



Community and Strategic Planning

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Our File: ZN 6-09-11

APPLICATION FOR ZONE CHANGE

To: The Mayor and Members of Ingersoll
Town Council

MEETING DATE: April 12, 2010
REPORT NO.: 2010-83

OWNER:

Rodney and Lisa Lava
260 Bell Street
Ingersoll, ON N5C 2P3

SOLICITOR:

Mr. Murray Borndahl
183 Thames Street South,
Ingersoll, ON N5C 2T6

LOCATION:

North side of King Street East, immediately east Mill Street, known municipally as 55 & 59 King Street East

Part Lots 5D & 6D, Block 43, Registered Plan 279, Town of Ingersoll

COUNTY OF OXFORD OFFICIAL PLAN:

Schedule "I-1" Town of Ingersoll Entrepreneurial District
Land Use Plan

TOWN OF INGERSOLL ZONING BY-LAW NO. 04-4160:

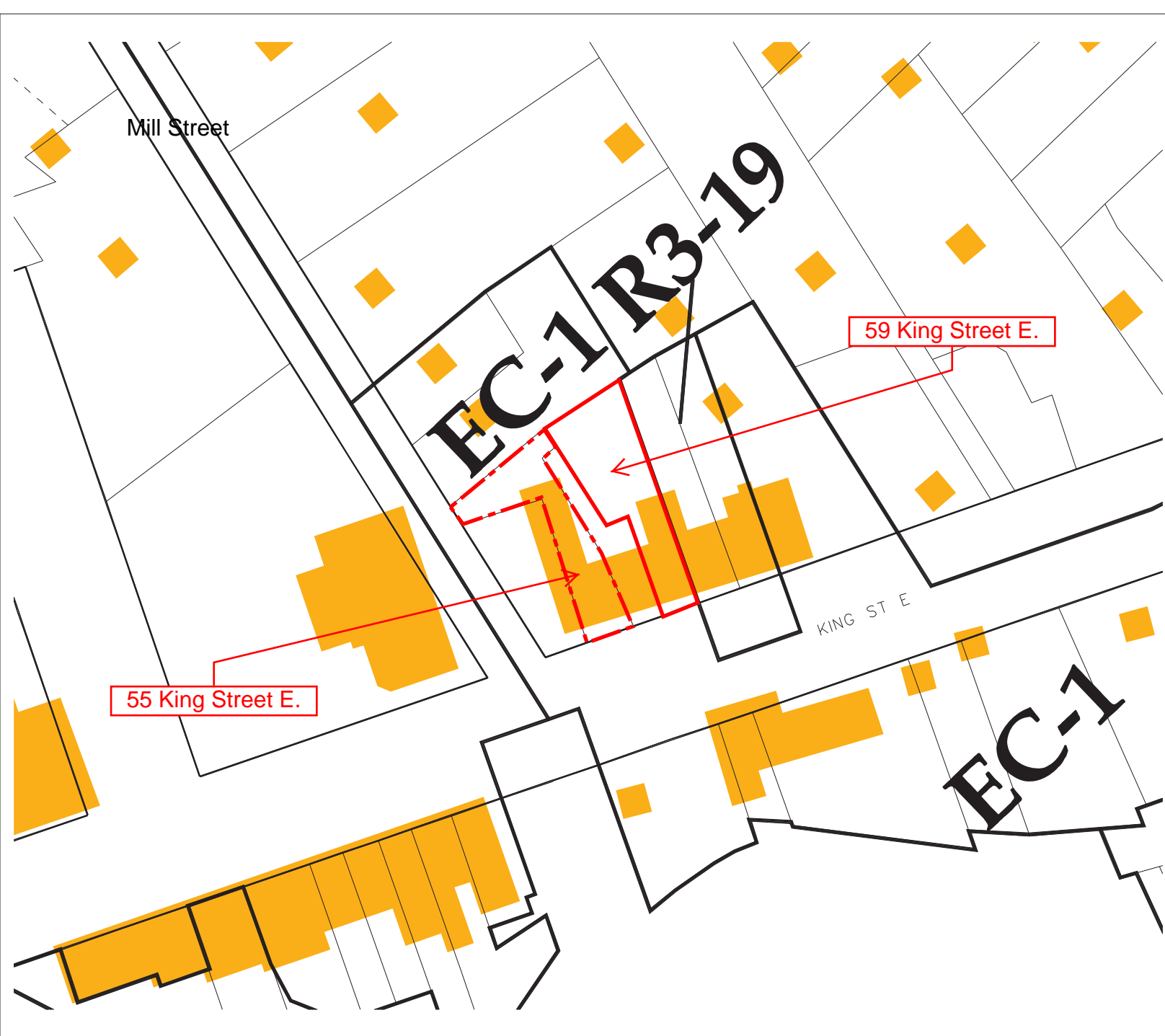
Existing Zoning: Special Entrepreneurial Zone (EC-1)

