

Staff Report

Report To: City Council
Report From: Margaret Potter, Senior Planner
Meeting Date: July 7, 2025
Report Code: CS-25-071
Subject: Recommendation Report – ZBA 55 for 1115 10th Street East (former Georgian Heights)

Recommendations:

THAT in consideration of Staff Report CS-25-071, respecting proposed Zoning By-law Amendment No. 55 by Ron Davidson Land Use Planning Consultants Inc. (Ron Davidson) on behalf of Paaji Inc. (Ismail Aboo) required to permit the conversion of and addition to the existing building to create 36 residential apartment dwelling units on lands known as 1115 10th Steet East, City Council:

1. In consideration of the staff reports, recommendations, technical reports, and oral and written submissions, including public and agency comments received, finds that the application is consistent with the Provincial Policy Statement, confirms to the goals and objectives of the City's Official Plan, and represents good planning; and
2. Directs staff to bring forward a by-law to pass Amendment No. 55 to the City's Zoning By-law (2010-078, as amended), and provide notice in accordance with Section 34 of the *Planning Act*.

Highlights:

- A complete application for Zoning By-law Amendment (ZBA 55) has been submitted by applicant Ron Davidson Land Use Planning Consultants Inc. (Ron Davidson) on behalf of Paaji Inc. (Ismail Aboo).

- The purpose of the application is to permit the conversion of and addition to the existing building to create 36 residential apartment dwelling units.
- The apartments are currently proposed as one and two-bedroom rental units.
- The effect of the application is to amend the zone category applying to the subject lands from Institutional (I) to General Residential (R5) to permit the proposed use.
- In accordance with the Planning Act a Public Meeting was held June 16, 2025.
- Comments received from the public, external agencies, and internal department have been considered together with the policy framework in assessing the application.
- Staff recommend approval of ZBA 55.

Strategic Plan Alignment:

Strategic Plan Priority: This report supports the delivery of Core Service.

This report 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:

- represents infill and redevelopment within an existing built-up area
- represents adaptive re-use of an existing building
- maximizes the use of existing municipal services
- has access to municipal transit
- will plan for and manage stormwater

Previous Report/Authority:

[Ontario Planning Act](#)

[Provincial Planning Statement \(2024\)](#)

[City of Owen Sound Official Plan](#)

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

[Staff Report CS-25-057](#) – Technical Report – ZBA 55 for 1115 10th Street East (former Georgian Heights)

[Public Meeting Video](#) – June 16, 2025

[Public Meeting Presentation](#) – June 16, 2025 (Item 6.a)

Background:

A complete application for Zoning By-law Amendment (ZBA 55) has been submitted by applicant Ron Davidson Land Use Planning Consultants Inc. (Ron Davidson) on behalf of Paaji Inc. (Ismail Aboo).

A Public Meeting was held and a technical report considered at the Regular Meeting of Council on June 16, 2025. At the time of completing this report, Minutes of the meeting were not yet available. A video of the public meeting is available online.

Property Description (Schedule 'A')

The subject lands are located at 1115 10th Street East, on the south side of 10th Street East, east of 9th Avenue East, across the street from Ed Taylor Park. There is an existing transit stop at the front of the property.

The lot has an area of approximately 7,899 m² and contains an existing 979.3 m² building formerly known as the Georgian Heights Long Term care facility. The existing building and surface parking area is set back from the street with a sloping driveway providing vehicular access to 10th Street East.

Surrounding land uses include:

North: open space (Ed Taylor Park), residential, commercial

East: residential, institutional (Georgian College, East Ridge Public School)

South: institutional (Sydenham Campus), vacant residential lands (proposed Greystone Village subdivision), commercial, employment (Belwyck Packaging, MacLean Engineering)

West: residential, commercial (Rexall, Tim Horton's, Travelodge)

The subject lands are designated 'Residential' by the City's Official Plan (2021) and are zoned 'Institutional' (I) in the City's Zoning By-law (2010-078, as amended).

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

The Proposal (See conceptual Site Plan, Schedule 'D')

The purpose of the application is to permit the conversion of and addition to the existing building to create 36 residential apartment dwelling units.

The effect of the application is to amend the zone category applying to the subject lands from Institutional (I) to General Residential (R5) to permit the proposed use.

