

Staff Report

Report To: City Council
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Meeting Date: June 26, 2023
Report Code: CS-23-076
Subject: Recommendation Report – ZBA No. 48 – 2125 16th Street East (Heritage Grove Centre)

Recommendations:

THAT in consideration of Staff Report CS-23-076 respecting Zoning By-law Amendment No. 48 to permit additional commercial development at 2125 16th Street East, City Council:

1. In consideration of staff reports, recommendations, technical reports, and oral and written submissions, finds that the application is consistent with the Provincial Policy Statement; conforms to the goals and objectives of the City's Official Plan; and represents good planning, with the exception of the proposed amendment to the planting strip requirement; and
2. Directs staff to bring forward a by-law to pass Amendment No. 48 to the City's Zoning By-law No. 2010-078, as amended and give notice in accordance with Section 34 of the *Planning Act*.

Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 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 effect of the application is to amend the special provisions which currently apply to the subject lands through the 'Retail Commercial' (C2) with Special Provision 14.89 zone and replace the special provisions with new standards (C2.14.139).
- This report provides an analysis of the proposed zoning amendment and supporting documents together with staff, agency and public comments and makes a recommendation to Council regarding the application.
- Staff recommend approval of the application.

Strategic Plan Alignment:

Legislated review process.

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.

Of special note:

- The development is walkable and transit-supportive.
- Storm water management ensures the protection of natural heritage features.

Previous Report/Authority:

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

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

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

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

[CS-23-071](#) Technical Report – Zoning By-law Amendment No. 48 – 2125 16th Street East (Item 10.a)

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: 20th 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 urban Metrics and a Planning Justification Report. The zoning was approved by Ontario Municipal Board (now known as the Ontario Lands Tribunal).

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. As well the special provisions 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 ([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 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 adjacent property to the east (2275 16th St E).

The easement was initiated 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 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 2125 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 in phases 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 is proposed to permit 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'). It is understood the proposed development represents 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 a 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 a 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; and,
- Site specific development and building regulations.

Proposed Zoning

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

The current special provisions are proposed to 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 metre for Hotels, Clinics and Laboratories

iv. Restaurants

- a. Restaurants smaller than 325.2 square metre GFA shall be permitted provided that they do not exceed 1,250 square metre GFA in aggregate.
- b. One drive-through restaurant is permitted, which shall not be subject to the 1,250 square metre 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
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 at www.owensound.ca/development.

The applicant engaged the City in the Pre-consultation process in December 2021. A Terms of Reference for the Market Demand & Impact Analysis was developed between the City's contracted third-party peer review consultants (MHBC - Tate Economic Research) and the applicant's consultants (urbanMetrics Inc.) in the fall of 2021 in anticipation of the pre-consultation application proposing a grocery store on the site.

The pre-consultation response from the City to the applicant described the requirement for a market analysis grounded in the Terms of Reference as part of a complete Zoning By-law amendment application as well as an associated peer review and noted that that the peer review process for the Market Impact Analysis can begin prior to the submission of a complete Zoning By-law amendment. The applicant chose not to initiate the peer review process prior to the submission of the Zoning By-law amendment application (complete application submitted on May 08, 2023). 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
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

Date	Step	Days
June 26, 2023	Recommendation Report	50

The Planning Act provides for a total of 90 days to process an application for ZBLA. The timeline provided under the Planning Act has been met.

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 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.

Details associated with Site Plan Review are for information purposes only, as a full Site Plan review and approval will be required for future development. Additional information and details may be required for Site Plan Approval and the proposed development concept may be subject to changes.

All applicable policies, standards, and review comments are fulsomely reviewed in this Staff Recommendation Report.

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

The following provides the analysis of the policy framework:

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.

Comment

The proposal is located within the City's Settlement Area with access to full municipal services. The proposal includes a two-unit commercial building which will contribute to the range and mix of commercial employment available in the City. The site does not have any natural heritage constraints and is a new development phase of an existing commercial development. The subject lands front 16th Street East which is an existing transit route which extends into the subject lands. 16th Street East also includes an existing sidewalk on the south side of the street which provides a pedestrian connection to the subject lands. 16th Street East is identified on Schedule 'C' of the Official Plan as a Major Arterial Road – Provincial Highway and Connecting Link, which will provide access for large trucks to serve the proposed commercial building.

