

Staff Report

Report To: City Council
Report From: Sabine Robart, Senior Planner
Meeting Date: July 25, 2022
Report Code: CS-22-093
Subject: Technical Report respecting Zoning By-law Amendment No. 38 – 3195 East Bayshore Road

Recommendations:

THAT in consideration of Staff Report CS-22-093 respecting Zoning By-law Amendment No. 38 to permit a multi-building residential development at 3195 East Bayshore Road, City Council directs staff to continue to process the application in accordance with the *Planning Act* as outlined under next steps in the report.

Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 38) has been submitted by SkyDev Bayshore Owen Sound LP (c/o Brandon Almeida).
- The purpose of the application is to permit a multi-building residential development consisting of approximately 712 units in 8 buildings.
- The effect of the application is to amend the site-specific zone provisions applying to the subject lands to permit apartment dwellings, accessory uses such as solar collector installations, accessory beehives, and a sales/leasing office together with 2 amenity buildings.
- The pending recommendation report will assess the proposal's conformity with applicable Provincial, County and City policies.

Strategic Plan Alignment:

This is a technical report for a legislated review process under the Ontario *Planning Act*.

Previous Report/Authority:

[City of Owen Sound Official Plan \(2021\)](#)

[City of Owen Sound Zoning By-law 2010-078](#)

Background & Proposal:

A complete application for a Zoning By-law Amendment (ZBA 38) has been submitted by SkyDev Bayshore Owen Sound LP (c/o Brandon Almeida) to permit a multi-building residential development at 3195 East Bayshore.

The subject lands were previously subject to approvals for Draft Plan of Subdivision 42T-16501, OPA 5 and ZBLA 10 and have been known as the RCA Subdivision.

(In December 2021, the previous owner (Smithcorp Realty Inc.) applied to extend the draft plan approval, which was set to lapse in April 2022. Through Staff Report [CS-2022-009](#), City Council approved a draft plan extension to 2025.)

The former RCA lands are under new ownership (SkyDev). SkyDev proposes a higher density form of development on the lands consisting of approximately 712 units in 8 buildings, with amenity buildings, outdoor amenity space, and at grade parking.

The site is anticipated to be developed through Site Plan Control, subject to rezoning and removal of the holding provisions applying to the lands. Technical consent may also form part of the final development plan. The new development proposal is described fully below.

Property Description

The subject property is located at 3195 East Bayshore Rd in the City's northeast quadrant. Surrounding land uses include:

North: Former Veyance building containing light industrial uses

East: McArthur Retread Facility (Industrial), vacant industrial Kiwanis Soccer Complex

South: Kenny Drain storm water outlet, Hobart manufacturing facility

West: East Bayshore Road, small strip of publically owned shoreline with boat launch area, Georgian Bay consisting of primarily hazard lands.

The subject lands are designated 'Residential' and 'Hazard Lands' in the City's Official Plan (2021) and are subject to site-specific policies. The lands are zoned 'Low Density Residential' (R3) with Special Provision 14.55 and a Holding Provision, 'Multiple Residential' (MR) with a Holding Provision, and 'Hazard Lands' (ZH) 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 purpose of the application is to permit a residential development consisting of eight (8) six-storey apartment buildings with 89 dwelling units in each building for a total of 712 units. The proposal also includes constructing three surface parking areas, two amenity buildings, an internal road system, on-site recreational facilities, and landscaping.

The project is proposed as a purpose-built rental development. The effect of the application is to amend the zone categories and special provisions applying to the subject lands generally in accordance with the following:

Current Zoning	Proposed Zoning
<ul style="list-style-type: none">▪ Low Density Residential (R3) with Special Provision 14.55 and Holding Provision▪ Multiple Residential (MR) with Holding Provision▪ Hazard Lands (ZH)	<ul style="list-style-type: none">▪ Multi Residential (MR) with Special Provision 14.XX and a Holding Provision▪ Hazard Lands (ZH)

The application also proposes to amend the Zoning on the subject lands to permit additional accessory uses and to establish site and building regulations, including:

1. Permit accessory solar collector installations, accessory beehives, and a sales/leasing office;
2. Permit an increased maximum building height; and
3. Recognize that the development will be regarded as one lot for the purposes of zoning regulations if subject to future consent or plan of condominium applications.

Submission & Process Details

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

Submission Item Title	Submission Item Detail
Planning Justification Report, including a Concept Site Plan (Fig. 4) and Draft Amendment	Prepared by GSP Group Inc. dated June 2022
Transportation Impact and Parking Study	Prepared by Paradigm Transportation Solutions Ltd dated June 2022

The applicant engaged the City in the Pre-consultation process in May 2022. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step
June 23, 2022	Submission of complete application and fees
June 27, 2022	Letter of Complete Application to Applicant
July 4, 2022	Notice of Complete Application and Public Meeting was given to the public via posting on the subject property and mailed information to landowners within 120 m of the subject property.

