

Agency and Public Comments

- 1) Bell Canada – December 12, 2022
- 2) Historic Saugeen Métis Lands, Resources and Consultation Department – December 13, 2022
- 3) Engineering Services Staff Report – December 21, 2022
- 4) Grey County Planning & Development – December 22, 2022
- 5) Saugeen Ojibway Nation's Environment Office – January 9, 2023
- 6) Bluewater District School Board – January 24, 2023
- 7) Grey Sauble Conservation Authority – January 24, 2023
- 8) Parente, Borean LLP on behalf of Villarboit (Owen Sound) Holdings LP and Heritage Grove Centre Inc. – January 25, 2023

From: [CA - Circulations](#)
To: [Sabine Robart](#)
Subject: RE: Request for Comment - ZBA 44 at 2275 16th Street East (Telfer Creek Square)
Date: December 12, 2022 1:39:39 PM
Importance: Low

Thank you for your circulation on Request for Comment - ZBA 44 at 2275 16th Street East (Telfer Creek Square) . Your email has been received and relayed to Bell staff for review. The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure. Bell Canada also appreciates the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments/input be required on the information included in the circulation. Bell Canada kindly requests to always be circulated at CA.Circulations@wsp.com on any future materials related to this development project or infrastructure/policy initiative.

Development Application Circulations

Please note that Bell Canada does not generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

Infrastructure and Policy Initiative Circulations

If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure/policy initiative circulation received at this time.

If you have any other specific questions, please contact planninganddevelopment@bell.ca directly.

Please note that this circulations email account is managed by WSP on behalf of Bell Canada. All reviews and responses are always undertaken by Bell Canada.



wsp.com

From: [Coordinator LRC HSM](#)
To: [OS Planning](#)
Subject: Request for Comments - Owen Sound (Teller Creek Square) - Proposed Zoning By-Law Amendment
Date: December 13, 2022 10:15:20 AM

Owen Sound Municipality

RE: ZBA-44

The Historic Saugeen Métis (HSM) Lands, Resources and Consultation Department has reviewed proposed Zoning By-Law Amendment ZBA-44. HSM generally does not support development or encroachment within areas designated as Environmental Protection and Hazard Lands. HSM acknowledges that the Grey Sauble Conservation Authority regulates development or encroachment in areas designated as Shoreline, Environmental Protection and Hazard.

Thank you for the opportunity to review this matter.

Regards,

Chris Hachey

Coordinator, Lands, Resources & Consultation
Historic Saugeen Métis
email: hsmlrcc@bmts.com
phone: 519-483-4000
site: saugeenmetis.com
address: 204 High Street Southampton, ON

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Staff Report

Engineering Services Division

DATE: 2022 December 21

ENG. FILE: 2275 16th Street East

ROLL NO.: 4259 04006 014000

TO: Sabine Robart, Planner
Pam Coulter, Director of Community Services

FROM: Dana Goetz, C.E.T., Engineering Technologist

SUBJECT: ZONING BY-LAW AMENDMENT ENGINEERING REVIEW
2275 16TH STREET EAST ENGINEERING REVIEW

Applicant: Sydenham Square Inc.

PLANNING FILES: ZBA 44

LEGAL DESCRIPTION: RANGE 5 EGR PT PARK LOTS 9 AND 10

RECOMMENDATION: The Public Works & Engineering Department supports approval of this Zoning By-law Amendment Application.

BACKGROUND:

The applicant, Sydenham Square Inc. (Muzammil Dewan) through Ron Davidson Land Use Planning, has submitted application for a Zoning By-law Amendment to the City's Zoning By-law 2010-078, as amended for 2275 16th Street East.

- The purpose of the application is to permit a mixed-use development which includes three multi unit commercial buildings, two single purpose commercial buildings and three 3-storey (40 unit) multi-unit residential buildings with a total of 120 residential units. The proposal includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system. The development is proposed to be accessed via an extension of 22nd Ave E south of 16th St E.
- 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 Zone	Proposed Zone
<ul style="list-style-type: none">• Rural (RUR)• Hazard Lands (ZH)	<ul style="list-style-type: none">• Retail Commercial Holding with Special Provisions (C2(H)14.XXX)

The proposed special provisions will address Section 3.5.2.5 East City Commercial – General Policies of the City's Official Plan (2021), among other matters.

ANALYSIS:

The City has the service capacity available in this area to support the ZBA.

The site access will be provided by the abutting landowners from an improved municipal street.

Prepared By: Dana Goetz, C.E.T.



Reviewed By: Chris Webb, P.Eng.



From: planning@grey.ca
To: Briana Bloomfield; Desiree van Dijk; OS Planning
Subject: County comments for ZBA 44 - 2275 16th St E (Telfer Creek Square)
Date: December 22, 2022 4:27:12 PM

County comments for ZBA 44 - 2275 16th St E (Telfer Creek Square)

Hello Owen Sound,

Please note that County Staff have reviewed Zoning application ZBA 44 - 2275 16th St E (Telfer Creek Square) - Sydenham Square Inc. The subject proposal seeks zoning approval for a mixed use development, including five single-storey commercial buildings, and three 3-storey residential buildings (120 units total). A number of studies have been circulated to support and inform the proposed development, including a Planning Justification Report, Servicing Study, Stormwater Management Plan, Urban Design Study, Archaeological Assessment, Transportation Impact Study, Solar Study, Hydrogeological Study, Geotechnical Investigation and Floodplain Analysis.

It is noted that the Planning Justification Report indicates that an Environmental Impact Study was completed to support the development, but the EIS has not yet been circulated to County staff for review.

Of the studies received, County staff find them generally comprehensive and acceptable. County Transportation Services staff have reviewed the completed TIS and have indicated no concerns.

Previous County comments, dated August 17, 2020 were provided on an earlier proposal at the pre-circulation stage. These comments are generally still of relevance to the subject application and be found here: <https://docs.grey.ca/share/public?nodeRef=workspace://SpacesStore/996b7383-68df-4cba-b071-47a270b6cc8e>

County staff are pleased to see a mixed-use development that facilitates opportunities for people to live where they work, with access to business services in walking distance. The Urban Design Study provides a comprehensive assessment to demonstrate how the proposed development would align with the design criteria of the City's Official Plan. The County recognises the efforts that have been made to reduce sprawling parking areas through landscaped buffering between lots, and the use of some underground parking to service the residential uses. These design features contribute to the County's climate change action strategy, which encourages shaded parking areas to reduce the urban 'heat island' effect. Mixed-use development also contributes to the goals of the County's Age Friendly Community Strategy, which recognises the need for housing that facilitates 'aging in place' for older adults.

Regarding the placement of buildings, staff would note that one of the residential

buildings appears to be positioned quite close to 16th Street East, a 'Highway Connecting Link,' in Appendix D of the County's Official Plan. Staff would kindly inquire whether there has been any discussion (including any comments received from MTO) around noise mitigation measures and/or further study, to ensure that future residents of this building would not be unduly impacted by noise from 16th Street East.

