Allison Penner
Deputy Clerk
City of Owen Sound
808 2nd Avenue East
Owen Sound, ON N4K 2H4



Telephone: 519-376-4440 ext. 1235 Facsimile: 519-371-0511 Email: apenner@owensound.ca Website: <a href="www.owensound.ca">www.owensound.ca</a>

March 28, 2025

Dear Mr. Almeida,

Re: Notice of Decision File No. B04-2025

I am enclosing herewith a copy of the Decision of the Director of Community Services for the City of Owen Sound respecting the above noted application. If there are additional registered owners of this property, please provide them with a copy of this letter.

Within 20 days after the Notice of Decision is given, an appeal to the Ontario Land Tribunal in respect of the decision of the Director of Community Services may be made by the applicant, the Minister, or a specified person or public body that has an interest in the matter by filing a notice of appeal with the Secretary-Treasurer of the Committee of Adjustment at the address noted below.

A notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal in the form of a certified cheque or money order payable to the Minister of Finance.

The last date for filing a notice of appeal is April 17, 2025 by 4:30 p.m.

For more information on making an appeal, please visit: <a href="https://olt.gov.on.ca/">https://olt.gov.on.ca/</a>.

If no notice of appeal is filed within 20 days after the giving of notice, the decision becomes final and notice to that effect will be issued to the applicant by the Secretary-Treasurer.

Warning: Conditions must be fulfilled <u>within two years</u> from the date of the giving of the Notice of Decision, failing which this application shall be deemed to be refused. Section 53(41) of the *Planning Act*, R.S.O., 1990, c. P. 13.

The last day for fulfilling conditions is March 28, 2027 by 4:30 p.m.

Allison Penner **Deputy Clerk** City of Owen Sound 808 2nd Avenue East Owen Sound, ON N4K 2H4



Telephone: 519-376-4440 ext. 1235 Facsimile: 519-371-0511 Email: apenner@owensound.ca

Website: www.owensound.ca

### **Important Information:**

**Conditions of Approval:** It is the applicant's responsibility to ensure that all conditions of approval have been fulfilled in accordance with the decision and the last day for fulfilling conditions (by 4:30 p.m.). Please contact the Planning Division to assist you with fulfilling these conditions.

No extension to the last day for fulfilling conditions is permissible.

Notice of Changes to the Provisional Consent: The Committee of Adjustment may change the conditions of a provisional consent at any time before the consent is given. You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

**Lapsing of the Consent:** If the conditions of approval are not fulfilled within the prescribed time period (as provided in Section 53(41) of the *Planning Act*), the consent is deemed refused for failure to fulfill the conditions and has lapsed.

Final Approval: Final approval of the application will be issued in the form of a Certificate (pursuant to Section 53(42) of the *Planning Act*) once <u>all</u> conditions of the provisional consent have been fulfilled.

Sincerely,

Allison Penner

A. Penner

Deputy Clerk

Secretary Treasurer of the Committee of Adjustment

808 2<sup>nd</sup> Avenue East

Owen Sound, ON N4K 2H4

Telephone: 519-376-4440 ext. 1235 Email: notice@owensound.ca

City Development Team CC:



# **Undisputed Consent**

# **Authority & Background:**

The following is a decision respecting an Undisputed Consent made by the delegate or authorized approval authority having jurisdiction under the City's Powers of Delegation By-law 2014-019 and s. 5 of the Committee of Adjustment By-law 2022-074 and Sec. 54(2) of the Planning Act. The decision is considered on the basis of the information summarized below.

File No.	B04-2025
Staff Report No.	DA-25-007
Property Address	3195 East Bayshore Road
Purpose & Effect	The application proposes to sever the subject lands into two separate parcels to allow for first position construction debt financing on the Phase 1 lands. The Site Plan Approval (ST2022-013) and site-specific zoning provisions (ZBA 38) anticipated for the division of the subject property for construction financing. A Site Plan Agreement has been finalized and registered on title.



# **Undisputed Consent**

### **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:

Decision Date:

March 28, 2025

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:** Dave Aston and Aleah Clarke, MHBC Planning

Sabine Robart, Manager of Planning & Heritage

**Report Date:** March 25, 2025

**Report Code**: DA-25-007

**Subject**: Consent B04-2025 for 3195 East Bayshore Road

### **Recommendation:**

THAT in consideration of Staff Report DA-25-007 respecting a consent for lot creation for the property known as 3195 East Bayshore Road, the Committee of Adjustment approves Consent Application B04-2025 by Bayshore Street Development Inc c/o SkyDev Bayshore Owen Sound LP (Brandon Almeida) subject to the conditions outlined in Schedule `E'.

# **Highlights:**

- A Consent application has been submitted by Bayshore Street Development Inc c/o SkyDev Bayshore Owen Sound LP (Brandon Almeida) for the property known as 3195 East Bayshore Road
- Consent B04-2025 is proposing to sever the subject lands into separate parcels for the purpose of facilitating the construction of Phase 1 of the development by allowing for first position for construction debt financing on the Phase 1 lands.
- The proposed development supports the planned function of the Residential designation to accommodate medium-density residential development.
- The property is subject to Site Plan Approval (ST2022-013) and site-specific zoning (ZBA 38). The site plan approval provided for an 8-building apartment development. The site plan approval and site-

- specific zoning provisions provided for the division of the subject property for the purposes of construction financing.
- Staff recommends approval of the consent, subject to the conditions.

# **Strategic Plan Alignment**

The subject application represents a legislated review process.

# **Climate and Environmental Implications:**

The subject application represents the redevelopment of an existing brownfield site, maximizing the use of land and leveraging existing municipal services.

There are no anticipated climate or environmental impacts.

# **Previous Report/ Authority**

City of Owen Sound Official Plan

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

Staff Recommendation Report - ZBA 38 - CS-22-119

Staff Recommendation Report – ZBA 42 (Removal of Holding) – CS-23-011

Staff Recommendation Report – ST2022-013 – DA-23-004

# **Background & Proposal:**

A Consent application has been submitted by Bayshore Street Development Inc., c/o SkyDev Bayshore Owen Sound LP (c/o Brandon Almeida) for the property located at 3195 East Bayshore Road in the City of Owen Sound.

The application proposes to sever the subject lands into two separate parcels to allow for first position construction debt financing on the Phase 1 lands. The Site Plan Approval (ST2022-013) and site-specific zoning provisions (ZBA 38) are anticipated for the division of the subject property for construction financing. A Site Plan Agreement has been finalized and registered on title.

# **Property Description**

The subject lands are located at 3195 East Bayshore Road in the City's northeast quadrant. The lands are the former RCA site. The lands have

approximately 410 m of frontage on the east side of East Bayshore Road, 351 m of frontage on the north side of 32nd Street East, and 385 m of frontage on the west side of 9th Avenue East. The lands are sized approximately 15 ha (38 acres) and are presently vacant of buildings. The foundations and some concrete stockpiling of the former industrial buildings, as well as asphalt parking areas, remain.

Surrounding land uses include:

North: Former Veyance building containing light industrial uses (industrial mall)

East: McArthur Retread Facility (Industrial), vacant industrial, Kiwanis Soccer Complex

South: Kenny Drain storm water outlet, Hobart manufacturing facility

West: East Bayshore Road, publicly owned shoreline with boat launch area, small piece of land owned by SkyDev and Georgian Bay, consisting of primarily hazard lands (wave uprush)

The subject lands are designated 'Residential' and 'Hazard lands' in the City's Official Plan (OP) and are zoned 'Multiple Residential' with Special Provision 14.55 (MR 14.55) 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.'

Site Plan Approval for the site provided for eight (8), six-storey apartment buildings, each with approximately 89 dwelling units for a total of 712 units was given by the City. The proposal also includes the construction of three surface parking areas, two 665.5 sq. m. amenity buildings, an internal road system, on-site recreational facilities, pedestrian connections, servicing, and landscaping.

### **The Proposal**

The applicant is proposing to sever the subject lands to facilitate the financial structure of the development and phasing of the development's build out.

The retained lot (Parcel 1 – Phase 1) is proposed to have approximately 135.02 m of frontage on East Bayshore Road, 329.18 m of depth, and 59,691.1 square metres (14.75 ac) of lot area.

Phase 1 of the development includes:

- Construction of three (3) six-storey apartment buildings with 89 units per building for a total of 267 dwelling units;
- Three (3) parking areas with a total of 410 parking spaces
- Access and driveway from East Bayshore Road and 32<sup>nd</sup> Street East;
- Amenity building, landscaping and outdoor recreational facilities (community gardens, outdoor dog run, pickle ball courts)

The severed lot (Parcel 2 – Phase 2) is proposed to have approximately 204.18 m of frontage on East Bayshore Road, 412.86 m of depth, and 92, 227.8 square metres (22.8 ac) of lot area.

The severed parcel may be subject to further consent applications in the future to provide for additional phases.

The submitted Severance Plan, proposed Phase 1 Site Plan and approved Site Plan are attached in Schedule 'D'.

A fulsome review and analysis of the proposed consent is outlined below.

### **Analysis:**

The subject consent 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 Planning Statement and in conformity with the City Official Plan and Zoning By-law. The application is subject to review by City Planning, Engineering and Building staff, as well as external commenting agencies. All applicable policies, standards, and comments are reviewed below in the context of the subject application.

# **Provincial Planning Statement**

The Provincial Planning Statement (PPS, 2024) has been reviewed with regard to the subject application. Municipal decisions on planning matters are required to be consistent with the PPS.

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses growth and development within settlement areas and recognizes that

land use must be carefully managed. Strong, live able 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 proposal represents growth within a Settlement Area that makes use of existing infrastructure and minimizes negative impacts.

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 proposed development represents the redevelopment of a brownfield site. Historically the subject property was the site of RCA Victor Co. Ltd, an industrial and commercial operation. In 2013, a Record of Site Condition (211206) was filed under part XV.1 of the Environmental Protection Act, which identifies the intended use of the property as 'Residential'.

All applications must demonstrate that the lands can be serviced with full municipal water and sanitary services and are designed with stormwater management best practices to ensure consistency with the PPS (Section 3.6).

Policy 3.6.7 of the PPS identifies that Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity. Full municipal service infrastructure and capacity are available for the proposed development.

The policies of the PPS direct development away from hazardous lands impacted by flooding hazards and require that planning authorities prepare for the impacts of a changing climate that may increase the risk associated with natural hazards. Hazard Lands on the subject property are limited to the southwest corner of the site and are associated with the flooding and erosion potential of the Kenny Drain. A significant woodland area exists within the southwest corner that is proposed to be retained as part of the development. The consent application does not propose any new development within the southwest corner of the site, consistent with the policy direction provided by the PPS.

The proposal is consistent with the direction provided by the PPS, subject to the conditions. All conditions are attached hereto as Schedule 'E.'

### **County of Grey Official Plan (2019)**

The subject property is designated 'Primary Settlement Area' and 'Hazard Lands' in the County of Grey Official Plan (County OP, 2019). Settlement areas with full municipal services are to be the focus of the majority of growth within the County.

The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within the Primary Settlement Area. 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 provided the following comments:

- Staff note that road widening and daylighting appears identified on the submitted Site Plan, per previous comments (file number: ST2022-013). A 5.18m road widening and daylighting is requested along the frontage of East Bay Shore Road/Grey Road 15 to be deeded to the County of Grey.
- Further to the above, staff have also requested a 0.3 m (1 foot) road reserve to be deeded to the County along the frontage, per previous comments (file number: ST2022-013).

Conditions of approval require that the road widening, daylighting, and 0.3 m (one foot) reserve be provided.

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

### **City of Owen Sound Official Plan**

The subject lands are designated 'Residential' and 'Hazard lands' in the City's Official Plan (OP). The Residential designation permits the development of lands for residential uses, which shall be the predominant area for housing within the City. Permitted uses in the Residential designation include single detached, semidetached, various forms of townhouse and apartment buildings. The Hazard Lands designation identifies lands that are intended primarily for preserving and conserving lands in their natural state. It is noted, through site plan application ST2022-013 that the development has no buildings or structures proposed within the designated hazard area.

Sec. 9.3.2.4

The OP permits lot creation through Consent where less than three (3) new lots are created and where the proposed lots represent infilling or redevelopment, have frontage on an open road, are maintained year-round, and are in an area serviced by municipal water and sewer.

Based on comments from the City's Engineering Services Division, recommended conditions of approval in Schedule 'E' require the applicant to convey road allowance widenings to the City and to provide easements for shared access, servicing infrastructure, and grading and drainage for the retained and severed lots.

# a. The lands front onto an existing, assumed public road that is maintained on a year-round basis.

Once developed, the proposed severed and retained lots (Parcel 1 and 2) will have access from 32nd Street East, East Bayshore Road, and 9th Avenue East, which are assumed public roads maintained year-round. Through the recommended conditions of approval (Schedule 'E'), the applicant must provide private easements for shared access, servicing infrastructure, and grading and drainage for the retained and severed lots.

# b. The consent shall have the effect of infilling in existing areas and not extending existing development.

The subject lands are within an existing built-up area of the City and constitute redevelopment of an existing brownfield site. The property is subject to Site Plan Approval (ST2022-013), which provided for eight (8) six-storey apartment buildings, each with approximately 89 dwelling units for a total of 712 units

# c. Creation of the lot does not compromise the long-term use of the remaining land or retained parcel

The severed and retained parcels propose eight (8) apartment buildings with a total of 712 residential units combined across the two parcels. Apartments are permitted use in the MR 14.55 zone. The long-term use of the severed and retained parcel is appropriate.

# d. The size of the parcel of land created by consent should be appropriate for the use proposed

The proposed severance meets the minimum lot area and frontage requirements of the MR zone. As described below, a detailed zoning

conformity check on the Phase 1 lands has been completed, and the development proposed via Phase 1 conforms to the applicable zoning provisions.

The retained and severed parcels are appropriate for the proposed use.

# e. Soil and drainage conditions are suitable or can be made suitable to permit the proper siting of buildings.

A Record of Site Condition (211206) for conversion from an industrial to a residential use was filed and acknowledged by inclusion in the registry for Records of Site Condition in 2013 by the Ministry of Environment, Conservation and Parks.

The overall grading, drainage and stormwater management at the properties must conform to Section 2.2.2 of By-law 1999-030; the City of Owen Sound Property Standards By-law, and the plans approved as a part of the Site Plan Approval Application.

Through the recommended conditions of approval (Schedule 'E'), the applicant must provide private easements for shared access, servicing infrastructure and grading and drainage for the retained and severed lots.

### f. Impact on any adjacent built heritage or archaeological resource.

As identified through the removal of holding report (ZBA 42) there are no identified built or archaeological resources on or adjacent to the subject lands.

#### **Parkland**

Section 7.4.3 of the OP provides for parkland dedication. The City is authorized to receive parkland dedication through the Planning Act at the time of consent. For residential purposes, 5 percent of the land shall be conveyed to the City for parkland, open space, or multi-use pathway purposes. In place of the dedication of land, the City may require cash-in-lieu of land at a rate appropriate to the value of the required land.

Conditions of approval require that the applicant satisfy the 5% parkland dedication requirement in accordance with the Planning Act and the City's Fees and Charges By-law No. 2022-066 to the satisfaction of the Director of Community Services. It is acknowledged that a parkland dedication agreement may provide for the phased payment and contribution of parkland. The applicant is responsible for the costs

associated with agreement preparation and execution.

