

REPORT TO COUNTY COUNCIL

Application for Official Plan Amendment Clarke Commercial Shopping Centre Inc. OP 24-11-6

To: Warden and Members of County Council

From: Director of Community Planning

RECOMMENDATIONS

1. That Oxford County Council approve Application OP 24-11-6, submitted by Clarke Commercial Shopping Centre Inc., for the lands described as Part Lot 19, Concession 1, West Oxford, in the Town of Ingersoll, to amend the site specific 'Service Commercial' policies that apply to the subject lands to permit the establishment of a medical office, consisting of a hearing aid clinic, with a maximum size of 120 m² (1,291.7 ft²);
2. And further, that Oxford County Council approve the attached Amendment No. 330 to the County Official Plan, and that the necessary By-law to approve Amendment No. 330 be raised.

REPORT HIGHLIGHTS

- The purpose of the Official Plan amendment is to amend the existing site specific 'Service Commercial' policies that apply to the subject lands to include a medical office, consisting of a hearing aid clinic, as a permitted use.
- The subject lands have recently been granted site plan approval from the Town of Ingersoll for the development of a new commercial plaza and the requested amendment will allow for the proposed hearing aid clinic to occupy one of the commercial retail spaces in the approved site plan, being approximately 117.4 m² (1,264 ft²) in size.
- The proposal is consistent with the relevant policies of the Provincial Planning Statement and supports the strategic initiatives and objectives of the Official Plan and can be supported from a planning perspective.

IMPLEMENTATION POINTS

This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies contained in the Official Plan.

Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year’s budget.

Communications




In accordance with the requirements of the Planning Act, Notice of Complete Application and Notice of Public Meeting were circulated to surrounding property owners on October 9, 2024 and October 23, 2024 and a public meeting of Ingersoll Town Council was held on November 12, 2024 to consider the application. No comments have been received to date regarding the proposal.

2023-2026 STRATEGIC PLAN

Oxford County Council approved the **2023-2026 Strategic Plan** on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council’s vision of “Working together for a healthy, vibrant, and sustainable future.” These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendations in this report supports the following strategic goals.

Strategic Plan Pillars and Goals

PILLAR 1	PILLAR 2	PILLAR 3
		
Promoting community vitality	Enhancing environmental sustainability	Fostering progressive government
<p>Goal 1.2 – Sustainable infrastructure and development</p> <p>Goal 1.3 – Community health, safety and well-being</p>		

See: [Oxford County 2023-2026 Strategic Plan](#)

DISCUSSION

Background

Owner: Clarke Commercial Shopping Centre Inc.
Paul Kitson
1701 Richmond Street, Unit 3B, London ON, N5X 3Y2

Location:

The subject lands are described as Part Lot 19, Concession 1, West Oxford in the Town of Ingersoll. The subject lands are located on the northeast corner of Clark Road and Hollingshead Road and are municipally known as 223 Clark Road East, Ingersoll.

County of Oxford Official Plan:

Existing:	Schedule "I-1"	Town of Ingersoll Land Use Plan	Service Commercial Site Specific Policy Area
Proposed:	Schedule "I-1"	Town of Ingersoll Land Use Plan	Service Commercial Site Specific Policy Area (amended)

Proposal:

The application for Official Plan amendment has been requested to facilitate the establishment of a medical office, consisting of a hearing aid clinic, within a proposed commercial plaza in the Town of Ingersoll. Specifically, it is proposed that a hearing aid clinic, 117.4 m² (1,264 ft²) in size, will be located within a building containing four commercial rental spaces (shown as Unit 1C on Plate 3), and will be part of a larger commercial plaza which has been granted site plan approval from the Town of Ingersoll. An application for zone change has also been received by the Town of Ingersoll to facilitate the proposed use.

In support of the application, a Market Impact Analysis has been prepared by UrbanMetrics, the firm retained by the Town and County to evaluate the proposal with respect to compatibility with surrounding land uses and the effect the proposal may have on the existing and planned land uses in the vicinity, as well as the overall impact the proposed use may have on the planned retail and office function of the downtown core. While the applications for Official Plan amendment and zone change list a medical centre as a requested use on the subject lands, the applicants have confirmed that the said medical centre will specifically consist of a hearing aid clinic and the above-noted Market Impact Analysis has been completed based on this specific use.

The subject lands are approximately 1.73 ha (4.29 ac) in size and are currently vacant, with initial site grading underway. Site plan approval has been granted for the development of a commercial

plaza that will contain a range of commercial rental spaces, including a large-scale food store, non-food retail uses, and eating establishments all served by a new parking area. Surrounding land uses include industrial lands to the south, existing and planned service commercial lands to the east and west, and existing and planned residential uses to the north.

