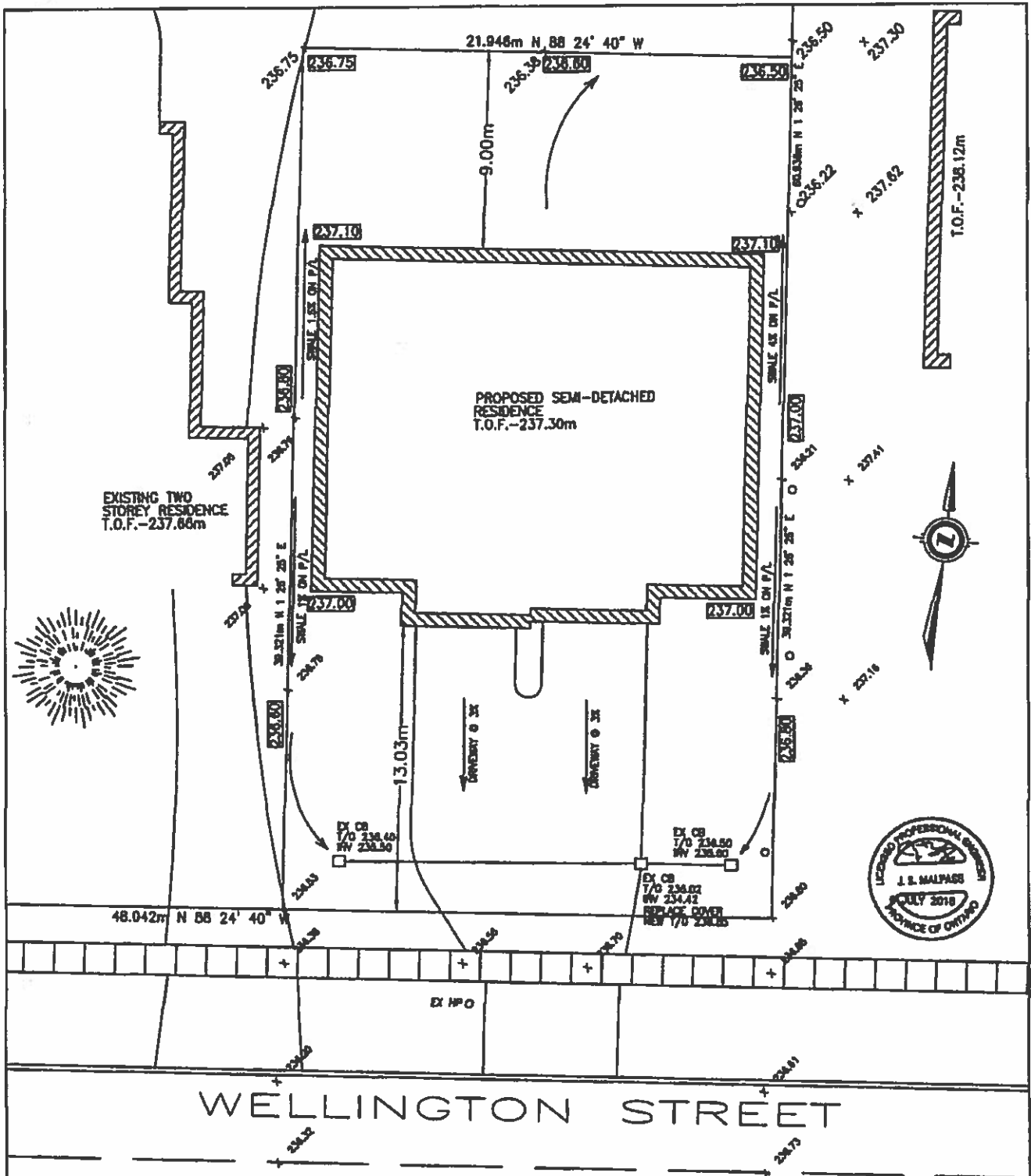
*Please note, Appendix B must be completed by the owner, not the authorized agent.

✓ I, MERLE MUGFORD, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

✓ AUG 13, 2018
Date

✓ [Signature]
Signature of Owner





- NOTES:**
1. REFER TO THE PLAN FOR ALL DIMENSIONS.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 3. SEE PLAN FOR ALL DETAILS.
 4. SEE PLAN FOR ALL NOTES.

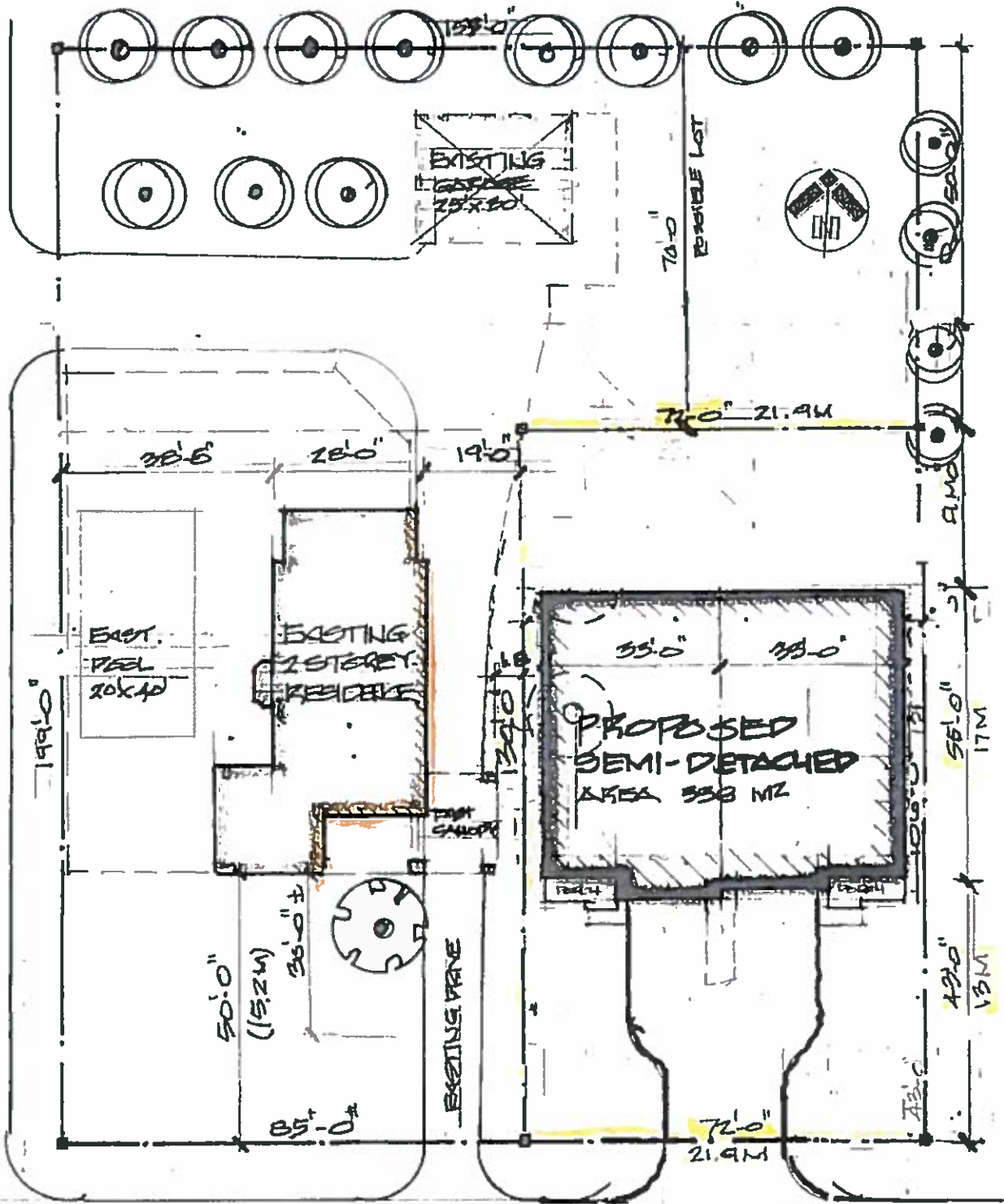


RELOCATED OLD SIGNATURE IN CORNER OF CONCRETE PORCH OF EXISTING STREET - 238.20m.

