

Agency and Public Comments

- 1) Owen Sound Fire and Emergency Services Division – July 12, 2023
- 2) Grey County Planning and Development – July 22, 2023
- 3) Grey Sauble Conservation Authority – July 25, 2023
- 4) Engineering Services Division – August 4, 2023
- 5) Reid O’Neil and Kaylyn Stewart – September 10, 2023
- 6) Norah Toth – September 11, 2023
- 7) Penny Jenks – September 11, 2023
- 8) Faith Leitch – September 11, 2023
- 9) Nicole Sprague and Bobbie Muzzell – September 11, 2023

From: [Greg Nicol](#)
To: [OS Planning](#)
Cc: [Doug McEwen](#)
Subject: FW: Request for Comment - Official Plan & Zoning By-law Amendment - 1235 & 1259 3rd Ave E (Historic Courthouse & Jail)
Date: Wednesday, July 12, 2023 11:45:27 AM
Attachments: [image001.png](#)
[image006.png](#)
[Request for Comments - OPA 13 & ZBA 49 - 1235 & 1259 3rd Ave E \(Courthouse & Jail\).pdf](#)
[image007.png](#)
[image008.png](#)
[image013.png](#)

Hi Planning, this office has no objection to the ZBA application.

We will work with the Building Department on the official drawings for comment at that time.

Have a great day

Greg Nicol
Fire Prevention Officer
Owen Sound Fire and Emergency Services
City of Owen Sound
1209 3rd Ave East, Owen Sound, ON N4K 2L6
519-376-4440 ext. 2243 Cell – 519-378-6577
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www.owensound.ca



Click the link below to watch a video on the importance of closing doors!
<https://youtu.be/bSP03BE74WA>

The City of Owen Sound respectfully acknowledges the Territory of the Anishinabek Nation, the traditional keepers of this land.
Connect with us:



From: planning@grey.ca
To: [Briana Bloomfield](#); [Desiree van Dijk](#); [OS Planning](#)
Subject: County comments fo OPA 13, ZBA 49- Old Courthouse (1235 &1259 3rd Ave E)
Date: Saturday, July 22, 2023 7:18:51 AM

County comments fo OPA 13, ZBA 49- Old Courthouse (1235 &1259 3rd Ave E)

Hello Owen Sound,

Please note that County staff have reviewed Owen Sound Official Plan Amendment Application 13 (OPA 13) and Zoning By-Law Amendment 49 (ZBA 49) - The Old Courthouse, located at 1235 and 1259 3rd Avenue East.

The subject property is designated Primary Settlement Area within the County's Official Plan. The Primary Settlement Area permits a wide array of commercial uses. Provided fulsome servicing is available to service the proposed use, the County has no concerns in this regard.

The subject property is located within an Intake Protection Zone 2, and an Events Based Area. Should large quantities of hazardous chemicals or fuel be proposed on site, the County would recommend that comments be received from the local Risk Management Official.

The subject property is located on 3rd Avenue East, which forms part of Grey Road 15. County Transportation Services have indicated no concerns with the current proposal.

The subject property is directly adjacent to an ambulance station, under the management and ownership of Grey County. The subject proposal has been reviewed by Grey County Paramedic Services, who have indicated that the following be considered at a site plan stage:

- That permanent fencing be installed between the court house property and the ambulance station, to ensure that guests do not block access of emergency vehicles entering/leaving the station;
- Given the extent of off-site parking proposed to accommodate the development, it is recommended that current "no parking" signage along 3rd Avenue East be reviewed and potentially enhanced to ensure that guest vehicles do not block movement of emergency vehicles

The proposal was reviewed by County Economic Development staff at a pre-circulation stage, and staff indicated support for the proposal. EcDev staff would recommend that the applicants/owners reach out at a marketing stage, to discuss adding the venue to the County's tourism website: <https://www.visitgrey.ca/>

From a general planning perspective, staff would recommend that consideration for dark-sky compliant lighting be explored at a site plan stage.

Overall, County staff are pleased to see the re-use of these historically important properties and buildings. The proposed mixed-use space provides a key opportunity to enhance tourism and event-space within the downtown area.

County staff have no further comments at this time.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Becky Hillyer

July 25, 2023
GSCA File: P23-258

City of Owen Sound
808 2nd Ave E
Owen Sound, ON
N4K 2H4

Sent via email: planning@owensound.ca

Re: Application for OPA 13 and ZBA 49
Address: 1235 & 1259 3rd Ave E
Roll No: 425901000306700 & 425901000306600
City of Owen Sound
Applicant: FC Entertainment & Hospitality Inc.

Grey Sauble Conservation Authority (GSCA) has reviewed the subject application in accordance with our mandate and policies for Natural Hazards and relative to our policies for the implementation of Ontario Regulation 151/06. We offer the following comments.

Subject Proposal

The purpose of the application is to permit the adaptive reuse of the existing buildings and structures on the subject lands, being the historic Courthouse, Jail, Jail yards, and Governor's Residence, for an entertainment and event venue and business incubator. The entertainment and event venue is intended to accommodate gatherings for specific events (i.e. weddings, business & personal events, etc.) and will be supported by on-site restaurants, drinking establishments, indoor and outdoor entertainment facilities and overnight accommodations. These uses will be available to both event participants and the general public.

To facilitate these uses, the OPA will redesignate the subject lands from 'Institutional' to 'Arterial Commercial'. The ZBA will rezone the subject lands from 'I – Institutional' to 'MC – Mixed Use Commercial' with special provisions.

Site Description

The property is located on the east side of 3rd Ave E, between 12th Street E and 13th Street E, in the City of Owen Sound. The property is historically developed and features several historical buildings and manicured areas. Grades are generally highest to the east and decline gradually to the west.

GSCA Regulations

The subject property is not regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. As such, no permits are required from our office for the redevelopment of the property.

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

Provincial Policy Statement 2020

3.1 Natural Hazards

There were no natural hazards identified on the subject property. As such, the proposal is consistent with the Section 3.1 PPS policies.

Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan

The subject property is located within an area that is subject to the Source Protection Plan.

Recommendations

GSCA generally has no objections to the proposed ZBA and OPA as the property is not affected by any areas regulated and or natural hazards.

