

Staff Report

Report To: City Council
Report From: Jacklyn Iezzi, Senior Planner
Meeting Date: September 11, 2023
Report Code: CS-23-092
Subject: Recommendation Report – Zoning By-law Amendment (ZBA 50) – 1580 20th Street East (Wakeford)

Recommendations:

THAT in consideration of Staff Report CS-23-092, respecting proposed Zoning By-law Amendment No. 50 by 845377 Ontario Limited at 1580 20th Street East to permit a rock-climbing bouldering gym having approximately 569 sq. m. of gross floor area to be located within the existing Industrial Mall, City Council:

1. In consideration of the staff reports, recommendations, technical reports, and oral and written submissions, including public and agency comments, 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; and
2. Directs staff to bring forward a by-law to pass Amendment No. 50 to the City's Zoning By-law No. 2010-078, as amended and provide notice in accordance with Section 34 of the *Planning Act*.

Highlights:

- A complete application for a Zoning By-law Amendment (ZBA 50) has been submitted by 845377 Ontario Limited (c/o Albert Wakeford) for lands municipally known as 1580 20th Street East.

- The purpose of the application is to permit a rock-climbing bouldering gym, having approximately 569 sq. m. of gross floor area, to be located within the existing Industrial Mall.
- The effect of the application is to amend the zone category applying to the subject lands from 'Heavy Industrial' (M2) and 'Hazard Lands' (ZH) to 'General Industrial' (M1) and 'Hazard Lands' (ZH) to permit the proposed use and to apply a site-specific zoning provision (14.140) pertaining to required off-street parking for the existing Industrial Mall.
- A public meeting to consider the application was held on July 24, 2023, in accordance with the requirements of the Planning Act.
- Planning Staff recommend approval of the application.

Strategic Plan Alignment:

The subject application represents a 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 particular note:

- The proposal will result in the addition of a new use within an existing Industrial Mall that optimizes the use of the existing building, land, and servicing.

Previous Report/Authority:

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

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

[Ontario Planning Act \(S. 34\)](#)

Technical Report [CS-23-086](#)

[Public Meeting Presentation dated July 24, 2023](#)

Background & Proposal:

A complete application for a Zoning By-law Amendment (ZBA 50) has been submitted by 845377 Ontario Limited (c/o Albert Wakeford) for a rezoning to permit a rock-climbing bouldering gym at 1580 20th Street East.

Property Description

The subject property is located on the northwest corner of the intersection of 20th St E and 16th Ave E, within the western limit of the City's Industrial Park and is municipally known as 1580 20th Street East. The property has 7,850 sq. m. (1.94 ac) of lot area, 73 m of frontage on 20th St E, and 107 m of frontage on 16th Ave E.

The property currently contains an Industrial Mall with approximately 2,400 sq. m of floor area and 13 rental units containing a variety of industrial uses, a surface parking area to the north, east, and south of the existing building containing 76 stalls, including three (3) accessible stalls, two (2) existing vehicular entrances from 16th Ave E, and one (1) existing vehicular entrance from 20th St E.

Surrounding land uses include:

North: industrial (vacant lands, transportation depot)

East: industrial (industrial mall, office, warehousing, storage)

South: industrial (vacant lands, warehousing, manufacturing),
commercial (Heritage Place Mall)

West: industrial (office, storage)

The subject lands are designated 'Employment' and 'Hazard Lands' in the City's Official Plan (2021) and are zoned 'Heavy Industrial' (M2) and 'Hazard Lands' (ZH) in the City's Zoning By-law (2010-078, as amended).

For location context and surrounding land uses, please see the Orthophoto in Schedule 'A'. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'. The subject lands are fully described in Schedule 'C'.

The Proposal

The purpose of the application is to permit a rock-climbing bouldering gym, having approximately 569 sq. m. of gross floor area, to be located within the existing Industrial Mall.

The effect of the application is to amend the zone category applying to the subject lands from 'Heavy Industrial' (M2) and 'Hazard Lands' (ZH) to 'General Industrial' (M1) and 'Hazard Lands' (ZH) to permit the proposed use and to apply a site-specific zoning provision (14.140) pertaining to required off-street parking for the existing Industrial Mall.

