

Staff Report

Report To: City Council
Report From: Sabine Robart, Senior Planner
Meeting Date: November 7, 2022
Report Code: CS-22-142
Subject: Technical Report for Zoning By-law Amendment No. 40 –
740 10th Street West

Recommendations:

THAT in consideration of Staff Report CS-22-142 respecting Zoning By-law Amendment No. 40 to permit an eight-unit stacked cluster townhouse development at 740 10th Street West, 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 40) was submitted by 740 10th Street (OS) Inc. through Van Harten Surveying (Jeff Buisman).
- The purpose of the application is to permit an eight-unit stacked cluster townhouse development on the subject lands.
- The effect of the application is to add site-specific zone provisions applying to the subject lands to add 'Dwelling, Stacked Cluster Townhouse' as a permitted use, add a definition of 'Dwelling, Stacked Cluster Townhouse' and allow a reduced minimum 'Lot Frontage' of 24 meters and a reduced minimum 'Lot Area' (total development parcel) of 1,347 square meters.
- 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*. Assessment of the subject application's alignment with the City's Strategic Plan will be conducted in the recommendation report to follow.

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 40) has been submitted by 740 10th Street (OS) Inc. through Van Harten Surveying (Jeff Buisman) for an eight-unit stacked cluster townhouse development at 740 10th Street West.

Property Description

The subject property is located at 740 10th Street West in the City's northwest quadrant on the north side of 10th Street West, west of 7th Ave W, with 24 m of frontage and a depth of 58 m. The total site area is 1,347 square metres. The property is currently vacant and is relatively flat, with some existing trees on the property. Surrounding land uses include:

North: existing City lane (including a hydro utility infrastructure) and residential uses fronting 11th St W

East: residential abutting 7th Ave W and further east commercial (Tim Horton's)

South: commercial uses fronting onto 10th St W.

West: residential & commercial plazas on both sides of 10th St W

The subject lands are designated 'West City Commercial' in the City's Official Plan (2006) and are zoned 'Retail Commercial' (C2) 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 an eight-unit stacked cluster townhouse development on the subject lands.

The effect of the application is to add site-specific zone provisions applying to the subject lands to add 'Dwelling, Stacked Cluster Townhouse' as a permitted use and permit a reduced minimum 'Lot Frontage' of 24 metres (where 25 metres are required) and a reduced minimum 'Lot Area' (total development parcel) of 1,347 square metres (where 1600 square metres are required).

Vehicle access to the site subject lands is from 10th Street West, and ten (10) onsite parking spaces are provided.

The proposed stacked townhouse will have four (4) units on the lower level and four (4) units on the second level and be divided horizontally and vertically. Each unit has a separate exterior entrance that accesses a specific unit. Currently, the site permits an apartment. Given that the proposed dwelling type is a townhouse type not currently permitted in zoning, it is proposed that this use be added and defined as a permitted use with the site-specific site and building regulations.

Site Plan Approval (ST2022-003)

The applicant has submitted an application for Site Plan Approval (ST2022-003) and is being reviewed concurrently by staff and commenting agencies. A recommendation report and conditions of approval are being prepared for consideration by staff under the delegation by-law.

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 and Draft Zoning By-law Amendment | Prepared by JL Cox Planning Consultants, dated September 8, 2022 |

| Submission Item Title | Submission Item Detail |
|------------------------------|---|
| Site Plan | Prepared by Van Harten Surveying Inc., dated September 08, 2022 |

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

| Date | Step | Days |
|--------------------|--|-------------|
| September 14, 2022 | Submission of complete application and fees | 1 |
| October 04, 2022 | Letter of Complete Application to the applicant Request for Comments from City staff and external agencies | 21 |
| October 14, 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. | 31 |
| November 07, 2022 | Technical Report & Public Meeting | 55 |

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 (OP 9.1.1.2) provides that 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 December 12, 2022). This report is intended to describe the proposed Zoning By-law Amendment and outline the key policy considerations relevant to the evaluation of the subject application.

A: 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. Municipal decisions on planning matters are required to be consistent with the PPS.

The PPS supports a comprehensive, integrated, and long-term approach to planning and recognizes linkages among policy areas. The PPS is to be read in its entirety and relevant policies applied to each situation. When more than one policy is relevant, decision makers must consider all relevant policies and how they work together. The following PPS policies are highlighted concerning this application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities, and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed.*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 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 taking into account 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.

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

1.6.6 Sewage, Water and Stormwater

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within

settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and reuse, water conservation and efficiency, and low impact development.*

1.6.7 Transportation Systems

1.6.7.4 A land use pattern, density and mix of uses should be promoted to minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

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 (2021)

The subject property is designated 'West City Commercial' in the 2021 Owen Sound Official Plan (OP).

