

Staff Report

Report To: City Council

Report From: Sabine Robart, Manager of Planning and Heritage

Meeting Date: March 27, 2023

Report Code: CS-23-035

Subject: Technical Report – Official Plan Amendment (OPA 12) and Zoning By-law Amendment (ZBA 45) by Calloway Real Estate Investment Trust Inc (Heather Jenkins) through GSP Group (Eric Saulesleja) – 1555 18th Avenue East

Recommendations:

THAT in consideration of Staff Report CS-26-035 respecting the proposed Official Plan Amendment No. 12 and Zoning By-law Amendment No. 45 by Calloway Real Estate Investment Trust Inc. at 1555 18th Avenue East, City Council directs staff to continue to process the applications in accordance with the *Planning Act* as outlined under next steps in the report.

Highlights:

- A complete application for an Official Plan Amendment (OPA 12) and Zoning By-law Amendment (ZBA 45) has been submitted by Calloway Real Estate Investment Trust Inc (Heather Jenkins) through GSP Group (Eric Saulesleja).
- The purpose of the application is to permit a two-phased residential development, including apartment and cluster townhouse dwellings with a total of 477 units and an overall density of approximately 95 units per net hectare. The development includes the extension of 10th Street East as a 20.5 metre collector road and the construction of a publicly accessible open space area.

- The effect of the Official Plan amendment is to redesignate the subject lands from 'Low Density Residential' to 'High Density Residential' within the Sydenham Heights Planning Area – Phase I on Schedule A2 and to provide for an alternate 20.5 metre wide collector road cross section for a portion of the 10th Street East extension between 18th Avenue East and 20th Avenue East.
- The effect of the Zoning By-law Amendment application is to amend the zone categories and special provisions applying to the subject lands from 'Low Density Residential' Holding with Special Provision 14.5 (R3 (H) 14.5) to General Residential with Special Provision 14.xxx (R5 14.xxx) and General Residential with Special Provision 14.yyy (R5 14.yyy)
- The special provisions are proposing to establish site-specific zone regulations regarding building height, setbacks, parking ratios, density, temporary uses, and future buildout of the site, among other matters.

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.

Climate and Environmental Implications:

This supports the objectives of the City's Corporate Climate Change Adaptation Plan by considering climate adaptation in the development of the City's strategies, plans, and policies.

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 an Official Plan Amendment (OPA 12) and Zoning By-law Amendment (ZBA 45) has been submitted by Calloway Real Estate Investment Trust Inc (Heather Jenkins) through GSP Group (Eric Saulesleja) for a two-phased residential development at 1555 18th Avenue East.

Property Description

The subject lands are located at 1555 18th Avenue East and comprise the southern portion of Walmart site which is currently vacant. The property is somewhat elevated above the commercial buildings that front on 16th Avenue and 16th Street East. The portion of the property subject to the residential development proposal is approximately 5.5 hectares in area.

The western portion of the vacant portion features former agricultural lands that have been left to regenerate and the eastern portion of the site is an open field/grassed area.

Surrounding land uses include:

North: commercial (Walmart & Home Depot Plaza)

East: vacant, future residential & Heritage Grove commercial development

South: Grey Bruce Health Services – Owen Sound Hospital, future Telfer Creek residential subdivision

West: Chapman House Hospice, SWM facility, vacant commercial land, Season's retirement home

The subject lands are designated 'Residential' in accordance with Schedule 'A' of the City's Official Plan (2021). The subject property is located within Phase I of the Sydenham Heights Planning Area and designated 'Low Density Residential' according to Schedule 'A2'.

The lands are zoned 'Low Density Residential' Holding with Special Provision 14.5 (R3 (H) 14.5) in the City's Zoning By-law (2010-078, as amended). Special provision 14.5 permits a Long-Term Care Facility including a residential hospice in addition to all other uses permitted in the R3 zone.

For location context and surrounding land uses, please see the Orthophoto in Attachment 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Attachment 'B'.

The Proposal

The purpose of the application is to permit the development of the property for a mix of townhouse dwellings and residential apartments. Two phases are proposed:

Phase 1 consists of two, four-storey apartment buildings (Buildings A & B) with 78 units in per building located on the westerly portion of the site together with 10 townhouse blocks (Blocks 1 -10). The ten blocks contain a total of 87 cluster townhouse dwelling units. Phase 1 has 156 apartment units and 87 townhouse units for a total of 243 dwelling units.

