

## Staff Report

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**Report To:** City Council  
**Report From:** Sabine Robart, Manager of Planning & Heritage  
**Meeting Date:** January 30, 2023  
**Report Code:** CS-23-017  
**Subject:** Recommendation Report – ZBA No. 43 - 1730 27th Avenue East (East Ridge Business Park)

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### Recommendations:

THAT in consideration of Staff Report CS-23-017 respecting Zoning By-law Amendment No. 43 at 1730 27<sup>th</sup> Avenue East to permit an indoor/self-storage facility, City Council:

1. In consideration of the staff reports, and recommendations, technical reports and oral and written submissions, finds that the application is consistent with the Provincial Policy Statement and the goals and objectives and intent of the City's Official Plan and represents good planning; and
2. Directs staff to bring forward a by-law to pass Amendment No. 40 to the City's Zoning By-law No. 2010-078, as amended and give notice in accordance with Section 34 of the *Planning Act*.

### Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 43) has been submitted by Andpet Realty Ltd (Peter Van Dolder) through Ron Davidson Land Use Planning for an indoor/self-storage facility at 1730 27<sup>th</sup> Avenue East.
- The subject application proposes the development of Blocks 3 and 4 for an indoor/self-storage facility with ten (10) buildings.

- The effect of the application is to amend the area currently zoned as 'Hazard Lands' (ZH) and 'General Industrial' (M1) to 'Heavy Industrial' (M2) with Special Provisions 14.XX
- Staff recommend approval of the application.

## **Strategic Plan Alignment:**

Legislated review process.

## **Previous Report/Authority:**

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

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

[CS-14-095](#) Final Subdivision Approval – East Ridge Business Park (Item 12.b.8 / pp 198-207)

[CS-23-009](#) Technical Report - Zoning By-law Amendment No. 43 – 1730 27<sup>th</sup> Avenue East (Item 12.c)

## **Background & Proposal:**

A complete application for a Zoning By-law Amendment (ZBA 43) has been submitted by Andpet Realty Ltd (Peter Van Dolder) through Ron Davidson Land Use Planning for an indoor/self-storage facility at 1730 27<sup>th</sup> Avenue East.

## **Property Description**

The subject property is located at 1730 27<sup>th</sup> Ave East on the west side of 27<sup>th</sup> Ave E. The property includes Blocks 3 and 4 in the East Ridge Business Park. The East Ridge Business Park is a six (6) block industrial subdivision located at the intersection of 28<sup>th</sup> Ave E and 16<sup>th</sup> St which received final approval in 2014.

The installation of services and road construction are currently being finalized within the subdivision. The Van Dolder's Home Team warehouse and showroom are located on Block 1. Block 2 received Site Plan Approval in Fall of 2022 and is anticipated to start construction in Spring of 2023.

Surrounding land uses include:

- North: Vacant industrial lands north of 18th St E
- East: Vacant industrial lands (Blocks 5 & 6, East Ridge Business Park) & Van Dolder's Home Team warehouse and showroom are located on Block 1
- South: Block 2, East Ridge Business Park – proposed multi-building industrial development including offices and light industrial units
- West: City-owned natural (hazard) lands (these lands were transferred to the City through the subdivision process)

The subject lands are designated 'Employment' in the City's Official Plan (2006) and are zoned 'Heavy Industrial' (M2), 'General Industrial' (M1) 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'.

### **East Ridge Industrial Subdivision**

The subject lands include Blocks 3 and 4 of the nine-block East Ridge Business Park Subdivision. This subdivision received final approval in 2014. The lands are subject to a subdivision agreement and the City holds security for the completion of works within the subdivision including road, servicing, overall grading and other site work.

