



Staff Report

Report No.: PLA-51-2018

Meeting Date: September 26th, 2018

Submitted by: Kelly Henderson Planner

Subject: Application for a Zoning By-law Amendment (ZBA 16 2018),
D'Lux Auto Spa, 22663 Komoka Road

Recommendation:

THAT the Zoning By-law Amendment application, filed by Michelle Doornbosch on behalf of D'Lux Auto Spa to re-zone a property from Village Centre (C1) Zone to Site-Specific Village Commercial (C1-16) zone to allow an existing car wash to use a private water supply on the property located at 22663 Komoka Road (Geographic Township of Lobo), be approved.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a rezoning application for a property located on the west side of Komoka Road (County Road 16) and south of Oxbow Drive. A location map is included as Attachment 1.

Background:

The purpose and effect of this application is to rezone the subject property from a Village Commercial (C1) Zone to a site-specific Village Commercial (C1-16) Zone to allow an existing car wash to use a private water supply. The C1 Zone allows for a wide range of uses including but not limited to a car wash use which must be serviced by a public water supply. As such, a private water supply is not permitted. The lands also contain an accessory office use which is intended to remain connected to the public water supply system.

The subject property currently contains a self-serve car wash and general office. The property is surrounded by other commercial uses and residential uses. The property is subject to site plan approval, which was last approved in 2015.

A site plan concept is provided as Attachment 2.

Policy Regulation:Provincial Policy Statement:

The Provincial Policy Statement (PPS) speaks to building strong healthy communities and economic diversity. Section 1.1.3 of the PPS speaks to settlement areas in

Municipalities and that ‘settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.’

Middlesex Centre’s Official Plan:

The subject land is designated Village Centre by the Middlesex Centre Official Plan, within this designation permitted uses include: commercial uses, personal services, office uses, hotel, etc. The car wash is already a permitted use under the current designation and zoning of the subject property, however the car wash is required to be connected to Municipal services and not private services; therefore, an application to rezone the property has been submitted.

Section 5.7.1 of Middlesex Centre’s Official Plan speaks to the secondary plan of Kilworth-Komoka and a goal of the secondary plan requires full municipal services and directs new development in accordance with the servicing strategy for the area.

The Official Plan promotes economic development opportunities, which facilitate appropriately located and scaled commercial or industrial uses. The subject proposal is existing today and fits the character of the neighbourhood.

Middlesex Centre’s Comprehensive Zoning By-law:

The subject lot is zoned Village Centre (C1). The uses being car wash and office are both permitted under the current Village Centre (C1) zone. However, Section 15.2.1 speaks to special use regulations and requires car washes to be serviced by a public water supply system.

Analysis:

The use of the car wash and office space are both permitted by the Official Plan and Zoning By-law, however both require full municipal services, therefore a zoning by-law amendment was submitted in order to request site-specific zoning in order to operate the car wash on private services.

It is important to note that wells are regulated by the Province and not by municipalities. With respect to the regulation of water, municipalities can only regulate water for health and safety reasons. Therefore, from a planning perspective, there is certainly a health and safety reason to require municipal water use for residences, as there is a clear connection to health and safety, as this would prevent non-potable consumption of water from private wells. However, with a confined car wash use, the same health and safety concern may not be present.

Staff have contacted the Province in regards to water taking, and the well has been investigated and it has been determined that from the Province's standpoint, given the amount of water being taken from the groundwater supply, the use does not require a Permit to Take Water.

This situation is unique, as the car wash does not require potable water, i.e. the water is not meant for human consumption, whereas the majority of commercial businesses require only potable water. This proposal is not intended to influence any future development, as utilizing full municipal services is always the preferred form of servicing and required in settlement areas. It should be noted that although the car wash will not be utilizing municipal water, the car wash will still be subject to the Municipality's waste water charge, as a metre will be installed in order to track water usage.

As there are no health and safety concerns in regards to the water use, as it is not for consumption, planning staff have no concern with the proposed re-zoning in order to utilize private services. It should be noted that, the office is proposed to continue to utilize municipal services.

Consultation:

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report;

The County of Middlesex's Engineer has reviewed the subject application and has no concerns and/or objections to the subject application.

The Municipality's director of Corporate Services and Fire Chief have no concerns with the subject application.

Enbridge has reviewed the subject application and has no concerns and/or requirements with the subject application.



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Given the above, planning staff are recommending that the subject application be approved.

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.

Financial Implications:

None.