The site plan provides for 195 parking spaces in the parking area located between the apartment buildings. Each cluster townhouse unit is provided with a garage and driveway approximately six (6) metres long which results in two parking spaces per unit and total of 174 parking spaces for the townhouse blocks.

Elevation drawings submitted with the site plan show three-storey townhouse units with a garage on the ground level of each unit.

Phase 2 consists of three, four-storey apartment buildings (Buildings C, D and E) with 78 dwelling units in each building. A total of 234 apartment dwelling units are proposed in Phase 2.

The site plan provides for two (2) parking areas located between the buildings as well as a row parking spaces along the west of Building C. A total of 234 parking spaces are proposed with this phase.

Together, both phases propose a total of 477 units, resulting in an overall site density of approximately 95 units per net hectare.

The development also includes the extension of 10th Street East as a 20.5 metre collector road from its current terminus at 18th Avenue East to the existing 20th Avenue East terminus. The proposed road cross section includes a 3.0 metre wide multi use pathway on the south side of the road.

The Phase 1 apartment and townhouse blocks are proposed to front on to private roads with two points of access/egress to the future 10th Street extension.

The Phase 2 apartment proposal includes two additional access/egress points to the future 10th Street E extension connecting to private on-site parking areas proposed to be developed together with the residential development.

A common outdoor amenity area (POPS -privately owned publicly accessible spaces) is proposed in the southwest corner of the site adjacent to the hospice.

OPA 12

The effect of the Official Plan amendment is to redesignate the subject lands from ‘Low Density Residential’ to ‘High Density Residential’ within the Sydenham Heights Planning Area – Phase I and to provide for an alternate 20.5-metre-wide collector road configuration for the 10th Street East extension between 18th Avenue East and 20th Avenue East.

The extension of 10th Street East will connect to the existing terminus of 20th Avenue East to the north. The proposed development also includes the construction of a publicly accessible open space area.

ZBA 45

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

Current Zoning	Proposed Zoning
<ul style="list-style-type: none"> ▪ Low Density Residential Holding with Special Provision 14.5 (R3 (H) 14.5) 	<p>Phase 1</p> <ul style="list-style-type: none"> • General Residential with Special Provision 14.xxx (R5 14.xxx) <p>Phase 2</p> <ul style="list-style-type: none"> • General Residential with Special Provision 14.yyy (R5 14.yyy)

The special provisions are proposing to establish site-specific zone regulations regarding building height, setbacks, parking ratios for the Phase

2 apartment development, floor space index (FSI) , temporary uses, and future buildout of the site, among other matters.

The site-specific special provisions are described more fully under the Zoning Bylaw section of this report. The draft OPA and ZBA provided by the applicant are included as Attachment D and E.

Submission & Process Details

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

Submission Item Title	Submission Item Detail
Master Site Plan & Phasing Plan	Prepared by Chamberlain Architect Services Ltd dated January 01, 2023
Transportation Impact Study	Prepared by CGH Transportation dated January 2023
Functional Servicing and Stormwater Management Report	Prepared Stantec dated January 30, 2023
Civil Drawings Package (Servicing Plan, Grading Plan, Details & Notes, Erosion & Sediment Control Plan, Details & Notes)	Prepared by Stantec dated January 2023
Urban Design Report	Prepared by GSP Group Inc. dated January 2023
Planning Justification Report	Prepared by GSP Group Inc. dated January 2023
Noise Impact Study	Prepared by RWDI dated January 16, 2023
Stage 1 & 2 Archaeological Assessment Supplementary Document	Prepared by Archoworks dated January 2023

Submission Item Title	Submission Item Detail
Indigenous Engagement Document	
Landscape Plan	Prepared by MHBC dated September 2022
Tree Inventory & Preservation Report & Plan	Prepared by Kuntz Forestry Consulting Inc dated January 19, 2023
Elevations	Prepared by Chamberlain Architect Services Ltd dated January 01, 2023

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

Date	Step	Days
February 03, 2023	Submission of applications for OPA and ZBLA together supporting materials and fees	1
February 17, 2023	Letter re Notice of Complete Application to the applicant Request for Comments to City staff & external agency	15
March 3, 2023	Notice of Complete Application & Public Meeting mailed to property owners within 120 metres of subject lands and posting sign on property	29
March 27, 2023	Public Meeting & Technical Report to Council	53

The Planning Act provides for a total of 120 days to process a joint application for OPA and ZBLA.

