

Staff Report

Report To: Committee of Adjustment
Report From: Dave Aston and Aleah Clarke, MHBC Planning
Meeting Date: April 22, 2025
Report Code: CS-25-042
Subject: Minor Variance A07-2025 for 1875 16th Avenue East and
1929 20th Street East

Recommendations:

THAT in consideration of Staff Report CS-25-042 respecting Minor Variance A07-2025 by AECOM Canada ULC on behalf of 1799 20th Street East Inc. (Markland Properties Management) for the properties known as 1875 16th Avenue East and 1929 20th Street East, the Committee of Adjustment approves the minor variance, as amended, as the Committee concludes that the requested variance maintains the general intent and purpose of the City's Official Plan and Zoning By-law, is minor in nature, and desirable for the appropriate development and use of the lands, subject to the conditions outlined in Schedule 'E'.

Highlights:

- A minor variance application has been submitted by AECOM Canada ULC on behalf of 1799 20th Street East Inc. for the properties known as 1875 16th Avenue East and 1929 20th Street East (former PPG site).
- The application is requesting relief from Section 5.18.12 of the Zoning By-law to construct a portion of the proposed parking area with a permeable paving system, which features a reinforced grid with gravel fill.

- The proposed development supports the planned function of the 'Heavy Industrial' (M2) designation to accommodate a range of employment uses including warehouse and office.
- Staff recommend approval of the application, as amended, subject to conditions.

Strategic Plan Alignment:

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

The subject application represents a legislated review process.

Climate and Environmental Implications:

This supports the objectives of the City's Corporate Climate Change Adaptation Plan by creating conditions to minimize health and safety risks.

According to the information provided by the applicant, the parking surface treatment proposed is made of recycled low-density polyethylene (LDPE) to be filled with gravel to allow permeability to help reduce storm water run-off by maintaining porosity to allow infiltration of water.

Increasing the capacity of stormwater management systems, including the use of different construction materials, is an adaptation action identified in the City's Corporate Climate Change Adaptation Plan to help adjust to the impacts of climate change.

Previous Report/Authority:

[City of Owen Sound Official Plan](#)

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

Background & Proposal:

The subject property is located at 1875 16th Avenue East and 1929 20th Street East in the City of Owen Sound. The property is a corner lot with frontage on 20th Street East and 16th Avenue East. The proposed area of development is a 13,470 m² portion of the larger 12.8 hectare property and is 143 metres wide and 93 meters deep. It is proposed that the development will be accessed off existing internal asphalt driveways, with public road

access from 20th Avenue East and 16th Avenue East. The south-western portion of the site is currently occupied by an industrial building.

The Surrounding land uses include:

North: Existing heavy industrial uses including warehouses, indoor storage, manufacturing and the Owen Sound Public Works yard.

East: To the immediate east of the proposed development area are additional lands owned by the applicant. Further East is the Transcontinental Owen Sound (RBW Graphics) facility.

South: South of the property is a large industrial building which housed Hydrogen Optimized and further south are a commercial uses with frontage on 16th Street East.

West: To the west of the property are vacant General Industrial lands and to the south-southwest is Heritage Place Mall.

The subject lands are designated 'Employment' in the City's Official Plan (OP) and are zoned 'Heavy Industrial' (M2) by 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'. A full description of the property is included in Schedule 'C'. A Site Plan illustrating the proposal is provided in Schedule 'D'.

The applicant is proposing the construction of a 1,100 m² (11,840 ft²) last-mile distribution centre where commercial products are transferred from trailers to delivery vans for local distribution. As part of the development, a portion of the parking area will be constructed of a permeable paving system, which features a reinforced grid with gravel fill. The reinforced gravel parking area is proposed to cover the staff parking area and the delivery van parking area. The truck court for the large trailers would remain conventional asphalt. The Schedule 'D' Site Plan has been coloured to show the areas proposed for the granular surface treatment versus the asphalt area.

The proposed use of a permeable paving system requires the following relief from the City's Zoning By-law 2010-078, as amended:

Zoning Provision	Required	Proposed
5.18.12 Parking Surface & Drainage	Non-migrating hard surface material - surface cover shall consist of asphalt, paving brick, concrete or similar hard-surfaced materials.	EcoRaster permeable paving system - reinforced grid with gravel fill. The grid is made from recycled LDPE, and the gravel fill will be an angular stone with relatively uniform size distribution.