The proposed development is appropriate for and will efficiently use the infrastructure and public service facilities which are available on the subject lands. The proposed development is freight supportive, and is also active transportation and transit-supportive through connections to the existing transit and pedestrian network on 16th Street East.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

- c. facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e. ensuring the necessary infrastructure is provided to support current and projected needs.*

Comment

The proposal includes a two-unit commercial building which will contribute to the range and mix of commercial employment available in the City. The rezoning seeks to facilitate a new development phase of an existing commercial development, with frontage on 16th Street East. The subject lands have access to existing transit, pedestrian, and goods movement infrastructure, by way of 16th Street East. The subject lands have access to existing wastewater and water services and the development has been assessed to confirm that there is sufficient capacity in the municipal systems to accommodate the proposed development. The proposed development is appropriate for and will efficiently use the infrastructure and public service facilities which are available on the subject lands.

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;*

Comment

The subject lands are located on 16th Street East, and the frontage of the subject lands includes a municipal sidewalk. The subject lands are also located near the existing County recreational trail known as the "Rail Trail".

The proposed development has been designed to include pedestrian connections to the existing sidewalk on 16th Street east, which could provide access to the County Rail Trail if the lands to the east are developed. The proposed rezoning to permit additional commercial uses on the subject lands will provide additional commercial services which are accessible via active transportation to the surrounding residential developments which exist and are planned to the east, south and west.

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.*

Comment

The subject lands are located within the City's urban area and full municipal service infrastructure and capacity is available for the proposed development.

The proposed SWM system will meet the requirements as identified in the Functional Servicing Report prepared by WSP Canada Inc. and:

- All storm flows will be collected by on-site catch basins and directed to respective stormwater quantity control tanks and controlled to the allowable release rate.
- Details of the stormwater management system will be provided on the forthcoming site engineering plans.

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.

Comment

The development is proposed to be accessed from two entrances from 20th Avenue East, one access from 16th Street East and a future, private, all moves intersection at the future 22nd Avenue East location, east of the current right in/right out access.

A Transportation Impact Study (TIS) was completed in 2019 and a Traffic Opinion Letter was submitted as part of this application to assess the impacts on the proposed development on the total traffic conditions of the area and

the connections to 16th Street East and 20th Avenue East. The assessment concluded that the development as proposed is appropriate, subject to the determination of the access design and implementation of the shared access between the landowners. A holding provision is proposed to address the shared access.

The proposed uses are anticipated to increase trip generation of the site and is forecasted to result in poor operations on the minor approaches at the 20th Avenue East and Site Access / Smart Centres Access intersection. It is recommended to implement an all-way stop control at the 20th Avenue East and Site Access / Smart Centres Access intersection based on a sensitivity analysis to improve operations.

A westbound left-turn lane with 15 metres of storage is warranted on 16th Street East at 22nd Avenue East under 2024 total condition without the "Telfer Creek Square" property and 25 metres of storage is warranted with the "Telfer Creek Square" property.

The private access road at the future 22nd Avenue East location on the east boundary of the subject lands, will share property access with the "Telfer Creek Square" development. The applicant will need to work with the adjacent landowner through a shared access approach for a private or public road at the future 22nd Avenue East location, subject to approval of a design and support by the City. There is an existing agreement that requires cooperation between the landowners. These matters will be implemented through Site Plan Approval utilizing a Servicing Agreement.

The subject lands are accessible from the City's existing Transit System, which extends to the subject lands on 16th Street East. Pedestrian facilities are also proposed internal to the subject lands and connections are provided to the existing sidewalk on 16th Street East.

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.

Comment

The subject lands are located on 16th Street East which is identified on Schedule 'C' of the Official Plan as a Major Arterial Road – Provincial Highway and Connecting Link. The proposed development requires large truck movement, which is possible on Major Arterial Roads. The proposed commercial development has also been assessed through a previous TIS and recent Traffic Opinion Letter which identified that the surrounding transportation system can support the proposed development with some minor implements. The proposed development is not anticipated to negatively affect the corridor for the purposes for which it was identified.

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.