SCALE: 1:250 HORIZONTAL				MERLE MUGFORD	
2 RELOCATE HOUSE				J.S. MALPASS AND ASSOCIATES	
1 REVISED DRIVEWAY				ENGINEERS AND PLANNERS	
				ST. THOMAS, ONTARIO	
DESIGNED BY J.S.M.		DRAWN BY J.S.M.		CHECKED BY	
13/6/18		13/6/18		J.S.M.	
13/6/18		13/6/18		J.S.M.	
FIELD BOOK No. 0005		DATE: JULY 2018		DRAWING No. 1	


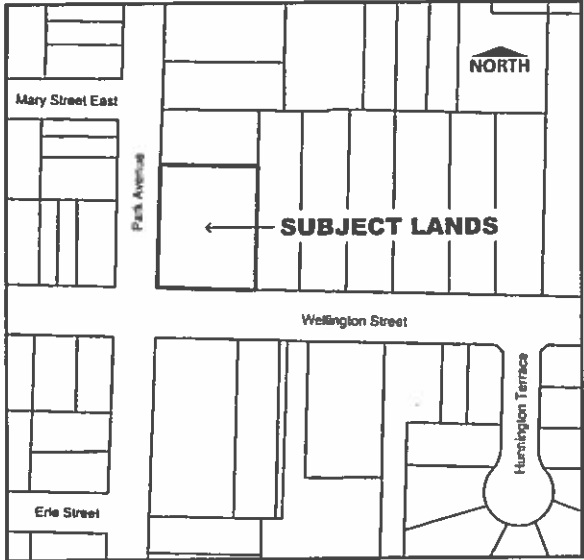
PARK AVE

LOT AREA 9,400
BUILDING AREA 3,640
LOT COVERAGE 38.5%



353 WELLINGTON STREET JULY 2018

SITE PLAN SCALE 1"=20'0" PROPOSED LOT SEVERANCE

 <p>The Corporation of the City of St. Thomas</p>	<p>Report No.: B06-2018</p> <p>Applicant: Merle Mugford</p>
<p>Directed to: Members of the Committee of Adjustment</p>	<p>Report Date: September 18, 2018 Meeting Date: September 27, 2018</p>
<p>Location: 353 Wellington Street, Plan 122, Registered Plan 80, Part Lots 8-10, in the City of St. Thomas.</p>	
<p>Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended</p>	
<p>Department: Planning and Building Services Department Prepared by: Steve Craig, Senior Planning Technician</p>	<p>Attachments: Location Plan and Aerial Photography</p>
<p>Recommendation: That: Report B06-2018 be received.</p>	
<p>Origin Consent application B06-2018 has been filed for the purpose of creating one new vacant residential building lot in order to construct a semi-detached dwelling.</p> <p>Proposal The applicant, through consent application B06/18, is proposing to sever one vacant lot with frontage of 21.9m on Wellington Street and an area of 867.24m². It is proposed that the severed lot will be used to construct one new semi-detached dwelling. The applicant is proposing to retain one lot with frontage of 25.9m on Wellington Street and an area of 1,569.54m², containing one single dwelling and one detached garage.</p> <p>Official Plan</p> <ul style="list-style-type: none"> The subject lands are within the Residential designation, as shown on Schedule "A" (Land Use Plan) to the Official Plan for the City of St. Thomas. The Residential designation of the Plan permits low, medium and high density residential use, subject to the policies of the Plan. Infilling and intensification of low density residential areas shall be encouraged where deemed appropriate. Redevelopment/infill for the purposes of the Plan is defined as new residential development within an established neighbourhood, on vacant or underutilized sites. Redevelopment/infill may occur by consent or plan of subdivision. Consents will be granted only if it is apparent to the Committee of Adjustment that a plan of subdivision is unnecessary and the land in question can be serviced adequately. The following policies, in addition to other applicable policies in the Plan, apply to the creation of new lots by the consent process: <ol style="list-style-type: none"> consents should be granted only in areas where the undue extension of any major service would not be required; consents should be granted only when the land fronts on an existing public road that is or will be developed to accepted municipal standards; consents should have the effect of infilling in existing urbanized areas and not of extending the urban area unduly; the size of any parcel of land created by such a consent should be appropriate for the use proposed considering the public services available and the soil conditions and in no case should any parcel be created which does not conform to the provisions of the zoning by-law; direct access from arterial or collector streets should be restricted and residential lots should, where possible, have access only from local streets (The Manager of Development and Compliance confirmed through email that the Environmental Services Department has no objections to the proposed consent application); consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades. As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 5 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance. <p>Zoning By-Law</p> <ul style="list-style-type: none"> The subject lands are located within the Third Residential Zone (R3) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended. The Third Residential Zone (R3) permitted uses include a single detached dwelling. For a single detached dwelling a minimum lot area of 371.5m² is required, and a minimum lot frontage of 12m is required. The Third Residential Zone (R3) permitted uses include a semi-detached detached dwelling. For a semi-detached dwelling a minimum lot area of 300m² is required per dwelling unit, and a minimum lot frontage of 10m is required per dwelling unit. No building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate: <ol style="list-style-type: none"> a water supply system; and a sanitary sewage system and a storm sewage system or a combined sanitary and storm sewage system. 	<p>Location Plan:</p> 

Aerial Photograph:



Comments

- The proposed consent application constitutes an appropriate intensification that will result in the creation of a new residential building lot that is compatible with the surrounding area, and is an appropriate and efficient use of residentially designated lands and municipal infrastructure.
- In staffs opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-Law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of consent application B06-2017 is supportable.
- Should the Committee approve consent application B06-2017 planning staff recommends the following conditions:
 - 1) The payment of cash-in-lieu of the dedication of 5% of the lands for parkland purposes; and
 - 2) The Corporation of the City of St. Thomas be provided with a copy of the reference plan.

Respectfully submitted,


Steve Craig
Senior Planning Technician



PLANNING & BUILDING SERVICES DEPARTMENT

t. (519) 633.2560 f. (519) 633.6581

9 Mondamin Street
St. Thomas, Ontario, N5P 2J9

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

August 28th, 2018

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on August 28th, 2018 with Planning Department Staff and the applicant.

An application for Consent, regarding 1055 Talbot Street, was filed on August 28th, 2018.

This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

Please contact the Planning & Building Services Department if you have any questions.

Yours truly,

Patrick J. C. Keenan
Director of Planning & Building Services



ZELINKA PRIAMO LTD

A Professional Planning Practice

August 27, 2018

Ms. Melanie Knapp, Secretary-Treasurer, Committee of Adjustment
City of St. Thomas
545 Talbot Street
St. Thomas, ON
N5P 3V7

Dear Ms. Knapp,

**RE: Application for Consent
1055 Talbot Street (Former Timken site)
Talbot Development ULC
Our File: KAM/STT/17-01**

Zelinka Priamo Ltd., on behalf of Talbot Development ULC, is pleased to submit an Application for Consent to Sever for the lands at 1055 Talbot Street (the "subject lands"), also known as the former Timken Lands, for the purpose of severing and conveying the northerly 2.966ha (7.329ac).

The vacant 8.03ha (19.84ac) subject lands are located at the northeast corner of Talbot Street and First Street, and formerly contained the Timken manufacturing plant, which has since been demolished and removed. The subject lands are within the "Mixed Use Development" land use designation, which permits a broad range of commercial uses and high-density residential uses; and are zoned "Mixed Use Development Zone (MU)", which permits the uses contemplated in the "Mixed Use Development" land use designation.

The intent of the consent application is to sever and convey the northerly 2.966ha (7.329ac) of the subject lands for the purpose of commercial development. It is noted that a road widening dedication of approximately 2m will be required along First Avenue.

As per the submission requirements for an Application for Consent, please enclosed the following:

- One (1) copy of the completed Consent application form;
- One (1) cheque made payable to the "City of St. Thomas" in the amount of \$450.00;
- One(1) letter of authorization from Michael Kam (president of Talbot Developments ULC), owner of the subject lands;
- Two (2) copies of the consent sketch; and,
- Two (2) copies of the draft reference plan, showing lands to be severed as Part 1.

We trust that the enclosed information is complete and satisfactory and look forward to a timely approval process. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.