For greater clarity, the dedication of land for parkland will include:

- i. A 5 metre wide by 319.6 m long strip along the south side of 32nd Street East, which will contain the multi-use path to be constructed by the applicant.
- ii. The waterfront lot identified as Roll No: 425901000510300, Legal Description PLAN 838 LOT 53 & 54 PT LT 7 and approximately 210 square metres in size.

The existing buildings and structures on the waterfront lot are to be removed prior to the conveyance to the City, and the Property Standards matter is to be resolved to the satisfaction of the City of Owen Sound.

The lands described above are to be conveyed prior to the stamping of deeds to finalize B04-2025.

The proposed consent conforms to the policies of the City Official Plan subject to the recommended conditions.

### **City of Owen Sound Zoning By-law**

The subject lands are zoned 'Multiple Residential' with Special Provision 14.55 (MR 14.55) and 'Hazard Lands' (ZH) in the City's Zoning By-law (2010-078, as amended). Apartment buildings are among the permitted uses in the MR 14.55 zone. No development is proposed in the ZH zone. By-law 2022-013 (ZBA 38) is attached as Schedule G.

A detailed zoning conformity check on the Phase 1 lands has been completed, and the development proposed in Phase 1 conforms to the applicable zoning provisions. The following provisions of Special Provision 14.552 are noteworthy:

Special Provision 14.55 c. iv.

Notwithstanding future land division (Consent, Plan of Subdivision or Condominium) applications, any development on the subject lands will be					
regarded as "One Lot" for the purposes of zoning regulations subject to all					
of the following provisions:					
Provision	Comment				

1.	A 'mutual easement & operating agreement' or subdivision/condominium agreement will be required as a condition of approval of any land division application.	A condition of approval requires the applicant provides to the Secretary-Treasurer written confirmation from the City's Public Works and Engineering Department (Engineering Services Division) and Community Services (Manager of Planning and Heritage) that private easements required for shared access, servicing infrastructure and grading and drainage for the retained and severed lots (reciprocal easement and operating agreement) have been conveyed, in a manner acceptable to the City Solicitor.	
2.	Any future land division shall comply with the 'Minimum Lot Frontage' and 'Minimum Lot Area' provisions in force and effect at the time.	The severed and retained parcel comply with the minimum lot frontage and lot area requirements for the MR zone (25 metres and 1,000 square metres respectively).	
3.	Future lot lines may be located through parking areas, otherwise all setbacks in the MR zone, including setbacks from new interior lot lines, shall be applicable to all buildings and structures.	As a condition of approval, the applicant is required to confirm that the proposed Phase 1 development will be fully located within the retained parcel and that the interior side yard setback for Building A2 conforms to the MR zone provisions	
4.	The front lot line ('Lot Line, Front') for both the "One Lot" and the future separately conveyable lots will be the lot line adjacent to East Bayshore Road. The rear lot line ('Lot Line, Rear') will be	Confirmed.	

the lot line adjacent to 9<sup>th</sup> Avenue East

- 5. Any lots created by way of land division shall comply with the appliable zone regulations in force and effect, excepting however that the following shall be calculated for the whole lot as it exists on September 26, 2022:
  - a. Maximum Lot Coverage;
  - b. Maximum Density;
  - c. Minimum Landscaped Open Space; and,
  - d. Parking Regulations.

Maximum Lot Coverage,
Maximum Density, Minimum
Landscaped Open Space and
Parking Regulations shall be
applied to the entire
development as "One Lot" both
in terms of number and location.

Confirmed.

The development as a whole conforms to the maximum lot coverage, maximum density, minimum landscaped open space provisions and parking regulations as per the approved site plans detailed in Staff Recommendation Report – ST2022-013 – DA-23-004.

In regard to Phase 1 as proposed (three buildings with 89 units each for a total of 267 units) parking provisions are provided in exceedance of Zoning By-law requirements:

Phase 1 provides 410 parking spaces. The required number of spaces, as per the zoning provision, is 334.

Nine (9) accessible spaces are required for barrier-free parking, and eleven (11) spaces are provided (7 Type 'A' and 4 Type 'B), which exceeds the zoning provisions' requirements.

To meet the lot creation policy for severance, the severed and retained parcels must comply with the applicable zoning provisions in effect as of the date of application. The severed and retained lots meet the minimum required lot frontage and area of the MR 14.55 zone.

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

### Site Plan Approval ST 2022-013

The entire site is subject to Site Plan ST2022-013. A site plan agreement is registered on title, which details the development and provides for phasing of the development without further amending agreements.

The proposed Phase 1 development, comprising three (3) buildings and 267 units, is in conformity with the provisions of the site plan agreement registered on title and the approved site plan drawings.

Phase 1 provides for the appropriate site access points, emergency access routes, one site pedestrian pathways, sidewalks, and connections to City streets, as well as on-site amenities including an amenity building, outdoor recreation facilities (dog run, community gardens and pickleball court as well open lawn/grassed area.

### **FCity Staff & Agency Comments**

In accordance with the requirements of the *Planning Act* (Sec. 45, O. Reg. 200/96), Notice of the subject application was provided on March 11, for a hearing scheduled on March 25, to the public and prescribed bodies. Comments received by the Secretary-Treasurer as of the writing of this report are described below and included in Schedule 'F'.

### City of Owen Sound Engineering & Public Works Department

Comments have been received from the City's Engineering & Public Works Department. The City's Engineering & Public Works Department recommends approval of application B04-2025, subject to the following conditions:

- That the Owner provide the necessary road allowance widenings to the City, as determined by the Site Plan Approval Application (ST2022-013) (appears to be Parcels 3, 4 and 5 on the submitted Severance Plan), required by the City to be conveyed and registered in an acceptable manner, for which the City Clerk will require the following to be provided at the applicant's expense:
  - A reference plan describing the lands subject to the road widening;
  - An Acknowledgement and Direction form to be signed by the City respecting the registration of the transfer by the applicant's solicitor on the City's behalf;
  - The proposed draft transfer document including a Land
     Transfer Tax Affidavit which must include the following "other"

- statement: "The subject property is acquired by the municipality for the purpose of widening the highway abutting the property and the property forms part of that highway pursuant to section 31(6) of the Municipal Act, 2001"; and,
- The draft reference plan is to be reviewed by the ESD prior to depositing and transferring to the City.
- That the applicant provides to the Secretary-Treasurer written confirmation from the City's Public Works and Engineering Department (Engineering Services Division) and Community Services (Manager of Planning and Heritage) that the private easements required for shared access, servicing infrastructure and grading and drainage for the retained and severed lots have been conveyed to the retained and severed lots, in a manner acceptable to the City Solicitor.

The recommended conditions are included in Schedule 'E' and the complete comments can be found in Schedule 'F.'

### **Financial Implications:**

The required parkland contribution will be provided in both land and monetary terms.

# **Communication Strategy:**

Notice of the consent application was given in accordance with Section 53 of the *Planning Act* and Ontario Regulation 197/96.

#### **Consultation:**

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

#### **Attachments:**

Schedule 'A': Orthophoto

Schedule 'B': Official Plan and Zoning Information

Schedule 'C': Property Details

Schedule 'D': Site Plan

a) Severance Planb) Phase 1 Site Plan

c) Approved Site Plan

Schedule 'E': Conditions of Approval – B04-2025

Schedule 'F': Agency Comments

Schedule 'G': By-law No. 2022-103 (ZBA 38)

### Recommended by:

Dave Aston, MSc, MCIP, RPP (MHBC Planning) Aleah Clarke, BES, MCIP, RPP (MHBC Planning)

### Reviewed by:

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

### Submission approved by:

Pamela Coulter, BA, RPP, Director of Community Services

For more information on this report, please contact Sabine Robart, Manager of Planning & Heritage, at <a href="mailto:srobart@owensound.ca">srobart@owensound.ca</a> or 519-376-4440 Ext 1236.

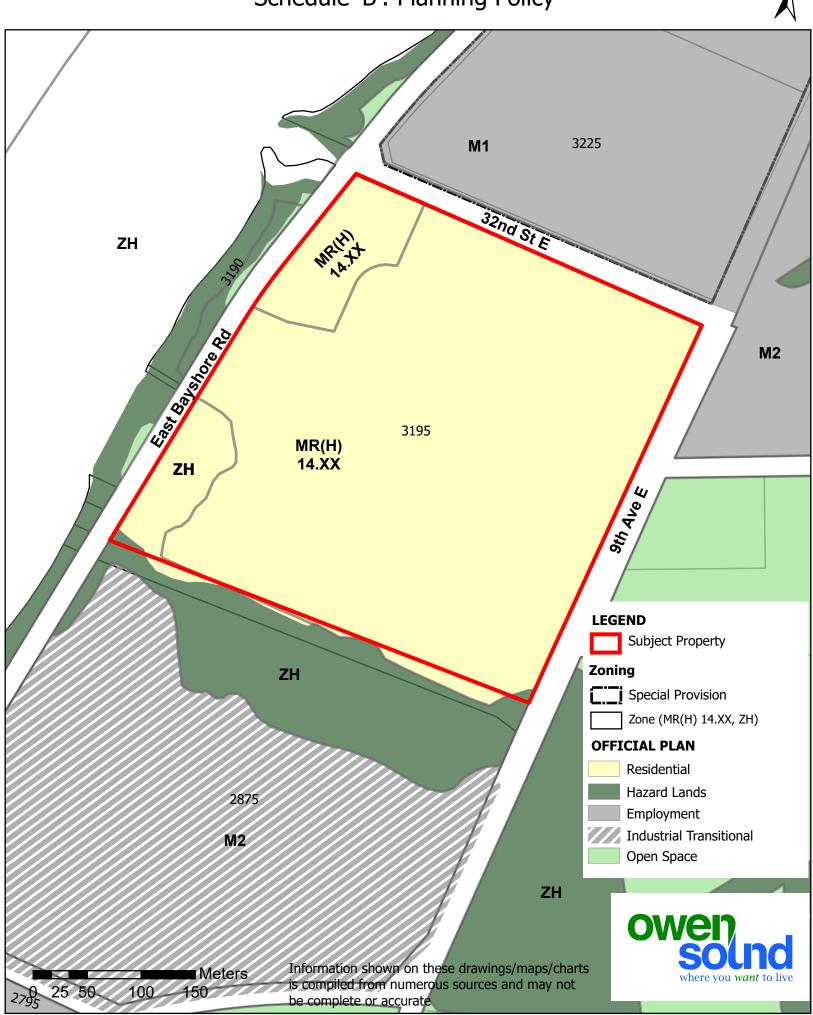
# Schedule 'A': Orthophoto





# Schedule 'B': Planning Policy







# **SCHEDULE C**

# **PROPERTY DETAILS**

Property Information	Detail		
Civic Address	3195 East Bayshore Rd		
Roll Number	425901000510300		
Legal Description	PLAN 838 LOT 53 & 54 PT LT 7		
Site Frontage	~ 410 m (East Bayshore Rd)		
Site Depth	348 m		
Site Area	15.3 ha (37.7 ac)		
Existing Structures	Cell tower		
Road Access/Frontage	East Bayshore Rd, 32 <sup>nd</sup> St E & 9 <sup>th</sup> Ave E		
Available Servicing	Detail		
Potable Water	300 mm ø polyvinyl chloride		
Wastewater	350mm ø reinforced concrete		
Stormwater	NA		
Planning Policy	Detail		
County of Grey Official Plan	Primary Settlement Area		
City of Owen Sound Official Plan (2021)	Residential		
City of Owen Sound Zoning By-law 2010-078, as amended	Multiple Residential (MR), Special Provision 14.55		
	Hazard Lands (ZH)		

Report: DA-25-007 Page **1** of **1** 





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THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

DRAWING COORDINATES

UTM ZONE 17, NAD83 (CSRS) CAUTION: DRAWING COORDINATES HAVE BEEN SCALED TO GROUND LEVEL DISTANCES BASED ON THE APPROXIMATE CENTROID OF THE PARCEL.

