

## 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-23-016  
**Subject:** Technical Report – ZBA No. 44 – 2275 16th Street East  
(Telfer Creek Square)

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### Recommendations:

That in consideration of Staff Report CS-23-016 respecting Zoning By-law Amendment No. 44 to permit a mixed-use development at 2275 16<sup>th</sup> Street East, City Council directs staff to continue to process the application in accordance with the *Planning Act* as outlined under next steps in the report.

### Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 44) has been submitted by Sydenham Square Inc. (Muzammil Dewan) through Ron Davidson Land Use Planning for a mixed-use development at 2275 16<sup>th</sup> Street East.
- The purpose of the application is to permit a mixed-use development that includes three multi-unit commercial buildings, two single-purpose commercial buildings and three 3-storey (40 units) multi-unit residential buildings with a total of 120 residential units. The proposal also 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 22<sup>nd</sup> Ave E south of 16<sup>th</sup> St E.
- The pending recommendation report will assess consistency with the PPS, conformity with the County's and City's OP and if the application meets the requirements of the City's Zoning By-law.

## **Strategic Plan Alignment:**

This is a technical report for a legislated review process under the Ontario *Planning Act*. Assessment of the subject application's alignment with the City's Strategic Plan will be conducted in the recommendation report to follow.

## **Previous Report/Authority:**

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

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

## **Background & Proposal:**

A complete application for a Zoning By-law Amendment (ZBA 44) has been submitted by Sydenham Square Inc. (Muzammiil Dewan) through Ron Davidson Land Use Planning for a mixed-use development at 2275 16<sup>th</sup> Street East.

## **Property Description**

The subject property is located at 2275 16<sup>th</sup> Street East on the south side of 16<sup>th</sup> Street East at the eastern border of the City's East City Commercial area. Surrounding land uses include:

North: vacant East City Commercial parcels, East Ridge Business Park (including Vandolder Home Team);

East: Rail Trail, Hazard lands associated with Telfer Creek and vacant lands designated Open Space and East City Commercial;

South: Hazard Lands & vacant lands designated Residential; and,

West: Heritage Grove commercial development, future development residential lands, Telfer Creek drafted approved subdivision & Grey Bruce Health Services (Owen Sound Hospital).

The subject lands are designated 'East City Commercial', 'Hazard Lands' and 'Open Space' in accordance with Schedule A of the City's Official Plan (2021). The subject property is located in Phase I of the Sydenham Heights Planning Area and are designated East City Commercial and Hazard according to Schedule A2. The lands are zoned 'Rural' (RUR) and 'Hazard Lands' (ZH) in the City's Zoning By-law (2010-078, as amended).

For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'. The subject lands are fully described in Schedule 'C'.

## **The Proposal**

The purpose of the application is to permit a mixed-use development that 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 also 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 22<sup>nd</sup> Ave E south of 16<sup>th</sup> St E.

The effect of the application is to amend the zone categories from Rural to a Retail Commercial Holding (C2 H) Zone subject to special provisions. The lands currently designated and zoned Hazard Lands (ZH) will remain.

<b>Current Zoning</b>	<b>Proposed Zoning</b>
<ul style="list-style-type: none"><li>▪ Rural (RUR)</li><li>▪ Hazard Lands (ZH)</li></ul>	<ul style="list-style-type: none"><li>▪ Retail Commercial Holding with Special Provisions 14.XXX (C2(H) 14.XXX)</li><li>▪ Hazard Lands (ZH)</li></ul>

The proposed special provisions will implement the policies of the City's Official Plan with respect to the East City Commercial policies, specifically Section 3.5.2.5 among other matters.

## **Submission & Process Details**

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>
Planning Report	Prepared by Ron Davidson Land Use Planning Consultants dated November 25, 2022

<b>Submission Item Title</b>	<b>Submission Item Detail</b>
Conceptual Site Plan	Prepared by G.M. Diemert Architect Inc. dated November 23, 2022
Transportation Impact Study	Prepared by Paradigm Transportation Solutions Ltd dated November 2022.
Urban Design Study	Prepared by G.M. Diemert Architect Inc. dated November 23, 2022
Solar Study	Prepared by G.M. Diemert Architect Inc. dated November 23, 2022
Geotechnical Investigation	Prepared by GM BluePlan dated May 3, 2021
Hydrogeological Review & Impact Assessment	Prepared by GM BluePlan dated November 24, 2022
Servicing Feasibility Study	Prepared by GM BluePlan dated November, 2022
Civil Engineering Drawings Existing Conditions Servicing Plan Grading & Drainage	Prepared by GM BluePlan dated November 10, 2022
Floodplain Analysis Report	Prepared by GM BluePlan dated March 2021
Stage 1 and 2 Archaeological Assessments & Entry into the Ontario Public Register of Archaeological Reports	Prepared by Archaeological Research Associates Ltd dated September 09, 2022
Natural Heritage Environmental Impact Study	Prepared by AWS Environmental Consulting dated April, 2021.

