

Meeting Date: October 21, 2024
Department: Building, By-law and Planning
Report No.: BBP-2024-117
Submitted by: Tim Williams, Manager of Planning
Reviewed By: Jake DeRidder, Senior Development Coordinator
Approved by: Trisha McKibbin, Chief Administrative Officer
SUBJECT: **Application for Zoning By-law Amendment – 29 Caradoc Street South, Strathroy, Submitted by Aires and Anita Fernandes**

RECOMMENDATION: THAT: Report BBP-2024-117 regarding rezoning application ZBA 13-2024, be received for information; and further,
THAT: By-law 99-24 be referred to the Consideration of By-laws Section of the Agenda for consideration and approval.

PURPOSE

The purpose of the Zoning By-law amendment application is to facilitate the rezoning of the existing single storey building from 'Medium Density Residential (R2) zone' to commercial General Commercial (C1) zone.

SUMMARY HIGHLIGHTS

- This report provides background and analysis of the application and recommendation on the proposal.
- The application proposes to use the building for commercial uses with parking along the east side of the building which has access to a Concord Street.
- The application seeks to amend the zoning for the subject lands from "Medium Density Residential (R2) Zone" to site specific "General Commercial (C1-8) Zone" to permit a commercial use and decrease planting strip to the adjacent residential property.

BACKGROUND:

Site and Surround Area

The subject lands are located on the east side of Caradoc Street South and are approximately 734.7 m² (7,908 ft²) in size with approximately 22.53 m (73.9 ft) of frontage on Concord Street. The property

also has frontage on Caradoc Street (35.6 m or 116.8 ft). The property contains an existing building that has been operating as a house for many years.

The property is located within the Downtown Core of Strathroy. The site is located between rail tracks and Metcalfe Street on the east side of Caradoc Street. There are other single detached and multiple unit residential buildings as well as commercial uses on Caradoc Street.

From a servicing perspective, the existing building on the property is connected to municipal water and sanitary services, both are located within the Caradoc Street right-of-way and no changes are proposed.

Caradoc Street is an arterial road under the jurisdiction of County of Middlesex (see location map). Concorde Street is under the jurisdiction of Strathroy-Caradoc.

The building has existed for more than 100 years. The owner is looking to have the property rezoned to permit commercial uses to allow for leasing out of the space.

Application Details

An application for a Zoning By-law amendment was made in September 4, 2024 and the application was deemed complete on October 1, 2023. In addition to the application form, the submission included a Site Plan and cover letter justification.

The development proposes to renovate the building to a commercial building with at least one unit. The Zoning By-law amendment proposes to rezone the lands from “Medium Density Residential (R2)” Zone to site specific “General Commercial (C1-#) Zone” with site-specific zoning provisions to establish decreased driveway and parking setbacks and landscaped open space to recognize the location of the existing building and the driveway which will run along the east side of the building.

POLICY AND REGULATION BACKGROUND

The subject lands are within the Strathroy Settlement Area. The Provincial Planning Statement (PPS), the County Official Plan, and the Strathroy-Caradoc Official Plan all encourage commercial growth in settlement areas on full municipal services provided the development is compatible with the surrounding area and represents an orderly and efficient use of land and infrastructure.

Provincial Planning Statement (2024)

The PPS provides policy direction on matters of provincial interest related to land use planning and development.

Section 3.6.1 states that settlement areas will be the focus of growth. Further, land use patterns within settlement areas shall be based on:

- Efficiently using land and resources;
- Appropriate and efficient use of infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

- Minimize negative impacts to air quality and climate change, and promotes energy efficiency;
- Prepare for the impacts of a changing climate;
- Supports active transportation and are transit/freight supportive.

Section 3.9.1. directs that healthy, active communities should be promoted by planning public streets, spaces, and facilities to be safe and meet the needs of pedestrians, fosters social interaction, and facilities active transportation and community connectivity, and further, by planning and providing a full range and equitable distribution of publicly accessible built and natural heritage settings for recreation such as parklands, public spaces, open spaces, and trails and linkages.