SKYDEV BAYSHORE OWEN SOUND LP 3195 East Bayshore Road Owen Sound

SKETCH FOR SEVERANCE APPLICATION

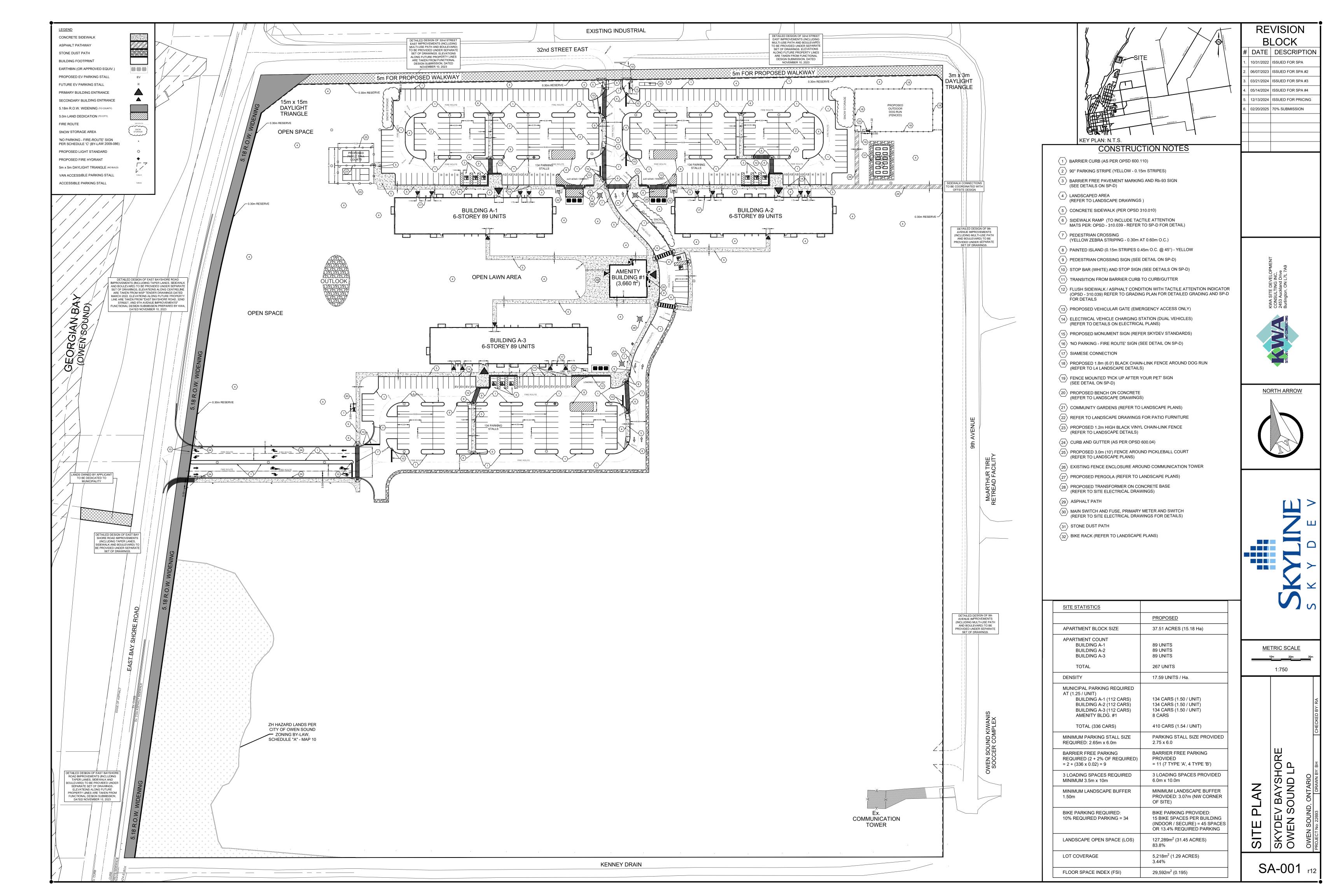
ISSUED TO CLIENT

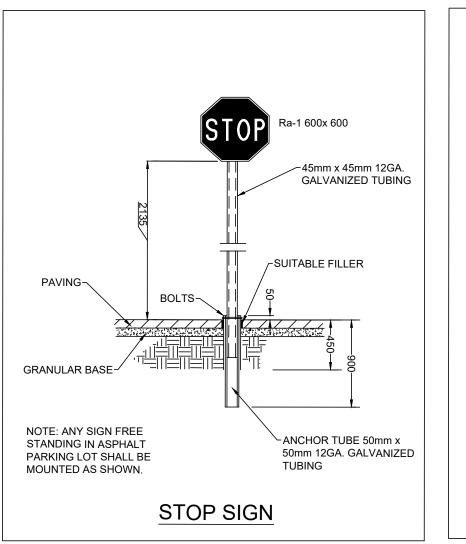
PROJECT No.: 161630183

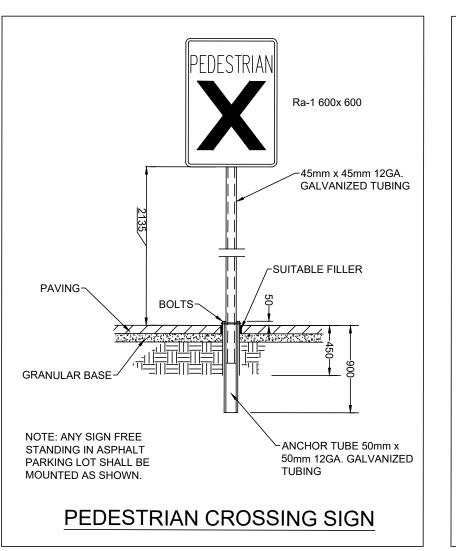


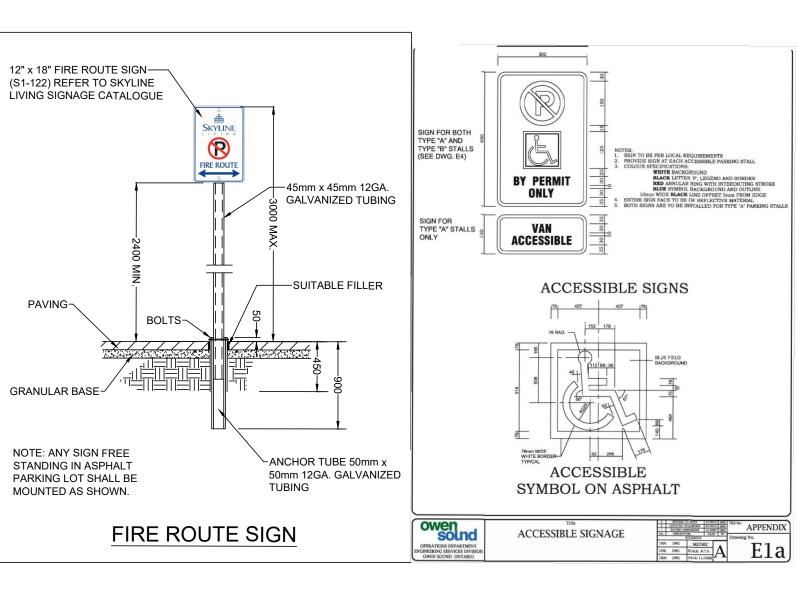
# **APPENDIX 'A' – CONSENT DESCRIPTION**

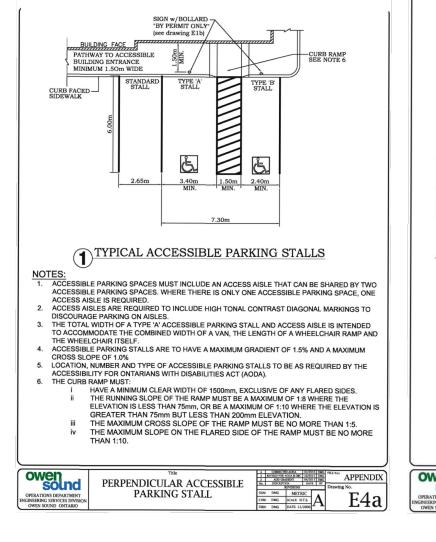
Retained Lot(s)							
	Proposed Land Use	Frontage (metres)	Depth (metres)	Area (metres squared)			
Parcel 1	Residential	135.02 m	329.18 m	59,691.13 m2			
Severed Lot(s)							
	Proposed Land Use	Frontage (metres)	Depth (metres)	Area (metres squared)			
Parcel 2	Residential	204.18 m	412.86 m	92,227.85 m2			
Parcel 3	Road Widening &	334.8 m	5.18 m	5,018.1 m2			
	15mx15m Daylight						
	Triangle Conveyance						
	to Grey County						
Parcel 4	Parkland	319.61 m	5 m	1,618.74 m2			
	Conveyance to City						
	of Owen Sound						
Parcel 5	3x3m Daylight	3 m	3 m	4.5 m2			
	Triangle						

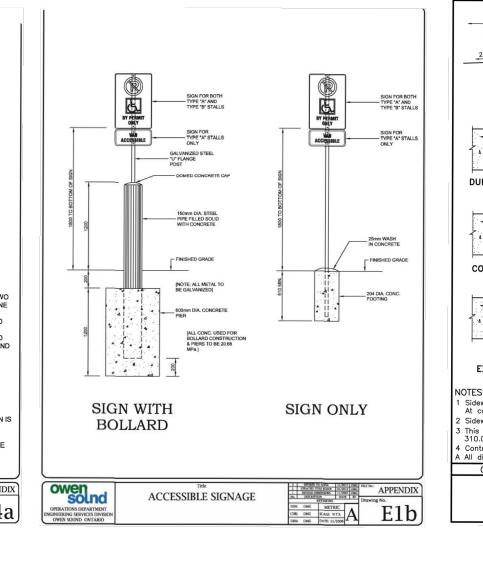


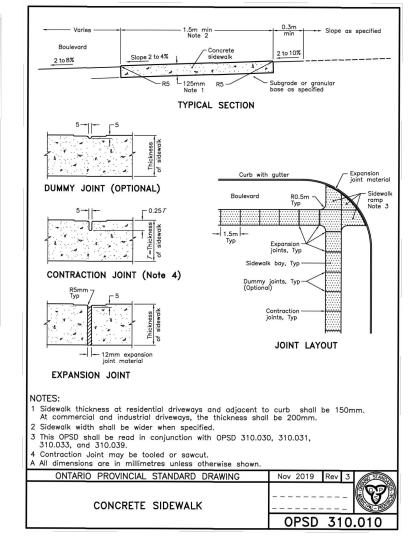


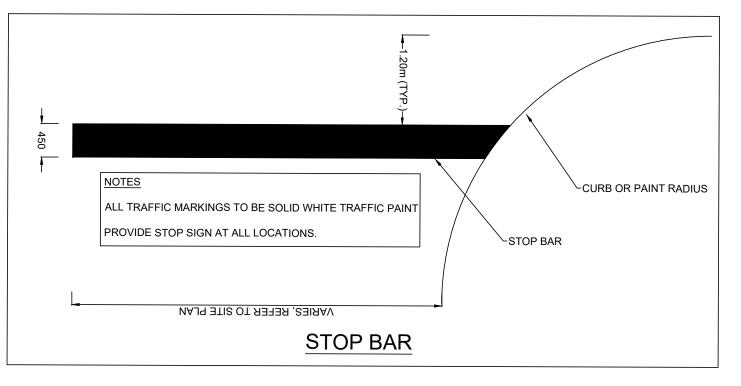


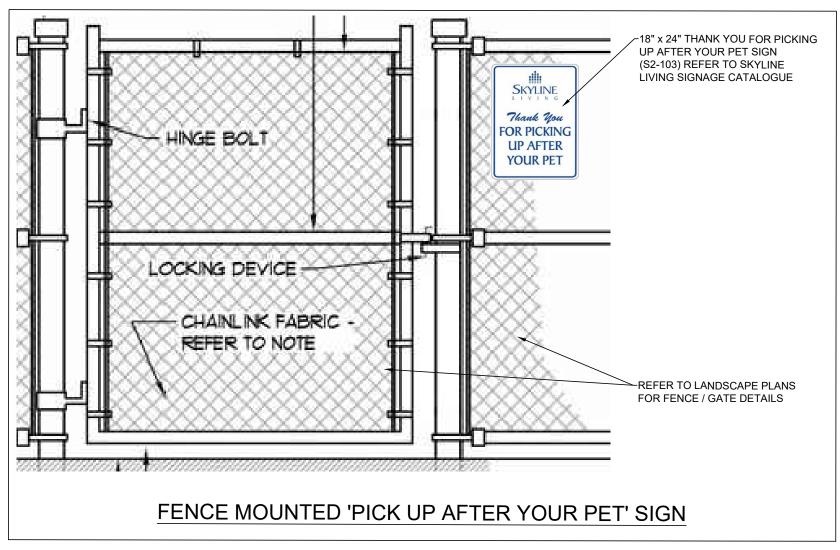


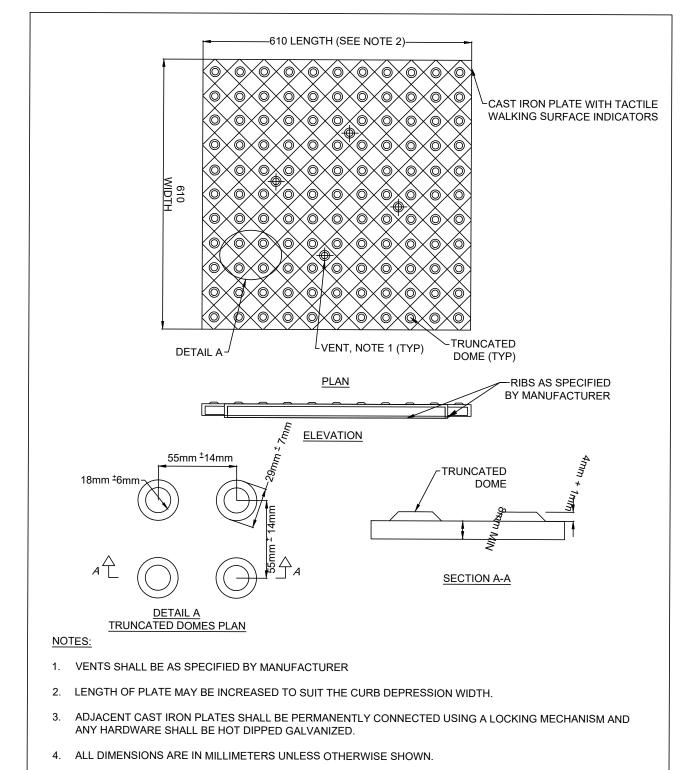










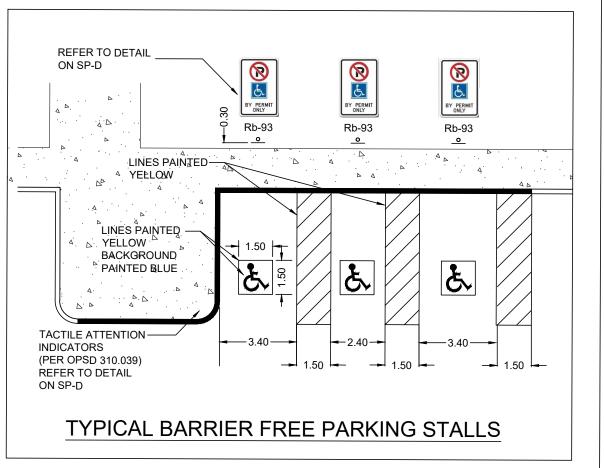


5. MODELED OFF OF ONTARIO PROVINCIAL STANDARD (OPSD) 310.039. IN ONTARIO, REFERENCE SHALL BE

TACTILE WARNING INDICATOR

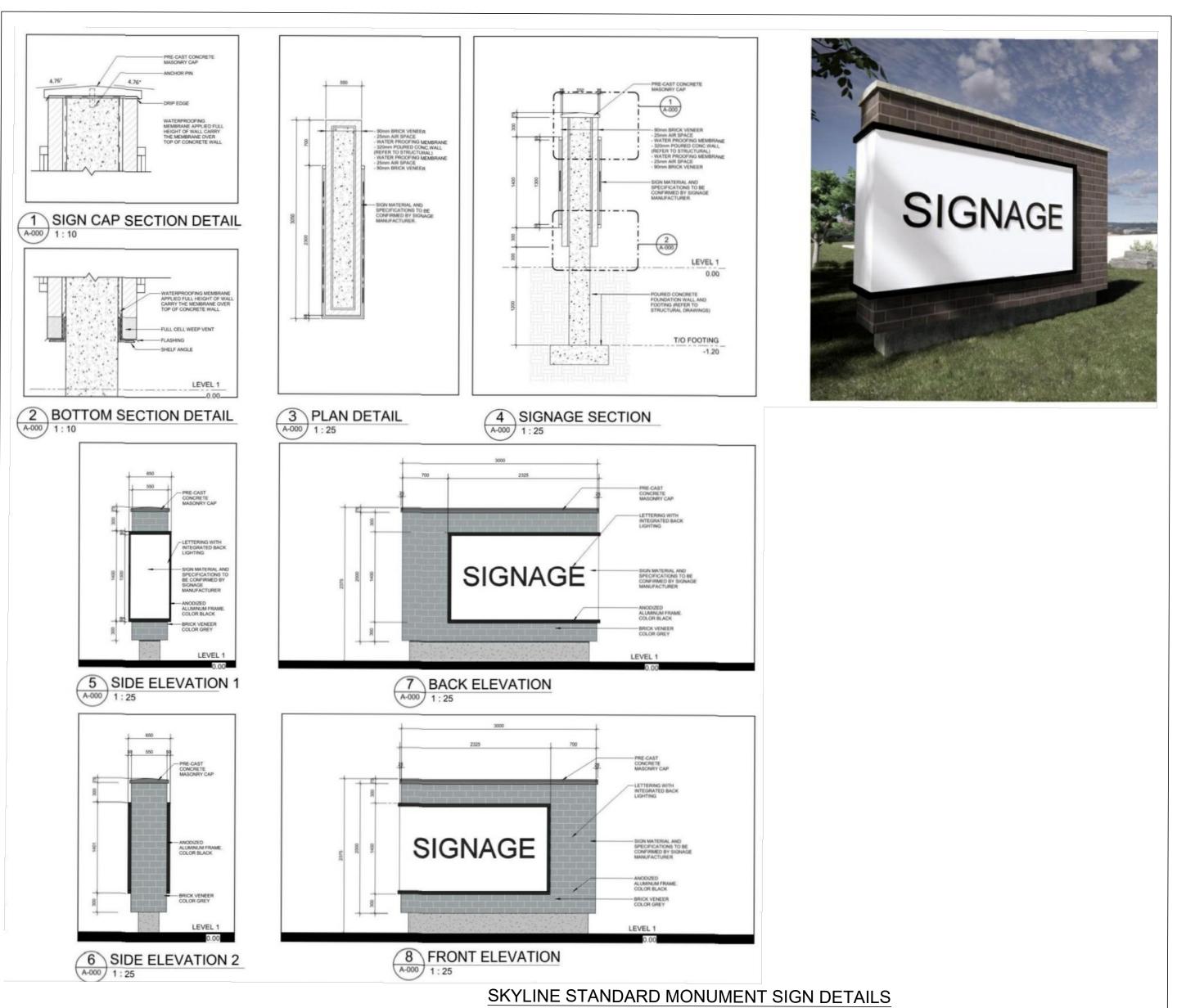
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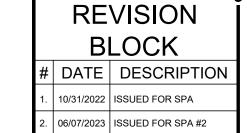
6. PAINTED RED CAST IRON





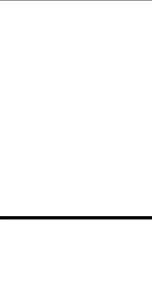
- SWEEP AND CLEAN SURFACE TO ELIMINATE LOOSE MATERIAL, DEBRIS, AND/OR DUST PRIOR TO APPLYING PAINT.
- WHERE EXISTING PAVEMENT MARKINGS ARE TO BE REMOVED OR INTERFERES WITH PROPOSED LINE PAINT, HIGH PRESSURE WATER OR SAND BLASTING WILL BE USED TO REMOVE THE EXISTING PAINT IN ENTIRETY PRIOR TO APPLYING NEW PAINT.
- 3. ALL LINE PAINTING SHALL BE APPLIED IN TWO (2) COATS OF PAINT AT THE MANUFACTURER RECOMMENDED RATE WITHOUT THE ADDITION OF THINNER. THE FIRST COAT SHALL BE APPLIED UPON COMPLETION OF THE SURFACE ASPHALT, AND THE SECOND COST SHALL BE APPLIED NO SOONER THAN 48 HOURS AFTER THE INITIAL APPLICATION.
- ALL PAINT IS TO BE APPLIED WITH MECHANICAL CONSTRUCTION EQUIPMENT TO PRODUCE UNIFORM STRAIGHT EDGES.
- APPLY ALL LINE PAINT IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDED PROCEDURES FOR THE SPECIFIED MATERIAL.
- 6. ALL LINE PAINTING COLOUR SHALL BE IN ACCORDANCE WITH THE SITE PLAN.