Plate 1, Location Map with Existing Zoning, shows the location of the subject lands and the zoning in the immediate vicinity.

Plate 2, Aerial Map (2020 Air Photo), provides an aerial view of the subject property and surrounding land uses as of the spring of 2020.

Plate 3, Approved Site Plan, illustrates the location of the proposed medical office in relation to the approved site plan on the subject lands, shown as Unit 1C, as submitted by the applicant.

Comments

Provincial Planning Statement

The Provincial Planning Statement is a policy statement issued under Section 3 of the Planning Act that came into effect on October 20, 2024. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

In respect of the exercise of any authority that affects a planning matter, Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act.

Section 2.1.6 a) states that with planning for people and homes, planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, as well as recreation, parks and open spaces and other uses to meet the long-term needs of the community.

Section 2.3.1.1 of the PPS states that settlement areas shall be the focus of growth and development and land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure and public service facilities, support active transportation, are transit-supportive and are freight supportive.

The PPS provides policies related to strategic growth areas in Section 2.4.1.1, and states that planning authorities are encouraged to identify and focus growth and development in strategic growth areas. Further, to support the achievement of complete communities and more mixed-use development, strategic growth areas should be planned to accommodate significant population and employment growth.

Section 2.8 of the PPS provides that planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment uses to meet long-term needs;
- b) providing for opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

- c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites and seeking to address potential barriers to investment;
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities, and;
- e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.

The PPS also provides in Section 2.8.2 that Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs. Planning authorities shall also protect employment areas that are located in proximity to major goods movement facilities and corridors and shall designate, protect and plan for all employment areas in settlement areas by:

- a) planning for employment area uses over the long-term that require those locations in connection with manufacturing, warehousing and goods movement and associated retail and office uses and ancillary facilities;
- b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;
- c) prohibiting retail and office uses that are not associated with primary employment uses;
- d) prohibiting other sensitive land uses that are not ancillary to uses permitted in employment areas;
- e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.

Official Plan

The subject lands are designated 'Service Commercial' in the Official Plan. Service Commercial areas provide locations for a broad range of commercial uses that, for the most part, are not suited to locations within the Central Area because of their requirements for large lot area, access or exposure requirements, or due to compatibility conflicts with residential development. Generally, Service Commercial uses cater to vehicle traffic and single purpose shopping trips where customers are typically generated from passing traffic or a wide ranging market area.

Service Commercial areas, while providing for a limited amount of retail use, are not intended to accommodate retail activities that are typically characteristic of a Central Area location and will not directly compete with this area.

The Service Commercial designation applies to those areas which primarily cater to the commercial needs of the travelling public or a broader market area with requirements for large sites that cannot be accommodated within the Central Area. Uses permitted within the Service Commercial designation include such uses as hotels, motels, automotive sales, business services, convenience commercial uses, retail food stores, recreation and entertainment uses, gas bars/car wash facilities, restaurants/fast food outlets and other uses which require large areas for on-site storage of goods or vehicles and other commercial uses that offer service to the travelling public.

Section 9.3.3.1 – Scale-Related Policies and Study Requirements, states that the scale of uses within the Service Commercial designation will generally range from 325 m² (3,500 ft²) to 4,645 m² (50,000 ft²). In general, small offices and professional uses will be encouraged to locate in the Central Area. Uses of less than 325 m² (3,500 ft²) will be discouraged in the Service Commercial

designation. Community shopping areas offering a range of goods and services which cater to the convenience shopping and service needs of community residents and the travelling public are a permitted use in the Service Commercial designation, in specific locations.

A site specific policy applies to the subject lands, as well as the adjacent lands to the east (Section 9.3.3.4.5). This policy states that based on the current market impact analysis, the maximum gross leasable commercial floor area for the area shall be 13,006 m² (140,000 ft²), broken down as follows;

- The maximum gross leasable commercial floor area for an automotive and households supply retail store shall be 4,645 m² (50,000 ft²);
- The maximum gross leasable commercial floor area for a food store is 1,710 m² (18,400 ft²) by year 2012, with an additional 1,542 m² (16,600 ft²) occurring by year 2014
- The maximum gross leasable commercial floor area for non-food related retail is 3,716 m² (40,000 ft²)
 - The inclusion of a drug store may be considered as part of the non-food related retail allocation without a requirement for an Official Plan amendment, subject to the submission of a market impact analysis prepared by a qualified consultant and peer reviewed to the satisfaction of the Town of Ingersoll.
- The maximum gross leasable commercial floor area for service commercial space is 1,394 m² (15,000 ft²).

Additionally, the following uses will not be permitted on the subject site:

- Beer/liquor stores
- Banks
- Professional offices
- Nursing/retirement homes
- Schools
- Day-care centres.