Comment

The proposed development is not located in the City's downtown. A Retail Market Demand and Impact Analysis was submitted with the application and is under review by the City's Peer Reviewer. Additional information has been requested. A holding provision ("H") is proposed to ensure the final Retail Market Demand and Impact Analysis addresses the Peer Review comments to the satisfaction of the City.

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.*

Comment

The proposed development is planned to be accessible by active transition and transit which currently exists on 16th Street East and provides connections to existing and planned residential areas to the east, west and south. The proposed development is also well served by the existing 16th Street East/ Highway No. 26 which will provide access for trucks to the subject lands. The site will also include landscaped areas throughout the site, including within parking areas. Further details related to landscape design will be provided with the future site plan application.

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.

Comment

The subject lands do not contain any surface water or sensitive ground water features, but an unnamed tributary of Bothwell's Creek flows on the parcel to

the East. The proposed development area is not regulated by the Grey Sauble Conservation Authority (GSCA) and there is no flood assessment required for this development. A permit from GSCA and flood assessment will be required if development is proposed in the regulatory area. The subject lands are not located in an "Intake Protection Zone" and a SWP Risk Management Plan is not required. The subject lands are not located within the Source Protection Plan area. The development is consistent with the PPS water policies.

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.

Comment

The subject lands do not contain any hazardous features, but they are located adjacent to the unnamed tributary of Bothwell's creek which flows on the parcel to the East. Only the southern portion of the subject lands is regulated by the Grey Sauble Conservation Authority (GSCA) under Ontario regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. The proposed area of development is outside of the GSCA regulatory area and does not require any flood assessment or permit from GSCA; however, if development is proposed in the regulatory area, further flood assessment and a GSCA permit will be required.

The development has been shown to be consistent with 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 Areas. Land Use policies and development standards are in accordance with the local Official Plan.

The County has been consulted on the proposal and County staff have no objection. The County has requested that bench seating be provided along the store frontage for customers awaiting vehicle pick-up and that bicycle storage be provided.

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

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 (Schedule A2). The Planning Area mapping in Schedule 'A2' mirrors the mapping of Schedule 'A' and designates the lands as 'East City Commercial'.

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.*
- b. *An assessment of the traffic, land use, ecological and servicing impacts of the proposed use, including recommended infrastructure improvements necessary to accommodate the proposed use.*
- c. *Site development information to ensure high quality urban design, safe access for pedestrians and vehicles, on-site environmental controls, store size and function, and similar information necessary to assess the impact of the use on the area.*

Comment

The proposed development is comprised of permitted uses in the East City Commercial designation. The new phase of the existing commercial development is planned to be coordinated with the existing vehicle and pedestrian infrastructure on the subject lands and off-street vehicle parking is proposed in accordance with the zoning by-law requirements.

The development includes uses which are identified as requiring a Retail Market Analysis to identify the need for the proposed development and the impact of the development on the City's commercial structure. A retail market study has been prepared in support of the application. The study is still under review by the City's Peer Reviewer. A Holding provision ("H") is

recommended such that the Official Plan policy is addressed to the satisfaction of the City.

The proposed development has also been assessed for traffic, land use and servicing impacts, and these assessments concluded that the proposed development could be serviced, subject to minor traffic infrastructure improvements. The development's urban design was also assessed through the submitted Planning Justification Report.

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.

Comment

The proposed development is not located within the identified mixed use node and includes commercial uses that are compatible with the existing and planned residential land uses in the surrounding area. The subject lands are

designated East City Commercial and have been planned in accordance with Section 3.5 of the Official Plan, as assessed below.

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.

Comment

The proposed development is not located adjacent to the County's Rail Trail. The subject property does contain GSCA regulated area associated with a tributary of Bothwell's Creek, but this area is outside of the proposed development area. The subject lands are not designated Hazard Lands and GSCA has confirmed that no floodplain analysis is required to support the proposed development.

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.

Comment

A new private all moves intersection at a future 22nd Avenue East location is proposed. The private access road is located on the east boundary of the subject lands and shares access with the "Telfer Creek Square" property to the east. An agreement will be required between the landowner and the adjacent landowner for design, construction, use and maintenance of the private access. Details associated with the final location and design of the access would be required as part of the Site Plan review and approval.

