



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-039-24

FILE NO. Z6-24

TO: Mayor and Members of Council

FROM: A. Kertesz, Planner

MEETING DATE: July 15, 2024

SUBJECT: Zoning By-Law Amendment Application (Z6-24); 1000851297 Ontario Inc. c/o Brandi Poels (Applicant); 15 Jane Street

RECOMMENDATION:

THAT Report No. PDS-039-24 **BE RECEIVED** for information;

AND THAT staff **BE DIRECTED** to prepare a subsequent report and notice of Public Participation Meeting once all required information has been received from the applicant.

PURPOSE:

The purpose of the zoning by-law amendment application is to rezone the land from the Office Residential (OR) Zone to a site-specific Office Residential (OR-#) Zone to add 'personal service establishment' as an additional permitted use on the property. The applicant is proposing to establish a medical aesthetics business on the property which is otherwise not permitted under the current zoning. The Applicant is requesting a reduction in the number of parking spaces, as currently the personal service establishment use requires approximately 5 more parking spaces than existing.

BACKGROUND:

The subject property is a 407 square metre (4402 ft²) parcel situated on the west side of Jane Street, north of Hamilton Road (County Road 29). The property contains a concrete, one-storey, building and a shed. The building is currently vacant, but previously contained a professional office space. According to the Thames Centre Official Plan, the lands are designated General Commercial and are identified as a 'Core Area'. The lands are zoned Office Residential (OR) according to the Thames Centre Comprehensive Zoning By-law.

ANALYSIS:

The Provincial Policy Statement (PPS), County and Municipal Official Plans all encourage a mix of land uses in settlement areas including commercial uses. As noted previously,

these lands are designated General Commercial according to the Thames Centre which provides more specific policy direction to ensure that commercial development and redevelopment opportunities are compatible with adjacent residential neighbourhoods. The addition of a personal service establishment would not be less compatible to adjacent residential uses compared to the list of uses permitted as of right in the Office Residential (OR) zone.

The Thames Centre Official Plan requires that prior to the approval of a zoning by-law amendment, it shall be established to the satisfaction of Council that:

- ***Soil and drainage conditions are suitable to permit the proper siting of buildings;***

The existing office building is proposed to be redeveloped to accommodate the proposed use and subject to a building permit.

- ***Services and utilities, whether they are municipal or private, can adequately accommodate the proposed development. Full municipal or communal sanitary and water services will be the preferred method of servicing development;***

The adequacy of the existing private sanitary sewage disposal system will need to be demonstrated as a prerequisite to obtaining a building permit.

- ***The road system is adequate to accommodate projected increases in traffic;***

Access to the site is limited to Jane Street, impact to traffic along Hamilton Road (County Road 29) are anticipated to be limited. No concerns were identified by the Director of Public Works in the circulation of this application.

- ***The land fronts on a public road (unless specifically noted as an approved private road) which is of a reasonable standard of construction and maintenance;***

The lands front onto a public road and furthermore, the Director of Public Works identified no concerns in the circulation of this application.

- ***Lot frontage and area is suitable for the proposed use and conforms to the standards required by the implementing Zoning By-law;***

While the lot and structure do not technically meet the regulations of the Zoning By-law, both would have legal non-complying status under the by-law, which permits for the continued use of such provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the pertinent yards are not reduced, except in accordance with the provisions of the by-law. A change of use is being contemplated by the subject application in accordance with the provisions of the by-law.

Staff have concerns related to the parking requirements under the by-law and have sought additional information from the applicant relating to the size of the structure to

make a correct parking calculation, as well as how parking will be configured in the existing lot to accommodate a parking reduction in the by-law that is ultimately passed by Council. Staff are of the opinion that in the absence of this information, it may be premature to bring a by-law forward. Receiving this information would reduce the potential for the requirement of future planning approvals relating to parking.

- ***Adequate measures will be taken to alleviate or prevent any adverse effects that the proposed use may possibly have upon any proposed or existing adjacent use or on the natural heritage features and functions.***

Unacceptable adverse effects on surrounding uses are not anticipated considering the range of uses permitted as of right under the current zoning. Furthermore, there are no adjacent natural heritage features associated with this site.

While this rezoning would be consistent with the PPS and in conformity with the County of Middlesex Official Plan and the Thames Centre Official Plan, staff do not have enough information as it relates to the applicant's plans to accommodate on-site parking.

CONSULTATION:

In the circulation of the notice of public hearing to prescribed agencies, the following comments were received:

County Engineer:

No comments.

Drainage Superintendent:

No comments.

Chief Building Official:

With respect to application Z6-24, the proponent shall be advised that building permit(s) are required for any proposed alterations of the existing building to accommodate the new proposed business.

In the circulation of the notice of public meeting to surrounding property owners, one public comment was received from Andrew McClure who provided concerns regarding the proposed zoning by-law amendment. This comment is appended to the report.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC PLAN LINK

Pillar: *Smart Planning*

Goal: *Make smart planning decisions to grow the community, while maintaining a "hometown feel"*

ATTACHMENTS:

Location Map

Prepared by: A. Kertesz, Planner

Reviewed by: A. Storrey, Interim Director of Planning and Development Services

Reviewed by: J. Nethercott, Director of Legislative Services/ Clerk