

DECISION

Authority & Background:

The following is a decision respecting Site Plan Approval made by the delegate or authorized approval authority having jurisdiction under the City's Powers of Delegation By-law 2014-019 and the Site Plan Control By-law 2019-185 and Sec. 41(4.0.1) of the Planning Act. The decision is considered on the basis of the information summarized below, including agency and Development Team comments.

File No.	ST2023-003
Staff Report No.	DA-23-005
Property Address	1043 and 1057 3 rd Avenue East
Proposal Description	A mixed-use development consisting of a six-storey, 40-unit rental apartment building together with a 74.8 sq. m. commercial unit on the ground floor. The proposal also includes the construction of a surface parking area containing 22 spaces, an internal drive aisle, a garbage and recycling collection area within the northeast corner of the site, landscaping, site servicing and stormwater management.

DECISION

Decision Declaration:

I, Pamela Coulter, being the Director of Community Services of the City of Owen Sound render the following decision based on the facts of the application and the recommendation made in the abovementioned Staff Recommendation Report:

- Refused on the basis that a subsequent submission is required in accordance with the direction provided in Schedule 'D' of the attached staff report.
- Approved
- Approved, subject to the conditions in Schedule 'F' of the attached staff report.

Decision Date: November 8, 2023

Signature: 

I affirm that I am authorized to render this decision by the City of Owen Sound and applicable legislation.

Staff Report

Report To: Director of Community Services
Report From: Jacklyn Iezzi, Senior Planner
Report Date: November 6, 2023
Report Code: DA-23-005
Subject: Site Plan Approval for 1043 and 1057 3rd Avenue East

Recommendations:

THAT in consideration of Staff Report DA-23-005 respecting Site Plan Approval (ST2023-003) at 1043 and 1057 3rd Avenue East, proposing a mixed-use development consisting of a six-storey, 40-unit rental apartment building together with a 74.8 sq. m. commercial unit on the ground floor, the approval authority:

1. Approves the Architectural Drawing Set by G.M. Diemert Architect Inc., dated January 26, 2022, and last revised August 15, 2023, subject to the conditions outlined in Schedule 'F'; and
2. Approves the execution of a Site Plan Agreement for 1043 and 1057 3rd Avenue East.

Highlights:

- A complete application for Site Plan Approval (ST2023-003) has been submitted by Lutheran Outreach Ministries (Sylvia Statham) through Ron Davidson Land Use Planning for a mixed-used development at 1043 and 1057 3rd Avenue East.
- The lands were previously subject to an application for Zoning By-law Amendment (ZBA 46) which had the effect of amending the site-specific zoning provisions (Special Provision 14.90) to permit a reduced side yard setback of 0 m and an increased maximum building height of 24.6 m. ZBA 46 is in full force and effect.
- The subject site plan approval application is proposing the development of a six-storey building containing 40 affordable rental

dwelling units together with a 74.8 sq. m. commercial unit on the ground floor.

- The proposal includes the construction of a surface parking area containing 22 spaces, including seven (7) covered stalls and one (1) accessible stall, an internal drive aisle, a garbage and recycling collection area within the northeast corner of the site, landscaping, site servicing and stormwater management. The development is proposed to be accessed via two (2) entrances from 3rd Avenue East, one of which is an existing site entrance for St. Francis' Place (320 10th Street East).
- Site alteration including modifications to a row of parking stalls, concrete barrier curbing, pedestrian connections, landscaping, and stormwater management are also proposed on the abutting properties to the south (320 10th Street East and 1035 3rd Avenue East) to serve the proposed development.
- Staff recommend approval of the application, subject to conditions.

Strategic Plan Alignment:

[Strategic Plan](#) Priority: This report supports the delivery of Core Service.

The subject application also 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 development is within the City's River District that is walkable, has access to transit, public service facilities, and commercial amenities.
- The development maximizes the use of land and existing servicing.
- A Record of Site Condition is currently being prepared to address possible soil contamination that may have resulted from the former use of the lands as a dry-cleaning establishment. The proposed development will facilitate the remediation of a brownfield site.

Previous Report/Authority:

[Ontario Planning Act \(s. 41\)](#)

Background & Proposal:

A Site Plan Approval application (ST2023-003) has been submitted by Lutheran Outreach Ministries (Sylvia Statham) through Ron Davidson Land Use Planning for a mixed-use development consisting of a six-storey, 40-unit rental apartment building, together with a 74.8 sq. m. commercial unit on the ground floor.

Property Description

The subject lands are located on the east side of 3rd Avenue East and comprise two (2) lots; 1043 3rd Avenue East, previously occupied by a two-storey residential building that has been demolished to accommodate the proposed development, and 1057 3rd Avenue East, containing a surface parking area. Together, the lands have approximately 30 m of frontage of 3rd Avenue East and are sized approximately 1,668 sq. m.

Surrounding land uses include:

North: residential

East: residential and commercial (fronting 10th St E)

South: residential (St. Francis Place), commercial (River District)

West: Owen Sound transit terminal, commercial (River District)

The subject lands are designated 'River District Commercial' on Schedule 'A' of the City's 2021 Official Plan. Schedule 'B' further identifies the lands as being within the River District Planning Area.

The lands are zoned 'Core Commercial' (C1) with a Special Provision 14.90 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 lands are fully described in Schedule 'C'.

The Proposal

The subject application is proposing a mixed-use development consisting of a six-storey, 40-unit rental apartment building together with a 74.8 sq. m. commercial unit on the ground floor. The proposal also includes:

- The construction of a surface parking area containing 22 spaces, including seven (7) covered stalls and one (1) accessible stall.
- An internal drive aisle.
- A garbage and recycling storage/collection area within the northeast corner of the site.
- Landscaping and,
- Site servicing and stormwater management.

The development is proposed to be accessed via two (2) entrances from 3rd Avenue East, one of which is an existing entrance for the adjacent property to the south (320 10th Street East – St. Francis’ Place), also owned by the applicant. Modifications to a row of parking stalls, including two (2) accessible stalls, concrete barrier curbing, pedestrian connections (concrete sidewalk), landscaping, and stormwater management (catch basins) are also proposed on the abutting properties to the south, municipally known as 320 10th Street East (St. Francis’ Place) and 1035 3rd Avenue East, to serve the proposed development.

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

Submission Item Title	Submission Item Detail
Planning Justification Report	Prepared by Ron Davidson Land Use Planning Consultant Inc. dated March 10, 2023
Architectural Drawing Set	Prepared by G.M. Diemert Architect Inc. dated January 26, 2022, and last revised August 15, 2023.
Civil Drawing Set	Prepared by GM BluePlan Engineering dated January 10, 2022, and last revised August 15, 2023.
Urban Design Study	Prepared by G.M. Diemert Architect Inc. dated March 9, 2023.
Shadow Study	Prepared by G.M. Diemert Architect Inc. dated January 26, 2022, and last revised June 12, 2022.

Submission Item Title	Submission Item Detail
Stage 1 Archaeological Assessment & Entry into Ontario Register of Archaeological Reports	Prepared by TMHC Inc. dated August 25, 2022.
Survey	Prepared by Hewett and Milne Limited Ontario Land Surveyors dated September 11, 2018.
Stormwater Management Report	Prepared by GM BluePlan Engineering dated August 2023.
Servicing Feasibility Study	Prepared by GM BluePlan Engineering dated April 2023.