Requested Zoning: Amended Special Entrepreneurial Zone (EC-1)

APPLICATION REVIEW:

(a) Proposal

A zone change application has been submitted in conjunction with an application for consent (B10-05-6). The applicant is intending to install a laundrette in the ground floor



LEGEND

- Structures (2000)
- Zoning**
- Floodway
- Floodfringe
- Zoning Line
- Municipal Limits

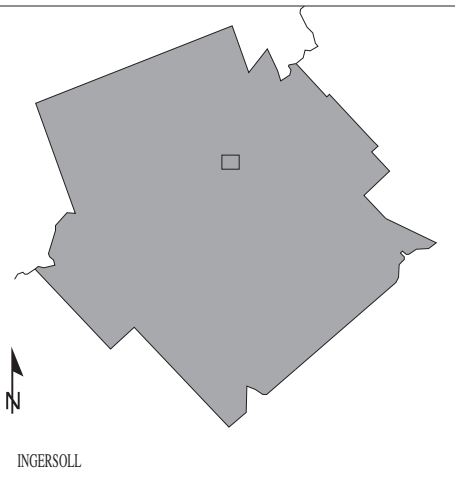


Plate 1 - Existing Zoning
 Rodney & Lisa Lava, Part Lots 5D & 6D, Block 43, Registered Plan 279
 File No.: ZN 6-09-11, Town of Ingersoll

commercial unit on the lot to be severed (55 King Street E.) as well as recognize the three apartment units within a multiple dwelling unit on the retained lot (59 King Street E.).

The lot at 55 King Street E., covers an area of approximately 329 m² (3,543 ft²) and contains a 3-storey building that contains a ground floor commercial unit and two apartment units. The lot at 59 King Street E., covers an area of 386.8 m² (4,163.2 ft²) and contains a 3-storey multiple dwelling unit with three apartment units. The apartment units on both lots will continue to be used for residential purposes.

The purpose of the application for consent is to create a mixed use lot (residential/commercial). The consent application was considered by the County of Oxford's Land Division Committee at its meeting on April 1, 2010. At this meeting, Planning staff presented a report that recommended that the consent application be approved, subject to a number of conditions. One of the conditions was that the lot to be severed and lot to be retained needed to be appropriately rezoned in order to permit the intended uses on each of the properties. The Land Division Committee approved the consent application, including the condition to appropriately rezone the properties.

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

Plate 2, 2006 Aerial Orthophotography, shows the properties in greater detail.

Plate 3, Applicant's Sketch, illustrates the dimensions of the severed lot and the retained lot.

(b) Provincial Policy Statement

The Provincial Policy Statement promotes residential intensification where it can be accommodated taking into account existing building stock, efficient use of infrastructure and public service facilities and where it does not impact on natural environmental features.

It is Planning staff's opinion that the application is consistent with the Provincial Policy Statement.