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.*

Comment

The subject lands have access to existing wastewater and water services and the development has been assessed to confirm that there is sufficient capacity in the municipal systems to accommodate the proposed development. The Preliminary Servicing Review has also confirmed that the proposed stormwater approach will meet the criteria outlined in the 2020 Functional Servicing Report Update. Stormwater on site will be controlled to the allowable release rate.

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.

Comment

Development charges will be collected at the building permit stage. The proposed private road to access the proposed development will be the shared

financial responsibility of the applicant and the adjacent property owner who will also assume ownership of the shared private road.

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.

Comment

The subject lands have existing vehicular, active transportation and transit access from 16th Street East and 20th Avenue East. The proposed development includes sidewalks internal to the site and bicycle storage will need to be provided at the future site plan application stage. A Traffic opinion letter was submitted to assess the traffic impacts of the proposed development. The assessment found that a westbound left-turn lane is warranted on 16th Street East at 22nd Avenue East under 2024 total

conditions. Further, an all-way stop control intersection at 20th Avenue and Site Access/ Smart Centres is recommended to improve operations. The required transportation improvements to support the proposed development will be the financial responsibility of the applicant and an agreement will be required between the City and the applicant as a condition of Site Plan Approval.

In consideration of the shared access, a holding provision is proposed to ensure proof that site access can be designed, constructed, used and maintained to the satisfaction of City of Owen Sound.

5.1.2 Movement of Goods

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

Comment

The proposed development is located on 16th Street East which is a Major Arterial Road – Provincial Highway and Connecting Link, as identified on Schedule 'C' of the Official Plan. Arterial Roads are intended to carry large volumes of traffic and the submitted Traffic Opinion Letter confirmed that there is reserve capacity on the boundary road network for future traffic growth.

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.

Comment

A new private access road is proposed between the subject lands and the "Telfer Creek Square" property. The applicant will need to work with the adjacent landowner through a shared access approach for a private or public road at the future 22nd Avenue East location, subject to approval of a design and support by the City. There is an existing agreement that requires cooperation between the landowners. These matters will be implemented through Site Plan Approval utilizing a Servicing Agreement.

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.*

Comment

The proposed development has frontage on Highway 26 (16th Street East). The proposed development will utilize three existing road accesses, one of which is from Highway 26. A new private access road is proposed with access from Highway 26. The application has been circulated to the City and County Transportation departments and there have been no concerns raised related to the location of the new access. The proposed building has been setback in accordance with adjacent buildings on the subject lands and adjacent commercial developments. The subject lands are outside of the MTO permit control area.

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.

Comment

The proposed zoning by-law amendment does not propose any amendments to the required parking standards for the development. Based on an initial review, it appears the Site Plan is short in parking spaces (approximately 7 spaces). This will need to be addressed through the Site Plan process as no reduction in parking has been requested.

The proposed zoning by-law amendment seeks to reduce the required planting strip from 1.5 metres to 0.25 metres. The reduced planting strip would not allow sufficient landscape area to buffer parking from the pedestrian environment. The request for the reduced planting strip is not supported by City staff.

As part of the site plan application, the applicant is encouraged to redirect surface parking away from the 16th Street Frontage, which may include the re-orientation of the building.

Sidewalks and landscape islands are proposed throughout the parking areas to create pedestrian safety and details relating to lighting, signage and landscaping will be provided during the site plan application stage. Electric vehicle parking and charging stations will also be reviewed at the site plan application stage.

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.

Comment

The proposed development includes pedestrian facilities. The details of the design for the internal walkways will be confirmed during the site plan application. Bicycle parking facilities will also be required as part of the proposed development, the locations and design of which will be confirmed as part of the site plan application.

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.

Comment

The proposed development is located on an existing public transit route, which runs on 16th Street East and extends to the subject lands. The subject lands contain a bus shelter near the existing Princess Auto building, and no additional bus shelters are required as part of this development.

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.

Comment

The subject lands do not contain any natural features, but an unnamed tributary of Bothwell's creek flows on the parcel to the East. The proposed development area is not adjacent to the Bothwell's creek tributary, but the south-east corner of the subject lands is regulated by the Grey Sauble Conservation Authority (GSCA). A permit from GSCA and flood assessment will be required if development is proposed in the regulatory area in the future.

