

Staff Report

Report To: City Council
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Meeting Date: June 12, 2023
Report Code: CS-23-071
Subject: Technical Report – ZBA No. 48 – 2125 16th Street East
(Heritage Grove Centre)

Recommendations:

THAT in consideration of Staff Report CS-23-071 respecting Zoning By-law Amendment No. 48 to permit additional commercial development at 2125 16th 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 48) has been submitted by Heritage Grove Centre Inc. (Guery Goyo) for lands at 2125 16th Street East.
- The purpose of the application is to permit the construction of additional buildings to complete the buildout of the multi-building commercial development on the subject lands. A new 3,252 square metre grocery store is proposed together with an attached 1,310 square metre retail unit in the northeast quadrant of the site. The proposal also includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system.

- 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:

Legislated review process.

Previous Report/Authority:

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

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

ZBA 29 ([CS-20-035](#)) & ST2019-005 ([CS-20-035](#))

B01-2020 ([CS-20-076](#))

Background & Proposal:

A complete application for a Zoning By-law Amendment (ZBA 48) has been submitted by Heritage Grove Centre Inc. (Guery Goyo) for a commercial development at 2125 16th Street East.

Property Description

The subject property is located at 2125 16th Street East on the south side of 16th Street East, east of 20th Avenue East near the eastern border of the City's East City Commercial area.

Surrounding land uses include:

North:	Vacant East City Commercial parcels, Thomson Centres Commercial development, East Ridge Business Park;
East:	Proposed Telfer Creek Square commercial/residential development, the Grey County Rail Trail, and hazard lands associated with Telfer Creek;
South:	Vacant lands designated residential, draft plan approved Telfer Creek subdivision and hazard lands associated with Telfer Creek;
West:	20 th Avenue East, Smart Centres commercial development, future development residential lands

(Smart Centres), & Grey Bruce Health Services (Owen Sound Hospital).

The subject lands are designated 'East City Commercial' 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 is designated East City Commercial according to Schedule A2. The lands are zoned 'Retail Commercial' (C2) with Special Provision 14.89 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'.

Site History

The zoning for the subject property is C2 (Retail Commercial) with Special Provision 14.89 (Schedule 'C'). This zoning was implemented through a site-specific zoning amendment application submitted by Heritage Grove in 2012 (ZBA 06). The zoning amendment was supported by a Market Study by urbanMetrics and a Planning Justification Report by Wendy Nott on behalf of the developer. The matter was adjudicated at the Ontario Municipal Board based on evidence from an expert for Heritage Grove, Shelley Wells. (OMB File No.: PL130079).

The existing special provisions reference the NAICS classification system and establish maximum gross floor areas permitted for any combination of uses as well as maximum gross floor areas for particular uses within the classification. The special provisions also provide for site-specific site and building regulations.

The applicant applied to amend the site-specific Special Provision 14.89 in 2019 through ZBA 29 (ZBA 29 ([CS-20-035](#))). The zoning amendment added 'Gas Bar' and 'Hotel' as permitted uses on the site, amended the site-specific site and building regulations and increased the permitted aggregate total GFA of small restaurants (less than 325.2 m² GFA) from 464 m² to 520 m².

In conjunction with the ZBA 29, the applicant applied for an amendment to the existing site plan approval through ST2019-005 ([CS-20-035](#)) attached in Schedule 'D'. The 2019 approved site plan agreement provided for:

- The buildout of the northwest quadrant of the site including Burger King, Bar Burrito and the multi-unit building at the corner of 16th St E and 20th Ave E;

- The buildout of the northeast quadrant of the site which proposed two multi-unit commercial buildings and a 75-room hotel; and,
- An 8.5 metre wide, two-lane access and service easement along the eastern property boundary to provide access to the subject lands as well as the adjacent property to the east (2275 16th St E).

The easement was to be formalized through consent application B01-2020 ([CS-20-076](#)). The City's Committee of Adjustment approved the consent for easement application however the decision lapsed as the consent was not registered within the two-year time limit imposed by the Planning Act. A new application will be required to finalize this easement.

A 2010 Memorandum of Agreement between the owners of 2125 16th St E (Heritage Grove) and 2275 16th St E (Telfer Creek Square) provides for:

- The transfer of stormwater from 125 16th St E (Heritage Grove) to 2275 16th St E (Telfer Creek Square) through two (2) separate outlets; and,
- Vehicle access to Highway 26 (16th St E) for 2275 16th St E (Telfer Creek Square). Final location of the vehicular access shall be subject to approval by the City Owen Sound, MTO and/or any other applicable Government Agency.

