



## MUNICIPALITY OF THAMES CENTRE

### PLANNING & DEVELOPMENT SERVICES

**REPORT NO:** PDS-067-23

**FILE:** Z26-23

**TO:** Mayor and Members of Council

**FROM:** Marc Bancroft, Director of Planning and Development Services

**MEETING DATE:** October 30, 2023

**RE: APPLICATION FOR ZONING BY-LAW AMENDMENT  
ONE SCHOOL GLOBAL C/O BOB MOONEY (APPLICANT)  
STEWART FINDLATER (AGENT)  
4189 MOSSLEY DRIVE**

#### 1. PURPOSE

The purpose of this Application is to rezone the subject property to permit a retail store not open to the general public to the existing zoning of the property.

#### 2. BACKGROUND (see attached map)

The subject property is a 3-hectare lot (7.5 ac) located on the south side of Mossley Drive and on the west side of Putnam Road (County Road 30). Operating since 2008, the property contains a private school in the form of a main building, a portable and a workshop. The lands are privately serviced with a well and septic system.

The lands are designated Agricultural under the Thames Centre Official Plan and zoned site-specific Institutional (I-4) which permits a private school. Surrounding land uses are primarily agricultural in nature in the form of field crop cultivation. There are also livestock facilities in the general vicinity.

The applicant has applied for this approval to permit a “retail store not open to the public” as an additional permitted use to the existing zoning, which is otherwise not permitted. A 200 square metre (2,160 ft<sup>2</sup>) self-serve retail store has been established within the school exclusively for enrolled families to raise funds for the operation of the school. The retail store is unique in that it is not open to the public, has no employees, and requires direct key fob from outside as there is no direct access to the school from the retail store.

### 3. ANALYSIS

Under the Provincial Policy Statement (PPS), prime agricultural areas are defined as areas where prime agricultural lands predominate. In prime agricultural areas, permitted uses and activities include agricultural uses, agriculture-related uses and on-farm diversified uses. Despite the proposed use not falling under any of the foregoing use categories, the PPS indicates that planning authorities may only permit non-agricultural uses in prime agricultural areas for limited non-residential uses provided all of the following are demonstrated:

- *the land does not comprise a specialty crop area;*

The lands do not comprise a specialty crop area being an established school site.

- *the proposed use complies with the minimum distance separation formulae;*

Although there are livestock operations in the immediate area, those operations are already impacted by the institutional zoning that applies to the subject property. Compliance with minimum distance separation has been achieved since this school use is pre-existing.

- *there is an identified need within the planning horizon for additional land to accommodate the proposed use;*

This rezoning does not require additional land to accommodate the proposed use. It is a request to legitimize space within an existing building as a retail suite not open to the general public.

- *alternative locations have been evaluated, and; there are no reasonable alternative locations which avoid prime agricultural areas; and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

This criterion does not apply considering this property contains an existing private school, which has no impact on agricultural land.

Based on the foregoing, the subject application is consistent with the PPS.

The County of Middlesex Official Plan does not prevent the continuation, expansion, or enlargement of uses which do not conform to the designations and provisions of the County Plan. Local municipalities may zone to permit the continuation, expansion or enlargement of legally existing uses provided there are not adverse impacts on neighbouring lands, conformity with minimum distance separation is achieved and subject to any conditions contained in a local official plan. Based on the planning rationale outlined above, the proposed use would not offend the County Plan.

The Thames Centre Official Plan indicates only reasonable expansions to existing institutional uses on existing lots shall be permitted without an amendment to the Plan where lands are situated outside of a settlement area. The proposed use would not offend the foregoing policy direction.

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;*

No additional buildings or structures are proposed.

- *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 private servicing will need to be demonstrated as a prerequisite to obtaining a change of use building permit.

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

The subject property is situated at the southwest corner of Putnam Road (County Road 30) and Mossley Drive. It would appear that the existing road system is adequate to accommodate projected increases in traffic considering the Director of Public Works and the County Engineer have indicated no comment to this submission.

- *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 hard-surfaced road, Mossley Drive, under Thames Centre's jurisdiction, which is constructed and maintained to municipal standards. Furthermore,

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

If this rezoning is approved, the proposed use would comply with the lot frontage and lot area provisions and is capable of complying with the regulations of the Zoning By-law.

- *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.*

There are no natural heritage features in proximity to the subject lands. Unacceptable adverse effects on surrounding uses are not anticipated considering neighbouring lands are primarily agricultural in nature and used for the cultivation of field crops. Although there are livestock operations in the immediate area, this proposal creates no additional impact or burden since those operations are currently affected by the institutional zoning that applies to the subject lands.

Based on the foregoing, the subject application is consistent with the Provincial Policy Statement and in conformity with the County and Thames Centre Official Plans.

### **3.1 Agency Comments**

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

3.1.1 County Engineer: No comment.

3.1.2 Director of Public Works: No comment or concerns.

3.1.3 Drainage Superintendent: No comment.

3.1.4 Chief Building Official: The owner shall be advised that the retail use be discontinued until applicable zoning approvals and building permits are obtained and satisfactorily completed. The owner shall obtain a building permit for the retail suite. Drawings to be submitted in support of the building permit application shall be prepared by an architect licensed in Ontario and a professional engineer licensed in Ontario.

### **3.2 Public Comments**

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.

## **4. RECOMMENDATION**

**THAT** Application for Zoning By-law Amendment Z26-23 submitted by Stewart Findlater on behalf of One School Global c/o Bob Mooney with respect to lands known municipally as 4189 Mossley Drive and legally described as Part of Lot 4, Concession 3, SRT (geographic Township of North Dorchester), Municipality of Thames Centre, be approved in principle and that the Director of Planning and Development Services be directed to prepare the necessary Zoning By-law Amendment for Council's consideration at the next regular meeting.

Prepared by: Marc Bancroft, Director of Planning & Development Services

Reviewed by: David Barrick, Chief Administrative Officer