

## THE MUNICIPALITY OF LAMBTON SHORES

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**Report PL 28-2019** Council Meeting Date: November 12, 2019

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**TO:** Mayor Weber and Members of Council  
**FROM:** Will Nywening, Senior Planner  
**RE:** Zoning By-law Amendment Application ZO-07/2019 - Karen Alberti  
Plan 1, East ½ Lot 18 & Plan 2, Lots 37 and 38  
Main St, Thedford

### **RECOMMENDATION:**

**THAT** Report PL 28-2019, relating to a Zoning By-law Amendment Application, submitted by Karen Alberti, be received;

**THAT** Zoning By-law Amendment Application ZO-07/2019, submitted by Karen Alberti, requesting an amendment to Zoning By-law 1 of 2003 to rezone property to permit a bed and breakfast establishment be approved; and

**THAT** By-Law 83 of 2019 be approved.

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### **SUMMARY**

This report relates to the Zoning Amendment Application submitted by Karen Alberti affecting lands on Main St in Thedford described as Plan 1, East ½ Lot 18 & Plan 2, Lots 37 and 38 (Attachment 1).

The applicant seeks to amend Zoning By-law 1 of 2003 by changing the existing "Mixed Commercial Industrial-1 (CM1) Zone" to a zone that would permit a single detached dwelling with a bed and breakfast with 3 guest rooms. A preliminary site plan is included with Attachment 1. It shows an "L-shaped" home with the main house facing the street, 3 guest rooms at the rear wing furthest from the abutting residential lot, a swimming pool in the "crook" of the house, parking on the west side, and a garage to the rear.

### **OFFICIAL PLAN AND ZONING**

The subject lands are designated "Downtown Commercial" in the Lambton Shores Official Plan, as are both sides of Main St for this block and the 3 blocks to the west. In particular, staff notes that the lot immediately to the east of the subject lands is designated "Downtown Commercial" despite an existing residential use. Properties abutting to the south are designated (and used for) "Residential". Official Plan designations are depicted in Attachment 2.

The subject lands and other properties in this block facing Main St are zoned "Mixed Commercial Industrial-1 (CM1) Zone". This is a zone that permits a mix of typically land-extensive light industrial and highway commercial-type uses. Like the Official Plan, the lot immediately east of the subject lands is Zoned CM1 despite the existing residential use. The commercial blocks further to the west are zoned "Commercial-1 (C1) Zone", a typical downtown commercial zone. Properties abutting to the south are zoned "Residential" – either R1 (single detached) or R3 (multi-residential). Existing Zone designations are depicted in Attachment 3.

## **DISCUSSION**

Now that the new Lambton Shores Official Plan is fully in force, the *Planning Act* requires that the Zoning By-law be reviewed and updated. For this block on Main St, the "Downtown Commercial" designation in the Official Plan is out of sync with the mixed commercial industrial zoning. When the zoning by-law is reviewed, the most likely Zone designation candidate for the subject lands' block is the same C1 Zone as applies on the commercial blocks to the west. The C1 Zone permits a wide range of uses with 0m setbacks and 100% lot coverage.

The proposed bed and breakfast use means the traveling public and vacationers will be on site and using the proposed swimming pool, for example. This has the potential to create some land use conflicts with neighbouring residential uses. The applicant's proposed use is however quite residential in nature and generally compatible with adjacent residential uses. In fact, it is a use that would be permitted in standard residential zones. The proposed use is potentially more compatible with the abutting residential uses/zones than many of the uses permitted by the "Downtown Commercial" designation or by the current CM1 Zone. The property also includes some thick hedges and evergreen trees around the perimeter that offer privacy to the abutting residential lots.

The property to the west contains a vacant commercial building. That building's wall is close to and occupies most of the length of the shared property line. The building will therefore act as a shield to any future activity on that lot. There is a thick hedge on that side as well that provides screening. The preliminary site plan for the subject lands provides parking on that side of the lot. Staff does not anticipate any serious potential for land use conflict with that property.

It is Staff's opinion that the proposed use conforms to the Lambton Shores Official Plan. The "Downtown Commercial" designation encourages hotels, bed and breakfasts, and similar temporary accommodations. Although a residential zone would permit the proposed use, a residential zone permitting residential as the primary (and potentially sole) use would not be consistent with the Official Plan's long-term intent for "Downtown Commercial" uses in this block. Staff recommends therefore that the property remain in a commercial zone, where the use of the property for a single detached dwelling is contingent on the creation of guest rooms within the house.