Date	Step
July 25, 2022	Technical Report and Public Meeting

Technical Review:

The Planning Act and the City’s Official Plan establish criteria for evaluating an application to amend the City’s Zoning Bylaw.

In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the Planning Act.

Section 3 of the Planning Act also prescribes that the decision of Council on a planning matter shall be consistent with the policy statements issued under the Act, which includes, among others, the Provincial Policy Statement.

The City’s Official Plan (pls be sure to include any additions by county redlines) (OP 9.1.1.2) provides the City may amend the Zoning Bylaw where in the opinion of Council, sufficient justification exists. Amendments must conform to the policies of the Official Plan. When considering an amendment, the city should consider the goals, objectives, and policies of the Official Plan. Additionally, decisions should consider the compatibility with adjacent uses of land and servicing (transportation, sewer, and water).

The application is subject to review by the City’s Development Team and external commenting agencies. Public notice has been given, and public input will be included as part of the overall process.

All applicable policies, standards, and review comments will be fulsomely reviewed in the Staff Recommendation Report (anticipated to come forward at Council on September 12, 2022). The review below describes the proposal more completely and outlines the key considerations relevant to the subject application(s).

A: Planning Act and Provincial Policy Statement

In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the Planning Act.

The matters described include, among others, the protection of natural areas, supply and efficient use of water, adequate provision of transportation, sewage and water services as well as waste management, orderly development and healthy communities, accessibility for persons with

disabilities; the adequate provision of a full range of housing, including affordable housing; the protection of public health and safety; appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and oriented to pedestrians.

The 2020 Provincial Policy Statement (PPS) provides direction on matters of provincial interest and has been reviewed about the subject application. 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 on growth and development within settlement areas. It recognizes that land use must be carefully managed. Healthy, liveable and safe communities are to be sustained by promoting efficient development and land use patterns avoiding development and land use that would cause environmental or public health concerns and are to be transit supportive and meet current and future needs in the community.

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated considering existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The PPS directs development to fully serviced, designated settlement areas and requires contiguous development that efficiently uses infrastructure and public services and prepares for a changing climate.

Land use compatibility is an important consideration of the PPS, and planning ensures compatibility in accordance with provincial guidelines. The application must also demonstrate that the residential proposal, as sensitive land use, does not present a land use conflict given adjacent major facilities to be found consistent with the PPS (Sec. 1.2.6.1).

The PPS encourages opportunities for accommodating an appropriate range and mix of housing options and densities required to meet the projected requirements of current and future residents of the regional area. Residential intensification and redevelopment are encouraged where there

are appropriate levels of infrastructure and public service facilities to support development, including the redevelopment of brownfields where suitable.

Healthy and active communities are to be promoted by, among other things, ensuring streets are safe and meet the needs of pedestrians and providing for parks and public access to shorelines.

Infrastructure and public service facilities are to be provided efficiently and prepare for the impact of climate, including promoting green infrastructure. Municipal sewer and water are the preferred form of servicing for settlement areas to support the protection of the environment and minimize the risks to human health and safety.

Planning for stormwater is to be integrated with planning for sewer and water services and minimize contaminant loads, reduce erosion, prepare for the impacts of climate change and promote stormwater best practices.

The transportation system is to be safe and energy efficient and facilitate the movement of people and goods, connectivity and land use pattern, density, and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Natural heritage features are to be protected, and planning authorities are to protect, improve and restore the quality and quantity of water.

Prosperity, environmental health, and social well-being depend on reducing potential human or natural hazards risks. Sites with contaminants shall be assessed and remediated as necessary before development so there is no adverse effect.

The pending recommendation report will assess the proposal's consistency with the PPS.

B: County of Grey Official Plan

The subject property is designated 'Primary Settlement Area' in the County of Grey Official Plan (County OP). Settlement areas with full municipal services are the focus of most of the 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 in accordance with the

local Official Plan.

The pending recommendation report will assess the conforming of the proposal to the policies of the County OP.

C: City of Owen Sound Official Plan

The subject property is designated 'Residential' and 'Hazard Lands' in the 2021 Owen Sound Official Plan (OP). In 2014, the subject lands were subject to an official plan amendment. These site-specific policies have been carried forward to the City's 2021 Official Plan.