The applicant engaged the City in the Pre-consultation process in August 2020. Subsequently, the process relating to the formal application has proceeded as follows:

<b>Date</b>	<b>Step</b>	<b>Days</b>
November 20, 2022	Submission of complete application and fees	1
December 12, 2022	Letter of Complete Application to applicant & Request for Comments	14
December 22, 2022	Notice of Complete Application	24
January 9, 2023	Notice of Public Meeting	42
January 30, 2023	Public Meeting & Technical Report	63

### **Technical Review:**

The Planning Act and the City's Official Plan establish criteria for evaluating an application to amend the City's Zoning Bylaw. In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the Planning Act. Section 3 of the Planning Act also prescribes that the decision of Council on a planning matter shall be consistent with the policy statements issued under the Act, which includes, among others, the Provincial Policy Statement.

The City's Official Plan (OP 9.1.1.2) provides that the City may amend the Zoning Bylaw where in the opinion of Council, sufficient justification exists. Amendments must conform to the policies of the Official Plan. When considering an amendment, the City should consider the goals, objectives, and policies of the Official Plan. Additionally, decisions should consider the compatibility with adjacent uses of land and servicing (transportation, sewer, and water).

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

All applicable policies, standards, and review comments will be fulsomely reviewed in the Staff Recommendation Report (anticipated to come forward at Council on January 30, 2023).

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

## **A: Provincial Policy Statement**

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

The matters described include, among others, the protection of natural areas, supply and efficient use of water, adequate provision of transportation, sewage and water services as well as waste management, orderly development and healthy communities, accessibility for persons with disabilities; the adequate provision of a full range of housing, including affordable housing; the protection of public health and safety; appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and oriented to pedestrians.

The 2020 Provincial Policy Statement (PPS) provides direction on matters of provincial interest. Municipal decisions on planning matters are required to be consistent with the PPS.

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

The following PPS policies are highlighted concerning this application:

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

*1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential*

*units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

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

*d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs*

*f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

*h) promoting development and land use patterns that conserve biodiversity; and*

*i) preparing for the regional and local impacts of a changing climate.*

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

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

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

## **1.5 Public Spaces, Recreation, Parks, Trails and Open Space**

*1.5.1 Healthy, active communities should be promoted by:*

*a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*

*b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*

### **1.6 Infrastructure and Public Service Facilities**

*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.*

### **1.6.7 Transportation Systems**

*1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.*

*1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

*1.6.7.3 As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.*



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

## **2.1 Natural Heritage**

*2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

*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.*

*2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

## **2.2 Water**

*2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*

*Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

## **3.0 Protecting Public Health and Safety**

### **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.*

The pending recommendation report will assess if the proposal is consistent with the direction provided by the PPS and if conditions of approval respecting matters of provincial interest should be applied.

## **B: County of Grey Official Plan**

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 pending recommendation report will assess the conformity of the proposed Zoning Amendment with the policies of the County OP.

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

The subject property is designated 'East City Commercial', 'Hazard Lands' and 'Open Space' in the 2021 Owen Sound Official Plan (OP) as shown on Schedule 'A'.

The lands are located within the Sydenham Heights Planning Area – Phase I (A2). The Planning Area mapping in Schedule A2 mirrors the mapping of Schedule 'A' and designates the lands as "East City Commercial", 'Hazard Lands' and 'Open Space'. The East City Commercial designation applies to the northern portion of the subject lands along the 16<sup>th</sup> St E frontage and the property boundary with the adjacent Heritage Grove development. The Hazard Lands designation recognizes a tributary to Telfer Creek which crosses the property diagonally from the southwest to the northeast. The Open Space designation applies to the southeast corner of the property which is adjacent to the Rail Trail and contains non-hazard lands.