The subject property is situated adjacent to the County's Rail Trail. The County's Forest and Trails department has provided the following comments:

No drainage should be diverted toward the trail. Additionally, if the proponent is considering a trail access point from the subject lands to the trail, this needs to be reviewed and approved by the County.

If the proponent and/or the City would like to discuss trail access across the subject lands, County staff are open to this conversation. While County staff would generally prefer trail access to be taken at designated public street crossings, a sidewalk connection along the frontage of this property may be problematic due to steep embankments along 16th Street East. That said, a trail connection to this area of the City could increase the potential for the trail to be used for general commuting to businesses along 16th Street East.

County staff have no further comments at this time.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Becky Hillyer

010129 Highway 6,
Georgian Bluffs, ON
N0H 2T0
(519) 534-5507
saugeenojibwaynation.ca



January 09, 2023

To

PLANNING OF OWEN SOUND / COUNTY OF GREY

Re. Saugeen Ojibway Nation conditions for 2275 16th Street East, Owen Sound, County of Grey proposed subdivision development.

This letter is addressed to the County of Grey, regarding the duty to consult and accommodate SON regarding a proposed approval of a plan of subdivision.

Sydenham Square Inc. % Muzzammill Dewan (the Proponent) has proposed to develop five commercial buildings (multi unit plazas) and three residential apartment buildings referred to as 2275 16th Street East (the Project) at 2275 16th Street East.

Saugeen First Nation and Chippewas of Nawash Unceded First Nation, collectively known as the Saugeen Ojibway Nation (SON) are concerned about the ongoing impacts of residential and commercial development and associated infrastructure in SON Territory. SON Territory (see enclosed map) includes the lands of the Saugeen (Bruce) Peninsula and approximately 1.5 million acres of land south of the Peninsula, as well as the surrounding waters. This is a finite landscape shared by many different forms of life that are inextricable from SON's rights, culture, ways of life, and the health of the lands and waters. SON has an inherent responsibility to protect and steward its Territory. Over the last century, residential, commercial, tourism, agricultural and infrastructure development has proceeded in SON Territory without SON's input, adequate consultation or SON's free, prior and informed consent.

The proposed development of five commercial buildings and three residential apartment buildings will have an impact on SON's rights, interests and its Territory by reducing the extent of natural habitat available to many wildlife species, including species of cultural importance. These include White-tailed Deer, which have been documented on the subject lands and which undoubtedly use the natural habitat within the subject lands and along the adjacent rail trail to the north and south as a movement corridor and feeding area.

This pattern of development cannot continue; the law requires that SON be meaningfully consulted and accommodated, before any further development is approved. Development that occurs within SON Territory cannot negatively impact SON rights and interests, which include a healthy environment. SON's Aboriginal and treaty rights, exercised by its members throughout SON's Territory, are protected by Section 35 of Canada's Constitution (Canada's highest law). This protection triggers the need for consultation and accommodation with SON whenever a development or activity is considered that could potentially harm SON's rights.

In most parts of SON Territory, well over 50% of natural lands have been significantly altered. The pressures of development are ongoing and increasing. Impacts occur at the scale of each individual project as well as on a cumulative scale. The conversion of forests, wetlands, grasslands and other natural habitats into developed lands (e.g., subdivisions, roads, utility corridors and other built environments) has led to significant impacts on healthy ecological functions (e.g., loss of habitat connectivity and biodiversity; declines in populations of plants and animals that are culturally important to SON; reduced carbon sequestration and ecological resilience in the face of climate change; introduction of invasive species) as well as impacts to fish habitat (e.g., due to shoreline alteration), surface water and groundwater quality and quantity (which can occur as a result of stormwater management and the infrastructure required for drinking water and sewage management). The combinations of these land and water related impacts are a major concern for SON, given the cumulative effects of multiple developments in a given area that typically occur over time. SON's uses of and relationships with its lands and waters since time immemorial are impacted, as are, by extension, SON's rights, interests, and responsibilities.

A significant proportion of lands along the recreational trail (along the decommissioned railroad) that intersects with the eastern edge of the subject lands are naturally vegetated, or are naturalizing, forming a corridor of woodlots, hedgerows, wetlands and meadows extending for more than 25 km from west of Chatsworth to Georgian Bay at the Hibou Beach. Maintaining and expanding greenspace along this natural corridor, rather than developing it, would contribute to a healthier regional natural heritage system, providing benefits not only to wildlife, but to the mental, physical and spiritual health of current and future generations of the residents of Owen Sound and environs, as well as for the SON communities.

Through its Environment Office, SON has participated in some consultation with Sydenham Square Inc. % Muzzammil Dewan on 2275 16th Street East. As an outcome of that consultation, SON has identified concerns relating to the loss of forest cover in the area, limiting wildlife habitat and movement corridors in a part of SON Territory that has already undergone immense alteration to agricultural and residential uses.

Certain conditions must be met and/or implemented prior to any proposed activity or construction proceeding. SON expects the following accommodations to be incorporated into the conditions for the approval of a plan of subdivision (as per section 51 subsection 25 of the Ontario Planning Act) or to be incorporated into an agreement between the municipality and the proponent imposed as a condition to the approval of a plan of subdivision (as per section 51 subsection 26 of the Ontario Planning Act), depending on which is more appropriate for each. SON requires the opportunity to review and verify that this is complete prior to withdrawing its objection to the Project.

Accommodation expectations of SON regarding the Project:

1. Proponent to landscape with trees, shrubs and wildflowers that are native to SON Territory, and to provide SON with a complete list of species to be planted prior to landscaping activities (SON may be able to provide guidance on species selection).
2. Proponent to install signage at trailheads leading to the rail trail from the development to educate local residents about:
 - a. SON Territory, SON history in the area, and SON values, rights and responsibilities to the land.
 - b. Impacts of off-leash pets, invasive species, garden encroachment, and disposal of litter and compost in natural areas.
 - c. The benefits of gardening with native plants.

Regardless of the above conditions being met, SON continues to have concerns about the cumulative impacts of building developments in SON Territory, especially where natural habitat is being developed. There needs to be a process in place between the County, Municipalities, and SON to address cumulative impacts in SON Territory at the earliest stages of planning. We look forward to these conversations.

Please note, SON is especially concerned about development close to current shorelines. SON does not support the development of any currently undeveloped shorelines in SON Territory for residential or other uses.

From here, SON expects PLANNING OF OWEN SOUND / COUNTY OF GREY to follow up regarding appropriate mechanisms to implement each of the above accommodations to ensure long term enforceability.

Miigwetch,

A handwritten signature in blue ink, appearing to read "Juanita Meebis".