Regards,



Mac Plewes
Manager of Environmental Planning

c.c. Scott Greig, GSCA Director, City of Owen Sound
Jon Farmer, GSCA Director, City of Owen Sound

Staff Report

Engineering Services Division



DATE: 2023 August 04 **ENG. FILE:** 1235 - 1259 3rd Ave E
4259 010003 06700 (1235 3rd Ave E)
4259 010003 06600 (1259 3rd Ave E)

TO: Jacklyn Iezzi, Senior Planner
Sabine Robart, Manager of Planning & Heritage
Pam Coulter, Director of Community Services
Lara Widdifield, Director of Public Works & Engineering

FROM: Dana Goetz, C.E.T., Engineering Technologist

SUBJECT: OFFICIAL PLAN / ZONING BY-LAW AMENDMENT ENGINEERING REVIEW

Applicant: F.C. Entertainment & Hospitality Inc. (Royal Rose Court)

PLANNING FILES: OPA13; ZBA49

LEGAL DESCRIPTION: Plan OWEN SOUND Pt Lots 15, 16; E Bay St W Hill St; RP 16R-10312 Pts 2 to 4, 8 to 11, 14, 15 (1235 3rd Ave E)

Plan OWEN SOUND Pt Lots 15, 16; E Bay St W Hill St; RP 16R-10312 Pt 1 (1259 3rd Ave E)

RECOMMENDATIONS: Further to our review of the above noted application, the Public Works & Engineering Department has no objection to this application subject to the following conditions:

OPA13

The Public Works and Engineering Department has no objection to the Official Plan Amendment.

ZBA49

The Public Works and Engineering Department has no objection to the Zoning By-law Amendment provided that stormwater management design, parking solutions, a 5.0m road allowance widening are components of site plan approval.

BACKGROUND:

OPA13 The effect of the Official Plan Amendment is to redesignate the subject lands from 'Institutional' to 'Arterial Commercial' on Schedule 'A' – Land Use of the City's 2021 Official Plan. The Arterial Commercial designation

recognizes that the subject lands have frontage on a Minor Arterial roadway (3rd Ave E). Site-specific policies are proposed to permit the following additional uses within the Arterial Commercial designation:

- An entertainment and event venue.
- Visitor accommodations and places of entertainment.
- Community facilities such as a gallery, museum, and other institutional uses.
- Business services.

ZBA49

The effect of the Zoning By-law Amendment is to rezone the subject lands from 'Institutional' (I) to 'Mixed Use Commercial' (MC) with Special Provision (14.XXX) within the City's Zoning By-law (2010-078, as amended). Permitted uses in the Mixed-Use Commercial Zone include 'Restaurant' and 'Drinking Establishment'. The proposed Special Provisions (14.XXX) would, in addition to the uses permitted in the MC zone, add a 'Business Incubator' and 'Event and Entertainment Facility' as permitted uses, and define these uses generally in accordance with the following:

'Business Incubator' means an establishment that provides incubator services such as management training, networking facilities, programming, mentorship programs, business assistance services, and office space including 'hot desk' services and is dedicated to nurturing the development and commercialization of start-ups, early-stage companies and established companies (enterprises).

'Event and Entertainment Facility' means an establishment in which the main use is to accommodate gatherings for specific events, and which may also include, among its internal functions, accommodation for overnight guests, accessory retail and office, and indoor and outdoor entertainment facilities available for use by event participants, the general public, or both.

The Special Provision (14.XXX) also proposes to require a minimum of 100 parking stalls for the development and to permit required parking to be located on-site or within 500 m of the subject lands.

ANALYSIS:

This document incorporates comments from all divisions of the Public Works & Engineering Department.

The following comments reflect the results of this review:

DETAILED REVIEW: Documents reviewed in conjunction with this application are:

- *City of Owen Sound Site Development Engineering Standards, 1st Edition*
https://www.owensound.ca/en/city-hall/resources/Documents/Planning/Site-Plan-Eng-Standards_Full--2021-03-24-Rev.pdf

- *City of Owen Sound Official Plan, as amended*
<https://www.owensound.ca/en/city-hall/official-plan-update.aspx>
- *Stormwater Management Planning and Design Manual, March 2003; Province of Ontario Ministry of the Environment – published by: Queen’s Printer for Ontario*
<https://www.ontario.ca/document/stormwater-management-planning-and-design-manual-0>
- *Accessibility for Ontarians with Disabilities Act (AODA), 2005, S.O. 2005 c.11*
- *Functional Servicing Brief prepared by C.F. Crozier & Associates Inc. for F.C. Entertainment & Hospitality Inc. dated April 2023.*
- *Transportation Impact Study prepared by C.F. Crozier & Associates Inc. for F.C. Entertainment & Hospitality Inc. dated May 2023*
- *Parking Justification Study prepared by C.F. Crozier & Associates Inc. for F.C. Entertainment & Hospitality Inc. dated May 2023*

STORMWATER MANAGEMENT (SWM):

The proposed drainage system within the development will be required to convey internal runoff to an appropriate outlet and all infrastructure must be sized accordingly.

Through discussions with the City, it is understood that the preferred stormwater outlet is the existing storm sewer on 12th Street East, which outlets directly to Georgian Bay. Although there is no existing storm sewer on 3rd Avenue East, there is an existing 375mm diameter storm sewer on 4th Avenue East that conveys runoff to the sewer on 12th Street East.

Internal paved areas within the site will be graded with varying slopes typically ranging from 0.5% - 5% to promote stormwater drainage from the parking area, towards proposed catchbasins and ultimately connecting to the existing storm sewer infrastructure on 4th Avenue East.

The proposed reuse of the Site will not significantly alter the current grading and drainage conditions. Under post-development conditions, the minor storm events will be conveyed through a storm sewer network within the proposed parking lot that will connect to the existing 375 mm diameter storm sewer on 4th Avenue East. The major storm events will be conveyed overland towards 3rd Avenue East. There are no anticipated changes to the existing stormwater management system.