The applicant engaged the City in the Pre-consultation process in March of 2022. In March of 2023, the applicant submitted a complete application for a Zoning By-law Amendment (ZBA 46), which had the effect of amending the site-specific zoning provisions (Special Provision 14.90) to permit a reduced side yard setback of 0 m and an increased maximum building height of 24.6 m. The application was adopted by City Council via By-law No. 2023-063 on May 29, 2023, and came into force and effect on June 19, 2023, upon expiry of the 20-day appeal period. Subsequently, the process relating to the formal site plan approval application has proceeded as follows:

Date	Step	Days
September 14, 2023	Submission of formal application together with supporting materials and fees.	1
September 19, 2023	Letter regarding completeness of the application provided to the applicant. Request for comments circulated to staff and agencies.	6
November 6, 2023	Recommendation report to Director of Community Services	54

The Planning Act provides for a total of 60 days to process a site plan approval application. Processing of the subject application has met the prescribed timeline.

Analysis:

The proposal is required to meet all development standards and policies applicable to projects within the City of Owen Sound. The proposal is required to be consistent with the Provincial Policy Statement and in conformity with the City Official Plan and Zoning By-law. Schedule 'B' contains the applicable Official Plan and Zoning By-law mapping.

The application is subject to review by the City Development Team as well as external commenting agencies. Conformity of the proposed development with the policies of the PPS, County Official Plan, and City Official Plan is discussed at length in the Staff Recommendation Report [CS-23-064](#). The following matters are also relevant to the subject site plan approval application:

Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) has been reviewed with regard to the proposed site plan approval application. The PPS Vision for the long-term prosperity and social well-being of Ontario focuses on growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, liveable, and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change. The PPS directs development to fully serviced, designated settlement areas and requires contiguous development that minimizes land consumption and servicing costs.

The subject lands are within a fully serviced settlement area. The proposal for mixed use development in a compact, urban form, having access to full municipal services, public transit, parks, and amenities supports the type of efficient, cost-effective development that is envisioned by the PPS.

The PPS encourages opportunities for accommodating a significant supply and range of housing options through intensification and redevelopment, including the redevelopment of brownfield sites, where suitable existing or planned infrastructure and public service facilities are available to accommodate projected needs. The Planning Justification Report submitted in support of ZBA 46 and the subject site plan approval application indicates that a Record of Site Condition is currently being prepared to address possible soil contamination of the site that may have resulted for its former use as a dry-cleaning establishment. The proposed development will facilitate the remediation and redevelopment of a brownfield site, that is supported by

the PPS. As discussed further in the 'Official Plan' section of this report, the provision of a Record of Site Condition that meets the requirements of Ontario Regulation 153/04 under the Environmental Protection Act, including filing with the Ministry of Environment, Conservation, and Parks or a letter of opinion from a qualified professional confirming that an RSC is not required is recommended as a condition of site plan approval.

Policy 1.4.3 of the PPS further requires planning authorities to provide an appropriate range and mix of housing options and densities to meet the projected market-based and affordable housing needs of current and future residents. The PPS defines housing options as meaning a range of housing types and tenures including townhouses, multi-unit residential buildings, life lease and land lease communities, and affordable housing. Affordable, in the case of rental housing, means the least expensive of: (1) a unit for which the rent does not exceed 30 per cent of gross annual household income for low- and moderate-income households or, (2) a unit for which the rent is at or below the average market rent of a unit in the regional market area.

The proposal includes 40 residential dwelling units together with a 74.8 sq. m. commercial unit on the ground floor. The residential dwelling units are proposed to be rent-geared-to income and will therefore satisfy the definition of 'affordable' provided by the PPS. The proposed development will add 40 affordable dwelling units to the City's housing stock and contribute to providing a range and mix of housing options to meet the needs of current and future residents, as required by the PPS.

Lastly, the application is required to demonstrate that the lands can be serviced with full municipal water and wastewater services and are designed with stormwater management best practices to ensure consistency with Section 1.6.6 of the PPS. A Servicing Feasibility Study, Stormwater Management Report and civil drawings package have been submitted in support of the subject site plan approval application and are discussed further in the 'Official Plan' section of this report. In summary, full municipal service infrastructure and capacity are available for the proposed development. The on-site SWM system will provide enhanced quality treatment and quantity control.

The proposal is consistent with the policies of the PPS.

County of Grey Official Plan

The subject lands are designated 'Primary Settlement Area' in the County of Grey 2018 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 subject site plan approval application and has no objections.

The proposal conforms of the policies of the County OP.

City of Owen Sound Official Plan

The subject lands are designated 'River District Commercial' on Schedule 'A' of the City's 2021 Official Plan (OP). Schedule 'B' further identifies the lands as being within the River District Planning Area.

The River District Commercial Area is intended to function as the social, cultural, business, and recreational focal point of the City. A range of uses including medium and high-density forms of housing and housing combined with commercial uses are permitted within this designation.

Section 3.3.5 of the OP permits residential development within the River District Commercial Area, in accordance with the following criteria:

- a. High-density residential development, as defined in Section 3.1.2, may be permitted where compatible with adjacent uses, subject to the provisions of Section 3.3.2. Such uses shall be located predominately above the first storey of buildings located within the River District Commercial area, with the exception of entrances, lobbies, parking or amenity areas at ground level.
- b. In areas of the River District Commercial area adjacent to existing residential areas, medium density residential development, as defined in Section 3.1.2, may be permitted as an appropriate transition to the mixed uses of the River District Commercial Area, subject to the provisions of Section 3.3.
- c. Parking must be adequately provided for all residential uses in accordance with the Zoning By-law.
- d. Landscaped open space and/or outdoor living areas for higher density residential uses within the River District Commercial area may be provided in rooftop gardens, balconies, patios, interior recreation areas or similar facilities where sufficient space is not available on-site at ground level.

The subject lands comprise two lots, 1043 3rd Avenue East and 1057 3rd Avenue East. Together the lands are sized 1,668 sq. m. Based on 40 units, the development is considered high-density residential in accordance with Section 3.1.2 of the OP.

In accordance with policy 3.3.5 (a), the proposed residential use is located on the upper storeys with a commercial unit together with entrances, a lobby, and parking at the ground level. In addition, the development meets the intensification criteria as outlined in Section 3.3.2 as follows:

- The development includes a ground floor commercial component orientated towards 3rd Avenue East that supports and contributes to a strong and vibrant River District Commercial area.
- The proposed six-storey building maintains and enhances the heritage character of the area. The building mass and scale is compatible with adjacent development and maintains a pedestrian focused environment, as discussed further below.
- Adequate off-street parking is provided for the proposed development in accordance with the requirements of the Zoning By-law, as discussed further below.
- There is adequate capacity of existing infrastructure to service the proposed development, as discussed further below.
- The proposed development is located within the River District that has access to a variety of commercial and community amenities.
- The proposed development is consistent with the Urban Design policies of the River District Commercial designation and Section 8.0 of the OP, as discussed further below.

