



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-001-25

FILE NO. Z16-24

TO: Mayor and Members of Council

FROM: A. Kertesz, Planner

MEETING DATE: January 13, 2025

SUBJECT: **Zoning By-law Amendment Application (Z16-24); Lloyd Mailloux (Applicant); 194 King Street, Thorndale**

RECOMMENDATION:

THAT Application for Zoning By-law Amendment Z16-24 as requested by Lloyd Mailloux to rezone the subject property from the General Commercial (GC1) Zone to a site-specific General Commercial (GC1-14) Zone to allow 'multiple unit dwelling' as a permitted use, in addition to all other uses permitted in the parent GC1 Zone for lands legally described as Lot 2 on Plan 255 (geographic Township of West Nissouri), Municipality of Thames Centre **BE APPROVED;**

AND THAT the implementing by-law be introduced in the by-law portion of the agenda.

PURPOSE:

The purpose and effect of the zoning by-law amendment application is to rezone the subject property from the General Commercial (GC1) Zone to a site-specific General Commercial (GC1-14) Zone to allow 'multiple unit dwelling' as a permitted use, in addition to all other uses permitted in the parent GC1 Zone.

BACKGROUND:

The subject property is a 728.43 square metre (7840.75 ft²) parcel situated on the north side of King Street (County Road 28), just west of Harrison Street in Thorndale. The property contains a 234.12 square metre (2520 ft²) building and a detached garage. The building contains a vacant commercial unit on the first floor and a residential unit above the first floor. 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 with a Natural Hazard overlay. The lands are zoned General Commercial (GC1) according to the Thames Centre Comprehensive Zoning By-law. A majority of the lands are regulated by the Upper Thames River Conservation Authority (UTRCA) due to

the presence of the Wye Creek west of the lands.

The current General Commercial (GC1) Zone, intended for lands with a range of available municipal services, permits a variety of uses which include day nursery, florist shop, office, retail store, clinic and one (1) dwelling unit accessory to a commercial use subject to regulations. These regulations include the accessory dwelling unit being located above the first floor and the gross floor area of the dwelling not exceeding 50% of the floor area of the main building. While a dwelling unit accessory to a commercial use is permitted subject to regulations, the applicant's request to utilize the entire building, both the first and second floor for residential purposes is not permitted in the GC1 Zone, therefore a zoning by-law amendment is required.

From discussions with the applicant as well as reviewing municipal records, the building was used for both commercial and residential purposes in the past and was once entirely used for residential purposes up until 2009. The first floor of the building has since been converted and used as a commercial space. The applicant advised they are requesting this rezoning as it has been challenging to find commercial tenants, therefore they want to ensure the space is utilized. Additionally, although the application requests to add 'multiple unit dwelling' as a permitted use, the applicant also requests to maintain the currently permitted commercial uses to allow flexibility for the space in the future.

Surrounding land uses include a mix of commercial businesses along both sides of King Street and residential uses north of the property. The CN Railway is located east of the property.

ANALYSIS:

The Provincial Planning Statement 2024 (PPS), County of Middlesex and Thames Centre Official Plans permit a range and mix of housing options within settlement areas, including within the settlement area of Thorndale. Additionally, the PPS indicates planning authorities shall provide an appropriate range and mix of housing options by permitting and facilitating all types of residential intensification, including the development and redevelopment of underutilized commercial sites for residential use.

As noted previously, the subject lands are designated General Commercial with a Natural Hazard overlay. According to the Thames Centre Official Plan, while it is intended that the primary use of commercial areas will be for the buying and selling of goods and services, non-commercial uses considered compatible with commercial development may also be permitted. In particular, the General Commercial policies state multi-unit residential developments are permitted within the General Commercial designation. Considering the building contains an existing residential use, being an accessory dwelling unit, and the applicant is not proposing changes to the exterior or the footprint of the building at this time, staff is of the opinion that utilizing the entire building for residential purposes would be appropriate and would continue to be compatible with neighboring commercial uses.

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 building is to be utilized with no exterior changes or renovations proposed at this time. Any renovations for the proposed change of use may require 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. Staff would like to note although municipal water and sanitary sewers are generally available along King Street, there is a section of King Street between the Wye Creek and the CN Railway where sanitary sewers are not available.

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

Access to the site is via King Street (County Road 28) being an arterial road designed and maintained to County standards. Impact to traffic is anticipated to be limited as a result of the requested zoning by-law amendment. 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, being King Street (County Road 28) and furthermore, as noted, 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;*

The lot frontage is suitable for the proposed use and conforms to the standards of the zoning by-law. While the lot does not meet the minimum lot area requirement for the GC1 zone, staff is of the opinion that the lot is a sufficient size to accommodate the proposed use. In regards to minimum parking requirements, according to the zoning by-law, a dwelling unit requires 1.5 spaces per unit. In this case, as there will be two (2) dwelling units, three (3) parking spaces would be required. Based on the size of the parking area located on the property, it appears this requirement would be satisfied.

- *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 exterior of the building would remain unchanged with the proposed development

consisting of internal renovations and the subject lands contain sufficient parking. Additionally, Staff believe the residential use of the lands would likely have less traffic generated to the site in comparison to a commercial use.

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 comment.

Director of Public Works:

Public Works have no comments or concerns with this application.

Drainage Superintendent:

No concerns.

Chief Building Official

1. Should the proponent be successful in their application, the proponent shall be advised that a building permit is required for the conversion of the current main floor business into a dwelling unit. The building permit application shall be supplemented by drawings, prepared by a qualified designer, in sufficient detail to demonstrate compliance with applicable requirements of the 2024 Ontario Building Code.
2. The proponent shall provide a site plan drawing demonstrating compliance with onsite parking requirements as noted in subsection 4.21.3 for an apartment dwelling (minimum 1.5 spaces per unit required).
3. The proponent shall provide documentation from a qualified septic designer demonstrating that the existing onsite sewage system is compliant with 2024 Ontario Building Code requirements for the existing apartment dwelling on the second floor as well as the new proposed main floor apartment.

Upper Thames River Conservation Authority:

No objections as the existing building is located outside of the flood hazard.

In the circulation of the notice of public meeting to surrounding property owners, no responses have been received from the public as of the date of this 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:

Prepared by: A. Kertesz, Planner

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

Reviewed by: D. Barrick, Chief Administrative Officer