The 2014 subdivision includes nine (9) blocks on an internal road with two access points to 28<sup>th</sup> Avenue East. Matters relating to traffic, stormwater and servicing were part of the overall subdivision design with the development of each of the blocks to be completed through Site Plan Approval consistent with the overall subdivision design. Roadways, road widenings and parkland were all dedicated to the City through the subdivision process. Block 1 which is accessed from 28th Ave E was developed in 2007 and is the site of the Van Dolder Home Team showroom and warehouse.

A Certificate of Substantial Completion and Acceptance for the subdivision must be issued by the City prior to the issuance of a building permit. This

includes the completion of 27th Avenue East, 17th Street East and 18th Street East to an acceptable municipal standard including asphalt surface, streetlighting, fire hydrant and service lateral installation as required by Clause 38 of the East Ridge Business Park Subdivision Agreement. These works must be improved and certified by the Owner's consulting engineer to be in compliance with the City's Engineering standards prior to the issuance of a Building Permit.

### **The Proposal**

The application for rezoning proposes the development of Blocks 3 and 4 for an indoor/self-storage facility with ten (10) buildings. The buildings include an office with an attached two-storey storage building at the southern end of the subject lands with the remaining nine (9) storage buildings spaced regularly across the rest of the remainder of the lands.

The proposal also includes the construction of a 26-space parking area (including four accessible spaces) adjacent to the office building, an internal driveway system, landscaping including retaining walls and an on-site stormwater management area.

The effect of the application is to amend the area currently zoned as 'Hazard Lands' (ZH) and 'General Industrial' (M1) to 'Heavy Industrial' (M2) with Special Provisions 14.XX generally in accordance with the following:

<b>Current Zone</b>	<b>Proposed Zone</b>
<ul style="list-style-type: none"><li>▪ Heavy Industrial (M2)</li><li>▪ General Industrial (M1)</li><li>▪ Hazard Lands (ZH)</li></ul>	<ul style="list-style-type: none"><li>▪ Heavy Industrial (M2) with Special Provision 14.XX</li></ul>

The Zoning Bylaw Amendment proposes engineering measures to eliminate the hazard feature and requests that the 'Heavy Industrial' (M2) zone be applied to both Block 3 and 4. Additionally, a site-specific off-street parking ratio and reduced landscaped open space requirements are proposed. The reduction in landscaped open space is from 25% to 24.5%, and the proposed parking reduction is from 80 parking spaces to 26 spaces.

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

<b>Submission Item Title</b>	<b>Submission Item Detail</b>
Site Plan (Drawing No. 1)	Prepared by GM BluePlan, dated March 02, 2022
Planning Justification Report	Prepared by Ron Davidson Land Use Planning Consultant Inc dated November 17, 2022.
Stormwater Management Report	Prepared by GM BluePlan dated July, 2022
Transportation Impact Study	Prepared by Paradigm Transportation Solutions Ltd, dated October 2022
Engineering Plans Servicing Plan – Drawing No. 2 Grading & Drainage Plan – Drawing No. 3 Landscape Plan – Drawing No. 4 Retaining Walls Detail – Drawing No. 5 Notes & Details – Drawing No. 6 & 7	Prepared by GM BluePlan dated November 30, 2022

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

<b>Date</b>	<b>Step</b>	<b>Days</b>
November 22, 2022	Submission of complete application and fees	1
December 7, 2022	Letter of Complete Application to the applicant	16
December 16, 2022	Notice of Complete Application & Public Meeting	25

<b>Date</b>	<b>Step</b>	<b>Days</b>
January 16, 2022	Technical Report & Public Meeting	56
January 30, 2023	Recommendation Report	70

## **Analysis:**

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.

This report is intended to describe the proposed Zoning By-law Amendment and review the consistency of the application with the key policy considerations relevant to the evaluation of the application.

## **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. 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, liveable and safe communities are sustained by:*

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

*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 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; and*
- g) are freight-supportive.*

*1.3 Employment*

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) *facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) *ensuring the necessary infrastructure is provided to support current and projected needs.*

### **Comment**

The proposal represents growth within a fully serviced urban Settlement Area in a designated employment growth area which makes efficient use of existing and planned infrastructure.