The proposal is currently intended to be developed as rental apartments and will be subject to further review and refinement through a future Site Plan Approval Application. Conceptually, the proposal includes:

- The adaptive re-use of the existing building on site with an addition to the front of the building;
- Maintaining the existing driveway location and parking as well as an expansion of the parking area to the rear of the building;
- Adding new parking spaces, including barrier free stalls, close to building entrances;
- Adding bicycle parking; and
- The construction of a new sidewalk along the south side of the existing driveway to key building entrances, bike parking, barrier free parking, and loading areas to the expanded parking area.

The application requests a change from Institutional (I) to General Residential (R5) zoning, no site-specific zoning regulations are proposed.

Submission & Process Details

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

Submission Item Title	Submission Item Detail
Planning Report	Completed by Ron Davidson Land Use Planning Consultant Inc., dated April 9, 2025
Servicing Feasibility Study	Completed by GEI Consultants dated March 31, 2025
Stormwater Management Report	Completed by GEI Consultants dated March 31, 2025
Urban Design Study	Completed by GM Diemert Architect Inc. dated April 1, 2025
Solar Study	Completed by GM Diemert Architect Inc. last revised April 2, 2025
Site Plan	Completed by GM Diemert Architect Inc. last revised September 17, 2024
Ground Floor Plan - Addition	Completed by GM Diemert Architect Inc. last revised September 17, 2024
Elevations	Completed by GM Diemert Architect Inc. last revised September 17, 2024
Preliminary Services Plan	Completed by GEI Consultants last revised April 4, 2025
Preliminary Grading Plan	Completed by GEI Consultants last revised April 4, 2025

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

The applicant engaged the City in the preliminary consultation process in the fall of 2024. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step	Days
April 9, 2025	Submission of applications for ZBA together with supporting materials and fees	1
May 8, 2025	Letter regarding Notice of Complete Application to the applicant	30
May 21, 2025	Request for comments to city staff and external agencies	43
May 23, 2025	Notice of Complete Application & Public Meeting mailed to property owners within 120 m of subject lands and notice posted on property.	45
June 16, 2025	Public Meeting and Technical Report to Council	69
July 7, 2025	Recommendation Report and Amending By-laws to Council	89

The Planning Act provides for a total of 90 days to process a ZBA application.

Analysis:

The Planning Act and the City's Official Plan establish criteria for evaluating an application to amend the City's Zoning Bylaw. In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the Planning Act. Section 3 of the Planning Act also prescribes that the decision of Council on a planning matter shall be consistent with the policy statements issued under the Act.

Policies within the Official Plan are intended to be consistent with the policies of the relevant Provincial agency, in conformity with the Official Plan for the County of Grey, and address requirements and regulations of other agencies and related regulating authorities.

The application is subject to review by the City's Development Team and external commenting agencies. Public notice has been given in accordance

with the Planning Act and public input has been considered in writing this report.

The technical report outlined the key policy considerations relevant to the evaluation of the subject application. This report will not repeat all of the policies outlined in the previous report; it will respond to them. This report should be read in conjunction with the technical report and is intended to assess the application in consideration of the applicable policies, standards, and comments received.

While analysis is usually structured by hierarchy of policy, this report begins by considering the Zoning By-law to demonstrate the details of what is being requested and then further assess the request against the policy context.

Zoning By-law 2010-078, As Amended

The lands are currently zoned 'Institutional' (I) Zone in the City's Zoning By-law 2010-078, as amended.

Schedule "B" attached shows the zoning of adjacent properties, which are all residentially zoned with the exception of Ed Taylor Park.

The request is to amend the zone category applying to the subject lands from Institutional (I) to General Residential (R5) to permit the proposed use.

No site specific regulations are requested. The Planning Report submitted in support of the application indicates that the proposed apartment building will comply with all relevant provisions of the City's Zoning By-law including building height.

Understanding the Effect of the Request

Planning Staff have undertaken a fulsome review of the proposal in consideration of the Institutional and General Residential zone provisions.

To understand the effect of the request, it is important to understand what is permitted under the current Institutional (I) zone in comparison to the proposed General Residential (R5) Zone. The Table 1 below compares these zones.

