



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-039-22

FILE: Z10-22

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: July 11, 2022

**RE: APPLICATION FOR ZONING BY-LAW AMENDMENT
RASHA NASSER (APPLICANT)
FINDLATER & ASSOCIATES INC. (AGENT)
4074 & 4086 ELGIN ROAD, MOSSLEY**

1. PURPOSE

The purpose and effect of this Application is to rezone the subject lands from the Hamlet (HR) zone to a site-specific Hamlet Residential (HR-#) zone to permit a 'sign shop establishment' as a permitted use in addition to the other permitted uses in the HR Zone.

The subject application was heard at a public meeting of Municipal Council on June 27, 2022. This report provides an evaluation of the proposal including a summary of the issues identified through the public and agency consultation process and a recommendation for Council's consideration.

2. BACKGROUND (see attached map)

The subject lands are two separate parcels of land having a total area of 0.3 hectare (0.74 ac) and situated south of Mossley Drive and on the east side of Elgin Road (County Road 73) within the Hamlet of Mossley. The lands have a frontage of approximately 53.3 metres (174.9 ft) along Elgin Road (County Road 73) and contain a single detached dwelling known municipally as 4074 Elgin Road and a metal clad building known municipally as 4086 Elgin Road. The subject lands are serviced by a private well and septic system which is located at 4074 Elgin Road. The property has two separate driveways with one used to access the residential use and the other used to access the metal clad building which contains a sign shop.

The applicant is requesting that the existing sign shop be allowed to operate from the existing building located at 4086 Elgin Road, which is currently not permitted according to zoning. The applicant has therefore applied to rezone the properties to a site-specific Hamlet Residential (HR-#) Zone to allow a sign shop establishment as an additional permitted use. Sign Shop Establishment is defined as “a business engaged in storing, maintaining, repairing, and preparing for the sale and/or rental of portable (mobile) signs used for the promotion of household, institutional and business purposes.”

The lands are designated Hamlet according to the Thames Centre Official Plan and zoned Hamlet Residential (HR). Surrounding land uses are residential in nature.

3. ANALYSIS

The Provincial Policy Statement (PPS), the County of Middlesex Official Plan generally support a range of uses and opportunities within settlement areas, including the designated Hamlet of Mossley. The Thames Centre Official Plan permits a range of land uses within the Hamlet designation including low-density residential uses, and commercial and industrial uses at an appropriate scale subject to criteria.

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 commercial use is contained within an existing metal clad building. No new buildings are proposed.

- *the 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 preferred method of servicing development;*

A building permit will be required to convert the previous residential accessory metal clad building into a commercial building including washrooms and that a septic system and potable water supply be required to service the building, all of which are to be wholly contained on the same property and subject to applicable permits.

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

Elgin Road is County Road 73 being an arterial road under the County of Middlesex Official Plan and is intended to carry large volumes of traffic. No concerns were raised by the County Engineer.

- *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 Elgin Road (County Road 73) which is a public road and is maintained to County standards.

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

The subject property would conform to the lot frontage and area provisions of the requested site-specific HR-# Zone. The requested zoning would not allow any open storage on the site, including but not limited to mobile signs and associated framing.

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

Unacceptable adverse effects on adjacent uses are not anticipated considering the proposed use is to operate entirely out of the existing building with no allowance for open storage. There are coniferous trees along the easterly and southerly property lines which assist with mitigating visual impacts of the building and the use from neighbouring properties. Considering this use is operating as a free-standing commercial business and to ensure compliance with the Municipality's site plan control area by-law, site plan approval is warranted to guarantee there are appropriate site works in place to accommodate this use and to ensure compatibility with adjacent uses. Site works would include, but are not limited to, confirmation of private servicing in compliance with the Ontario Building Code, hard-surfacing of the parking area with barrier free access, exterior lighting controls as well as garbage/recycling facilities. Also, the need to maintain existing landscaping should be included as a requirement in the implementing site plan agreement.

Specific to Hamlet areas, the Thames Centre Official Plan indicates that new commercial, industrial, institutional and recreational uses may be allowed without an amendment to this Plan provided the Zoning By-law is amended where necessary and the proposed use satisfies the following criteria:

- *the applicant adequately demonstrates the need for the proposed use;*

The applicant operates a successful business in London with a satellite facility in Mossley, which adequately demonstrates the need for this use.

- *the proposed use is compatible with existing uses in close proximity;*

There is existing landscaping in the form of coniferous trees along the east and south property lines which assist with mitigating visual impacts of the building and the use from neighbouring properties. This existing landscaping combined with the requirement for site plan approval would ensure compatibility with neighbouring existing uses.