The proposed rezoning to permit an industrial development promotes economic development and is compatible with the surrounding industrial uses.

#### ***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 re-use, water conservation and efficiency, and low impact development.*

### **Comment**

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

The proposed SWM system conforms to the approved Stormwater Management Report for the entire subdivision prepared by GM BluePlan submitted in 2011 and:

- Attenuates storm events up to and including the 100-year design through the use of a 998m<sup>2</sup> SWM pond and a 125mm Ø orifice control.
- Quality control is verified to an enhanced level of TSS removal through the use of the settling time within the pond structure and the clear stone channel.
- Thermal mitigation is achieved via a sub-surface channel filled with clear stone located within the SWM facility.

### *2.1 Natural Heritage*

*2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

### **Comment**

Butternut trees are identified as 'endangered' in the *Endangered Species Act, 2007*. The subdivision process in 2014 identified two butternut trees on Block 7 which was transferred to the City through the subdivision process.

The Tree Retention Plan (schedule within the subdivision agreement) identified the location of the trees and a 25 m buffer in accordance with MNR and ESA requirements in effect at that time. No development or site alteration may occur within 25 m of the existing drawings as per Section C.15 of the subdivision agreement.

Site alteration commenced in 2021 in the form of site clearing and grading prior to the submission of Planning Act applications. Communication between the applicant, the Conservation Authority and the City established that an initial assessment of the butternuts in 2021 was completed by an unqualified person. A qualified butternut health assessor (John Morton – AWS Environmental Consulting) was retained by the applicant in 2022. On site investigation by AWS Consulting in 2022 established that the one of the butternut identified in 2008 was still present as well as a new mature Butternut tree closer to Block 3. The second butternut tree identified through the 2014 process was not located in this assessment. A butternut health assessment report was provided to the Province in September, 2022. These trees are identified in the proposed site plan together with a 25 m development setback and a 50 m constraint limit. Both the development setback and constraint limit extend onto the subject lands. Site alteration and development are not permitted within the development setback (0-25 m from the tree) and require an authorization/permit application under the Endangered Species Act within the 25 – 50 constraint limit.

The City of Owen Sound has authorized the developer to submit an authorization/permit application under the Endangered Species Act to allow the developer to complete site alterations/development within the 25 m to 50 m constraint limit of the butternut trees located on City lands. At this time, an application has not been submitted. Until the authorization/permit application under the Endangered Species Act application is submitted by the developer and approved by the appropriate provincial ministry no building permits can be issued within the constraint areas identified on the site plan. This matter will be addressed through a condition of the subsequent site plan approval process.

### *3.1 Natural Hazards*

*3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:*

- a) *hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) *hazardous sites.*

### **Comment**

GSCA staff have identified natural hazards associated with the flooding and erosion potential of the watercourse (seep) on site. The hazard mapping covers the majority of Block 3 and a small portion of Block 4. This hazard mapping corresponds to the area zoned Hazard Lands in the City of Owen Sound Comprehensive Zoning By-law.

The Subdivision Agreement applicable to the lands in question from 2011 contains provisions that outlined how development could proceed on Block 3 if the seep were appropriately rerouted (Condition #17). GSCA staff have reviewed the proposal to re-route the seep and are of the opinion that the proposal would not exacerbate or create new natural hazards. As such, the proposal to rezone area in question from Hazard Lands to an Industrial (M2) zone is consistent with Section 3.1 of the PPS and is supported by GSCA.

Development of an existing block located in a designated employment area in a fully serviced urban context is consistent with the direction provided by the PPS.

### **B: County of Grey Official Plan (2019)**

The subject property is designated 'Primary Settlement Area' and 'Hazard Lands' 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 County has been consulted on the proposal and County staff have no objection to the application subject to comments being received from the

Grey Sauble Conservation to regarding the natural hazard. As discussed above, Grey Sauble Conservation have no objection to the application.