To ensure that the minor variance is enforceable for the long-term, and that the variance will not impact the surrounding road network, approval of the minor variance is recommended in accordance with the following amended language:

- Permeable paving system composed of reinforced grid with gravel fill complete with concrete aprons at public road connections.

A fulsome review and analysis of the proposed minor variance is outlined below

Analysis:

As stipulated in the Planning Act (Sec. 45(1)), a minor variance may be authorized by the Committee of Adjustment, provided that the four tests of a variance are met. All decisions with respect to a planning matter must also be consistent with the Provincial Planning Statement.

Provincial Planning Statement

The Provincial Planning Statement (PPS, 2024) has been reviewed with regard to the proposed application. The PPS promotes a mix of land uses within settlement areas that efficiently use land and resources, infrastructure and public services, while encouraging intensification and regeneration on lands with existing servicing. Settlement areas shall be the focus for growth and their vitality and regeneration shall be promoted.

Policy 2.3.1 identifies that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use and optimize existing and planned infrastructure. The policy also identifies that

planning authorities shall support general intensification and redevelopment to support the achievement of complete communities.

Policy 2.9 directs planning authorities to prepare for the impacts of a changing climate through various approaches, including compact communities, incorporating climate change considerations in planning for infrastructure and stormwater management systems, and promoting green infrastructure and low impact development.

Policy 3.6 of the PPS identifies that 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.

The subject lands are within an existing settlement area and have access to full municipal services. The proposed permeable paving system is expected to reduce storm water run off in accordance with stormwater management best practices. The development represents efficient use of infrastructure and the City's Engineering staff have not raised any servicing concerns, as detailed in Schedule 'F'. The amended variance is consistent with the above direction provided by the PPS, subject to recommended conditions. A Site Plan Approval Application will be required.

The following provides an analysis of the tests for a minor variance:

Conformity with the Official Plan

The subject property is designated 'Employment' in the Owen Sound Official Plan, which permits a range of uses including manufacturing, assembly, fabricating, processing, packaging, printing, warehousing uses, offices, and the storage of goods and materials.

Section 5.1.4.14 of the Official Plan requires parking and charging stations for electric vehicles through new development and redevelopment. The provision of parking and charging stations will be completed at the time of site plan review. The applicant is encouraged to consider including electric vehicle parking and charging stations on the final site plan through the Site Plan Approval application.

Section 5.2 of the Official Plan provides policies related to Municipal Services. Development is permitted in areas where it can be adequately serviced by municipal services, municipal water and wastewater services, stormwater management and emergency services. Section 5.2.4.1 requires stormwater to be managed onsite where practical and encourages increasing pervious

surfaces. Best management stormwater practices are encouraged including infiltration where practical and acceptable to the City (5.2.4.5).

The subject lands have access to existing municipal services including water, and wastewater. The proposed minor variance seeks to permit a permeable paving system, which is expected to help reduce storm water run off and act as a more sustainable option compared to asphalt and concrete. A consent application (B06-2025) has been submitted to convey lands from 1929 20th Street East to 1875 16th Avenue East and to provide access and a stormwater outlet to 20th Street East. City engineering staff have not raised any servicing concerns. Servicing will be reviewed in detail through the future Site Plan Approval applications. Matters of pedestrian and active transportation will also be further reviewed through Site Plan Approval applications.

Section 6.1 of the OP provides direction on matters of environmental management and sustainability. Section 6.1.2.4 specifies that the City will implement development standards to reduce climate change impacts on public works and infrastructure including water and wastewater. The City will also protect and/or restore quality and quantity of water through various strategies including ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces (6.1.9.1.f). The proposed permeable paving system will increase the development's pervious surface area, compared to conventional asphalt or concrete paving.

Section 8 of the Official Plan contains the City's Urban Design Policies including landscape design, design of parking, and access areas. The Urban Design policies will be reviewed in detail through the future Site Plan Approval application.

Related directly to the requested variance are urban design policies which state that new development and redevelopment shall be designed to promote safe, comfortable and accessible environments for all users and unintended consequences of which may displace specific users must be considered in every decision (8.7.1.1 & 8.7.1.4).

Publicly available brochures for the permeable paving system proposed indicate that it is 'fully accessible', however the specifications do not specifically reference AODA and the variance does not prescribe a particular product. Staff recommend a condition of the minor variance to ensure that AODA compliance is confirmed through site plan approval for any and all

required barrier-free parking stalls and pathways, and maintained in the long term. Requiring this as a condition of the minor variance means that if some future modification to the surface treatment negatively impacts accessibility, the parking lot would not comply with zoning.