Acting Associate of Resources and Infrastructure,
Environment Office of the Saugeen Ojibway Nation

Cc'd: Sydenham Square Inc. % Muzzammill Dewan



Bluewater District School Board

P.O. Box 190, 351 1st Avenue North
Chesley, Ontario N0G 1L0
Telephone: (519) 363-2014 Fax: (519) 370-2909
www.bwdsb.on.ca

January 24, 2023

Sabine Robart, Senior Planner
City of Owen Sound
808 2nd Avenue East
Owen Sound, ON N4K 2H4

RE: ZBA No.44
2275 16th Street East, Owen Sound (Telfer Creek Square)

Attention: Sabine Robart,

Thank you for circulating notification with respect to a Zoning By-Law Amendment application to amend the City's Zoning By-law 2010-078 to permit a mixed-use development which includes three multi-unit commercial buildings, two single purpose commercial buildings and three 3-storey (40 unit) multi-unit residential buildings with a total of 120 residential units.

Bluewater District School Board (BWDSB) has no objection to this development. Planning staff request that urban standards such as sidewalks be included throughout the proposed development to facilitate heavy foot traffic areas and promote walkability. BWDSB requests the following conditions be included as part of Site Plan approval:

1. "That the owner(s) agree in the Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school operated by Bluewater District School Board may be accommodated in temporary facilities; including but not limited to a portable classroom, a "holding school", or directing students to an alternative attendance boundary."
2. "That the owner(s) shall agree in the Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that student busing is at discretion of the Student Transportation Service Consortium of Grey-Bruce."
3. "That the owners(s) agree in the Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce."

Please provide BWDSB with a copy of the Notice of Decision, including a copy of the Site Plan approved conditions for our files. Once the Agreement has been registered, please provide BWDSB with a copy of the registered Agreement in electronic format. Once the Plan has been registered, please provide BWDSB with a copy of the registered Site Plan in electronic format.

Please do not hesitate to contact us if you have any questions, concerns or for more information.

Sincerely,
Shelley Crummer, Business Analyst

c.c.: Rob Cummings, Superintendent of Business Services
Dennis Dick, Manager of Plant Services

January 24, 2023

GSCA File: P22682

City of Owen Sound
808 2nd Ave E
Owen Sound, ON
N4K 2H4

Sent via email: osplanning@owensound.ca

Re: Zoning By-law Amendment (ZBA 44, Telfer Creek Square)
Address: 2275 16th Street East
Roll No: 425904006014000
City of Owen Sound

Grey Sauble Conservation Authority (GSCA) has reviewed the subject application in accordance with our mandate and policies for Natural Hazards and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal

The purpose of the application is to permit a mixed-use development which includes three multi unit commercial buildings, two single purpose commercial buildings and three 3-storey (40 unit) multi-unit residential buildings with a total of 120 residential units. The proposal includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system. The applicant is seeking to amend the City's Zoning By-law to enable this development, from Rural (RUR) and Hazard Lands (ZH) zone to a Retail Commercial Holding with Special Provisions zone.

GSCA Regulations

A portion of the subject property is regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The regulated area is associated with the unnamed tributary of Bothwell's creek. The regulated area is generally indicated on the attached map.

Under this regulation a permit is required from this office prior to the construction, reconstruction, erection or placing of a building or structure of any kind; any change to a building or structure that would have the effect of altering the use or potential use of the building or structures, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure; site grading; or, the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere, if occurring within the regulated area. Also, a permit is required for interference with a wetland, and/or the straightening, changing, diverting or in any way interfering with an existing channel of a river, lake, creek stream or watercourse.

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

Provincial Policy Statement 2020

3.1 Natural Hazards

Natural Hazards on the subject property include the flooding and erosion potential of the unamended tributary of Bothwell's creek which flows northeast. GSCA staff have reviewed a Floodplain Analysis Report prepared by GM BluePlan in support of the application (March 2021). We are generally in support of the findings which have delineated a new flood limit under a Regional Storm event. The application proposes a cut and fill of 40m³ which would straighten the edges of the flood limit to facilitate development. The Report details that this fill is minor in overall volume and has been designed to result in equal volumes being displaced at the same elevations and will result in no impact to the floodlines. As such, we accept the proposed "Post Development Floodline" as indicated on the Servicing and Grading drawings. We note that the Request for Comments and Planning Report did not explicitly refer to changes in the Hazard Lands (ZH) zone on the subject property. However, according to our in-office mapping the "Post Development Floodline" represents a slight increase in the extent of the currently mapped hazard. As such, we recommend the City's Zoning By-law be amended to match the findings of the Floodplain Analysis, as indicated on the attached mapping.

Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan

The subject property is not located within an area that is subject to the Source Protection Plan.

Recommendations

The GSCA recommends that the "Post Development Floodline" as indicated on the provided Floodplain Analysis Report be adopted as the limit of the Hazard Lands (ZH) zone on the subject property. The proposed cut and fill should be carried out prior to any buildings being constructed. We recommend that this requirement be implemented through a holding provision or through the Site Plan Control/Draft Plan of Condominium process that is anticipated to follow the Zoning By-law Amendment. The proposed cut and fill will require a permit from our office.