Submission & Process Details

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

Submission Item Title	Submission Item Detail
Planning Justification Report	Completed by 854377 Ontario Limited, dated June 27, 2023.
Parking Analysis	Completed by 854377 Ontario Limited, dated June 27, 2023.
Letter regarding Hazard Lands	Completed by 854377 Ontario Limited, dated June 27, 2023.
Parking Analysis Addendum	Completed by Ron Davidson Land Use Planning, dated July 7, 2023.

The complete set of submission materials is available for public viewing on the City's website at www.owensound.ca/development.

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

Date	Step	Days
June 28, 2023	Submission of applications for ZBA together with supporting materials and fees.	1

Date	Step	Days
June 28, 2023	Letter regarding Notice of Complete Application to the applicant.	1
June 29, 2023	Request for comments to city staff and external agencies.	2
July 4, 2023	Notice of Complete Application & Public Meeting mailed to property owners within 120 m of subject lands and notice posted on property.	7
July 24, 2023	Public Meeting and Technical Report to Council.	27
September 11, 2023	Staff Recommendation Report and Amending By-laws to Council.	76

The application has been processed within the 90-day timeline prescribed by the Planning Act.

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 Provincial Policy Statement.

The City’s 2021 Official Plan (Sec. 9.1.1.2) provides that the City may amend the Zoning By-law where sufficient justification exists in the opinion of Council. Amendments must conform to the policies of the Official Plan. When considering an amendment, the City should consider the Official Plan’s goals, objectives, and policies. Additionally, decisions should consider the compatibility with adjacent uses of land and servicing.

The application is subject to review by the City’s Development Team, as well as external commenting agencies. Public notice of the application has been given in accordance with the Planning Act and public input has been included

in the overall process. All applicable policies, standards, and comments received are reviewed below:

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, but are not limited to:

- The orderly development of safe and health communities;
- The adequate provision and distribution of educational, health, social, cultural, and recreational facilities; and,
- The adequate provision of employment opportunities.

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 following PPS policies are highlighted concerning this application:

1.1.3 Settlement Areas

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

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a)efficiently use land and resources; b)are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c)minimize negative impacts to air quality and climate change, and promote energy efficiency; d)prepare for the impacts of a changing climate; e)support active transportation; f)are transit-supportive, where transit is planned, exists or may be developed; and g)are freight-supportive

Staff Comment:

The subject lands are located within a fully serviced Settlement Area and designated employment growth area. The proposal will result in the addition of a new use within the existing Industrial Mall that optimizes the use of the existing building, land, and servicing.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

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

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

Staff Comment:

The proposed rock-climbing bouldering gym is compatible with surrounding light industrial land uses consisting predominately of indoor storage, office, industrial malls and warehousing and preserves the planned function of the City's industrial park as being the predominate area for employment and services uses in the City, as required by the PPS. As discussed further in the Official Plan section of this report, the proposed development conforms to the intent of the Employment designation and the proposed rock-climbing bouldering gym is a permitted use within this designation.

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

Staff Comment:

The existing Industrial Mall is connected to existing municipal water and wastewater services. On-site stormwater management is routed to the East Bluffs Drainage Channel via roadside ditches. The subject property sheet flows surface water to the ditches on 16th Avenue East, 20th Street East, and the shared ditches along the north and west property lines along with catch basins located within the existing parking area. There are no anticipated changes to the existing on-site servicing to accommodate the proposed development.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

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

Staff Comment:

The proposed development will facilitate the addition of a new use within the City's Industrial Park that supports the long-term economic prosperity of this area, consistent with the policies of the PPS.

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.

Staff Comment:

Natural hazards are present within the western interior side yard of the subject property, associated with the flood and erosion potential of unnamed channelized watercourses. This area is zoned 'Hazard Zone' (ZH) by the City's Zoning By-law. There are no changes proposed to the hazard zone boundary as part of the application and no new development or site alteration is proposed within this area, consistent with Section 3.1 of the PPS. Comments have been received from the Grey Sauble Conservation Authority (GSCA) with no objection to the subject proposal as it will not impact any areas regulated by GSCA and/or natural hazards.

The proposal is consistent with the policy direction provided by the PPS.

B: County of Grey Official Plan (2019)

The entire City of Owen Sound is designated as a '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 to be in accordance with the local Official Plan.