- *the existing roads can adequately serve the proposed use;*

Elgin Road is County Road 73 being an arterial road under the County of Middlesex Official Plan and is intended to carry large volumes of traffic. As such, Elgin Road can adequately serve the proposed use. No concerns were raised by the County Engineer.

- *notwithstanding, new commercial and industrial uses must front on a County or arterial road;*

The subject lands front onto Elgin Road being County Road 73.

- *the existing services are adequate for the proposed use;*

The adequacy of private servicing would need to be confirmed in advance of this rezoning approval.

- *the off-street parking is adequate for the proposed use;*

Adequacy of off-street parking would be confirmed through site plan approval.

- *the site plan requires adequate landscaping, buffering and building setbacks to protect the privacy of surrounding properties; notwithstanding, new commercial and industrial buildings and structures must provide a buffer of a minimum of 15 metres from all abutting residential lots and the buffer shall contain adequate fencing and/or landscaping; buffers shall not be used for storage and/or parking; and*

As previously indicated, site plan approval is warranted considering this commercial use is free standing and is beyond the scale of a residential home occupation or home business. This redevelopment is an adaptive reuse of an existing building in that no new building is proposed. The need for fencing and additional landscaping will be considered through the site plan approval process. Given surrounding land uses, no open storage shall be permitted.

- *the proposed use has regard to the Provincial Policy Statement.*

The Provincial Policy Statement (PPS) generally supports a range of uses and opportunities within designated settlement areas, including the Hamlet of Mossley. This proposed rezoning would therefore be consistent with the PPS.

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 Upper Thames River Conservation Authority: No objection.

3.1.3 Drainage Superintendent: No comment.

3.1.4 Director of Public Works: No comment.

3.1.5 Chief Building Official:

A building permit will be required to convert the previous residential accessory building into a commercial building including washrooms. A septic permit and potable water supply will be required to service the building at 4086 Elgin Road. There will also need to be confirmation of spatial separation calculations for elevations of both buildings facing the new property line.

If the properties are to merge to become a single parcel of land, a building permit will be required for the conversion to commercial use. A review of the existing septic system will be required to ensure that it can meet the additional loading for the commercial use if not a separate building permit for a new septic system or repair to the existing septic system will be required.

3.1.6 Enbridge: No issues.

3.2 Public Comments

In the circulation of the notice of public meeting, the following individuals have provided written submissions which are attached to this report:

Jack Brand
Stephen Cornish
Judy Daniel
Patricia and Frank Dietz
Susan Fraser
Laurie Gall
Jim Heaton
Steve Peterson
Tom Symon
David and Beth Wilker
Joyce Woldenberg & Jerry Taylor

Michael and Sharon Wright
Joint Submission - authored by Michael Wright signed by several neighbours mentioned above plus Jan and Dan Childs as well as Shawn Norton.

In considering the public input received, the following table provides a summary of the key areas of concern (in no particular order) along with staff response:

CONCERN	RESPONSE
Septic system for the commercial building	Adequacy of servicing will need to be confirmed in advance of this rezoning approval.
Official Plan conformity	Conformity is capable of being achieved as noted in the evaluation section of this report and through the application of site plan control.
The possibility for additional commercial uses	Beyond a sign shop establishment, any additional use would be subject to a new rezoning application including the need to hold another public meeting of municipal council.
Potential manufacturing on-site	This would not be permitted therefore concerns related to noise and air pollution do not apply.
Open storage	This would not be permitted.
Decreasing property values	This is not a valid land use planning concern. To ensure compatibility with neighbouring land uses, approval of this rezoning application should be subject to the applicant obtaining site plan approval.

In considering these concerns, the requested Zoning By-law Amendment is appropriate and consistent with the PPS and conforms to the County of Middlesex Official Plan and the Thames Centre Official Plan.

4. RECOMMENDATION

THAT Application for Zoning By-law Amendment (Z10-22) submitted by Rasha Nasser for lands legally described as Part of Lot 12, Concession 3 SRT (geographic Township of North Dorchester) and designated as Part 1 on Reference Plan 33R-5967 and Part 1 on reference Plan 33R-1719, Municipality of Thames Centre, be approved in principle and the implementing by-law be forwarded to the next regular meeting of Council limited to two readings with third and final reading provide once:

- (a) That the applicant be required to obtain any applicable permit to ensure private servicing for the metal clad building located at 4086 Elgin Road, which is to be wholly contained on one property to the satisfaction of the Chief Building Official.

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- (b) That site plan approval be required given the commercial use of the lands at 4086 Elgin Road and to ensure consistency with the Municipality's Site Plan Area By-law.