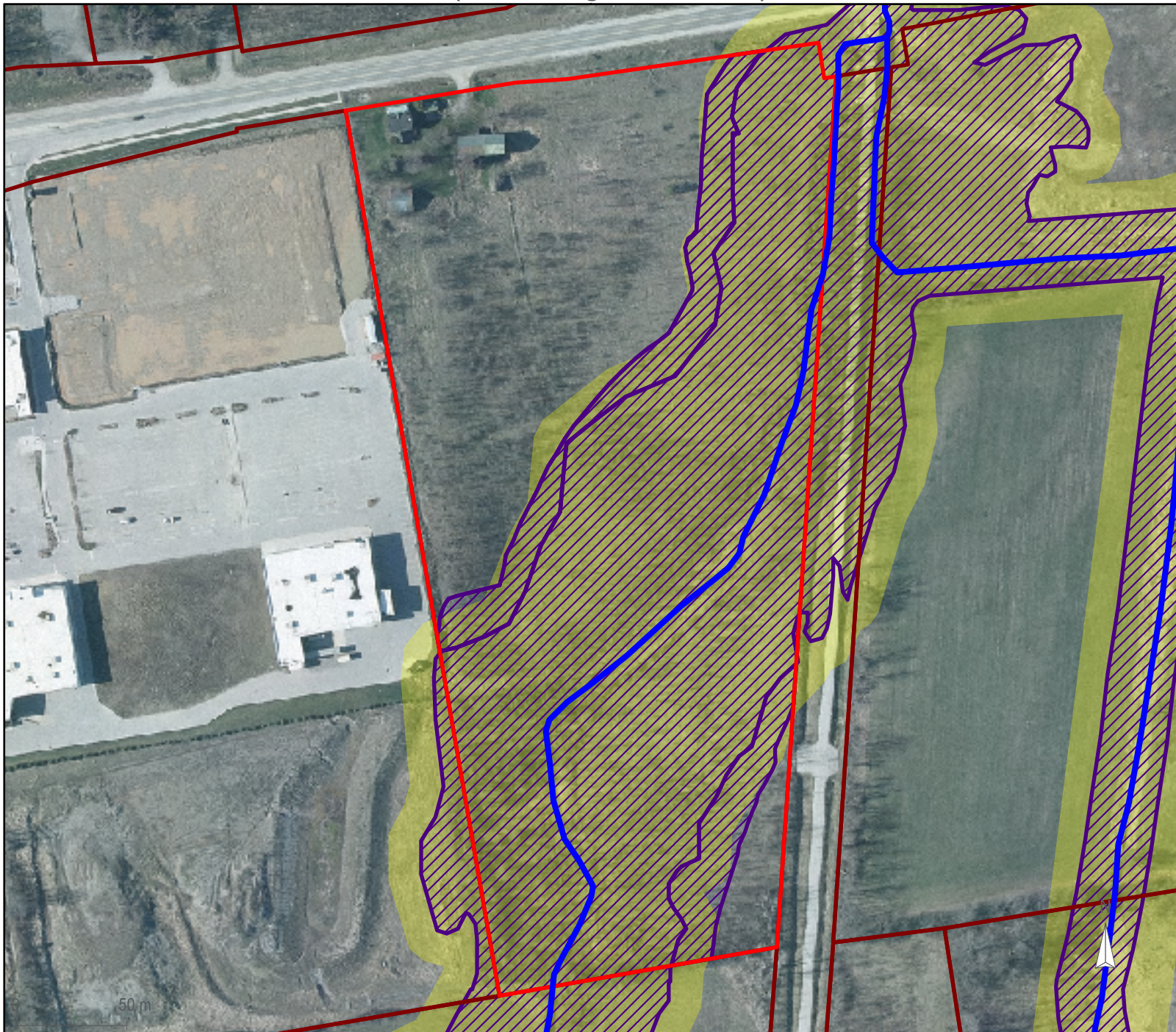
Regards,








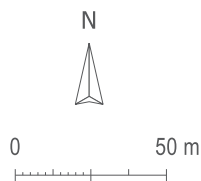
Jake Bousfield-Bastedo, Watershed Planner

c.c. Scott Greig, GSCA Director, City of Owen Sound
Marion Koepke, GSCA Director, City of Owen Sound

Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 151/06)



-  Watercourses (Approx.)
-  Natural Hazard (Approx.)
-  O. Reg 151/06 (Approx.)
-  Subject Parcel (Approx.)
-  Other Parcels (Approx.)



GSCA Regulations Map

ZBA 44, Telfer Creek Square
2275 16th Street East
Roll No: 425904006014000
City of Owen Sound

GSCA File: P22682
Tuesday, January 24, 2023

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Projection: Universal Transverse Mercator - Zone 17 (N)
Datum: North American 1983 (mean for Canada)



PARENTE • BOREAN
BARRISTERS AND SOLICITORS

January 25, 2023

Direct Dial: (905) 850-6068 ext. 228
Email: gborean@parenteborean.com
Law Clerk: (905) 850 6066 ext. 234
Email: cpresenza@parenteborean.com

Delivered by email

Ms. Briana Bloomfield, City Clerk
City of Owen Sound
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440
Email: notice@owensound.ca
Email: bbloomfield@owensound.ca

**Re: Proposed Zoning By-law Amendment No. 44, for 2275 16th Street East.
Objection Comments by Heritage Grove Centre Inc., 2125 16th Street East.**

Please be advised that we are the lawyers for Villarboit (Owen Sound) Holdings LP and Heritage Grove Centre Inc. ("**Heritage Grove**"), owners (jointly referred to herein as "Villarboit") of the property municipally known as 2125 16th Street East ("Villarboit's Property"). The purpose of this letter is to provide notice of Villarboit's preliminary concerns regarding proposed Zoning By-law Amendment No. 44 pertaining to 2275 16th Street East (the "**Adjacent Lands**" to the East).

Further to Villarboit's last Zoning Amendment and Site Plan approvals which came into force on June 10, 2020 (i.e., Zoning By-law Amendment No. 29 and Site Plan Approval ST2019-005) the easterly lane along the east part of Villarboit's Property was approved and is ready to be constructed (**see Attachment 1**). As a condition of those approvals, the City required that an access easement be created on the subject lane in favour of the Adjacent Lands (**See Attachment 2**).

Since the 2020 approvals, Villarboit has re-engaged the City for another set of applications to change the use of the Northeast part of the site from the approved 40,000 square foot hotel to a 35,000 square foot grocery store but keeping the Villarboit lane intact (**See Attachment 3 Sketch**). Villarboit has received written comments from the City dated February 28, 2022 and later held another meeting with City Staff on March 9, 2022 whereby Villarboit raised several major concerns with respect to the City's comments and the City's future plans as related to the subject lane, and the impacts on the proposed Heritage Grove/Villarboit development. Among the concerns included:

- The City's request for Villarboit's Traffic report to include other traffic volumes in the area including high density residential volumes in the Adjacent Lands. Villarboit is opposed accounting for traffic volumes for others.

- The possibility for the Villarboit lane to be converted to part of a future public road (with 9.5m coming from the Villarboit site and 9.5m from the Adjacent Lands). Villarboit has objected to any additional taking of lands, other than that shown on the approved lane and corresponding registered access easement. This is due to the grocery store size and parking requirements, which cannot be reduced.

As part of those discussions, the City agreed that Villarboit's Traffic Study be scoped to determine whether the grocery store traffic volumes can be accommodate on Villarboit's site and lane.

Since the March 9, 2022 meeting, Villarboit and its consultants have prepared the necessary Market Study (in support of the grocery store use) and a Traffic Opinion report (to account for the grocery store traffic volumes). It should be noted that the Traffic report confirms that the existing lane will satisfactorily accommodate the proposed grocery store traffic. Villarboit continues to work towards completion of the remaining materials for a complete submission, which is to be made in short order.