The County has been consulted on the proposal and county Staff have no objection to the application.

The application conforms to the County OP.

C: City of Owen Sound Official Plan

The economic goals and objectives of the City's 2021 Official Plan (OP) recognize the importance of the City's Industrial Park for employment and economic development throughout the City and region and support promoting and strengthening the City's role as a regional service centre for business, cultural, education, tourism, and health and maintaining and enhancing the planned function of employment lands by preventing encroachment and/or non-compatible uses.

The proposed development supports the attraction of a wide range of employment and business uses within the City's Industrial Park and will result in the addition of a new use that promotes and strengthens the City's role as a regional service centre for business and recreational services. As discussed further below, the proposed development is permitted within the Employment lands designation and maintains the intent of this designation as being the predominate area for employment and service uses in the City.

The subject lands are designated 'Employment' and 'Hazard Lands' in the City's 2021 Official Plan (OP).

3.9 Employment

For lands designated Employment the predominant use of land shall be manufacturing, assembly, fabricating, processing, packaging, printing, warehousing uses, and the storage of goods and materials. Also permitted are sales and service uses ancillary to employment uses, offices and research establishment and recreational uses such as fitness centres.

3.9.1 Permitted Uses

3.9.1.1 Where lands are designated Employment on Schedule 'A' – Land Use, the predominant use shall be for employment uses and ancillary sales and service uses including the following uses:

- a. Wide range of employment and business uses including but not limited to manufacturing, fabricating, packaging, and warehousing.*
- b. Controlled outdoor storage, including contractor yards.*

- c. Commercial self-storage facilities.*
- d. Food and Beverage Production and Cannabis Production Facilities.*
- e. Retail sales accessory to a manufacturing use.*
- f. Utilities, technology and industrial innovation centres.*
- g. Vehicle service stations, vehicle repair, auto body paint and repair, car washes, transportation depots.*
- h. Commercial schools.*
- i. Sports, health and fitness recreational centres.*

Staff Comment:

The purpose of the application is to permit a rock-climbing bouldering gym within the existing Industrial Mall. The proposed rock-climbing bouldering gym is a fitness/recreational type use that is among the uses permitted within the Employment designation.

3.9.2 General Policies

3.9.2.1 Employment areas will be developed in accordance with the following:

a. The focus of employment development will be the retention of existing employment uses and attraction of a wide range of employment and business uses within the Employment Lands.

b. In locations adjacent to residential areas, light employment and ancillary uses that would have a limited impact on the surrounding area will be permitted, subject to Provincial separation guidelines for noise, odour and vibration and the following:

i. Locating off-street parking, open storage and loading spaces to minimize impact on adjacent uses including requiring enclosed storage areas.

ii. Situating driveway access to public streets to ensure safe traffic movements.

iii. Directing lighting and building openings to minimize impacts on adjacent residential uses and requiring buffering and screening and urban design improvements.

iv. Providing enhanced landscape and other buffering techniques to ensure separation of incompatible uses.

Staff Comment:

The proposed development supports the attraction of a wide range of employment and business uses within the Employment designation. The rock-climbing and bouldering gym will add to the diverse range of industrial uses that currently exist within the City's Industrial Park.

The subject lands are in proximity to residential land uses to the west along 9th Avenue East and within the East Bluffs Planning Area as shown on Schedule 'A4' of the OP. As noted, the effect of the application is to amend the zone category applying to the subject lands from 'Heavy Industrial' (M2) to 'Hazard Lands' (ZH) to 'General Industrial' (M1) and 'Hazard Lands' (ZH) to permit the proposed rock-climbing bouldering gym.

The proposed M1 zoning maintains the intent of the Employment designation as being the predominate area for employment and service uses in the City and also ensures compatibility with proximate residential uses to the west by prohibiting/limiting heavy industrial type uses that are likely to have a greater impact as it relates to noise, odour, and/or vibration. The proposed M1 zoning is also compatible with the existing zoning of adjacent employment lands to the north, west, and south, and with other surrounding light industrial land uses that consist predominately of indoor storage, office space, industrial malls, and warehousing.