The Site will have an increase in impervious area with the additional parking lot off 4th Avenue East. Stormwater runoff for the minor flows will be directed to 4th Avenue East via storm sewers, and major flows will continue to 3rd Avenue East via overland flow. Post-development peak flows will be controlled to meet the existing pre-development peak flows through use of a stormwater management facility on site, providing the required volume of storage.

It will be necessary to implement stormwater best management practices to address the water quality control requirements of the City and other regulatory agencies. Owen’s Sound of Georgian Bay is the ultimate receiver of drainage from the Site and therefore the development will incorporate measures to provide “enhanced protection” to treat runoff from the site. To provide “enhanced protection” an end-of-pipe control is

recommended to treat the runoff from the proposed parking lot before it enters the Municipal storm sewer system.

GRADING & DRAINAGE:

The existing grading plan must be revised to support the preliminary SWM strategy.

The site grading and drainage must conform to Section 2.2.2 of the City's Property Standards By-law 1999-030.

SITE SERVICING:

SERVICING FEASIBILITY STUDY (SFS): A Servicing Feasibility Study has been submitted in support of this development. The study, referencing the EOSMSS, demonstrates that the proposed subdivision can be supported by existing service capacity although the water and wastewater service laterals may need to be replaced.

WASTEWATER SEWER: In order to calculate the proposed wastewater demand, the same four scenarios that were used to calculate the water demand were evaluated:

- SCENARIO #1 – Event Venue Only - assumes that all other uses are closed during an event.
- SCENARIO #2 – Office Space and Restaurant - assumed to be the typical use during a weekday.
- SCENARIO #3 – Restaurant and Speak Easy/Restaurant - assumed to be the typical use during the evenings.
- SCENARIO #4 – 2 Events and Speak Easy/Restaurant - assumed to be the maximum demand scenario possible.

The Ontario Building Code (OBC) was used to estimate the average daily demand based on a similar land use. In this case, it was assumed that the most comparable land use to an event venue in Table 8.2.1.3.B of the OBC was an Assembly Hall with Food Service Provided. Per the OBC, the average daily demand for an Assembly Hall with Food Service is 36 L/seat/day.

A wastewater PCSWMM model provided by the City was used to analyze the wastewater sewers downstream of the site under existing and proposed dry weather flow conditions. The sewers downstream of the site to the 1,000 mm diameter trunk sewer located at the intersection of 13th Street East and 2nd Avenue East were analyzed.

Under existing conditions, the maximum hydraulic grade elevation (HGL) of the manhole immediately downstream of the site (SSMH1368) is 180.99m. The 300 mm diameter sewer fronting the site is at a slope of 0.5% and has a capacity of 68.4 L/s. The results show that the maximum flow in this pipe is 0.14 L/s; therefore, the pipe is 0.2% full under existing conditions.

A model was created to demonstrate proposed conditions. A conservative approach was used when updating the site flows to demonstrate proposed conditions. As described in the section above, the wastewater demands for existing and proposed conditions were calculated. The increase in demand (1.39 L/s) was added to the

Average Value input in the model at Junction SSMH1366. The proposed model was run and the maximum HGL of Junction SSMH1366 was negligibly increased to 181.01m. The maximum flow of this pipe under proposed conditions is 1.87 L/s, therefore, the pipe is 2.7% full.

Based on the model results, there is sufficient capacity in the existing wastewater sewers to support the proposed reuse without any sewer upgrades.

WATER SERVICE: The existing building is to be maintained on site and converted into an event venue, supplemented by restaurants and a shared office space. Based on the Architectural Drawings by ERS Architects in December 2022, the usage scenarios and daily demand are as listed above.

To be conservative, the highest average daily demand (ADD) flow rate (Scenario #4) has been used to estimate the future water demands for the Site, which are as follows:

- Average Day 0.58 L/sec
- Max Day 2.09 L/sec
- Peak Hour 3.14 L/sec

Fire flows required to service the site were determined to be 183 L/s per the Fire Underwriter's Survey. The total design flow (peak hour + fire flow) for the Site is 186.14 L/s.

A hydrant flow test has not been completed. However, upon review of the East Owen Sound Master Servicing Study (R.J. Burnside, 2007), the Site is located in between two Junctions in the City's water model (J-254 and J-256). Based on the model outputs, the fire flows between the two nodes ranges from 144.23 L/s to 228.31 L/s.

A hydrant flow test will be completed during detailed design to confirm the available fire flows.

Based on the model results, there is sufficient capacity in the existing water distribution system to support the proposed reuse without any upgrades.

PARKING, SITE ACCESS & TRAFFIC CIRCULATION:

TRANSPORTATION IMPACT STUDY (TIS):

A Transportation Impact Study has been submitted for review.

The TIS offered the following analysis:

1. The following intersections were assessed in the TIS:
 - 3rd Avenue East (Grey Road 15) and 12th Street East
 - 3rd Avenue East (Grey Road 15) and 10th Street East (Highway 6)
 - 4th Avenue East and 12th Street East
 - 4th Avenue East and 10th Street East (Highway 6)
 - 2nd Avenue East and 10th Street East (Highway 6)
 - 3rd Avenue East (Grey Road 15) and 13th Street East
2. Intersection analysis of the 2023 existing traffic volumes indicates the following:

- The intersections of 10th Street East and 2nd Avenue East and 4th Avenue East are expected to operate with a LOS 'D' during the Friday p.m. peak period with a forecast maximum control delay of 40.8 s (4th Avenue East and 10th Street East) and maximum volume-to-capacity ratio of 0.95 (2nd Avenue East and 10th Street East). The operations indicate these intersections have movements approaching capacity under existing conditions.
 - The remaining intersections on the boundary road network operate with a LOS "B" or better in the Friday p.m. and Saturday peak hours.
 - The 95th percentile queues of all movements on the boundary road network can be accommodated within the existing storage lanes, with the exception of the southbound left-turn movement on 4th Avenue East at 10th Street East which can be accommodated within a portion of the taper.
3. In the absence of the future timing settings prepared by the City of Owen Sound TMP, an optimization of splits and cycle length was applied to the signalized intersections. Intersection analysis of the 2028 future background traffic volumes indicates the following:
- The intersections 10th Street East and 2nd Avenue East and 4th Avenue East are expected to improve from LOS "D" to a LOS "C" during Friday p.m. and Saturday peak hours due to the signal timing optimization compared to 2023 existing conditions.
 - The maximum control delay of 22.1 s and volume to capacity ratio of 0.92 (EBT) were forecast for 2nd Avenue East and 10th Street East during the Friday p.m. peak hour. The operations indicate that the boundary road network is anticipated to operate acceptably.
 - The 95th percentile queue of the southbound right-turn movement at 2nd Avenue East and 10th Street East is forecast to increase by 10.3 m compared to existing conditions and exceeds the available storage length by less than one vehicle during the Friday p.m. peak hour.
4. To estimate the trips generated by the event venues, a first principles approach was used based on the venue capacity. The remaining land uses were forecast using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. The proposed re-use is expected to generate 345 and 356 external two-way trips in the Friday p.m. and Saturday peak hours, respectively.
5. As noted in future background conditions, in the absence of the future signal timing settings prepared as part of the City of Owen Sound TMP, an optimization of splits and cycle length was applied to the signalized corridor of 10th Street