Table 1: Comparison of Existing and Proposed Zoning

	Zoning By-law 2010-078, as amended	
	Existing	Proposed
Zone:	Institutional Zone (I)	General Residential Zone (R5)
Permitted Uses:	Clinics Commercial School Community Centre Community Lifestyle Facility Crisis Residence Day Nursery Group Home Group Residence Hospital Library Long Term Care Facility Museums/Galleries Place of Worship Public Park Public Use Schools Studio Student Residence	Dwelling, Single Detached Dwelling, Semi Detached Dwelling, Duplex Dwelling, Townhouse Dwelling, Converted Dwelling, Apartment Group Home Boarding or Lodging House Accessory Apartment Clinics Personal Service Uses Day Nursery Long Term Care Facility Place of Worship Public Parks Schools
	All Permitted Uses Except Public Parks	Apartment Dwelling Regulations
Min. Lot Frontage	20 m	13.5 m
Min. Lot Area	800 m ²	450 m ²
Max. Lot Coverage	60%	40%
Min. Front Yard Setback	7.5 m	6.5 m
Min. Rear Yard Setback	2.0 m	7.5 m
Min. Interior Side Yard Setback	1.0 m	1.2 m on one side and 4.0 m on the other side
Min. Exterior Side Yard Setback	3.0 m	3.0 m
Max. Building Height	12 m	12 m
Max. Density	1.5 FSI	1.0 FSI
Min. Landscaped Open Space	25%	N/A

There is no change requested to the maximum building height. The maximum building height is the same in both the I and R5 zones.

While the proposed R5 zone will allow a building to be constructed closer to 10th Street East than the I zone would allow (by 1m), the required rear and interior side yard setbacks which abut neighbouring residential uses will all be increased by the proposed rezoning.

While Landscaped Open Space is not required for apartment buildings in the R5 zone, the concept plan provides 50% landscaped open space.

Leaving the property in the I Zone would permit more of the lot to be covered, with buildings closer to neighbouring residential uses, than is proposed by ZBA 55 to place the lands in the R5 zone.

Provincial Planning Statement (2024) & Matters of Provincial Interest

In making land use planning decisions, Council must consider the matters of Provincial interest as described in Section 2 of the Planning Act. These matters include (but are not limited to):

- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing;
- the protection of public health and safety;
- the appropriate location of growth and development;
- promotion of development designed to be sustainable, support public transit and be oriented to pedestrians.

A decision by Council of a municipality in respect of the exercise of authority that affects a planning matter shall be consistent with policy statements in effect on the date of the decision.

The 2024 Provincial Planning Statement (PPS) provides direction on matters of provincial interest. The vision of the PPS includes that:

"Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come." (Chapter1)

The PPS identifies zoning by-laws as important for the implementation of the PPS directing that they should be forward-looking and facilitate opportunities for an appropriate range and mix of housing options for all Ontarians.

The subject ZBA has been evaluated under the policies of the 2024 PPS currently in force and effect and the following merits note:

Provincial Direction on Housing in Settlement Areas

The Provincial Planning Statement requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents by among other matters, permitting and facilitating all housing options and all types of residential intensification. Densities which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation are to be promoted. Intensification in proximity to transit corridors is to be required.

In Settlement Areas, Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

The proposed development is in a designated Settlement Area. It will efficiently use land and resources by adapting an existing long-term care home and adding on to it to create residential apartments. This redevelopment and intensification is proposed on serviced land adjacent to a transit stop. A public park is located across the street.

The proposed development will add 36 dwelling units to the City's housing stock and contribute to the range and mix of housing options and tenures in the City to meet the needs of current and future residents.

Provincial Direction on Infrastructure and Public Service Facilities, Water, Sewage, and Stormwater Management

Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

The proposed development will be connected to municipal water and sanitary services. Stormwater management will be required through the site plan approval process.

Provincial Direction on Transportation

Efficient use is to be made of existing and planned transportation infrastructure.

The proposed development is located on 10th Street East, a Collector Road and part of the Core City Bus Route with a stop in the road allowance in front of the site. The 10th Street East road allowance includes a sidewalk on the south side of the street. This is one of the most continuous stretches of sidewalk in the City, providing pedestrian access from the west edge of the City (Sunset Strip), past OSDSS to the River District, Victoria Park and the Julie McArthur Regional Recreation Centre, to the subject lands, East Ridge Community School, Georgian College and the East City Commercial area along 16th Street East and 18th Avenue East (Wal-Mart).

The proposed development will support the efficient use of existing transportation infrastructure.