1. 10/31/2022 ISSUED FOR SPA
 2. 06/07/2023 ISSUED FOR SPA #2
 3. 03/21/2024 ISSUED FOR SPA #3
 4. 05/14/2024 ISSUED FOR SPA #4
 5. 12/13/2024 ISSUED FOR PRICING
 6. 02/20/2025 70% SUBMISSION

KWA SITE DEVELOPMENT CONSULTING INC. 2453 Auckland Drive Burlington, ON L7L 7A9



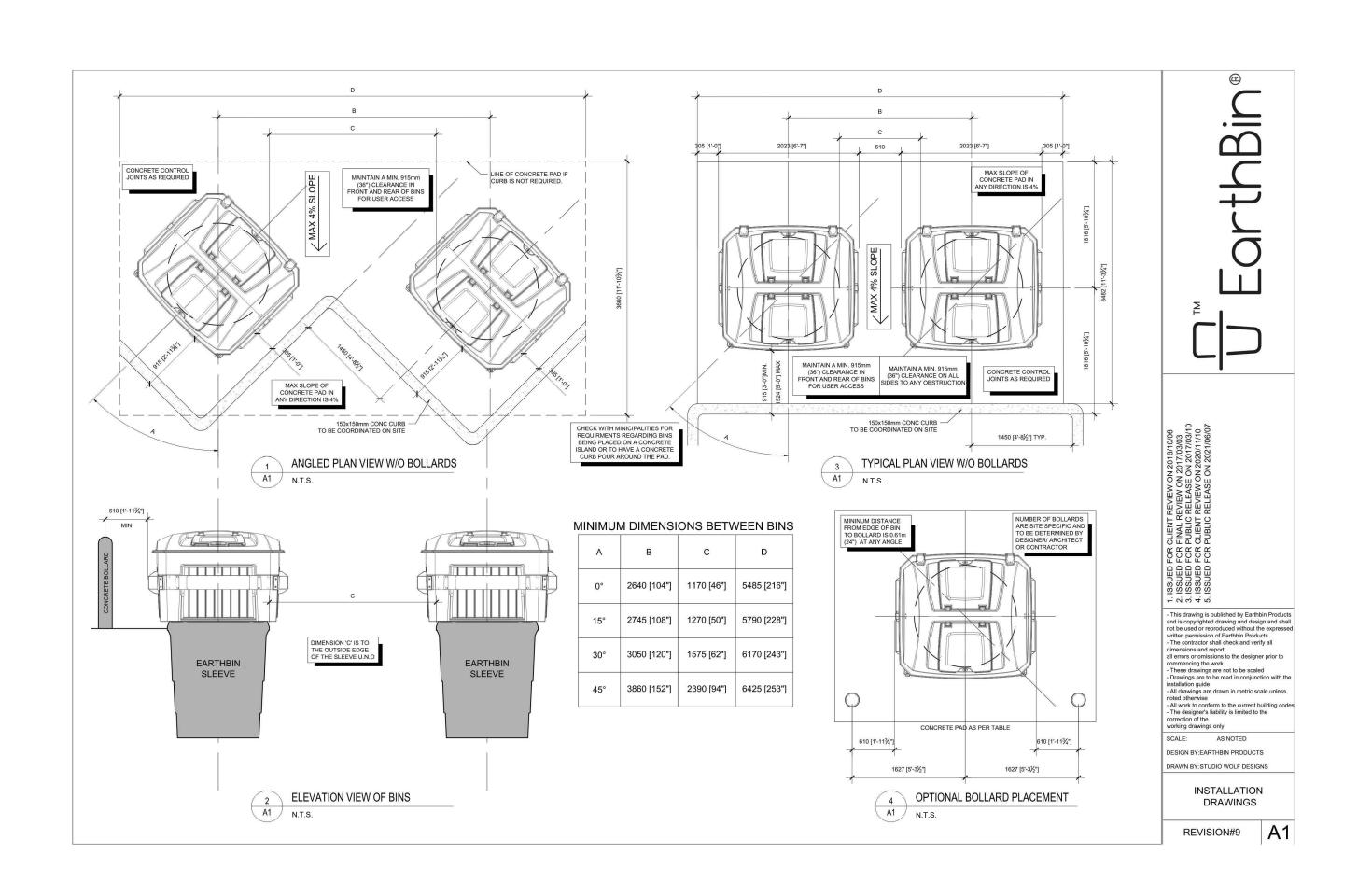


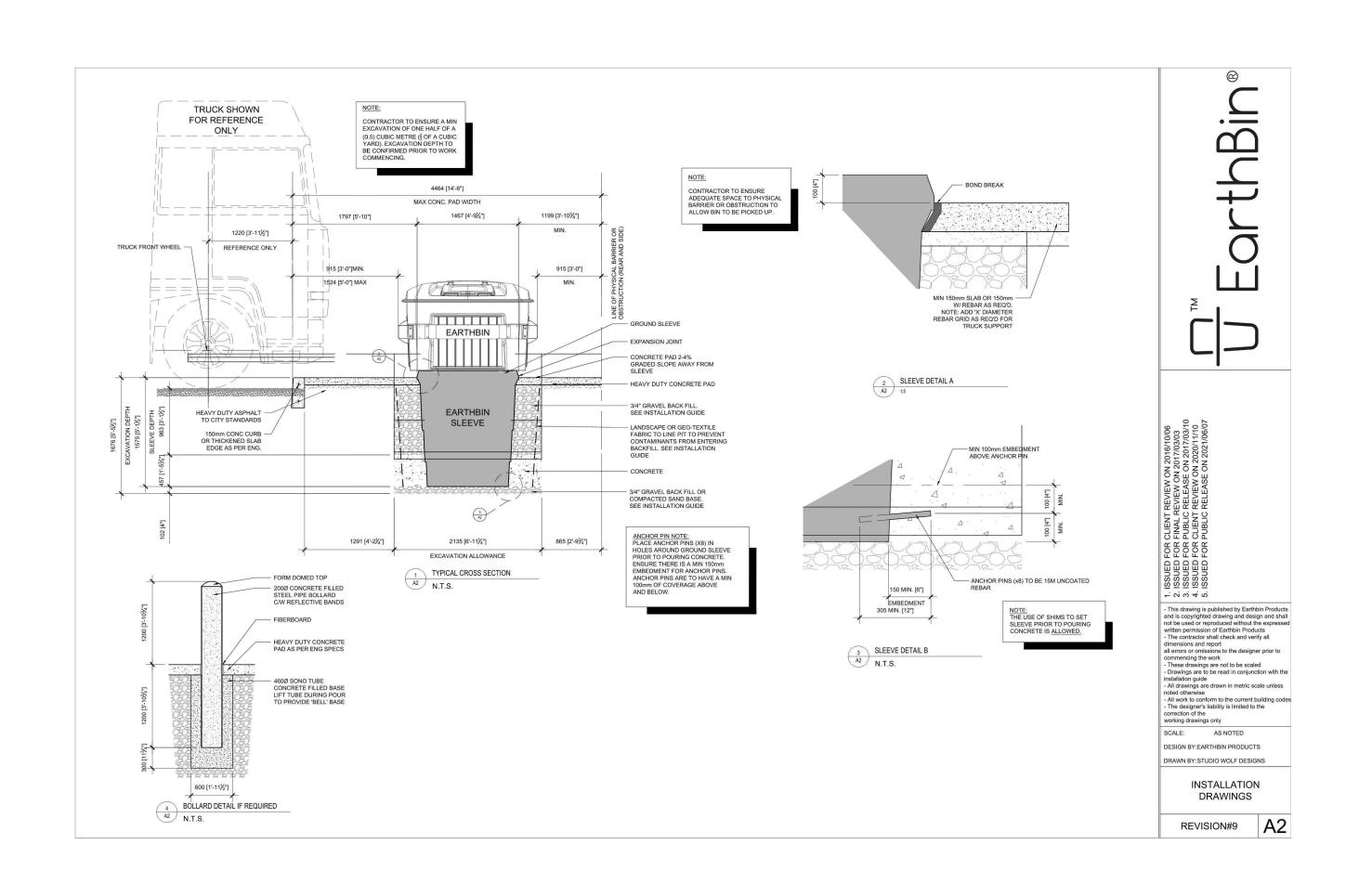
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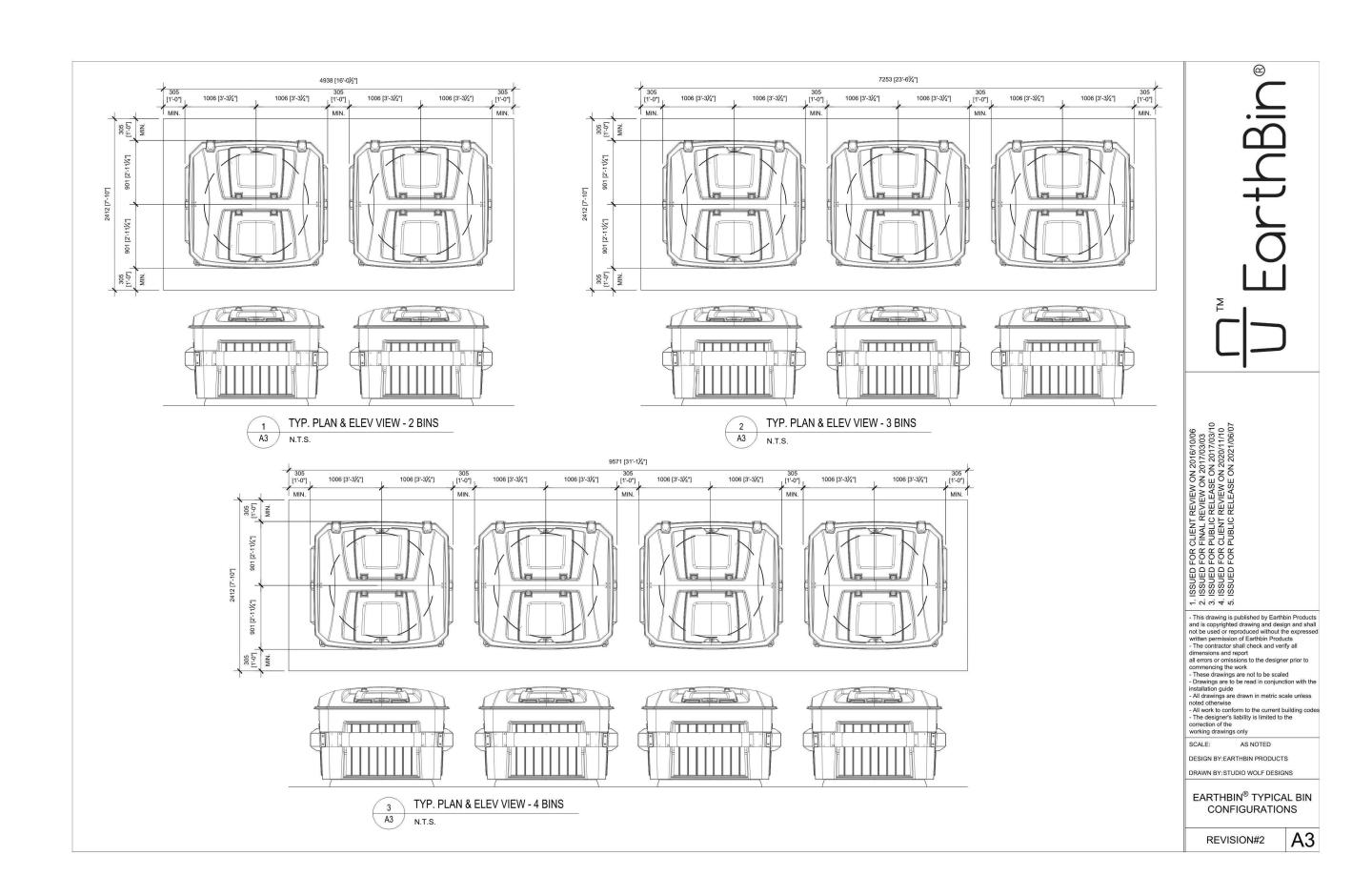
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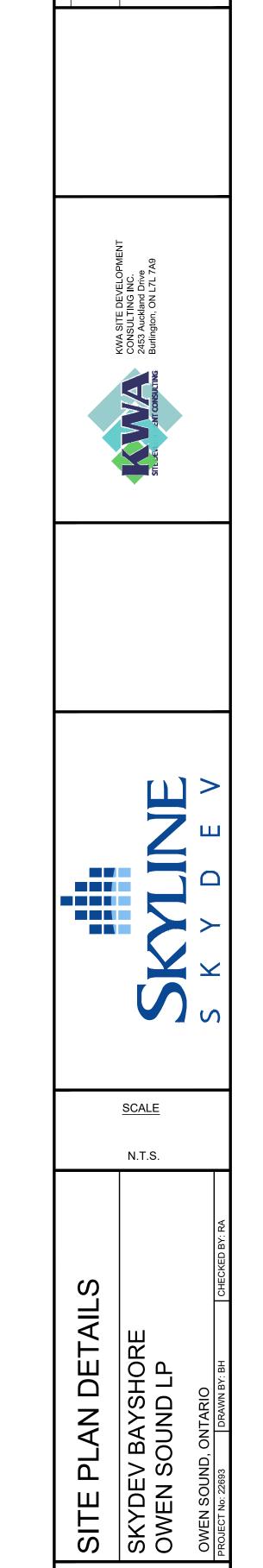
SITE PLAN DETAILS
SKYDEV BAYSHORE
OWEN SOUND LP