The proposal conforms to the policies of the County of Grey Official Plan (2019).

### **City of Owen Sound Official Plan**

The subject property is designated 'Employment' in the Owen Sound Official Plan (OP).

The proposed re-zoning supports the Goal of the Official Plan to be a vital and diverse local and regional economy and strengthen the City's employment and economic base through business attraction. For lands designated Employment, the predominant use of land shall be manufacturing, assembly, fabricating, processing, packaging, printing, warehousing uses, and the storage of goods and materials and ancillary sales and service uses.

Permitted uses include commercial self-storage facilities (3.9.1.1 c.). The proposed development is a permitted use in the Employment designation.

The following Official Plan policies are applicable to the proposed development:

#### *3.9.2 General Policies*

*3.9.2.1 Employment areas will be developed in accordance with the following:*

- a. The focus of employment development will be the retention of existing employment uses and attraction of a wide range of employment and business uses within the Employment Lands.*

### **Comment**

The proposed development is a permitted use in the Employment designation and will add to the range of employment/business uses in the business park.

*3.9.2.7 Where lands are subject to intermittent flooding along natural or engineered drainage courses, appropriate drainage controls and facilities to eliminate any potential hazard to development are required, which may include at-source stormwater retention, control of water quality and quantity, or similar treatment.*

## **Comment**

At the time of the 2014 subdivision approval, it was identified that Block 3 would require a rezoning prior to development due to a small area of hazard associated with a remnant outlet to a former watercourse. The drainage feature across Block 3 was zoned as ZH and identified in Schedule 'F' of the Subdivision Agreement as "Lots Unsuitable for Building Purposes". Schedule 'F' notes that Block 3 is not suitable for building purposes until:

1. special engineering to be approved by the City's Manager of Engineering Services and a Zoning By-law Amendment are completed; and,
2. until certain improvements are completed, or conditions are met as set out in Clause 40 of the agreement.

Clause 40 b) states that for any lot or building block which cannot be developed due to a physical impediment and which is listed on Schedule 'F', a Consulting Engineer shall submit a proposal in writing to the City's Manager of Engineering Services outlining the measures to be taken to correct the problems relating to the lot or building block; the proposal must be approved by the City's Manager of Engineering Services prior to a building permit being issued.

## **Engineering Services Comment**

1. The hazard area currently delineated across Block 3 is the remnant outlet to a former watercourse, which was originally diverted over 30 years ago south of Highway 26. When the subdivision was initially developed about 2013, a culvert across Highway 26 was grouted closed and the balance of this former watercourse channel was filled-in up to the hazard boundary currently delineated on Lot 3.
2. At the time of the subdivision planning, application was made to DFO regarding potential impacts to fish habitat within the Lot 3 hazard area and a mitigating measure (drainage tile) should the hazard zone be removed and Lot 3 be developed.

DFO provided correspondence indicating their acceptance of that mitigating measure, which was subsequently incorporated into the Subdivision Drawings and included as a condition of development on Block 3.

3. The Site Plan Drawings submitted as part of the OPA and ZBA applications include the mitigating provision that was accepted in 2014.
4. Original ditch grading at the corner of 17th St E and 27th Ave E provided a temporary outlet across Block 3 as that low area needed to be maintained until Block 3 could be developed. The ultimate plan maintains flows within the ROW ditch system northerly to the outlet on the 18th St E ROW, maintaining flows within the public ROW and not spilling across private lots. There will be no connection between the off-site ditch system and the 150mm diameter on-site drainage tile. The drainage tile will not be subject to surface water peak flows, so an overland spill route related to a potential blockage would not be an issue.
5. The final location of the riprap/drainage tile outlet will be resolved at the time of construction under a Site Plan Approval condition, but notably, the two will align. Riprap is intended simply to identify the end of the drainage tile.
6. The drainage tile on the Servicing Plan is included as part of the underground works, while the Grading and Drainage Plan depicts surface features.