East. Intersection analysis of the 2028 future total traffic volumes indicates the following:

- Re-optimization of signal timings improves the operations at the intersection of 2nd Avenue East and 10th Street East compared to the 2028 Future Background scenario.
 - The southbound right movement at the intersection of 2nd Avenue East and 10th Street East is expected to continue to exceed the available storage, with the 95th percentile queue forecasted to increase by less than one vehicle.
 - All other queueing is not expected to impede through movements.
 - The proposed Site Accesses are expected to operate at a LOS “C” with a maximum control delay of 15.6 s and volume-to-capacity ratio of 0.16.
 - The above metrics indicate that the study intersections are anticipated to continue operating acceptably under 2028 future total traffic volume conditions. Accordingly, the boundary road network can accommodate the site generated traffic.
6. There are no anticipated sight distance issues at the site accesses and vehicles can safely ingress and egress the site. The site accesses can be supported from a sight distance perspective.
7. Active transportation facilities including sidewalks, multi-use trails and transit stops are in close proximity to the site. The sidewalks proposed throughout the site should be designed to meet the minimum requirements detailed in the Accessibility for Ontarians with Disabilities Act (AODA). This includes a minimum sidewalk width of 1.5 metres, and maximum running slope of 5%. Geometrics, pavement markings and signage will be confirmed through detailed design as a component of site plan approval.

The analysis contained within this report was completed based on the Site Plan dated April 20, 2023. Any minor changes to the Site Plan will not affect the conclusions contained within this report.

It is concluded that the traffic generated by the proposed re-use can be supported by the boundary road network, and the Site Plan can be supported from a traffic operations perspective.

PEDESTRIAN ACCESS: Pedestrian walkways, sidewalks and connections to City streets are provided.

COMMUNITY MAIL BOXES (CMB): Community mail box locations, when required, must be shown on the site plan. The locations must be approved by Canada Post Corporation (CPC) and the CMBs' installed with respect to the guidelines and specifications of CPC. In addition, the City requires the following:

1. CMBs' must be located on a designated pedestrian path of travel.
2. CMBs' must not be located within the sight triangle of any intersection, near SWM facilities or in areas designated for snow storage.
3. CMBs' must be properly illuminated.

SITE ACCESS & TRAFFIC CIRCULATION:

Vehicular access to the site is from both 3rd Avenue East and 4th Avenue East.

PARKING & SNOW STORAGE: The submitted Parking Justification Study states:

1. Within the spatial constraints of the site, a total of 43 parking spaces can be provided. Of these spaces, 36 are accessed from 4th Avenue East. The four spaces accessed from 3rd Avenue East are reserved for the offices during the day and another three are temporary, acting as drop-off spaces so the loading space to the north of the building are not blocked. Accordingly, this study assesses the various parking strategies that could be employed to meet the by-law requirements. As presented, the proposed re-use is required to provide a total of 262 parking spaces per the City's Zoning By-Law.
2. The peak parking demand represents the individual peak parking periods for various land uses. However, individual peak parking periods do not necessarily overlap for different land uses, allowing for utilization of the same parking lot.
3. The ITE Parking Generation 5th Edition Manual identifies hourly percentages of peak parking demand throughout the day. The total peak parking demand (i.e. 100% of the peak parking demand) for the offices occurs before noon, while the restaurant peak is in the evening on a Friday.
4. While it is noted that the speakeasy may operate later than the restaurant facility, the full utilization of the office parking (11:00 a.m.) is separate from the restaurant's full utilization (8:00 p.m.). Based of the low number of parking spaces required for the office (12 spaces) and the variation in parking utilization peaks, the office use can be supported on-site and does not need to be supplied independently from the proposed restaurant and event use parking spaces.
5. The conclusions of the study are:
 - The peak parking period for the office use is at a different time during the day compared to the restaurant and event space uses. Therefore, the required parking for the office use can be supported on-site and does not need to be

supplied independently from the proposed restaurant and event use parking spaces.

- The Owen Sound By-Law requirement exceeds the requirements of surrounding municipalities for restaurant and event space uses.
 - The Owen Sound By-Law requirement exceeds the parking supply rates established for restaurant and event space uses based on comparable proxy sites.
6. The study further states that given these findings, various strategies should be implemented to meet the minimum parking requirements. The strategies are as follows:
- Use of on-site parking facilities (43 stalls)
 - Use of off-site parking agreement with neighbouring landowner(s) (75 stalls possible)
 - Use of adjacent municipal parking lots (within 500 m) (17 stalls)
 - Use of on-street parking (within 500 m) (435 stalls)
7. Each of the above strategies results in a total parking supply of 570 parking spaces, which equates to a surplus of 308 parking spaces. It is noted that additional adjacent properties may be identified for use which would increase the proposed supply.
8. Providing the required parking supply on site is not feasible due to spatial constraints. Within 500 m of the site there is an excess supply of parking that can support the proposed re-use of the building as an office, restaurant, and event venue. Operation of the venues at maximum capacity will be a rare occurrence and popular times are likely to be Friday and Saturday nights based on the nature of the uses.
9. The analysis contained within this report was prepared using the Site Plan prepared by Boldera Architects (dated April 20, 2023). Any minor revisions to the Site Plan are not expected to affect the conclusions contained with this report.