SP-D1









SP-D2

**REVISION** 

**BLOCK** 

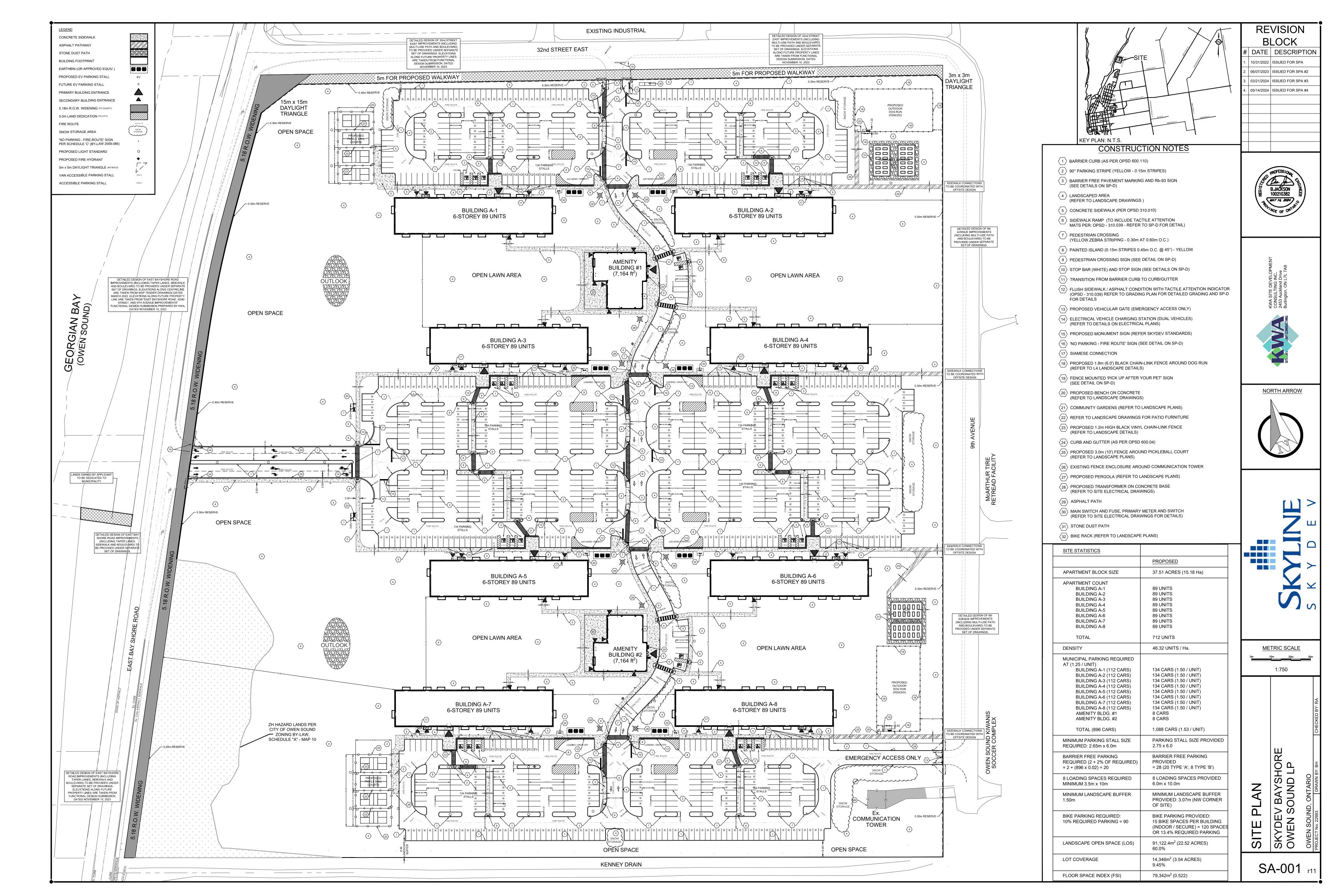
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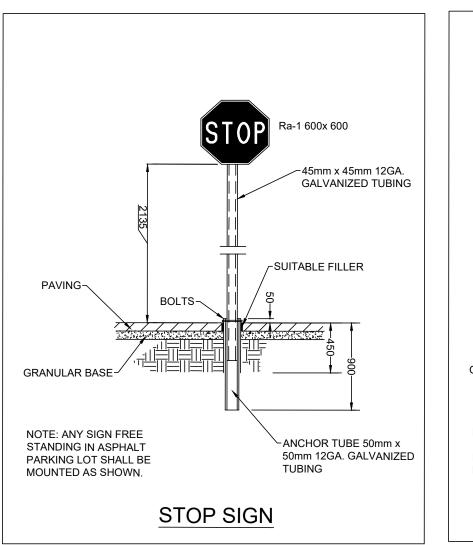
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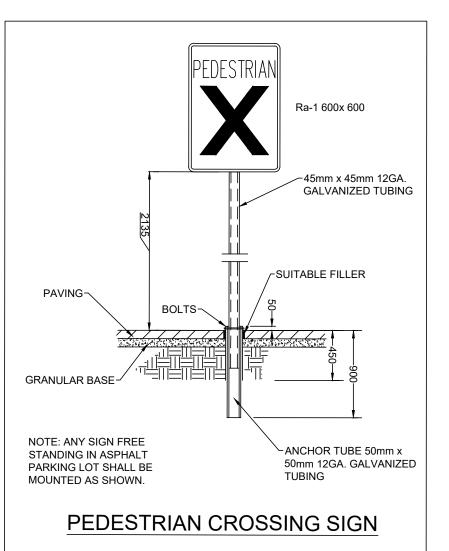
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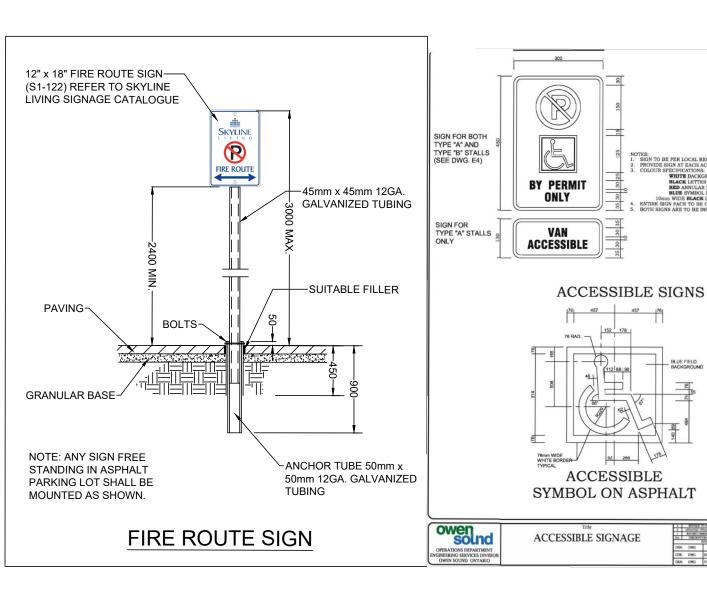
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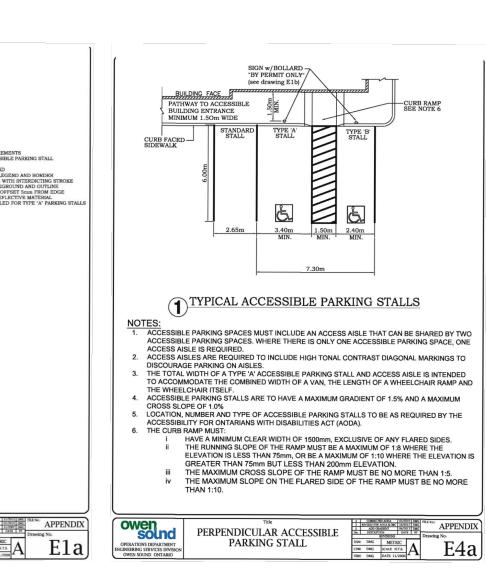
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 02/20/2025 70% SUBMISSION











1. SWEEP AND CLEAN SURFACE TO ELIMINATE LOOSE MATERIAL, DEBRIS, AND/OR DUST PRIOR TO

3. ALL LINE PAINTING SHALL BE APPLIED IN TWO (2) COATS OF PAINT AT THE MANUFACTURER

WHERE EXISTING PAVEMENT MARKINGS ARE TO BE REMOVED OR INTERFERES WITH PROPOSED

RECOMMENDED RATE WITHOUT THE ADDITION OF THINNER. THE FIRST COAT SHALL BE APPLIED

UPON COMPLETION OF THE SURFACE ASPHALT, AND THE SECOND COST SHALL BE APPLIED NO

4. ALL PAINT IS TO BE APPLIED WITH MECHANICAL CONSTRUCTION EQUIPMENT TO PRODUCE UNIFORM

5. APPLY ALL LINE PAINT IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDED PROCEDURES FOR

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SITE LINE PAINTING NOTES:

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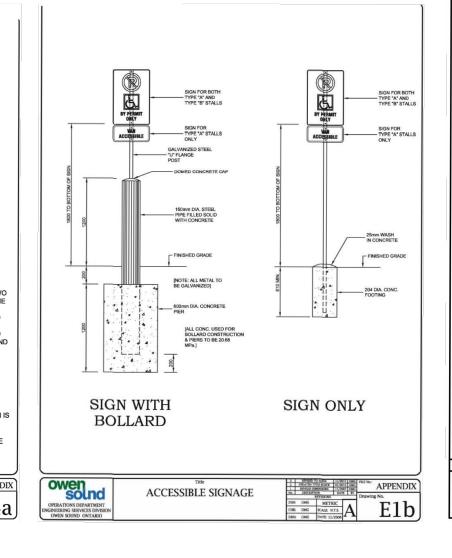
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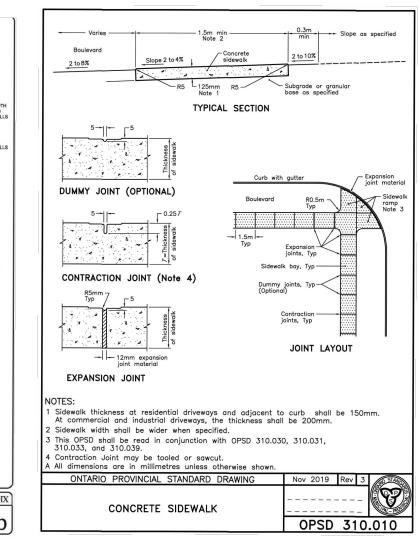
THE SPECIFIED MATERIAL.

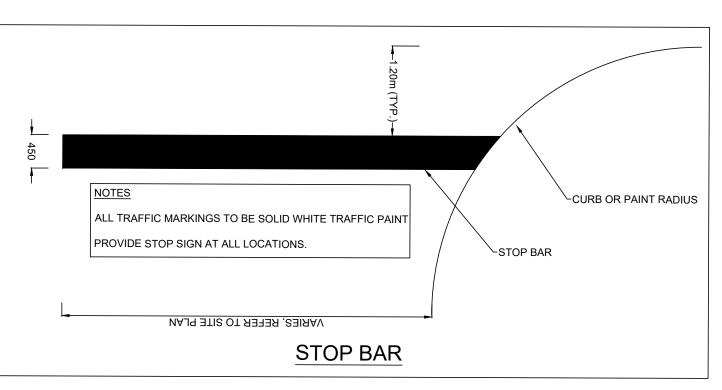
PAINT IN ENTIRETY PRIOR TO APPLYING NEW PAINT.

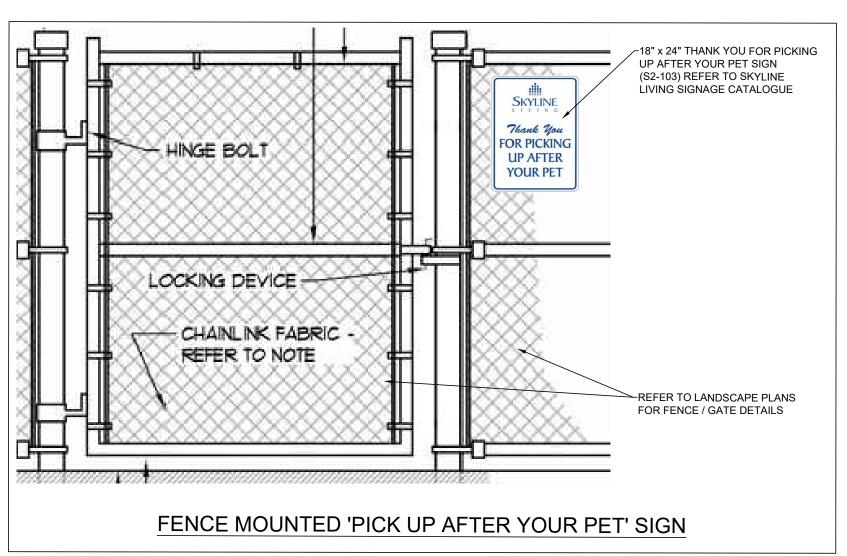
SOONER THAN 48 HOURS AFTER THE INITIAL APPLICATION.

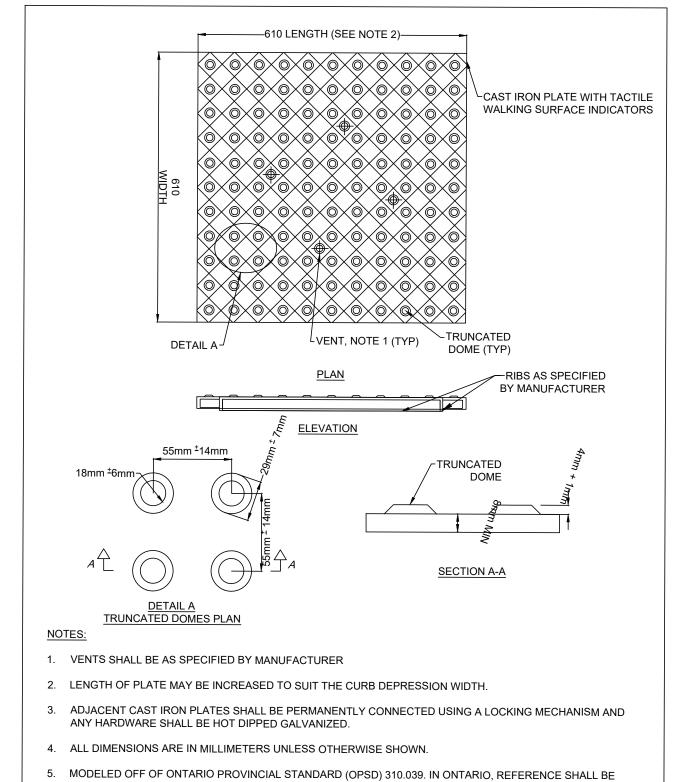
6. ALL LINE PAINTING COLOUR SHALL BE IN ACCORDANCE WITH THE SITE PLAN.