The Vision for the City in the Official Plan is to be a complete community that values the natural environment, cultural diversity, historic streetscapes, and vibrant waterfront and provides a sense of belonging. The City will plan to evolve as a center for growth, opportunity and innovation while ensuring that equity, inclusion, diversity, sustainability, resiliency, and quality of life are considered in every decision.

It is a goal of the Plan to promote and encourage the growth and development of the City through a planning framework that supports sustainability, healthy communities, planned growth and quality of life for all residents of the City and to improve, maintain and expand the City's infrastructure network, including transportation, servicing infrastructure, waste management, telecommunications, and other public utilities in order to serve residents better, businesses and visitors.

It aims to increase housing supply by identifying and promoting opportunities for intensification and redevelopment where appropriate and plan for a full range and mix of housing options in terms of dwelling types, densities and tenure.

The Residential designation permits the development of lands for residential uses, which shall be the predominant area for housing provision within the City. Permitted used in the Residential designation include various residential types and tenures in various densities and complimentary, non-residential uses such as institutional and neighbourhood commercial uses.

Lands designated Hazard are intended primarily for preserving and conserving lands in their natural state. Lands designated Hazard Lands are lands having qualities that, in combination with their location, present a risk to human safety, the potential for property damage, or have physical

limitations to development.

Lands designated Residential uses shall be developed at the following densities:

- Low density Residential - Maximum 25 units per net residential hectare
- Medium density Residential - 26 to 60 units per net residential hectare
- High density Residential - 61 to 125 units per net residential hectare

The development proposes a density of 46.3 units/ha and is classified as a medium density development. The proposed development will increase the density on the subject lands from the previous draft Plan of Subdivision approval ([CS-22-009](#) Request for Draft Plan Extension), which proposed a density of ~26 units/ha.

Residential lands are to have access to full municipal services, including water, stormwater and sanitary services.

An objective of the Official Plan is to provide for a full range of housing types and densities to meet the projected requirements of current and future residents of the regional market area.

OP policies require that density shall be allocated in residential areas in accordance with the following:

- a. Lands shall have access to hard services at sufficient capacity for the intended density.
- b. Adequate soft services such as parks, schools, emergency services, transit, and similar shall be available as required to support the intended density.
- c. Lands intended for medium and high-density uses should have direct access to collector or arterial roads and proximity to compatible land uses, including but not limited to local institutional and neighbourhood commercial uses

Further, OP policies support residential intensification (3.1.8) subject to the following criteria:

- a. The proposed development meets locational and other criteria of this Plan.*

- b. The type, size and scale of the proposed development are compatible with adjacent development and planned land use.*
- c. The existing infrastructure, including sewer and water services, can support additional development.*
- d. The existing community and recreational facilities, such as schools and parks, are adequate to meet the additional demand.*
- e. Required parking can be accommodated.*
- f. The local road network can accommodate any additional traffic.*
- g. Intensification of a heritage building or a building in a Heritage Conservation District shall be subject to the protection and preservation of the heritage character of the building or area in accordance with Heritage Conservation policies.*

The lands are subject to Site Specific Residential Policies of Section 3.1.10.3, which provides submission requirements to allow the removal of the Holding provisions. The current application is proposing to maintain the Holding provisions on the property. The property owner is working towards submitting an application to provide plans and studies required to support lifting the Holding Provision following the consideration of the proposed zoning amendment.

In order to remove the “H” provision, the submission and approval of the following are required:

- a. The completion of land use compatibility studies, such as stationary noise, dust, and odour studies at the time of any future site plan or plan of subdivision application to understand the need for specific mitigation measures, as may be required;
- b. That any future plan of subdivision or site plan application includes the submission and approval of an urban design brief to address:
 - i. overall plan design and layout; land use compatibility considerations such as the implementation of recommended mitigation measures from approved noise/dust/odour study;
 - ii. lot/building orientation and interface with existing industrial uses, built form and location of driveways;
 - iii. architectural design and control; and,
 - iv. pedestrian connections;

- c. Compliance with the Environmental Protection Act and its regulations;
- d. Archaeological Study;
- e. Servicing Studies and entering into agreements with the City with respect to the implementation of these upgrades;
- f. That those portions of the subject property located in the southwest quadrant, subject to periodic flooding, and as shown in the attached Schedule, are subject to a holding provision.

The City of Owen Sound shall not remove the "Holding" provision until such time as the flooding hazard has been removed through the regrading of the site. These works will be carried out with appropriate permits to the satisfaction of the City of Owen Sound and the Grey Sauble Conservation Authority.

The transportation network is to be designed to facilitate the safe, convenient, and reliable movement of people, goods and services between within the City and to external destinations. The subject property has access and frontage on East Bayshore Road (County Road), 32nd Street and 9th Avenue East.