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.

Comment

The subject lands have direct access to the 16th Street East sidewalk. The development of the subject lands includes an internal sidewalk connection to the commercial units on site, with sidewalks proposed along the edges of the proposed parking areas.

Additional details related to site design including appropriate lighting, barrier free access, building entrance details, year-round use and amenity features that support social interaction will be reviewed at the site plan stage.

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.

Comment

The proposed development includes an internal pedestrian network within the site with connections to the existing sidewalk on 16th Street East.

The proposed reduction in the planting strip is not supported as landscaping is required across the frontage of the site to support the streetscape.

A landscape plan will be required at the site plan stage. The final road access configuration for the shared private access road will be required to be established before the final site plan approval is issued. Site Plan Approval will not be issued until City staff are satisfied with the proposed road access configuration.

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.

Comment

The proposed site plan directs the majority of parking internal to the site; however, at the site plan application stage the applicant should explore opportunities to reorient the proposed buildings towards the street and to direct surface parking behind the buildings.

Enhanced landscaping along the 16th Street East frontage will be required to enhance the development's frontage, and this will be reviewed through the landscape plans at the site plan stage. In order to provide sufficient landscaped area along the property frontage, the proposed reduction to the required planting strip provision of the Zoning By-law is not supported by City staff. The conceptual site plan includes internal sidewalk access to all buildings, with sidewalks along the entirety of each building frontage. Additional detail related to landscape buffers will be required at the site plan stage.

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.

Comment

The site has been designed as a Shopping Centre with central accesses providing access to the various commercial buildings on the subject lands. The site includes an internal sidewalk network which connects to the existing sidewalk on 16th Street East. Sitting areas will be required for pedestrians awaiting pick-up near the new building entrances. Landscaping is provided throughout the parking areas and along 16th Street East. The proposed amendment to the planting strip provisions of the Zoning By-law is not supported in order to ensure that sufficient landscaping is provided along the property frontage. Additional design details related to parking, landscaping and pedestrian facilities will be confirmed at the site plan application stage.

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'.

Comment

The proposed development area is located adjacent to existing commercial buildings of a similar scale to the south and west, vacant commercial lands to the north and the proposed Telfer Creek Square commercial/ residential development to the east. The proposed development does not propose any abrupt changes in building height and scale. The development area does not abut any existing residential uses, and the proposed Telfer Creek Square development to the east proposes commercial uses along the shared lot line with the subject lands. Additional details related to truck loading operations along the east property line will be required at the site plan stage to ensure that the proposed operations will not create traffic or noise conflicts with the adjacent Telfer Creek Square development.

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.

Comment

Lighting design will be reviewed in detail at the site plan stage.

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.

Comment

Landscape design will be reviewed in detail at the site plan stage.

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.

Comment

Signage design will be reviewed in detail at the site plan stage.

The application conforms to the policies of the City's Official Plan (2021).

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 ; and,
- Site specific development and building regulations.

Proposed Zoning

- Retail Commercial with Special Provision 14.139 (C2-14.139)

The current special provisions are proposed to 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 1.5 metres.
 - iv. Maximum Building Height – 19 m for Hotels, Clinics and Laboratories
 - v. Restaurants
 - c. 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 proposed special provisions will:

- Implement the policies of the City's Official Plan with respect to the East City Commercial policies, specifically Section 3.5.2.5 with respect to the requirement for a market study for retail uses with a gross floor area (GFA) less than 465 square metres or greater than 1,400 square metres;
- Provide for a reduced building setback from 16th Street East from 10m to 4m for Building 'H';
- Provide for an reduced building setback from any street line from 10m to 6m for all other buildings;
- Provide for a increased building setback from 2m and 3m to 8m for all other lot lines;
- Maintain a minimum planting strip adjacent to 16th Street East at 1.5m;
- Provide for increased building height for Hotels, Clinics and Laboratories from 18m to 19m;
- Permit restaurants less than 325.2 m² provided that they not exceed 1,250 m² GFA in aggregate.
- Permit one drive-through restaurant, which shall not be subject to the 1,250m² restaurant aggregate regardless of size; and
- Recognize existing uses which legally existed on the date of passing of the by-law.

