

Staff Report

Report To: City Council

Report From: Sabine Robart, Planner

Meeting Date: July 19, 2021

Report Code: CS-21-103

Subject: Recommendation Report ST2021-003 Marina View Heights

at 2347 3rd Avenue West

Recommendations:

THAT in consideration of Staff Report CS-21-103 respecting Site Plan Approval (ST20201-003) at 2347 3rd Avenue West, proposing a six-unit, three storey residential building, City Council:

- 1. Approves the Site Plan by GM BluePlan dated July 5, 2021, subject to the conditions outlined in Schedule 'F', as well as the conditions in Schedule 'C' of confidential appendix CS-21-105; and
- 2. Directs staff to bring forward a by-law to authorize the Mayor and Clerk to execute a Site Plan Agreement, Servicing Agreement, and any other items for implementing Site Plan Approval for 2347 3rd Avenue West.

Highlights:

- A Site Plan Approval Application has been submitted by Sound Lifestyles Ltd c/o Richard Graham for 2347 3rd Ave W.
- The application is proposing a six-unit, three storey residential building, with life lease tenure.
- Required archaeological assessment work has been completed on site in consultation with Indigenous Communities, specifically Saugeen Ojibway Nation (SON). Found resources have been managed accordingly.

• Staff recommend approval of the application subject to the recommended conditions.

Strategic Plan Alignment:

Legislated review process.

Strategic Priority: A City that Grows – KR4 – 95% of site plan applications reviewed within four weeks.

Background & Proposal:

A Site Plan Approval application (ST2021-003) has been submitted by Sound Lifestyles Ltd c/o Richard Graham for the construction of a six-unit, three storey residential building.

Property Description

The subject property is located at 2347 3rd Ave W. Surrounding land uses include:

North: Vacant Residential & Marina

East: Open Space (Rail Trail & Marina- Georgian Bay)

South: Residential, Open Space (Kelso, Mary Miller Parks) & Marina

West: Residential, Open Space (St. Julien's Park)

The subject lands are designated 'Residential' in the City's Official Plan (2006) and are zoned 'General Residential' (R5) in the City's Zoning By-law (2010-078, as amended).

For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'. The subject lands are fully described in Schedule 'C'.

The Proposal

The subject application is proposing a six-unit, three storey residential building with six (6) at grade, covered parking spaces and an additional seven (7) parking spaces located west and north of the building. The proposed site plan works also include the construction/installation of the

required internal infrastructure, appurtenance, and landscaping. It is understood that the development is proposed to be life lease in tenure.

As part of a complete application, the applicant has submitted the following materials for consideration:

Submission Item Title	Submission Item Detail
Site Plan (Site Plan (1), Existing Conditions & Removals Plan (2), Grading & Servicing Plan (3), Details & Notes (4), Tree Preservation & Landscaping (5)	Prepared by GM BluePlan dated July 05, 2021
Elevations	Prepared by Graham Design & Construction dated May 18, 2021
Architectural Brief	Prepared by Tim Fanstone Architect dated March 11, 2021
Stormwater Management Design	Prepared by GM BluePlan dated May 3, 2021
Servicing Feasibility Study	Prepared by GM BluePlan dated May 2021
Stage 1 & 2 Archaeological Assessment 2347 3 rd Ave W	Prepared by Timmins Martelle Heritage Consultants Inc. dated May 2019
Review and Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 1 & 2 Archaeological Assessment 2347 3rd Avenue	Ministry of Heritage, Sport, Tourism, Culture Industries Archaeology Program Unit dated March 13, 2020

The applicant engaged the City in the Pre-consultation process in September, 2020. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step
May 10, 2021	Submission of application and fees
May 14, 2021	Request for Comments circulated
July 19, 2021	Recommendation Report to Council

Analysis:

The proposal is required to meet all development standards and policies applicable to projects within the City of Owen Sound. The proposal is required to be consistent with the Provincial Policy Statement and in conformity with the City Official Plan and Zoning By-law. Schedule 'B' contains the applicable Official Plan and Zoning By-law mapping.