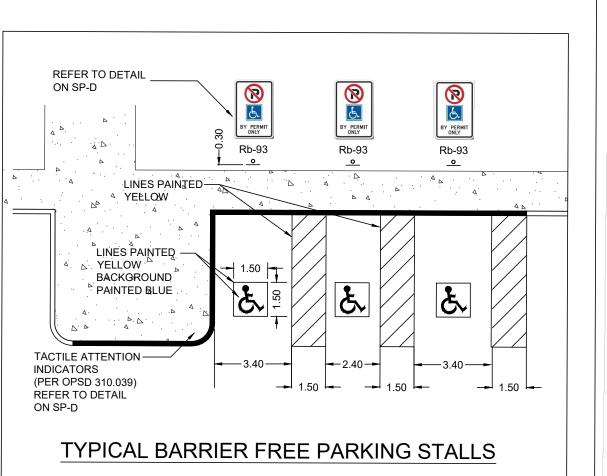


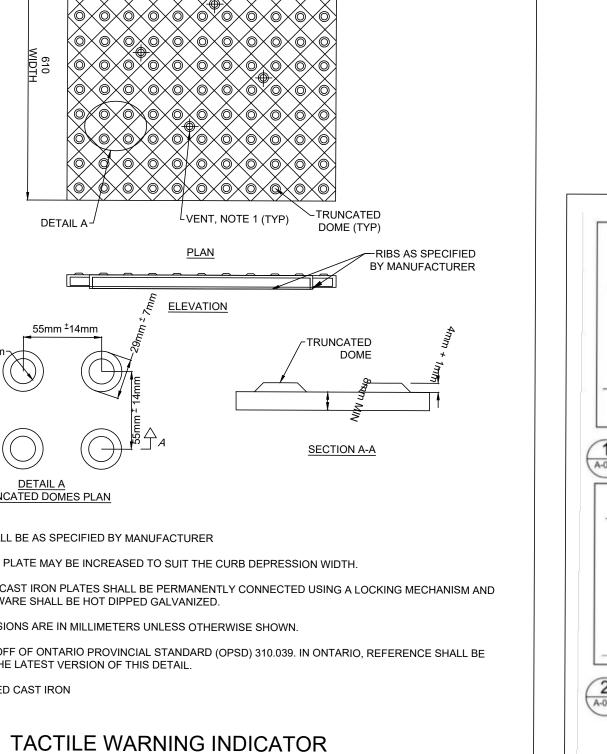








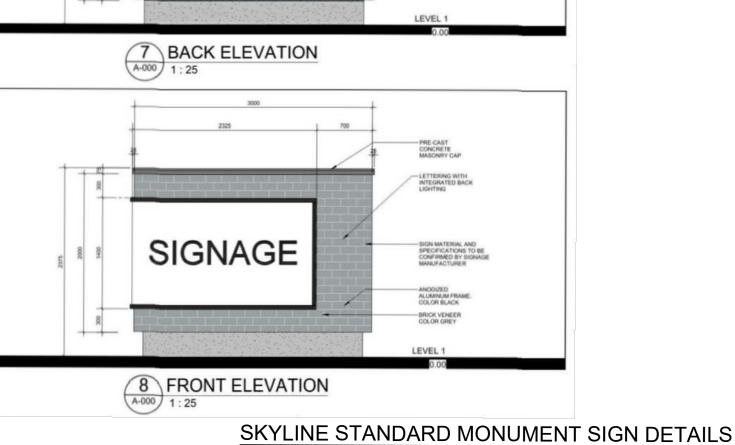


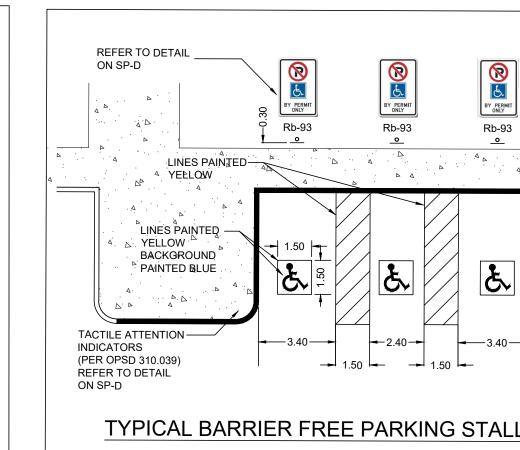




6 SIDE ELEVATION 2







MADE TO THE LATEST VERSION OF THIS DETAIL.

6. PAINTED RED CAST IRON

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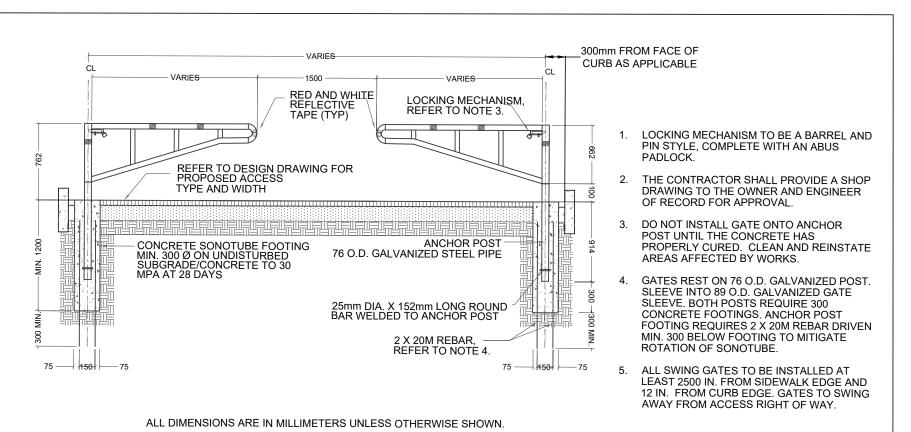
**REVISION** 

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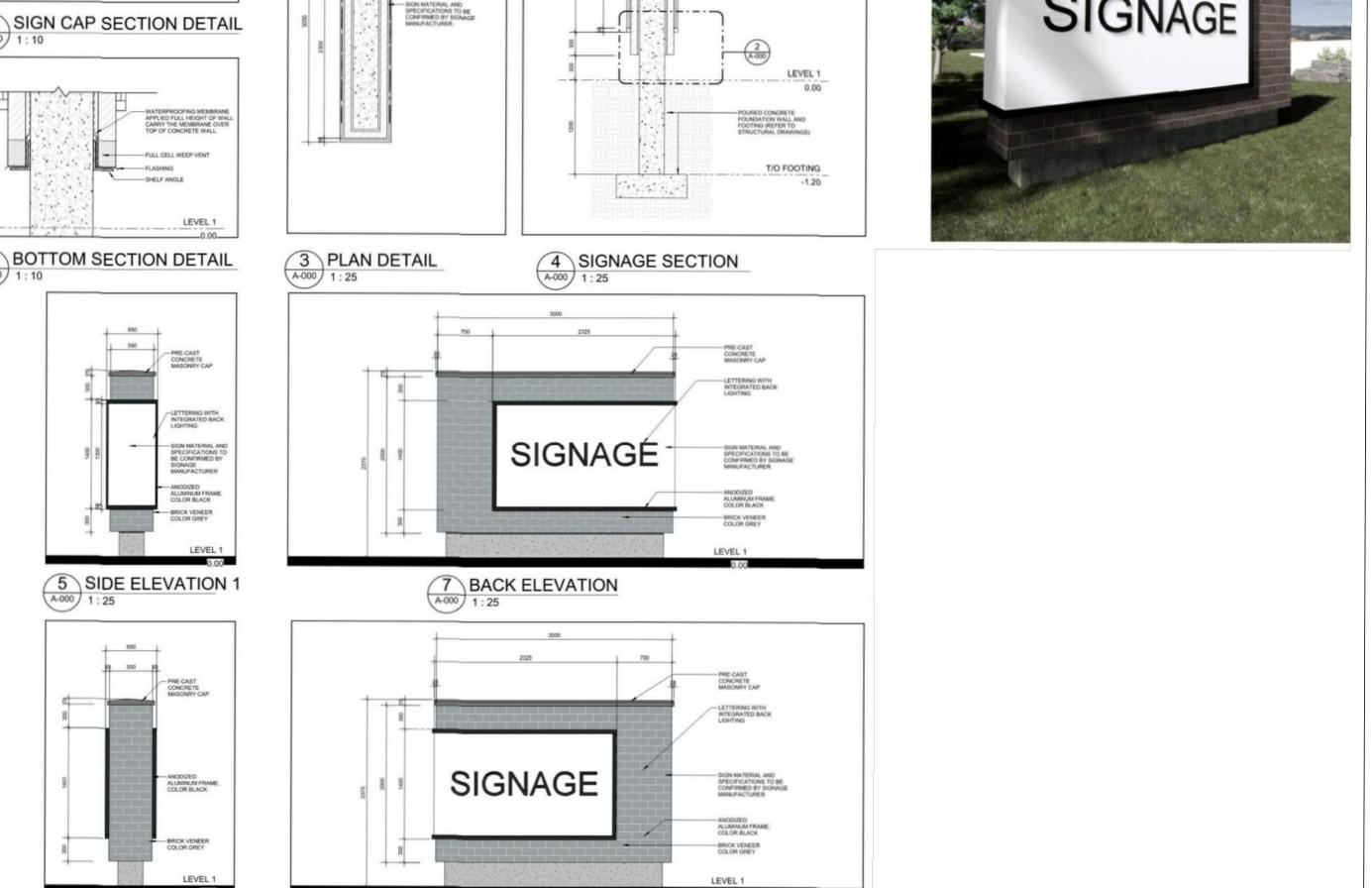
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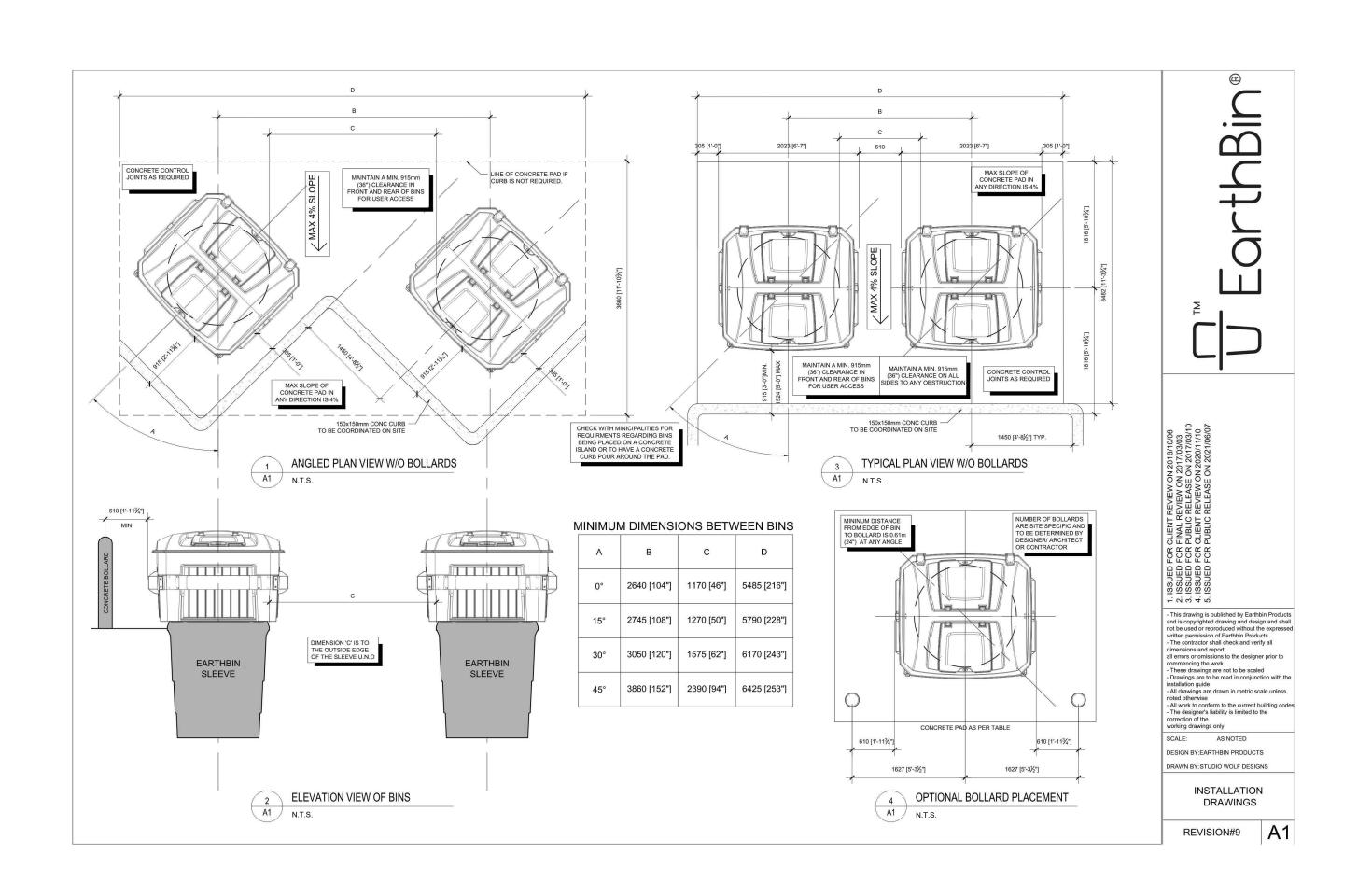
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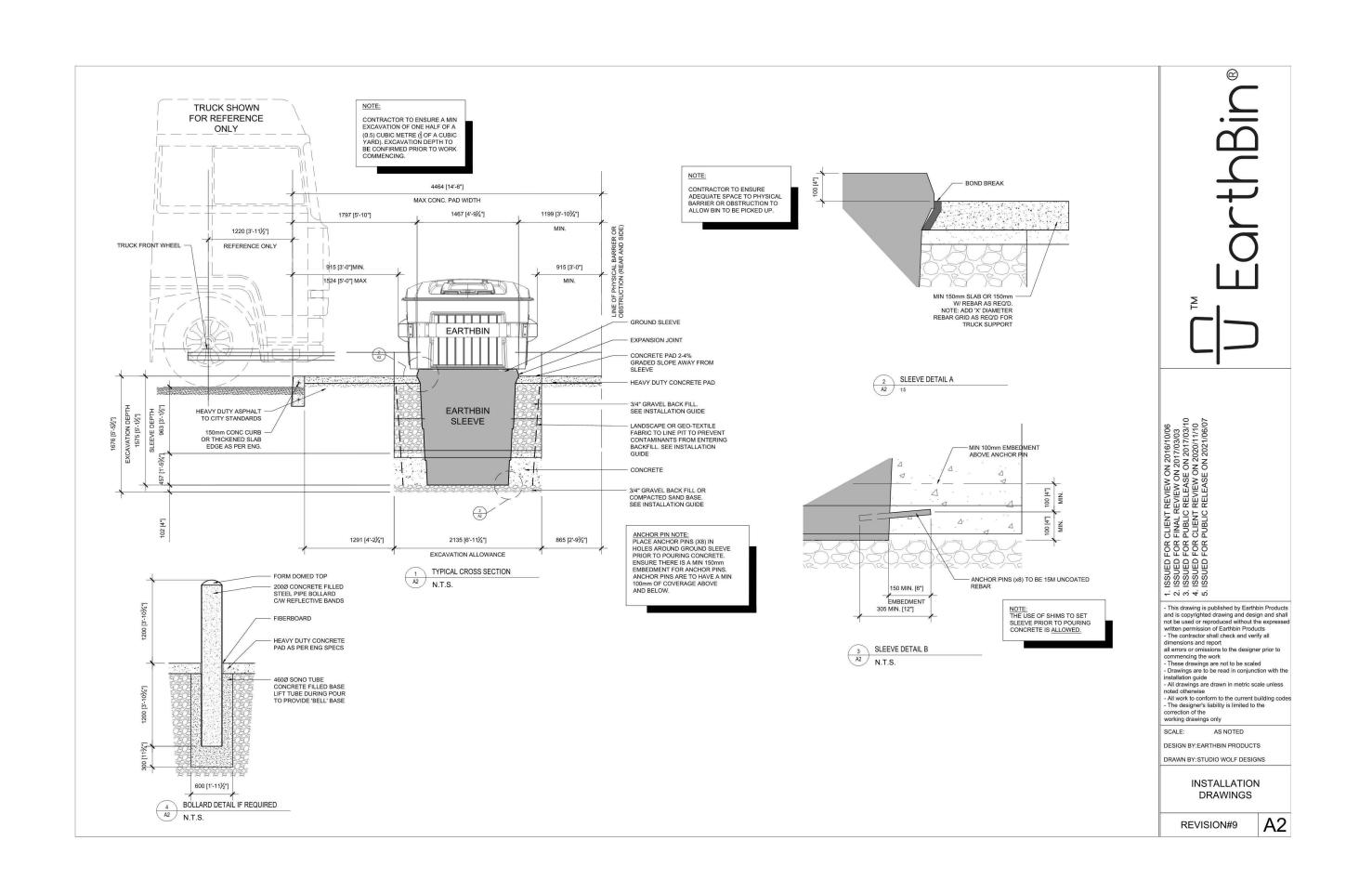
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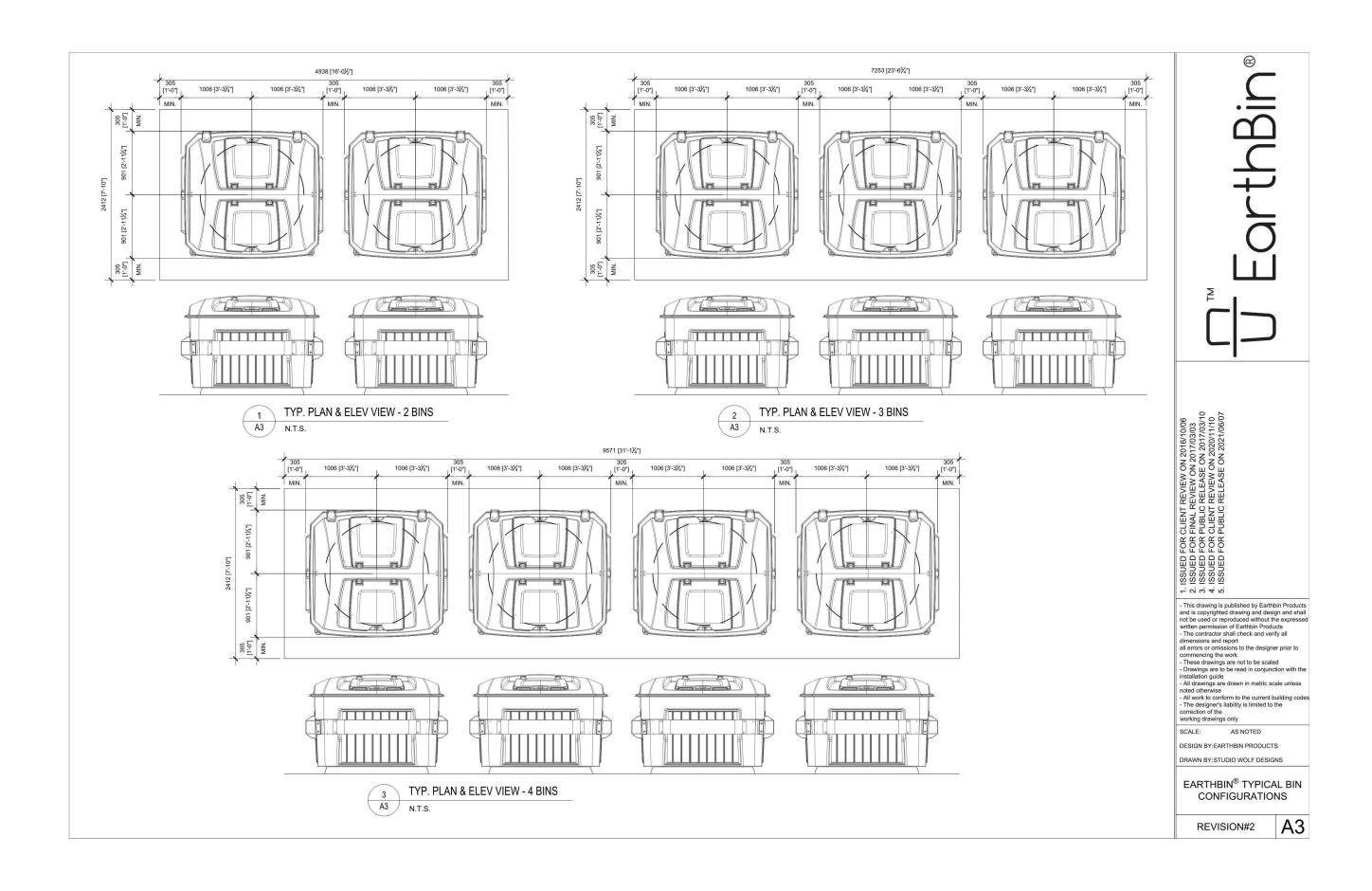


