



Community and Strategic Planning

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Our File: ZON 6-09-5

APPLICATION FOR ZONE CHANGE

To: The Mayor and Members of Ingersoll
Town Council

MEETING DATE: August 17, 2009
REPORT NO.: 2009-200

OWNER:

Corporation of the Town of Ingersoll
130 Oxford Street, 2nd Floor
Ingersoll, ON N5C 2V5

APPLICANT:

Elaine Clark
Clerk/Deputy-Administrator
Town of Ingersoll
130 Oxford Street, 2nd Floor
Ingersoll, ON N5C 2V5

LOCATION:

East side of Pemberton Street, north of Wilson Street.

Part Lot 13, Concession 4 (North Oxford) and Part Lot 190, Block 40, Plan 279, Town of Ingersoll.

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "I-1"	Town of Ingersoll Land Use Plan	Industrial
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TOWN OF INGERSOLL ZONING BY-LAW NO. 04-4160:

Existing Zoning: General Industrial (MG)

Requested Zoning: Special General Industrial with Holding Provision (MG-Special(H))

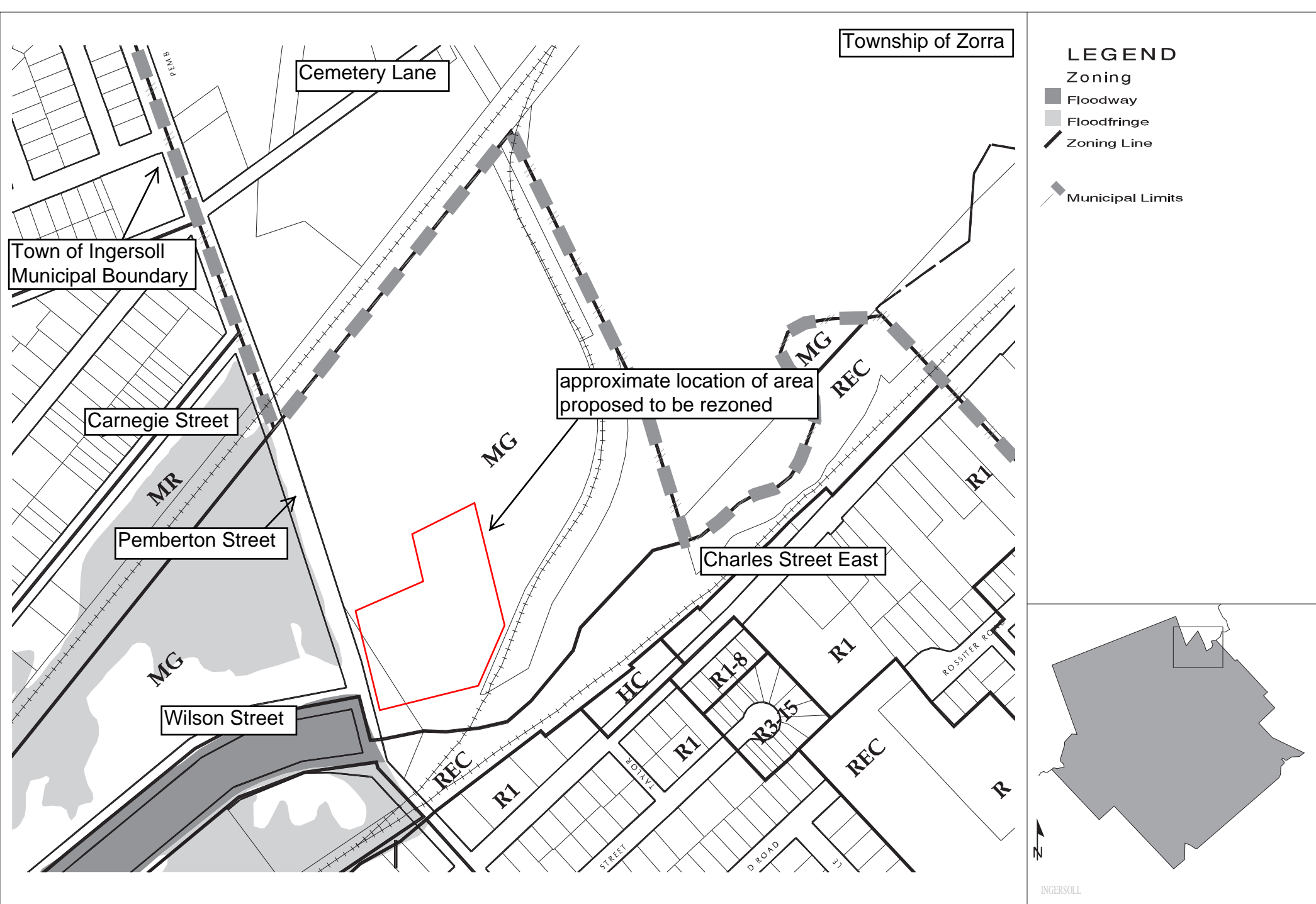


Plate 1 - Existing Zoning
 Town of Ingersoll, Part Lot 13, Concession 4 (North Oxford) and Part Lot 190, Block 40, Plan 279
 File No.: ZON 6-09-5, Town of Ingersoll



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 LAND RELATED INFORMATION SYSTEM
 COUNTY OF OXFORD

CREATED ON: 24-JUL-2009

APPLICATION REVIEW:(a) Proposal

An application for zone change has been initiated by the Town of Ingersoll to rezone a parcel from 'General Industrial (MG)' to 'Special General Industrial (MG-Special(H))' to permit the development of a commercial trade school in addition to the range of industrial uses currently permitted on the parcel.

The area to be rezoned is to be approximately 1.78 ha (4.41 ac.) in area, is presently vacant and is part of the Town of Ingersoll's Public Works Yard. The intent is to construct a building comprising approximately 1,114.8 m² (12,000 ft²) to serve as a training facility, together with a 90-space parking lot, and an outdoor training facility to the rear of the proposed building. It is our understanding that the building is to serviced with municipal water and initially with a private septic system. The building will be connected to municipal sanitary sewers when services are extended to the area.

In light of the proposal to initially develop the school on a private sanitary service, the Town is proposing to place an 'H' holding provision on the lands to ensure that the said private service is properly designed and that the appropriate arrangements are made with the County of Oxford for the extension of sanitary services to serve the site in the future.