Technical Review:

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

Further to the Provincial Policy Statement and Planning Act the City's Official Plan (S. 9.3.1.2) provides criteria when reviewing applications to amend the Official Plan including consistency with the Niagara Escarpment Plan; impact on the provision of and demand for municipal services, infrastructure and facilities; adequacy of the proposed hard and soft services in accordance with the servicing policies of this Plan; impact on surrounding land uses, the transportation system, municipal services and community amenities and services; impact on cultural and/or Natural Heritage features; and, any other information as determined appropriate and applicable by the City or other agency.

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).

All applicable policies, standards, and review comments will be fulsomely reviewed in the Staff Recommendation Report (anticipated to come forward at Council on May 08, 2023). Make sure this matches chart at end re timing

This report is intended to describe the proposed Official Plan and Zoning By-law Amendments 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.

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,*
- f) transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit*

investments, and standards to minimize land consumption and servicing costs;

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

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

i) promoting development and land use patterns that conserve biodiversity; and

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

1.1.3 Settlement Areas

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

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

a) efficiently use land and resources;

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

c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

d) prepare for the impacts of a changing climate;

e) support active transportation;

f) are transit-supportive, where transit is planned, exists or may be developed; and

g) are freight-supportive.

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.

1.4 Housing

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

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier

municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.5 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.

1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.7 Long-Term Economic Prosperity

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1.7.1 Long-term economic prosperity should be supported by:

a) promoting opportunities for economic development and community investment-readiness;

b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

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' 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 if the proposal conforms to the policies of the County OP.

C: City of Owen Sound Official Plan

The subject lands are designated 'Residential' 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 designated 'Low Density Residential' according to Schedule A2.

The subject lands are also subject to site-specific Official Plan provisions Section 3.5.3.1 which applies mainly to the commercial development on the northern portion of the site and read as follows:

3.5.3.1 Commercial development shall be permitted on the Wal-Mart and Home Depot Lands (Part of Park Lot 7 and 8, Range 5, East of the Garafraxa Road) in accordance with the following conditions:

- a. That the development is not a Regional Shopping Centre as described in Section 3.4;*
- b. The maximum permitted size of the major retail store shall not exceed 9,800 square metres;*
- c. The maximum permitted size of the major home improvement warehouse outlet shall not exceed 12,077 square metres;*
- d. Individual freestanding commercial building totaling 5,500 square metres maximum may be permitted in addition to the major retail store and major home improvement warehouse outlet;*
- e. The City may use holding provisions to ensure that appropriate arrangements for improvements to the road system are provided for in terms of sufficient access to the subject lands and lands in the vicinity;*
- f. Prior to the approval of development of lands adjoining the lands subject to this Section, the City may require an assessment as to appropriate locations for the open space area.*

Applicable to the southern portion of the property is Section 3.5.3.1 e) which authorized the Holding zone provisions on the southern portion of the lands and recognizes the future extensions of 10th Street East across the subject lands, among other matters.

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 2.2.3 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.

4.2.1 Secondary Plan Vision

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 Permitted Uses

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.

4.2.2.3 The distribution of land uses shall generally conform to the plan set out on Schedule 'A2', Sydenham Heights Planning Area.

4.2.2.4 A range of low density, medium density and high density dwelling types are anticipated for the Sydenham Heights Planning Area.

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.

4.2.3 General Policies

4.2.3.3 To minimize the potential land use conflict between lands designated medium density and medium/high density residential development should be adequately buffered and/or physically separated. This can be accomplished with screening, fencing, tree buffering and landscaping. The City may require a study to assess any noise impacts.

4.2.4 Parklands

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.

4.2.5 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.

4.2.5.3 There are two collector roadways within this Planning Area:

- a. A collector road (20th Avenue East) is proposed from 16th Street (Highway No. 26) extending in a north-south direction to 8th Street East (Grey County Road 5).*
- b. A second collector roadway shall provide an alternative route between 28th Avenue East and 8th Street East.*

These collector roads are conceptual and changes to their alignment are not subject to an official plan amendment. The City or County may request a traffic study to determine the alignment.