Matt Campbell, BA, CPT
cc. Michael Kam, Talbot Developments ULC



THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: _____	Consultation Date: _____
	Date Application Deemed Complete: _____	

Application #: RST/18

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
 545 Talbot Street
 St. Thomas ON N5P 3V7
 Tel: (519) 631-1880 ext 4125 Fax: (519) 633-9019
 Email: mknapp@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$450 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. (a) Registered Owner(s): Talbot Development ULC
 Mailing Address: 610 Beach Road, Hamilton, ON
 Postal Code: L8H 3L1 Telephone: 905-544-1881 Fax: _____
 email: michael@posner.ca

(b) Owner's Solicitor or Authorized Agent (if any): Zelinka Priamo Ltd. c/o Matt Campbell
 Mailing Address: 318 Wellington Road, London, ON
 Postal Code: N6C 4P4 Telephone: 519-474-7137 Fax: _____
 email: mathew.c@zpplan.com

(c) Please specify to whom all communications should be sent:
 Owner Solicitor Agent

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

<input checked="" type="checkbox"/> Creation of New Lot	<input type="checkbox"/> Disposal of Surplus Farm Dwelling
<input type="checkbox"/> Addition to Lot	<input type="checkbox"/> Correction of Title
<input type="checkbox"/> Mortgage or Charge	<input type="checkbox"/> Partial Discharge of Mortgage
<input type="checkbox"/> Lease	<input type="checkbox"/> Right-of-way
<input type="checkbox"/> Easement _____	

(b) If a lot addition, identify the lands to which the parcel will be added:

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

Rock Developments

3. Are there any existing easements or restrictive covenants affecting the land?

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) St. Thomas

Concession No 9 Lot(s) 6 Registered Plan No _____ Lot(s) _____

Reference Plan No 11R-7458 Part(s) 2,4,5

Name of Street Talbot Street Street No 1055

5. Description of subject land: (in metric units) Part No. on sketch 1

(a) Frontage 135.3 Depth 219.3 Area 2.966

(b) Existing Use Vacant Proposed Use Commercial

(c) Existing and proposed buildings and structures on the subject land:

Existing: None

Proposed: TBD - single and multi-unit commercial buildings

6. Description of land to be retained: (in metric units) Part No. on sketch ^{all remainder} _____

(a) Frontage ~235 Depth 219.28 Area 5.106

(b) Existing Use Vacant Proposed Use Commercial / residential

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: None

Proposed: TBD

7. (a) Type of access to subject land:

Provincial Highway

Municipal Road maintained all year

Municipal Road maintained seasonally

Water Access

Regional Road

Other Public Road

Right-of-Way

Private Road

(b) Type of access to retained land:

Provincial Highway

Municipal Road maintained all year

Municipal Road maintained seasonally

Water Access

Regional Road

Other Public Road

Right-of-Way

Private Road

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

10. What is the current designation of the subject land in any applicable official plan?

- (a) Local Municipal Official Plan Mixed Use Development
- (b) Regional Policy Plan N/A

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: N/A
 Status: Approved (severance from subject lands to create Power Centre parcels)

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____
 Land Use on severed parcel _____
 Date parcel transferred _____
 Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: N/A
 Status: Filed concurrently (MV for yard setbacks, parking)

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

(b) Are the subject lands within an area of land designated under a Provincial Plan or Plans? Yes No

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, Mathew Campbell, the Owner or Authorized Agent, hereby agree
(Print name of Owner or Authorized Agent)

and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 56, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:

Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9, (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, Mathew Campbell of Central Elgin in the province of Ontario,
name of applicant City

make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of London on this 27th day of August, 2018.
City Day Month Year


Signature of Owner or Authorized Agent

Aug 27 2018
Date


Signature of Commissioner of Oaths, etc.

Aug 27 2018
Date

GREGORY ANDREW PRIAMO, a Commissioner, etc.,
Province of Ontario, for Zallinka Priamo Ltd.
Expires October 30, 2019

AUTHORIZATION AS AGENT

TO WHOM IT MAY CONCERN:

I/we hereby authorize Zelinka Priamo Ltd. as my/our agent in connection with all required municipal approvals associated with the lands known municipally as 1055 Talbot Street, in the City of St. Thomas.

Talbot Development ULC
Property Owner



Authorized Signature - Michael Kam

July 30, 2018
Date

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, Michael Kam, am the owner of the subject lands, and I authorize Zelinka Priamo Ltd., to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

July 30, 2018

Date



Signature of Owner

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

***Please note, Appendix B must be completed by the owner, not the authorized agent.**

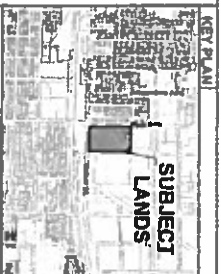
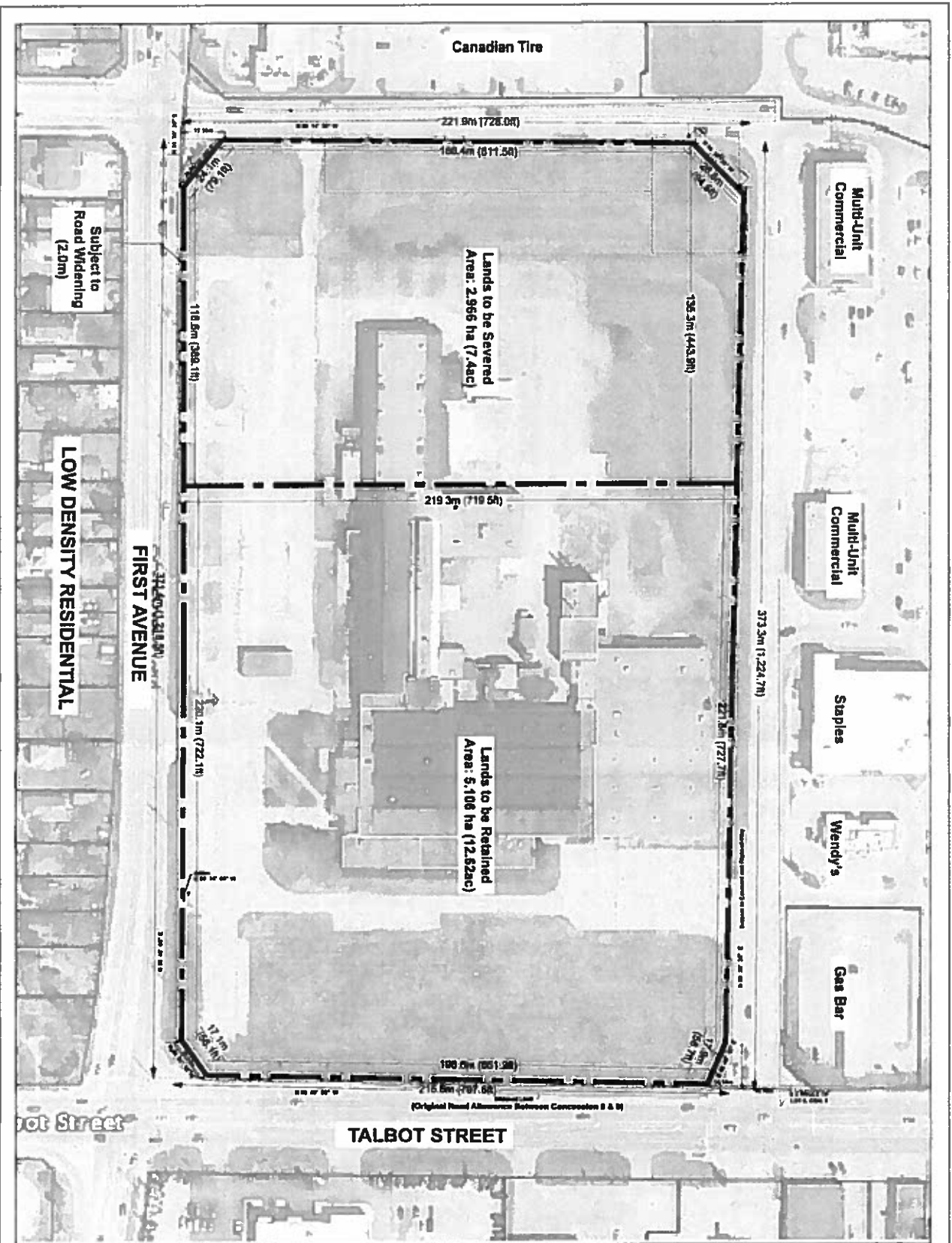
I, Michael Kam, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

July 30, 2018

Date



Signature of Owner



CONSENT SKETCH
PART OF LOT 6
CONCESSION 9

disseminating Township of Waindima
CITY OF ST THOMAS
COUNTY OF ELGIN

SITE STATISTICS

Existing Zoning (Severed) MU	Requested	Approved
Existing Zoning (Severed) MU	Requested	Approved
Final lot area 81 ha	Requested	Approved
LANDS TO BE ATTACHED	Requested	Approved
Lot Area	1.2 ha	1.08 ha
Lot Frontage	30.2 m	188.1 m
Lot Depth	271.8 m	271.8 m

LANDS TO BE SEVERED

Lot Area	Requested	Approved
Lot Frontage	30.2 m	188.1 m
Lot Depth	179.3 m	179.3 m