The following Official Plan policies apply to the application and will form the basis of analysis of the application in terms of conformity with the Official Plan and will be the basis of the coming recommendation report:

Vision and Goals

Section 2.1 Vision states that Owen Sound 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 centre for growth, opportunity and innovation while ensuring that equity, inclusion, diversity, sustainability, resiliency, and quality of life are considered in every decision.*

Section 2.2 Goals and Objectives

Section 2.2.4 Managing Growth

Goal:

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.

Objectives:

b. To accommodate the population and development anticipated for the City within the planning period in a sustainable, compact urban form and to avoid land use patterns that may cause environmental or public health and safety concerns or promote non-compatible land uses.

d. 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.

Section 2.2.7 Urban Design

Goal:

To facilitate 'experiencing the City' by recognizing the exceptional natural setting, maintaining the built heritage of the City, protecting significant natural features, establishing complete communities and ensuring quality urban design.

Section 2.2.8 Infrastructure

To improve, maintain and expand the City's infrastructure network, including transportation, servicing infrastructure, waste management, telecommunications, and other public utilities in order to better serve residents, businesses and visitors.

West City Commercial

The West City Commercial designation connects the commercial development on the Sunset Strip in Georgian Bluffs to the River District. It is the main entrance to the City from the west and north and is an essential aspect to the City's image.

Permitted uses in the West City designation include a wide variety of small commercial uses, professional and medical offices, and clinics, as well as non-commercial uses such as medium density housing, congregate housing, churches and other institutional uses.

OP policies require that any development within the City conform to the Transportation (Section 5.1), Municipal Services (Section 5.2) and Urban Design (Section 8.0) policies.

Transportation

5.1 The City's transportation network is designed to facilitate the safe, convenient and reliable movement of people, goods and services between within the City and to external destinations. Ensuring the future of the transportation network requires an emphasis on managing travel in order to reduce reliance on the automobile in favour of transit and active transportation.

5.1.1.11 Where development is proposed the City may require a comprehensive traffic analysis to assess impacts on the area.

The subject property is located on 10th Street West which is shown as a 'Major Arterial' Road in accordance with Schedule 'C' Transportation Plan of the Official Plan. In this situation, a Traffic Impact Study was not required as the development does not meet the minimum requirements under the City's Site Development Engineering Standards.

5.1.3.6 Road access points shall be designed to the satisfaction of the City in locations that will not create a hazard due to poor sight lines or other geometric, transportation or land use planning consideration. Shared vehicular entrances are encouraged for commercial and industrial uses located on arterial and collector streets.

5.1.3.13 Arterial Roads

Arterial roads shown on Schedule 'C' – Transportation are the main traffic routes through the City that are intended to carry large volumes of traffic from Provincial Highways and other County roads to the collector road system to destinations within or beyond the City.

d) The City shall approve access from abutting properties to arterial roads.

5.1.4 Parking

5.1.4.3 All new development and redevelopment including the reuse of existing buildings shall be required to provide adequate off street parking and loading spaces in accordance with the standards established in the Zoning By-law. Access and egress to all off-street parking or loading spaces shall be limited and designed to minimize vehicular and pedestrian traffic danger.

Detailed parking design policies (Section 5.1.4.8 -5.1.4.12) are applicable to the site design process and evaluated through the Site Plan Approval process.

5.1.5 Active Transportation

5.1.5.1 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.

5.1.6 Public Transit

5.1.6.1 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, installation of bus shelters subject to requirements in Transit Accessibility Plan. The City shall encourage greater population densities along and in the vicinity of transit routes.

9.3.4.5 As a condition to the approval of plans for lands under a site plan control by-law the County may require the dedication of lands for the widening of the County roads where such lands abut a County road and the City may require the dedication of lands for the widening of highways which such lands abut the following streets:

a. 10th Street West, west of 6th Avenue West to 9th Avenue West (City limits) by acquiring approximately three meters from lands along each side of 10th Street West between 6th Avenue West and the City limits.

Engineering Services has requested a three (3) metre road widening as part of the Site Plan Approval Process.

Municipal Services

5.2 Municipal Services

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

5.2.1.4 The City may require an analysis by a qualified professional of the capacity, availability and appropriateness of any municipal service, including a stormwater management plan as a condition of reviewing any development proposal.

5.2.2.3 Priority shall be given to the development of land that is presently serviced by municipal piped water and sewer systems or those areas that can most easily be serviced.

5.2.2.4 Infilling vacant areas already provided with full municipal services is encouraged and shall be a criterion when evaluating proposed subdivision plans and consents, with respect to the extension of services or utilities.

5.2.4 1 Stormwater should be managed onsite where practical minimizing stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. No new development shall have a negative impact on the drainage characteristics of adjacent land.

5.2.4.2 Stormwater management facilities shall be designed to manage stormwater quality and quantity, at an appropriate level as determined in consultation with the Grey Sauble Conservation Authority.

Water, sanitary sewer, and stormwater services are available in the 10th St W road allowance. A Functional Servicing Feasibility Study and Stormwater Management Report were provided in support of the application. These studies will be reviewed in detail through the Site Plan Approval process, and Engineering Services will provide a summary of the analysis for the ZBA recommendation report.