The application is subject to review by the City Planning, Engineering, and Building staff as well as external commenting agencies. All applicable policies, standards, and comments received are reviewed below.

Provincial Policy Statement

The Provincial Policy Statement (PPS, 2020) has been reviewed with regard to the subject proposal. Municipal decisions on planning matters are required to be consistent with the PPS.

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The PPS directs development to full serviced, designated settlement areas and requires contiguous development that minimizes land consumption and servicing costs. The proposal represents growth within a Settlement Area that makes use of existing infrastructure and minimizes negative impacts.

In this urban context, all Land Use Planning applications must demonstrate that the lands can be serviced with full municipal water and sanitary services and are designed with stormwater management best practices to ensure consistency with the PPS (Section 1.6.6). Full municipal service infrastructure and capacity are available for the proposed development. The onsite SWM

system will provide enhanced quality treatment and quantity control is not required due to the close proximity of the site to the SW outlet, which in this case is Owen Sound Bay.

The PPS requires that development and site alteration not be permitted on lands containing archaeological resources unless significant archaeological resources have been conserved. The subject property has been assessed for archaeological resources by a qualified archaeologist. Found resources have been appropriately conserved consistent with the direction of the PPS. Please see the Official Plan section for a detailed discussion of this topic.

Continued residential development of an existing, serviced property in a fully serviced urban context with access to hard and soft services where archaeological resources a have been appropriately conserved is consistent with the direction provided by the PPS subject to recommended conditions of approval.

County of Grey Official Plan

The entire City of Owen Sound is designated as a 'Primary Settlement Area' in the 2019 County of Grey Official Plan (County OP).

Settlement areas with full municipal services are to be the focus of the majority of growth within the County. The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within Primary Settlement Area. Land use policies and development standards are to be in accordance with the local Official Plan. The County has been consulted on the proposal and County staff have no objection to the application.

The proposal conforms to the policies of the County OP.

City of Owen Sound Official Plan

Schedule 'A' of the Owen Sound Official Plan (OP, 2006) designates the subject property as 'Residential'. The Residential designation permits a wide range of dwelling types, densities and tenures including multi-unit buildings (i.e., apartment buildings). The lot is located within the West Waterfront Study Area as shown on Schedule 'B'. The West Waterfront Study area is defined by several City parks as well as a number of marinas and both low and high density residential development. The proposed development will occur on an existing lot of record in an established built-up area.

The final buildout of the site will result in a density of 24.9 units per hectare across the site. The proposed density for the site generally meets the intent of the Official Plan density provisions.

The subject lands are considered an infill lot. The policies of Section 7.6.2.2 of the OP support intensification and infill development subject to criteria that generally includes land use compatibility, the availability of municipal infrastructure and public service facilities, the provision of appropriate offstreet parking facilities, and potential traffic impact. The proposed development addresses these policies as follows:

- The subject lands are a vacant infill lot with frontage onto 3rd Ave W which is a publicly assumed road maintained on a year-round basis.
- The proposed three-storey, six-unit apartment building complies will all provisions of the City's Zoning By-law, including height and setback requirements.
- Building elevations, attached as Schedule 'E', demonstrate an attractive, mid-rise apartment building with at-grade patios and balconies on the east façade and varied coloured siding, carports and residential scaled windows on the west façade.
- Adequate municipal services, including water and sanitary services, exist to serve the proposed development.
- The subject lands are in proximity to parks and amenities.
- The off-street parking requirements of the City's Zoning By-law are exceeded for the proposed development.
- There are no concerns with local traffic. A traffic impact study was not required for this development as it does not meet the minimum requirements under Section 5.8 of the City's Site Development and Engineering Standards

The proposed site design provides adequate parking, landscape buffering, safe access for pedestrians and access to alternative modes of transportation. The proposed development generally conforms to the OP's Urban Design policies. The balance of this report elaborates on the design details of the proposed development.