Engineering Services cannot support the inclusion of on-street parking for this re-use. This is a residential area and use of on-street parking in support of a commercial enterprise is not recommended.

A solution to provide the required parking deficit will be a component of site plan approval.

Owen Sound receives significant snowfall (approx. 3.3 m each season).

Snow storage areas:

- are to be shown on the site plan
- must drain to the internal SWM system

- cannot occupy parking areas required for zoning compliance
- cannot be located on City-owned property.

No parking stalls, signage, snow storage areas or building envelopes are to be located within the 5.0 metres by 5.0 metres sight triangles required at the access points or street intersections.

TRANSIT ACCESS: Owen Sound Transit operates four bus routes at 30 min headways between 6:30 a.m. to 6:00 p.m. Monday to Friday, and 9 a.m. to 4 p.m. on Saturdays.

The Site is located approximately 500 m from the Owen Sound Transit Terminal where all local bus routes convene, these routes cover the entire City.

The bus stop for the East Bayshore and Core bus routes are located near the site. The East Bayshore route has bus stops at 3rd Avenue East at 12th Street East and 13th Street East. The Core route has bus stops at 10th Street East / Highway 6 and 3rd Avenue East and 4th Avenue East.

ROAD ALLOWANCE WIDENING: The City's Official Plan classifies this portion of 3rd Avenue East as a Minor Arterial / County road and 4th Avenue East as a Local road. A road allowance widening of 5.0 metres is required across the 3rd Avenue East frontage of the property and 5.0m x 5.0m sight triangles will be required at the access points as a component of site Plan Approval.

LANDSCAPING:

No landscaping features, or vegetation with a mature height greater than 0.6 metre are to be located within the 5.0 metres by 5.0 metres sight triangles required at the access points or street intersections.

ENVIRONMENTAL:

There are no known environmental concerns associated with this property.

This property is within 500 metres of former landfill sites. There are no known issues with the proximity of this property to the existing, closed landfill sites. The County may require a D-4 Study.

SOURCE WATER PROTECTION (SWP): The Drinking Water Source Protection Plan, approved under Part IV of The Clean Water Act, 2006, indicates that this property is within "Intake Protection Zone 2" (IPZ-2), an Events Based Threat area concerned with fuel storage exceeding 50,000 litres.

A SWP Risk Management Plan is not required as fuel storage is not a component of this development.

GARBAGE AND RECYCLING COLLECTION SERVICES: The City will not collect garbage and blue box materials from this development. The Developer must make

arrangements with a private waste management contractor for the on-site deposition, collection, and disposal of these materials.

Please be advised that the residential recycling system in the City of Owen Sound has transitioned to a producer responsibility funded **blue box** collection program to be fully implemented by January 1, 2026. Who is eligible under this program may change after the program is fully implemented. Further information can be found at [Blue Box Regulation - RPRA](#).

Waste management contracts should be negotiated accordingly.

FEES AND CHARGES:

The Engineering Review Fee will be \$594.00 for an Official Plan Amendment and \$356.00 for a Zoning By-law Amendment.

A Street Occupation Permit will be required prior to commencement of any work on City owned property. The permit is available from the Engineering Services Division for a fee of \$68.

A Servicing Agreement may be required as a component of site plan approval.

Prepared By: Dana Goetz, C.E.T.



Reviewed By: Chris Webb, P.Eng.



From: noreply@owensound.ca on behalf of [REDACTED]
To: [Clerks](#)
Subject: Re-Zoning Old Courthouse
Date: September 10, 2023 9:08:39 PM

Our names are Reid O'Neil and Kaylyn Stewart. We are the homeowners and residents of [REDACTED]. Before we raise our concerns, we would like to say that we are excited at the concept of the old courthouse being rejuvenated and recognise that almost any productive use of a building of its size would require a lot of parking. We have concerns regarding the potential of our street (300 block of 14th St E) being used as parking for patrons of the venue. When it comes to street parking.... WE ARE TAPPED OUT. The apartment building at 4th/14th doesn't have enough parking. Tenants of that building usually take up all the spots on our street. Just last winter tenants from that building were offering money to homeowners if they would be able to provide them a parking spot in their driveway. The landlord only offered them parking at the Strathcona School... A long walk for a senior citizen. We also have a 6-plex at 3rd/14th that brings in quite a few cars. Due to extremely high rent prices in Owen Sound, we also have multi-generational homes on our street. These homes also require a lot of cars and rely on street parking. As a paramedic, I also have concerns about patrons parking in the 300 block of 12th St E. There is only street parking for a few vehicles and it's usually full. I fear people will do what people always do and disregard the signs. Parking on both sides of 12th street and leaving us unable to fit emergency vehicles through. We hope that a solution may be found to satisfy most. There is vacant land and open spaces in the 1200 block of 1st Avenue E and in the 1400 block of 3rd Avenue E that would be very suitable and could be a source of revenue for whoever owns the land. Weddings are usually Saturday... There are lots of businesses and public buildings that are closed on Saturday, potentially they could be utilised. The city could look at opening a municipal parking lot nearby and charge patrons of the venue for parking, potentially relocate the dog park and use it's space? They spoke of a shuttle bus, People could park at the mall and be shuttled. There is so much parking at the mall it wouldn't even matter if the patrons left there vehicles overnight.

From: Norah Toth <[REDACTED]>
Sent: Monday, September 11, 2023 8:07 AM
To: OS Planning <osplanning@owensound.ca>; Norah Toth <[REDACTED]>
Cc: Natasha Barlow <nbarlow@birdscanada.org>; Peter Middleton <[REDACTED]>
Subject: Subject: Chimney Swift Roost at 1235 and 1259 3rd Avenue East - Old Court House and Jail

Attention: Pam Coulter and Sabine Robart

As you are aware, the former Courthouse qualifies as critical habitat for the Threatened Chimney Swift under the Federal *Species at Risk Act* due to the chimney being a significant roost site for these birds. (Recovery Strategy recently published: [Chimney Swift \(*Chaetura pelagica*\): recovery strategy 2023 - Canada.ca](#)). ECCC has been advised of this.