## **Vision and Goals**

Section 2.1 Vision states that Owen Sound is to be *a complete community that values the natural environment, cultural diversity, historic streetscapes, and vibrant waterfront and provides a sense of belonging. The City will plan to evolve as a centre for growth, opportunity and innovation while ensuring that equity, inclusion, diversity, sustainability, resiliency, and quality of life are considered in every decision*

## **Section 2.2 Goals and Objectives**

### ***Section 2.2.2 Natural Heritage***

*To protect and enhance the quality of the natural environment through a planning framework that maintains and improves the diversity and connectivity of the natural forms, features and functions of the City's natural heritage, that also mitigates the impacts of development on these features.*

### **Section 2.2.3 Economic Vitality**

*To foster a vital and diverse local and regional economy and to strengthen the City's employment and economic base through the attraction, retention, rehabilitation and expansion of businesses and Institutions.*

### **Section 2.2.4 Managing Growth**

*Goal: To promote and encourage the growth and development of the City through a planning framework that supports sustainability, healthy communities, planned growth and quality of life for all residents of the City.*

*Objectives:*

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

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

### **Section 2.2.7 Urban Design**

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

### **Section 2.2.8 Infrastructure**

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

## **East City Commercial**

The East City Commercial designation generally applies to lands on the north and south side of 16<sup>th</sup> St E between 9<sup>th</sup> Ave E and the eastern City boundary at 28<sup>th</sup> Ave E and comprises the main eastern entrance to the City. The principle planned function of the East City Commercial designation is to

accommodate large format retail uses requiring relatively large sites in single or multiple-purpose layouts (Sec 3.5.1.1a) as well high density residential and non-ground oriented multiple dwelling units in combination with uses permitted in Section 3.5.1.1.a.

The following policies of the East City Commercial designation are applicable to the application:

*3.5.2.1 The East City Area shall be developed in an orderly and coordinated manner to provide a cohesive and attractive pedestrian and vehicle oriented retail environment to serve the community and surrounding region.*

*3.5.2.2 The area shall be capable of providing both large-scale lots to accommodate large format retail uses and medium scale properties to accommodate service and support businesses.*

*3.5.2.3 Off-street vehicle parking areas shall be established at a rate that will adequately serve the related commercial facilities, including parking for all employees and customers. Parking areas and points of access are to be developed in accordance with Section 8.6.6 and relevant urban design guidelines for the East City Commercial Area.*

*3.5.2.4 In order to sustain the planned function for the East City Area, the City may limit the minimum and maximum gross floor area of any permitted use through the Zoning By-law.*

*3.5.2.5 For any application in the East City Commercial designation for the uses listed in Section 3.5.1.1 a) and b) that are less than 465 square metres and greater than 1,400 square metres, the City shall require the following information and studies acceptable to the City:*

- a. A retail market analysis of the need for the proposed development and the impact of the proposed use on the commercial structure of the City and the County. Such a study shall confirm that:*
  - i. Designated commercial property, suitable for the intended scale and type of development is not available within the River District Commercial area.*
  - ii. Available commercial property in the River District Commercial area is not economically viable for the intended scale and type of development.*

- iii. *The proposed increase in commercial floor space will not be premature by increasing the amount of commercial floor space in the City beyond the 5 year market demand.*
- iv. *The proposed development will not undermine the economic viability or planned function of a significant commercial component of the River District Commercial area or impair the function of a designated commercial district as identified in this Plan.*
- b. *An assessment of the traffic, land use, ecological and servicing impacts of the proposed use, including recommended infrastructure improvements necessary to accommodate the proposed use.*
- c. *Site development information to ensure high quality urban design, safe access for pedestrians and vehicles, on-site environmental controls, store size and function, and similar information necessary to assess the impact of the use on the area.*

*3.5.2.6 Residential uses permitted in Section 3.5.1.1 (c) shall be subject to provision of the following:*

- a. *Adequate parking for residential and non-residential uses.*
- b. *Appropriate buffering and/or integration of the residential uses and other permitted uses.*
- c. *Analysis of land use compatibility considerations, such as noise and traffic.*
- d. *Implementation of urban design policies, any approved urban design guidelines and objectives of this Plan.*

## **Sydenham Heights Planning Area**

The subject lands are located within Phase I of the Sydenham Heights Planning Area. The purpose of this secondary plan is to provide the basis for the development of a diverse community area in a manner that has the greatest positive impact on the quality of life in Owen Sound. The secondary plan provides more specific development policies for the Sydenham Heights Planning Area to guide decisions on development applications and to incorporate the findings of the recently completed engineering studies for the Planning Area. The following policies are applicable to the application:

*4.2.1 The Sydenham Heights Planning Area is proposed to be largely a residential mixed-use community. The Planning Area is to be distinguished*

*by its natural environmental features, existing major institutional uses, a mixed-use node at 16th Avenue East and 8th Street East and residential development to accommodate future growth in the City.*

*4.2.2.1 The Sydenham Heights Phase I and II Planning Areas shall primarily accommodate residential land uses together with a mix of compatible institutional, commercial and open space uses to support and service the local residential area in accordance with the policies of Section 3.1 of this Plan.*

*4.2.2.5 The overall density target for the Planning Area is not less than 25 units per net hectare. This target shall be planned for in an equitable manner across the entire secondary plan area.*

*4.2.2.9 In areas designated East City Commercial on Schedule 'A2', development shall take place in accordance with Section 3.5 of this Plan. The East City Commercial designation is generally an extension of this land use as located in the area south of Highway No. 26 and west of 20th Avenue East.*

#### **4.2.4 Parkland**

*4.2.4.1 The County maintains a trail along the former railway corridor that bisects the Sydenham Heights Planning Area. Appropriate setbacks may be required as development occurs within this area. Potential relocation of the trail to facilitate development of abutting lands may be permitted without amendment to this Plan provided the trail remains continuous in a linear fashion with safe road crossings, the design is consistent with the needs of a variety of trail users, and the potential relocation does not conflict with the County's long-term goals and objectives for the former railway corridor. Any potential trail relocation shall require agreements with and approval from the County of Grey.*

*4.2.4.2 Neighbourhood parks with links to the trail system are to be provided as identified in the Recreation Parks and Facilities Master Plan to provide local parkland needs of residents in the Sydenham Heights Planning Area. The southerly park is adjacent to lands designated Niagara Escarpment Plan Area on Schedule 'A2' and shall be designed and developed for passive recreational activities for the area residents. The City may require the completion of a landscape plan for any park area and may enter into a development or subdivision agreement for the construction of a park.*

*4.2.4.3 The lands designated Hazard Lands form part of the flood plain of a tributary of Bothwell's Creek. It is intended that these lands be maintained to manage regional storm events in a manner whereby erosion is controlled.*

*Appropriate setbacks are required from the hazard lands. Prior to development, the City may request an Engineered Floodplain Study in accordance with the policies of Section 6.1.5, should the lands about the hazard lands designation. The City and the Grey Sauble Conservation Authority will review the setbacks. Correction to hazard land boundaries are permitted without amendment to this plan.*

*4.2.4.4 The trail system that will follow the former railway corridor will bisect the north portion of the Hazard Lands, allowing the trail system to continue uninterrupted as it traverses the Sydenham Heights Planning Area.*

*4.2.4.5 Lands designated Hazard Lands will not be considered as parkland dedication.*

#### **4.2.5 Road System**

*4.2.5.1 All lands shall be developed in general conformity with the schematic road system plan illustrated on Schedule 'A2', subject to the policies contained herein. For local and collector roads, the road system plan may be considered illustrative only and changes to the location and configuration of such streets shall be permitted without amendment to this Plan, provided the planned street does not adversely impact the development ability of adjoining lands or the general traffic flow system provided, and the layout is in accordance with suitable design principles.*

*4.2.5.2 The portion of Highway No. 26 (16th Street East) located within the Sydenham Heights Planning Area is a Provincial highway connecting link. Access to this portion of the highway may be restricted and will be subject to approval of the City and may include consultation with the Ministry of Transportation and address any applicable permit requirement.*

*4.2.5.6 The City may require noise impact studies for lands adjacent to major roads prior to final approval of residential development to determine the need for noise attenuation and buffering in accordance with the Ministry of the Environment, Conservation and Parks (MECP) requirements.*

#### **4.2.6 Services and Infrastructure**

*4.2.6.1 All development within the Sydenham Heights Planning Area shall proceed on the basis of full municipal wastewater and water services.*

*4.2.6.2 The East Owen Sound Master Servicing Study serves as a base reference document for the City and property owners wishing to undertake development relative to servicing the remaining land in the eastern part of the City to allow for orderly development.*

*4.2.6.3 Parts of three drainage basins named Kenny Drain, Telfer Creek West Branch and Bothwell's Creek are within the Sydenham Heights Planning*