(c) Official Plan

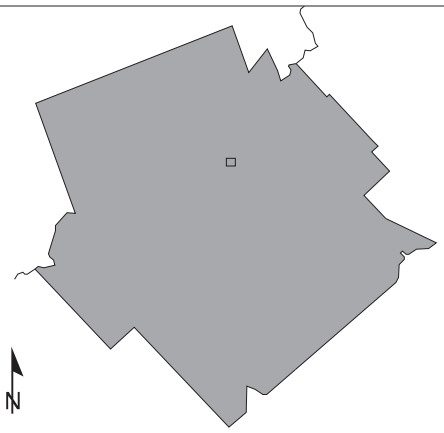
The subject property is located within the 'Entrepreneurial District' designation on the Land Use Plan for the Town of Ingersoll in the County Official Plan. This designation represents an area proposed for a range of commercial and business development opportunities through the conversion of existing residential dwellings and new development or redevelopment. The continuation of residential uses is also anticipated. It is intended that development in this District will result in a mixture of commercial and residential land uses.

Permitted uses in existing buildings within the Entrepreneurial District designation may include: residential uses including single-detached dwellings, semi-detached dwellings, converted dwellings, and bed and breakfast establishments; commercial uses including offices, personal services, business supply and services, repair and service shops. It is the intent of this Plan that such uses be located in the existing buildings of the Entrepreneurial District in order to preserve and maintain the character of this area through renovation and re-use of buildings.

LEGEND

County Orthoimagery (2006)

Municipal Limits



INGERSOLL

Plate 2 - 2006 Aerial Photography
Rodney & Lisa Lava, Part Lots 5D & 6D, Block 43, Registered Plan 279
File No.: ZN 6-09-11, Town of Ingersoll



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LAND RELATED INFORMATION SYSTEM
COUNTY OF OXFORD

CREATED ON: 15-MAR-2010

Staff note that the Official Plan does not specifically list a laundrette as a permitted use nor does it contain a definition for personal services. Using the Town of Ingersoll's Zoning By-Law as a reference, the definition of a personal service establishment is as follows:

“means a building, or part thereof, in which persons are employed in providing services and otherwise administering to the individual and personal needs of persons, including but not necessarily restricted to a barber, hairdresser, esthetician, massage therapist, tailor, dressmaker and shoemaker, dry cleaning establishment, sun tanning shop and formal rental shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.”

It is the opinion of this Office that a laundrette is similar to a dry cleaning establishment, which would be permitted within this designation as per the current zoning. Additionally, staff also note that the applicant is proposing to establish the laundrette within a vacant ground floor commercial unit, which represents re-use of an existing building.

Surrounding land uses include a combination of residential and commercial units fronting onto both sides of King Street East, including other multiple-unit residential buildings. The applicant's proposal to recognize the existing multiple-unit residential uses on the subject lands is in keeping with other uses in the immediate vicinity.

Therefore, it is the opinion of this Office that the application satisfies the general intent of the Official Plan policies for the Entrepreneurial District.

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

The subject property is zoned 'Special Entrepreneurial (EC-1)' in the Town of Ingersoll's Zoning By-Law. The EC-1 zone permits the full range of uses in the Entrepreneurial zone as well as an automobile service station and a retail store.

Staff note that a laundrette is a permitted use within the Central Commercial (CC) and Highway Commercial (HC) zones, while within the EC zone, a personal service establishment is listed as a permitted use. As noted above, when referring to the definition of a personal service establishment, Planning staff consider the proposed use to be similar to uses permitted within the EC list of permitted uses and therefore do not consider the proposed use to represent an undesirable precedent in this area. Considering that two apartment units are contained above the ground floor commercial unit, Planning staff recommend that these units also be recognized in the site specific zoning to ensure conformity in the future. In reviewing the relevant EC zone provisions, Planning staff advise that the lot at 55 King Street E. does not meet two of the zone provisions of the EC zone, namely the front yard setback and interior side yard setback.

In particular, the front yard setback is 0 m (0 ft.) versus the required 6 m (19.7 ft.) and the interior side yard is 0 m (0 ft.) versus the required 3 m (9.8 ft.). If approved, it is recommended that these provisions be recognized in the site-specific zoning by-law.

The applicant has also applied to permit multiple dwelling units within the multiple dwelling building at 59 King Street E, by amending the existing 'Special Entrepreneurial Zone (EC-1)'. Currently, the EC zone does not permit multiple unit dwellings, although other forms of multi-unit dwellings are permitted. Similarly, this lot does not meet the front yard setback provision of the EC zone. Special provisions are required for both of these items.