The subject lands have existing surface parking areas to the north, east, and south of the existing Industrial Mall. A loading area exists within the western interior side yard, abutting lands designated and zoned as Hazard Lands. Vehicular access to the site is gained via 16th Avenue East and 20th Street East. The proposed rock-climbing bouldering gym will be located within an existing, wholly enclosed building. Alterations to off-street parking, loading, site access, lighting, building openings, landscaping, buffering, or screening are not necessitated by the application.

3.13 Hazard Lands

The Hazard Lands designation is intended primarily for the preservation and conservation of lands in their natural state. Lands designated Hazard Lands are lands having qualities that, in combination with their location, present a risk to human safety, potential for property damage, or have physical

limitations to development. Hazard Lands within the City include those lands that are susceptible to flooding, wave uprush, erosion or slope instability and in many cases are characterized by steep slopes, organic soils or poor drainage.

Staff Comment:

As noted within the PPS section of this report, natural hazards are present within the western interior side yard of the subject property, associated with the flood and erosion potential of unnamed channelized watercourses. This area is zoned 'Hazard Zone' (ZH) by the City's Zoning By-law. There are no changes proposed to the hazard zone boundary as part of the application and no new development or site alteration is proposed within this area, in support of the policies of the OP.

Comments have been received from the GSCA with no objection to the subject proposal as it will not impact any regulated areas and/or natural hazards.

5.2 Municipal Services

5.2.1 General Policies

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

5.2.1.3 Services shall be installed completed and maintained in accordance with the engineering standards of the City in accordance with applicable legislation including the Environmental Assessment Act.

5.2.4 Stormwater Management

The City shall apply best management practices in dealing with stormwater management.

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

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

5.2.4.6 The City shall require new developments or redevelopment projects to have a stormwater management plan in place prior to the construction.

Staff Comment:

As noted within the PPS section of this report, the Industrial Mall is connected to existing municipal water and wastewater services. Comments received from the City's Engineering Services Division note that the internal wastewater collection system connects to a wastewater lateral connected to the 250 mm diameter copper pipe (CP) collector on 16th Avenue East. The internal water distribution system connects to a water meter in line with a service later connected to the existing 300 mm diameter ductile iron (DI) watermain located on 16th Avenue East. There are no anticipated changes to the existing wastewater and/or water service laterals as a result of the proposed development.

Stormwater is routed to the East Bluffs Drainage Channel via roadside ditches. The subject property sheet flows surface water to the ditches on 16th Avenue East, 20th Street East, and the shared ditches along the north and west property lines along with catch basins located within the existing parking lot. The site grading and drainage conforms to Section 2.2.2 of the City's Property Standards By-law. There are no changes anticipated to the on-site stormwater management or site grading as a result of the proposed development.

5.14 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.

Staff Comment:

As noted, the subject lands have existing surface parking areas to the north, east, and south of the existing Industrial Mall. In total, the site provides 76 off-street parking spaces that are sufficient for the proposed rock-climbing bouldering gym and other uses existing within the Industrial Mall. As discussed further in the 'Zoning By-law' section of this report, the provisions of the City's Zoning By-law do not provide a required parking ratio for

industrial malls. The Parking Analysis submitted in support of the application suggests that 64 off-street parking stalls would be required when applying a separate parking ratio to each of the existing and proposed uses within the Industrial Mall.

Given that an Industrial Mall is intended to be planned, developed, managed, and operated as a unit, Planning Staff recommend that the amending by-law include a site-specific zoning provision (14.XXX) that provides for a single off-street parking ratio to be applied to the Industrial Mall as a whole.

The proposal conforms to the policies of the City's OP.

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

The subject property is zoned 'Heavy Industrial' (M2) and 'Hazard Lands' (ZH) in the City's Zoning By-law (2010-078, as amended).

The subject lands currently contain an Industrial Mall with approximately 2,400 sq. m. of floor area and 13 rental units containing a variety of industrial uses including office space, a wholesale establishment, light industrial, printing/publishing establishment, and accessory retail. The existing Industrial Mall and uses therein are permitted within the M2 Zone.

For ease of reference, the Zoning By-law defines an "Industrial Mall" as meaning, "a building or group of buildings which are planned, developed, managed and operated as a unit, and in which each building contains two or more units or spaces for lease or occupancy for industrial uses and other uses permitted in the applicable zone and may include a limited floor area for accessory office".