Conclusion on PPS Consistency

The PPS recognizes that planning authorities must decide on planning matters before their Official Plans and other planning instruments are updated and directs in those instances, it must still make a decision that is consistent with the PPS.

The City is currently undertaking an Official Plan and Zoning By-law Update to follow the 2024 PPS.

The proposed development represents intensification on lands within a settlement area having access to full municipal services, public service facilities, parks, active transportation and transit, and will add to the range and mix of housing options within the City. The proposal is consistent with the policy direction provided by the PPS.

County of Grey Official Plan

Owen Sound is considered a 'Primary Settlement Area' in the County of Grey Official Plan (County OP). Settlement areas with full municipal services are to be the focus of most of the growth within the County to be developed in accordance with the local Official Plan.

The redevelopment of the site will also support the City in assisting the County in achieving the growth allocation targets established in the County Official Plan of 15% of new residential units by way of intensification.

The proposal conforms to the policies of the County OP.

City of Owen Sound Official Plan

The PPS recognizes that municipal Official Plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning.

The subject lands are designated 'Residential' in accordance with Schedule 'A' of the City's Official Plan (2021).

Schedule "B" attached shows the designation of adjacent properties, which are all residentially designated with the exception of Ed Taylor Park.

Schedule 'C' of the Official Plan identifies the segment of 10th Street East fronting the subject lands as a Collector Road.

Schedule 'D' of the Official Plan further identifies this section of 10th Street East as a bicycle route.

The following analysis responds to the City Official Plan (OP) policies highlighted in the technical report. There are many OP policies applicable to development of land, this report focuses on responding to those policies that relate specifically to the zoning amendment request for residential use of the lands.

Vision Goals and Objectives

Section 9.1.1 of the Official Plan provides that the City may amend the Zoning By-law where, in the opinion of the City, sufficient justification exists. Amendments must be in conformity with the policies of the plan and when considering whether an amendment is appropriate, the City should consider the goals, objectives and policies of the plan.

The Vision outlined in the OP states:

The City of Owen Sound is where you want to live. A complete community that values the natural environment, cultural diversity, historic streetscapes, vibrant waterfront and provides a sense of belonging. The City will plan to evolve as a centre for growth, opportunity and innovation while ensuring that

equity, inclusion, diversity, sustainability, resiliency, and quality of life are considered in every decision.

The vision and goals of the City of Owen Sound OP are important to assist in understanding the intent of the policies.

Goals and objectives of the Official Plan highlight:

- promoting growth and development that supports quality of life for all residents;
- compact urban form;
- intensification and redevelopment where appropriate and planning for a full range and mix of housing options in terms of dwelling type, densities, and tenure;
- consistently apply a diversity lens to growth management through planning for persons having diverse abilities and circumstances;
- providing pedestrian environments that are designed to be safe, attractive, accessible, and inviting,
- maintaining residential areas that are safe, convenient, quiet, well-landscaped, diverse, and coherent in scale.

These should be top of mind in considering the following policy sections.

Residential Designation

Where lands are designated Residential on Schedule 'A' – Land Use, the predominant use shall be for residential uses and related purposes. Permitted residential uses include (but are not limited to) apartment dwellings and other forms of multiple housing dwellings. Local institutional uses that are considered compatible or form part of a residential area, such as long-term care facilities, are considered Secondary Uses.

In accordance with Section 3.1.2.1 of the Official Plan densities of 26-60 units per net residential hectare (ha) is considered Medium-density Residential.

The application proposes 36 dwelling units on 0.79 ha of land resulting in an approximate net density of 45.6 units per ha.

By comparison, the adjacent condominium (Bayview Heights) estimated to be approximately 3.3 ha in area containing 99 townhouse units, representing 30 units per ha would also be considered Medium-density.

Density is to be allocated in residential areas where lands have access to hard services, parks, schools, and transit, and medium and high density uses are to have direct access to a collector or arterial road and proximity to local institutional and neighbourhood commercial uses (3.1.2.5).

The subject lands are located on an identified collector road within walking distance to a neighbourhood park and elementary school, access to hard services and transit satisfying this criteria.

Municipal water, sanitary, and storm infrastructure is available to the site and adequate servicing capacity and stormwater management will be confirmed through a future site plan approval process should the zoning amendment be approved.

The policies of the Residential designation support innovative residential development that meets the City's housing objectives and generally supports intensification, infill, and conversion of non-residential buildings to a residential use subject to the criteria outlined in policy 3.1.8.2 as follows:

a. The proposed development meets locational and other criteria of this Plan.

