



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-045-024 Z6-24

TO: Mayor and Members of Council

FROM: A. Kertesz, Planner

MEETING DATE: September 9, 2024

SUBJECT: Zoning By-law Amendment Application (Z6-24);1000851297 Ontario Inc. c/o Brandi Poels (Applicant); Stewart Findlater, Findlater & Associates Inc. (Agent); 15 Jane Street, Dorchester

RECOMMENDATION:

THAT Application for Zoning By-law Amendment Z6-24 as requested by 1000851297 Ontario Inc. c/o Brandi Poels to permit a 'Personal Service Establishment' and a 'Clinic' in addition to permitting a minimum of (2) parking stalls or one (1) accessible parking stall for lands legally described as Part 9 on Reference Plan 33R-18155, Municipality of Thames Centre. The lands are located on the west side of Jane Street, north of Hamilton Road (County Road 29) be **APPROVED**;

AND THAT no further notice be required pursuant to Section 34(17) of the *Planning Act*, regarding rezoning the subject lands to also allow a 'Clinic';

AND THAT the implementing by-law be **APPROVED**, as included in the by-law portion of the agenda.

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. Additionally, the personal service establishment use will require 7 parking stalls whereas the property can accommodate two (2) parking stalls, that comply with the size and access requirements of the Zoning By-law, therefore a reduced number of parking stalls is being requested.

BACKGROUND:

The subject property is a 407 square metre (4,380.9 ft²) parcel situated on the west side of Jane Street, north of Hamilton Road (County Road 29). The property contains a 93.6 square

metres (1,008 ft²) concrete and steel building. The building is currently vacant, but previously contained a professional office space. The building is serviced by municipal piped water and a private septic system. 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. The applicant advised it is intended the business would have three (3) employees and anticipate having up to six (6) clients at a time.

Since filing the application and after the public meeting notice was circulated, the applicant had advised staff that in addition to the request to permit a personal service establishment and reduced parking, the applicant would also like to request to permit a 'clinic' on the lands to ensure that there would be no zoning compliance concerns in relation to operating a medical aesthetics business on the subject property.

Surrounding land uses are predominantly a mix of businesses and residential properties, particularly along Hamilton Road (County Road 29), with some areas being solely residential. The current Office Residential (OR) Zone permits a range of uses including a professional and service office with a minimum of one (1) dwelling unit, retail store with a minimum of one (1) dwelling unit, a studio with a minimum of one (1) dwelling unit, a day nursery and a bed and breakfast establishment.

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 and are located within a commercial Core Area according to the Thames Centre Official Plan which provides more specific policy direction to ensure that commercial development and redevelopment opportunities are compatible with adjacent residential neighbourhoods.

The Official Plan states the function of Core Areas as commercial and community centres must be maintained and enhanced through effective design standards, revitalization policies, and the siting of appropriate commercial uses within and outside of such areas. One goal of the Official Plan is to enhance the character, identity, vitality, uniqueness and awareness of the Core Areas. It is also stated that adequate parking facilities shall be provided for all permitted uses and access to such parking shall be designed in a manner that minimize the danger to both vehicular and pedestrian traffic. The Official plan notes the Municipality has the ability to allow owners to make payment in lieu of parking spaces and that the Municipality can collect money which can be used to provide municipal parking within the area.

According to the Official Plan, several factors must be assessed when determining if a site is suitable for payment-in-lieu. One key consideration is the impact the number of required parking spaces may have on the development's feasibility. The existing building, which is proposed for use as a personal services establishment, will not undergo size alterations. Another factor is the cumulative effect of applying the payment-in-lieu policy.

Currently, the Municipality has not implemented such a policy, and there have been few requests for reduced parking in the commercial core. As a result, staff believes that requiring cash in lieu of parking would not be appropriate without the establishment of a municipal parking fund policy. Given the availability of on-street parking near the property on both sides of Hamilton Road, near the site, staff believes that a reduction in parking stalls is appropriate.

The Official plan indicates, exemptions for payment in lieu parking will only be applied if the Municipality is satisfied that parking on-site is not necessary and that the Municipality can supply sufficient parking within a reasonable distance from the site.

The addition of a personal service establishment and a clinic would be similar and as compatible with adjacent residential uses as the other permitted uses 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 or the County Engineer 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 and the County Engineer 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.

Information related to on-site parking stalls was provided by the applicant. From reviewing this information, staff have determined two (2) standard parking stalls or one (1) accessible parking stall would meet the requirements of the zoning by-law and could be accommodated on the property. The zoning by-law requires that a personal service establishment shall have one (1) parking stall per 15 square metres of building used for the business, including one (1) accessible parking stall. In this case, for a personal service establishment, seven (7) parking stalls, including one (1) accessible parking stall would be required. For a clinic, five (5) parking stalls, including one (1) accessible parking stall would be required.