The purpose of the Zoning By-law Amendment application is to permit a rock-climbing bouldering gym, having approximately 569 sq. m. of floor area, to be located within Unit 10 and 11 of the existing Industrial Mall. The proposed rock-climbing bouldering gym is an activity of an athletic, amusement and recreational nature and is therefore consistent with the definition of a 'Community Lifestyle Facility' provided by the Zoning By-law:

'Community Lifestyle Facility' means a lot, building or part thereof used for gatherings, meetings and activities of a civic, educational, political, religious, social, cultural, athletic, amusement or recreational nature but does not include any other commercial use otherwise defined in this By-law".

A 'Community Lifestyle Facility' is a permitted use within the 'General Industrial' (M1) zone.

The effect of the application is to amend the zone category applying to the subject lands from 'Heavy Industrial' (M2) and 'Hazard Lands' (ZH) to 'General Industrial' (M1) and 'Hazard Lands' (ZH) to permit a Community Lifestyle Facility. The existing Industrial Mall and uses therein would continue to be permitted under the proposed M1 zoning. The application does not propose to alter the current Hazard zoning applying to the subject lands.

As discussed within the Official Plan section of this report, the proposed M1 zoning is appropriate as it maintains the intent of the Employment designation as being the predominate area for employment and business uses within the City and is compatible with the existing and planned function of surrounding industrial lands.

Off-street Parking

As it relates to requirements for off-street parking, Section 5.18 of the City's Zoning By-law does not provide a required parking ratio for industrial malls. The submitted Parking Analysis suggests that 64 off-street parking stalls would be required by the Zoning By-law when applying a separate parking ratio to each of the existing and proposed uses within the Industrial Mall.

An addendum to the Parking Analysis was submitted by the applicant's planning consultant on July 7, 2023, which also suggests that the approach of applying separate parking ratios to the existing and proposed uses is best, given the significant variation in off-street parking requirements that exists between permitted industrial uses in the M1 Zone. The addendum also notes that if an existing use within the Industrial Mall were to cease and be replaced by another permitted use in the M1 Zone, the City's Business Licence process would provide an opportunity for City Staff to determine whether sufficient parking is provided for the entire industrial mall in accordance with the Zoning By-law before allowing for another business to occupy the building.

In the opinion of Planning Staff, the current approach to calculating off-street parking does not maintain the intent of the Industrial Mall definition which requires this type of use to be planned, developed, managed, and operated as a unit. The operation of the Industrial Mall as a unit is of particular importance when considering requirements for off-street parking since uses within the Industrial Mall may have different functions that are

complementary to parking demand. For example, the existing offices are likely to operate from Monday to Friday, between the hours of 9 am to 5 pm and would have peak parking demand at these times; whereas the proposed rock-climbing bouldering gym would experience peak parking demand during the evenings and weekends when parking for offices is not in use.

Furthermore, the use of separate parking ratios is ambiguous particularly when considering the potential for land use change within the existing Industrial Mall. For example, a current use within the Industrial Mall, such as an office, may cease and be replaced by another use permitted in the M1 Zone, such as a community lifestyle facility, with a different off-street parking requirement. At the time of Business Licence Application for the new use, Planning Staff's review is typically limited to whether it is permitted by the Zoning By-law. A detailed review of off-street parking and other site metrics does not typically occur unless the new business also requires a Building Permit application. If a Building Permit was required and it was determined that the new use required more parking than was provided or available on-site, this would necessitate further Planning Act applications, such as a minor variance to reduce parking and/or site plan approval to establish/modify a parking area. The use of a single parking ratio that is based on the total gross floor area of the Industrial Mall provides clarity with respect to which parking ratios apply to the property and grants flexibility for new businesses to locate within the existing Industrial Mall without necessitating the provision of additional off-street parking.