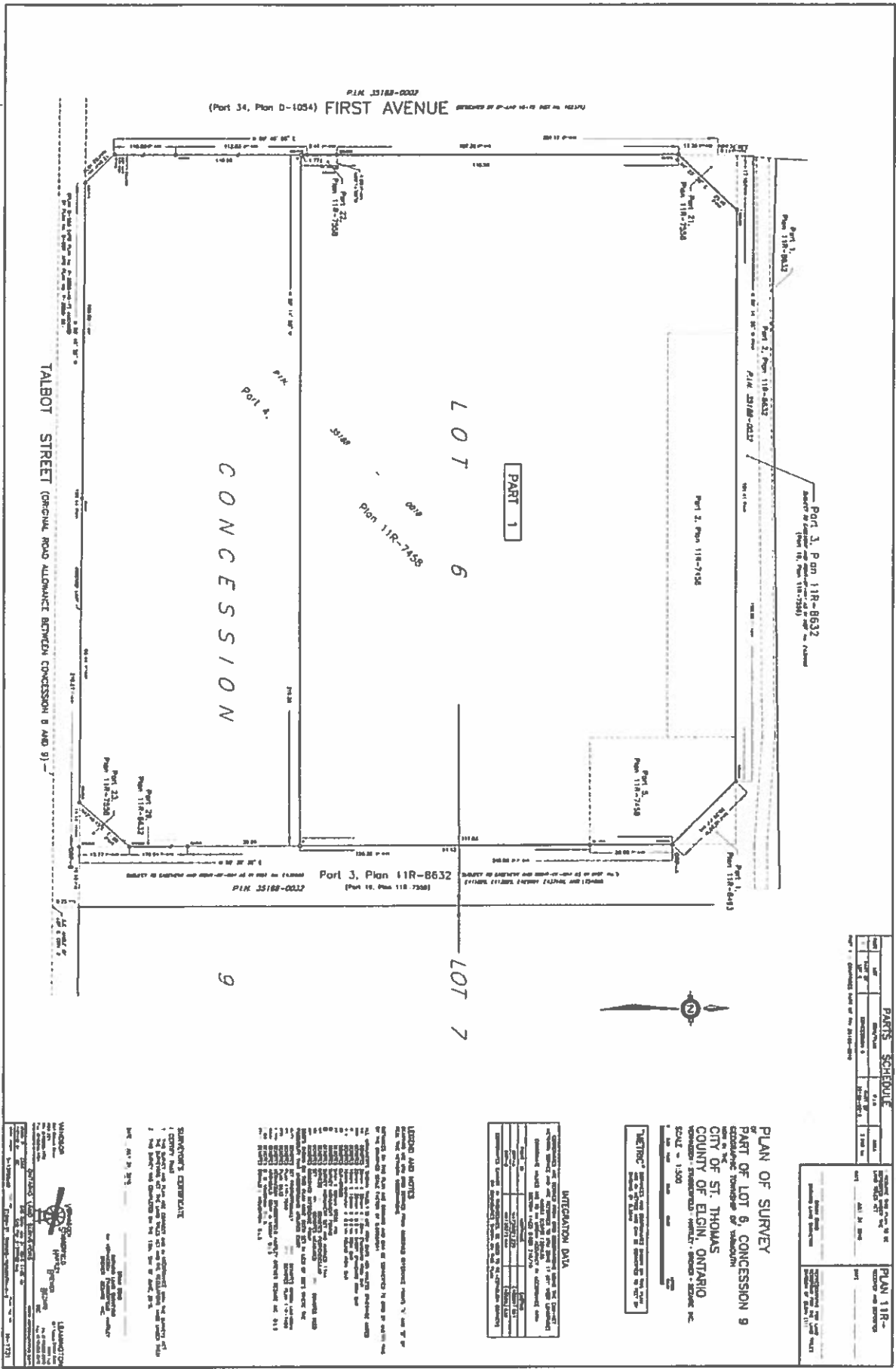
DRAWING BASED ON CITY OF ST THOMAS
BASE SURVEY AND DRAFT INSTRUMENT PLAN

NO	REVISION	DATE	INITIAL

TALBOT DEVELOPMENTS ULC
1055 TALBOT STREET

232 Wellington Road, London, Ontario, N6C 5B6
Tel: 519-837-7141 Fax: 519-837-2222 Email: info@talbotdev.com

Project No: 10485771/41
Scale: 1:2000
AUGUST 2018





The Corporation of the City of St. Thomas

- 24 -

Report No.: B07-2018

Applicant: Talbot Development ULC

Directed to: Members of the Committee of Adjustment

Report Date: September 18, 2018
Meeting Date: September 27, 2018

Location: 1055 Talbot Street, City of St. Thomas

Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended

Department: Planning Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan and Aerial Photography

Recommendation:

That: Report B07-2018 be received.

Origin

Consent application B07-2018 has been filed for the purpose of creating two vacant lots for future development purposes.

Proposal

The applicant, through consent application B07/18, is proposing to sever one vacant lot with frontage of 135.3m on First Avenue and an area of 2.966 hectares. It is proposed that the severed lot will be used for future commercial development. The applicant is proposing to retain one vacant lot with frontage of 219.28m on Talbot Street, 220.1m on First Avenue and an area of 5.10 hectares. It is proposed that the retained lot will be used for future commercial/residential development.

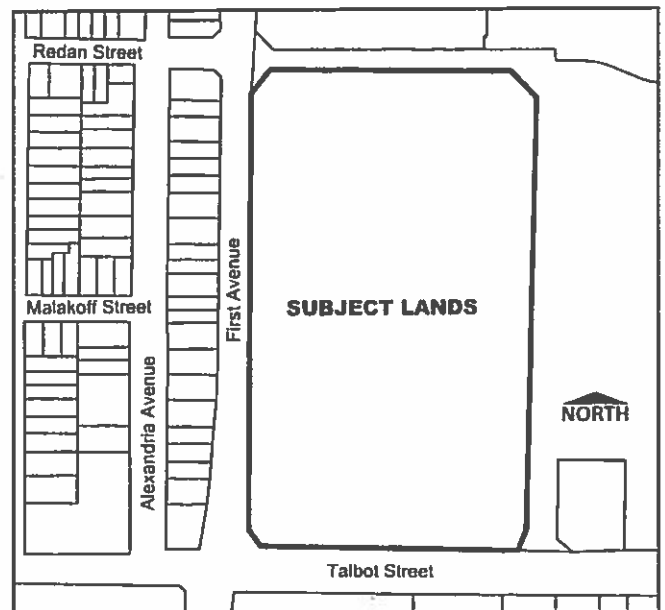
Official Plan

- The subject lands are within the Mixed Use Development designation, as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Mixed Use Development designation means the predominant use of the land is for:
 - i) a wide range of commercial, office, institutional, medical/dental, personal care and other service commercial uses i.e. banks, restaurants, other services, etc;
 - ii) hotel/motel uses;
 - iii) medium and high-density residential uses in single use form and/or mixed use forms that are compatible with, and complementary to, surrounding uses; and
 - iv) ground floor uses in mixed use residential buildings, such as retail, restaurants, entertainment, and personal service establishments, are encouraged subject to the needs identified in the City's Retail Market Study.
- For development on "brownfield" lands, an environmental audit of the lands shall be prepared in accordance with the prevailing protocols and guidelines of the Ministry of the Environment and Climate Change and all applications for a building permit are to be supported with a record of Site Condition (RSC) in accordance with the findings and recommendations of the Environmental audit.
- All Planning Act applications submitted for a change of use, additions or consent to sever are subject to early consultation and the complete application requirements of the Official Plan. Supporting technical studies, such as servicing reports and traffic impact studies, may be required through the Zoning, Consent to Sever, or Site Plan Approval processes. Where feasible, studies should take a comprehensive approach that addresses the entire Mixed Use Development designation.
- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies First Avenue as a Major Arterial.
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies First Avenue with a proposed minimum road allowance width of 26m. The right-of-way widths indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process. Road widenings shall be reserved or obtained, at no cost to the City, through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.
- As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 2 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance.