The proposal is located along an identified collector road. The proposal makes efficient use of land, resources, and existing municipal services and public service facilities by retaining an existing building and adding on to it to intensify the use of the land without exceeding the density or coverage requirements of the zoning by-law for the site.

The proposal will add to the range and mix of housing options within the City in a location that is already designated for residential development.

b. The type, size and scale of the proposed development is compatible with adjacent development and planned land use.

The lands are designated Residential and the predominant use of land in the Residential designation is for residential use.

The requested R5 zone is the same zone that applies to adjacent lands to the south and east.

The maximum height is 12 m in both the R5 and I zones. The maximum coverage and floor space index permitted is less in the R5 zone than in the I zone. The size and scale of any development permitted will be more limited in the R5 zone than it would be in the I zone.

Policies of the Official Plan do provide where height or mass may significantly shadow adjacent open space (8.6.7.3) or the pedestrian environment (8.4.2.7) or where high density residential (3.1.2.2) is proposed, shadow impacts should be considered. In this case, there is no request to increase height above the as of right permissions of the R5 zone and the proposed land use would be considered medium density.

The applicant did provide a solar study demonstrating the shadow cast from the proposed building at different times of the year. Shadows move from northwest to northeast with the sun throughout the day in all seasons. In all seasons, by noon there is no shadow cast to the west. In all seasons before dusk, the shadow does not reach neighbouring properties to the east. Only in the winter does shade impact the slope at Ed Taylor Park.

The Urban Design Study prepared by an architect and submitted by the applicant further addresses the Official Plan (8.6.7.3) by affirming that as a principle, at least 50% or more of any property is not shaded for more than two interval times (a four-hour frequency) or at least 50% of any property should be in full sun for at least two interval times (a four-hour frequency).

Rezoning the lands to permit medium density residential development in a location designated for Residential use, with no increase in height, adjacent to other medium density residential uses, is compatible with adjacent development and the planned land use.

c. The existing infrastructure, including sewer and water services, can support additional development.

A Servicing Feasibility Study, Preliminary Servicing Plan, Stormwater Management Report, and Preliminary Grading and Drainage Plan have been submitted with the application.

Water, wastewater, and storm mains exist along 10th Street East in front of the property.

As outlined in comments from the Engineering Services Division, while additional information and refinements will be required as part of any future site plan approval application, the Public Works and Engineering Department has indicated no objection to the Zoning By-law Amendment.

d. The existing community and recreational facilities, such as schools and parks are adequate to meet the additional demand.

As a fully serviced settlement area, the City has access to various public service facilities and transit available to meet the needs of residents.

The subject lands are within walking distance to Ed Taylor Park, Eastridge Community School, and Georgian College. The Julie McArthur Regional Recreation Centre is less than 800m away from the subject lands. The transit route available in front of the site provides access to all of the services the City has to offer.

e. Required parking can be accommodated.

The concept plan demonstrates that the required number of parking spaces, including barrier-free, can be accommodated on site for the proposed use.

Parking and charging stations for electric vehicles is required in new development and redevelopment in accordance with the Official Plan.

Details of layout, grading and drainage, screening, signage, bicycle parking, and EV charging will be further reviewed at the time of any Site Plan Approval Application.

f. The local road network can accommodate any additional traffic.

Schedule 'C' of the Official Plan identifies the segment of 10th Street East fronting the subject lands as a Collector Road. Schedule 'D' of the Official Plan further identifies this section of 10th Street East as a bicycle route.

The Transportation section (5.1) of the Official Plan describes that collector roads provide two functions: carrying moderate levels of traffic between points of origin and the arterial road system; and providing access to abutting properties. The free flow of traffic is to be provided with appropriate traffic control measures to ensure traffic does not impact abutting land uses to the extent that development opportunity is significantly reduced.

Sidewalks are provided in the road allowance abutting the subject lands.

Comments from the Public Works and Engineering Department indicate that a Traffic Impact Study is not required for this development as it does not meet the minimum requirements under Section 5.8 of the Site Development Engineering Standards.

As noted earlier in this report, medium-density residential uses are to have direct access to a collector or arterial road. This suggests that a collector road is the appropriate location to accommodate a medium-density use.

g. Intensification of a heritage building or a building in a Heritage Conservation District shall be subject to the protection and preservation of the heritage character of the building or area in accordance with Heritage Conservation policies.