Villarboit's concerns with the proposed Zoning By-law Amendment No. 44 applications include, but are not limited to, the following:

- 1. That the existing lane is contemplated as a public road. Neither the City's 2022 Official Plan nor the City's 2010 Transportation Master Plan identify a future public road in this location.**
- 2. The number of access points on the lane (or future public road) by the Adjacent Lands. Villarboit anticipated only the southerly access onto its lane (pursuant to the registered easement). If the lane is to be part of a municipal road, Villarboit shall require that deliveries for the grocery store not be impeded as an interim or final road condition.**
- 3. The possibility of high-density residential traffic using our lane (or future public road) will prove challenging given that normal commercial uses were historically contemplated for the Adjacent Lands (hence the easement as shown). It is Villarboit's position that no one anticipated this level of traffic volumes to be using the easterly lane, which per the Transportation Impact Study will amount to 238 vehicles in the a.m. peak hour and 158 vehicles in the p.m. peak hour. These volumes assume the completion of 20th Avenue East, so will be even greater prior to that occurrence. Perhaps an additional access point needs to be investigated on the Adjacent Lands to offset traffic volume on the lane. For example, a right-in, right-out from the Adjacent Lands onto 16th Street East (Hwy. 26).**
- 4. Villarboit's easterly lane is meant primarily for trucks and delivery activity, with some use by commercial customers arriving from and departing to the east away from the City's urban areas. The proposed lane shows medians, various access points, etc. However, this area of Villarboit's site is to function as the main delivery area for the grocery store, which must be accommodated pursuant to Villarboit's Tenant/Lease obligations. For truck loading operations, a curb cut**

approximately 45 metres in length is needed as loading spaces are parallel to the lane. Villarboit has concerns whether such an access width would be permissible under a public road tenure, irrespective of the greatly increased vehicle volumes attributable to the Adjacent Lands.

5. The Transportation Impact Study has analyzed the lane as having a northbound left turn lane and a northbound right turn lane under an unsignalized configuration. Having two outbound lanes can result in safety concerns as a simultaneous left-turning driver and a right-turning driver can impede each other's view of the traffic flow on 16th Avenue.
6. The Transportation Impact Study has concluded that no right-turn lane on 16th Avenue is necessary at the lane intersection, however, the study forecast 96 eastbound right turns in the a.m. peak hour and 119 eastbound right turns in the p.m. peak hour. A right turn lane should be required with this volume of vehicles.
7. In addition, public meetings are required to be open and transparent processes to show that community input and feedback, as well as available data and technical expertise, are all taken into account. However, adequate information and material has not been made available to the public. The Notice of Public Meeting and the documentation available on the City's website does not contain a copy of the Draft Zoning By-law being considered as part of Zoning By-law Amendment (ZBA) #44. *The Planning Act, as amended* requires that sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by Council (please reference Section 34.12). As such, Villarboit and others in the general public are unable to fully ascertain the extent of the site-specific exceptions being requested to facilitate Sydenham Square Inc. ZBA application and weigh the potential impacts.
8. Similarly, we also note that the overall Commercial C2 Zoning proposed for the Adjacent Lands is not supported by a Market Study, which is an Official Plan requirement. It is difficult to assess impacts of this proposed zoning without market justification.

We welcome additional dialogue with the City to ensure the above, and any additional future concerns, are fully addressed.

Yours Very truly,

PARENTE, BOREAN LLP

*Gerard C. Borean **

*Executed pursuant to the *Electronic Commerce Act*
23932342.1

Gerard Borean

Cc: client

SITE PLAN INFORMATION TAKEN FROM SITE PLAN PREPARED BY SCOLER & LEE ASSOCIATES ARCHITECTS INC. DRAWINGS A1, DATED FEB. 2011, REV 12, DATED OCT. 2, 2013 AND FROM PLAN OF SURVEY OF PART OF PARK LOTS 8 AND 9 RANGE 5, EAST OF THE GARAFRAX ROAD GEOGRAPHIC TOWNSHIP OF SYDENHAM CITY OF OWEN SOUND COUNTY OF GREY BY HEWETT & MILNE LIMITED

SITE PLAN

SITE AREA 7.6 Ha 18.78 AC
COVERAGE 23.2%

BUILDING GFA	SM	SF
BLDG A1	1,772.40	19,078
BLDG A2	1,913.30	20,595
BLDG B	2,000.50	21,533
BLDG C	780.30	8,399
BLDG D	789.70	8,500
BLDG E	1,858.10	20,000
BLDG F	796.30	8,571
BLDG G	1,418.50	15,269
BLDG H1	464.49	5,000
BLDG H2	199.75	2,150
BLDG H3	204.37	2,200
BLDG I1	241.54	2,600
BLDG I2	116.08	1,250
BLDG J1	464.43	5,000
BLDG J2	204.89	2,206
BLDG K	3,716.10	40,000
BLDG L1	232.39	2,501
BLDG L2	297.30	3,200

TOTAL GFA 17,470.44 188,052
ZONING AS PER BYLAW 2010-078 (SEE ZONING ANALYSIS)

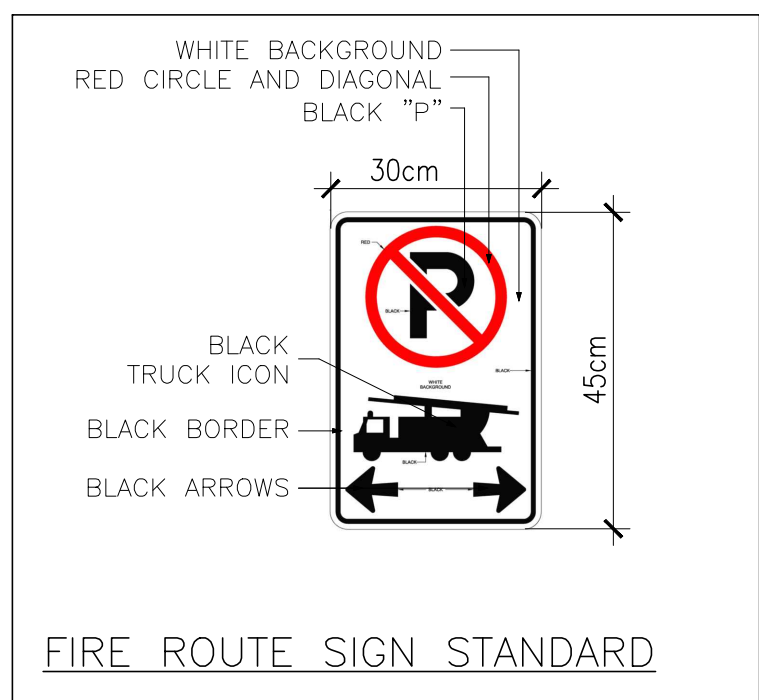
PARKING (2.65m x 6m W/ 6m drive aisle)

REQUIRED	
1/15 sm gfa up to 300 sm	20 spaces
1/20 sm gfa thereafter	860 spaces
TOTAL	880 spaces
	(18 BF spaces)
PROVIDED	1005 spaces
	(47 BF spaces)

NOTES:
CONC. BARRIERS CURB AT THE EDGE OF ALL HARD SURFACES IS REQ'D INCL. ADJACENT TO ALL NATURALIZED AREAS

FIRE VEHICLE ACCESS ROUTE SIGNS SHALL BE INSTALLED TO MEET THE REQUIREMENTS OF THE CITY OF OWEN SOUND FIRE ROUTE BYLAW.