Section 3.6.2 to 3.6.5 of the PPS outlines the hierarchy for sewage and water services and establishes that municipal water and sewage services are the preferred form of servicing for development areas to support protection of the environment and minimize potential risks to human health and safety.

It is noted that an updated 'Provincial Planning Statement' has been approved and has an implementation date of October 20, 2024. In light of the application being considered by Council on October 21, 2024 the application has been evaluated under the PPS 2024. Staff note that the policies continue to maintain the servicing hierarchy and direct that municipal water and sewage services are the preferred option for of servicing for new development.

Comments on Consistency with the Provincial Planning Statement 2024

- The proposal is located within a designated growth area of a settlement area, on lands identified for residential development within the Strathroy-Caradoc Official Plan.
- The residential dwellings will be fully serviced and provide for the efficient use of existing infrastructure and public service facilities.
- The engineering staff have confirmed that sufficient existing water and sanitary capacity is available to service this development.
- The proposal will rezone a property that has been within the settlement boundary for many years, underutilized since the travel agency no longer operated there and is an appropriate location for development.
- The proposal is an adaptive reuse of the property.

Given the above, it is staff's opinion that the application is consistent with the Provincial Policy Statement.

Middlesex County Official Plan (2023)

The subject lands are designated 'Settlement Areas (Urban and Community)' according to *Schedule A: Land Use*, as contained within the County of Middlesex Official Plan.

The County Official Plan provides a regional policy framework within which development proposals are to be evaluated. This is detailed in Section 1.3 of the County Official Plan by outlining that the County

Official Plan does not address in any detail those planning matters that can better be dealt with by the local municipalities. Section 2.3.8.1 of the County Official Plan states that urban areas provide full municipal services. Urban Areas are the focus for future development and expansion. Section 2.3.4 of the County Official Plan states that economic development is an important component of the County's Growth Management policy framework and that many long-term goals and objectives depend on economic activity and the opportunity for residents to live and work in Middlesex County. The County consequently encourages diversity in its economic base.

Section 2.4.5 states that the County shall encourage development on municipal water and sanitary systems.

Comments on the Conformity with the County of Middlesex Official Plan

- This application is primarily a change of use with the only external alteration proposed is a parking lot (and internal renovation).
- The property has access to municipal water and sanitary services and within the Urban (Settlement) Area.
- The uses proposed in this application are commercial uses commonly found in the downtown core. This is expected to have a positive effect in serving the long-term needs of nearby residents.
- The proposed use will support expanded employment opportunities within the County. Permitting commercial uses will help address a service demand that will also increase the livability within the surrounding area.

Given the above, it is staff's opinion that the application conforms to the County Official Plan.

Strathroy-Caradoc Official Plan

The subject lands are designated 'Settlement Area' and 'Downtown Core' according to *Schedule A: Structure Plan* and *Schedule B: Land Use & Transportation Plan*, respectively. The Strathroy Caradoc Official Plan has also been updated through OPA 14 and received approval from County in December of 2023. It has been appealed by one party and as such is not in full force and effect. The purpose of Official Plan Amendment 14 is to update the Official Plan to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Policy Statement (PPS), and reflect changing community needs for the next 25-years. The changes in OPA 14 reflect the direction of Council so while they are not in force an additional note relating to each of the policies below has been included to provide detail to some of the changes as a result of OPA 14.

The 'Downtown Core' land use designation is intended to reflect the historic, diverse and intensive area of land use, buildings and structures in Strathroy. It has a multi-functional role and a distinct identity including a significant role as the center of local government. OPA 14 adds the importance of the Core to support cultural events, festivals and flexible outdoor space as well as recognizes the importance of the Downtown Master Plan. Further for residential uses the amendment removes the specific list of

residential dwelling types and would require the property to be developed to with medium or high-density residential uses.