Town of Ingersoll Zoning By-law

The subject lands are zoned 'Special Highway Commercial Zone (HC-10)' in the Town of Ingersoll Zoning By-law, which is a site specific zone that also applies to the lands to the immediate east and north of the subject lands. This site specific zoning was established in 2012 to implement a decision of the Ontario Municipal Board.

The 'HC-10' zone permits a wide range of commercial uses, including an antique shop, an automotive and household supply store, an automobile service station, a bakery, a convenience store, an eating establishment, a fitness club, a personal service establishment, a laundromat, a retail store, a supermarket and a veterinary clinic.

The applicants are proposing the establishment of a hearing aid clinic in a commercial retail space, 117.4 m² (1,264 ft²) in size. A hearing aid clinic would fit within the definition of a medical centre in the Zoning By-law.

Agency Comments

The applications were circulated to public agencies for comment on October 9, 2024.

The County of Oxford Backflow Prevention Officer has commented that the proposed use would be subject the County's backflow prevention By-law.

The Town Engineering Department, the Town Building Department, Enbridge Gas the County of Oxford Public Works Department and the Upper Thames River Conservation Authority have indicated they have no comments or concerns with the proposal.

Town of Ingersoll Council

Ingersoll Town Council considered the applications at their public meeting on November 12, 2024 and recommended support of the proposed Official Plan amendment at their regular meeting on December 9, 2024, at which time they also approved the proposed rezoning, in principle.

Planning Analysis

Planning staff have reviewed the proposal, together with the Market Impact Analysis prepared by UrbanMetrics, and are generally satisfied that the addition of the proposed hearing aid clinic to a future commercial plaza is in-keeping with the policy direction of the Provincial Planning Statement and the intent of the County Official Plan.

Specifically, staff are satisfied that the requested use, which is part of a larger commercial development, will aid in providing a mix and range of employment uses for the community. Further, staff are of the opinion that the requested use, being located within a proposed building containing a number of commercial rental spaces, represents an employment use that will help to support a complete community and compact development and can be considered compatible with the existing and planned commercial uses within the immediate area. Based on this, staff are satisfied that the proposal is consistent with the direction of the PPS with respect to the promotion of economic development within a fully serviced settlement area.

The subject lands are designated 'Service Commercial' in the County Official Plan. It is the intent of the Service Commercial designation to facilitate development of large-scale commercial uses that are generally not suited to the downtown core due to lot area requirements or compatibility concerns, while smaller-scale commercial uses are to be directed to the Central Area as a first priority to maintain the economic health and prosperity of this area as the main area of trade within the Town. To this end, small-scale medical offices are to be directed to the Central Area as a first priority.

The subject lands are also subject to a site specific policy that was based on a previous market impact analysis from 2011 which allows for a community shopping area with established maximums on the gross leasable commercial floor area, based on use, as referenced above. The site specific policy that pertains to the subject lands also prohibits professional offices on the subject lands in an effort to ensure such uses are directed to the Central Area. Given that a hearing aid clinic would be considered a professional office, an amendment to this policy is required to permit the proposed use.

To assist with our review of the proposal and to assess what impact the application may have on the local commercial market, the Community Planning Office retained a Professional Planner and Land Economist to prepare a market analysis. The intent of this analysis was to:

1. Assess the compatibility of the proposed use with surrounding land uses;
2. Assess the likely effect the proposed use may have on the ability to implement planned lands uses in the vicinity;
3. Assess the impact that the proposed use may have on the planned retail function of the Central Area;
4. Assess whether the proposed use would be better located in the Central Area as a first priority and whether there is a justified need for this type of use outside the core area, and in Ingersoll generally.

The study concluded that the proposed hearing aid store would be considered compatible with surrounding land uses, which includes future commercial development and existing and planned residential uses. Specifically, the study opined that the proposed use would enhance the function of the shopping centre on the subject lands, which will consist of a anchor grocery store and retail store, together with a number of other small rental commercial spaces, and will integrate appropriately with future commercial development to the east and southeast without having any additional impact on existing and planned residential development in the immediate area.

The study also concluded that the proposed use would not have any impact on the implementation of any of the planned uses within the immediate area (which are largely intended for future service commercial purposes), as the proposed use represents a small portion of the overall commercial development on the subject lands.

With respect to the impact that the proposed development may have on the planned retail function of the Central Area, it is noted that the Official Plan provides, in Section 9.3.2.1 that the Central Area is to be the most functionally diverse area of the Town and will serve as the primary business, cultural and administrative centre for the community. It is intended that a healthy economic balance is to be maintained for the Town by providing a range of locations for new and expanded retail facilities within the Central Area and other proposed shopping areas will need to provide reasonable justification that a location in the Central Area is not viable in terms of available land or building areas.