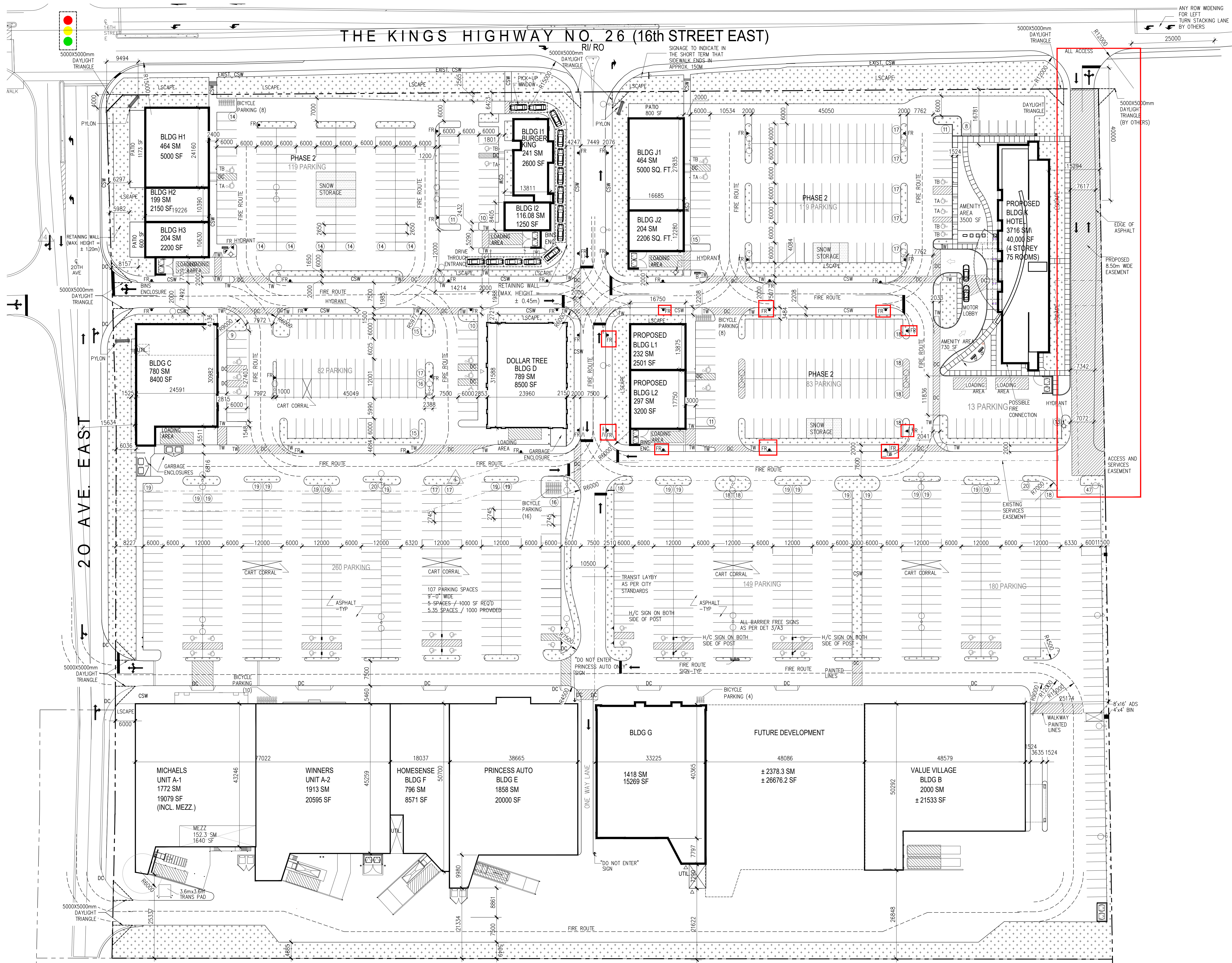
INSTALL TACTILE SURFACE WALKING INDICATOR PLATES IN THE INTERSECTIONS BETWEEN THE CONCRETE SIDEWALK AND THE DESIGNATED CROSS WALK



PLAN LEGEND		FIRE ROUTE	
CSW	CONCRETE SIDEWALK		SINGLE LIGHTPOLE
TW	TACTILE WALKING SURFACE INDICATOR (COLOUR RED)		DOUBLE LIGHTPOLE
DC	DESIGNATED CROSSWALK		PYLON
	FIRE HYDRANT AND VALVE		LANDSCAPE AREA
	DIRECTION OF TRAFFIC FLOW		
	BENCH	TA	TYP. ACCESIBLE PARKING STALL TYPE "A"
	FIRE ROUTE SIGNS	TB	TYP. ACCESIBLE PARKING STALL TYPE "B"

ZONING USE ANALYSIS (m²)

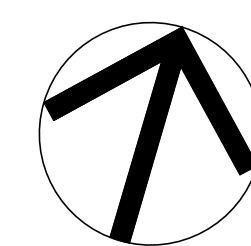
RETAIL	BLDG A UNIT A-1 MICHAELS	UNIT A-2 WINNERS	BLDG B VALUE VILLAGE	BLDG C	BLDG D DOLLAR TREE	BLDG E PRINCESS AUTO	BLDG F HOMESENSE	BLDG G	BLDG J2	BLDG L1	BLDG L2	TOTAL	PERMITTED
FURNITURE HOME FURNISHINGS & ELECTRONICS							692.80					692.80	3716.40
PHARMACEUTICALS & PERSONAL CARE													1393.60
CLOTHING & ACCESSORIES		1913.30			626.20	1605.70						1913.30	3716.40
GENERAL MERCHANDISE												2231.90	2322.80
MISCELLANEOUS RETAIL	1772.40		2000.50	780.30				1234.10				5007.00	5170.00
UNASSIGNED RETAIL SPACE									204.89	232.39	297.30	1514.88	
TOTAL RETAIL	1772.40	1913.30	2000.50	780.30	626.20	1605.70	692.80	1234.10	204.89	232.39	297.30	11359.88	
NON-SHOWROOM SPACE					163.50	252.40	103.50	184.40				703.80	
SUB-TOTAL	1772.40	1913.30	2000.50	780.30	789.70	1858.10	796.30	1418.50	204.89	232.39	297.30	12,063.68	
RESTAURANTS (BLDG H1, H2, H3, I1, I2, J1)												1690.66	
HOTEL												3716.10	
GRAND TOTAL												17,470.44	



Point.
Architects

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mail@pointarchitects.ca
www.pointarchitects.ca



54	ISSUED FOR REVIEW	OCT. 09, 2020
53	ISSUED FOR REVIEW	SEP. 14, 2020
52	ISSUED FOR REVIEW	AUG. 21, 2020
51	ISSUED FOR REVIEW	AUG. 18, 2020
50	ISSUED FOR REVIEW	AUG. 07, 2020
49	ISSUED FOR REVIEW	JUL. 15, 2020
48	ISSUED FOR REVIEW	JUN. 30, 2020
47	ISSUED FOR REVIEW	JUN. 30, 2020
46	ISSUED FOR REVIEW	JUN. 29, 2020
45	ISSUED FOR REVIEW	JUN. 26, 2020
44	ISSUED FOR REVIEW	FEB. 06, 2020
43	ISSUED FOR REVIEW	FEB. 05, 2020
42	ISSUED FOR REVIEW	JAN. 30, 2020
41	ISSUED FOR REVIEW	JAN. 16, 2020
40	ISSUED FOR REVIEW	JAN. 06, 2020
NO. REVISIONS:		ISSUED:

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CLIENT:

HERITAGE
GROVE
CENTRE INC.