## **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.*

*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.*

#### *5.1.3.15 Local Roads*

*Local roads shown on Schedule 'C' – Transportation are designed to provide access to abutting properties and to discourage through traffic.*

#### **Comment**

At the time of the development of the subdivision, a road widening was taken along the frontage of the subdivision along Provincial Highway 26 (16<sup>th</sup> St E). Based on a Traffic study, the intersection of 28<sup>th</sup> Avenue E and 16<sup>th</sup> Street E was signalized. The Eastridge subdivision has a C-loop road with 2 points of entry/egress to 28<sup>th</sup> Avenue E. There is no direct access from the subdivision to the Provincial Highway.

Blocks 3 and 4 are located on 27<sup>th</sup> Avenue East which is shown as a 'Local' 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.

A traffic impact study (TIS) was required by the Ministry of Transportation (MTO) for the development of each block within the subdivision as a component of the subdivision approval process. The applicant has submitted the MTO required TIS with the Site Plan Approval application.

Engineering Services Division comments regarding the concurrent Site Plan Approval application indicate that the design and location of the access point of the subdivision to 28<sup>th</sup> Avenue is satisfactory. The proposed entrance from Blocks 3 & 4 is also appropriate to 27<sup>th</sup> Avenue E.

#### *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.*

*5.1.4.15 The City may consider reducing the required number of parking spaces needed for development or redevelopment where the following criteria have been justified:*

- a. Demonstration that the proposed use does not require the stated level of parking (e.g., affordable housing whereby car ownership would be low), or*
- b. An agreement has been registered on title to provide off-street parking.*

## **Comment**

The application provides for a defined parking area including accessible spaces adjacent to the office and two-storey storage building as well as undefined parking spaces in front of each storage building. The application is requesting a site and usespecific parking ratio in recognition of the industry standard of facilitating parking beside each storage unit to allow for ease of use/access of the individual storage units rather than a large consolidated parking lot. The proposed parking ratio is discussed in detail in the Zoning By-law section. However, Planning staff recommend that the proposed number of parking spaces and parking arrangements are appropriate to serve the self storage use.

## **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.*

*5.2.4 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.*



## **Comment**

Water and wastewater sewers are available in the 27<sup>th</sup> Ave E road allowance and a stormwater management system will be provided onsite. 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, however Engineering Services Division has confirmed that the City has the service capacity available in this area to support the use as proposed in the ZBA and that the Stormwater Management Report is acceptable.

## **Environment**

*6.1.5.6 For the purposes of this Plan, 'adjacent lands' means those lands, contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The Provincial Policy Statement directs that development or site alteration is not permitted on adjacent lands unless the ecological function of the adjacent lands has been evaluated and it can be demonstrated (through an Environmental Impact Study or equivalent study) that there will be no negative impacts on the natural features or their ecological functions.*

## **Comment**

As discussed in the PPS section, Butternut trees are identified as 'endangered' in the *Endangered Species Act, 2007*. O. Reg. 830/21 provides for an authorization/permit process to facilitate development on adjacent lands to butternut trees. The City has authorized the developer to submit an authorization/permit application to allow the developer to complete site alterations/development within the 25 m to 50 m constraint limit of the butternut trees located on City lands. The application has not been submitted by the developer at this time. Until the application has been approved by the appropriate provincial ministry no building permits can be issued within the constraint areas identified on the site plan.

## **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:

*8.6.5.1 In order to create an attractive street edge, buildings on large commercial, industrial or institutional lots with sufficient depth to provide internal traffic distribution are encouraged to be located close to the street with parking located further from the street with appropriate landscape treatment as specified in the City's Site Plan Submission and Approval Guidelines.*

**Comment**

Planning staff are generally satisfied with the layout of this industrial site. The office is located to control access to the site. The remaining 9 buildings are spaced at regular intervals with the internal drive aisle providing access and direction to the individual storage units.