I have not found any information addressing this matter in the package before Council today. Could you please let me know how and when this will be addressed.

I would appreciate receiving this information **before** the Public Meeting this evening. We plan to attend the meeting and provide comments and your response prior to the meeting would be very helpful.

Thank you.

Norah Toth

[REDACTED]

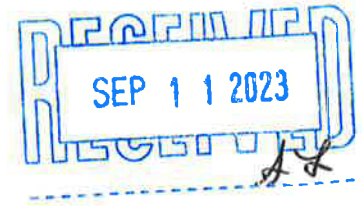
cc Pam Coulter

City Council,

I am totally against this proposal. Its bad enough dog park is here and we have to listen to dogs barking all summer and all that loud music every Sunday all summer. I was born and raised in this house so I'm a senior as I'm sure there are many in this area. What about our noise bylaw none of us want to listen to loud music till one or two a.m. in morning. Maybe the city should consider buying all houses in this area if this is what they plan on doing being this area is considered commercial. Not to mention the traffic and how bad it would be. Maybe the council should be putting money towards our homeless instead of another place to party. None of us in this area should have to put up with this. The way things are these days with everyone struggling and our city has so much money to spend on something so stupid. Consider this my signature for being totally against this and angry that you would even think that this was O.K.

Perry Jerks.

Submission 2 -- Sept 11,2023



Mayor Boddy, members of the City Council, Staff

My name is Faith Leitch. I live at [REDACTED] [REDACTED] in Owen Sound, Ontario. More specifically, I have been clamped to the side of the subject property for over 36 years. Our property runs 240 feet along its northern boundary and everything that happens at or around it affects us and our lives. Previously, we lived on 2nd Avenue East for 7 years, across the street from the former YMCA, so we are more than familiar with living on a busy street with an institution in the area. We have never experienced a commercial business dumped into the midst of residences -- not until now.

When the County of Grey was looking for a site to put its new buildings in 1853, it wanted to find a location that would be befitting of its stature. Victoria Park was discounted as it was owned by the County and they wanted a property that they could purchase. The site on 3rd Avenue East was spacious, surrounded by small family farms. The County of Grey opened the Courthouse in 1854 with a few cells for drunks and misdemeanours, and added three sections over the next few years as more inmates were incarcerated -- and some managed to escape (still were during our time). In 1976, the Province took over Corrections, re-designated it to a Maximum-Security Provincial Jail and leased the property from the County, on a rolling 5-year basis. It was a "cash cow" -- at the end, the lease garnered \$12,000 a month in return for keeping its hands off, including the jail's behaviour and any remedial action on contamination due to asbestos, lead and chemicals most of us have never heard of. The County and City calculated that they would never have to face the cost of cleaning it up. Time after time, I was told that "the jail will never close", despite its age. In 1960, the Courthouse left after signing a 2-part agreement with Owen Sound that it had to purchase the Courthouse then, and eventually the jail section when the County no longer needed it (in other words, when the province terminated the rolling lease). The City forgot about that second part of the March 4, 1960 bylaw agreement. I reminded them in the early 2000's, but they laughed it off. The province kept stating that it would close the old jails -- 1996, 2001, 2010. With no new jails being built and the inmate population growing, the bigger locations ran out of room and started to rent space in the smaller jails. This kept them open as they struggled to "update" the operation and physical attributes of the operation.

Everything grew exponentially. The small blue van was turned over to a white one, complete with a loud backup beeper that made the mechanics at the local garage cringe when it came in for maintenance and repairs. The transfer of inmates from out-of-town (Barrie, Guelph, Toronto) and the local courtrooms, were carried out by diesel-powered paddy wagons, occasionally a 45-seat coach bus, dropping off inmates for bathroom breaks, returning to the bus with a packed lunch in a paper bag. Garbage, that was hand-carried to the front lot, was picked up by huge dumpster trucks that shook the bins high in the air alongside the fence, alongside our rhododendrons (sometimes a tossed garbage bag flew over our fence into the gardens). We forced the Province to move it out of the side alley to the front parking lot where it attracted pigeons and seagulls to the bulging, open bins. We had to pay for

the fence in the mid-section to shelter us from the dumpster bin. The County and the Province refused to build the fence, the County claimed that they would not pay for the fence mandated in the 1985 zoning bylaws before we arrived (they only hold the lease), and the province/jail wouldn't pay as they were only leasing the property. In 2004, we forced the Province to replace the sagging chain-link ends with the balance of the fencing. Their fence ran along beside ours -- a few inches away-- filled with weeds and eventually saplings that caught in the fence boards. Personal visits from family members, quiet during the first years, became noisy as the visitors increased in relation to the increase in inmate population and became young "friends" loitering along our fence, the language getting even more offensive.

The small local delivery trucks became large diesel trucks, some as large as 53 feet long. They started to show up in the early hours of the morning, violating the bylaw restriction of 8 am. The snow was removed during the day by a pickup truck when we arrived; by the end, it was done by a huge, front-end loader at 4:30am, over a 40-minute process, complete with a flashing light and backup beeper as it struggled to clear snow out of the small alley along the old garage and the under-sized parking lot of the jail section. The staff would have to come out to the parking lot to move their vehicles in and out of the lot, laughing and shouting to each other and the operator, key fobs going off throughout. In the middle of the winter, the front-end loader, accompanied by a series of dump trucks, moved the accumulated snow out of the front lot, over a period of 3 hours. Over the years, I grew to fear the coming of winter. Sometimes, I would have to drag my pillow to the office, on the other side of the house, to sleep on the couch. The staff used their snowblower to blow the snow in the entrance area and along the north wall over the fence onto our flowerbeds, killing our silver lace vines, the benjamina and chain trees and eventually the rhododendrons and the azalea bushes that we had lovingly planted in our "meditation garden".