2125 16TH ST. E.
OWEN SOUND, ON

PROJECT:
HERITAGE GROVE
CENTRE

SHEET TITLE:
SITE PLAN

PROJECT NO.
3027

SCALE:
1:500

DRAWN:
PP

CHECKED:
GP

FILE NO.
3027

DATE:
SEE REV.

SHEET NO.:

SP1

DEPOSITED PLAN No. 479

PARK LOT 9, RANGE 5, EGR

PARK LOT 9, RANGE 4, EGR

DETAILED SURVEY PLAT showing PARK LOT 9, RANGE 5, EGR. The plat includes various survey points, bearings, distances, and references to other plans and easements. A north arrow is located in the upper right corner. A detail 'A' is shown in the lower right corner, showing a 'CURB CORNER 7.99 NORTH 0.61 EAST' and 'CURB CORNER 1.95 NORTH 1.40 WEST'. The plat also shows 'PARK LOT 9, RANGE 4, EGR' at the bottom. The survey is bounded by 'P.I.N. LIMIT' lines.

ISO 9001 REGISTERED

Properties

PIN	37061 - 0268 LT	Interest/Estate	Fee Simple	<input checked="" type="checkbox"/> Add Easement
Description	PART PARK LOT 9 RANGE 5 EAST OF THE GARAFRAXA ROAD PLAN OWEN SOUND, BEING 1, 2 AND 3 ON PLAN 16R-???, CITYOF OWEN SOUND			
Address	OWEN SOUND			

Consideration

Consideration \$0.00

Transferor(s)

The transferor(s) hereby transfers the easement to the transferee(s).

Name	HERITAGE GROVE CENTRE INC.
	Acting as a company
Address for Service	500 Cochrane Drive, Unit 4
	Markham, Ontario
	L3R 8E2

I, Guery Goyo, have the authority to bind the corporation.
This document is not authorized under Power of Attorney by this party.

Transferee(s)	Capacity	Share
---------------	----------	-------

Name	SYDENHAM SQUARE INC.
	Acting as a company
Address for Service	2494 Meadowridge Drive
	Oakville, Ontario
	L6H 7R4

Calculated Taxes

Provincial Land Transfer Tax	\$0.00
------------------------------	--------

File Number

Transferor Client File Number : 9373-006

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 37061 - 0268 PART PARK LOT 9 RANGE 5 EAST OF THE GARAFRAXA ROAD PLAN OWEN SOUND, BEING 1, 2 AND 3 ON PLAN 16R-???, CITYOF OWEN SOUND

BY: HERITAGE GROVE CENTRE INC.
TO: SYDENHAM SQUARE INC.

1. MUBASHIR DEWAN

I am

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☐ (c) A transferee named in the above-described conveyance;
- ☐ (d) The authorized agent or solicitor acting in this transaction for _____ described in paragraph(s) () above.
- ☒ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for SYDENHAM SQUARE INC. described in paragraph(s) (c) above.
- ☐ (f) A transferee described in paragraph () and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph () and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	\$0.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	\$0.00
(ii) Given Back to Vendor	\$0.00
(c) Property transferred in exchange (detail below)	\$0.00
(d) Fair market value of the land(s)	\$0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	\$0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	\$0.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	\$0.00
(i) Other considerations for transaction not included in (g) or (h) above	\$0.00
(j) Total consideration	\$0.00

4.

Explanation for nominal considerations:
o) Transfer of easement or right of way for no consideration.

5. The land is subject to encumbrance

6. Other remarks and explanations, if necessary.

- 1. The information prescribed for purposes of section 5.0.1 of the Land Transfer Tax Act is not required to be provided for this conveyance.
- 2. The transferee(s) has read and considered the definitions of "designated land", "foreign corporation", "foreign entity", "foreign national", "specified region" and "taxable trustee" as set out in subsection 1(1) of the Land Transfer Tax Act. The transferee(s) declare that this conveyance is not subject to additional tax as set out in subsection 2(2.1) of the Act because:
- 3. The transferee(s) declare that they will keep at their place of residence in Ontario (or at their principal place of business in Ontario) such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act for a period of at least seven years.
- 4. The transferee(s) agree that they or the designated custodian will provide such documents, records and accounts in such form and containing such information as will enable an accurate determination of the taxes payable under the Land Transfer Tax Act, to the Ministry of Finance upon request.

PROPERTY Information Record

A. Nature of Instrument: Transfer Easement
LRO 16 Registration No. Date:
B. Property(s): PIN 37061 - 0268 Address OWEN SOUND Assessment - Roll No
C. Address for Service: OWEN SOUND
D. (i) Last Conveyance(s): PIN 37061 - 0268 Registration No.
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes ☐ No ☒ Not known ☐