Section 2.3 addresses and encourages economic viability in existing commercial areas in particular the downtown. OPA 14 continues to support commercial economic growth.

Sections 3.3.1.1 and 3.3.1.2 address uses, the primary purpose of areas designated Downtown Core is for commercial, service and entertainment uses. With secondary uses including institutional and cultural uses, low impact industrial, and residential uses catering to a wide variety of lifestyles and needs. OPA 14 amends this policy to combine both use sections (primary and secondary) into one category.

Section 3.3.1.3 of the Strathroy-Caradoc Official Plan establishes criteria for redevelopment including the development being pedestrian-friendly, continuing the traditional character and adhering to the Downtown Strathroy Urban Design Guidelines (2018).

Section 3.3.1.5 established parking policies allowing for on and off-street parking. Further parking should not interrupt the street line. OPA 14 further encourages parking to be located in the rear yard.

Section 3.3.1.6 speaks to compatibility and the importance of screening and mitigate impacts between commercial and residential uses.

Section 3.3.1.7 includes the Downtown Strathroy Master Plan (2020). This master plan and the associated policies look to direct future development to address impacts from a changing consumer trends and development of competing commercial areas to be able to maintain a significant retail and service function. The core has a new role of being multi-functional and with a goal of enhancing the vitality of the core and focal point of the community. The Master Plan directs new development to restore and maintain distinctive and attractive building facades, frontages and streetscapes. The recent approval of the Master Plan OPA 14 does not amend these policies.

The Master Plan specifically designates this area as policy area 9 which looks for the properties to be redeveloped for mid-density infill. More specifically directing the following:

“The Downtown area is characterized by relatively low density with many underdeveloped/underutilized lands. This provides excellent opportunities for strategic and context-sensitive infill, particularly in the south end of Downtown around the Metcalfe Street - Albert Street - Frank Street intersections/areas. Infilling these areas with mid-rise residential units provides significant opportunities to increase the population of the downtown and provide a wider range of housing types and affordability. The built form should be organized to frame the street with an interesting mix of façades, materiality, and stepped building massing and heights blend into the existing massing and scale of the Downtown. Fronting onto Metcalfe and Albert, commercial ground floor units are not necessarily required.”

The Downtown Urban Design Guidelines were consulted however it is important to note that the proposal does make any external changes to the building.

Comments on Conformity to the Strathroy-Caradoc Official Plan:

- The proposal is located within a settlement area, on lands identified for residential development within the Strathroy-Caradoc Official Plan.
- The proposal will be fully serviced and provides for the efficient use of infrastructure and public service facilities.
- As noted above the proposal is turning a dwelling unit to a commercial use so minimal external changes are proposed to the built form.
- The proposed layout represents an efficient use of lands and represents consideration for the existing land uses in the area.
- With respect to the policies of the Official Plan relating to development of residential within Strathroy, this proposal conforms the Official Plan.
- The proposal is converting the existing house considered against the Downtown Master Plan and determined to conform to the over direction for commercial to be a primary component of the downtown.

Given the above, it is staff’s opinion that the applications conform to the Strathroy-Caradoc Official Plan.

Strathroy-Caradoc Zoning By-Law No. 43-08

The subject lands are currently zoned ‘Medium Density Residential (R2)’ according to the Strathroy-Caradoc Zoning By-Law No. 43-08. The ‘R2’ zone permits a range of residential uses from single detached dwellings to multiple unit dwellings (up to 6 units).

The ‘C1’ zone permits commercial uses ranging from retail stores to personal service shops to professional offices as well as dwelling units above commercial uses.

The Zoning By-law amendment proposes to rezone the lands from ‘R2’ to a site-specific ‘General Commercial (C1-8) Zone’ with site-specific zoning provisions to establish the 0 metre landscaping open space to east property line.