Environment

6.1.3 Urban Forest

6.1.3.5 Where new development is proposed, consideration shall be given to locations of existing trees in the preparation of the site plan, and to the retention of as many existing trees as possible, subject to other appropriate design considerations.

6.1.9.1. Water Quality and Conservation

6.1.9.1 The City will protect and/or restore the quality and quantity of water by:

f) Ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.

7.4.2 Park Provision

7.4.2.1 In order to ensure that an appropriate amount of public parkland is available within the community, and with the understanding that the developed nature of the City may not always allow it, the City will try to achieve the minimum standards in accordance with Section 3.11.3.2.

Urban Design

The OP's Urban Design policies (Section 8.0) establish the general design vision for the City and establish design criteria for the City to evaluate new development proposals in accordance with the provisions of the Planning Act and Council direction. The following are applicable to the application and will form the basis of the coming recommendation report:

8.3.1.3 The City will consider higher standards for permitted uses and the design of buildings and streetscapes along the main arterial streets. Design guidelines should be developed for uses fronting on these arterial streets, with appropriate building setbacks and points of access.

8.3.2.4 The City will promote public and private development that provides a comfortable, human scale environment, supports social interaction, and addresses the issues of year-round use.

8.6.1.1 The City will seek to achieve well-coordinated and designed streetscapes throughout the City, particularly in the commercial areas and along arterial roads. They should provide comfortable pedestrian environments, safe vehicular movement, reinforce the desired or established character of the area and, where appropriate, incorporate trees for shade.

8.6.6.1 Where off-street parking is required, the City may develop and enforce design criteria and guidelines to provide for:

- a. Safe vehicular access.*
- b. Pedestrian safety, convenience and accessibility.*
- c. Adequate lighting, signage and landscaping.*
- d. Controlled visual impact by appropriate location on the site.*

8.6.6.2 Parking should be located in a manner appropriate to the size of the site, the optimum relationship of the building to the street and convenient access for users as described in Section 8.6.

8.6.6.3 Access points should be clearly visible and distinguishable, limited in number and designed to minimize hazards to pedestrian and motor traffic in the immediate area. The City may require consolidation of adjacent parking areas to provide appropriate spacing of access points on arterial roads.

8.6.6.4 Pedestrians should have a safe, well-lit, clear route from vehicle to building at all times of the year. Safe, comfortable, accessible and barrier-free pedestrian points of access should be frequent and easily identified with clear directional signage. Larger developments should provide sitting areas for pedestrians awaiting pick-up.

8.6.6.5 Parking areas are to be adequately landscaped in accordance with urban design guidelines. Parking areas should maintain distinct street edges through appropriate landscaping or structures.

8.6.10.1 Landscaping shall be designed to enhance the presence of each building and used as a major visual element to unify the proposed building, streetscape and surrounding environment.

8.6.10.2 Landscaping design shall utilize a diversity of plant material that are appropriate for the site conditions in all seasons, including a focus on native plant material where appropriate, and avoid the use of invasive species in accordance with City policies and guidelines.

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 'Retail Commercial' (C2) in the City's Zoning By-law (2010-078, as amended).

Implementing the intent of the City's OP, which permits, among other uses medium density forms of housing, the C2 zone permits residential uses in the form of converted dwellings ('Dwelling, Converted') and apartment buildings ('Dwelling, Apartment').

The Zoning By-law Amendment proposes to add a "stacked cluster townhouse" as a permitted use in the C2 zone.

Although the proposed built form will resemble an apartment building, it is technically defined as a stacked cluster townhouse, as each unit will be accessed from an individual at-grade entrance. A 'Dwelling, Townhouse' is not permitted use in the C2 zone.

The application is also requesting site-specific zone provisions applying to the subject lands to add "Stacked Cluster Townhouse" as a permitted use together with a definition and permit a reduced minimum 'Lot Frontage' of 24 meters where 25 metres are required and a reduced minimum 'Lot Area' (total development parcel) of 1,347 square metres where 1,600 metres are required.

The recommendation report following the Public Meeting will assess the merits of the proposed rezoning and if the proposal meets the purpose and intent of the City's Zoning By-law.

E: Site Plan Control Matters

The proposed development is subject to Site Plan Control in accordance with Section 41 of the *Planning Act* and City By-law 2019-185.

A separate recommendation report to the approval authority will assess how the proposal meets the requirements of the City's Official Plan and Zoning By-law and what conditions of approval should be applied.

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 | Days |
|-------------------------|--|-------------|
| December 12, 2022 | Recommendation Report and enacting by-law to Council | 90 |

(Note: Under Bill 109 and amendments to the Planning Act, Council is required to decide within 90 days after receipt of the application.)

Financial Implications:

None at this time.

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': Planning Policy

Schedule 'C': Property Summary

Schedule 'D': Concept Plan
Schedule 'E': Draft Amendment

Recommended by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Senior Planner
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, Senior Planner at srobart@owensound.ca or 519-376-4440 ext. 1236.