*Area. The Stormwater Management Strategy developed as part of the East Owen Sound Master Servicing Study contains servicing strategies for Kenny Drain, Telfer Creek West Branch and Bothwell's Creek. The following provides a summary of the directions which are to be considered as part of development applications for the lands:*

- a. Criteria for design of SWM facilities.*
- b. Recommendation to establish centralized SWM facilities at low points in the local topography to service more than one development.*
- c. Identification of preliminary SWM facility locations.*

#### **4.2.8 Implementation**

*4.2.8.1 It is a policy of this secondary plan that new development shall be responsible for the cost of upgrades to existing infrastructure and new infrastructure that will benefit such new development. Area Specific Development Charges for the Sydenham Heights Development Area are identified in Schedule C and Schedule D of the City's Development Charges By-law (By-law No. 2020-112) to recover costs the City incurred to extend water and sanitary to service lands in Phase 1.*

### **Urban Design**

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

#### **8.2 Natural Features**

*8.2.1.3 New development should be designed so as to protect and enhance this natural setting. Significant natural features such as river valleys, ravines, wetlands escarpments and woodlands within or adjacent to any development should be protected with suitable setbacks, access points and visibility.*

#### **8.3 Experiencing the City**

*8.3.2.1 The City may identify certain points of entry into the City and certain key intersections as Gateways and Nodes. These are points that may be used to create a sense of welcome and arrival, assist in orientation and create a memorable image of the City. The primary locations are at the highway entrances at Highway 26 in the east, Highways 6/10 in the south and Highways 6/21 in the west and nodes identified in area studies such as the*



*Harbour and Downtown Urban Design/Master Plan Strategy. These locations may be marked with special structures, landscaping or signage that reflects the unique character of the City. Design opportunities and the integration of these elements into the surrounding area may be identified through Urban Design studies.*

#### **8.4 Pedestrian Environment**

*8.4.1.1 The City will seek to secure a safe and accessible pedestrian environment in public and private development through the development and use of design guidelines which provide standards for clear visibility in public places, appropriate lighting, safe movement around vehicles, barrier-free sidewalks and building entrances and such other measures as may be appropriate.*

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

#### **8.6 Streetscape**

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

##### **8.6.5 Large Lots**

*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.*

*8.6.5.2 Buildings close to the street could be developed in a form similar to that described in Section 8.6.3.*

*8.6.5.3 Consideration should be given to continuous pedestrian access along the building fronts near the street and connecting to adjacent development. Safe, comfortable, accessible and barrier pedestrian points of access from the street should be provided at regular intervals to all buildings on the lot.*

*8.6.5.4 A connect City sidewalks to main, accessible entrances.*

*8.6.5.5 In this form of development, parking shall be separated from sidewalks by a landscaped buffer. Sidewalks may also be set back from the*

*road with landscaped boulevards where appropriate. These areas should be landscaped in accordance with applicable design guidelines.*

#### **8.6.6 Parking and Access**

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

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

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

*8.6.6.3 Access points should be clearly visible and distinguishable, limited in number and designed in a manner that will minimize hazards to pedestrian and motor traffic in the immediate area.*

*The City may require consolidation of adjacent parking areas to provide appropriate spacing of access points on arterial roads.*

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

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

#### **8.6.7 Adjacent Uses**

*8.6.7.1 The City shall consider matters of potential impact on adjacent uses when considering any application for a change of use.*

*8.6.7.2 The City shall consider the potential impact of abrupt changes in building height and scale on surrounding uses and protected views when considering zoning by-laws and site plan approvals. Generally, the City will seek compatible building forms.*

*8.6.7.3 Where the height or mass of a proposed building may significantly shadow or cause increased wind conditions on an adjacent open space or solar collector, the City may require a study be undertaken to assess the impact and may develop and enforce setback requirements, site plan requirements and design guidelines to ameliorate the problem.*

*8.6.7.4 Wherever a residential type of use abuts an industrial use, a commercial use, an institutional use, a parking area, a loading area or any other incompatible use, the City may develop and enforce setback requirements, site plan requirements and design guidelines to provide adequate visual and aural separation and privacy for the residential use in accordance with MECC.*

*8.6.7.5 Generally, where a non-residential site abuts a residential use, the location of access lanes, parking areas, loading areas and waste storage close to the residential use should be avoided. A landscaped buffer and appropriate screening should be required along the adjoining lot lines. Additional screening may be required where noise levels generated by the non-residential use are considered unusually high and would negatively impact the residential use.*