There are no properties of cultural heritage value or interest listed or designated under the Ontario Heritage Act likely to be impacted by any development of the subject lands in the vicinity.

Urban Design

The Official Plan includes objectives and policies that relate to urban design.

The applicant has provided an Urban Design Study in support of the application which speaks to the design of the proposed addition and indicates an intent to provide wood fencing and plantings to buffer adjacent land uses.

Objectives (2.2.7) of the OP include:

- b. To provide streetscapes and pedestrian environments that are designed to be safe, attractive, accessible, and inviting.*
- e. To maintain residential areas that are safe, convenient, quiet, well-landscaped, diverse, and coherent in scale.*

Urban design policies discussing height and massing have already been responded to with respect to compatibility in the Residential section above.

The urban design policies of the plan consider potential impact on adjacent uses and for new residential development indicate that buildings should be sited to provide relatively consistent streetscapes within an area, with similar setbacks, defining the visual width of the streets and street trees should be planted in accordance with an appropriate plan. New development is to be designed to promote safe, comfortable and accessible environments for all users.

With respect to streetscape, the front yard setback is one of the zoning standards that is less (6.5 m) for an apartment building in the R5 zone than for an I zone use (7.5 m).

The applicant proposes to construct the addition to the existing building with a 6.5 m front yard setback. As shown on north facing elevation, the lowest building level appears as a wall of bricks with no windows while upper levels include windows. The site plan provided shows a planting bed all along the north face of the building to screen the brick wall.

A 6.5m front yard setback is consistent with the required front yard setback for single detached dwellings in the R3 Zone and townhouses in the R5 zone which apply to existing dwellings fronting on to 10th Street East to the west and east of the subject lands.

The Official Plan provides (8.6.1.3) that within a residential area setbacks should be consistent with the general form of existing development. A 6.5m front yard setback will help to provide a consistent streetscape. Locating the building close to the street will provide a defined street edge and with windows proposed along the north side of the building will provide the opportunity for natural observation of the sidewalk and public transit stop which can be beneficial to real and perceived security for pedestrians and transit users.

With respect to privacy, the General Provisions of the Zoning By-law require (in summary) where there are more than four parking stalls a minimum 1.5m wide landscaped strip is required abutting the lot line and shall include a dense or opaque screen which may be in the form of, for example, evergreens, a wall, or a privacy fence, not less than 1.5 m (4.9 ft) in height. This zoning requirement will be addressed through any future Site Plan Approval.

A detailed landscape plan and tree preservation and planting plan were identified as requirements of a complete site plan approval application through the preliminary consultation process. The City's Residential Tree Preservation Policy encourages retention of existing mature trees and replacement at a 2:1 ratio for mature healthy trees that are impacted by development.

It is worth noting that changes made to the Planning Act limit the extent to which any future site plan approval can impact the exterior design and appearance of buildings and works. As such, urban design objectives of the OP relating to the appearance of buildings on site have not been included here as they predate these changes to the Act, and no site-specific zone regulations that would affect the appearance of buildings have been requested as part of the subject application.

Official Plan Conclusion The application to rezone the subject lands from Institutional to General Residential conforms to the policies of the City's Official Plan.

Comments Received

In accordance with the requirements of the *Planning Act*, notice of the subject application was provided to the public and prescribed bodies by the Clerk. The Planning & Heritage Division also requested comments from those departments and agencies likely to have an interest in the applications.

In addition to written comments received, comments from the public were also heard at the Public Meeting held June 23, 2025.

Comments received by the Clerk as of the writing of this report are attached as Schedule 'E' and the Public Meeting Minutes are included in Schedule 'F'.

City of Owen Sound Engineering & Public Works Department (ESD)

ESD comments indicate no objection to ZBA 55. Comments and recommendations are included to be addressed at the time of Site Plan Approval.

Where relevant to specific aspects of this analysis, comments from ESD have been further summarized throughout this report.

City of Owen Sound Fire Prevention Division

No object to ZBA 55, reserve the right to comment further through site plan approval or building permit application.

City of Owen Sound Building Division

Comments indicate no concern regarding ZBA 55, provides direction for compliance with the Ontario Building Code and fees required at the time of building permit.