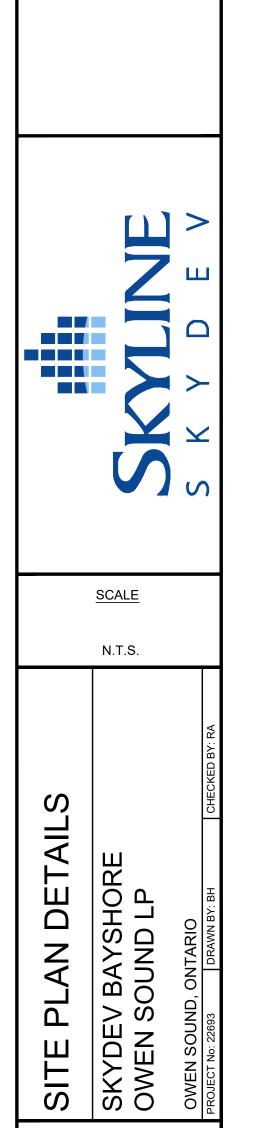
DOUBLE BOLLARD GATE DETAIL











SP-D2

**REVISION** 

**BLOCK** 

# DATE DESCRIPTION

1. 10/31/2022 ISSUED FOR SPA
 2. 06/07/2023 ISSUED FOR SPA #2

3. 03/21/2024 ISSUED FOR SPA #3

4. 05/14/2024 ISSUED FOR SPA #4



### **SCHEDULE E**

### DRAFT CONDITIONS OF APPROVAL

- 1. That the applicant submit to the Secretary-Treasurer of the Committee of Adjustment a legal description of the subject lands which will meet the requirements of the Registrar and request in writing (either through presentation of deeds for stamping or a written statement) from the Secretary-Treasurer of the Committee of Adjustment a certificate of consent, provided however that before the said certificate is issued, any other conditions imposed by the committee have been fulfilled to the satisfaction of the Secretary-Treasurer.
- 2. That a survey prepared by a qualified land surveyor be provided, confirming the actual lot configuration corresponds with the intent of the consent application, to the satisfaction of the Community Services Department (Planning Division).
- 3. That the applicant satisfy the 5% parkland dedication requirement in accordance with the Planning Act, the City's OP and the City's Fees and Charges By-law No. 2022-066 to the satisfaction of the Director of Community Services. It is acknowledged that a parkland dedication agreement may provide for the phased payment and contribution of parkland. The applicant is responsible for the costs associated with agreement preparation and execution.

For greater clarity, the dedication of land for parkland will include:

- i. A 5 metre wide by 319.6 m long strip along the south side of 32nd Street East, which will contain the multi-use path to be constructed by the applicant.
- ii. The waterfront lot identified as Roll No:425901000510300, Legal Description PLAN 838 LOT 53 &54 PT LT 7 and approximately 210 square metres in size.

The existing buildings and structures on the waterfront lot are to be removed prior to the conveyance to the City, and the Property Standards matter is to be resolved to the

Staff Report: **DA-25-007** File: **B04-2025** 

satisfaction of the City of Owen Sound.

The lands described above and the required parkland agreement are to be conveyed prior to the stamping of deeds to finalize B04-2025.

- 4. That the applicant provide to the Secretary-Treasurer a tax certificate prepared by the City's Financial Services Department (Tax Division) indicating that property (and business) tax installments levied and due on the subject lands are paid in full as of the day of issuance of the certificate of consent.
- 5. That the Owner provide the necessary road allowance widenings, day lighting and one foot reserve to the City as detailed below, and in accordance with Site Plan Approval Application (ST2022-013), to be conveyed prior to the stamping of deeds, required by the City to be conveyed and registered in an acceptable manner, for which the City Clerk will require the following to be provided at the applicant's expense:
  - a. A reference plan describing the lands subject to the road widening;
  - b. An Acknowledgement and Direction form to be signed by the City respecting the registration of the transfer by the applicant's solicitor on the City's behalf;
  - c. The proposed draft transfer document including a Land Transfer Tax Affidavit which must include the following "other" statement: "The subject property is acquired by the municipality for the purpose of widening the highway abutting the property and the property forms part of that highway pursuant to section 31(6) of the Municipal Act, 2001"; and,
  - d. The draft reference plan is to be reviewed by the ESD prior to depositing and transferring to the City.

For clarity, the following conveyances are required:

- 5.15 m wide and 334.8 m long road widening along East Bayshore Road
- 0.3 m reserve along East Bayshore Road
- 15 m by 15 m sight triangle at the intersection of East Bayshore Road and 32<sup>nd</sup> Street East

Staff Report: **DA-25-007** File: **B04-2025** 

- 0.3 m reserve along 32<sup>nd</sup> Street East
- 3 m by 3 m sight triangle at intersection of 32<sup>nd</sup> Street East and 9<sup>th</sup> Avenue East located outside of the area to be dedicated for the parkland dedication (as shown on the approved Site Plan Drawing SA-001)
- 6. That the applicant provides to the Secretary-Treasurer written confirmation from the City's Public Works and Engineering Department (Engineering Services Division) and Community Services (Manager of Planning and Heritage) that the private easements required for shared access, servicing infrastructure and grading and drainage for the retained and severed lots (reciprocal easement and operating agreement) have been conveyed to the retained and severed lots, in a manner acceptable to the City Solicitor.
- 7. That the applicant confirms that the proposed Phase 1 development will be fully located within the retained parcel and that the interior side yard setback for Building A2 conforms to the MR zone provisions to the satisfaction of the Manager of Planning & Heritage.

Staff Report: **DA-25-007** File: **B04-2025** 





# **Agency Comments**

City of Owen Sound Engineering & Public Works Department – March 27, 2025

**Grey Sauble Conservation Authority** – March 18, 2025

County of Grey - March 18, 2025

Historic Saugeen Metis - March 18, 2025

Report: **DA-25-007** Page **1** of **1** File: **B04-2025** 

# Staff Report

# **Engineering Services Division Public Works & Engineering Department**



Date:

2025 March 27

**Application:** 

B04/2025

To:

Allison Penner, Secretary-Treasurer, Committee of Adjustment

Sabine Robart, Manager of Planning and Heritage

Pam Coulter, Director of Community Services

Lara Widdifield, Director of Public Works & Engineering

From:

Matthew Pierog, Engineering Technologist

Subject:

**Application for Consent to Sever – Engineering Review** 

Municipal Address: 3195 East Bayshore Road

Assessment Roll: 425901000510300

Legal Description: PLAN 838 LOT 53 & 54 PT LT 7

**Applicant:** Bayshore Street Development Inc. c/o Skydev Bayshore Owen

Sound LP (Brandon Almeida)

# **Background:**

The property is subject to Site Plan Approval (ST2022-013), which provided for eight (8) six-storey apartment buildings, each with approximately 89 dwelling units for a total of 712 units. The proposal also includes the construction of three (3) surface parking areas, one (1) amenity building, an internal road system, on-site recreational facilities, pedestrian connections, servicing, and landscaping.

The applicant is proposing to sever the subject lands to facilitate the construction of Phase 1 of the development by allowing for construction debt financing on the Phase 1 lands. The site plan approval and site-specific zoning provisions provide for the division of the subject property for the proposed purposes.

The severed lot (Parcel 2 – Phase 2) is proposed to have approximately 62.23 m of frontage on East Bayshore Road, 125.8 m of depth, and 92,227.8 square metres (22.8 ac) of lot area. The retained lot (Parcel 1 – Phase 1) is proposed to have approximately 41.15 m of frontage on East Bayshore Road, 100.3 m of depth, and 59,691.1 square metres (14.75 ac) of lot area.

#### **Recommendation:**

Further to our review of the above noted application, the Public Works and Engineering Department recommends approval by the Committee of Adjustment subject to the following conditions:

- 1. That the Owner provide the necessary sight triangles, road allowance widenings and parkland dedication to the City, as determined by the Site Plan Approval Application (ST2022-013) (appears on the provided draft severance plan as: Parcels 3 is a road allowance widening and sight triangle along East Bayshore Road/Grey Road 5; Parcel 4 is a parkland dedication along 32<sup>nd</sup> Street East; and Parcel 5 is a sight triangle at 32<sup>nd</sup> Street East and 9<sup>th</sup> Avenue East it is noted that Parcel 5 is to be revised to be outside the 5.0 m widening on 32<sup>nd</sup> Street East (Parcel 4)), required by the City to be conveyed and registered in an acceptable manner, for which the City Clerk will require the following to be provided at the applicant's expense:
  - a. A reference plan describing the lands subject to the road widening;
  - An Acknowledgement and Direction form to be signed by the City respecting the registration of the transfer by the applicant's solicitor on the City's behalf;
  - c. The proposed draft transfer document including a Land Transfer Tax Affidavit which must include the following "other" statement: "The subject property is acquired by the municipality for the purpose of widening the highway abutting the property and the property forms part of that highway pursuant to section 31(6) of the Municipal Act, 2001"; and,
  - d. The draft reference plan is to be reviewed by the ESD prior to depositing and transferring to the City.

2. That the applicant provides to the Secretary-Treasurer written confirmation from the City's Public Works and Engineering Department (Engineering Services Division) and Community Services (Manager of Planning and Heritage) that the private easements required for shared access, servicing infrastructure and grading and drainage for the retained and severed lots have been conveyed to the retained and severed lots, in a manner acceptable to the City Solicitor.

### **Analysis:**

### Site Access:

Based on the proposed retained and severed lots, the access for the retained lot includes two (2) access locations, from East Bayshore Road and 32<sup>nd</sup> Street East, which are improved municipal roads and classified as a Minor Arterial Roadway – County Highway and a Local Road, respectively.

The minimum number of accesses required for the retained lot is two (2), based on the proposed number of units (267) and the City's Site Development Engineering Standards; this is met based on the provided Site Plan. Detailed comments regarding the access configurations for the site were provided as part of the Site Plan Approval Application (ST2022-013).

Based on the Consent Application, the applicant is to provide the City with the plans for sharing access between both the retained and severed lots (i.e. easements, etc.), to the satisfaction of the Manager of Planning and Heritage, and the Manager of Engineering Services.

#### Parking:

For the three (3) proposed buildings, the associated parking lots appear to be included as a part of Phase 1 of the Development (lands within the retained lot). Detailed comments regarding the parking configuration at the site were provided as a part of the Site Plan Approval Application (ST2022-013).