A Phase I Environmental Site Assessment was completed for the site. This consisted of a site visit, interviews, and a historic records review by a consultant. Records indicate a historic printing operation; there are reports of some kind of small garage (but the ESA did not find any specifics to confirm this); and there are fuel storage tanks two properties to the east. The report notes these items “are considered to pose a low risk of impairment of the Site”. Still, the report recommends “consideration should be given to conducting a Phase II ESA as a means to reduce uncertainty and provide greater assurance with respect to the quality of soil and ground water at or beneath the Site”. Planning Staff spoke directly with the author of the report and is of the understanding that a Phase II ESA would consist of a number of bore holes that may be an exercise of looking for a “needle in a haystack” that is not likely there. Planning and Community Services Staff have considered the benefits of a Phase II ESA. Any property has some potential for contamination. Given the low risk for this lot, it may be more prudent to save the funds that would be spent on a Phase II ESA for dealing with any site contamination if any is actually encountered. Rather than require the applicant to complete a Phase II ESA, Staff recommends that the site plan agreement specify that any contamination encountered during construction must be dealt with at that time.

### **DRAFT AMENDING BY-LAW**

To respect the fact that the designation and long-term intended use is “Downtown Commercial” while also reflecting the residential natures of the proposed use and residential neighbours, Staff has drafted the zoning amendment to create a site-special C1 Zone with site regulations that are a blend of residential and commercial in character. The draft by-law is included within the by-laws section of Council's agenda. The amendment would:

- Establish a new site-specific “Commercial-1.6 (C1-6) Zone” with the following provisions:
  - Permitting the uses normally permitted in the C1 Zone as well as a single detached dwelling with at least 3 bed and breakfast guest rooms,
  - Permitting lot coverage of 50% as compared to 100% in the standard C1 Zone and 35% in a typical residential zone,
  - Requiring a minimum landscaped open space area of 35% as opposed to 0% in the C1 Zone,
  - Permitting a maximum height of 11m as opposed to 12m in the C1 Zone.
  - Requiring minimum front and rear yards of 3m and 7m, respectively, rather than the 0m of the C1 Zone or the 6m and 7m of the R1 Zone,
  - Requiring a 1.2m minimum side yard or 3m where abutting a residential use, as opposed to the C1 Zone, which requires 0m or 3m where abutting a residential zone, and
  - Making accessory buildings subject to the same provisions as in a residential zone; and
  
- Change the property’s zone designation from CM1 to the new C1-6 Zone.

## **SUMMARY**

It is Staff's opinion that the zoning amendment as drafted and the applicant's intended use of the property are compatible with abutting uses, conform to the Official Plan, and represent good planning. Details and final site layout will be subject to further site plan approval by Council. Staff can support the application as per the draft Zoning By-law amendment presented in the By-laws section of Council's agenda.

## **ALTERNATIVES TO CONSIDER**

None at this time.

## **RECOMMENDED ACTIONS**

That Council:

- Receive Report PL 28-2019;
- Approve Zoning By-law Amendment Application ZO-07/2019, submitted by Karen Alberti; and
- Pass Implementing By-law 83 of 2019.

## **FINANCIAL IMPACT**

An application fee of \$1200 was paid.

