

Staff Report

Report To: City Council
Report From: Sabine Robart, Manager of Planning & Heritage
Meeting Date: May 8, 2023
Report Code: CS-23-045
Subject: Technical Report - ZBA No. 47 - 1032 2nd Avenue West
(Masonic Temple)

Recommendations:

THAT in consideration of Staff Report CS-23-045 respecting the proposed residential conversion of the existing building at 1032 2nd Avenue West, City Council directs staff to continue to process Zoning By-law Amendment No. 47 in accordance with the process outlined in this report.

Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 47) has been submitted by Owen Sound Masonic Temple (Bill Moran) through Ron Davidson Land Use Planning for the residential conversion of the existing building at 1032 2nd Avenue West.
- The purpose of the application is to permit the conversion of the existing building, which formerly contained a day nursery, to contain two residential dwelling units as a 'Dwelling, Duplex.'
- The effect of the application is to amend the zone category applying to the subject lands from 'Institutional' (I) to 'Medium Density Residential' (R4).
- All applicable policies, standards, and review comments will be fulsomely reviewed in the Staff Recommendation Report anticipated to come forward at Council on May 29, 2023.

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:

There are no anticipated climate or environmental impacts.

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 47) has been submitted by Owen Sound Masonic Temple (Bill Moran) through Ron Davidson Land Use Planning for the residential conversion of the existing building at 1032 2nd Avenue West.

Property Description

The subject lands are located north of the 2nd Ave W and 10th St W intersection. The building was the former, long-time location of the Inglenook Creche Childcare Centre.

The 991 square metre parcel has 15 metres of frontage on the west side of 2nd Ave W. The parcel contains a two-storey 253 square metre GFA building and a paved parking area at the rear of the parcel. A portion of the front yard and southern side yard is grassed and includes a number of mature trees and shrubs along the property line.

The subject property shares a driveway with adjacent property to the north (982 1st Ave W – Owen Sound Masonic Lodge). Mutual easements across the shared driveway provide ingress/egress to the respective parking areas to/from 2nd Avenue West.

The subject property is located at 1032 2nd Avenue West. Surrounding land uses include:

North: Masonic Temple & single detached residential

East: residential & commercial (office & retail)

South: multi-unit residential & commercial (office)

West: M'Wikwedong Indigenous Friendship Centre, commercial (10th St W) & residential

The subject lands are designated 'Residential' in the City's Official Plan (2021) and are zoned 'Institutional' (I) 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 the conversion of the existing building, which formerly contained a day nursery, to contain two residential dwelling units as a 'Dwelling, Duplex'. One unit is located on the main floor and the second unit is located on the second storey.

The effect of the application is to amend the zone category applying to the subject lands from 'Institutional' (I) to 'Medium Density Residential' (R4).

As the proposed development is for less than 10 residential units, Site Plan Approval does not apply.

Submission & Process Details

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

Submission Item Title	Submission Item Detail
Planning Report	Prepared by Ron Davidson, Land Use Planning Consultant, dated March 14, 2023

The applicant engaged the City in the Pre-consultation process in February 2023. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step	Days
March 16, 2023	Submission of a complete application together with supporting materials & fees	1
April 13, 2023	Letter Re: Notice of Complete Application to the applicant Request for Comments to City Staff & external Agencies	29
April 18, 2023	Notice of Complete Application & Public Meeting mailed to property owners within 120 metres of subject lands and by posting a sign on the property	34
May 08, 2023	Public Meeting & Technical Report	54

Technical Review:

The Planning Act and the City's Official Plan establish criteria for evaluating an application to amend the City's Zoning By-law. 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 By-law where sufficient justification exists in the opinion of Council. Amendments must conform to the policies of the Official Plan. When considering an amendment, the City should consider the Official Plan's goals, objectives, and policies. 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 in 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 May 29, 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.

1.6 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.*

The pending recommendation report will assess if the proposal is consistent with the direction provided by the PPS.

B: County of Grey Official Plan

The subject property is designated 'Primary Settlement Area' in the County of Grey Official Plan (County OP).

Settlement areas with full municipal services are the focus of most of the growth within the County. The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses

within Primary Settlement Area. Land use policies and development standards are in accordance with the local Official Plan.

The pending recommendation report will assess the 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 'Residential' in the 2021 Owen Sound Official Plan (OP).

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 2.2.4 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.

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.

3.1.3 General Policies

3.1.3.1 Lands designated Residential shall have access to full municipal services, including piped water supply, storm drainage and sanitary sewer systems, installed according to requirements of the City and other applicable agencies.

3.1.5 Attainable & Rental Housing

3.1.5.1 The City will support a range of attainable housing development in proximity to transit and amenities to increase mobility and accessibility to goods and services, healthy food retailers, commercial areas, employment, medical and health facilities, recreation, transit, and trails.

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.*

3.1.8.3 The conversion of larger single detached dwellings into multiple units shall be permitted subject to the policies of Section 3.1.8.2 above and the applicable Zoning By-law.

The pending recommendation report will assess if the proposal conforms to the policies of the City's OP.

D: City of Owen Sound Zoning By-law

The subject property is zoned 'Institutional' (I) in the City's Zoning By-law (2010-078, as amended).

The Institutional zoning on the subject lands recognizes that the property was the location of the Inglenook Creche Childcare Centre from approximately 2005 to 2020.

The purpose of the application is to permit the conversion of the existing building, which formerly contained a day nursery, to contain two dwelling units as a 'Dwelling, Duplex'.

The effect of the application is to amend the zone category applying to the subject lands from 'Institutional' (I) to 'Medium Density Residential' (R4).

All applicable site and building regulations are met or exceeded.

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 not subject to Site Plan Control in accordance with Section 41 of the *Planning Act* and City By-law 2019-185. The proposal comprises a residential development with less than ten (10) units and as per Section 41 (1.2) of the *Planning Act* does not constitute 'development'.

A building permit will be required prior the re-development commencing.

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 29, 2023	Recommendation Report to Council & Enacting By-laws to Council	75

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 application.

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

Attachments:

Schedule 'A': Orthophoto

Schedule 'B': Planning Policy

Schedule 'C': Property Details

Schedule 'D': Site Plan

Schedule 'E': Planning Justification Letter including Draft 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.