Landscaped open space is proposed to be provided in the form of an at-grade concrete patio to the front (west) of the proposed building. The proposed 74.8 sq. m. commercial space is also proposed to serve as an interior recreation/common area for the proposed residential dwelling units, consistent with policy 3.3.5 (d).

Parking

As noted above, the River District Commercial policies of the OP require that parking be adequately provided for all residential uses in accordance with the Zoning By-law (Sec. 3.3.5 c). Further, high-density residential development may be permitted where compatible with adjacent uses and subject to the provisions of Sec. 3.3.2 requiring, among other matters, that adequate parking is available (Sec. 3.3.2 d). New development should contribute, where possible, to the consolidation, improvement, and efficient use of

private parking areas (Sec. 3.3.6 f), while not permanently reducing the supply of parking required for the immediate area (Sec. 3.3.6.2).

Adequate off-street parking is provided for the proposed development in accordance with the requirements of the City's Zoning By-law. As noted above, 1057 3rd Avenue East currently contains a surface parking area, and the lands have a Parking Use Agreement registered on title for use of the off-street parking stalls by 320 10th Street East. Since 1057 3rd Avenue East will be merged with the lands to the south (1043 3rd Avenue East) and the existing parking area modified/removed to accommodate the proposed development, provisions are recommended to be included within the Site Plan Agreement that require the existing Parking Use Agreement to be removed from title prior to the issuance of Certificate of Compliance.

In accordance with policy 3.3.6.2 of the OP, the proposed development cannot create an off-street parking deficiency for the adjacent lands. It does not appear that the Parking Use Agreement registered on title of 1057 3rd Avenue East was required to achieve compliance with the off-street parking requirements of the City's Zoning By-law in force and effect at the time of development of 320 10th Street East however, the submitted Site Plan, attached as Schedule 'D', proposes site alteration on 320 10th Street East and 1035 3rd Avenue East, that may result in the loss of off-street parking stalls on the adjacent site (320 10th Street East).

Modifications to 320 10th Street East, containing an existing eight-storey building with 638 sq. m. of commercial space on the ground floor and 78 units on the upper storeys and 1035 3rd Avenue East, containing a two-storey mixed-used building with commercial space on the ground floor and residential apartments above, can be summarized as follows:

- Modification to a row of parking stalls to the south of the proposed building at 1043 and 1057 3rd Avenue East including:
 - The addition of two (2) accessible stalls (one Type 'A' and one Type 'B').
 - The removal of 2-3 standard parking stalls to accommodate a drive aisle.
- The installation of new pedestrian connections (concrete sidewalks) across the rear yard of 1035 3rd Avenue East and existing parking area at 320 10th Street East and along the north lot line of 320 10th Street East.
- The installation of new concrete barrier curbing.

- Landscaping including the planting of four (4) Honey Locust trees and two (2) landscaped beds to the north of 1035 3rd Avenue East.
- Exterior site lighting and,
- Modifications to site grading, drainage and stormwater management including the installation of new catch basins.

The development of the existing eight-storey building at 320 10th Street East received Site Plan Approval from the City in 1986 (ST1986-018) and a Development Agreement is registered on title. 1035 3rd Avenue East does not currently have an approved site plan or registered agreement.

The above noted site alteration constitutes 'development' as defined by the City's Site Plan Control By-law (2019-185) therefore, a minor amendment to ST1986-018 and minor site plan approval for 1035 2nd Avenue East will be required. Provisions are recommended within the Site Plan Agreement that require that prior to the issuance of Certificate of Compliance, the Owner obtain site plan approval for the proposed development on 320 10th Street East and 1035 3rd Avenue East and that the minor site plan application be supported by an updated, fully dimensioned Site Plan and Landscape Plan sufficient for determining compliance with the City's Zoning By-law.

Planning Staff have undertaken a cursory zoning conformity check for 320 10th Street East, in consideration of the proposed site alteration and the following merits note:

- The proposed site alteration will result in a loss of parking stalls on 320 10th Street East, based on the approved Site Plan (ST1986-018). A minimum of 39 off-street parking stalls must continue to be provided on these lands, in accordance with the approved plan and zoning requirements in force and effect at the time of development. If 39 stalls are unable to be accommodated, a minor variance to the City's Zoning By-law may be required.
- There is a need to formalize existing off-street parking areas and arrangements on adjacent lands under the same ownership, including:
 - 1035 3rd Avenue East
 - 1016 4th Avenue East
 - 374 10th Street East
 - 368 10th Street East

The submitted Site Plan shows existing parking stalls to the rear of 1016 4th Avenue East encroaching onto neighbouring lands under

different ownership (392 10th Street East), which is not permitted without a Parking Use Agreement.

- Planting strips compliant with Section 5.23 of the City's Zoning By-law will be required along the north (rear) and west (exterior side) lot lines to buffer the modified parking area from adjacent lands and the City street. Planning Staff recognize that the provision of a planting strip/fence along the north lot line may not be desirable as the 2.4 m wide concrete sidewalk proposed within this area is intended to also serve 1043 and 1057 3rd Avenue East. A minor variance may be required to provide relief from Section 5.23 of the by-law.
- Site lighting details are not known and must comply with Section 5.23.1 of the City's Zoning By-law.
- The registered site plan agreement for 320 10th Street East provides that the City will not provide garbage and recycling collector services to the development. Garbage collection/waste storage details, whether exterior or interior to the building, are not known and must comply with Section 5.24 of the City's Zoning By-law.

Section 3.3.6 of the OP further outlines criteria that should be considered in the design and functionality of parking within the River District Commercial designation, including that:

- Parking should be integrated with development in a manner that reduces the street frontage dedicated to parking lots while providing a compatible pedestrian environment, efficient flow of traffic, and ease of access.
- Parking areas should maintain distinct street edges through appropriate mix of landscaping, street furniture, and other appropriate structures.
- Pedestrian connections to parking areas should be frequently and easily identified with clear directional signage. They should provide safe, well-lit, and comfortable access while also providing intermittent rest areas.
- Provision of electrical vehicle (EV) charging stations is encouraged.

The proposed development is consistent with the above criteria as follows:

- The development is proposed to be accessed via two (2) entrances from 3rd Avenue East, one of which is an existing entrance for 320 10th Street East, contributing to the consolidation and efficient use of private parking areas. Recommended provisions within the Site

Plan Agreement will require that prior to the issuance of Certificate of Compliance, formal easements and related easement agreements be approved and registered to provide legal means of access for the development. In addition, as 3rd Avenue East is designated as a County Road, an Entrance Permit from County Transportation Services will be required for the modified 3rd Avenue East site entrance prior to the issuance of a Building Permit.

- The proposed parking area is oriented toward the northern interior and rear yard and has been designed to direct parking way from the 3rd Avenue East street frontage where possible.
- A portion of the required parking is proposed to be covered at-grade to provide protection from the elements, thereby increasing the functionality of the site.
- The proposed parking area will be adequately landscaped to provide buffering from the City street and surrounding land uses.
- Pedestrian connections from the parking area are frequent and easily identified. A pedestrian connection from the parking area into the building is provided at the north side via a 2.0 m wide painted pedestrian pathway and on the south side via a 2.4 m wide concrete sidewalk.
- The proposed parking area will be adequately illuminated through the use of three (3) exterior lights along the north (side) lot line.