## **CONSULTATION**

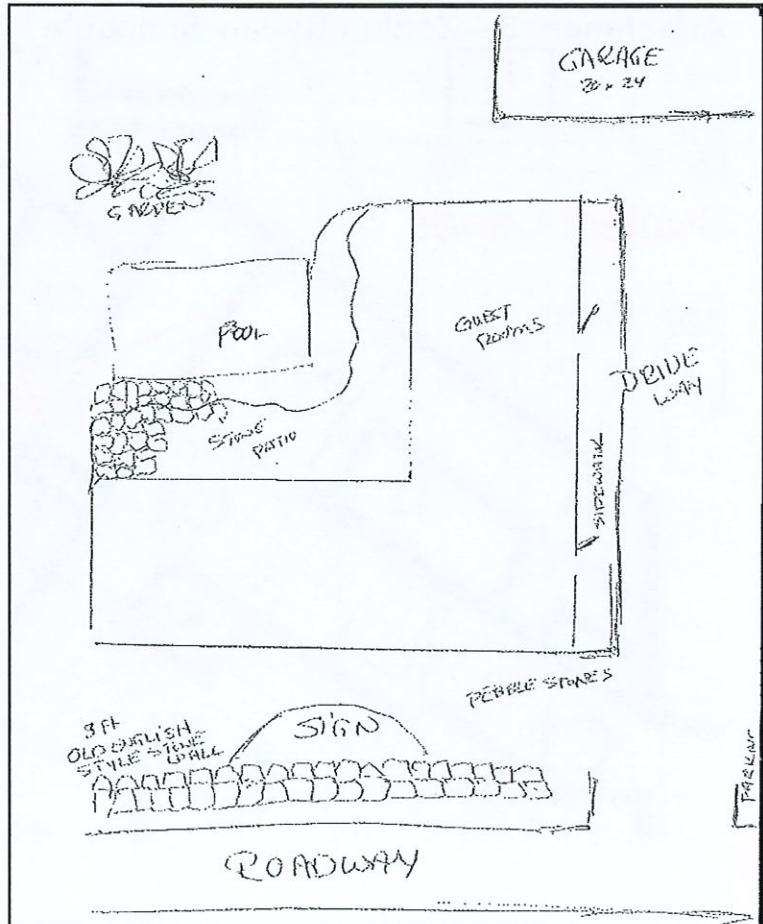
The following were consulted in preparation of this report:

- The Author of the Phase I ESA
- Community Services Staff

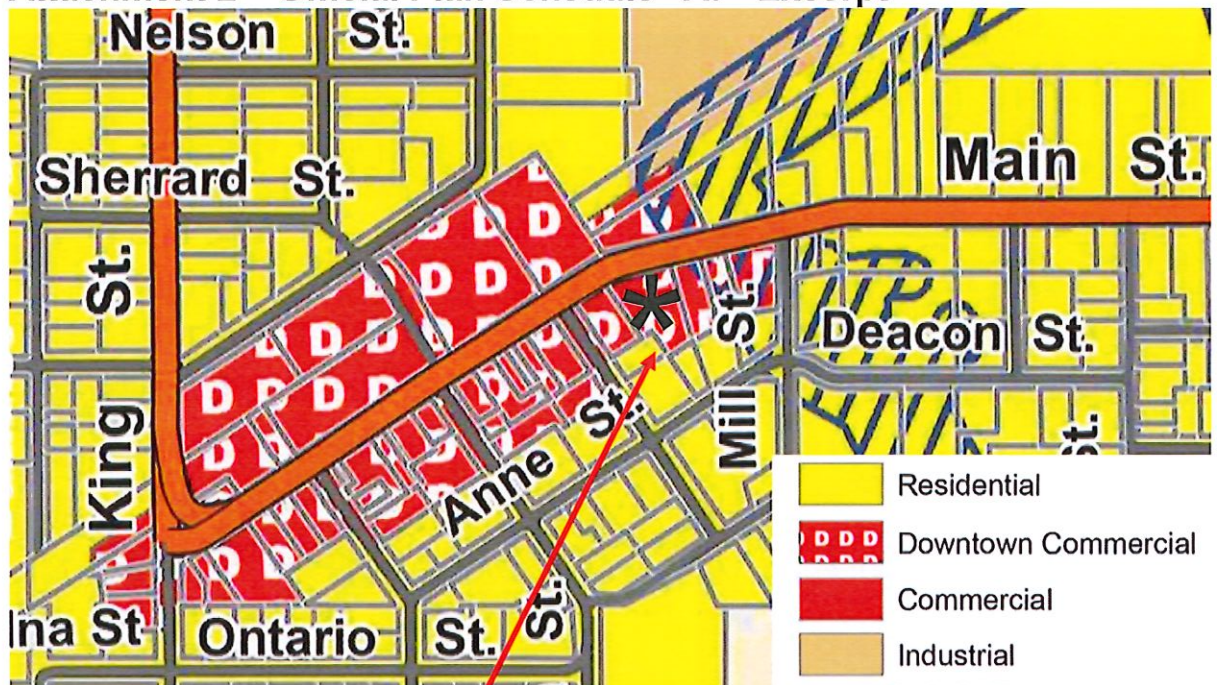
# Attachment 1 – Subject Lands



Subject Lands



Attachment 2 – Official Plan Schedule “A7” Excerpt



Attachment 3 – Zoning By-law Schedule “A-7” Excerpt

