



MUNICIPALITY OF THAMES CENTRE

REPORT NO. PDS-011-24

FILE NO. Z35-23

TO: Mayor and Members of Council
FROM: Director of Planning & Development Services
MEETING DATE: February 26, 2024
SUBJECT: **APPLICATION FOR ZONING BY-LAW AMENDMENT; LINDA REID (APPLICANT); GSP GROUP INC. (AGENT); 20022 FAIRVIEW ROAD**

RECOMMENDATION:

THAT Application for Zoning By-law Amendment (Z35-23) filed by GSP Group Inc. on behalf of Linda Reid, and as amended with the addition of a retail store as an additional permitted use to the requested Highway Commercial (HC) Zone, for lands legally described as Part of Lot 1, Concession 4 (geographic Township of West Nissouri), Municipality of Thames Centre and known municipally as 20022 Fairview Road, be approved in principle and that planning staff be directed to prepare the necessary Zoning By-law Amendment for Council's consideration at the next regular meeting;

AND THAT no further notice be required pursuant to Section 34(17) of the Planning Act.

PURPOSE:

The purpose and effect of this Application is to rezone the subject property from the Future Development (FD) Zone to the Highway Commercial (HC) Zone to allow the construction of a building to be used as a market garden, which is otherwise not permitted under the existing zoning.

BACKGROUND:

The subject property is 4 hectare (10 ac) lot situated on the east side of Fairview Road and on the north side of Dundas Street (County Road 2). These lands contain a single detached dwelling serviced by private well and septic system. Access is available via two entrances off Fairview Road. The lands are used for agricultural purposes in the form of field crop cultivation. The lands are designated Highway Commercial according to the Thames Centre Official Plan and zoned Future Development (FD) zone according to the Thames Centre Comprehensive Zoning By-law.



The applicant is proposing to establish a market garden use to allow the sale of fresh produce, pastries, meats and cheeses within the proposed building. Having a floor area of approximately 446 square metres (4,800 ft²), the proposed building would be a single-storey structure and situated at the southwest corner of property. One of the entrances on the property is to be used for the existing dwelling and the other entrance (southerly entrance) is to be used for the proposed commercial development.

The requested Highway Commercial (HC) Zone would allow the following uses:

Automotive service station	Hotel/motel	Restaurant drive-through
Automotive use	Marine sales and service	Single detached dwelling
Building supply outlet	Market garden	Taxi establishment
Bulk sales establishment	Nursery and garden centre	Vehicle repair garage
Garden centre	Home occupation	Vehicle sales / rental
Gas bar	Restaurant	Veterinarian clinic

Upon further review and in consultation with staff, the applicant's agent has amended their application to include a retail store as defined, as an additional permitted use in addition to the market garden use. The market garden definition is very prescriptive and only permits the sale of fruits, vegetables and flowers whereas the retail store use would allow a broader range of items to be sold by comparison, including the sale of pastries, meats and cheeses as originally intended.

Surrounding land uses are predominantly agricultural in the form of field crop cultivation with associated farm dwellings, however there are two notable exceptions. Lands on the west side of Fairview Road contain a rural residential use and further south at Dundas Street lies a commercial use in the form of a used car dealership.

ANALYSIS:

Although the subject lands lie within the Agricultural Areas designation under the County of Middlesex Official Plan, the subject lands do not contemplate the removal of agricultural land since they were previously removed from agriculture, from a policy standpoint, given the current Highway Commercial designation that applies under the Thames Centre Official Plan. The same applies to the Provincial Policy Statement.

Under the Thames Centre Official Plan, the Highway Commercial designation permits retail and service commercial uses that primarily serve vehicular traffic and that rely heavily upon such traffic for their economic existence. Commercial uses are also encouraged to be located along arterial roads. The subject lands are located at the northeast corner of Fairview Road and Dundas Street (County Road 2), the latter being an arterial road under the County Official Plan. 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;

The suitability of soil and drainage conditions would be addressed through the site plan approval and building permit processes.

- 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;

The adequacy of private services will need to be demonstrated as a prerequisite to obtaining a building permit.

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

This property has access to Fairview Road, being a local road designed to municipal standards to primarily provide access to the surrounding area. Additionally, as noted, the property abuts Dundas Street (County Road 2), being an arterial road designed to facilitate high volumes of traffic. According to the Planning Justification Report, it is intended that signage associated with the business would be oriented towards Dundas Street (County Road 2). The road system is adequate to accommodate the proposed development.

- 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 Fairview Road which is a public road maintained to municipal 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 meets the minimum lot frontage and lot area requirements pursuant to the Highway Commercial (HC) Zone being 60 metres (196.85 ft) and 4,000 square metres (0.99 ac) respectively. 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.

There are no natural heritage features on the subject lands. Unacceptable adverse effects on surrounding uses are not anticipated. Considering this proposal would facilitate the development of the lands for commercial purposes, site plan approval would be required in advance of obtaining a building permit, in order to address the layout of the site, parking, exterior lighting, private servicing, drainage, signage, upgrades to the existing access, etc.

This rezoning application as amended would be appropriate to ensure there would be no limitations on the type of products sold to the public. The retail store use would also align with the policy direction associated with the Highway Commercial designation under the Official Plan.

According to Section 34(17) of the Planning Act, where a change is made to a proposed by-law after a public meeting is held, Council shall determine whether any further notice is to be given. Staff is of the opinion that no further notice should be required considering a retail store use would have less impact compared to other uses permitted under the HC Zone including a restaurant or automotive garage/gas station to name a few.

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

CIRCULATION CONSULTATION:

Agency Comments

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

County Engineer:

No comment.

Director of Public Works:

The southerly driveway at Fairview Road shall be upgraded to conform to all Thames Centre Engineering Design Standards (specifically Section 9.4 Driveways). This includes asphalt surface treatment as well as a maximum width of 6.0 metres.

Drainage Superintendent:

No comment.

Public Comments

To date, no written submissions have been received by the public.

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: M. Bancroft, Director of Planning and Developments Services

Reviewed by: D. Barrick, Chief Administrative Officer