*8.6.7.6 Protection of adjacent uses may require support of compatibility studies in accordance with Schedule 'E'.*

### **8.6.8 New Residential Development**

*8.6.8.1 New residential development should be planned in neighbourhoods through Planning Areas, creating identifiable areas of the City with simple street patterns, a coherent built form, a well-connected and safe pedestrian system and accessible local amenities such as a neighbourhood park, convenience shopping and institutional uses.*

*8.6.8.2 Buildings should be sited to provide relatively consistent streetscapes within an area, with similar setbacks, defining the visual width of the streets. Street trees should be planted in accordance with an appropriate plan.*

*8.6.8.3 In new comprehensively designed residential development, the City may permit building setbacks and lot sizes which vary from surrounding development where these are determined to be appropriate to the proposed form of development in accordance with accepted design guidelines.*

*8.6.8.4 New development should support the maintenance of a continuous open space system and provide appropriate pedestrian access.*

### **8.6.10 Landscape Design**

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

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

The pending recommendation report will assess if the proposal conforms to the policies of the City's OP and if conditions of approval respecting City OP conformity should be applied.

#### **D: City of Owen Sound Zoning By-law**

The subject property is zoned 'Rural' (RUR) and 'Hazard Land' (ZH) in the City's Zoning By-law (2010-078, as amended). The Rural zone on the subject lands recognizes the greenfield character of the property and that until the sanitary sewer trunk was extended along the Rail Trail servicing infrastructure was not available and limited the developability of the lands.

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 also 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 22<sup>nd</sup> Ave E south of 16<sup>th</sup> St E.

The effect of the application is to amend the zone categories from Rural to a Retail Commercial Holding (C2 H) Zone subject to special provisions. The lands currently designated and zoned Hazard Lands (ZH) will remain.

<b>Current Zoning</b>	<b>Proposed Zoning</b>
<ul style="list-style-type: none"><li>▪ Rural (RUR)</li><li>▪ Hazard Lands (ZH)</li></ul>	<ul style="list-style-type: none"><li>▪ Retail Commercial Holding with Special Provisions 14.XXX (C2(H) 14.XXX)</li><li>▪ Hazard Lands (ZH)</li></ul>

The proposed special provisions will:

- implement the policies of the City's Official Plan with respect to the East City Commercial policies, specifically Section 3.5.2.5;
- Provide for a reduced exterior side setback from 3 m to 2m; and,
- Provide for a reduced minimum landscaped open space area. The C2 zone provisions require provision of landscaped open space at 40 square meters per dwelling unit. The development is proposing 120 dwelling units and would therefore be required to provide 4,800

square meters (1.19 ac) of landscaped open space across the development.

**‘Landscaped Open Space’** means the area of a lot which is at finished grade, terraced or on a roof defined for such purpose and primarily used or intended to be used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, and impervious areas such as surfaced walks, surface patios, swimming pools, but shall not include any access driveway, ramp, parking area or loading spaces whether surfaced or not.

The applicant is in the process of calculating the area of landscaped open space provided in the concept plan to establish requested reduction.

The pending recommendation report will assess if the proposal meets the requirements of the City’s Zoning By-law and if conditions of approval respecting zoning conformity should be applied.

### **E: Site Plan Control Matters & Future Planning Act Applications**

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

A separate recommendation report will assess how the proposal meets the requirements of the City’s Official Plan and Zoning By-law and which conditions of approval will be applied through the Site Plan Approval. As legislated, site plan approval is now a staff-delegated process.

The developer has indicated through the pre-consultation process and subsequent discussions that the proposed development may be subject to a Plan of Subdivision and/or Condominium application at some time in the future. These applications will be processed as per the legislated process in force and effect at that time.

### **Next Steps:**

In accordance with the *Planning Act* and City protocols for processing Planning Act Applications, the following outlines the next steps in the process. Staff anticipate being within the 90 prescribed timeline for Zoning By-law Amendments.

<b>Anticipated Date</b>	<b>Step</b>	<b>Days</b>
February 13, 2022, or February 27, 2022	Recommendation Report & Enacting By-law to Council	77 91

## **Financial Implications:**

None at this time.

## **Communication Strategy:**

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

## **Consultation:**

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

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

## **Attachments:**

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

## **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) or 519 376 4440 x. 1236.