Through a review of the EC zone provisions for a street fronting townhouse (as a comparable housing form), Planning staff note that the lots do not meet the zone provision for

STREET

MILL

Current Uses
EC-1

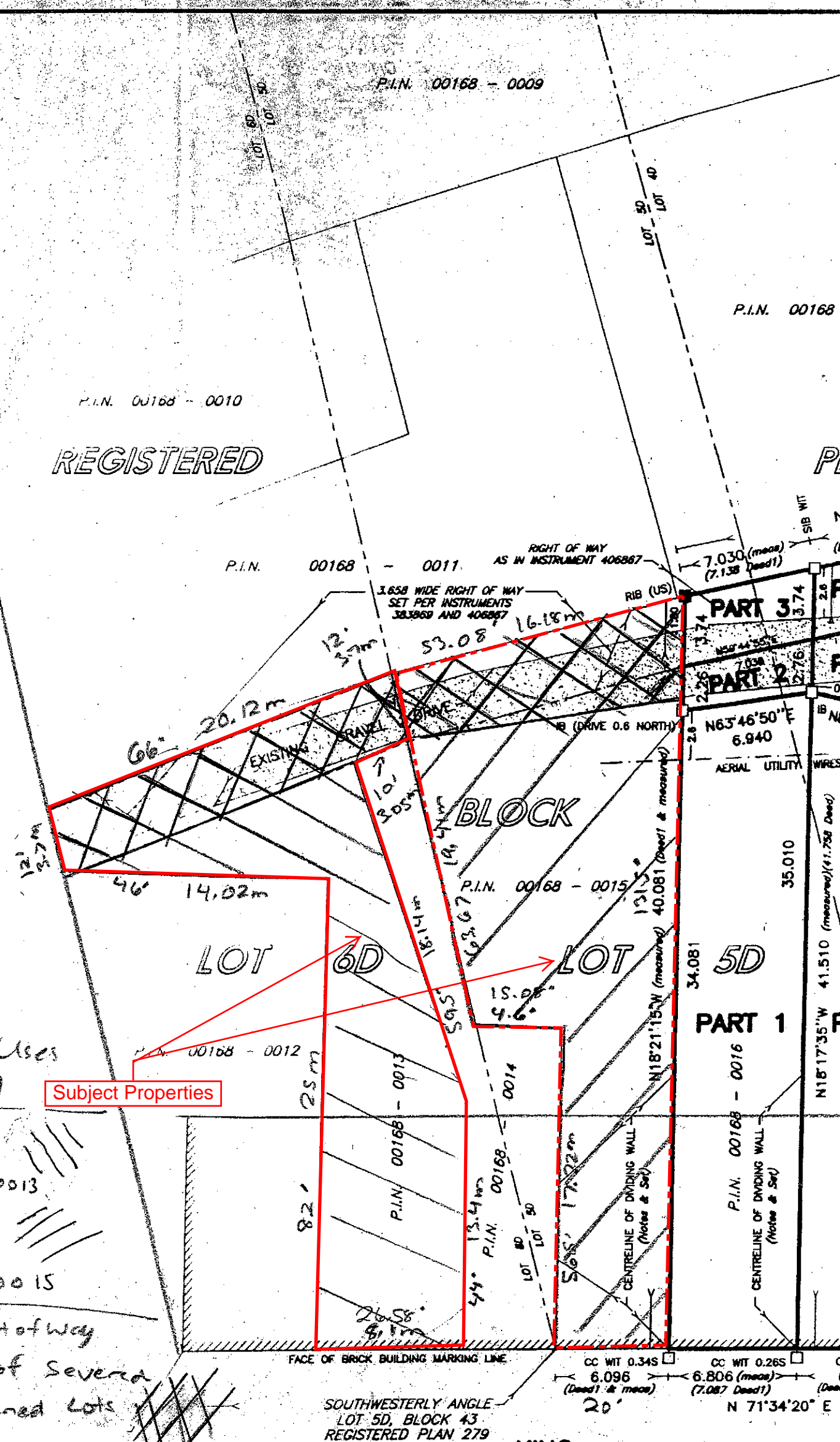
Severed
AN 00168-0013

Retained
AN 00168-0015

12' Right of Way
at rear of Severed
and retained lots

Subject Properties

REGISTERED



SOUTHWESTERLY ANGLE
LOT 5D, BLOCK 43
REGISTERED PLAN 279

KING

P.I.N. REGISTERED

Plate 3 - Applicant's Sketch

the front yard setback (0 m (0 ft.) versus the required 6 m (19.7 ft.)) in addition to recognizing the three apartment units within the multiple dwelling building. If approved, it is recommended that these provisions be recognized in the site specific zoning by-law.

(e) Agency Comments

This application and consent application were circulated at the same time and have been reviewed by a number of public agencies.

The County of Oxford Public Works Department provided the following with respect to the application:

“Public Works has reviewed the above noted consent and zone change applications and have the following comments:

- *The lot to be severed and lot to be retained must have separate connections to the municipal water and wastewater system to the satisfaction of the County of Oxford Public Works Department, prior to the severance.”*

The Upper Thames River Conservation Authority indicated that they have no objection to application.

At the time of writing this report, no comments had been received from the Town of Ingersoll Clerk, Town of Ingersoll Chief Building Official, Town of Ingersoll Engineering Services Co-ordinator, Town of Ingersoll Fire Chief, or Erie Thames Powerlines Corporation.

(f) Planning Review

The applicant is proposing a zone change to permit a laundrette to be established in a vacant ground floor commercial unit in the building at 55 King Street E. as well as recognize three apartment units in another at 59 King Street E. The subject property is designated ‘Entrepreneurial District’ within the County of Oxford Official Plan. The policies for this area promote mixed use development of limited commercial and residential uses.

The zone change application has been submitted in support of an application for consent. The consent application seeks to separate merged commercial/residential lots that contain a vacant commercial unit, and multiple dwelling units within two multiple dwelling buildings. The subject properties are surrounded by a mix of residential and commercial uses.