Historic Saugeen Metis

Encourages the City to protect our natural environment and human health by promoting biodiversity, soil health and air quality and encourages the developer to consider sustainable development measures such as low impact design and planting diverse native species or pollinators gardens and use green building materials.

Grey County

County comments indicate no concerns.

Grey Sauble Conservation Authority (GSCA)

GSCA comments indicate no objection.

Public Comments

Members of the public presented oral submissions at the public meeting and provided written submissions.

Public comments have been considered in the assessment of the subject application. There was some overlap in the comments heard and received from different members of the public. Comment themes are summarized and responded to as follows:

- **Concerns regarding tenure and affordability of units**

An Official Plan sets out general policies for future land use. Zoning By-laws put the OP into effect and provide for its day-to-day administration by providing permitted uses and required standards in each zone. While a zoning by-law can address use and form, there are matters that a zoning by-law does not address.

In accordance with the [Ontario Human Rights Commission](#):

"Every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance."

As well, as noted in the PPS vision:

"Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come." (Chapter1)

- **Concerns regarding height of the building and shade/light pollution**

The height and shade effects of the proposed building are discussed earlier in this report. The applicant is not requesting any increase in permitted height. The maximum permitted height for an apartment building in the R5 zone (12m) is the same as would apply to permitted uses in the Institutional (I). In accordance with the solar study provided, in all seasons, by noon there is

no shadow cast to the west. In all seasons, before dusk the shadow does not reach neighbouring properties to the east.

The Urban Design Study provided by the applicant indicates an intent for new light fixtures to be selected for their dark sky properties.

The Zoning By-law includes general provisions respecting lighting. Where lighting facilities are provided, they are (in summary) to be downward directed and no person shall arrange lighting such that excessive light and glare is deflected onto adjoining properties. This will be reviewed through any Site Plan Approval Application and is typically enforced through a standard condition in any Site Plan Agreement.

- ***Concerns regarding disturbed peace and quiet***

New development of any kind will result in noise during the construction process. Any land users would be expected to enjoy the subject lands respectfully regardless of the type of building they are living in.

The City of Owen Sound Noise Control By-law has been enacted to safeguard the quality of City communities and neighbourhoods; protect health and well-being of the public; and, ensure the continued enjoyment of the City by residents and visitors. Should a violation occur, this by-law can be enforced.

- **Concerns regarding privacy of neighbouring properties**

As discussed in the zoning section above, a similarly sized institutional building could be permitted as of right, even closer to neighbouring properties than would be allowed by the proposed R5 zoning.

The City of Owen Sound does not have a fence by-law in place, except with respect to swimming pool fencing. Public submissions included the request for a 3m (10ft) privacy fence. Privacy fencing is typically 5-6 ft in height.

As discussed in the Urban Design section above, there are zoning requirements for screening specified aspects of a development. Fencing and screening will be addressed through any future site plan approval application and as discussed above, must conform to the Zoning By-law requirements.

- **Concerns regarding water run-off and stormwater management**

The applicant has provided a stormwater management report and preliminary grading and drainage plan.

The report indicates that a stone retention gallery in the proposed parking lot will attenuate the post development peak runoff flow rates to existing levels and overland drainage from the rear yard will be directed from west to east into a catchbasin via a swale, any ponding would overtop into the parking lot and travel north to 10th Street East, not on to neighbouring private property. This is illustrated further on the preliminary grading and drainage plan. Comments from ESD identify revisions necessary to the SWM design prior to Site Plan Approval.

The Official Plan requires that a stormwater management plan is in place prior to construction ensuring stormwater is managed on site and that there is no negative impact on the drainage characteristics of adjacent land. This Official Plan requirement will be implemented through any future Site Plan Approval Application review and any resulting Site Plan Agreement.

- **Concerns regarding increased traffic and slope of driveway**

The existing driveway is proposed to remain as part of the proposal.

10th Street East in this location is an identified collector road meant to carry moderate levels of traffic and is a preferred location for medium density residential uses in accordance with the Official Plan.

The proposal does not warrant a Traffic Impact Study as it does not meet the minimum requirements under Section 5.8 of the Site Development Engineering Standards.

Including a new sidewalk along the existing driveway will improve pedestrian access when compared to the existing situation. It will be a paved option separated from the vehicles on the driveway.

Through the review of any future Site Plan Approval Application staff will further review pedestrian connectivity and accessibility as well as any modifications to the existing site access.