Zoning By-Law

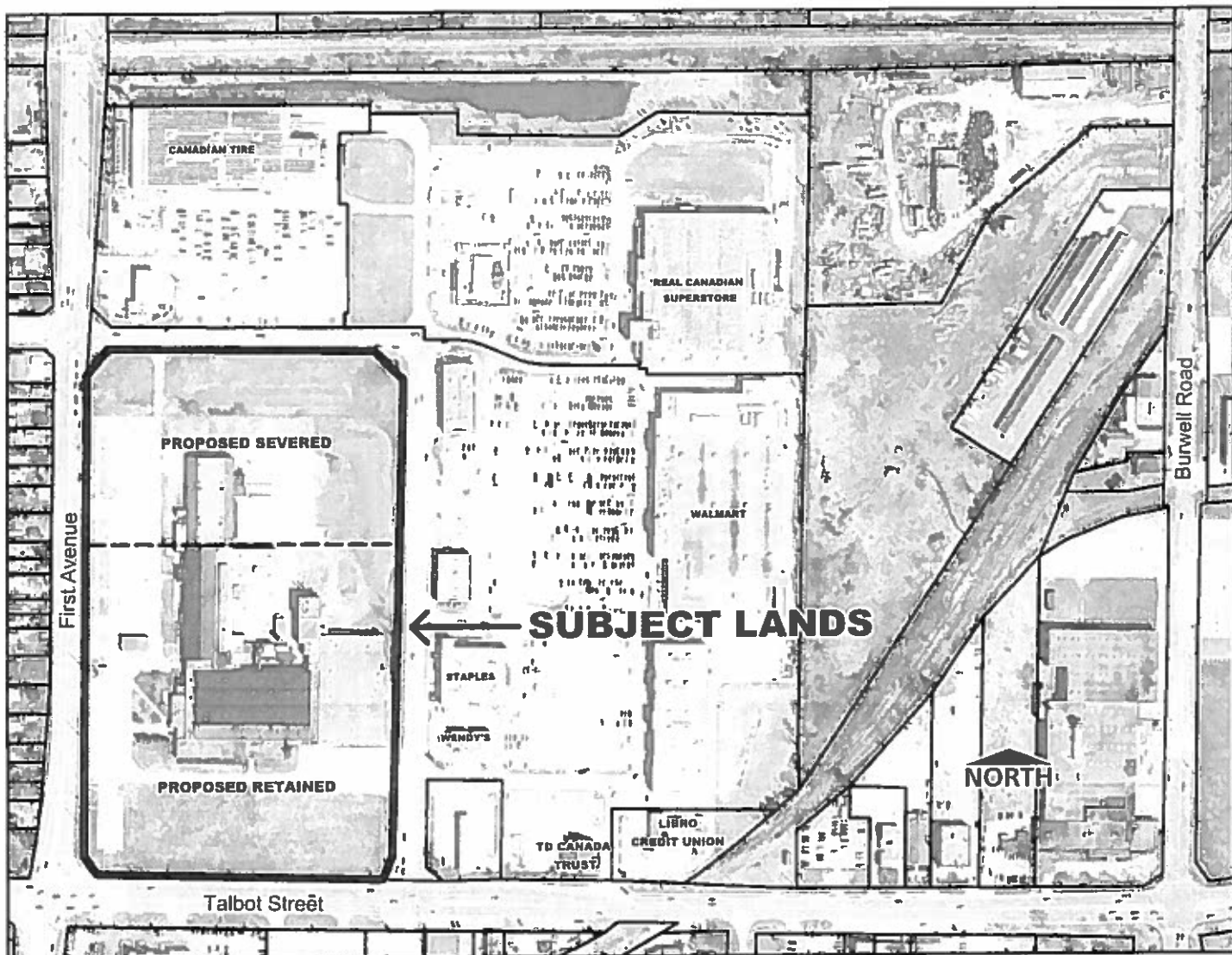
- The subject lands are located within the Mixed Use Development Zone (h1 h2 h3 MU) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The permitted uses of the C2 zone includes, automotive service business, business office, car wash, clinic, drive-in restaurant, drug store, gas bar, hotel/motel, personal service shop, private recreation facility, restaurant, retail store, specialty food store, tavern, theatre, apartment dwelling, multiple dwelling, and townhouse dwelling.

Location Plan:



- No building or structure shall be erected or used for any purpose unless the following municipal services are available to service the building or structure and the land on which it is situate:
 - i) a water supply system; and
 - ii) a sanitary sewage system and a storm sewage system.
- Minimum lot area 1.2 hectares.
- Minimum lot frontage 50m.
- The Mixed Use Development Zone may consist of lots that are owned by one or more persons. Where the development of the land is approved under Section 41 of the Planning Act and, pursuant to a consent subsequently given under section 53 of the Planning Act or pursuant to an approval or exemption subsequently given under section 50 of the Condominium Act, any part of the land is conveyed or otherwise dealt with, the provisions of Section 20 and any other regulations of By-law 50-88 are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved.

Aerial Photography:



Comments

- A development agreement is required as a condition of approval of Consent application B07-2018, the development agreement will set out the parameters for the future development of the severed and retained lots. The requirements for technical reports, studies and the payment of Cash-in-lieu of parkland will all be included in the development agreement.
- In staffs opinion subject to the owner entering into a development agreement with the City of St. Thomas the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-Law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of consent application B07-2018 is supportable.
- Should the Committee approve consent application B07-2018 planning staff recommends the following conditions:
 - 1) that owner enter into a development agreement with the City of St. Thomas;
 - 2) the owner convey to the City of St. Thomas, at no cost to the City of St. Thomas, and free of all charge and encumbrances, the necessary road widening along First Avenue, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant; and
 - 3) that the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,


 Steve Craig
 Senior Planning Technician

**CONFIRMATION OF A COMPLETE APPLICATION
APPLICATION FOR CONSENT**

September 7th, 2018

Secretary-Treasurer, Committee of Adjustment
Attention: Melanie Knapp

Pursuant to By-Law 30-2015, a consultation meeting was held on July 17th, 2018 with Planning Department Staff and the applicant.

An application for Consent, regarding 327 Talbot Street, was filed on September 7th, 2018.

This letter is notice that the information and material required under Subsections 53(2) and 53(3) and the required fee under Section 69 of the Planning Act has been provided and the application for consent is thereby considered complete.

Please contact the Planning & Building Services Department if you have any questions.

Yours truly,



Patrick J. C. Keenan
Director of Planning & Building Services



THE CORPORATION OF THE CITY OF ST THOMAS

COMMITTEE OF ADJUSTMENT

APPLICATION FOR CONSENT

OFFICE USE:	Date Application Received: _____	Consultation Date: _____
	Date Application Deemed Complete: _____	

Application #: B08/18

APPLICATION IS HEREBY MADE TO:

City of St. Thomas
 545 Talbot Street
 St. Thomas ON N5P 3V7
 Tel: (519) 631-1680 ext 4125 Fax: (519) 633-9019
 Email: mknapp@stthomas.ca

Please note that in accordance with By-Law 30-2015, consultation with the Planning and Building Services Department must take place prior to the submission of an application. After consultation, the application will be filed with the Assistant Secretary-Treasurer, together with the sketch referred to in Note 1 and \$450 made payable to the City of St. Thomas. All information and materials submitted for the application shall be made available to the public, as indicated by Section 1.0.1 of the Planning Act, R.S.O. 1990.

Personal information contained on this form is collected under the authority of the Planning Act, R.S.O. 1990, as amended, and Ontario Regulation 200/96 and will be used for the purpose of processing this application.

1. (a) Registered Owner(s): KRQ Enterprises Limited c.o. George Qubty

Mailing Address: 14 Kristina Crescent

Postal Code: N6E 3V3 Telephone: 519 619 2006 Fax: _____

email: gqubty@gmail.com

(b) Owner's Solicitor or Authorized Agent (if any): MHBC Planning c/o Scott Allen

Mailing Address: 630 Colborne Street, Suite 202

Postal Code: N6B 2V2 Telephone: 519 858 2797 Fax: _____

email: sallen@mhbcplan.com

(c) Please specify to whom all communications should be sent:

Owner Solicitor Agent

2. (a) Type and purpose of proposed transaction: (Check appropriate space/s)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Creation of New Lot | <input type="checkbox"/> Disposal of Surplus Farm Dwelling |
| <input type="checkbox"/> Addition to Lot | <input type="checkbox"/> Correction of Title |
| <input type="checkbox"/> Mortgage or Charge | <input type="checkbox"/> Partial Discharge of Mortgage |
| <input type="checkbox"/> Lease | <input type="checkbox"/> Right-of-way |
| <input type="checkbox"/> Easement _____ | |

(b) If a lot addition, identify the lands to which the parcel will be added:

Name of person(s), if known, to whom land or interest in land is intended to be transferred, charged or leased:

3. Are there any existing easements or restrictive covenants affecting the land?

Yes No

If "Yes" describe the easement or covenant and its effect: _____

4. Location of land:

Municipality (City/Town/Township) St. Thomas

Concession No _____ Lot(s) _____ Registered Plan No _____ Lot(s) _____

Reference Plan No _____ Part(s) _____

Name of Street Talbot Street Street No 327

5. Description of subject land: (in metric units) Part No. on sketch A and B

(a) Frontage 14.27 m Depth 72.70 Area 1382.24 m2

(b) Existing Use vacant Proposed Use vacant

(c) Existing and proposed buildings and structures on the subject land:

Existing: no buildings

Proposed: no buildings

6. Description of land to be retained: (in metric units) Part No. on sketch A

(a) Frontage 17.07 Depth 20.117 Area 343.75 m2

(b) Existing Use vacant Proposed Use vacant

(c) Existing and proposed buildings and structures on the land to be retained:

Existing: no buildings

Proposed: no buildings

7. (a) Type of access to subject land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

(b) Type of access to retained land:

- Provincial Highway
- Municipal Road maintained all year
- Municipal Road maintained seasonally
- Water Access
- Regional Road
- Other Public Road
- Right-of-Way
- Private Road

8. What type of water supply is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated piped water system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify)	<input type="checkbox"/> _____	<input type="checkbox"/> _____

9. What type of sewage disposal is proposed? (Check appropriate space)

TYPE	PROPOSED	RETAINED
	LOT	LOT
Publicly owned and operated sanitary sewage system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other (specify)	<input type="checkbox"/> _____	<input type="checkbox"/> _____

10. What is the current designation of the subject land in any applicable official plan?

- (a) Local Municipal Official Plan Talbot Central
- (b) Regional Policy Plan _____

11. (a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of The Planning Act or a consent under Section 53 of The Act?