Lastly, Sec. 3.3.6 (i) encourages new development to provide electric vehicle (EV) charging stations. Policy 5.1.4.14 requires parking and charging stations for electric vehicles in new development and redevelopment. The provision for future parking and charging stations is also encouraged and may be considered at the time of site plan review. The staff recommendation report ([CS-23-064](#)) respecting ZBA 46 noted that electric vehicle parking would be reviewed at the site plan stage.

As a condition of approval, it is recommended that the Owner consider providing the required rough ins for a minimum of two (2) electric vehicle charging facilities as part of the proposed development.

Heritage

Section 3.3.7 of the OP requires that all development on lands designated River District Commercial support and be compatible with the heritage character of the area. The heritage street front retail area shall be maintained, strengthened, and supported and new development shall be sympathetic in design to the heritage character of the area.

The subject lands do not contain any built heritage resources and are not adjacent to any protected heritage property that is designated under Part IV of the Ontario Heritage Act and/or subject to a heritage conservation easement. In addition, this block of 3rd Avenue East, from 10th Street East to 11th Street East lacks a commercial heritage street front, such as the one seen along 2nd Avenue East, to the west of the subject lands. The proposed development will strengthen the street front retail area along this block of 3rd Avenue East by locating the proposed building close to the front lot line to address the street and including a commercial unit on the ground floor, oriented towards 3rd Avenue East. The scale, massing, and design of the proposed building is compatible with the adjacent area, including the existing eight-storey mixed use building to the south, fronting onto 10th Street East.

Archaeological

The policies of the City's OP require that development and site alteration only be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation or by preservation on-site (policy 7.1.6.2). The City may require studies, such as an Archaeological Assessment Report, prepared by a qualified person, to identify and protect archaeological resources from destruction or alteration through development or public works operations (policy 7.1.6.3).

A Stage 1 Archaeological Assessment completed by TMHC Inc. dated August 25, 2022, has been submitted in support of the proposed development. The Stage 1 Archaeological Assessment has been entered into the Ontario Register of Archaeological Reports by the Ministry of Citizenship and Multiculturalism (MCM). The Stage 1 Archaeological Assessment notes that the subject lands have been extensively disturbed by previous development activities and any evidence of archaeological potential has therefore been removed. No further archaeological assessment is recommended by the study.

Standard provisions within the Site Plan Agreement require that if previously undocumented archaeological resources and/or human remains are discovered during construction, the proponent or person discovering the archaeological resources must cease alteration of the site immediately and contact the appropriate parties.

Servicing

The policies of the City's OP permit development in areas that can be adequately serviced by municipal services including municipal water, wastewater, stormwater management, and emergency services (policy 5.2.1.1). The City may require, as a condition of reviewing any development proposal, an analysis by a qualified professional of the capacity, availability, and appropriateness of any municipal services, including a stormwater management plan (policy 5.2.1.4). New developments or redevelopments are required to have a stormwater management plan in place prior to construction addressing matters such as:

- a. The physical characteristics of the site, including slope gradient, slope length, soil texture, soil drainage, and vegetative cover.
- b. Pre-development and post-development runoff expected based on guidelines provided by the City and/or Grey Sauble Conservation Authority.
- c. Quantity and quality control in conformity with sub-watershed plans.
- d. Methods to be used to control runoff and erosion both during and after construction, emphasizing at-source measures.

A Servicing Feasibility Study, Stormwater Management Report and civil drawings package have been submitted in support of the proposed development and reviewed by the City's Engineering Services Division and the following merits note:

Stormwater Management (SWM)

The proposed SWM design includes one (1) storm sewer connection for the property, connecting to the existing 450 mm diameter storm sewer system along 3rd Avenue East. Stormwater quality treatment for the runoff discharging from the proposed development is proposed to be achieved by a 'First Defence (FD)-4HC Treatment Unit' designed to help prevent oil, debris, and trash from draining to the 3rd Avenue East storm sewer.

The proposed grading plan supports the SWM design however the adjacent property to the south (320 10th Street East) is proposed to be regraded such that stormwater is directed to catch basin 5 located on the subject lands. The City's Property Standards Bylaw (1999-030) does not permit drainage onto neighbouring properties. Recommended provisions within the Site Plan Agreement will require that formal easements and related easement agreements be approved and registered to provide for reciprocal means of grading and drainage on the subject lands and 320 10th Street East.

Water and Wastewater Servicing

The development will be serviced via an existing 150 mm diameter cast iron watermain and a 300 mm diameter concrete pipe wastewater collector on 3rd Avenue East. The proposed water and wastewater service for the development runs across the adjacent lands to the south (320 10th Street East). Recommended provisions within the Site Plan Agreement will require that prior to the issuance of Certificate of Compliance, formal easements and related easement agreements be approved and registered to provide legal means of servicing for the development.

Lastly, both 1043 and 1057 3rd Avenue East have existing storm sewer, wastewater and water servicing infrastructure that are not being considered for reuse. A Servicing Agreement with the City will be required to cap and/or decommission these services on City property to the satisfaction of the Manager of Public Works and restore the impacted infrastructure (e.g., sidewalk) to existing conditions. The requirement for a Servicing Agreement is included as a condition of approval outlined in Schedule 'F'.

Record of Site Condition

Section 6.1.7 of the OP states that the City will require the submission of a Record of Site Condition (RSC) where development is proposed on, or adjacent to, a known or potentially contaminated site per the Environmental Protection Act (EPA). The Planning Justification Report submitted in support of ZBA 46 and the subject site plan approval application notes that a Record of Site Condition is currently being prepared to address possible soil contamination of the site that may have resulted from its former use as a dry-cleaning establishment.

The submission of an RSC that meets the requirements of Ontario Regulation 153/04 under the EPA, including filing with the Ministry of Environment, Conservation, and Parks, or a letter of opinion from a qualified professional with confirmation that an RSC is not required, has been included as a condition of approval outlined in Schedule 'F'.

Urban Design

Section 3.3.8 of the OP provides urban design direction for development within the River District Commercial Area. New development is generally required to be consistent with the scale and height of existing street-front development (policy 3.3.8.2). In accordance with policy 3.3.8.3, buildings in the River District should not exceed eight storeys in height and the City shall require that all buildings over four (4) storeys be subject to rezoning to

ensure that issues such as the scale of surrounding buildings and maintaining view corridors are addressed through appropriate study. Similarly, Section 8.6.7.3 of the OP requires that where the height or mass of a proposed building may significantly shadow or cause increased wind conditions on an adjacent open space or solar collection, the City may require a study be undertaken to assess the impact and may develop and enforce setback requirements, site plan requirements, and design guidelines to ameliorate the problem.