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

Reviewed by: Mike Henry, Chief Administrative Officer

APPLICATION FOR ZONING BY-LAW AMENDMENT (Z10-22)

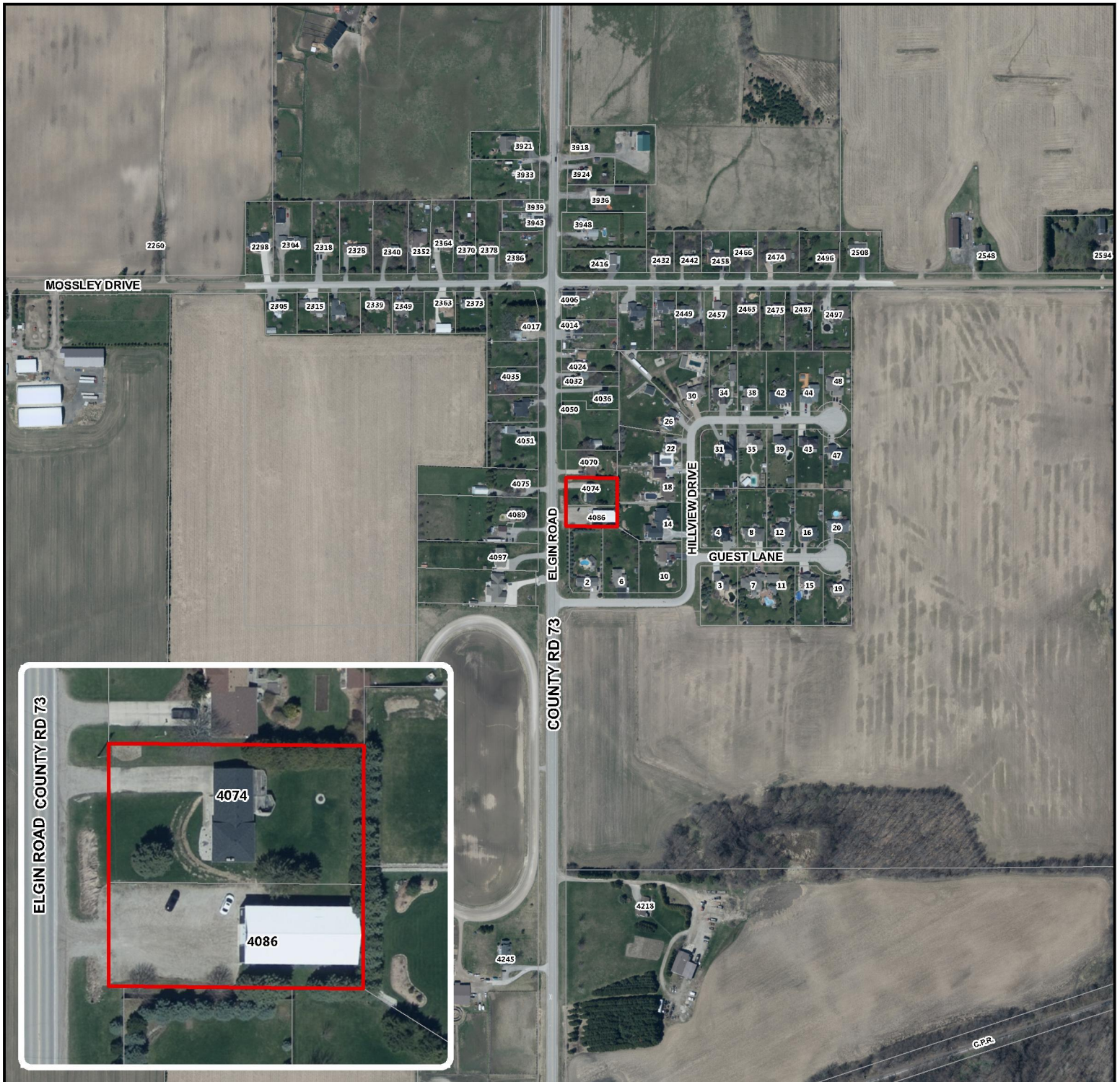
Applicant: Rasha Nasser

Agent: Stewart Findlater

Location: 4074 Elgin Road, Mossley

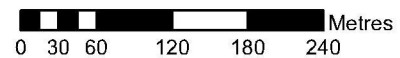


Municipality of THAMES CENTRE



 **LANDS TO BE REZONED**

1:6,000



ORTHOPHOTOGRAPHY: SWOOP 2020

Disclaimer: This map is for illustrative purposes only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.