*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.*

**Comment**

The parking area is located adjacent to the office and two storey storage building which will allow people using those buildings safe access. The remainder of the storage units will be accessed by costumers parking in front of the unit. Accessible parking has been provided and the detail of the design of the accessible spaces will be reviewed through site plan approval.

*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.*

#### **Comment**

Given the location of the subject property in the East Ridge Business Park pedestrian connectivity to the East City Commercial area and the remainder of the City is limited. Nonetheless, the 27<sup>th</sup> Ave E cross-section within the subdivision's internal road includes a 1.5m paved multi-use pathway on both sides of the road in place of a standard municipal sidewalk which will provide alternative transportation access to the blocks within the subdivision.

The parking area is located directly adjacent to the office with a barrier-free path of travel from the parking spaces to the main entrance.

*8.6.9.1 New development and redevelopment shall be designed with responsible lighting practices that create safe outdoor environments and minimize glare and impact to night sky, public view and surrounding properties.*

#### **Comment**

Exterior lighting is shown along the perimeter of the proposed buildings at regular intervals.

A standard condition in the City's Site Plan Agreement requires that all lighting will be downward facing and dark-sky compliant and that on-site LED lighting shall be specified with a colour temperature (CCT) of 3000K (warm white).

*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.*

#### **Comment**

The proposed site plan shows a row of white cedars along boundary between the SWM area and the developed portion of the site. As well as plantings of

mixed deciduous and coniferous trees are proposed along the western and eastern property boundaries around the office and 2 storey storage building.

The plant species include autumn blaze maple, serviceberry and white cedar with a total of 16 plantings. Of the 16 proposed trees on the site, 13 are coniferous which meets the City's Landscape Standards requirement that plantings consisting of trees and shrubs will be a minimum of 50% coniferous plantings. It should be noted, the requirement to provide a landscape plan has been removed as a matter subject to site plan control by Bill 23.

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

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

The subject property is zoned 'Heavy Industrial' (M2), 'General Industrial' (M1) and 'Hazard Lands' (ZH) in the City's Zoning By-law (2010-078, as amended). The M2 zone generally applies to Block 4 and the northern portion of Block 3. The remainder of Block 3 is zoned M1 and ZH (Hazard).

The effect of the rezoning is to permit the development of Blocks 3 and 4 for an indoor/self-storage facility with ten (10) buildings. The buildings include an office with an attached two-storey storage building at the southern end of the subject lands with the remaining nine (9) storage buildings spaced regularly across the rest of the remainder of the lands.

The proposal also includes the construction of a 26-space parking area (including 4 accessible spaces) adjacent to the office building, an internal driveway system, landscaping including retaining walls, and an on-site stormwater management area.

The purpose of the application is to amend the area currently zoned as 'Hazard Lands' (ZH) and 'General Industrial' (M1) to 'Heavy Industrial' (M2) with Special Provisions 14.XX.

At the time of the 2014 subdivision approval, it was identified that Block 3 would require a rezoning for development due to a small area of hazard associated with an intermittent stream. The application provides for engineering measures to eliminate the hazard feature and requests that the 'Heavy Industrial' (M2) zone be applied to both Block 3 and 4 generally in accordance with the following:

Current Zone	Proposed Zone
<ul style="list-style-type: none"> <li>▪ Heavy Industrial (M2)</li> <li>▪ General Industrial (M1)</li> <li>▪ Hazard Lands (ZH)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Heavy Industrial (M2) with Special Provision 14.XX</li> </ul>

The proposed special provisions provide for a site-specific off-street parking ratio and reduced landscaped open space requirements. The reduction in landscaped open space is from 25% to 24.5% and the proposed parking reduction is from 80 parking spaces to 26 spaces.

### **Zone Amendment (ZH & M2)**

As discussed above, the application has provided engineering measures to address the drainage feature to the satisfaction of the City's Manager of Engineering Services and the Grey Sauble Conservation Authority. Additionally, DFO had consented to this change in 2011.

