



MUNICIPALITY OF THAMES CENTRE

PLANNING & DEVELOPMENT SERVICES

REPORT NO: PDS-06-24

FILE: Z38-23

TO: Mayor and Members of Council

FROM: Marc Bancroft, Director of Planning and Development Services

MEETING DATE: *January 29, 2024*

**RE: APPLICATION FOR ZONING BY-LAW AMENDMENT;
ABRAHAM ELABED; 4406 DUNDAS STREET**

1. PURPOSE

The purpose of this Application is to rezone the subject property to allow a car wholesaling use as an additional permitted use under the existing zoning which is otherwise prohibited.

2. BACKGROUND (see attached map)

The subject property is 0.34 hectare (0.84 ac) commercial lot situated on the north side of Dundas Street (County Road 2) at Shaw Road (County Road 32). The lands contain a single detached dwelling and a detached garage. The lands are serviced by private well and septic system. The lands are designated 'Highway Commercial' and zoned site-specific Highway Commercial (HC-3) zone according to the Thames Centre Comprehensive Zoning By-law. The HC-3 zone permits an automobile service station, single detached dwelling, a vehicle service shop and accessory open storage for the commercial uses listed. Surrounding land uses vary and include commercial uses to the north and west, residential, commercial, and agricultural uses to the east, and agricultural uses to the south.

The applicant is proposing to establish a car wholesaling use which is otherwise not permitted under the current zoning. This use would involve the sale of used cars not intended to be sold to the general public and would be accommodated within existing buildings on the property. The applicant is also proposing to operate a vehicle repair shop permitted under existing zoning.

3. ANALYSIS

The Provincial Policy Statement, the County of Middlesex Official Plan, and the Thames Centre Official Plan generally support commercial activities within commercial designations. In particular, the Thames Centre Official Plan encourages commercial uses to be located along arterial roads. The Highway Commercial designation permits commercial uses that primarily serve vehicular traffic and the travelling public and that rely heavily upon such traffic for their economic existence. The subject lands are located within the Highway Commercial designation along an arterial road being Dundas Street (County Road 2). As such, the proposed use would align with the foregoing policy direction.

The Thames Centre Official Plan require 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 physical change will be taking place on the subject lands as the applicant intends to make use of existing buildings and structures.

- *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;*

No physical change will be taking place on the subject lands.

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

No physical change will be taking place on the subject lands, therefore there will be no increases in traffic due to the use.

- *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 Dundas Street (County Road 2) which is a public road.

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

Although the subject lands are undersized (the minimum lot area in the HC-3 zone is 4,000 square metres, whereas the subject lands have an area of approximately 1,375 square metres). As there will be no physical changes for the proposed use, the subject lands are suitable for the proposed use.

- *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 surrounding uses are not anticipated considering there will be no physical change on the subject lands. There are also no natural heritage features proximate to the subject lands.

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

3.1 Agency Comments

In the circulation of the notice of public hearing 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 Chief Building Official: No comment.
- 3.1.5 Director of Public Works: No concerns.

3.2 Public Comments

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

4. RECOMMENDATION

THAT Application for Zoning By-law Amendment Z38-23 requested by Abraham Elabed for lands legally described as Part of Lot 1, Concession 3 (geographic Township of West Nissouri) and designated as Part 1 on Plan 33R452, Municipality of Thames Centre, and known municipally as 4406 Dundas Street, be approved in principle and that staff 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