In consideration of the above, Planning Staff recommend that the amending by-law, attached as Schedule 'E', include a Special Provision (14.140) that sets out a single off-street parking ratio of one (1) parking space per 50 sq. m. of gross floor area (GFA) to be applied to the Industrial Mall as a whole. The recommended off-street parking ratio was determined based on a review of recent comprehensive zoning by-laws from municipalities of similar size and scale. Specifically, the [Town of Lincoln Zoning By-law \(2022\)](#) requires off-street parking for industrial malls to be provided at a rate of one (1) space per 50 sq. m. of GFA. The definition of Industrial Mall as defined by the Town of Lincoln's Zoning By-law is similar to that of the City's and reads as follows:

"2.146 INDUSTRIAL MALL means a group of permitted industrial uses designed, developed and functioning as a single complex as opposed to an area comprising an individual industrial establishment."

Similarly, zoning by-laws for the [City of Cornwall \(2022\)](#) and [Orillia \(2014\)](#) set out parking ratios for industrial uses generally as follows:

City	Land Use	Parking Ratio
Cornwall	All light industrial uses	One (1) space per 50 sq. m. of gross floor area (GFA), Plus one (1) additional space for every 200 sq. m. of GFA in excess of 260 sq. m.
Orillia	All industrial uses	1 space per 30 sq. m. for the first 1,000 sq. m. of GFA, Plus 1 space per 100 sq. m. GFA between 1,000 sq. m. and 5,000 sq. m., Plus 1 parking space per 200 sq. m. in excess of 5,000 sq. m. GFA

When applying each of these ratios to the proposed development, between 48 and 59 off-street parking spaces would be required.

When applying the proposed off-street parking ratio of one (1) space per 50 sq. m. of GFA to the existing 2,400 sq. m. Industrial Mall, 48 off-street parking stalls are required whereas 76 are provided. The existing parking areas to the north, east, and south of the existing building are therefore sufficient for accommodating the proposed rock-climbing bouldering gym and existing uses within the Industrial Mall.

General Zoning Conformity

Planning Staff have undertaken a fulsome review of the proposal in consideration of the general and M1 zoning provisions and the following merits note:

Zoning Matter	How is the Requirement Met?
Standard Parking Stalls	As noted above, the proposed off-street parking ratio of one (1) space per 50 sq. m. of GFA requires that

Zoning Matter	How is the Requirement Met?
	<p>48 off-street parking stalls be provided for the Industrial Mall.</p> <p>76 spaces are existing on-site which meets the requirement.</p>
Accessible Parking Stalls	<p>Of the 48 off-street parking stalls proposed to be required, two (2) are required to be accessible in accordance with the requirements of the City's Zoning By-law and the Accessibility for Ontarians with Disabilities Act (AODA). Of the 2 required accessible stalls, one (1) must be van accessible (Type 'A') and the other must be a Type 'B' stall.</p> <p>Three (3) accessible stalls are existing on-site which exceeds the requirements. Whether the design and signage of the accessible stalls meets the requirements of the Zoning By-law and AODA will be confirmed through the submission of a Building Permit application.</p>
Loading Spaces	<p>The provisions of the City's Zoning By-law require one (1) loading space for the existing Industrial Mall that is sized a minimum of 3.5 m wide and 10 m long.</p> <p>A loading area exists within the western interior side yard to satisfy this requirement.</p>
Bicycle Parking Spaces	<p>The provisions of the City's Zoning By-law require bicycle parking for industrial uses to be provided at a rate of four per cent (4%) of the required vehicle parking. Accordingly, two (2) bicycle parking spaces are required.</p> <p>A total of three (3) bicycle racks are existing on-site to satisfy this requirement.</p>
Setbacks	The required building setbacks are met or exceeded.
Lot Coverage	The lot coverage maximum is not exceeded.

Zoning Matter	How is the Requirement Met?
Building Height	The building height maximum is not exceeded.
Landscape Open Space	<p>The provisions of the M1 Zone require that 25 per cent (25%) of the lot area be maintained as landscaped open space (LOS).</p> <p>The LOS is not indicated on the submitted Site Plan. The provision of a minimum 25% LOS will be confirmed through the submission of a Building Permit application.</p>
Landscape Buffer Strips	<p>The existing surface parking areas to the north, east, and south of the existing building are required to be buffered from adjacent properties and the City streets through the use of 1.5 m wide planting strips in accordance with Section 5.23 of the Zoning By-law.</p> <p>Planting strips are not indicated on the submitted Site Plan. The provision of planting strips will be confirmed through the submission of a Building Permit application.</p>

E: Site Plan Control Matters

The addition of the proposed rock-climbing bouldering gym within the existing Industrial Mall does not necessitate increased parking or loading or require reconfiguration to the existing site access points, surface parking or loading areas therefore, the proposal is not subject to Site Plan Control in accordance with Section 41 of the Planning Act and [City By-law 2019-185](#).