Yes No

(b) If the answer to (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

12. (a) Has any land been severed from the parcel originally acquired by the owner of the subject land?

Yes No

(b) If the answer to (a) is "Yes", please indicate previous severances on the required sketch and supply the following information for each lot severed:

Grantee's (Purchaser's) name _____

Land Use on severed parcel _____

Date parcel transferred _____

Consent file number (if known) B _____

13. (a) Is the subject land the subject of any other application under the Planning Act e.g. approval of a plan of subdivision; a consent application; an application for an amendment to an official plan amendment; a zoning by-law or a Minister's zoning order, or a minor variance?

Yes No

(b) If the answer of (a) is "Yes", please provide the following information:

File Number: _____

Status: _____

14. (a) Is the proposed consent application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act?

Yes No

(b) Are the subject lands within an area of land designated under a Provincial Plan or Plans? Yes No

APPLICANT DECLARATION

By making this application, permission is hereby granted to any Municipal staff members and Municipal Planning Consultant to enter upon the premises described in this application at a reasonable time for the purpose of inspecting the property in relation to the proposed application and for distributing information concerning the same. This information is being collected pursuant to the Planning Act, Municipal Act, and Freedom of Information Act. The information contained herein will be distributed to bodies and agencies prescribed by legislation and regulation and also to interested parties.

If this application is signed by an agent or solicitor on behalf of an applicant, the owner's written authorization must accompany the application (Appendix A). If the applicant is a corporation acting without an agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Application information is collected under the authority of the Planning Act, R.S.O. 1990, c.P.13. In accordance with that Act, it is the policy of the City of St. Thomas to provide public access to all Planning Act applications and supporting documentation submitted to the City.

I, SCOTT ALLEN, the Owner or Authorized Agent, hereby agree
(Print name of Owner or Authorized Agent)
and acknowledge that the information contained in this application and any documentation, including reports, studies and drawings, provided in support of the application, by myself, my agents, consultants and solicitors, constitutes public information and will become part of the public record. As such, and in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M. 58, I hereby consent to the City of St. Thomas making this application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.

Collection of Personal Information:
Personal information on this form is collected under the authority of Section 41 of the *Planning Act*, R.S.O. 1990 and Sections 8 (1) and 10 of the *Municipal Act*, 2001, as amended, and will be used to contact the owner, applicant and/or agent regarding the Committee of Adjustment Application. Questions about this collection should be directed to the City Clerk, 545 Talbot Street, St. Thomas, Ontario, N5P 2T9, (519) 631-1680.

AFFIDAVIT OR SWORN DECLARATION

I, SCOTT ALLEN of Carleton Place in the province of ONTARIO.
name of applicant City
make oath and say (or solemnly declare) that the information required under Schedule 1 of Ontario Regulation 545/06 and provided by the applicant in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the _____ on this _____ day of _____, 20____.
City Day Month Year
[Signature] AUGUST 3/18
Signature of Owner or Authorized Agent Date

[Signature] August 3/18
Signature Date

Carol Marie Wiebe, a Commissioner of Oaths, etc.
Province of Ontario, for
MacNaughton Hansen Britton Clarkson Planning Limited.
Expires March 11, 2021.

APPENDIX A – AUTHORIZATION OF OWNER

If the applicant is not the owner of the subject lands, please complete the owner authorization concerning personal information as set out below.

I, George Qubty, am the owner of the subject lands, and I authorize MHBC Planning to act on our behalf as the agent for the submissions required for all matters relating to the subject lands, and to provide any of my personal information that will be included in this application or collected during the planning process.

Aug 02, 2018
Date

[Signature]
Signature of Owner G. QUBTY

APPENDIX B – ACKNOWLEDGEMENT OF LEGAL AND PLANNING FEES

In addition to the application fees listed in this application package, please note that where the City requires assistance from its solicitors or other technical or professional consultants in the processing of this application, the applicant shall be responsible for reimbursing all fees incurred by the City.

*Please note, Appendix B must be completed by the owner, not the authorized agent.

I, George Qubty, am the owner of the subject lands, and I understand that further fees may be incurred by the City throughout the planning process and that I am responsible for reimbursing all fees.

August 02, 2018
Date

[Signature]
Signature of Owner G. QUBTY



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

August 3, 2018

City of St. Thomas
Planning and Building Services
9 Mondamin Street
St. Thomas, ON N5P 2T9

**Attention: Pat Keenan, Director
Planning and Building Services**

Dear Mr. Keenan:

**RE: Application for Consent
327 Talbot Street
KRQ Enterprises Limited - George Qutby
Our File: 18254'A'**

On behalf of KRQ Enterprises Limited - George Qutby, owner of the above-referenced lands, please find enclosed an 'Application for Consent' to sever these lands into two parcels. The subject property is an irregular 'T' shaped lot which measures approximately 1,382.24 m² (0.34 ac) in area and is situated at the northwest corner of Talbot Street and East Street. This property has frontage onto Talbot Street to the south, East Street to the east, and Curtis Street to the north, with separate parcels located immediately north and south of the portion of the property that fronts onto East Street. The subject lands are also situated within the defined boundary of the St. Thomas settlement area.

The parcel has a total frontage of approximately 14.27 m measured along Talbot Street, a total frontage of approximately 15.02 m measured along Curtis Street, and a total frontage of approximately 17.07 m measured along East Street. The maximum depth of the property is approximately 72.70 m measured from the middle of the Talbot Street frontage to the middle of the Curtis Street frontage. The property is currently vacant of any buildings or uses. A variety of commercial and residential uses surround the site.

A pre-application consultation meeting respecting this proposal was held on July 17, 2018 at St. Thomas City Hall with City staff. The proposed Consent Plan described below was designed with consideration for comments received at this meeting.

Application Summary

The applicant wishes to sever the subject lands in a manner that will create two regularly shaped lots. The severed lot will have frontage onto Talbot Street and will be a through lot to Curtis Street. The retained lot will have frontage onto East Street. The new lot configurations will facilitate the future

development of these parcels for uses that are compatible with the surrounding mix of retail and residential uses. At this time there are no development plans being advanced in conjunction with this application.

The 'Preliminary Severance Sketch' enclosed with this application illustrates the proposed Consent Plan. For the purposes of this application, the portion of the site labeled Part 'A' is considered the 'lot to be retained'; the portion of the site labeled Part 'B', is considered the 'lot to be severed'. Table 1 below generally describes the principal components of this application.

Table 1: Proposed Consent Plan

Purpose	Part (Plan 287)	Lot Frontage	Lot Depth*	Lot Area
Lands to be Retained	'A'	17.07 m	20.12 m	343.75 m ² (0.09 ac)
Lands to be Severed	'B'	14.27 m	72.70 m	1038.51 m ² (6.50 ac)

* Lot depth measured at midpoint

The boundaries of the proposed Parts are based on a functional analysis of the site and surrounding context, including consideration for potential land uses, access arrangements, and compatibility with surrounding properties. In this respect, the Parts delineated in this proposal will facilitate an efficient form of development that, in our opinion, will integrate effectively into the existing context of the area.

Planning Permissions

i. Provincial Policy Statement

The current Provincial Policy Statement (PPS) was issued in 2014 under Section 3 of the Planning Act. The PPS provides overall policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides a vision for land use planning in Ontario that focuses growth within settlement areas, and encourages an efficient use of land, resources, and public investment in infrastructure.

To achieve this vision, a number of policies have been established to aid in 'building strong healthy communities'. These policies can be found in Section 1.0 of the PPS, and they address such matters as efficient development and land use patterns, employment areas, housing, public spaces/open space, infrastructure and public service facilities, and long-term economic prosperity.

In our opinion, two policies within Section 1.0 (Building Strong Communities) are of particular relevance to this proposal:

1. Policy 1.1.1 prescribes a series of measures which support healthy, liveable and safe communities that are sustained by a series of policy objectives, including:
 - Policy a), which promotes efficient development and land use patterns which sustain the financial wellbeing of the Municipality, the City of St. Thomas and the Province;
 - Policy b), which prescribes that an appropriate range and mix of residential, employment, recreational and open space uses should be encouraged to meet long-term needs.

2. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on:

- a. Densities and a mix of land uses which:
 - 1. Efficiently use land and resources;
 - 2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

The proposed Consent Plan supports the intensification of vacant, serviced lands in the Talbot Central Area within the designated St. Thomas settlement area. Increasing the intensity of uses on the site through future development will promote the efficient use of land, and help to optimize existing municipal servicing infrastructure and public service facilities. Further, the intended lot configuration will help to promote an appropriate range and mix of uses within an area targeted for intensification and revitalization (to support the development of St. Thomas as a competitive, complete community).