As part of the ZBA process, the maximum permitted building height was increased to 24.6 m. The proposed building is 21.7 m in height to the top of the flat roof. The height and massing of the proposed six-storey building is compatible with surrounding area, including the existing eight-storey mixed use building to the south (St. Francis' Place), fronting onto 10th Street East. An Urban Design Study, together with a Shadow Impact Analysis, was submitted in support of ZBA 46 and the subject site plan approval application to assess potential impacts of the proposed increase in building height. The Shadow Impact Analysis is consistent with the City's Shadow Study Criteria and the applicant's architect has confirmed that:

1. at least 50% or more of any property is not shaded for more than two (2) interval times (a four-hour equivalency); or,
2. at least 50% of any property is in full sun for at least two (2) interval times (a four-hour equivalency).

Further, the urban design policies of Section 8.0 of the OP encourage well-coordinated and designed streetscapes throughout the City, particularly in commercial areas and along arterial roads. The City may define, within any development area, building heights and setbacks or, in some cases, 'build to' lines that are consistent with the intended form of development. As part of the ZBA process, the minimum southern interior side yard setback was reduced to 0 m. The reduced interior side yard is appropriate given the site's context with the River District Commercial Area that is generally intended to accommodate a compact, urban form, with buildings located at or close to the lot line. Furthermore, the reduced southern interior side yard setback allows the subject lands to function as a component of the broader Lutheran Social Services/Lutheran Outreach Ministries complex located to the south and east.

Finally, the proposed development satisfies the remaining urban design policies as outlined in Section 8.0 of the OP as follows:

- As noted in the 'Parking' section of this report, the proposed parking area will be adequately illuminated and buffered from the City street and surrounding land uses with landscaping.
- Pedestrian connection to and from the proposed parking area and the proposed building are accessible and easily identified.
- A detailed Landscape Plan has been submitted in support of the proposed development which demonstrates a high quality of landscape design. Specifically:
 - The planting of seven (7) honey locust trees is proposed on the subject lands and adjacent lands to the south (320 10th Street East) to soften the appearance of the parking area.
 - An at-grade concrete patio is proposed to the front (west) of the building and will be surrounded by a landscaped planting bed.
- The site has a clearly defined vehicular point of access from 3rd Avenue East and will share an existing access with the abutting property to the south, contributing to the consolidation and efficient use of private parking areas.
- The proposed building addresses the street with few gaps along the 3rd Avenue East frontage, except to provide access to the parking area within the northern interior side yard.
- The development includes a 74.8 sq. m. commercial unit on the ground floor, oriented towards 3rd Avenue East, that will strengthen the street front retail area along this block of 3rd Avenue East and contribute to a vibrant River District Commercial area.

The proposal conforms to the policies of the City's Official Plan, subject to the recommended conditions.

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

The subject property is zoned 'Core Commercial' (C1), Special Provision 14.90 in the City's Zoning By-law (2010-078, as amended) via ZBA 46 (see Staff Recommendation Report [CS-23-064](#)). Staff have undertaken a thorough review of the Site Plan relative to the City's Zoning By-law. Based on this review, the following merits note:

Zoning Matter	How is the Requirement Met?
One Lot	<p>For the purposes of determining compliance with the City’s Zoning By-law, 1043 and 1057 3rd Avenue East were treated as one lot.</p> <p>Provisions are recommended to be included within the site plan agreement that require that prior to the issuance of Certificate of Compliance, confirmation be provided that the subject lands have merged on title through appropriate means under the Planning Act.</p>
Standard Parking Stalls	<p>Special Provision 14.90 applying to the subject lands requires that off-street parking be provided at a rate of 0.5 spaces per dwelling unit where such dwelling units are geared toward affordable housing. The development proposes 40 affordable rental dwelling units. Accordingly, 20 off-street parking spaces are required.</p> <p>A 74.8 sq. m. commercial unit is proposed on the ground floor of the building. The City’s Zoning By-law requires parking for commercial uses within the C1 Zone to be provided at a rate of one (1) space per 40 sq. m. of GFA. Accordingly, two (2) spaces are required for the proposed commercial unit.</p> <p>In total, the development requires 22 off-street parking stalls. The submitted Site Plan, attached as Schedule ‘D’, provides 22 off-street parking stalls that meet the minimum size requirements (2.65 m width and 6.0 m length) of the Zoning By-law.</p>
Barrier-Free Parking Stalls	<p>Of the 22 off-street parking stalls required for the proposed development, one (1) van accessible (Type ‘A’) stall is required.</p> <p>One van accessible (Type ‘A’) stall is provided within the covered parking area to the north (side) of the building.</p>

Zoning Matter	How is the Requirement Met?
Loading Spaces	The provisions of the Zoning By-law do not require loading spaces to be provided for uses within the C1 Zone.
Bicycle Parking Spaces	<p>The provisions of the Zoning By-law do not require bicycle parking for commercial uses within the C1 Zone. Bicycle parking for apartments is required at a rate of ten per cent (10%) of the total required off-street parking. Therefore, two (2) spaces are required.</p> <p>Recommended conditions of approval will require that the final approved site plan show bicycle parking in accordance with the Zoning By-law either interior or exterior to the building.</p>
Setbacks	<p>The setbacks of the principal building are met or exceeded.</p> <p>Planning Staff note that the submitted Site Plan indicates an encroachment of the existing building at 1063 3rd Avenue East onto the northeast corner of the subject lands. The existing encroachment is a civil matter between property owners.</p>
Lot Coverage	There is no lot coverage maximum within the C1 Zone.
Building Height	<p>Special Provision 14.90 permits a maximum building height of 24.6 m. The Zoning By-law defines 'Building Height' as meaning, "the vertical distance measured from the average finished grade around the structure, and:</p> <p style="padding-left: 40px;">a) in the case of a flat roof, the highest point of the roof surface or exterior wall (other than a required fire wall);</p> <p>Building height shall be exclusive of any accessory roof construction not used for</p>

Zoning Matter	How is the Requirement Met?
	<p>human occupancy but necessary to house required mechanical equipment”.</p> <p>The submitted Building Elevations, attached as Schedule 'D', demonstrate a total building height of 25.9 m, inclusive of the elevator shaft/mechanical room. The building height to the top of the flat roof is 21.7 m, which does not exceed the maximum.</p>
Density	The maximum permitted density (floor space index) is not exceeded.
Hazard Land	There are no Hazard Lands (ZH) identified on the subject lands.
Landscape Buffer Strips	<p>Section 5.23.4 of the Zoning By-law requires that in a C1 Zone, where a parking area consisting of four (4) or more parking stalls is located in any yard that abuts a lot in any Zone, no parking shall be permitted within 7.5 m of the common lot line unless a continuous privacy fence or solid vegetative screen having a minimum height of 1.5 m is provided and maintained along the common lot line.</p> <p>The proposed parking area abuts the north (side) lot line. There is an existing decorative metal fence along the north lot line that does not meet the requirements of Section 5.23.4. Conditions of approval are recommended that will require that the final approved Site Plan and Landscape Plan indicate a continuous row of shrubs along the north lot line, south of the existing fence, to create a solid vegetative screen having a minimum height of 1.5 m.</p> <p>In addition, the submitted Site Plan indicates a row of four (4) parking stalls to the east (rear) of the proposed building, abutting the southern</p>