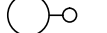

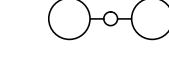


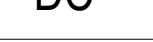




EASEMENT SCHEDULE

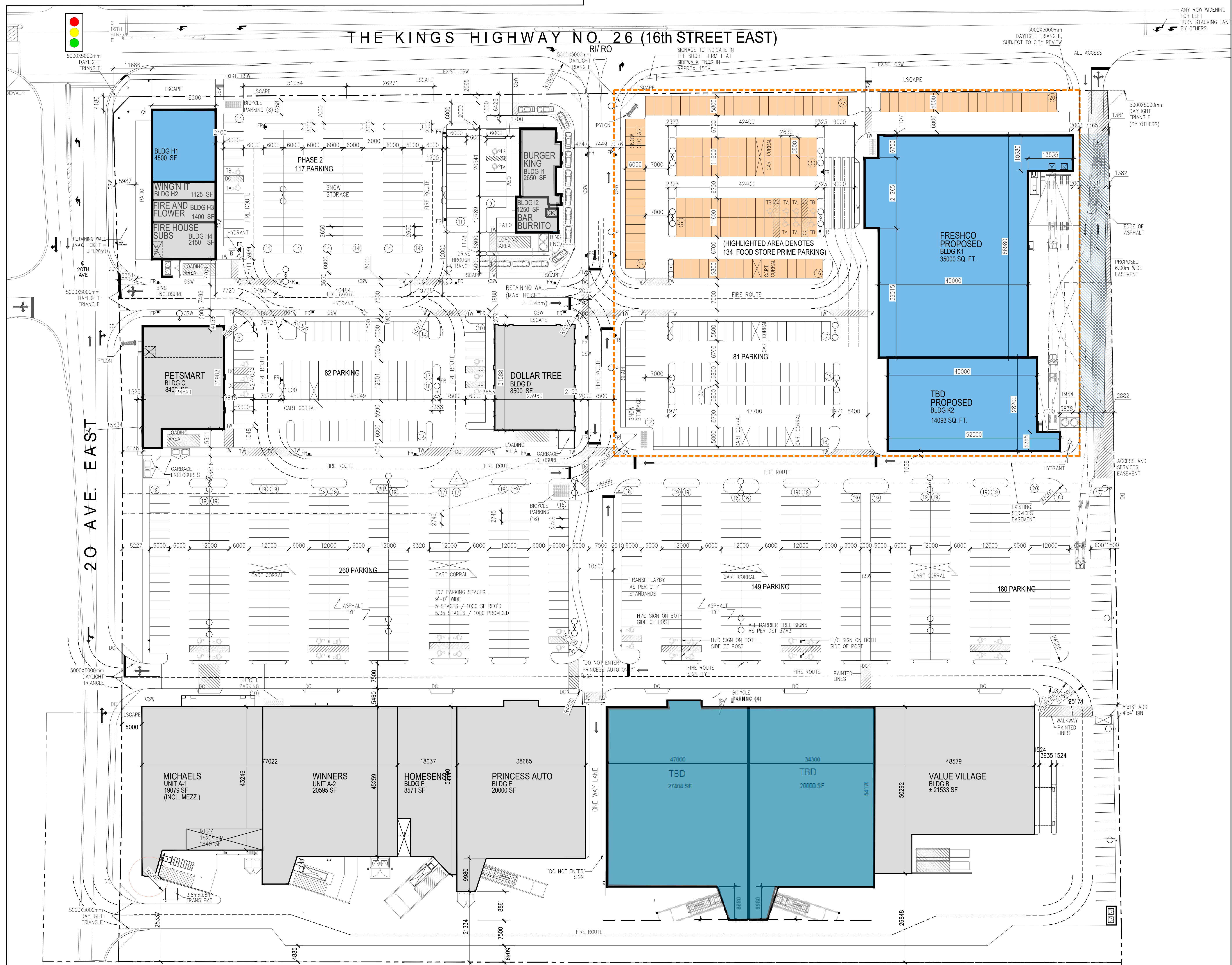
PART PARK LOT 9 RANGE 5 EAST OF THE GARAFRAXA ROAD PLAN OWEN SOUND, BEING PARTS 1, 2 AND 3 ON PLAN 16R-_____, CITY OF OWEN SOUND, AS FOLLOWS:

EASEMENT FOR ACCESS

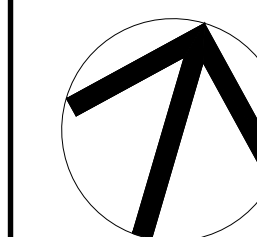
An easement over, under, along, and upon that Part Park Lot 9 Range 5 East of the Garafraxa Road Plan Owen Sound, being Parts 1, 2 and 3 on Plan 16R-_____, City of Owen Sound (Servient Lands) to the benefit of the owners, occupants, and all those for whom they are responsible from time to time of Part Park Lot 9-10 Range 5 EGR Plan Owen Sound as in R407787 EXCEPT PL1138 (Dominant Lands) for the purpose of the sharing, access and use on in and within the Servient Lands.

SITE PLAN INFORMATION TAKEN FROM SITE PLAN
PREPARED BY SCOLER & LEE ASSOCIATES
ARCHITECTS INC. DRAWINGS A1, DATED FEB. 2011,
REV 12, DATED OCT. 2, 2013 AND FROM
PLAN OF SURVEY
OF PART OF
PARK LOTS 8 AND 9
RANGE 5, EAST OF THE GARAFRAXA ROAD
GEOGRAPHIC TOWNSHIP OF SYDENHAM
CITY OF OWEN SOUND
COUNTY OF GREY
BY HEWETT & MILNE LIMITED

PLAN LEGEND		---	FIRE ROUTE
CSW	CONCRETE SIDEWALK		SINGLE LIGHTPOLE
TW	TACTILE WALKING SURFACE INDICATOR		DOUBLE LIGHTPOLE
DC	DESIGNATED CROSSWALK		PYLON
	FIRE HYDRANT AND VALVE		LANDSCAPE AREA
	DIRECTION OF TRAFFIC FLOW		
	BENCH		TYPE. ACCESSIBLE PARKING STALL TYPE "A"
	FIRE ROUTE SIGNS		TYP. ACCESSIBLE PARKING STALL TYPE "B"



1 SITE PLAN
SPA1 SCALE 1:500



IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO:

- CHECK AND VERIFY ALL DIMENSIONS ON SITE;
- REPORT ALL ERRORS AND/OR OMISSIONS TO GREYSTONE BEFORE CONTINUING WITH ANY WORK.

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NOTED OTHERWISE

THESE DRAWINGS ARE NOT TO BE SCALED. ERRORS MADE BY
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21	ISSUED FOR REVIEW	OCT 31, 2019
20	ISSUED FOR REVIEW	MAR 14, 2019
19	ISSUED FOR REVIEW	MAR 09, 2019
18	ISSUED FOR REVIEW	FEB 11, 2019
17	ISSUED FOR REVIEW	FEB 10, 2019
16	ISSUED FOR REVIEW	FEB 07, 2019
15	ISSUED FOR REVIEW	FEB 04, 2019
14	ISSUED FOR REVIEW	JAN 31, 2019
13	ISSUED FOR REVIEW	OCT 26, 2018
12	ISSUED FOR REVIEW	OCT 25, 2018
11	ISSUED FOR REVIEW	OCT 22, 2018
10	ISSUED FOR EASEMENT COORDINATION	JUL 19, 2018
09	ISSUED FOR REVIEW	MAY 05, 2018
08	ISSUED FOR REVIEW	APR 29, 2018
07	ISSUED FOR REVIEW	APR 26, 2018
06	ISSUED FOR REVIEW	APR 20, 2018
05	ISSUED FOR REVIEW	APR 16, 2018
04	ISSUED FOR COORDINATION	OCT 14, 2017
03	ISSUED FOR COORDINATION	OCT 01, 2017
02	ISSUED FOR COORDINATION	SEP 28, 2017
01	ISSUED FOR REVIEW	AUG 25, 2017
NO. REVISIONS:		ISSUED

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CLIENT:
HERITAGE
GROVE
CENTRE INC.

2125 16TH ST. E.
OWEN SOUND, ON

PROJECT:
HERITAGE GROW
CENTRE

SHEET TITLE:
SITE PLAN
UPDATE,

PROJECT NO. 21496 (3027)

SCALE: 1:500	DATE: SEE REV.
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DRAWN: PP	SHEET NO:
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CHECKED: GP	SP1
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SP1.