Provision	General Commercial (C1) Zone	Proposed
Lot Frontage (min)	No minimum	22.531 m
Lot Area (min)	No minimum	734.7 m ²
Front Yard Depth (min)	0 to 3 m	~3.5 m (existing)
Side Yard Width (min)	0 m 3 m adjacent to residential	3.56 m (westerly) 6.0 m (easterly)
Rear Yard Depth (min)	10 m	40 m
Lot Coverage (max)	No maximum	~14%

Landscaped Open Space (min)	No minimum	Min 20%
Parking	1 parking space per 30 m ² of floor area	(101m ² /30= 3.36) 4 spaces
Building Height	15 m	1 Storey ~5 m (existing)
Pavement Area for parking	Max 40% of lot	Less than 40% proposed
Planting Strips (4.15)	3m	0 m

In light of the foregoing the site-specific zoning will recognize the deficient landscaped strip. The landscaped strip is proposed to be replaced with a fence that will mitigate the noise of vehicles parking in the rear of the lot.

CONSULTATION

Statutory Public Meeting

The application has been circulated to agencies and the public in accordance with the requirements of the Planning Act. This included the circulation of the Notice of Public meeting to residents living within 120 metres of the subject application on October 1, 2024.

At the time of writing the subject report, no comments/concerns had been raised by the public. The following department and agency comments were received:

Department and Agency Comments

Engineering and Public Works have advised no comments on the rezoning. As an advisory comments, road widening may be required as part of the site plan application.

St. Clair Region Conservation Authority have advised that the subject property is regulated by the Conservation Authority under Ontario Regulation 41/24. SCRCA has no concerns with the proposed zoning by-law amendment application and will review and provide comments on the site plan application once formally circulated. Any future development and/or site alteration on the subject property will require written permission from the Conservation Authority under Ontario Regulation 41/24.

County Engineer has advised no comments on the rezoning. As an advisory comment, that access from the site will remain from the Concord Street.

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

Economic Development, Industry, and Jobs: Strathroy-Caradoc will have a diverse tax base and be a place that offers a variety of economic opportunities to current and prospective residents and businesses.

Community Well-being and Quality of Life: Residents of all ages in Strathroy-Caradoc will have access to community amenities and activities that are accessible and support active lifestyles and wellbeing.

Managing the Challenges of Growth for the Municipal Organization: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources. We are committed to maintaining operational efficiency and economies of scale through these times of change.

FINANCIAL IMPLICATIONS

This application would have a positive impact on assessment growth and tax revenues. The amount of growth is dependent on the assessment of the properties of the properties by the Municipal Property Assessment Corporation (MPAC). Financial Services will work with Planning Staff to collect any required security deposits / bonds related to the potential development.

Finally, the Municipality will receive building permit fees as per the most recent Building Fees and Charges By-law. The amount of building permit fees collected will be determined upon the refinement of the building plans during preparation of the permit application.

SUMMARY

Based on the above analysis staff are supportive of the proposed rezoning as it is considered to be consistent with the Provincial Policy Statement, in conformity with the County of Middlesex Official Plan, Strathroy-Caradoc Official Plan and represents good planning.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, Council is advised to take such information into account when considering the application.

A zoning by-law amendment has been prepared for Council's consideration.

ALTERNATIVE(S) TO THE RECOMMENDATION:

Planning Staff have provided their recommendation however there are alternative options to this recommendation:

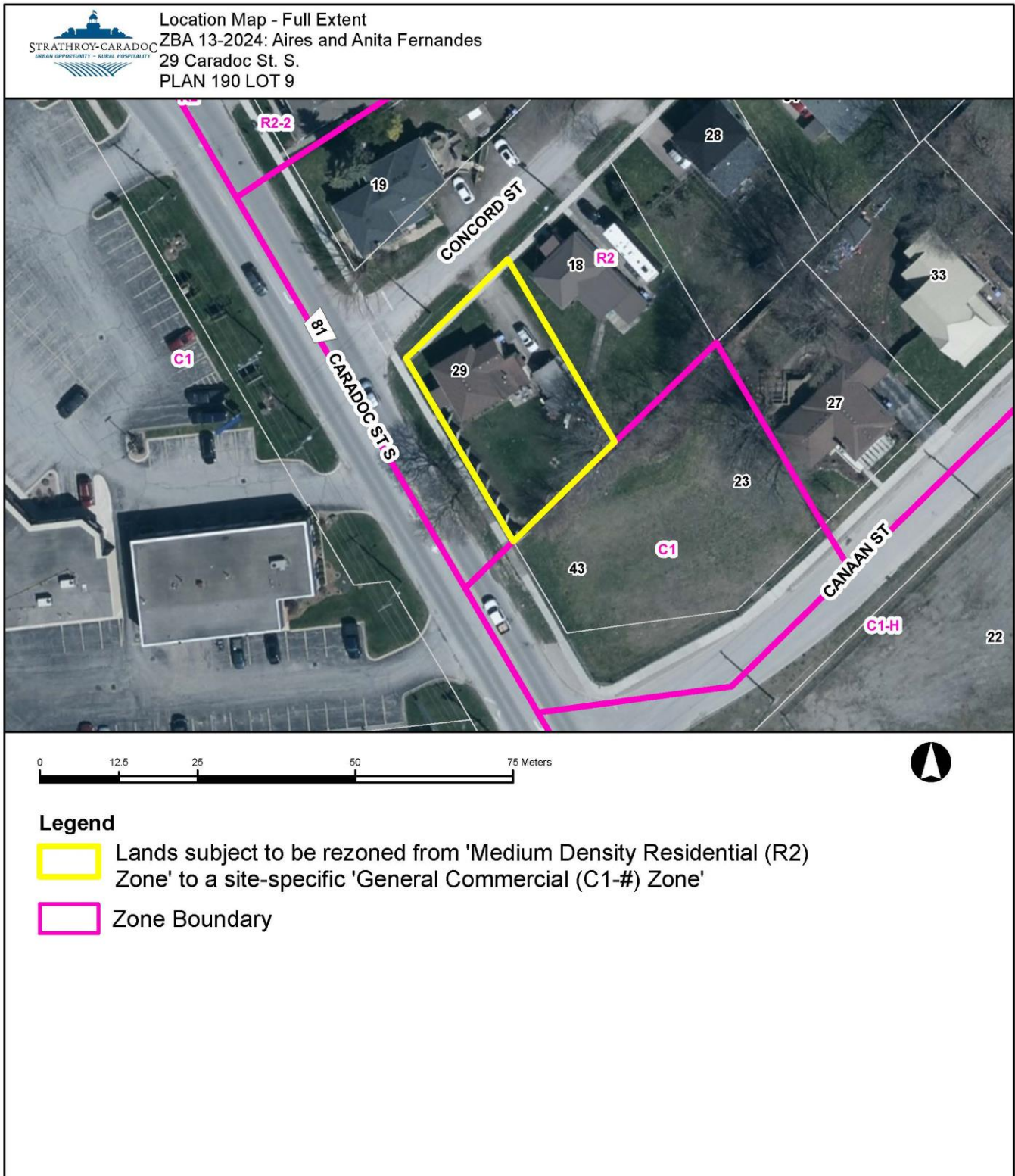
1. THAT: the subject report BBP-2024-XX for ZBA 13-2024 be received for information and the application for Zoning By-law Amendment be deferred sine die.;
2. THAT: the subject report BBP-2024-XX for ZBA 13-2024 be received for information and the application for Zoning By-law Amendment be denied.; OR
3. THAT: the subject report BBP-2024-XX for ZBA 13-2024 be received for information.
AND THAT: Council to provide alternate direction.