Zoning Matter	How is the Requirement Met?
	<p>interior side lot line shared with 320 10th Street East.</p> <p>The intent of Section 5.23.4 of the by-law is to ensure that off-street parking areas are adequately buffered from surrounding properties. As outlined in the 'Official Plan' section of this report, recommended conditions of approval outlined will require that easements and related agreements be approved and registered for the development prior to the issuance of Certificate of Compliance to allow for reciprocal means of parking and vehicular and pedestrian site access with 320 10th Street East. The easements will allow the properties to function as one lot and for this reason, the provision of a 1.5 m fence and/or vegetative screen along the south lot line is not practical, possible, or desirable. Provisions are recommended to be included within the Site Plan Agreement that acknowledge that a 1.5 m high fence and/or vegetative screen is not required along the south lot line in this case given the requirement for easements and related agreements that will allow 1043 and 1057 3rd Avenue East and 320 10th Street East to function as one lot.</p>
Site Lighting	<p>The submitted Site Plan proposes three (3) light standards along the north (side) lot line to illuminate the parking area.</p> <p>Recommended conditions of approval will require that the final Site Plan show site lighting at all building entrances, in accordance with the Ontario Building Code, and that details of the site lighting be provided that meet the following requirements of Section 5.23.1 of the Zoning By-law:</p>

Zoning Matter	How is the Requirement Met?
	<ul style="list-style-type: none"> a. Arranged in such a way that excessive light and glare is not deflected onto adjoining properties. b. Minimum illumination of 6.2 lux. c. Maximum to minimum uniformity ratio of 3:1. d. Dark sky compliant. e. Correlated colour temperature (CCT) of 3000. f. LED type.
Outdoor Waste Receptacles/Storage Areas	<p>The submitted Site Plan proposes an in-ground, outdoor garbage collection/storage area within the northern interior side yard in accordance with Section 5.24 (a) of the Zoning By-law.</p> <p>Recommended conditions of approval will require that the final Site Plan show the interior side yard and rear yard setbacks of the garbage collection/storage area as being a minimum of 0.9 m in accordance with the requirements of the Zoning By-law.</p>

The proposal meets the requirements of the City’s Zoning By-law, subject to the recommended conditions.

Matters of Accessibility

Section 41 of the *Planning Act*, which legislates Site Plan Control, stipulates that no development shall be undertaken unless the approval authority has approved plans showing the location of all buildings, facilities, and works forming part of the development, including facilities designed to have regard for accessibility for persons with disabilities. Details respecting matters of accessibility for the submitted Site Plan are outlined in Schedule ‘E’ and form part of this report.

Staff have reviewed the proposal relative the City’s Accessibility Checklist and find that Site Plan complies with the requirements therein, subject to the recommended conditions.

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 application. All comments can be found attached hereto as Schedule 'G'.

City of Owen Sound Planning & Heritage Division

The Planning & Heritage Division has undertaken a fulsome review of the application in consideration of the principles of good planning, which ensures a safe, functional, and attractive site layout. The following aspects of the site design merit note in addition to the planning policy analysis outlined above.

Design Aspect	Policy Context/Staff Comments
General Layout	The site layout conforms to the urban design policies of the City’s OP. As noted in the ‘Official Plan’ section of this report, the proposed six-storey building addresses the street and includes a 74.8 sq. m. commercial unit on the ground floor that supports and contributes to a strong and vibrant River District Commercial area.
Parking Layout	The proposed parking lot layout is safe and functional. Six (6) spaces, including the required van accessible (Type ‘A’) stall, are proposed to be covered at-grade which will provide protection from the elements thereby enhancing accessibility and functionality of the site.
Loading Location	Loading spaces are not required for uses within the C1 Zone.
Pedestrian Access and Connectivity	The front (main) entrance of the building is proposed to be accessed via the existing, 1.5 m concrete City sidewalk on the east side of 3 rd Avenue East. The proposed entrance provides access to a common corridor that connects to the 74.8 sq. m. commercial space located on the ground floor and the residential lobby/elevator providing access to the upper storeys. The entire front (west) façade of the building is proposed to be covered by an overhead canopy to

Design Aspect	Policy Context/Staff Comments
	<p>provide protection from the elements. Conditions of approval will require that the canopy be a minimum of 2.1 m in height in accordance with AODA requirements.</p> <p>The development is also proposed to be served by a 2.4 m wide concrete sidewalk to the immediate south, located on the adjacent property (320 10th Street East). Recommended provisions within the Site Plan Agreement will require that prior to the issuance of Certification of Compliance formal easements and related easement agreements be approved and registered to provide legal means of pedestrian access for the proposed development across the lands to the south (320 10th Street East).</p> <p>Recommended conditions of approval will require that the building entrances on the north and south sides be accessible in accordance with OBC requirements in recognition that these entrances are likely to be used by residents and/or pedestrians with mobility devices as they are situated adjacent to the van accessible (Type 'A') stall and provide direct access to a designated scooter parking storage area.</p>
Lighting	<p>Three (3) exterior light standards are proposed along the north (side) lot line to illuminate the proposed parking area.</p> <p>Conditions of approval will require that the final site plan show site lighting at all building entrances in accordance with the OBC and that the lighting meet the requirements of the City's Zoning By-law.</p> <p>A new exterior light standard is also proposed on the adjacent lands to the south (1035 3rd Ave E) and will be further evaluated through a future minor site plan approval application.</p>

Design Aspect	Policy Context/Staff Comments
Landscaping/Site Buffering	<p>Conditions of approval will require that the final Site Plan indicate landscape buffer strips compliant with Section 5.23 of the Zoning By-law.</p> <p>In addition, lands to the east are zoned as residential (R5). To buffer the proposed garbage collection/storage area, parking area, and drive aisle from the residentially zoned lands, it is recommended that a 1.5 m high solid board fence be required along a portion of the rear (east) lot line. The fence shall commence at the northeast corner of the site and be approximately 17 m in length to terminate at the southwest corner of 1020 4th Avenue East.</p>
Garbage & Recycling	<p>An outdoor in-ground waste storage/collection area is provided at the northeast corner of the site. In addition, a utility room is shown interior to the building with access on the north (side) façade via a roll-up garage door. It is anticipated that an indoor garbage collection area will be provided within the utility room for residents and that garbage will be brought out to the outdoor storage/collection area on collection days. A drop curb complete with a tactile walking surface indicator is proposed in front of the roll-up garage door. As a condition of approval, it is recommended that a painted pedestrian pathway of travel be provided across the drive aisle from the drop curb/TWSI to the outdoor garbage storage/collection area to ensure safety and visibility of pedestrian routes.</p> <p>As noted above, conditions of approval are recommended that will require a 1.5 m high solid board fence along a portion of the rear (east) lot line to buffer the garbage collection/storage area from the residentially zoned lands to the east. The garbage collection/storage area also abuts an existing mixed-use building to the north at 1063 3rd</p>