- **Concern regarding proximity to 10th Street**

A 6.5m front yard setback is consistent with the required front yard setback for single detached dwellings in the R3 Zone and townhouses in the R5 zone which apply to existing dwellings fronting on to 10th Street East to the west and east of the subject lands.

As discussed in the Urban Design section above, a building with windows close to the street will help to define the street edge and provide the

opportunity for natural observation of the sidewalk and public transit stop which can be beneficial to real and perceived security for pedestrians and transit users.

The siting of the building closer to the street, sometimes referred to as 'visual narrowing', may reduce traffic speed that has historically been an issue on 10th Street East.

- **Question regarding further plans and date of completion**

Future steps are dependent on the outcome of this application and the timing of the applicant. Site Plan Agreements typically anticipate a 2-year timeframe for construction, though this can be extended upon request. Building Permits are usually valid for a minimum of one year.

Site Plan Control

The purpose of the zoning by-law amendment is to determine if the R5 zoning is appropriate for the lands.

A conceptual site plan (Schedule 'D') has been provided with the Zoning By-law Amendment Application for the purposes of assessing the zoning regulations.

The conceptual site plan has been reviewed against the zoning regulations for the R5 zone and found that the proposed development can comply. No site specific regulations are requested or required by the proposal.

The proposed development is subject to Site Plan Control in accordance with Section 41 of the Planning Act and City By-law 2019-185. As legislated, site plan approval is now a staff-delegated process.

- Through the preliminary consultation process, items required for a complete site plan approval application were identified, including but not limited to additional fees and a fully dimensioned set of detailed plans. The plans and studies submitted in support of the zoning application would have to be finalized for the site plan stage.
- It is anticipated that a formal site plan approval application will follow should the zoning by-law amendment application be approved.

Changes made to the Planning Act limit the extent to which any future site plan approval can impact the exterior design and appearance of buildings and works.

Through site plan review, staff will assess the development for such matters as:

- pedestrian walkways and rest areas;
- site lighting;
- modifications to site access (such as surface material);
- refinement of the site servicing design;
- refinement of the stormwater management design to ensure among other matters the Official Plan requirements are satisfied;
- Parking lot design and layout, including the provision of electric vehicle charging stations in accordance with section 5.1 of the Official Plan;
- Consideration is given to the location of existing trees and their replacement if impacted;
- Streetscapes and landscaping;
- Existing tree protection and replacement;
- Fencing in accordance with the City's Zoning By-law.

Financial Implications:

Application fees were collected as part of the Zoning By-law Amendment (\$4,600) application as prescribed by the Fees and Charges by-law, and collected on behalf of GSCA (\$830) and County of Grey (\$400).

The site contains an existing structure and the subject lands are already serviced, including hard services (roadway, water, sanitary and storm).

Through any future site plan approval application details of how the new development will be serviced and the need for any servicing agreements will be established.

The project will be subject to the collection of development charges in accordance with the development charges by-law in effect at the time of any building permit application. Development charge calculations will consider any credit for the existing building in accordance with the by-law in effect at the time.

Communication Strategy:

A Notice of Complete Application and Public Meeting was given in accordance with the *Planning Act*.

Notice of Decision will be given following Council's decision on the matter and a twenty (20) day appeal period will follow the notice. As a result of recent changes to the Planning Act, third party appeal rights are limited to the applicant, public bodies, and specified persons who made oral or written submissions prior to a decision being rendered. Specified persons generally include energy, road, and telecommunication providers.

Consultation:

In addition to the public notice, the Planning Division also sent a request for comments to the City's Development Team and external commenting agencies, further detailing the nature of the applications.

All comments received have been considered as discussed herein.

Attachments:

- Schedule 'A': Orthophoto
- Schedule 'B': Planning Policy
- Schedule 'C': Property Details
- Schedule 'D': Site Plan, Elevations, and Solar Study
- Schedule 'E': Agency and Public Comments
- Schedule 'F': Public Meeting Minutes
- Schedule 'G': Draft Zoning By-law Amendment

Recommended by:

Margaret Potter, BES, MCIP, RPP, Senior Planner
Sabine Robart, M.SC (PL), MCIP, RPP, Manager of Planning & Heritage
Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Margaret Potter, Senior Planner at mpotter@owensound.ca or 519-376-4440 ext. 1250.