The Market Impact Analysis has indicated that based on their review, the Central Area is currently meeting this function as the dominant retail destination within the Town, stating that approximately 75% of all retail and services spaces within the Town are located within the Central Area.

The approved commercial plaza located on the subject lands would be a significant new retail development within the southeast area of the Town and will in itself result in some sales shifting from the two existing supermarkets and retail stores in the Central Area. However, the Market Impact Analysis concludes that, on its own, the proposed hearing aid store, which consist of 117.4 m² (1,264 ft²) of commercial rental space, is not anticipated to have a significant influence on the draw of the approved commercial plaza and, therefore, is not anticipated to impact the current function of the Central Area.

The Market Impact Analysis also considered whether the proposed use should be directed to the Central Area as a first priority and whether this use is justified outside the Central Area. The study noted that hearing aid stores typically require space for retail sales, examinations and consultations, which is consistent with the description of the use proposed by the applicants. In this respect the proposed use is considered to be a medical centre, as defined above in the Town Zoning By-law.

The Market Impact Analysis reviewed comparators within the Town and identified three existing hearing aid stores within Ingersoll, all of which are currently situated within the Central Area. The analysis opined that while health related services tend to be located within the Central Area, there are examples of health care services located outside the Central Area that were established through site specific review and approvals, as well as other home-based health care specialists throughout Town.

The study provides that the purpose of encouraging small-scale offices to locate in the Central Area is to provide competitive protection, which is important in preserving the vibrancy of the downtown core, however, there are recognized benefits to permitting a limited number of neighbourhood based services in appropriate planned locations outside this area, to minimize travel distances and encourage local shopping.

Specifically, it is the intent of the site specific policy of Section 9.3.3.4.5 to treat this area as a neighbourhood serving commercial use and the Market Impact Analysis concludes that the proposed commercial plaza will provide a strong neighbourhood serving function through the supermarket anchor and that approval of the proposed hearing aid clinic will complement this function, provided that limitations are in place to ensure that the Central Area continues to be the preferred location for the majority of small-scale services and offices.

The Market Impact Analysis provided rationale as to how and why this specific site is different from other lands designated Service Commercial within the Town, stating that its strategic location, complementary uses and ability to support residential growth set the subject lands apart. Specifically, the subject lands are the only commercial shopping centre oriented to the residential areas in the southern portion of Town and, as noted above, the supermarket anchor is more in-keeping with a “neighbourhood shopping centre” from a retail perspective. Further, it is anticipated that this Harris Street and Clarke Road area will develop into an important neighbourhood hub serving the southern portion of Ingersoll and the proposed hearing aid store will support this function. The study also noted that much of the future growth intended for the Town will be directed to the southern portion of Town and, therefore, the subject lands are well positioned to serve future development within this area. Given its close proximity to the 401 corridor, it can also draw customers from outside of the community.

Planning staff are generally satisfied that sufficient justification has been provided to support the requested Official Plan amendment and zone change to permit a hearing aid clinic as a small commercial use, ancillary to and supportive of a larger-scale commercial shopping centre on the subject lands. Staff are satisfied that the proposed use, which represents a small component of the overall approved commercial use, will have minimal impact on surrounding land uses and is not anticipated to negatively impact the existing planned function of the Town’s central commercial area, based on the Market Impact Analysis provided. Staff note that the proposed use can be considered justified in this instance, given that the approved commercial plaza is anticipated to function as a neighbourhood-serving commercial plaza, drawing patrons from residential areas in the immediate vicinity, and approval of the requested amendments is not anticipated to result in the establishment of an undesirable precedent for other areas of Ingersoll designated Service Commercial.

In order to ensure the proposed use remains small in scale and reflective of the specific use reviewed through the Market Impact Analysis, staff are recommending that the site specific policy be amended to specifically permit the requested hearing aid clinic, to a maximum of 120 m² (1,291.7ft²), rather than the full range of uses that may be permitted as a 'medical office', which may necessitate additional market review.

CONCLUSIONS

In light of the foregoing, Planning staff are of the opinion that the proposal is consistent with the policies of the Provincial Planning Statement and supports the strategic initiatives and objectives of the Official Plan with respect to commercial uses within the Town of Ingersoll. As such, staff are satisfied that the application can be given favourable consideration.

SIGNATURES

Report author:

Original signed by _____

Heather St. Clair, RPP, MCIP
Senior Planner

Departmental approval:

Original signed by _____

Paul Michiels
Director of Community Planning

Approved for submission:

Original signed by _____

Benjamin R. Addley
Chief Administrative Officer

ATTACHMENTS

Attachment 1 – Plate 1, Location Map with Existing Zoning
Attachment 2 – Plate 2, Aerial Map, (2020 Air Photo)
Attachment 3 – Plate 3, Approved Site Plan
Attachment 4 – Official Plan Amendment, OPA 330