To keep the operation of the jail low key, there was no lighting in either the front parking lot or the back area. No signage declaring the real purpose of the Jail, no 8-foot chain-link fence with barbwire on top to protect the public from the inmates that managed to flee (installed in all other facilities). The property originally had a white board fence enclosing the entire property. When it rotted away, no replacement was made, from our information. The province refused to put a sallieport entrance into the outer wall (like the Walkerton Jail) to provide egress in and out of the vehicles transporting inmates, instead loading and unloading prisoners along the fence, at the front of the old garage, along our fence. They put large lights on the north courtyard exterior walls that flooded our yard at night -- against the bylaw preventing light spilling onto an adjoining property and destruction of the "night sky" provision. We had to force the province to put scraps of aluminum sheeting over them to cut down the resulting glare - you can still see them there.

Every time something happened at another provincial jail, it started the same chain reaction here at the Owen Sound Jail. That is how razor wire got added to the top of the entrance walls when inmates escaped -- but only in the entrance area at the side (so people wouldn't get alarmed and ask what was happening here). Eventually, a roving camera appeared at the front corner of the old garage. While working outside in our yard, we looked up and saw the camera following us around. The City and the police told us that we should be happy that we were being watched over in case an inmate escaped into

our yard. The camera got moved to the south-east corner -- with a shield to protect the privacy of the adjoining house. There was no problem with the hydro going out but another jail got a generator, so a large one got installed on the south side, outside of the kitchen.

For years, the runoff from the Jail's parking lot, full of "oil and grit" poured onto our lawn, killing the grass and plants. A report by City's engineer, John McKay, proved that the City had full knowledge of it. In 2004, we forced a continuous cement curb to be put in. It was to be 5 feet from the property line, graded away from our property and filled with "large caliper fir trees". The Jail refused to comply with any City bylaws that did not suit them, claiming "Queen's Right". I have a letter from the Province that they would comply but their representative blocked it. The first section was installed less than the mandated 5 feet (3 men stood there scratching their heads and then shrugging). Near the end of the old garage, the Province asked to push the curbing in towards the fence with a 12-foot opening (they had been pulling the curbstones out all winter until they got the right width). With fingers crossed that it wouldn't be noticed (after all it's easier to beg forgiveness than permission) they had it installed at 17 feet. The trees were never planted along the fence in 2004 because the Jail didn't want to maintain them. By now, they would have been a good size and would be affording us protection. Now, I am told by the City's Planning Department that it is impossible to plant trees large enough to do so. The trees were also to protect our property from snow being blown through the fence or over it. Part of the damage that we sustained was because maintenance and staff poured bags of Sifto salt along our fence then blew it over and through the fence onto our gardens and flowerbeds. Their practice of blowing the snow through the slats of the fence along the parking lot caused us to pay for extra boards to be added to prevent that. Between the original area and the parking lot, we paid out \$3000 of our own money (at that time) -- money that should have been reimbursed to us. Over the years, we abandoned the property along the boundary fence as people peered at us through the top and foul language overpowered us along the fence. Eventually, we bought a trailer and moved to a campground for the summers, abandoning our home and yard. The grounds deteriorated with the lack of care. I found it hard to care. For the last couple years, I have been struggling to clean up the yard. It's hard at my age and a diagnoses Afib and Rheumatoid Arthritis has acerbated my problems. This proposal has brought all the fear and angst to the forefront.

Since the jail closed and its activity stopped, our neighbourhood has returned to peace and quiet, pigeons and seagulls, no longer feeding on the garbage surrounding the dumpster have disappeared, replaced by the songbirds driven away with all the noise generated by the jail functions. No backup beepers, no diesel fumes, no foul language, no prisoners yelling at me from the jail's cell block and former Governor's Residence, no maintenance work by prisoners on the sidewalk beside our fence, alongside the meditation garden that we had to abandon. Just peace and quiet, decency.

Now, you might ask what all this experience has to do with all this situation. What is the connection? What has all this history to do with the current situation? Well, except for the razor wire (I hope) it will be a repeat performance, all the anxiety of loss of quiet enjoyment of our property will be violated. It is a Provincial Offence to cause harm to someone or their property, including loss of privacy and enjoyment of property. A possible fine of \$5,000 can be laid. From reading all the materials supplied by the owner, attending two meetings with the City's Planning Department, and making enquiries, I have

gleaned a ton of information. Not only will there be a loading dock at my side (the delivery drivers, for the most part, kept their trucks out in the parking lot) but there is a second one planned on the south side. Due to lack of space, the snow removal will be accompanied by dump trucks most times to clear it.

I have seen the site plans, preliminary as they might be. There are elements missing: curbing (I was told that the current one was from an old 1985 zoning bylaw and not required -- no, it is bylaw 5.23.2 from the current 2010 set) , fencing (in order to do its job of screening us, what is the height and material and will our trees be damaged) , lighting (where, how many, what kind -- there are bylaw requirements), dumpster and enclosure locations, proper tree and plants lists including names, sizes, etc., storage of snow in the front lot, the problem of the small 5-foot strips in the back lot that are totally inadequate for the amount of snow we get in Owen Sound. Where are the two condensers actually going to be put along the north side, affecting us. Why is a loading dock being allowed at the side of our property. Will there be cameras placed on the property, where? Is the 100 parking spaces inclusive of staffing needs -- their literature seems to imply that staff should come and leave by bus (local and municipal). Their literature also recommends that traffic should avoid the bridge over the Sydenham river, pouring onto the side streets.

The owner is being allowed to use the excuse of "spatial constraints" (the City picked him because his company promised to keep all the buildings intact making it impossible to accommodate the 100 parking spaces required for this size of facility). The majority of the parking will be permitted along the sides of the street, beside our homes. Shuttle buses and valet services will shuffle the guests back and forth to distances up to 500 metres from the facility, disturbing the peace in the wee hours of the morning. Guests are to be warned that on-street parking stops at 1 am until 7am. Will the owner pay the fines or the cost of towing the vehicle of a tardy guest?

Noise will be an interesting problem. We suffered for 23 years with noise -- 24/7 (people, machines). Will the air be filled with diesel fumes and backup beepers again? This is an event venue. There will be music and noise pouring over the stone walls, into the night, seeping out of buildings and the open entertainment areas at the rear. This is a residential area. Noise is to stop at 11pm. There is to be NO amplified music at any time. The owner has produced lots of reports showing the spread of noise from the property. They have determined that whatever the noise of activity, it is "acceptable" to us (whether from guests or operations such as condensers, movement of trucks, etc.).