The site has been developed under the current zoning with site plan approval under Site Plan/Servicing Agreements. The agreements have provided for the developer to construct certain off-site works with "best efforts" clauses for other developments that benefit from the infrastructure.

The Proposal

The application for rezoning proposes the development of a new 3,252 square metre grocery store together with an attached 1,310 square metre retail unit on an existing multi-building commercial development site known as Heritage Grove Centre (Schedule 'E'). The development constitutes one of the final phases for the buildout of the site and is located in the northeast quadrant of the property. The proposal includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system. The development is proposed to be accessed via the existing two site accesses, (existing signalized entrance at 20th Avenue and existing right-in right-out) as well as new proposed entrance at the east boundary of the subject property.

Elevation drawings submitted with the application show a one-storey commercial building with two units including the proposed grocery store and pet supply store. Pet Smart is located within the current development and would occupy a larger space in the proposed building, leaving their existing store for another use.

The proposed building is located at the north-east corner of the site and oriented towards the internal parking area and the new entrance road. The majority of parking is located on the west side of the building with the proposed building entrances on the west side. Landscape strips and walkways are provided throughout the parking area. Accessible parking is located near the proposed building entrances and snow storage is identified on excess parking areas. The loading areas for the proposed buildings are located to the rear (east side) of the proposed building. The loading areas are screened from 16th Street East by wing walls and are proposed to be accessed by a proposed full-moves access from 16th Street East. The developer will be required to work with the adjacent landowner through a shared access approach for a private or public road, subject to approval of a design and support by the City. This shared right of way has been subject to an application for Consent (B01-2020) in 2020.

ZBA 48

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

Current Zoning

- Retail Commercial with Special Provision 14.89 (C2-14.89)

The current special provisions provide:

- A restricted list of permitted uses
- Site specific development and building regulations

Proposed Zoning

- Retail Commercial with Special Provision 14.XX (C2-14.XX)

The current special provisions will be deleted and replaced with the following:

- Permitted Uses

- All uses in the C2 Zone are permitted to lands shown on Schedule A, Zoning Map 20, subject to Official Plan conformity including policy 3.5.2.5, to the satisfaction of the City.
- Notwithstanding the C2 (14.XXX) Zone, all uses legally existing uses on the date of passing of this By-law, may continue on the lands and are deemed to conform with this By-law.
- The site and building requirements of the C2 zone shall apply to lands shown on Schedule A, Zoning Map 20, save and except for the following:
 - i. Building Setbacks: 4 m minimum setback from 16th St E for Building 'H'; 6.0 m minimum from any street line for all other buildings and 8 m minimum from any other lot line
 - ii. A minimum landscape buffer - Adjacent to 16th Street East – a minimum of 0.25 metres.
 - iii. Maximum Building Height – 19 m for Hotels, Clinics and Laboratories
 - iv. Restaurants
 - a. Restaurants smaller than 325.2 m² GFA shall be permitted provided that they not exceed 1,250 m² GFA in aggregate.

One drive-through restaurant is permitted, which shall not be subject to the 1,250 m² restaurant aggregate regardless of size.

The site-specific special provisions are described more fully under the Zoning By-law section of this report. The draft ZBA provided by the applicant is included as Schedule 'F'.

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 Justification Report	Prepared by KLM Planning Partners Inc. dated March, 2023
Site Plan	Prepared by Greystone Inc. dated March 10, 2023

Submission Item Title	Submission Item Detail
Building K Rendering	Prepared by Greystone Inc. dated March 14, 2023.
Exterior Elevations	Prepared by Greystone Inc. dated March 3, 2023.
Survey	Prepared by Hewett and Milne Limited Ontario Land Surveyors dated March 4, 2016
Plan 16R-11134	Prepared by Hewett and Milne Limited Ontario Land Surveyors dated December 13, 2018
Traffic Opinion Letter	Prepared by Crozier Consulting Engineers dated December 7, 2022
Preliminary Servicing Review	Prepared by WSP dated March 3, 2023
Landscape Plan	Prepared by Ron Koudys Landscape Architects Inc. dated March 10, 2023
Submission Letter	Prepared by Heritage Grove Centre Inc. dated March 21, 2023
Retail Market Demand & Impact Analysis	Prepared by Urban Metrics Inc. dated February 16, 2023

All background information and supporting studies are available on the City's website www.owensound.ca/development.

The applicant engaged the City in the Pre-consultation process in December 2021. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step	Days
May 8, 2023	Submission of complete application and fees	1
May 8, 2023	Letter of Complete Application to applicant & Request for Comments	1

Date	Step	Days
May 19, 2023	Notice of Complete Application & Public Meeting mailed to property owners within 120 m and sign posted on property	22
June 12, 2023	Public Meeting & Technical Report	36

The Planning Act provides for a total of 90 days to process an application for ZBLA.