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.

4.2.6.4 Where an adequate and secure storm water outlet is not available, interim private on-site storm water management will be required.

4.2.6.5 Phasing of developments will be linked to the extension of the sanitary services as identified in the East Owen Sound Master Servicing Study as the introduction of developments proceed.

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.

4.2.8.2 Where any lands are proposed for development and a significant tree community is located on the same lands, the City may require, as a condition to the approval of development of such land, that a study (i.e., tree inventory and management plan, EIS) be carried out by a qualified professional to ascertain methods of preserving as many trees as possible. Any procedures related thereto may be set out in development or subdivision agreements.

3.1 Residential

The Residential designation permits the development of lands for residential uses, which shall be the predominant area for housing within the City. Residential uses may include single detached, semi-detached, various forms of townhouse, and apartment buildings. Residential uses shall be permitted at low, medium and high density. Other uses that are complementary and provide service to residential uses, such as elementary schools, parks, places of worship and convenience commercial type uses are also permitted in this designation, subject to criteria in this Plan.

3.1.1 Permitted Uses

Where lands are designated Residential on Schedule 'A' – Land Use, the predominant use shall be for residential uses and related purposes including the following:

- a. Single detached, semi-detached, duplex, linked homes.*
- b. Street townhouse, cluster townhouse, stacked townhouse, back-to back townhouse, apartment dwellings and other forms of multiple housing dwellings.*
- c. Accessory Residential Units (ARUs) in single detached dwellings, semidetached dwellings or row houses, subject to the policies of Section 3.1.7.1 of this Plan.*

3.1.2 Residential Density

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

<i>Land Use</i>	<i>Permitted Density</i>
<i>Low-density Residential</i>	<i>Maximum 25 units per net residential hectare</i>

<i>Land Use</i>	<i>Permitted Density</i>
<i>Medium-density Residential</i>	<i>26 to 60 units per net residential hectare</i>
<i>High-density Residential</i>	<i>61 to 125 units per net residential hectare</i>

3.1.2.2 High-density Residential may be permitted up to a maximum density of 125 units per net residential hectare subject to the satisfaction of the following criteria:

- i. The proposed density is deemed appropriate and compatible within the neighbourhood and provides an acceptable height and density transition to existing residential uses and lands designated Medium-density or Low-density Residential;*
- ii. Surface parking is minimized in favour of more intensive forms of parking;*
- iii. The proposal demonstrates a high standard of urban design and architectural design;*
- iv. Appropriate consideration has been given to screening, landscaping, over-look, shadow impacts and other conflict mitigation measures;*
- v. The proposal identifies and implements any required transportation improvements;*
- vi. Infrastructure capacity is not exceeded;*
- vii. If applicable, safe access, flood prevention and geotechnical stability is achieved to the satisfaction of the City and the Grey Sauble Conservation Authority; and,*
- viii. The proposal satisfies all other applicable policies of this Official Plan.*

3.1.2.5 Density shall be allocated in residential areas in accordance with the following:

- a. Lands shall have access to hard services at sufficient capacity for the intended density.*
- b. Adequate soft services such as parks, schools, emergency services, transit and similar shall be available as required to support the intended density.*
- c. Lands intended for medium and high-density uses should have direct access to collector or arterial roads and proximity to*

compatible land uses including but not limited to local institutional and neighbourhood commercial uses.

3.1.8 Residential Intensification

3.1.8.1 The City will support innovative residential development that meets the City's housing objectives.

3.1.8.2 Housing intensification, infill development, and/or conversion of non-residential buildings to a residential use is supported subject to the following policies:

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

5.1 Transportation

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.

5.1.1.1 The City shall establish a coordinated transportation system in accordance with Schedule 'C' – Transportation Plan, designed to facilitate the satisfactory movement of both people and goods. The transportation system is intended to facilitate safe and efficient movement of powered vehicles and public transit plus active transport modes between areas within the City as well as to ensure traffic movement through the City and external linkages with the overall transportation system in the regional setting.

5.1.1.11 Where development is proposed the City may require a comprehensive traffic analysis to assess impacts on the area. Costs related to peer review to evaluate the proposal are to be covered by the proponent. The City may require the developer to execute an agreement with the City providing for financial contributions to provide for any improvements to the transportation system necessary to support the development.