Plate 1, Existing Zoning, indicates the location of the subject property, as well as the existing zoning in the immediate vicinity.

Plate 2, 2006 Orthophotography, shows the approximate location of the proposed Trade school site in greater detail.

Plate 3, Applicant's Sketch, illustrates the siting of the proposed building, parking lot and training area on the subject property.

(b) Provincial Policy Statement

The Provincial Policy Statement promotes economic development and competitiveness by providing an appropriate mix and range of employment area (including commercial and institutional) lands. Additionally, the PPS states that planning authorities shall provide opportunities for a diversified economic base including providing a range of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. The PPS also directs planning authorities to protect employment areas for current and future uses.

Considering the intent of the zone change application, it is Planning staff's opinion that the application is consistent with the Provincial Policy Statement.

(c) Official Plan

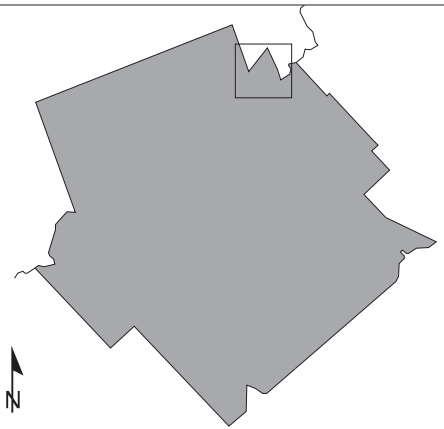
The subject property is located within the 'Industrial' designation on the Land Use Plan for the Town of Ingersoll in the County Official Plan. This designation represents an area proposed for a range of industrial type activity including light, medium and heavy industrial uses. Section 9.3.4.2, ESTABLISHED INDUSTRIAL USES, recognizes that established industrial uses which are located in proximity to existing residential lands are important employment lands but face pressure to re-develop for uses that are more compatible with adjacent residential uses.



LEGEND

County Orthoimagery (200

Municipal Limits



INGERSOLL

Plate 2 - Orthophotography

Town of Ingersoll, Part Lot 13, Concession 4 (North Oxford) and Part Lot 190, Block 40, Plan 279

File No.: ZON 6-09-5, Town of Ingersoll



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LAND RELATED INFORMATION SYSTEM
COUNTY OF OXFORD

CREATED ON: 06-AUG-2009

In particular, this section states that re-use or re-development of existing buildings or sites may be considered through a zone change for, among other uses, 'education and training facilities'.

Considering the intent to temporarily utilize a private septic system for the proposed development staff note that Section 4.2.2.5, LARGE URBAN CENTRES is relevant to the application. In particular, it states:

FULL SERVICES All new development in the large urban centres shall be fully serviced and shall be developed on centralized waste water and water supply facilities in accordance with Section 5.5.3.