The policies of the OP require that development and site alteration only be permitted on lands containing archaeological resources if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. The Ministry of Heritage, Sport,

Tourism, Culture Industries has confirmed completion of its review and entry of the archaeological assessment and monitoring report for the subject property on the Ontario Public Register of Archaeological Reports. In consultation with the City's commenting partners, including Indigenous Communities, and licensed archaeologists, Staff are satisfied that the found archaeological resources have been adequately documented and managed and that the subject development can proceed as proposed.

The proposal conforms to the policies of the City's Official Plan, subject to the recommended conditions.

City of Owen Sound Zoning By-law (2010-078, as amended)

The subject property is zoned 'General Residential' (R5) in the City's Zoning By-law (2010-078, as amended). Apartment dwellings are a permitted use in the R5 zone. The application conforms to all other provisions of the City's Zoning By-law (2010-078, as amended).

Staff have undertaken a thorough review of the Site Plan relative to the City's Zoning By-law. Based on this review, the following merits note:

Zoning Matter	How is the Requirement Met?
Standard Parking Stalls	The six-unit development is required to provide eight (8) parking stalls. Thirteen (13) parking stalls are provided.
	The proposed stalls meet the minimum size requirement (2.65m \times 6.0m) of the Zoning By-law.
	The parking stalls proposed on the site plan conform with the parking provisions.
Barrier-Free Parking Stalls	The number of proposed barrier-free parking stalls meets the zoning requirement.
	As per the zoning standards the development is required to provide one (1) barrier free space and one (1) space is provided. The proposed barrier-free parking stall must meet the requirements for signage and the design of TWSI plates as per City and AODA requirements.

Zoning Matter	How is the Requirement Met?
	Staff recommend that a condition of approval be that the barrier-free parking stall must meet the requirements for design and signage as detailed in the City's Standard Drawings E1a, E1b, E4a, E4b and AODA requirements.
Loading Spaces	A loading space is not required for the proposed development.
Bicycle Parking Spaces	The site plan shows a bicycle rack on the north side of the building. Staff recommend that as a condition of approval the developer relocate the bicycle rack to the north side of the building, adjacent to the internal sidewalk so that the bicycle rack does not interfere with barrier free path of travel.
Setbacks	The required setbacks are met or exceeded
Lot Coverage	The lot coverage maximum is not exceeded.
Building Height	Building height maximum is not exceeded.
Landscape Buffer Strips	The landscape strips meet the minimum requirements.

The proposal meets the requirements of the City's Zoning By-law.

Details Respecting Accessibility:

Section 41 of the *Planning Act*, which legislates Site Plan Control, stipulates that no development shall be undertaken unless the Council has approved plans showing the location of all buildings, facilities, and works forming part of the development, including facilities designed to have regard for accessibility for persons with disabilities.

A recommended condition of Site Plan approval is proposed to ensure that matters of accessibility are addressed and that the final approved site and construction plans reflect the requirements of the *Accessibility for Ontarians with Disabilities Act* and the Ontario Building Code respecting matters of accessibility.

Matters of accessibility as it relates to the proposed development are as follows:

Vehicular Access and Paths of Travel

The site will be accessed via 3rd Ave W. Six (6) parking stalls are located at grade and covered by the building. Seven (7) additional stalls, including a Type 'A' accessible stall are located north and west of the building in two distinct parking areas. The parking area to the north of the building is identified as Parking A and the parking to the west of the building is identified as Parking Area B. There are six (6) covered parking stalls proposed on site. The stalls are oversized and meet the minimum dimensions for an accessible parking stall. Though they are not identified as technically barrier free, they will have increased functionality for diverse users of the residential building.

An internal drive aisle connects the two parking areas. The accessible stall is located in Parking Area B and will be accessed via a painted barrier free path of travel across the internal drive aisle.

Exterior Paths of Non-vehicular Travel

A municipal sidewalk is located on the west side of 3rd Ave W. An internal sidewalk travels north of the building to a concrete patio. Four of the seven 'outside' parking stalls are located adjacent to internal sidewalk. The internal sidewalk is shown as 1.2 m wide. Staff recommend that as a condition of approval the sidewalk be required to be 1.5 m wide to comply with AODA. Further, staff recommend that as a condition of approval a 1.5 m wide walkway (barrier free path of travel) be provided that travels along the northern boundary of parking A and connects the internal sidewalk north of the building to the future municipal sidewalk on the east side of 3rd Ave W. This connection will provide safe pedestrian access to the building from the future sidewalk.