Transportation improvements required by the City may include but are not limited to intersection improvements, road widening, and integrating the proposed development into the surrounding public access system of roads, walkways, bicycle paths and transit facilities. Development applications, where appropriate, should make provision for pedestrian and cycling facilities in accordance with the Transportation Master Plan.

5.1.3 Roads

5.1.3.2 Roads shall be built according to principles of proper engineering design and incorporate tree planting, landscaping, crosswalks, bicycle paths, safe pedestrian interfaces, median strips and boulevards where appropriate as shown in Appendix 'A'.

5.1.3.3 The City will endeavour to promote the principles of "Living Streets" by:

- a. Reducing potential pedestrian conflict with vehicles and separating pedestrian paths from roadways where possible;*
- b. Considering the reduction of vehicular speeds on local roads;*
- c. Allowing narrower pavement widths and incorporating boulevard design or other appropriate design measures in subdivision design.*
- d. Enhancing landscaping and landscaped areas.*
- e. Facilitating multi-modal transportation systems.*
- f. Discouraging the use of cul-de-sacs and dead-end public and private roads in favour of grid road networks.*

5.1.3.4 Roads within settlement areas and built-up areas should be designed as living streets to support all user groups and a variety of travel modes.

5.1.3.7 Minimum right-of-way widths are provided for each classification of road. In certain circumstances the City may consider alternate development standards including reduced right-of-way widths. In particular, alternate development standards may be considered in the River District Commercial

area to reduce impacts of the transportation system on heritage buildings, open pedestrian areas and the general character of the area, or in other areas in order to facilitate efficient cost effective development in accordance with the policies of this Plan.

5.1.3.8 Land shall be dedicated to the City where additional land is required for road widening and extension and for intersections in accordance with the minimum right-of-way widths provided for each classification of road.

5.1.3.14 Collector Roads

Collector roads shown on Schedule 'C' – Transportation provide the two functions of carrying moderate levels of traffic between points of origin and the arterial road system and to provide access to abutting properties.

- a. Collector roads are to be designed in accordance with the general design standards in Appendix 'A'.*
- b. Collector roads may be constructed with two to four lanes in width.*
- c. The minimum road allowance width for City collector roads shall generally be 25 metres.*
- d. Collector roads are to ensure that free flow of traffic is provided but with appropriate traffic control measures to ensure such traffic does not impact abutting lands uses to the extent that development opportunity is significantly reduced.*
- e. Direct access to collector roads shall be permitted subject to geometric design considerations.*
- f. On-street parking may be permitted on collector roads where location and time restrictions are enforced in specific instances, for example, adjacent to schools or during peak periods of traffic demand.*
- g. Sidewalks shall generally be constructed on both sides of collector roads.*

5.1.3.17 All new roads should be designed consistent with accepted engineering standards to provide satisfactory road gradients, facilitate the provision of safe vehicle movement, facilitate the provision of in ground and aboveground municipal services, provide proper access to adjacent lands, accommodate emergency and maintenance and transit vehicle access, accommodate pedestrian and bicycle access, provide safe street intersections, and discourage the creation of double fronting lots, and single

loaded roads except adjacent to arterial roads where sound planning principles suggest that access to arterial roads should be restricted.

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 in number and designed to minimize danger to vehicular and pedestrian traffic.

5.1.4.6 Municipal and private commercial parking facilities shall be buffered and screened and located to minimize the conflict with adjacent land uses and traffic flow. Access to public parking areas shall be from arterial or collector roads except where Council approves otherwise.

5.1.4.8 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 and convenience.*
- c. Adequate lighting, signage and landscaping.*
- d. Controlled visual impact by appropriate location on the site.*

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

5.1.4.14 Parking and charging stations for electric vehicles is required in new development and redevelopment. The provision for future parking and charging stations is also encouraged and may be considered at the time of site plan review.

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.*

5.1.5 Active Transportation

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

5.1.5.2 The City shall promote sustainable, healthy, active living through well-connected and maintained streets, paths and trails that are able to safely accommodate different modes of transportation.