### Site Servicing:

The available City servicing within the road allowances fronting the development has been discussed as a part of the Site Plan Approval Application. The retained lot proposes the wastewater, stormwater and water service connections to City infrastructure located within the 32<sup>nd</sup>

Street East road allowance, which was approved as part of the Site Plan Approval Application (ST2022-013). Implementation for off-site improvements are to be detailed within a Servicing Agreement(s) with the City and Developer.

It should be noted that there is a City led water project for replacement of the watermain located on 32<sup>nd</sup> Street East fronting the development, and the exact location of the water service connection point for the development is to be refined as a part of the City project, with coordination with the applicant and the City's Engineering Consultant (estimated to be resolved during detailed design in Q2, 2025).

The on-site servicing appears to be in accordance with the Servicing Plan approved as a part of the Site Plan Approval Application (ST2022-013). Similar to above, the applicant is to provide the City with the plans for sharing the on-site servicing infrastructure between both the retained and severed lots (i.e. easements, etc.), to the satisfaction of the Manager of Planning and Heritage, and the Manager of Engineering Services.

Based on the truncated water servicing for the Phase 1 extents versus the entire site, the dead ended watermain at the cross southeast of Building A-3 and extending southerly and easterly, will need to be isolated (closed valves), and require re-commissioning at a later Phase in the project.

### Road Widening:

The sight triangles, road widenings and parkland dedication required by the City were identified in the conditions of approval for the Site Plan Approval Application. The widenings are to be provided to the City as a part of the Consent Application, which appear to be Parcels 3, 4 and 5 on the submitted Severance Plan. The Parcels include:

- Parcel 3 is a road allowance widening and sight triangle along East Bayshore Road/Grey Road 5;
- Parcel 4 is a parkland dedication along 32<sup>nd</sup> Street East; and,
- Parcel 5 is a sight triangle at 32<sup>nd</sup> Street East and 9<sup>th</sup> Avenue East it is noted that Parcel 5 is to be revised to be outside the 5.0 m widening on 32<sup>nd</sup> Street East (Parcel 4)).

# Grading, Drainage & Stormwater Management:

The overall grading, drainage and stormwater management at the properties must conform to Section 2.2.2 of By-law 1999-030; the City of Owen Sound Property Standards By-law, and the plans approved as a part of the Site Plan Approval Application.

Based on the Consent Application and the approved Plans (ST2022-013), the severed lot will require the sharing of infrastructure located on the retained lot, and the applicant is to provide the plans with the City (i.e. easements, etc.), to the satisfaction of the Manager of Planning and Heritage and the Manager of Engineering Services.

#### Fees:

Based on the technical basis for the Consent Application, the applicant will not be required to pay frontage fees at this time.

The Engineering Review Fee will be \$447.00 for a Consent to Sever Application.

### **Consultation:**

This document incorporates comments from all divisions of the Public Works and Engineering Department. The comments provided above were based on the City's most recent Engineering Standards and the records available at the time of preparation of this report. The comments provided do not preclude the applicant's responsibility for meeting all applicable laws, regulations and standards, or provide any assurances.

**Prepared By:** Matthew Pierog, P.Eng.

**Reviewed By:** Chris Webb, P.Eng.

From: <u>Clinton Stredwick - Environmental Planner</u>

To: <u>Allison Penner</u>; <u>OS Planning</u>

**Subject:** B04-2025

**Date:** March 18, 2025 10:27:30 PM

Attachments: image001.png image002.png

Warning: Unusual sender <c.stredwick@greysauble.on.ca>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

#### Hi Allison,

As there are no changes being proposed to the development and the consent is to facilitate phasing and financing the GSCA has no concerns with the proposed consent.

Kind regards,

#### Clinton Stredwick, BES, MCIP, RPP

**Environmental Planner** 

519.376.3076 237897 Inglis Falls Road Owen Sound, ON N4K 5N6 www.greysauble.on.ca



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For after-hours non-911 emergencies please call 226-256-8702. Please do not use this number for planning related inquiries. For information regarding properties, visit our website at <a href="https://www.greysauble.on.ca">www.greysauble.on.ca</a>.

From: planning@grey.ca

To: <u>Briana Bloomfield; Desiree van Dijk; OS Planning; Staci Landry; Allison Penner</u>

Subject: County comments for B04-2025 Bayshore Street Developments Inc. c.o SkyDev Bayshore Owen Sound LP

**Date:** March 18, 2025 4:19:30 PM

#### External sender <planning@grey.ca>

Make sure you trust this sender before taking any actions.

# County comments for B04-2025 Bayshore Street Developments Inc. c.o SkyDev Bayshore Owen Sound LP

Hello Owen Sound,

Please note that Grey County is taking steps to streamline development review by limiting comments on some planning applications. This includes all minor variances and site plan applications, except where connected with a County application. In addition, within settlement areas, County staff may limit comments on zoning by-law amendments and consents.

As such, a formal planning review of the subject application has not been undertaken. Please be advised that planning decisions shall conform with the County's Official Plan and County planning staff can assist with specific questions in this respect.

Grey County Planning Ecology staff have reviewed the application and provided the following comments:

1. County Ecology staff have reviewed the FSR & SWM Report (2023) and the Landscape Plan (2023) associated with the related Site Plan Application (file number: ST2022-013). Regarding water quality control, the report indicates that an oil grit separator (OGS) is proposed to treat runoff to ensure an "Enhanced" level of protection (80% TSS Removal) in accordance with the MOE Stormwater Management Planning and Design Manual (March 2003). Regarding water balance, the report stipulates that based on the findings of the geotechnical report by Pinchin (2023), there is little to no need for water balance mitigation on this site. Regarding thermal mitigation, underground storage is proposed to maintain the thermal regime of the run off as the recipient, Georgian Bay, is a cold-water fishery. County Ecology staff have no concerns with the subject application.

Grey County Transportation staff have reviewed the application and provided the following comments:

2. Staff note that road widening and daylighting appears identified on the submitted Site Plan, per previous comments (file number: ST2022-013). A 5.18m road

widening and daylighting is requested along the frontage of East Bay Shore Road/Grey Road 15 to be deeded to the County of Grey.

3. Further to the above, staff have also requested a 0.3 m (1 foot) road reserve to be deeded to the County along the frontage, per previous comments (file number: ST2022-013).

Let us know if you have any questions.

Best regards,

Cassondra

County of Grey, Owen Sound, ON

From: <u>hsmlrcc</u>
To: <u>Allison Penner</u>

Subject: Re: Request for Comments - City of Owen Sound (Bayshore Street Development Inc) - Proposed Consent

**Date:** Tuesday, March 18, 2025 12:53:50 PM

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### City of Owen Sound

#### Re: File number B04-2025

The Historic Saugeen Métis (HSM) Lands, Waters and Consultation Department has reviewed the relevant documents and has no objections to the proposed Consent to sever as presented.

Thank you for the opportunity to review this matter.

Regards,

Neala

Neala MacLeod Farley Coordinator, Lands, Waters & Consultation

Historic Saugeen Métis 204 High Street Southampton, ON saugeenmetis.com 519-483-4000



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# The Corporation of the City of Owen Sound

By-law No. 2022-103

A By-law to amend Zoning By-law No. 2010-078, respecting lands located at 3195 East Bayshore Road (ZBA No. 38)

WHEREAS section 34(1) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "Planning Act") provides that the council of a local municipality may pass by-laws for prohibiting the use of land and for prohibiting the erection, location or use of buildings and structures for or except for such purposes as may be set out in the by-law and for regulating the use of lands and the character, location and use of buildings and structures; and

WHEREAS on April 12, 2010, the Council of The Corporation of the City of Owen Sound (the 'City') passed Zoning By-law No. 2010-078 (the "Zoning By-law") to implement the City's Official Plan and to regulate the use of land in the City; and

WHEREAS City Council is desirous of adopting a zoning by-law amendment, pursuant to section 34 of the Planning Act, for lands located at 3195 East Bayshore Road (the "subject lands"); and

WHEREAS such amendment to the Zoning By-law will maintain the terms and intent of the City of Owen Sound Official Plan; and

WHEREAS City Council has carefully considered all public comments throughout the process; and

WHEREAS on July 25, 2022, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on September 26, 2022, City Council passed a resolution directing staff to bring forward a by-law to amend the Zoning By-law respecting the subject lands, in consideration of staff report CS-22-119;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

- 1. That schedule A, Zoning Map 10 forming part of Zoning By-law No. 2010-078, is hereby amended by changing the zoning category on those lands lying and being in the City of Owen Sound, being described generally as 3195 East Bayshore Road, PLAN 838 LOT 53 & 54 PT LT 7, shown more specifically on Appendix 'A' attached to this by-law from 'Low Density Residential' Holding (R3(H)) with Special Provision 14.55, 'Multiple Residential' Holding (MR(H)) with Special Provision 14.55 and 'Hazard Lands' (ZH) to 'Multi Residential' Holding (MR(H)) with Special Provision 14.55 and Hazard Lands (ZH).
- 2. That the following provisions be added to Zoning By-law Section 14:

### **Special Provision 14.55**

- a. So long as the "Holding" symbol is affixed to the MR (14.55) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on September 1, 2022.
- b. The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied and,

notwithstanding the provisions of the 'Multiple Residential' (MR) with Special Provision 14.55, for those lands shown on Schedule A, Zoning Map 10:

- i. The completion of land use compatibility studies, such as stationary noise, dust and odour studies at the time of any future site plan or plan of subdivision application to understand the need for specific mitigation measures, as may be required;
- ii. That any future plan of subdivision or site plan application include the submission and approval of an urban design brief to address: overall plan design and layout; land use compatibility considerations such as implementation of recommended mitigation measures from approved noise/dust/odour study; lot/building orientation and interface with existing industrial uses, built form and location of driveways; architectural design and control; and, pedestrian connections;
- iii. Compliance with the Environmental Protection Act and its regulations;
- iv. Archaeological Study;
- v. Servicing Studies and entering into agreements with the City with respect to the implementation of these upgrades;
- vi. That those portions of the subject property located in the southwest quadrant, subject to periodic flooding, and as shown in the attached Schedule are subject to a holding provision. The City of Owen Sound shall not remove the "Holding" provision until such time as the flooding hazard has been removed through the regrading or the site. These works will be carried out with appropriate permits to the satisfaction of the City of Owen Sound and the Grey Sauble Conservation Authority.
- c. At the time when the "Holding (H)" Symbol is removed by the City and notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 10 the Multiple Residential (MR) zone provisions shall apply save and except for the following:
  - i. Maximum Building Height: 20 meters
  - ii. Notwithstanding the definition of 'Agricultural Use', beehives are permitted as accessory structures subject to the location criteria of the Bees Act.
  - iii. Notwithstanding Sec. 5.9 of the Zoning By-law, the site and building regulations applying to primary buildings on the lands shall also apply to 'management buildings, solar collectors and amenity buildings.
  - iv. Notwithstanding future land division (Consent, Plan of Subdivision or Condominium) applications, any development on the subject lands will be regarded as "One Lot" for the purposes of zoning regulations subject to all of the following provisions:

- 1. A 'mutual easement & operating agreement' or subdivision/condominium agreement will be required as a condition of approval of any land division application.
- 2. Any future land division shall comply with the 'Minimum Lot Frontage' and 'Minimum Lot Area' provisions in force and effect at the time.
- 3. Future lot lines shall not be located through any building or structure, but may be located through parking areas.
- 4. The front lot line ('Lot Line, Front') for both the "One Lot" and the future separately conveyable lots will be the lot line adjacent to East Bayshore Road. The rear lot line ('Lot Line, Rear') will be the lot line adjacent to 9th Avenue East.
- 5. Any lots created by way of land division shall comply with the appliable zone regulations in force and effect, excepting however that the following shall be calculated for the whole lot as it exists on September 26, 2022:
  - Maximum Lot Coverage;
  - Maximum Density;
  - Minimum Landscaped Open Space; and,
  - Parking Regulations.

Maximum Lot Coverage, Maximum Density, Minimum Landscaped Open Space and Parking Regulations shall be applied to the entire development as "One Lot" both in terms of number and location.

- v. A 'Management Office' shall be a permitted use subject to the following provisions:
  - 1. A 'Management Office' shall mean a building or part thereof used for the purposes of:
    - The administration and management of activity related to the construction /buildout of the site;
    - Day to day operations on the lot; and,
    - The rental or lease of dwelling units to be erected on the lot.
  - 2. The 'Management Office' shall be connected to municipal water and wastewater services.
  - 3. The 'Management Building' shall not be used for human habitation but may contain kitchen and sanitary facilities.
  - 4. Notwithstanding the maximum building height of 20 m applying to 'Dwelling, Apartment' buildings, a standalone 'Management Office' shall have a maximum building height of 10 m.
  - 5. The 'Management Office' shall be shown on the approved Site Plan and integrated into the site design. The Site Plan agreement will include applicable provisions re the building construction and use.

- 6. If the 'Management Office' is to be a standalone temporary use, the building shall be removed once occupancy for the last building has been achieved.
- 3. This by-law shall come into full force and effect on the date it is passed.

FINALLY PASSED AND ENACTED this 26th day of September 2022.

Mayor Jan C. Boddy

Briana M. Bloomfield, City Clerk

# By-Law 2022-103

Being a By-Law to adopt Amendment No. 38 to Zoning By-Law No. 2010-078 for the City of Owen Sound.

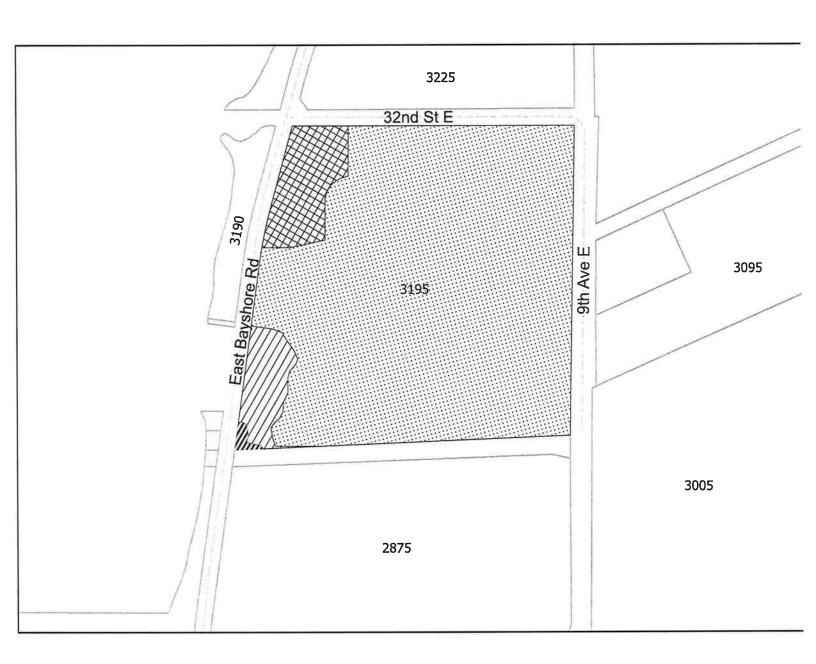
# Appendix A

Amendment to Zoning By-Law 2010-078 Zoning Map 10

Passed on this 26th day of September, 2022

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk



### **LEGEND**

Lands to be zoned from MR(H) to MR(H) 14.55

Lands to be zoned from R3(H) 14.55 to MR(H) 14.55

Lands to be zoned from R3(H) 14.55 to ZH

///// Lands to remain ZH