Market Study for Retail Uses

A Market Study was submitted as part of the Zoning By-law Amendment Application to assess the market impacts of the proposed commercial uses with a gross floor area (GFA) of less than 465 square metres or greater than 1,400 square metres. The assessment concluded that in order to provide flexibility to achieve full build out of the site, the maximum permitted floor area should be increased to 215,000 square feet. The assessment tested the market entry of the proposed 25,000 square foot supermarket and up to 50,000 square feet in additional non-food store retail space and concluded that the proposed commercial space can be supported from a market demand and impact perspective. The study concluded that the proposed Zoning By-law amendment is not expected to materially impact the River District (Downtown) as the proposed types and sizes of retail stores proposed on the Heritage Grove Site are highly differentiated from the River District (Downtown) and unlikely to locate in this area.

Building Setback

The C2 zone requires a minimum front yard setback of 10.0 metres. The existing C2.14.89 zone requires a building setback from any street line of 6.0 metres. The proposed zoning by-law amendment seeks to include this same street line setback in the new site-specific zoning. A reduced setback from 16th Street East of 4.0 metres is also proposed for Building 'H' to recognize the existing building 'H' on the subject lands.

The C2 zone requires a minimum rear yard setback of 2 metres, interior side yard setback of 2.0 metres and exterior side yard setback of 3.0 metres. The existing C2.14.89 zone requires a building setback from any other lot line of 8.0 metres. The proposed zoning by-law amendment seeks to include this same lot line setback in the new site-specific zoning and no new amendments are proposed to accommodate the proposed setbacks of the new commercial buildings proposed through the subject application.

Planting Strip

Section 5.0 General Provisions of the Zoning By-law require a 1.5 metre planting strip where four or more parking stalls or a loading space abuts a portion of a street. The proposed zoning by-law amendment seeks to permit a reduced minimum planting strip adjacent to 16th Street East from 1.5m to 0.25m. The proposed planting strip does not provide sufficient area to provide plantings which will screen the proposed parking areas and enhance the pedestrian environment. Although there is a vacant portion of municipal right-of way between the subject property boundary and the municipal sidewalk, future road improvements could reduce this area and lead to the elimination of the existing planting strip. In accordance with the City's Official Plan policies of Section 5.1.4, 8.6.5 and 8.6.6, the reduced planting strip is not supported by staff and the amendment is not included in the recommended zoning by-law (the existing By-law requirement is maintained).

Building Height

The C2 zone permits a maximum building height of 18 metres for all permitted land uses. The existing C2.14.89 zone permits a maximum building height of 19 metres for medical and dental clinics and laboratories. The proposed zoning by-law amendment seeks to continue to permit the maximum building height of 19 metres for hotels, clinics and laboratories. The proposed zoning by-law amendment does not seek any additional relief

from the height provision of the C2 zone for the new development area on the subject lands.

Floor Area Provisions

The C2 zone does not include a maximum floor area for permitted uses, but the existing C2.14.89 zone requires detailed floor area provisions for retail stores, service uses, and amusement arcade, billiards and/or bowling and movie theatres. The detailed floor area requirements of the C2.14.89 zone were implemented to reflect the Official Plan Policies of the time. Since the C2.14.89 zone was approved, the City's Official Plan has been updated and approved, and new policies related to the maximum and minimum floor area for commercial uses in the East City Commercial Area are in effect.

In accordance with the new policies of Section 3.5.2.5 of the Official Plan, which relate to the requirement for a market study for retail uses with a gross floor area (GFA) less than 465 square metres or greater than 1,400 square metres, a market study has been conducted in support of the proposed development. As noted above, the Market Study concluded that the proposed commercial uses are not expected to materially impact the River District (Downtown), as the proposed types and sizes of retail stores proposed on the Heritage Grove Site are highly differentiated from the River District (Downtown) and unlikely to locate in the River District (Downtown) area. The Market Study is under review by the City Peer Reviewer and a holding provision is recommended for completion to the satisfaction of the City.

The proposed Zoning By-law Amendment is attached as Schedule 'F'.

City Staff and Agency Comments

In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review pertaining to the subject application. All comments can be found attached hereto as Schedule 'G'.