EXCEPTION FOR INDUSTRIAL OR COMMERCIAL USES Notwithstanding the requirement for centralized waste water and water supply facilities limited industrial or commercial development on partial or private services may be permitted in areas presently not served by sanitary sewers or municipal water, subject to:

- the approval of the proposed private sewage disposal facilities by the Board of Health. Prior to any approvals, the applicant will demonstrate to the satisfaction of the County and the Board of Health that the development proposed on private septic systems will not adversely affect the quality of groundwater and the water in active wells operating in the general vicinity.

Staff note that the County Board of Health has advised that it has no objection to the application's approval, subject to an engineering design study for the proposed septic system and its proper implementation. Staff also note that the proposed development is ultimately going to be connected to the municipal sanitary service once services are extended to the area.

Considering the applicant is proposing to establish a commercial trade school on the subject property along with an outdoor training area as well as maintaining the full range of industrial uses on the property, it is Planning staff's opinion that the application is in keeping with the relevant Official Plan policies.

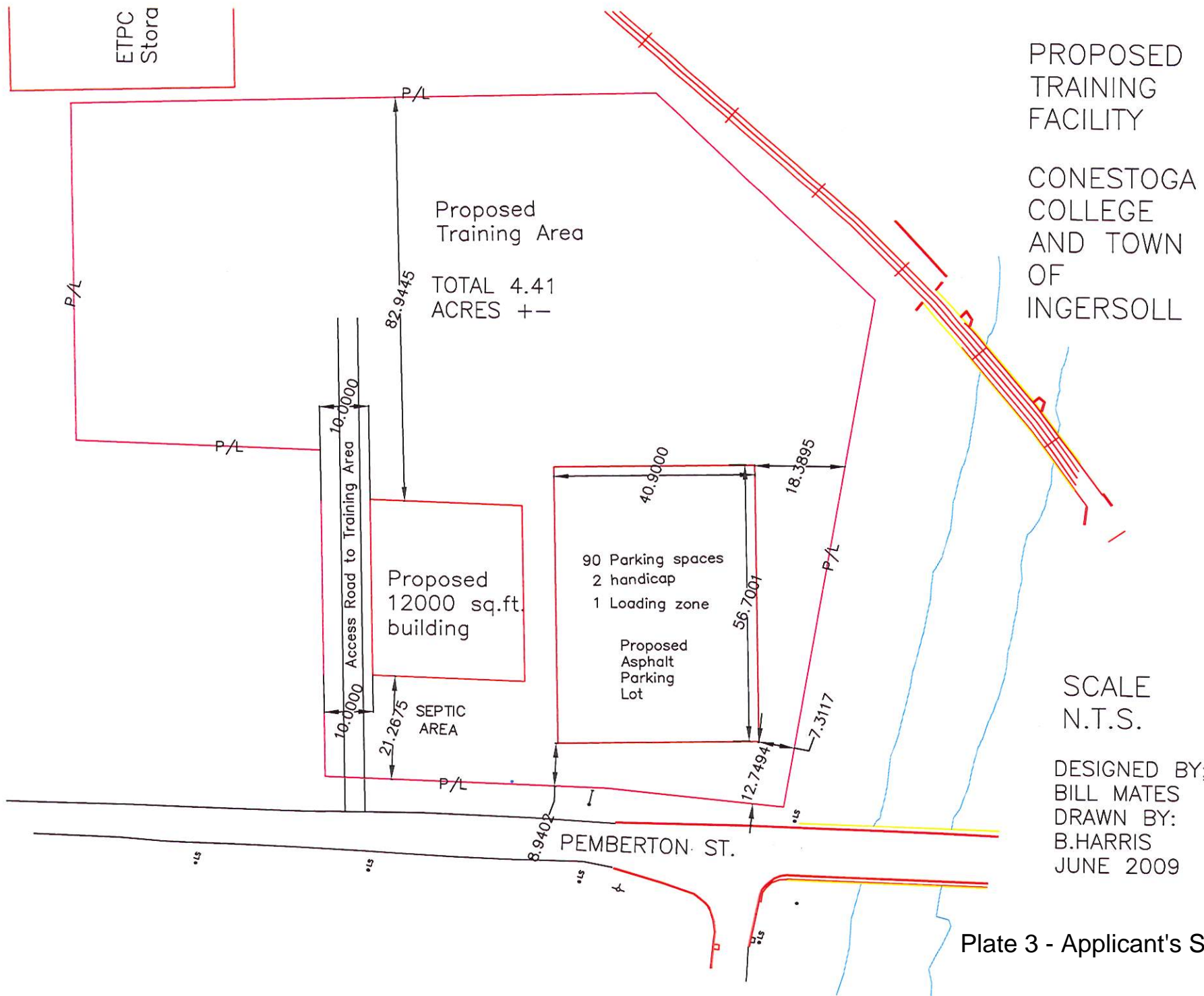
(d) Town of Ingersoll Zoning By-Law No.: 04-4160