As currently shown, the parking areas A and B do not have marked pedestrian walkway from the parking stalls to the main entrance of the building.

Staff recommend that as a condition of approval, a 1.5 m wide walkway (barrier free path of travel) be required from the internal concrete sidewalk north of the building along the west side of the building to the main entrance to provide an accessible path of travel from parking area A to the main

entrance. The walkway will travel behind the covered parking spaces. Staff recommend that as a condition of approval signage be provided at the front of each covered parking stall reminding drivers of the pedestrian walkway at the rear of the parking stall.

Staff recommend that as a condition of approval, a 1.5 m wide walkway (barrier free path of travel) be required along the west side of parking area B. The walkway will connect to the painted barrier free path of travel that crosses the internal drive aisle and connects the accessible parking stall to the main entrance of the building.

The requested changes are illustrated in the Engineering Services Division Staff Report dated June 01, 2021

Site Design & Functionality

Due to its shape and size the site is constrained in its development potential; however, the parking lot layout does meet the minimum requirements. The barrier-free parking stall is located in a defined parking area and will be connected to the main entrance of the building via the painted barrier free path of travel across the internal drive aisle.

The site will be lit using dark sky compliant lighting fixtures in accordance with City standards and the Ontario Building Code. The building will all be completely accessible with push button doors and adequately sized entrances.

Access to Transit & Amenities

The Brooke Conventional Transit Route travels past the subject property on 3rd Ave W. Nearby bus stops include the stop at 23rd St W and 3rd Ave W and the stop with shelter at 24th St W and 3rd Ave W. This bus route travels broadly throughout the west side of the City and is connected to all of the other routes.

Staff have reviewed the application relative to the City's approved Accessibility Checklist and find that the proposed development conforms to the standards set out therein.

City Staff & Agency Comments

In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review pertaining

to the subject application. All comments can be found attached hereto as Schedule 'G'.

City of Owen Sound Planning & Heritage Division

The Planning & Heritage Division has undertaken a full review of the application in consideration of the principles of good planning, which ensures a safe, functional, and attractive site layout. The following aspects of the site design merit note in addition to the planning policy analysis outlined above.

Design Aspect	Policy Context/Staff Comments
General Layout	The proposed building is located in the southern portion of the subject property. The building addresses the street with the main entrance facing 3 rd Ave W. Staff are satisfied with the general layout of the site subject to the recommended conditions.
Parking Layout	As noted above, the site faces some development constraints to due to its shape and size. It would be preferred for the parking area to be oriented behind the front face of the building, but it is unlikely that the size and shape of the lot would make this possible.
	Subject to the recommended conditions of approval, staff are satisfied that the parking area layout is generally safe and functional.
	An entrance/driveway permit will be subject to County review and comments.
Pedestrian Access and Connectivity	A municipal sidewalk is located on the west side of 3 rd Ave W. An internal sidewalk travels north of the building to a concrete patio.
	The covered parking stalls are over-sized and are provided with direct access to the buildings.
	As discussed above, staff recommend that 1.5 m wide walkways be required as a condition of approval from the parking area A and B to the main entrance to provide safe access across the internal drive aisle.