Based upon our review of the Provincial Policy Statement and, in particular, the referenced policies of Section 1, it is our opinion that the proposed Consent Plan is consistent with the PPS.

ii. City of St. Thomas Official Plan

The subject lands are currently designated 'Talbot Central' on Schedule "A" (Land Use) of the City of St. Thomas Official Plan (OP). Section 5.3.3.2 of the OP (Goals – Talbot Central) sets out several goals for the development of lands in this designation. Goals i) and iii) are of particular relevance to a severance plan for this site and future uses of these lands:

"i) to reinforce the "Talbot Central" area as the historic downtown of St. Thomas and a "people place/meeting place" for the community and visitors alike;

iii) to encourage in-depth development within "Talbot Central" as the most desirable means to increase the intensity of land use activity"

The land use permissions for the Talbot Central designation are itemized in Section 5.3.3.2 of the OP (Policies – Talbot Central). In summary, this designation permits pedestrian-oriented retail commercial, eating establishments, cultural, tourism, recreation and entertainment uses, hotel, motel, office, personal service shops and residential uses.

The proposed severance will facilitate future development within the Talbot Central area through the intensification of vacant lands for uses permitted under this designation. This will help to reinforce the Talbot Central area as a people place / meeting place in accordance with the above-noted goals for the area.

In light of these considerations, in our opinion the Consent application is consistent with the policy direction and permissions of the Official Plan.

iii. City of St. Thomas Zoning By-law

The site is zoned 'Downtown Talbot Central Commercial (C2)' under the City of St. Thomas Zoning By-law (ZBL). This zoning is applied to a number of properties in the immediate area and throughout the Talbot Central area of St. Thomas. This zone permits a wide range of uses, as set out under Section 13.1 of the ZBL, including retail store, business office, personal service shop, restaurant, and residential purposes

above the ground floor within 25 m of Talbot Street. Section 13.5 of the ZBL sets out the development regulations for the C2 Zone. Based upon our review of available zoning information, the proposal complies with applicable zone regulations.

The site is currently vacant, and no development is proposed in conjunction with this severance application. However, the severance will create two new regular shaped lots that will be suitable for future development in accordance with the permissions of the existing zoning framework.

iv. Commentary

Given the framework of planning permissions applying to the subject lands, the proposed Consent Plan will support future development along Talbot Street and East Street that (1) will be compatible and consistent with the surrounding development context and (2) will accommodate uses permitted under the City's Official Plan and Zoning By-law. Further, the lots to be severed and retained have been sufficiently sized to allow for future development in a manner that can comply with applicable zoning regulations.

Given the foregoing, it is our opinion that this application conforms to the Provincial Policy Statement, is in keeping with the objectives of the City's Official Plan, complies with the City's Zoning By-law and is appropriate for the local development context.

v. Related Considerations

As discussed at the pre-consultation meeting, the severed parcel is being contemplated for a potential mixed-residential development, and the retained parcel is being considered for a residential development. As mentioned, no development plans are being advanced in conjunction with this application. All necessary amendments / planning approvals will be obtained at a later time when specific development plans are advanced. All requested reports discussed at the pre-consultation meeting will be provided in conjunction with a future site plan process (e.g., servicing brief). In addition, we are aware that a widening along Curtis Street may be required as a condition of approval.

Enclosed Material

In support of the application, the following material is submitted herewith:

- One (1) copy of the Application for Consent form;
- Two (2) 11 x 17 copies of the Proposed Consent Plan; and
- A \$450 cheque made payable to the City of St. Thomas for the application fee to sever the subject lands into two lots.

We look forward to working with staff on the review of this application. Should you have any questions pertaining to the submission, please do not hesitate to contact the undersigned.

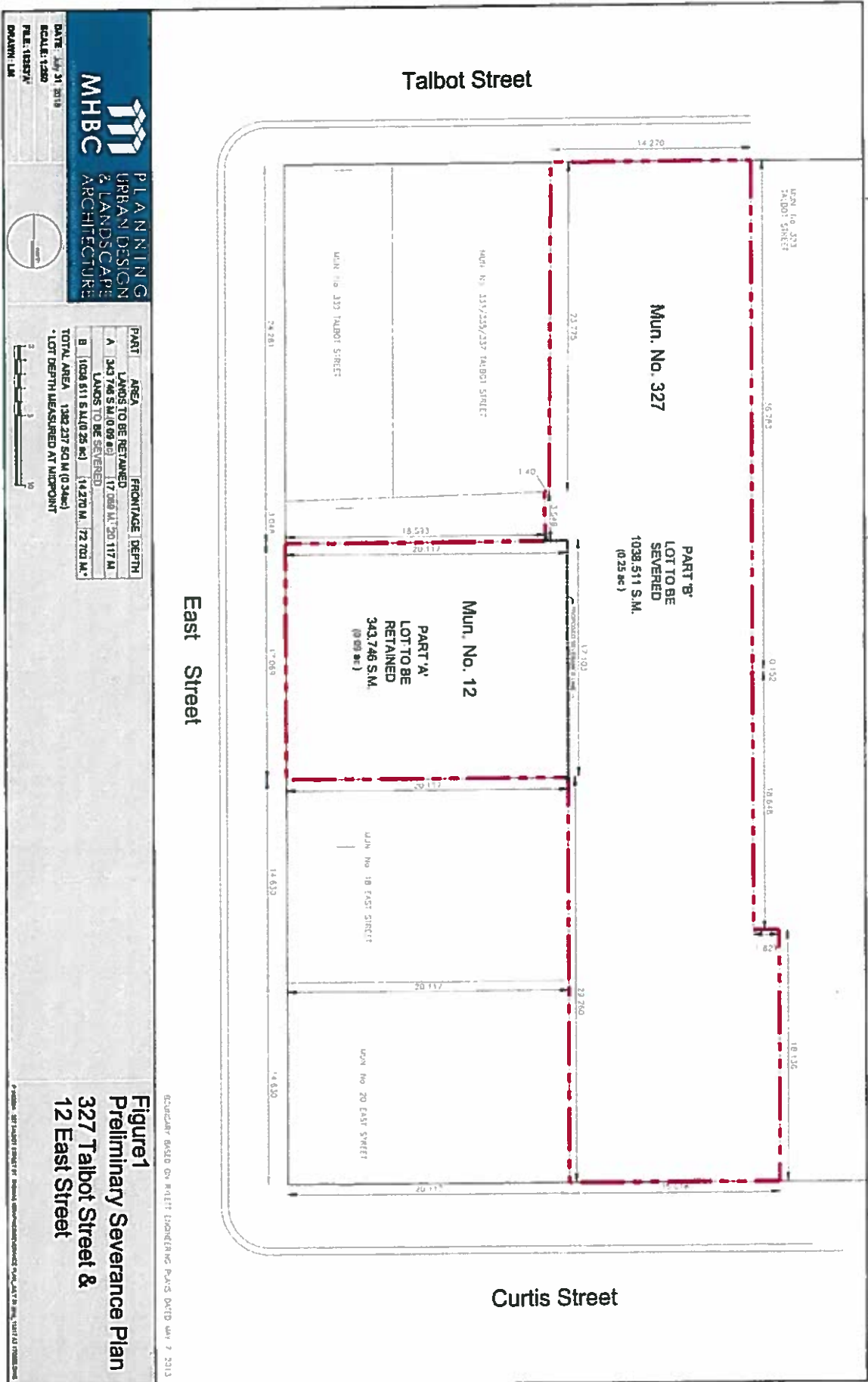
Yours truly,

MHBC



Scott Allen, MCIP, RPP
Partner

cc *George Outby, Ashraf El-Khodeir*
Ryan Hern, Development Engineering
Carol Wiebe; Eric Miles, MHBC





The Corporation of the City of St. Thomas

Report No.: B08-2018

Applicant: KRQ Enterprises Limited

Directed to: Members of the Committee of Adjustment

Report Date: September 18, 2018
Meeting Date: September 27, 2018

Location: 327 Talbot Street, City of St. Thomas

Subject: Request for a consent pursuant to Section 53 of the Planning Act, R.S.O, as amended

Department: Planning Department
Prepared by: Steve Craig, Senior Planning Technician

Attachments: Location Plan and Aerial Photography

Recommendation:

That: Report B08-2018 be received.

Origin

Consent application B08-2018 has been filed for the purpose of creating two vacant lots for future development purposes.

Proposal

The applicant, through consent application B08/18, is proposing to sever one vacant lot with frontage of 14.27m on Talbot Street, 15.01m on Curtis Street and an area of 1,382.24m². The applicant is proposing to retain one vacant lot with frontage of 17.07m on East Street and an area of 343.75m².