Design Aspect	Policy Context/Staff Comments
	<p>Avenue East. Recommended conditions of approval will require that additional tree/shrub plantings be provided to the rear of the garbage collection/storage area to buffer it from the adjacent land use to the north.</p> <p>As the proposed development has a commercial component and exceeds six (6) residential dwelling units, the City will not provide garbage and recycling collection services. The responsibility of the Owner to provide these services is a requirement of the Site Plan Agreement.</p>
Snow Storage	<p>The proposed site plan does not indicate snow storage areas.</p> <p>It is anticipated that snow will be stored within the sodded areas at the northwest corner of the site and to the northeast and southeast of the proposed building.</p> <p>Standard provisions within the Site Plan Agreement require that snow storage areas drain to the internal SWM system, cannot occupy parking areas required for zoning compliance, and cannot be located on City-owned property. Provisions of the agreement also require that excess snow be removed from the site following each snow event, at the Owner's expense.</p> <p>Planning Staff also recommend that provisions be included within the agreement that prohibit the storage of snow within the garbage collection/storage area at the northeast corner of the site. The piling of snow in this location would potentially hinder the functionality of the site as it relates to garbage storage/collection.</p>
Building Design	<p>The submitted Building Elevations, attached as Schedule 'D', illustrate an attractive mid-rise building. The building is designed with a masonry</p>

Design Aspect	Policy Context/Staff Comments
	vener base, exterior insulation and finishing system cladding (stucco) through the middle region, and a cornice detail.

The City’s Planning & Heritage Division recommends approval of the application, subject to the recommended conditions.

City of Owen Sound Public Works & Engineering Department

Comment has been received from the City’s Public Works & Engineering Department with no objection to the subject proposal. The fulsome comments are attached as part of Schedule ‘G’, however, the following merits note:

Engineering Detail	Staff Comments
Site Servicing	<p>A Servicing Feasibility Study, together with a Stormwater Management (SWM) Report and civil drawings package was submitted in support of the proposed development and is acceptable to the City’s Engineering Services Division.</p> <p>The development will be serviced via:</p> <ul style="list-style-type: none"> • An existing 150 mm diameter cast iron watermain in the spring pressure zone on the east side of 3rd Avenue East. • An existing 300 mm diameter CP wastewater collector on 3rd Avenue East. • An existing 400 m diameter CP stormwater collector on 3rd Avenue East. <p>The subject lands currently have storm sewer, wastewater, and water servicing infrastructure that are not being considered for reuse. A Servicing Agreement with the City will be required to, among other matters, cap and/or decommission the existing infrastructure on City property, to the satisfaction of the Manager of Public Works.</p>

Engineering Detail	Staff Comments
	<p>The proposed water and wastewater service for the development runs across the adjacent lands to the south (320 10th Street East). Therefore, an easement and related easement agreement will be required to establish legal means of servicing for the development. Provisions are recommended to be included within the Site Plan Agreement that require formal easements and related agreements to be approved and registered prior to the issuance of Certificate of Compliance.</p> <p>The Engineering Servicing Division has reviewed the submitted Servicing Plan and Details drawing and requires a number of technical revisions included as conditions of approval attached as Schedule 'F', including that:</p> <ul style="list-style-type: none"> • A single water meter be provided for the six-storey building, located above grade in a mechanical room or heated meter hut, to tabulate all domestic water use. • An inspection manhole be installed at the property line as per the City's Sewer Use By-law (2006-034). • The proposed stormwater quality treatment unit be relocated to be wholly contained on private property. <p>Based on City correspondence with the neighbouring property to the north (1063 3rd Avenue East), City Engineering Services Staff note, for the Owner's information, that a private storm sewer connection may be present and should be resolved prior to any works commencing.</p>
Grading & Drainage	<p>The site grading supports the SWM design.</p> <p>Based on the submitted Grading and Drainage Plan, site alteration is proposed on the adjacent property to the south (320 10th Street East) that</p>

Engineering Detail	Staff Comments
	<p>would drain the surface parking area to a catch basin located on the subject lands (1043 and 1057 3rd Avenue East). The City's Property Standards By-law (1999-030) does not permit drainage onto neighbouring properties therefore, the plan must be revised, or a legal easement established to permit the proposed site drainage. Provisions are recommended to be included within the Site Plan Agreement that require that formal easements and related agreements providing for reciprocal means of site drainage be approved and registered prior to the issuance of Certificate of Compliance.</p>
Traffic Impact	<p>A Traffic Impact Study was not required for the proposed development as it does not meet the minimum requirements under Section 5.8 of the Site Development Engineering Standards and the impact on the adjacent street system will be negligible based on the proposed use.</p>
Site Access & Traffic Circulation	<p>Vehicular access to the site is from 3rd Avenue East (Grey Road 15) and through the development to the south (320 10th Street East).</p> <p>Recommended provisions within the Site Plan Agreement will require that formal easements and related agreements providing for reciprocal means of vehicular access to be approved and registered prior to the issuance of Certificate of Compliance.</p> <p>As 3rd Ave E is designated as a Minor Arterial/County Road, provisions are recommended within the Site Plan Agreement that will require that prior to the issuance of a Building Permit, an Entrance Permit, and any other necessary approvals, be obtained from County Transportation Services for the modified 3rd Ave E site entrance.</p>
Parking	<p>The number of parking stalls shown on the Site Plan and civil drawings package are not consistent.</p>

Engineering Detail	Staff Comments
	<p>Conditions of approval will require that the final approved architectural and civil drawings be coordinated to show consistent details including, but not limited to, minimum parking stall numbers and sizes.</p> <p>The parking stall dimensions, and drive aisle widths as shown on the Site Plan conform to the City's Zoning By-law and Site Development and Engineering Standards.</p> <p>Conditions of approval will require that the proposed barrier-free parking stalls meet the requirements for design and signage as detailed in the City's Standard drawing E1a, AODA and OBC requirements.</p>
Pedestrian Access	<p>Pedestrian walkways, sidewalks, and connections to City streets are provided. Conditions of approval will require that the final approved Site Plan include a detail of the proposed TWSI plates that meets City standards (red cast iron).</p>
Community Mail Boxes (CMBs)	<p>CMB locations have not been provided on the submitted 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 that CMBs be located on a designated pedestrian pathway of travel, properly illuminated, and shall not be located with a sight triangle, near SWM facilities, or in areas designated for snow storage.</p> <p>Recommended conditions of approval will require that the final Site Plan show appropriately sited CMBs.</p>
Snow Storage	<p>The submitted Site Plan does not indicate snow storage locations.</p>

Engineering Detail	Staff Comments
	<p>It is anticipated that snow will be stored within the sodded areas at the northwest corner of the site and to the northeast and southeast of the proposed building.</p> <p>Provisions within the Site Plan Agreement will require that snow storage areas drain to the internal SWM system, cannot occupy parking areas required for zoning compliance, cannot be located on City-owned property, and cannot be located within the northeast corner of the site, intended as a garbage collection/storage area. Provisions of the agreement also require that excess snow be removed from the site following each snow event, at the Owner's expense.</p>
Sight Triangles	<p>Conditions of approval will require that the final Site Plan show the required 5.0 m by 5.0 m sight triangles required at the sight access points.</p> <p>No parking stalls, signage, snow storage areas, building envelopes, landscaping features or vegetation with a mature height greater than 0.6 m, are permitted within the sight triangles.</p>
Transit	<p>Additional transit access is not required for this development. There are existing City transit stops along 3rd Avenue East and the development site is opposite the City's Transit Terminal.</p>
Environmental	<p>As noted within the 'Official Plan' section of this report, a Record of Site Condition (RSC) is currently being prepared for the subject lands to address possible soil contamination of the site that may have resulted from its former use as a dry-cleaning establishment.</p> <p>The submission of an RSC that meets the requirements of Ontario Regulation 153/04 under the EPA, including filing with MECP, or a letter from a qualified professional with confirmation that</p>