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 has been considered in the overall process and included in this report.

This report is intended to describe the proposed Zoning By-law Amendment and to 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;*
- 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.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

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

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

1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a. promote compact form and a structure of nodes and corridors;*
- b. promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- c. focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*

- d. focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
- e. encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
- f. promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*
- g. maximize vegetation within settlement areas, where feasible.*

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' 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 Areas. 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 By-law Amendment with the policies of the County OP.

C: City of Owen Sound Official Plan

The City's Official Plan establishes the policy framework for review of planning applications. The Official Plan contains a comprehensive list of policies to manage growth and development within the City, which are to be addressed for conformity for all planning applications.

The subject property is designated 'East City Commercial' 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'.

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 2.2.3 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:

- a. To plan for a complete community and promote a healthy, active City for the benefit of all residents and visitors.*
- 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.*
- c. To maintain and promote the importance of the River District Commercial and Harbour as a focus of growth and investment and a key cultural and tourism resource in the City.*

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 16th St E between 9th Ave E and the eastern City boundary at 28th 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 as 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:

3.5.1.1 The following uses may be permitted within lands designated East City Commercial:

- a. Large format retail and service commercial uses such as garden centres, warehouse stores, vehicle services, furniture, hotel, and home-furnishing uses having significant needs for on-site storage and parking.*
- b. Limited smaller scale retail on underutilized or infill type lots, service commercial and personal uses, financial institutions and services, business, professional and medical offices, restaurants, entertainment and other community facilities, such as day care centres, ancillary to and in support of large format retail and service commercial uses.*

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.*
 - a. 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.*
 - b. 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.*

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.

4.2.2.9 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.

4.2.4.3 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.

4.2.5 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.

4.2.5.3 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.

4.2.5.5 Between 16th Street East and 8th Street East, new road access across the proposed trail system (abandoned railway corridor) and the Hazard Lands is prohibited due to environmental constraints.

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.

Infrastructure - Transportation

The OP's Transportation Infrastructure policies (Section 5.1) establish the general transportation network requirements and structure to facilitate safe, convenient and reliable movement of people, goods and services within and to destinations beyond the City.

5.1.1 General Policies

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.

5.1.2 Movement of Goods

5.1.2.2 Commercial areas are to be serviced by roads having appropriate levels of traffic capacity.

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.

5.1.3.6 Road access points shall be designed to the satisfaction of the City in locations that will not create a hazard due to poor sight lines or other geometric, transportation or land use planning consideration. Shared vehicular entrances are encouraged for commercial and industrial uses located on arterial and collector streets.

5.1.3.7 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.

5.1.3.9 Intersections on all roads shall achieve adequate separation in accordance with accepted engineering and planning principles.

5.1.3.11 Provincial Highways/Connecting Links

Highways 6, 10, 21 and 26 are Provincial Highways leading into the City (shown on Schedule 'C' – Transportation) are under the jurisdiction of the Ministry of Transportation. The Provincial Highway routes as they go through the City are connecting link designations and are the City's responsibility.

a. *Development adjacent to controlled access roads shall be set back in accordance with the requirements of the Ministry of Transportation.*

b. *The City shall pursue access control to the Provincial Highway corridor connecting links through the City and in particular the most easterly section of Highway 26 provided the highway infrastructure has been upgraded and maintained to an acceptable standard.*

c. *The City will endeavour to maintain a connecting link agreement with the Ministry of Transportation that will outline jurisdiction and design control.*

d. *Where a Connecting link agreement is in place, the City should consider accommodating a variety of transportation modes in order to integrate with the complete transportation system.*

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.*

5.1.4.11 Pedestrians should have a safe, well-lit, clear route from vehicle to building at all times of the year. Pedestrian connections to parking areas should be frequent and easily identified with clear directional signage. They should provide safe, well-lit and comfortable access. Larger developments should provide sitting areas for pedestrians awaiting pick-up.

5.1.4.12 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.

5.1.4.13 Parking areas are to be designed in accordance with the City's Multi-year Accessibility Plan and AODA requirements.

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.

5.1.5 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.

5.1.6 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.

5.2.1.4 The City may require as a condition of reviewing any development proposal an analysis by a qualified professional of the capacity, availability and appropriateness of any municipal service, including a stormwater management plan.

5.2 Municipal Services

5.2.1.1 Development will be permitted in areas that can be adequately serviced by municipal services, municipal water and wastewater services, stormwater management and emergency services.