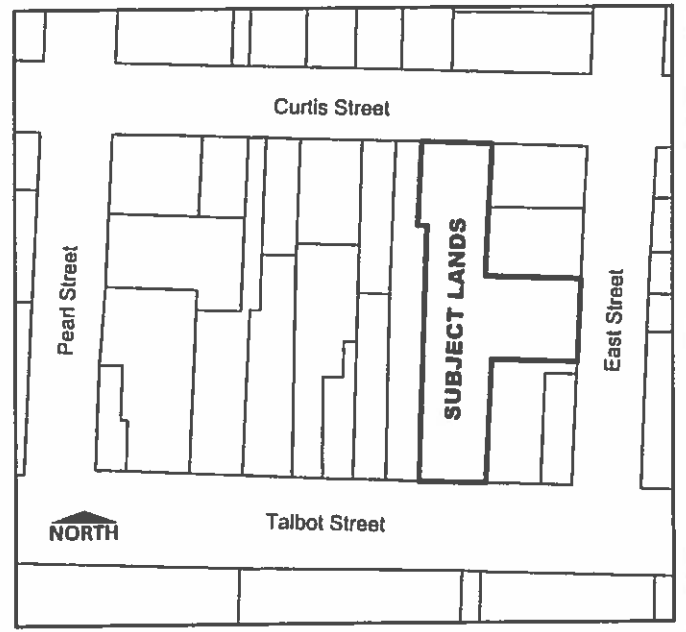
Official Plan

- The subject lands are within the Talbot Central designation as shown on Schedule A (Land Use Plan) to the Official Plan for the City of St. Thomas.
- The Talbot Central designation means the predominant use of the land is for uses that are pedestrian-oriented retail commercial, eating establishments, cultural, tourism, recreation and entertainment uses, hotel, motel, office, personal service shops and residential uses. Public utilities, institutional uses, public administration buildings and uses, public recreation facilities, parkettes and walkways are also permitted.
- Schedule B (Roads Plan) to the Official Plan of the City of St. Thomas classifies Curtis Street as a Minor Arterial.
- Schedule C (Roads Widening Plan) to the Official Plan of the City of St. Thomas identifies Curtis Street with a proposed minimum road allowance width of 26m. The right-of-way widths indicate the minimum planned widths of the road right of ways that may be secured as part of the development approval process. Road widenings shall be reserved or obtained, at no cost to the City, through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.
- As a condition of development or redevelopment of land for residential purposes, Council may, by by-law applicable to the whole City, or to any defined area or areas, require that land in an amount not exceeding 2 percent of the land proposed for development or redevelopment be conveyed to the City for park or other public recreational purposes. Council may accept money to the value of any land required to be conveyed in lieu of such conveyance.

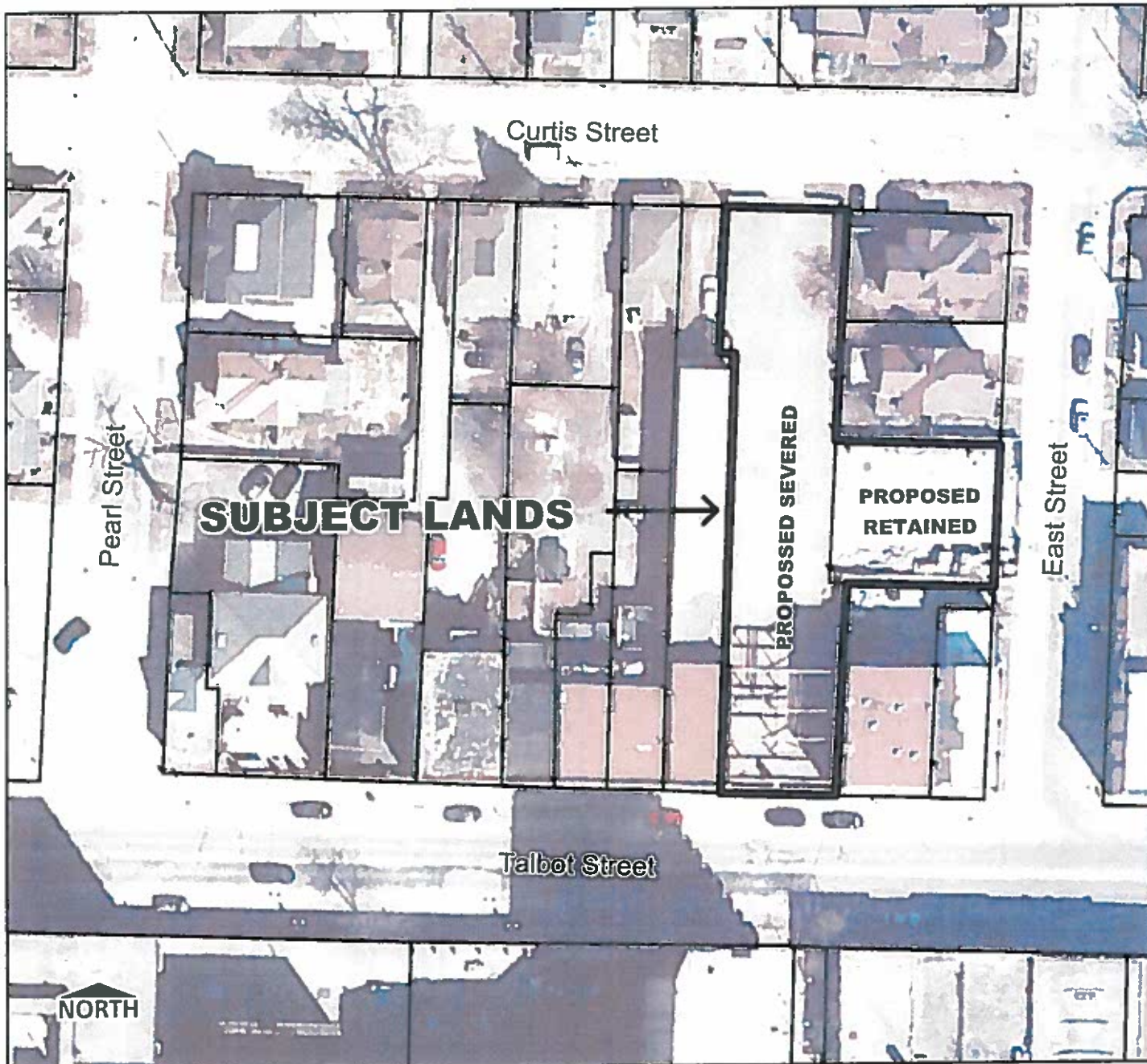
Zoning By-Law

- The subject lands are located within the Downtown Talbot Central Commercial Zone (C2) pursuant to the City of St. Thomas Zoning By-Law No. 50-88, as amended.
- The permitted uses of the Downtown Talbot Central Commercial Zone (C2) include a retail store, business office, personal service shop, restaurant, hotel, repair and custom workshop, dry cleaning pick-up station, institution, theatre, recreation centre, newspaper publishing business, private club, bakery, clinic (94-2005), and uses accessory to the foregoing.
- In addition to the permitted uses residential uses are permitted, subject to the provisions of the Zoning By-law. No part of the ground floor of any building which part is within 25m of Talbot Street shall be used for any residential purpose.
- Minimum lot frontage - Nil.
- Minimum Lot Area Nil.
- The southerly portion of the subject lands along Talbot Street is also located within the Downtown Talbot Streetscape Zone (DT). The Downtown Talbot Streetscape Zone (DT) regulations require a minimum building height of 2 stories, and permit a maximum building height of 3 stories.
- In order to maintain a street related building form within the Downtown Talbot Streetscape Zone (DT), new buildings shall have a setback of nil from the Talbot Street frontage.
- No new access points to Talbot Street for motor vehicles shall be permitted.
- New parking lots shall be located a minimum of 3m from the Talbot Street frontage.

Location Plan:



Aerial Photography:



Comments

- In staffs opinion the proposed consent complies with the City of St. Thomas Official Plan, Zoning By-Law and satisfies the criteria of Section 51(24) of the Planning Act, R.S.O, as amended. Therefore, approval of consent application B08-2018 is supportable.
- Should the Committee approve consent application B08-2018 planning staff recommends the following conditions:
 - 1) The payment of cash-in-lieu of the dedication of 2% of the land for parkland purposes;
 - 2) the applicant convey to the City of St. Thomas, at no cost to the City of St. Thomas, and free of all charge and encumbrances, the necessary road widening along Curtis Street, to be determined by a legal survey, and to be shown on the reference plan with all legal, surveying, land registration and administrative costs related to the road widening to be borne by the applicant; and
 - 3) That the City of St. Thomas be provided with a copy of the Reference Plan.

Respectfully submitted,


Steve Craig
Senior Planning Technician