The subject property is zoned 'General Industrial (MG)' in the Town of Ingersoll's Zoning By-Law. The MG zone permits the full range of industrial uses in the MG zone including, but not limited to a manufacturing facility, a processing plant, a fabricating plant and a cartage, express or truck transport terminal or yard. Staff note that the proposal to permit a commercial trade school on the subject property warrants a zone change to recognize the intended use.

Considering the intent is to initially service the proposed development on a private septic system, staff note that Section 5.14 of the Zoning By-Law contains the following:

“5.14.1 No land shall be used or built upon and no building or structure shall be erected, used or expanded for any purpose unless all municipal services (sanitary sewers, watermains, electric power lines and roads), are available and adequate.

5.14.2 Notwithstanding the foregoing, the following may be permitted without full municipal services:



PROPOSED
TRAINING
FACILITY

CONESTOGA
COLLEGE
AND TOWN
OF
INGERSOLL

Proposed
Training Area

TOTAL 4.41
ACRES +-

Proposed
12000 sq.ft.
building

90 Parking spaces
2 handicap
1 Loading zone

Proposed
Asphalt
Parking
Lot

SCALE
N.T.S.

DESIGNED BY;
BILL MATES
DRAWN BY:
B.HARRIS
JUNE 2009

Plate 3 - Applicant's Sketch

- 5.14.2.1 *additions to and accessory buildings for existing residential dwellings are permitted if the said additions and/or accessory buildings comply with all other regulations of the zone in which the dwelling unit is located, upon the provision that the addition does not require approval under the Planning Act.*
- 5.14.2.2 *a permitted non-residential use may be constructed in an MR or MG Zone provided with a private sewage system subject to the written approval of County of Oxford Public Health and Emergency Services for the installation of a private sewage disposal system.”*

As a result, the Town’s Zoning permits the development of the commercial trade school on a private sewage system, subject to the written approval of County of Oxford Public Health and Emergency Services. It is therefore Planning staff’s opinion that the implementation of a Holding provision is appropriate, until the design of the appropriate private service is has been approved and appropriate arrangements have been made with the County regarding the extension of municipal sanitary service in the future.

(d) Agency Comments

The application has been reviewed by a number of public agencies.

The County of Oxford Board of Health indicated the following:

“Further to our conversation on the above noted application, be advised that we the Oxford County Public Health and Emergency Services have no objection to the temporary use of a holding tank, provided all requirements in Section 8.8 Class 5 Sewage Systems (Holding Tanks) of the Ontario Building Code are met.”

The County of Oxford Public Works Department has indicated that they have no comments on the application, upon the provision that the development is connected to municipal sanitary sewers in the future.

The Town of Ingersoll Chief Building Official through his review indicated:

“I have listed below my comments about the above rezoning;

- 1) *The owner will have to make application for site plan control.*
- 2) *The private sewer connection (septic system-if applicable) will require approval from the County of Oxford Health Department.*
- 3) *Due to possible fill material on site a soil engineer may be required during the construction stage. I would recommend a soil report (near building envelope) to be completed prior to construction to determine site conditions. This will avoid future stoppage of work due to possible soil conditions and allow for any structural design for the building and methane ventilation to be predetermined.”*

The Town of Ingersoll Engineering Services Co-ordinator provided the following comments:

“I have reviewed the application and have the following comments.