A Building Permit will be required to facilitate a change of use and any interior renovations to the existing Industrial Mall to accommodate the rock-climbing bouldering gym. The above noted zoning matters pertaining to design and signage of accessible parking stalls, minimum landscaped open space, and landscaped buffer strips, will be addressed through the Building Permit submission.

F: City Staff & 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 applications. All comments can be found attached hereto as Schedule 'F'.

City of Owen Sound Engineering & Public Works Department

Comment has been received from the City's Engineering & Public Works Department with no objection to the subject proposal.

City of Owen Sound Fire Prevention Division

Comment has been received from the City's Fire Prevention Division with no objection to the subject proposal.

City of Owen Sound Building Division

Comment has been received from the City's Building Division with no objection to the subject proposal. The proposal will be subject to further review upon the submission of a Building Permit.

Grey Sauble Conservation Authority (GSCA)

Comment has been received from GSCA with no objection to the subject proposal as it will not impact any areas regulated by Ontario Regulation 151/06 and/or natural hazards.

Grey County

Comment has been received from Grey County with no objection to the subject proposal.

Historic Saugeen Metis (HSM)

Comment has been received from HSM with no objection to the subject proposal.

Conseil Scolaire (CS) Viamonde

Comment has been received from CS Viamonde with no objection to the subject proposal.

G: Public Comments

Seven (7) written comments from members of the public have been received in support of the application. A Public Meeting to consider ZBA 50 was held on July 24, 2023, in accordance with the requirements of the Planning Act. Several members of the public spoke in support of the application at the public meeting.

One (1) public comment was received from Thomson Rogers Lawyers on behalf of the property owner of 1887 9th Avenue East located to the south of the subject lands. The comments received suggest that Mixed Use Industrial (MU) is a more appropriate zoning category for the subject lands as it would permit the proposed community lifestyle facility and would be more compatible with the surrounding lands transitioning into a variety of mixed uses with some modest industrial components.

Planning Staff note that the MU Zone of the City's Zoning By-law applies to a limited set of properties that are located within the East and West Harbour Planning Areas identified on Schedule 'A3' and 'A4' of the Official Plan. The East and West Harbour Planning Areas are intended to accommodate a mix of land uses and array of development/redevelopment opportunities that support recreation and tourism while continuing to permit marine and related industrial uses of the working harbour. The MU Zone implements the East and West Harbour Planning Area policies of the Official Plan by permitting industrial uses in combination with commercial uses that support redevelopment, recreation, and tourism such as marinas, hotels, and restaurants.

In the opinion of Planning Staff, rezoning of the subject property (1580 20th Street East) to Mixed Use Industrial (MU) Zone would not be appropriate for the following reasons:

- The existing Industrial Mall and certain uses contained therein, including a Printing/Publishing Establishment, are not permitted within the MU Zone.
- The MU Zone would permit more sensitive commercial land uses such as hotels, museums/galleries, and restaurants on the subject lands which are not compatible with the existing and planned function of the City's Industrial Park.

Public comments received as well as the Public Meeting Minutes are attached as Schedule 'G' of this report.

Financial Implications:

Application fees were collected as part of the ZBA application in the amount of \$3,300.

Communication Strategy:

Notice of Complete Application and Public Meeting was given as required by the *Planning Act*. The Public Meeting was held on July 24, 2023.

Notice of Passing will be given following Council's resolution on the matter and a twenty (20) day appeal period will follow the notice.

Consultation:

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

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Official Plan and Zoning Map
- Schedule 'C': Property Details
- Schedule 'D': Supporting Plans and Studies
- Schedule 'E': Draft Zoning By-law Amendment
- Schedule 'F': City Staff & Agency Comments
- Schedule 'G': Public Meeting Minutes and Public Comments

Recommended by:

Jacklyn Iezzi, BES., Senior Planner

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage

Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Jacklyn Iezzi, Senior Planner at planning@owensound.ca or 519-376-4440 ext. 1261.