Staff noted that the subject property is zoned ‘Special Entrepreneurial (EC-1)’ in the Town of Ingersoll’s Zoning By-Law. The EC-1 zone permits the full range of uses in the Entrepreneurial zone as well as an automobile service station and a retail store. While the Official Plan does not specifically list a laundrette as a permitted use within the ‘Entrepreneurial District’, Planning staff consider the use to be similar to a personal service, which is permitted within this area. Additionally, the policies within this area encourage the re-use and rehabilitation of existing buildings and support residential uses. As a result, it is Planning staff’s opinion that the laundrette and multiple-unit residential uses would not be out of character with the neighbouring properties and meets the general intent with the Official Plan policies.

The Oxford County Department of Public Works indicated that separate municipal water and sanitary sewer services must be in place prior to the approval of the severance. This requirement for separate services has been included as a condition of provisional consent.

In addition to recognizing the three apartment units in the building on 59 King Street E., Planning staff recommend that the two apartment units in the building on 55 King Street E. also be recognized in the by-law to ensure conformity in the future.

No objections were received as a result of the agency circulation. 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 and can be supported.

Planning staff note that the applicant has not submitted a draft reference plan for the proposed consent at this time 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.

RECOMMENDATION:

It is recommended that the Council of the Town of Ingersoll approve-in-principle the application for zoning by-law amendment by Rodney and Lisa Lava, whereby lands located at Part Lots 4D & 5D, Block 43, Plan 279, municipally known as 55 & 59 King Street E., in the Town of Ingersoll, are to be rezoned from 'Special Entrepreneurial (EC-1)' to amended 'Special Entrepreneurial (EC-Special)' to permit the establishment of a laundrette and two apartment dwellings units at 55 King Street East, to recognize the 3 apartment units in the building at 59 King Street E., as well as recognize the zoning provisions of each building on the subject property. 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"

"Margaret Misek-Evans"

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Development Planner

Margaret Misek-Evans, MCIP, RPP
Corporate Manager

RV/rv

Date: April 6/10

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