Engineering Detail	Staff Comments
	<p>an RSC is not required has been included as a condition of site plan approval outlined in Schedule 'F'.</p>
<p>Waste Management</p>	<p>As the development has a commercial component and exceeds six (6) residential units, the City will not provide garbage and recycling collection services. The Owner must make arrangements with a private waste management contractor for the on-site deposition, collection, and disposal of these materials.</p> <p>The submitted Site Plan indicates an in-ground garbage collection/storage area within the northeast corner of the site.</p>
<p>Road Allowance Widening</p>	<p>The City's Official Plan classifies this portion of 3rd Avenue East as a Minor Arterial/County Road. As this property is within the River District, a road widening is not required.</p>
<p>Fees & Charges</p>	<p>Payment of the Engineering Review Fee is required as a condition of approval.</p> <p>A Servicing Agreement with the City will be required to, among other matters, cap and/or decommission the existing infrastructure on City property, and restore existing infrastructure to current conditions, to the satisfaction of the Manager of Public Works. The provision of securities equal to 100 per cent (100%) of the value of off-site works is required under the agreement.</p> <p>A Street Occupation Permit will also be required prior to undertaking any work on City owned property. The permit is available at the Engineering Services Division counter for a fee of \$68.</p>

The City's Engineering & Public Works Department recommends approval of the application, subject to the recommended conditions.

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. Comments received indicate that the submitted Site Plan does not show the locations of fire department connections for the sprinkler and/or standpipe system, the location of the fire route, or fire route signage as required by the City's Fire Route By-law. Conditions of approval will require that the final Site Plan show the details required by the City's Fire Prevention Division.

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 and approval upon the submission of a Building Permit application.

In addition, the proposed six-storey apartment building has a 0 m setback from the south (side) lot line with windows proposed on this façade. The installation of fire dampers on all south facing windows will be required or the property owner's of 1043/1057 3rd Avenue East and 320 10th Street East must enter into a Limiting Distance Agreement with the City, in accordance with the Ontario Building Code, to be registered on title of both properties.

Provisions are recommended within the Site Plan Agreement that require that prior to the issuance of a Building Permit, confirmation be provided by the applicant's qualified professional that fire dampers will be installed on all south facing windows or, that a Limiting Distance Agreement be executed with the City, to the satisfaction of the City's Chief Building Official.

City of Owen Sound Parks & Open Space Division

Comment has been received from the City's Parks & Open Space Division with no objection to the subject proposal. Comments received indicate that the final Landscape Plan be revised as follows in accordance with the requirements of the City's Zoning By-law and Tree Preservation Policy:

- The 5.0 m by 5.0 m sight triangles required at the site access points and the height of any proposed plantings within the site triangles.
- The planting of shrubs along the north (side) lot line to create a solid vegetative screen having a minimum height of 1.5 m in accordance with Section 5.23.4 of the Zoning By-law. The plant

species recommended by Parks and Open Space Staff are *Pinus nigra* (Austrian Pine), and/or *Chamaecyparis thyoides* (Falsecypress).

- That the size of proposed plantings be revised to meet the minimum acceptable size for plant material as outlined by the City's Tree Preservation Policy CS69.
- That the proposed plantings be a minimum of 50 per cent (50%) coniferous.

Parks and Open Space Staff further recommend that the Owner consider the following in the preparation of the final Landscape Plan:

- Planting a minimum of seven (7) coniferous plantings in addition to the proposed seven (7) deciduous plantings, for a total of 14.
- Adding visual interest throughout the growing season to the proposed planting beds containing 'Karl Foerster', by planting a variety of perennial species that bloom at different times during the year.
- Relocating the proposed 'Honey Locust' adjacent to the existing two-storey building at 1035 2nd Avenue East, further east to be between the proposed row of shrubs and accessible parking stall to ensure that the tree has sufficient space to grow and establish a healthy canopy. The location of the proposed 'Honey Locust' should be further offset from the north side of the building and replaced it with a species of shrub, such as a Hydrangea.

Grey County

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

Grey Sauble Conservation Authority (GSCA)

Comment has been received from GSCA with no objection to the subject proposal. Comments received indicate that the subject proposal is not affected by any regulated areas and/or natural hazards. The GSCA has received the submitted Stormwater Management Report and grading and drainage plan submitted in support of the proposal development and has no objections to the proposed approach to stormwater management. Comments received recommend that the City include conditions that require the owner to carry out the recommendations of the submitted SWM report and civil drawings and that the City receive in writing, certification from a qualified

professional that the works were constructed in accordance with the plans, report, and specifications as approved.

Standard provisions within the City's Site Plan Agreement require that the proposed development be constructed in accordance with the approved plans and that prior to the issuance of Certificate of Compliance, the professional engineer responsible for the design of the works certify that the stormwater management system is installed and functioning as designed.

Enbridge Gas

Comment has been received from Enbridge Gas with no objection to the subject proposal. Comments received indicate that Enbridge Gas has service lines running within the area. Should the proposed development impact these services, any costs necessary to relocate these services will be at the expense of the property owner.

Bell Canada

Comment has been received from Bell Canada with no objection to the subject proposal. Comments received indicate that Bell Canada has service lines running within the area. Should the proposed development impact these services, any costs necessary to relocate these services will be at the expense of the property owner.

Hydro One

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

Financial Implications:

Payment of the Engineering Review Fee is required as a condition of site plan approval. Additionally, the City will collect securities for the proposed development in the amount of \$25,000.

As an affordable/not-for-profit housing development, the proposal is exempt from the payment of City Development Charges.

As noted in the 'Official Plan' section of this report, the completion of a Record of Site Condition for the subject lands is currently being prepared to address possible soil contamination of the site that may have resulted from its former use as a dry-cleaning establishment. The City has a Brownfield Financial Tax Incentive Program available under the Community Improvement Plan (CIP) to support environmental remediation and

rehabilitation of vacant or underused lands which may be contaminated from their former use. The property owner may be eligible to receive tax assistance under this program, subject to submitting a complete grant application, approval by City Council, and a Financial Incentive Program Agreement with the City.

Consultation:

The application was circulated to the City's Development Team and the prescribed commenting agencies as part of the consultation process. Planning staff have been in communication with the applicant throughout the process.

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Official Plan and Zoning Map
- Schedule 'C': Property Details
- Schedule 'D': Architectural Drawing Set
- Schedule 'E': Details Respecting Matters of Accessibility
- Schedule 'F': Conditions of Approval
- Schedule 'G': City & Agency Comments

Recommended by:

Jacklyn Iezzi, BES., Senior Planner

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

Submission approved by:

Pam Coulter, BA, RPP, Director of Community Services