5.2.2.3 Priority shall be given to the development of land that is presently serviced by municipal piped water and sewer systems or those areas that can most easily be serviced.

5.2.4.1 Stormwater should be managed onsite where practical minimizing stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. No new development shall have a negative impact on the drainage characteristics of adjacent land.

5.2.4.2 Stormwater management facilities shall be designed to manage stormwater quality and quantity, at an appropriate level as determined in consultation with the Grey Sauble Conservation Authority.

5.2.4.8 Oil and grit interceptors may be required as a condition of site plan approval for commercial, industrial, or institutional developments through a Site Plan Agreement.

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.

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.

8.4 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.

8.4.2.6 In retail areas, the City will promote the provision of a comfortable pedestrian environment suitable for shopping, with wide sidewalks and some weather protection. Retail areas should provide opportunities to meet people or to sit in outdoor cafes. Sidewalks should not be utilized for snow storage.

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

8.6.7.2 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.

8.6.7.4 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'.

8.6.9 Outdoor Lighting

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

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.

8.6.11 Signage

8.6.11.1 Site signage shall be designed to complement and enhance the building and site design. Building signage shall be in scale with the building design, proportionate to the building façade and architecturally integrated with the building design. Ground related signage is to be integrated with landscape plans. Further direction may be provided through Urban Design Guidelines or Sign Guidelines.

8.6.11.2 The City may require sign master plans developments to reinforce a project theme with consideration for various types of signage.

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 (2010-078, as amended)

The lands are zoned 'Retail Commercial' with Special Provision 14.89 (C2-14.89) in the City's Zoning By-law (2010-078, as amended).

The effect of the application is to amend the special provisions applying to the subject lands generally in accordance with the following.

Current Zoning

- Retail Commercial with Special Provision 14.89 (C2-14.89)

The current special provisions provide:

- A restricted list of permitted uses
- Site specific development and building regulations

Proposed Zoning

- Retail Commercial with Special Provision 14.XX (C2-14.XX)

The current special provisions will be deleted and replaced with the following:

- Permitted Uses
 - All uses in the C2 Zone are permitted to lands shown on Schedule A, Zoning Map 20, subject to Official Plan conformity including policy 3.5.2.5, to the satisfaction of the City.
 - Notwithstanding the C2 (14.XXX) Zone, all uses legally existing uses on the date of passing of this By-law, may continue on the lands and are deemed to conform with this By-law.
 - The site and building requirements of the C2 zone shall apply to lands shown on Schedule A, Zoning Map 20, save and except for the following:
 - ii. Building Setbacks: 4 m minimum setback from 16th St E for Building 'H'; 6.0 m minimum from any street line for all other buildings and 8 m minimum from any other lot line
 - iii. A minimum landscape buffer - Adjacent to 16th Street East – a minimum of 0.25 metres.
 - iv. Maximum Building Height – 19 m for Hotels, Clinics and Laboratories
 - v. Restaurants
 - b. Restaurants smaller than 325.2 m² GFA shall be permitted provided that they not exceed 1,250 m² GFA in aggregate.

- b. One drive-through restaurant is permitted, which shall not be subject to the 1,250 m² restaurant aggregate regardless of size.

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

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.

As legislated, site plan approval is now a staff-delegated process. Site Plan and Servicing Agreements will be required as part of the Site Plan Approval process. A preliminary site plan was provided, however, more information and details are required for a future site plan to ensure existing and/or proposed zoning regulations are addressed on the site plan. The applicant is encouraged to provide a more detailed site plan related to the zoning requests. The site plan should provide further clarification related to parking calculations, setbacks and a detailed zoning matrix.

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. Conditions of site design will include among other matters:

- Building materials and setbacks
- Site access and stormwater outlet
- Infrastructure requirements and design
- Implementation of parking requirements
- Integration with existing development and adjacent lands.

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
June 26, 2023	Recommendation Report to Council & Amending By-law	49

Financial Implications:

Application fees were collected as part of the ZBA in the amount of 3,330.00 as well as \$830 for GSCA.

The subject lands are already serviced, including hard services (roadway, water, sanitary and storm).

Site plan and servicing agreements will be required at the time of site plan approval.

The project will be subject to the collection of development charges in effect at the time of issuance of the building permits.

Communication Strategy:

A Notice of Complete Application and Public Meeting was given in accordance with 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' – Planning Policy

Schedule 'C' – Special Provision 14.89

Schedule 'D' – Existing Approved Site Plan

Schedule 'E' – Proposed Site Plan and Elevations

Schedule 'F' – Draft Zoning By-law Amendment

Recommended by:

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