As noted, the subject lands are located within a commercial Core Area, with on-street parking in proximity to the subject lands. Staff do not anticipate clients and employees utilizing the on-street parking available on Hamilton Road (County Road 29) will create a significant parking deficiency.

- *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. The applicant has advised that signage to indicate parking is to occur on site or by using on-street parking on Hamilton Road will be placed on the property. Given the property is located within a commercial Core Area and on-street parking along Hamilton Road (County Road 29) is in proximity to the property, staff is of the opinion that the proposed use including a reduced minimum parking requirement of two (2) standard stalls or one (1) accessible parking stall would be appropriate.

In regards to the request to permit a clinic in addition to the personal service establishment and reduced parking, Section 34 (17) of the *Planning Act* states where a change is made in a proposed by-law after the holding of the public meeting council shall determine whether any further notice is to be given in respect of the proposed by-law. Considering staff believe the proposed clinic use would be similar to the proposed personal services establishment use, staff is of the opinion further notice should not be required.

Based on the foregoing, the subject proposal is consistent with the PPS and conforms to the County of Middlesex and Thames Centre Official Plans.

CONSULTATION:

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. I have no concerns provided a minimum of 2 parking spaces or 1 accessible parking space is provided within the property with additional parking spaces available on-street in the immediate vicinity.

By-law Enforcement

No comment, there are no enforcement issues at this time. The owner will be responsible for advising clients where they are permitted to park. Any parking issues on private property are not inspected by By-law.

Director of Public Works

Public Works have no concerns or comments with this application.

In the circulation of the notice of public meeting to surrounding property owners, the following comments were received:

Andrew McClure:

I have concerns regarding the rezoning of 15 Jane Street, specifically the allowance for reduced parking spaces. I own the adjoining property at 4032 Hamilton Road and our parking lot runs along the side of the building in question. We operate a busy salon and need access to all of our parking spaces. Unfortunately, the parking lot is also sometimes used by people visiting the business next door. Although we do have a sign posted advising that parking is only for clients of the salon, the sign is either obstructed by other vehicles or simply ignored. To date, the businesses operating out of 15 Jane Street have been used as office space with very few client visits so the inconvenience to us and our clients has been minimal. However, if the proposed rezoning with reduced parking requirements is granted, I predict that the small parking lot at 15 Jane Street will frequently be at capacity and our lot will be increasingly used by clients of that location.

I appreciate and expect that the rezoning applicant will ask clients to avoid parking in our lot, parking instead in the few spots available at 15 Jane Street or on Hamilton Road. However, I do not think this strategy will be successful. Moreover, this will be the third business to operate at 15 Jane Street within the past 5-years and foresee this being a continuing issue with future businesses, whose owners may be less determined to ask clients not to use our parking lot.

I do not submit this letter lightly. I want local businesses to succeed and recognize that the business currently proposed for 15 Jane Street will attract potential clients for us as well. At the same time, parking is already an issue for us and will certainly get worse if this appendment is permitted. If this happens, we have little recourse, as we do not want to be responsible for towing local residents' vehicles. Ultimately, if rezoning is permitted, I believe that five additional parking spaces should be required and created at 15 Jane Street.

Stephanie Meyer

I have two concerns about the zoning change for 15 Jane Street: wastewater management, and parking/traffic.

Wastewater management

Since we moved into our home in 2012, I have not observed septic servicing for either the house beside us (13 Jane Street) nor the commercial building (15 Jane Street). Our street is not serviced by the municipal wastewater system. I don't know what the volume of waste would be generated as by a medical facility. As a proactive step for the health of the septic system and surrounding properties, I suggest the wastewater management system for 15 Jane should be investigated, potentially remediated and some education would also be beneficial.

Parking/traffic

We can tell you from personal experience, it is a challenge pulling in, and especially, out of our driveway. We've gotten used to it. We've also gotten used to increased traffic, people using our driveway as a turn around point, and traffic speeding up to catch the light. As an office, 15 Jane Street saw vehicles enter and exit the side driveway at typical 9am and 5pm hours – traffic is more congested at these times and consequently slower. As a medical facility with appointments throughout the day, people will be coming and going at any time. The parking lot that services *For the Look* clients has space to turn around and every car is able to exit safely into traffic, nose out. The driveway at 15 Jane Street is exactly that – a driveway, not a parking lot with a turn around area, which means 90% (or more) of the people visiting the facility will be backing out into traffic. I'm highlighting this as a safety risk. For this exact safety reason, and limited parking in the driveway, I also have concerns about where patients will elect to park. I believe the only available option is to park on Hamilton Road, which is limited. My concern is out of convenience, people will park in the lot belonging to *For the Look*, which is not fair to the business that owns and services that property.

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 & Development Services

Reviewed by: D. Barrick, Chief Administrative Officer