Design Aspect	Policy Context/Staff Comments
Lighting	An exterior lighting plan was provided. The plan shows external lighting at strategic points along the façade of the entire building as well as within the parking area.
	A standard condition in the City's Site Plan Agreement requires that all lighting will be downward facing and dark-sky compliant and that on-site LED lighting shall be specified with a colour temperature (CCT) of 3000K (warm white).
Landscaping	The site plan shows a 1.5 m landscaping strip along the west property line where the property abuts $3^{\rm rd}$ Ave W.
	In order to provide the 1.5m walkway along the west side of parking area the landscaping strip will be interrupted for a few metres by the walkway.
	Thirteen new trees are shown on the site plan along the north, west and south property boundary. The remainder of the landscaping plan is dominated by manicured grassed areas.
	Parking Area A is screened adequately along north property boundary from the vacant parcel to the north. Parking Area B requires additional screening from the southerly residential lot using landscaping or construction of a solid board fence. Additional screening is recommended as a condition of approval along the south lot line from the front (west) of Parking Area B to the front (west) corner of the proposed residential building.
Garbage & Recycling	No outdoor garbage enclosure is shown on the site plan. Garbage and recycling will be stored within the existing building.
Snow Storage	Adequate snow storage is shown at a number of locations internally to the site.

Design Aspect	Policy Context/Staff Comments
Building Design	As part of a complete application, the developer submitted an Architectural Brief prepared by a professional architect. The brief notes that "the use of horizontal metal siding, a pitched asphalt shingle gable roof and residential-scaled windows, architecturally reflect its residential neighbours". Further "the potential bulk of the building has been substantially broken up by the use of different coloured siding as well as numerous recesses, balconies carports etc. to bring the scale down visually so that is similar to that of adjoining properties". In regard to the carports, the brief notes that "the use of carports reduces the on-site visible paving and increases the area devoted to landscaping to the visual benefit of the local community."
	Staff are generally satisfied with the building design and recommend that as a condition of approval the submitted architectural brief be included in the Site Plan agreement as a schedule.
Matters of Accessibility	Staff have reviewed the application relative to the City's approved Accessibility Checklist and City and AODA accessibility standards and find that the proposed development conforms to the standards set out therein, subject to the recommended conditions of approval.

The City's Planning & Heritage Division recommends approval of application ST2021.003, subject to the recommended conditions.

City of Owen Sound Engineering & Public Works Department

Comment has been received from the City's Engineering & Public Works Department with no objection to the subject proposal.

Engineering Detail	Staff Comments
Stormwater Management (SWM)	Stormwater quantity control is not required due to the subject property's proximity to the 3 rd Avenue West storm outlet to Owen Sound Bay.
	An "Enhanced" level of water quality treatment (80% TSS Removal) is provided by an OGS Treatment Unit prior to discharging from the subject property.
	The SWM Report is acceptable.
Grading & Drainage	The site grading supports the SWM design and conforms to Section 2.2.2 of the City's Property Standards By-law 1999-030.
Servicing	The submitted Servicing Feasibility Study is acceptable.
Site Access & Traffic Circulation	Vehicular access to the site is from 3 rd Avenue West (Grey Road 1). An entrance/driveway permit will be subject to County review and comments.
Pedestrian Access	Pedestrian walkways and a connection to City streets are provided. There is no existing sidewalk on the east side of 3 rd Ave W; however, a sidewalk will be constructed at some point in the future. The proposed on-site sidewalk to the concrete patio does not meet AODA requirements. There is no dedicated path of travel from the north parking stalls to the building access or from the south parking stalls, including the barrier-free stall, to the pedestrian crossing. The drawings are to be revised to provide proper pedestrian access. The notes and drawings are to be revised to indicate that the Tactile Walking Surface Indicator plates are to be red in colour and made with cast iron.
Road Widening	The City's Official Plan classifies this portion of 3 rd Avenue West as a County Road (Grey Road 1). To achieve the required road allowance width for this

Engineering Detail	Staff Comments
	roadway, a road widening of 1.5 metres is required along the 3^{rd} Avenue West frontage of the property.
Landscaping	No landscaping features, signs or vegetation with a mature height greater than 0.6 metre are to be located within the 5.0 metres by 5.0 metres sight triangles required at the access points as per Section 5.12.3 of Zoning By-law 2010-078, as amended.
Fees & Charges	The Engineering Review Fee will be \$500.00 plus 4% of the first \$100,000.00 of Total Development Cost plus 2% of the amount of TDC exceeding \$100,000.00. Total Development Cost includes: estimated construction value of on-site and off-site works (excluding buildings), plus 5% contingency costs, plus 7% for Engineering design, administration and inspection costs plus HST.
	A capital contribution of 60 metres \times 1.5m \times \$140.00/m ² = \$12,600.00 for construction of a future concrete sidewalk will be required as a condition of Site Plan Approval.