Strategic Plan:

N/A



Location Map



114.7 0 57.33 114.7 Meters

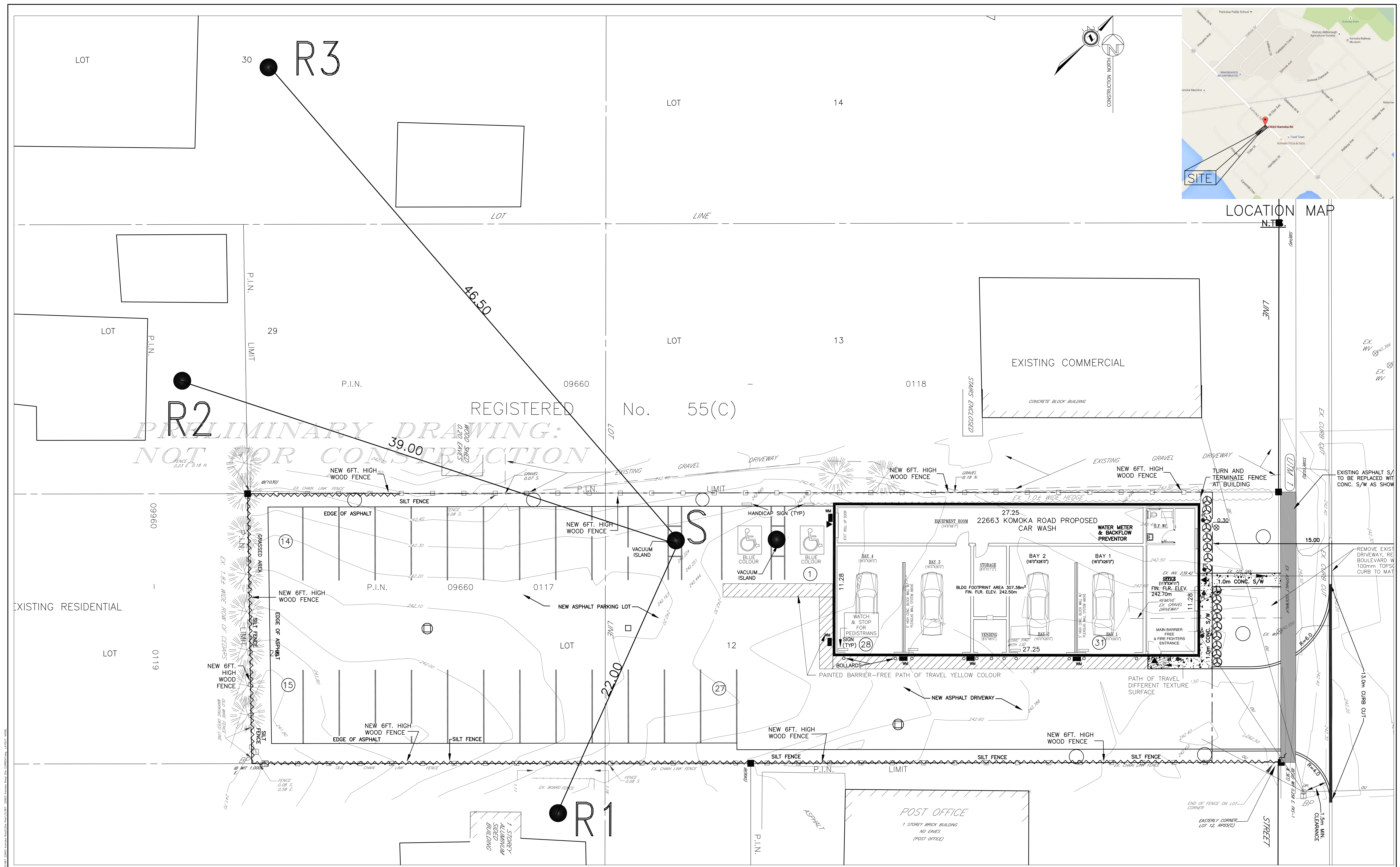


Description: D'Lux Auto Spa
 File Number: ZBA 16/18
 Created By:
 Date: 8/24/2018
 Scale: 1: 2,257

Legend

□ Assessment Parcels

Attachment 1: Proposed Outdoor Vacuums, Noise Receivers and Noise Barriers



REGISTERED No. 55(C)
PRELIMINARY DRAWING:
NOT FOR CONSTRUCTION

EXISTING SERVICES	DRAWING #, SOURCE	DATE	CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT
					DESIGN TK				
					DRAWN BY TK				
					CHECKED VP				
					APPROVED VP				
					DATE JULY 2015				

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CLIENT
D'LUX AUTO SPA INC.
22663 Komoka Road
Komoka,
ON N0L 1R0

SCALE
SCALE - 1 : 125
1.5 0 3.0m

PROJECT
**22663 KOMOKA ROAD
MIDDLESEX CENTRE, ON
D'LUX AUTO SPA INC.**
TITLE
NOISE SOURCE AND RECEIVERS

PROJECT No.
15.067
SHEET No.
—
PLAN FILE No.
15.067 Site Plan