

Staff Report

Report To: City Council
Report From: Jacklyn Iezzi, Junior Planner
Meeting Date: January 24, 2022
Report Code: CS-22-009
Subject: Request for Draft Plan Extension – 3195 East Bayshore Road – RCA Subdivision (Draft Plan 42T-16501)

Recommendations:

THAT in consideration of Staff Report CS-22-009 respecting a request for extension to the draft plan approval for Draft Plan of Subdivision 42T-16501, known as the RCA Subdivision, City Council:

1. Approves the request by GSP Group Inc., on behalf of Smithcorp Realty Inc., dated December 20, 2021;
2. Grants a three-year extension to the draft plan approval for the first phase, being April 24, 2025, unless further extended by the City, in accordance with Section 51 (33) of the *Planning Act*. For any subsequent phases, the lapsing date shall be five (5) years after the date of Final Approval of the preceding phase; and
3. Considers the modifications to the draft plan conditions, attached as Schedule 'E', as a minor administrative change, in accordance with Section 51 (47) of the *Planning Act*.

Highlights:

- GSP Group Inc. has submitted a request on behalf of Smithcorp Realty Inc. for an extension to the approval for Draft Plan of Subdivision 42T-16501, applying to lands municipally known as 3195 East Bayshore Road (former RCA lands).

- The subject lands received draft plan approval from City Council on April 24, 2017. The approval is scheduled to lapse on April 24, 2022, unless extended by the City.
- Planning Staff recommend that the request be approved and that a three-year extension to the draft plan approval for the first phase be granted.

Strategic Plan Alignment:

Legislated review process.

Background & Proposal:

GSP Group Inc. has submitted a request on behalf of Smithcorp Realty Inc. for an extension to the approval for Draft Plan of Subdivision 42T-16501, know as the RCA Subdivision, applying to lands municipally known as 3195 East Bayshore Road.

Property Description

The subject lands are located within the northeast quadrant of the City and are bound by 32nd Street East to the north, 9th Avenue East to the east, designated employment lands and the Kenny Drain to the south, and East Bayshore Road/Georgian Bay to the west.

The lands have approximately 409 m of frontage on East Bayshore Road and 15.5 ha (38.3 ac) of lot area. The site was previously occupied by a manufacturing building and its associated parking lots. Demolition permits were obtained in 2016 from the City's Building Division to demolish these structures. Currently, the lands are predominately vacant with the exception of one (1) remaining building in the process of being demolished.

Surrounding land uses include:

North:	former Veyance Technologies, residential, Hibou Conservation Area
East:	Bayside storage, McArthur Tire retreading facility, rural and agricultural lands, Kiwanis Soccer Complex
South:	Hobart Food Equipment, open space/Kenny Drain, residential, Grey County CP Rail Trail

West: East Bayshore Road (County Road), open space, Georgian Bay

The subject lands are designated 'Residential' by the City's 2006 Official Plan (OP) and are zoned 'Low Density Residential' (R3) and 'Multiple Residential' (MR), with a Holding (H) provision, and with Special Provision 14.55 by the City's Zoning By-law (2010-078, as amended). For locational 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'. A fulsome description of the property is included in Schedule 'C'.

The Proposal

The subject lands received draft plan of subdivision approval (File No. 42T-16501) from City Council on April 24, 2017 (see [Staff Report CS-17-088](#)). At that time, Council also passed Zoning By-law Amendment (ZBA) No. 19 to By-law 2010-078 which had the effect of rezoning the northwest quadrant of the lands from 'Low Density Residential' (R3), with a Holding (H) provision, to 'Multiple Residential' (MR), with a Holding (H) provision.

The approved draft plan, attached as Schedule 'D', will provide for approximately 372 residential units including a mix of single and semi-detached dwellings, street townhouses, and multiple dwellings on full municipal services, an internal road with a modified grid system and connections to East Bayshore Road, 32nd St E, and 9th Ave E.

The draft plan conditions are attached as Schedule 'E'. In accordance with draft plan condition #39, draft plan approval of the subdivision shall lapse as follows:

- a. For the first phase, five (5) years after the date of Draft Approval (**being April 24, 2022**), unless extended by the City; and,
- b. For any subsequent phases, five (5) years after the date of Final Approval of the preceding phase.

The owner, Smithcorp Realty Inc., has submitted a request, through their agent, GSP Group Inc., to extend the draft plan approval relating to the first phase. The formal written request is attached as Schedule 'F'. As noted within the request, a change in ownership structure of the lands occurred following the original approvals in 2017 which has caused a delay in the completion of the detailed design of the subdivision, ultimately preventing final approval and plan registration. Ownership structure of the lands has

been resolved and detailed design of the subdivision has recommenced, in consultation with City Staff.