Pedestrian links and bicycle trails may be located on public road allowances, parks, City or government owned lands and rightsof-way acquired over or through privately held lands as indicated on Schedule 'D' – Active Transportation and Recreation Trails Master Plan. Consideration should be given to providing connections between pedestrian links/bicycle trails and residential streets and areas of open space, schools and public transit facilities.

5.1.5.4 Accessibility for all people shall be considered in the design of pedestrian links and trails in accordance with the City's Multi-year Accessibility Plan, Transit Accessibility Plan and AODA requirements.

5.1.5.6 The City will encourage and facilitate where possible the use of cycling on local and collector roads.

5.1.5.9 The City will support the integration of pedestrian and cycling facilities into existing and new development areas.

5.1.5.11 The City will encourage new development to include accessible, age-friendly and transit supportive design elements such as:

- a. A system of walkways (sidewalks, paved shoulders, and trails) and bicycle paths (paved shoulders and trails) linking the subdivision internally as well as externally to other walkways and bicycle paths, and to other public areas;*
- b. Design that includes living streets, active transportation, and safety.*

5.1.6 Public Transit

5.1.6.1 Planning for new developments and built-up areas should include consideration for public transit which may include requirements for bus bays, elimination of street parking for bus stops, streets planned and designed to accommodate transit vehicles, installation of bus shelters subject to

requirements in Transit Accessibility Plan. The City shall encourage greater population densities along and in the vicinity of transit routes.

5.1.6.2 All major development proposals and changes and additions to the road network will be evaluated with respect to their impact on existing or proposed transit services.

5.1.6.5 The City may undertake a transit study to determine transit routes and transit facility locations. The recommendations of this study provide a framework for consideration of planning applications and transportation planning.

7.1.6 Archaeological Resources

Archaeological Resources includes artifact, archaeological sites and marine archaeological sites, as defined under the Ontario Heritage Act.

7.1.6.1 The City will encourage the conservation of archaeological resources as may be identified by the City, the Province, or other group and agency, and will continue to enforce municipal and provincial legislation with respect to lands containing archaeological resources or areas of archaeological potential and/or the discovery of items of archeological or historic interest on a property.

7.1.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site may be permitted.

7.1.6 .3 The City may require studies, such as an Archaeological Assessment Report, prepared by a qualified person, to identify and protect archaeological resources from destruction or alteration through development or public works operations.

8. Urban Design

8.1.1.2 The City shall promote a high standard of design in its public works and in the design of private and public development to achieve an appealing, comfortable, accessible, safe living and work environment for the residents and visitors of Owen Sound. Particular attention will be given to development

within the River District Commercial area, the harbour area, new residential areas, major commercial areas and gateways to the City.

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.

8.4.2.1 Promote the objective of "Healthy Communities" through program and facility development. New neighbourhood streets should be designed to limit the speed of traffic and to create a continuous pattern of pedestrian connections, consistent with the principles of Living Streets. Sidewalks should, where possible, be separated from the roadway by landscaped boulevards.

8.4.2.2 The City will promote the principles of "Living Streets" by:

- a. Encouraging walking throughout the City.*
- b. Providing continuous safe and comfortable walking routes.*
- c. Reducing potential pedestrian conflict with vehicles and separating pedestrian paths from roadways where possible.*
- d. Reducing vehicular speeds on local roads.*

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.

8.6.1.3 The City may define, within any development area, building heights and setbacks or, in some cases, 'build to' lines that are consistent with the intended form of development and relevant guidelines. Within a residential area, such heights and setbacks should be consistent with the general form of existing development. Increased setbacks may be required where high buildings are proposed.

8.6 Streetscape

8.6.3.3 Sidewalks may be set back from the road with landscaped boulevards where appropriate.

8.6.3.4 A barrier-free path of travel shall connect City sidewalks to main, accessible entrances.

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.

8.6.5.5 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 & 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.

8.6.7.4 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.

8.6.8 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.

The pending recommendation report will assess the conformity of the proposed Official Plan and Zoning Amendment with the policies of the City OP.

D: City of Owen Sound Zoning By-law (2010-078, as amended)

The lands are zoned 'Low Density Residential' with Special Provision 14.5 (R3 14.5) and 'Low Density Residential' Holding with Special Provision 14.5 (R3 (H) 14.5) in the City's Zoning By-law (2010-078, as amended). As noted above the Holding provisions were authorized through Official Plan Special Provisions Section 3.5.3.1 which authorized the Holding zone provisions on the southern portion of the lands and recognize the future extensions of 10th Street East across the subject lands, among other matters.