Roads shall be built according to principles of proper engineering design and incorporate tree planting, landscaping, crosswalks, bicycle paths, safe pedestrian interfaces, median strips, and boulevards where appropriate. City will endeavour to promote the principles of "Living Streets". The applicant has submitted a Transportation Impact Study. The recommendation report will assess the anticipated impact of the proposed development on the City's transportation network, including roads, public transit, and active transportation modes.

New developments will be designed to be walkable and bike-friendly by including multi-use trails, sidewalks, and/or paved shoulders where appropriate to integrate with the overall complete transportation system (5.1.5).

The City shall promote health in its population by providing for and supporting a variety of public recreational uses, programs, and facilities throughout the City, accessible to people of all areas of diversity. The City will also play a leadership and partnering role in the provision of recreational services and facilities on a regional level (7.4). The City may collect

parkland conveyance through the Site Plan Control process in accordance with the Planning Act.

Planning for new developments and built-up areas should include consideration for public transit, which may include requirements for bus bays, elimination of street parking for bus stops, streets planned and designed to accommodate transit vehicles, and installation of bus shelters subject to requirements in Transit Accessibility Plan. The City shall encourage greater population densities along and near transit routes. (5.16)

Development will be permitted in areas that can be adequately serviced by municipal services, municipal water and wastewater services, stormwater management and emergency services. (5.2)

The City shall apply best management practices in dealing with stormwater management. (5.2.4)

The reports and studies will be evaluated in the recommendation report following the Public Meeting.

The pending recommendation report will assess if the proposal conforms to the policies of the City's OP.

D: City of Owen Sound Zoning By-law

The subject property is zoned 'Low Density Residential' (R3) with Special Provision 14.55 and a Holding Provision, 'Multiple Residential' (MR) with a Holding Provision and 'Hazard Lands' (ZH) in the City's Zoning By-law (2010-078, as amended).

The R3 and Special Provision 14.55 zone apply to most of the parcel, with the MR zone currently limited to the northwest corner. Special Provision 14.55 identifies the requirements to lift the Holding Provision and provides site-specific zone regulations for single detached and townhouse dwellings.

The purpose of the application is to permit a residential development consisting of eight (8) six-storey apartment buildings with 89 dwelling units in each building for a total of 712 units. The proposal also includes constructing three surface parking areas, two amenity buildings, an internal road system, on-site recreational facilities, and landscaping.

The effect of the application is to amend the zone categories and special provisions applying to the subject lands generally in accordance with the following:

Current Zoning	Proposed Zoning
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The application also proposes to amend the Zoning on the subject lands to permit other accessory uses and to establish site and building regulations, including:

1. Permit accessory solar collector installations, accessory beehives, and a sales/leasing office;
2. Permit an increased maximum building height; and
3. Recognize that the development will be regarded as one lot for the purposes of zoning regulations if subject to future consent or plan of condominium applications.

The recommendation report following the Public Meeting will assess the merits of the proposed rezoning, if the proposal meets the purpose and intent of the City’s Zoning By-law, and if the residential redevelopment concept will meet the other site and building regulations as it is presented. metrics are compliant.

Next Steps:

In accordance with the *Planning Act* and City protocols for processing Planning Act Applications, the following outlines the next steps in the process:

Anticipated Date	Step
September 12, 2022	Recommendation Report to Council
September 26, 2022	Enacting By-laws to Council
September 28, 2022	Notice of Decision Given (anticipated)
October 18, 2022	End of Appeal Period (anticipated)

Financial Implications

The City will use the tools provided under the Planning Act to ensure that appropriate contributions are made toward, but not limited to:

- Infrastructure improvements, including water, sanitary and storm;
- Transportation improvements;
- Contribution to future parkland, trail development, and pedestrian connectivity along East Bayshore Road.

At the writing of this report, the proponent indicated that all 719 units would be purpose-built rentals. Therefore, the development may be eligible for Development Charges exemptions of \$3.5 million under the provisions of the current by-law 2020-112.

Communication Strategy:

Notice of Complete Application was given as required by the *Planning Act*.

Consultation:

In addition to the public notice, the Planning Division also sent a request for comments to the City's Development Team and external commenting agencies, further detailing the nature of the applications.

All comments will be considered as part of the Staff Recommendation Report.

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Official Plan and Zoning Map
- Schedule 'C': Property Details
- Schedule 'D': Concept Plan
- Schedule 'E': Draft Amendment

Recommended by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Senior Planner
Amy Cann, M. PL. MCIP, RPP, Manager of Planning & Heritage
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Submission approved by:

Tim Simmonds, City Manager

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