City of Owen Sound Engineering & Public Works Department

Comments have been received from the City's Engineering & Public Works Department with no objection to the submitted proposal. The comments are attached and have been referenced within the various policy sections.

Grey Sauble Conservation Authority (GSCA)

Comment has been received from GSCA with no objection to the subject proposal. The comments are attached and have been referenced within the various policy sections. GSCA generally has no objections to the proposed rezoning.

Grey County

Comments have been received from County of Grey with no objection to the proposed zoning by-law amendment. Planning staff recommended that bench seating be provided along the store frontage, for customers awaiting pick-up and that convenient bicycle storage be provided on-site.

Public Comments

Public Meeting

A Public Meeting was held on June 12, 2023. There was one public comment received in writing prior to the Public Meeting from a neighbouring property. All comments can be found attached hereto as Schedule 'H'.

Comments from the neighbouring property noted:

- Notice of further public meetings or Council meetings related to the application was requested.
- Request that the City review the required intersection upgrades to 16th St/20th Ave and require the developer to contribute an appropriate amount towards the upgrades.
- Concerns were raised related to the proposed amendments to the minimum size of restaurants on the subject lands.

Comment

The proposed development is the final phase of an existing commercial development which was designed in accordance with the traffic requirements associated with its use and the surrounding land use and road network. Each developer is required to contribute to the infrastructure upgrades necessitated by their development, and the adjacent landowners have entered separate servicing agreements with the City to cover their required infrastructure upgrades. The proposed Zoning By-law amendment seeks to permit additional uses on an existing commercial site, in order to facilitate the final stage of development. No additional servicing contributes are required from this development for the intersection of 16th/20th Avenue.

Comments from Council at the Public Meeting noted:

- Question relating to the amount of parking proposed and whether it can be limited.
- Question related to whether there is sufficient access for active transportation on the site, specifically how bicycles and other forms of active rolling transportation.
- Question related to how greenspace can be integrated in the development and how the Urban Heat Island Effect can be avoided or limited.

Comment

The proposed development will be required to meet the parking minimums of the Zoning By-law. A detailed review of the site's parking will be conducted as part of the site plan application process. Details related to active transportation infrastructure and the provision of greenspace will also be reviewed in detail at the site plan stage and have been discussed throughout this report.

Comments Received after Public Meeting

Since the Public Meeting, a letter has been received from Counsel for Sydenham Square Inc., who are the developers of the property located at 2275 16th Street East, commonly known as Telfer Creek Square.

The letter identifies the following concerns with respect to the Zoning By-law amendment associated with the grocery store:

- Land use conflict arising from the introduction of the grocery store use;
- Inability to demonstrate compliance with the Environmental Protection Act, and specifically the requirement not to introduce noise that exceeds the legislated limits; and,
- Failure to provide a traffic study that considers Sydenham's approved development and the mutual access that the City has approved to the Sydenham site.

Comment

The subject lands are designated and zoned for commercial use. Details associated with noise impacts can be addressed through site plan review, upon an understanding of the final design and location of any building and loading areas.

A holding provision has been placed on the lands related to the shared access, similar to the approval for the Telfer Creek Square development owned by Sydenham Square Inc.

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 review of the site plan may require consideration of the following for approval and/or conditions of approval to be applied through the Site Plan Approval process are discussed above and include, but are not limited to:

- Re-orientation of the building to address Urban Design and landscape requirements;
- Re-design to accommodate the 1.5m planting strip;
- Analysis of truck turn movements and confirmation that the proposed truck loading activities on the east edge of the development site will not create conflicts from a noise or traffic perspective with the adjacent parcel to the east, municipally known as 2275 16th Street East (Telfer Creek Square);
- That all required transportation improvements to support the proposed development, as identified in the submitted Traffic Opinion Letter, will be the financial responsibility of the applicant and an agreement will be required between the City and the Applicant;
- Building materials and setbacks;
- Site access and stormwater outlet;
- Infrastructure requirements and design;
- Implementation of parking requirement; and,
- Integration with existing development and adjacent lands.

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*.

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

Consultation:

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

Attachments:

Schedule 'A' - Orthophoto

Schedule 'B' - 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

Schedule 'G' – Agency Comments

Schedule 'H' – Public Meeting Minutes & Public Comments

Recommended by:

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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.