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

Current Zoning	Proposed Zoning
Low-Density Residential Holding with Special Provision 14.5 (R3 (H) 14.5)	Phase 1 - General Residential with Special Provision 14.xxx (R5 14.xxx) Phase 2 - General Residential with Special Provision 14.yyy (R5 14.yyy)

The special provisions are proposing to establish site-specific zone regulations as follows:

1. The lots subject to this Special Provision shall be regarded as one lot for the purposes of meeting zoning regulations;
2. Severances and lot divisions by way of consent are permitted without meeting minimum lot frontage, setbacks, lot coverage and area requirements to newly created lot lines and for newly created parcels, as these lands are considered one lot for planning purposes;
3. Parking, loading and driveways providing access to parking shall not require a setback from interior property lines shared with properties zoned R5 14.xxx (Phase 1) or R5 14.yyy (Phase 2) on By-law 2010-078, as amended, Zoning Map 20; and,
4. Permit a Temporary Sales/Leasing Office defined as "a building or structure, facility or trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot and/or the administration and management of construction activity related to the construction on the lot."

Provisions (1) through (4) seek to recognize the proposed residential development as one property for the purposes of zoning conformity in case of future consent applications. Provision (3) Temporary Sales/Leasing Office is a standard a request for larger developments that will require a number of years to build out due to their scale. These provisions are proposed to apply to both Phase 1 and Phase 2 of the development.

The following proposed site-specific zone regulations apply to Phase 1 through General Residential with Special Provision 14.xxx (R5 14.xxx) in addition to (1) through (4) described above:

1. Permit a maximum height of 15 metres;
2. Permit a minimum exterior side yard of 1.5 metres for the Phase 1 portion of the Subject Site;
3. Permit 0 bicycle parking spaces per cluster townhouse dwelling [where a garage is present]; and,
4. Permit a Maximum Density /Floor Space Index (FSI) of 1.0 across all the Phase 1 lands;

'Floor Space Index (FSI)' means an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on the lot, excluding underground or covered parking structures and floor space located in the cellar.

The following proposed site-specific zone regulations apply to Phase 2 through General Residential with Special Provision 14.yyy (R5 14.yyy) in addition to (1) through (4) described above:

1. Permit a parking ratio for apartment dwellings of 1.0 spaces per unit where 1.25 spaces per unit is required for the Phase 2 portion of the Subject Site; and,
2. Permit a maximum height of 15 metres;

In addition to the above requested special provisions, relief from Section 5.14 Through Lots will also be required to allow a reduced setback from each street/road allowance from 6.5 metres to 1.5 metres.

The pending recommendation report will assess if the proposal meets the requirements of the City's Zoning By-law.

E: Site Plan Control Matters

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

A separate recommendation report 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 process.

As legislated, site plan approval is now a staff-delegated process. Site plan and Servicing Agreements will be required as part of Site Plan Approval process. These agreements will detail the costs of road and sidewalk construction and servicing that will be paid by the developer. The Holding removal arrangements for the extension of 10th Street East across the subject lands as required by the OP policy will be developed through the servicing agreement as part of the site plan approval process.

Next Steps:

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

Anticipated Date	Step	Days
May 08, 2023	Recommendation Report to Council	95
May 29, 2023	Enacting By-laws to Council	116

Financial Implications:

Application fees were collected as part of the OPA and ZBA in the amount of \$7,380.00 as well as \$922.00 for GSCA.

In accordance with the policies of the Official Plan for the Sydenham Heights Planning Area, the developer will be responsible for costs associated with servicing the subject lands, including hard services (roadway, water, sanitary and storm). Site plan and servicing agreements will be required at the time of site plan approval.

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.

Staff Report CS-23-035: Technical Report – Official Plan Amendment (OPA 12) and Zoning By-law Amendment (ZBA 45) by Calloway Real Estate Investment Trust Inc (Heather Jenkins) through GSP Group (Eric Saulesleja) – 1555 18th Avenue East

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': Master Site Plan & Phasing Plan
- Schedule 'D': Draft Official Plan Amendment
- Schedule 'E': Draft Zoning By-law Amendment

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 or 519-376-4440 ext. 1236.