Analysis:

A review of the draft plan of subdivision and related zoning by-law amendment (ZBA No. 19) was undertaken in consideration of the *Planning Act*, Provincial Policy Statement (PPS), County Official Plan, and City Official Plan at the time of consideration by City Council (see [Staff Report CS-17-088](#)). In summary, the proposed development was found to have regard for the matters of provincial interest under the *Planning Act*, be consistent with the PPS, and conform to the County and City Official Plan.

The owner of the subject lands has submitted request to the City to extend the lapsing date of the draft plan approval to proceed with the build-out of the subdivision in accordance with the existing approval. There are no modifications proposed to the draft plan, the conditions of approval, or the current zoning at this time. Should modifications be proposed in the future, they will be subject to the legislated review process as outlined in the *Planning Act*, which includes review by commenting staff and agencies, a public meeting, and final approval by City Council.

Section 51 (33) of the *Planning Act* permits Council, as the approval authority, to extend the lapsing date for the draft plan of subdivision. The length of the extension is at the discretion of the approval authority. Section 51 (44) of the Act further allows Council to withdraw the approval of a draft plan of subdivision or change the conditions of such approval at any time before final approval of the plan of subdivision is achieved. Where an approval is withdrawn or conditions are modified, notice must be provided in accordance with Section 51 (45) of the Act and Ontario Regulation 544/06, unless, in the opinion of Council, the change to the draft plan conditions are minor (Section 51(47)).

In accordance with Section 51 (33) of the *Planning Act*, Planning Staff are recommending that a three-year extension to the draft plan approval be granted for the completion of the first phase, being April 24, 2025, unless further extended by the City. For any subsequent phases, the lapsing date shall remain as five (5) years after the date of Final Approval of the preceding phase in accordance with condition #39.

Section 6.2.3.3 of the City's Official Plan states that where conditions of draft plan approval are not fulfilled within a reasonable time period, the City may not support the extension of development approval and assign the servicing allocation to other developments or areas of the City or hold the capacity in reserve. Comments received from Engineering Services note that there are no negative implications for service allocations that would impact the granting of an extension to draft plan approval for the subject lands.

Planning Staff have reviewed the conditions of draft plan approval and find that no modifications are necessary at this time. The conditions remain relevant for addressing the needs of the City and other commenting agencies including the County and the Grey Sauble Conservation Authority. Planning Staff have reordered the numbering of certain conditions and added additional subheadings to improve overall organization and readability. It is being requested that Council, as the approval authority, consider this a minor, administrative change to the conditions in accordance with Section 51(47) of the *Planning Act*, that does not require issuance of notice.

City Staff & Agency Comments

The request for draft plan extension was circulated to commenting staff and agencies on December 23, 2021. In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review and can be found attached hereto as Schedule 'G'.

City of Owen Sound Engineering & Public Works Department

Comment has been received from the Engineering Services Division with no objection to the request. The existing conditions of draft plan approval are sufficient for addressing the needs of Engineering Services.

City of Owen Sound Fire Prevention Division

Comment has been received from the City's Fire Prevention Division with no objection to the request. The provision of fire hydrants and fire routes in accordance with the Ontario Building Code and Fire Route By-law will be clarified through the detailed design of the subdivision prior to final approval and/or through subsequent Site Plan Approval applications.

County of Grey

Comment has been received from the County of Grey with no objection to the request provided that the draft plan conditions pertaining to the County Road and the County Transportation Services Department are maintained.

Enbridge Gas

Comment has been received from Enbridge Gas with no objection to the request provided that, as a condition of approval, the owner/developer provide to Union/Enbridge Gas the necessary easements and/or agreements required for the provision of gas services for the project. The provision of utility easements to the appropriate authority is a requirement of condition #13 of draft plan approval.

Canada Post

Comment has been received from Canada Post with no objection to the request subject to a number of conditions pertaining to the provision of Community Mailboxes. The provision of permanent mail delivery services, to the satisfaction of the City, is a requirement of condition #12 of draft plan approval. Clearance from Canada Post will be required prior to final approval in accordance with condition #53.

Hydro One

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

Financial Implications:

None to the City.

Communication Strategy:

Where an extension to draft plan approval is being granted and the conditions of draft approval remain unchanged, the *Planning Act* does not require that notice be provided. Planning Staff will notify the applicant of Council's decision via email.

Consultation:

The application was circulated to various City Departments and commenting agencies on December 23, 2021.

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Official Plan and Zoning Map
- Schedule 'C': Property Information
- Schedule 'D': Approved Draft Plan of Subdivision
- Schedule 'E': Draft Plan Conditions
- Schedule 'F': Extension Request dated December 20, 2021, from GSP Group Inc.
- Schedule 'G': Staff & Agency Comments

Recommended by:

Jacklyn Iezzi, BES, Junior 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 Jacklyn Iezzi, Junior Planner at planning@owensound.ca or 519-376-4440 ext. 1250.