1. *A complete site plan application and agreement are required.*
2. *Union Gas has a high pressure main along Pemberton Street, which is on an easement on the property, not the road allowance.*

3. *There is a widening at the Pemberton Street bridge, which was put in place for construction and maintenance as well as the above noted high pressure gas main. Upon receipt of the draft R-Plan, it would be advantageous to review the site with Union Gas.*
4. *The site is not currently serviced with sanitary sewers. However, it is the intent of the Town to install a low pressure forcemain along Wilson Street from Pemberton Street to the Police Station to the west. The forcemain would be designed to include the Town's Public Works facility, the existing Zehr's Transport and any future development in the area.*
5. *The UTRCA should be involved in the site plan approval process.*
6. *The management of storm water from the site shall be in accordance with the approved and accepted Stormwater Management Strategy Study Report of February, 2007. This report is available on the Town's website at www.ingersoll.ca/pdf/Engineering/CompleteReport.pdf.*
7. *A geotechnical report for the site may be required to ensure soil stability etc.*
8. *There may be storm sewers from the Public Works facility that go through the site and care should be taken when construction commences."*

The Upper Thames River Conservation Authority indicated that the subject lands are not regulated and there are no provincially significant or locally significant natural heritage features on the site. Through the site plan review and approval stage, the UTRCA will identify typical servicing requirements related to stormwater management and sediment and erosion control.

The Town of Ingersoll Fire Chief, and the Erie Thames Powerlines Corporation have indicated that they have no objections to or comments regarding the application.

(e) Planning Review

The Town of Ingersoll is proposing a zone change to permit the development of a commercial trade school on the subject lands while maintaining the range of industrial uses currently permitted. The subject property is designated 'Industrial' within the County of Oxford Official Plan. This policy recognizes that established industrial uses that are located in proximity to existing residential lands face pressure to re-develop for uses that are more compatible with the adjacent residential uses and that re-use or re-development of existing buildings or sites may be considered through a zone change for a number of different uses including education and training facilities.

The subject property is surrounded by a mix of residential, industrial and public uses. As a result, it is Planning staff's opinion that the proposed use would not be out of character with the neighbouring properties and is in keeping with the relevant Official Plan policies.

The Town is intending to construct a building comprising approximately 1,114.8 m² (12,000 ft²) on the property that is to be serviced with municipal water and initially a private septic system. The building will ultimately be connected to the municipal sanitary sewer once the service is extended to the area. In the interim, the Town will satisfy the County Board of Health on the temporary use of a holding tank, in regards to Section 8.8, Class 5 Sewage Systems (Holding Tanks) of the Ontario Building Code as well as make the appropriate arrangements with the County regarding the extension of municipal sanitary service in the future.

The County of Oxford Board of Health and the County of Oxford Department of Public Works have both supported the application and developing the property on a private septic system on an interim basis, until full services are extended to the area, (which is anticipated to

occur within two to three years). Planning staff note that the County Official Plan and Town of Ingersoll Zoning By-Law also support the development of industrial lands on private services.

The Town's Engineering Services Co-ordinator raised a number of matters relating to the location of a Union Gas high pressure line in the area of the subject property, potential storm sewers running through the site as well as the need for a geotechnical investigation. Planning staff are satisfied that these matters can be addressed through the site plan control process, which will address the specific location of the building, access, parking lot and training yard on the property, as well as the location of the proposed private sanitary service.

In summary, it is the opinion of this Office that the application for zone change is consistent with the policies of the Provincial Policy Statement and in keeping with the policies of the Official Plan for industrial uses on the property and can be supported. The holding zone prevents the lot from being developed, until matters related to the provision of sanitary services both for the short term and the future are appropriately addressed.

Planning staff note that a draft reference plan for the proposed area to be rezoned is not currently available and therefore staff recommend that the application be approved-in-principle. The schedule and by-law will be prepared upon receipt of the draft reference plan. Once the draft reference plan has been submitted, Planning staff can also assess the need for the appropriate setbacks to recognize the proposed building to be recognized in the by-law.

RECOMMENDATION:

It is recommended that the Council of the Town of Ingersoll approve-in-principle the application for zoning by-law amendment by the Corporation of the Town of Ingersoll, whereby lands located at Part Lot 13, Concession 4 (North Oxford) and Part Lot 190, Block 40, Plan 279, in the Town of Ingersoll, are to be rezoned from 'General Industrial (MG)' to 'Special General Industrial (MG-Special)' to permit the establishment of a commercial trade school on the subject property as well as retain the existing industrial uses, with the imposition of a holding zone that can be lifted once the design study has been approved by the County of Oxford Board of Health and appropriate arrangements have been made with the County regarding the extension of municipal sanitary services to the area. Upon submission of a reference plan to the Community and Strategic Planning Office, this Office will prepare the appropriate zoning by-law amendment for Council's consideration.

Authored by:

Approved By:

"Ron Versteegen"

"Gord Hough"

Ron Versteegen, MCIP, RPP
Development Planner

Gordon K. Hough, MCIP, RPP
Senior Development Planner

RV/rv

Date: August, 12/09

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