ATTACHMENTS

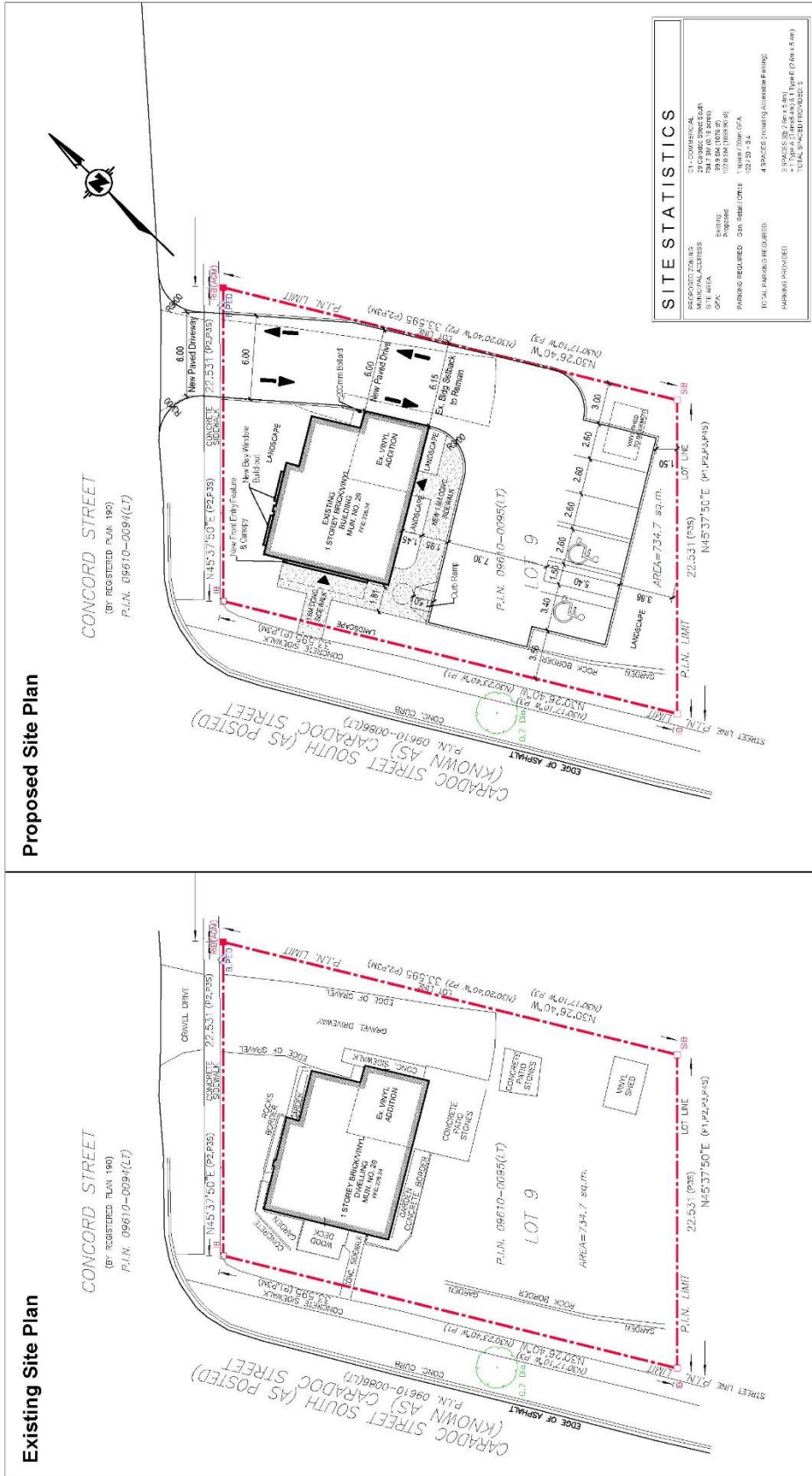
Location Map
Site Plan

(On the agenda - Application form and application cover letter)

Location Map



Site Plan



Authentic Customs
Strathroy, On

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Site Plan

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