The City's Engineering & Public Works Department recommends approval of application ST2021-003, subject to the recommended conditions.

City of Owen Sound Fire Prevention Division

Comment has been received from the City's Fire Prevention Division with no objection to the subject proposal.

Saugeen Ojibway Nation

Comment has been received from the Saugeen Ojibway Nation with no objection to the subject proposal and acknowledgment of the proposed residential development on site.

Historic Saugeen Metis

Comment has been received from the Historic Saugeen Metis with no objection to the subject proposal.

Hydro One

Comment has been received from Hydro One with no objection to the subject proposal.

Enbridge (Union Gas)

Comment has been received from Enbridge (Union Gas) with no objection to the subject proposal.

Bell Canada

Comment has been received from Bell Canada with no objection to the subject proposal. Bell Canada requests that the following paragraph be included in the agreement:

"The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

City of Owen Sound Parks & Open Space Division

Comment has been received from the City's Parks & Open Space Division with no objection to the subject proposal. Staff are recommending as a condition of approval that the Black Cedar (non-native to our area) be replaced with Black Spruce (native to our area) on the Landscape Plan. Black spruce has symbolic and traditional value for Indigenous communities who used the Kelso Beach area historically. Black spruce should also provide an equal level of green separation from the property to the south as black cedar would.

Grey County

Comment has been received from Grey County with no objection to the subject proposal. County Transportation Services have reviewed the subject application and provided the following comments:

"Grey County's Setback Policy is 75 feet from the centre of the road for all structures, or shall not exceed the setback of two existing structures neighbouring said lot within 66 feet or less, measured laterally. If this cannot be achieved an Exemption will be required from the Director of Transportation Services.

Grey County's lot drainage policy is that post development flows shall be equal to or less than pre-development flows. Please provide evidence that this can be achieved along with a report that the County storm sewer will handle any flows directed its way.

Grey County will not accept increased overland flows directed to the road, whether an emergency or otherwise.

A Commercial Entrance Permit will also be required."

Grey Sauble Conservation Authority (GSCA)

Comment has been received from GSCA with no objection to the subject proposal as it does not impact any areas regulated under Ontario Regulation 151/06, natural hazards, and has addressed comments related to natural heritage and water.

Enbridge/Union Gas

Comment has been received from Enbridge/Union Gas with no objection to the subject proposal.

Financial Implications:

Staff recommend that a security in the amount of \$25,000 be collected from the developer to ensure completion of the work, to be held by the City until the site works are substantially complete and a Partial Certificate of Compliance can be issued. For the purposes of constructing a sidewalk fronting the lands along 3rd Ave W in the future, a capital contribution is required in the amount of \$12,600.

The subject development is proposed to be life-lease tenure and City-wide Development Charges will apply. For the proposed six (6) units, an estimated payment of \$29,514 in City Development Charges will be due prior to the issuance of a Building Permit. County Development Charges will also apply.

Communication Strategy:

Planning Staff will communicate the decision of Council with the applicant and will work with the applicant to fulfill the remainder of their obligations in the Site Plan Approval Process.

Consultation:

In accordance with City standard operating procedure, the details of the application were circulated to relevant City staff and commenting agencies for review.

Attachments:

Schedule 'A': Orthophoto

Schedule 'B': Official Plan and Zoning Map

Schedule 'C': Property Details

Schedule 'D': Site Plan, Grading and Drainage Plan, Landscape Plan

Schedule 'E': Elevations & Architectural Brief

Schedule 'F': Conditions of Approval

Schedule 'G': Agency Comments

Recommended by:

Sabine Robart, M.SC. (PLAN), Planner

Reviewed by:

Amy Cann, M. PL. MCIP, RPP, Manager of Planning & Heritage

Reviewed by:

Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Sabine Robart, Planner at srobart@owensound.ca or 519-376-4440 ext. 1236.