The proposal conforms with the City's Official Plan.

Conformity with the Intent and Purpose of the Zoning By-law

The subject property is zoned 'Heavy Industrial' (M2) in the City's Zoning By-law (2010-078, as amended). Warehouse and office are among the permitted uses in the M2 Zone.

A zoning conformity check has been completed as part of the application and all zoning requirements under Heavy Industrial' (M2) have been met.

Under General Provision 5.18.12 Parking Surface & Drainage, all parking surfaces are to be constructed of a non-migrating hard surface material such as asphalt, paving brick, concrete or similar hard-surfaced materials. The applicant is proposing a permeable parking surface and is requesting relief from Section 5.18.12.

The Zoning By-law specifies that all off-street parking stalls and areas shall be graded and drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots. The permeable parking surface proposed is part of a pilot program to evaluate the EcoRaster permeable paving system for similar industrial operations. The permeable paving system features a reinforced grid with gravel fill that helps reduce stormwater runoff and is expected to be a more sustainable option compared with asphalt or concrete. The reinforced grid design with angular stone fill is designed to be compacted to minimize dust generation and minimize washout of the gravel over time compared to a typical gravel surface.

The reinforced gravel parking area is proposed to cover the staff parking area and the delivery van parking area. All other parking area surfaces are to remain conventional asphalt, including the driveway apron to the municipal roadways. The applicant has noted that if the permeable parking surface material does not perform successfully under regular operations, the area will revert back to a non-permeable asphalt surface and the stormwater containment and treatment system has been designed assuming the surface is non-permeable.

Through review of the design details required at the time of the Site Plan Approval application, staff will be reviewing the stormwater management system to ensure that it can function properly even if the entirety of the parking lot is paved at some point in the future. Any conditions regarding design details will be applied as appropriate through the Site Plan Agreement which is registered on title to the lands.

The proposal maintains the general intent and purpose of the City's Zoning By-law 2010-08, as amended, subject to the recommended conditions.

Minor in Nature

The request for relief from the Zoning By-law to construct a portion of the parking area with a permeable parking surface can be considered minor in nature as the request is not expected to impact the planned function of the lands for Industrial development. It is noted by the applicant that the permeable parking surface is part of a pilot program and if the surface material does not perform successfully under regular operations, the area will revert back to a non-permeable asphalt surface. The stormwater management infrastructure has been sized in accordance with non-permeable surface requirements to ensure that the possible resurfacing of the parking areas does not have negative impacts on the site's stormwater infrastructure and design.

As such, the proposal is deemed to be minor in nature

Desirable for the Development and Use of the Lands

The subject property is located within an existing built-up area of the City adjacent to other industrial and commercial uses.

The proposed development represents development on an existing underutilized site, which is desirable in the City's settlement area and consistent with the policy direction provided by the PPS and the City's OP.

The development is in keeping with the permitted uses of the M2 zone and will provide additional services and jobs within an existing built-up area.

The proposal is deemed to be desirable for the development and use of the lands.

Comments Received:

In accordance with the requirements of the Planning Act (Sec. 45, O. Reg. 200/96), Notice of the subject application was provided on April 7, 2025 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

Comment has been received from the City's Engineering & Public Works Department recommending approval of the minor variance.

The reinforced gravel parking area is proposed to cover the staff parking area and the delivery van parking area, the truck court for the large trailers would remain conventional asphalt.

The City has not adopted a standard for alternative surface treatments at this time, however, is agreeable to review alternatives. Parking stall types, orientation and dimensions will be detailed through the Site Plan Approval Application required for the development of the site.

Historic Saugeen Metis

Comment has been received from the Historic Saugeen Metis with no objection to the proposed minor variance.

Grey County

Comment has been received from Grey County with no objection to the proposed minor variance.

Grey Sauble Conservation Authority (GSCA)

Comment has been received from GSCA with no objection to the proposed minor variance.

City of Owen Sound Building Division

Comment has been received from the Building Division with no objection to the proposed minor variance.

Financial Implications:

None to the City.

Communication Strategy:

Notice of the minor variance application was given in accordance with Section 45(5) of the *Planning Act* and Ontario Regulation 200/96.

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 Map
- Schedule 'C': Property Details
- Schedule 'D': Site Plan (with markups)
- Schedule 'E': Conditions of Approval
- Schedule 'F': Agency Comments

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 srobart@owensound.ca or 519-376-4440 ext. 1236.