Traffic is another unknown. Third Avenue East is a busy thoroughfare to places like the Bayshore Arena and Inn on the Bay -- both busy spots with lots of busy traffic. Imagine weekends with this facility added to the mix. The Aquarium was sunk on the traffic issue alone. Imagine our surprise when reading the owner's report suggesting that we should all help with traffic congestion by using bikes to move around town! This area has one of the oldest populations. There are children getting off and on buses twice a day on this block. Currently, we have trouble getting out of our laneways with vehicles pouring down 15th Street like bingo balls. When the light changes at 10th and 3rd Avenues East, it's like the hound have been released as vehicles hurtle down the street towards us.

We are told that we won't mind the dust (from the re-construction and daily activity), odour (from the kitchens, garbage bins), vibration (from re-construction, condensers). Their reports have determined that it also is "tolerable".

The people surrounding this property know, from years of experience, what noise and activity will pour over their homes and effect their lives -- not the professionals, with their reports, claim will affect them.

Yet, we are being asked for our input to allow this rezoning from Institutional to Commercial. What if the new owner decides that he can't make it on these small margins or demand doesn't meet expectations. Will the effect of the change allow something even more sinister to be allowed or will the fact that that the property has already received a change of zoning make it more attractive for flipping? People that I talk to are asking this question. Are we naive?

The mayor, et al., keep bringing up the fact that this proposal will make this area more attractive. Maybe to some, after all it will probably clean it up, but at what cost to the residents of this area? This property is almost completely surrounded by homes, except for the corner occupied by the fire hall and ambulance buildings. It was interesting to read the assessment of the new owner's people. They remarked that the City did a survey of people in the area (October 2019) at the Bayshore Arena, presenting five options. Despite pretending to be taking a poll, with our little blue dots to be put on the board, the City knew the decision -- as the report said, it was to "do nothing". The report, probably to absolve itself of blocking low-cost housing to be built on this land, mentions that there has been plenty of time for the City to act on building said housing (action where the City would have to pay for the cost of remediation and reconstruction). Again the City opted to "do nothing" (per the same report). The City had let the County of Grey get away with not keeping this property in good, healthy condition, making sure that the contamination was removed before they had to buy it. The City has had this property since the end of 2013, refusing to clean it up and allowing the building to continue to deteriorate, putting plywood on the windows, the stonework to fall out and the grounds to fill up with overgrowth and garbage. Any new owner has to maintain the grounds to the City's standards. Since the City has owned it, the buildings have been broken into and vandalized as no one has made the effort to secure it properly. The City has abdicated its duty and trust to maintain the site in good order, preserving its heritage. Like an old hooker, it was sold to the lowest bidder and being left on the side of the road. The new owner has two years to bring the property to fruition, during which we have to live with its shabbiness. I have been told that the Bylaw Department is driven by complaints. I have made complaints over many years, as have others, to no avail.

When we sat in the Beaver Lumber parking lot in July of 1987, across from the old house we were anticipating to buy, we were filled with hope that the lovely, but worn limestone building, bereft of its original front verandah would make a grand accompaniment to the home that we planned to renovate. We had no idea of the hell we would experience. This latest incarnation is hard to bear. You talk about the area being artistic and a wonderful place to live yet you are willing to put a facility with drinking facilities and partying in the midst of our family homes.

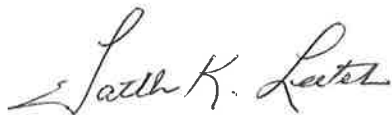
Mr. Ainis knew that this property was "Institutional" when he bought it. He must have been astute enough when he and his people assessed it to know that things like parking was impossible to comply with. Most properties have to contain parking within their own lot; the expansion of that to another lot no more than 100 metres from the property was dismissed and the City expanded that to on-street parking up to 100 metres away. The owner then declared that he thought that a limit of 500 metres would be more suitable to his purposes due to his willingness to preserve all the buildings. The Courthouse complex was never designed to accommodate that volume of parking and trying to pretend otherwise does a disservice to its original purpose.

For me, on a personal level, this will be a repeat of the pain that we experienced during the tenure of the Provincial Maximum-Security Jail. From what I have seen and heard, there is no way to mitigate the problems of noise pouring from a facility like this. It would have to be entirely enclosed and soundproofed. Placements of activities would require adjustments to the structure or purchase of the old Land Registry. Any dumpsters and loading docks would have to be placed at the rear of the property -- not at the side of our property, including areas for staff breaks. Snow removal would be done during the day when the facility was not holding events. Someone once remarked that if our destruction had happened today, "they" would not have gotten away with it. Is there some avenue that I have not explored yet?

In case it is not obvious, personally, I don't want this here. I vote NO to the change to the Official Plan and Re-zoning of this property. Leave it as "Institutional" or, if you can, return it to its 1986 zoning of "Residential". I am requesting, nay demanding, that the rezoning and change to the Official Plan be denied. The proposal is not compatible with our neighbourhood -- it will completely destroy it. I invite the members of City Council and the new owner, with his people, to come to my back yard to see the proximity of this facility and the effect of his proposal on us.

Mr. Ainis, do the right thing. Cancel this deal. By not completing the next step, the City will be forced to start the buy-back process. You live in Toronto with all their wheeling and dealing. Leave us to our more peaceful, slower pace.

Thank you.

A handwritten signature in cursive script, reading "Sarah K. Latzer". The signature is written in dark ink on a white background.

From: Nicole Sprague [REDACTED]
Sent: Monday, September 11, 2023 4:31 PM
To: Service Owen Sound <service@owensound.ca>
Subject: Old Courthouse of Arts Building

I am not for the Old Courthouse of Arts Building to become a place that serves alcohol/ Bar. I don't think it's a place for it. When there is loud noise in the building it dose have a rather large echo that will be disturbing to us living in close proximity and having it open to morning hours is unreasonable to residents and the neighbours being Ambulances and fire department. I don't think it's the right space for it. Having said that I think that the parking does cause a rather large problem. Having cars spill on to our surrounding streets is hazardous to the safety of our residents, Ambulance and fire trucks. Please take these thoughts into consideration. Thanks
Nicole Sprague and Bobbie Muzzell.