The engineering measures are reflected in the Site Plan Approval application and will be implemented through the approved Site Plan and the Site Plan Agreement which is registered on title and in force and effect in perpetuity. Consequently, Planning staff recommends that the removal of the Hazard zone from Block 3 is appropriate.

The application proposes that the 'Heavy Industrial' (M2) zone be applied to both Block 3 and 4 to ensure conformity of development across the subject lands. The Employment designation allow for either the M1 or M2 zone within the designation and given that Block 4 is currently zoned as M2, Planning staff find that applying the M2 zone across the subject lands is appropriate. A recommended condition of the concurrent Site Plan Approval application will be that Blocks 3 and 4 are merged on title to ensure that the blocks cannot be transferred individually.

### **Parking Ratio Reduction**

The application is requesting a site-specific parking ratio for the proposed indoor/self storage use. The City's Zoning By-law (2010-078, as amended) does not include a specific parking requirement for indoor storage and defaults to the off-street parking requirement for 'All other industrial uses' which requires 5 spaces plus 1 space per 90 sq m of GFA.

Given the proposed GFA of the overall development, 80 parking spaces would be required.

The application is proposing a parking area with 26 spaces including four (4) accessible spaces along the northern façade of the office & two-storey storage building. The application notes that in addition to this parking area, it is the standard operating practice of self-storage facilities for customers to park directly in front of their rental units while accessing the storage facility. The site plan does show parking in front of each building on a hard surfaced area.

Section 5.18 General Parking Regulations of the Zoning By-law require six (6) parking spaces for the office based on the GFA of the office area (1 space per 28 square meters GFA). The proposed parking ratio allows for 20 additional parking spaces for the two-storey storage facility.

The proposed 26 parking spaces adjacent to the office and two-storey storage building will be sufficient parking for customers that need to use the office and customers using the storage facilities in the two-storey storage building. A recommended condition of the concurrent Site Plan Approval process will require the applicant to demonstrate on the Site Plan that the site layout will allow for vehicle parking and maneuvering between the proposed storage buildings.

### **Landscaped Open Space Reduction**

Both the M1 and M2 zones require a minimum landscaped open space area of 25% of the total lot area. The application is requesting a reduction to 24.5 % landscaped open space.

The proposed landscaped open space area for the development contains the stormwater management area and a limited sodded area along the property boundary and adjacent to the office building. All other lands are proposed to contain the buildings and internal hard surfaced road system. The requested reduction is minimal and is not anticipated to impact the ability of the parcel to support the proposed development.

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

### **City Staff & Agency Comments**

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

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

### **City of Owen Sound Engineering & Public Works Department**

Comment has been received from the City's Engineering & Public Works Department with no objection to the subject proposal as detailed in comment dated January 24, 2023.

### **Grey County**

Comment has been received from Grey County with no objection to the subject proposal.

### **Grey Sauble Conservation Authority (GSCA)**

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

### **Historic Saugeen Metis (HSM)**

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

### **Public Meeting**

No members of the public submitted comments in writing or made presentations at the public meeting on January 16, 2023.

### **Financial Implications:**

None at this time.

### **Communication Strategy:**

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

Notice of Decision will be given subject to Council's decision and a twenty (20) day appeal period will follow the Notice.

### **Consultation:**

The application was circulated to various City Departments and our commenting agencies as part of the consultation process.

## **Attachments:**

Schedule 'A': Orthophoto  
Schedule 'B': Official Plan and Zoning Map  
Schedule 'C': Servicing Drawing  
Schedule 'D': Draft Zoning By-law Amendment & Appendix A  
Schedule 'E': Public Meeting Minutes and Public Comments  
Schedule 'F': Agency Comments

## **Recommended by:**

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage  
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, Manager of Planning & Heritage at [srobart@owensound.ca](mailto:srobart@owensound.ca).