

Staff Report

Report To: City Council
Report From: Sabine Robart
Meeting Date: March 1, 2021
Report Code: CS-21-016
Subject: Technical Report for Zoning By-law Amendment No. 33
Thompson Centres Inc.

Recommendations:

THAT in consideration of Staff Report C2-21-016 respecting the proposed multi-unit commercial development at 1960 16th Street East, City Council directs staff to continue to process Zoning By-law Amendment No. 33 in accordance with the process outlined in this report.

Highlights:

- Zoning By-law Amendment No. 33 applies to permit a multi-unit commercial development, including a mix of restaurants and retail/service commercial uses, tentatively contained in four (4) detached buildings.
- Official Plan policies require a market analysis/study to demonstrate the need for the proposed development and the impact of the proposed use on the commercial structure of the City and the Region, including all commercial areas within and close to the City. A peer review of the submitted Retail Impact Study is underway.
- The application has been deemed complete and a Public Meeting to consider Zoning By-law Amendment No. 33 is proposed on or around March 29, 2021.

Strategic Plan Alignment:

This is a technical report for a legislated review process under the Ontario *Planning Act*. Assessment of the subject application's alignment with the City's Strategic Plan will be conducted in the recommendation report to follow.

Background & Proposal:

A complete application for a Zoning By-law Amendment (ZBA 33) has been submitted by Thompson Centres Inc. (Lou Meandro), for a multi-unit commercial development at 1960 16th St E.

Property Description

The subject property is located on the north side of 16th St E, at the intersection with 20th Ave E. in the City's east city commercial area. Surrounding land uses include:

North: Industrial (former Tenneco site) & vacant Employment lands

East: Vacant Commercial and Employment lands

South: Commercial (Heritage Grove development)

West: Commercial / Light Industrial uses

The subject lands are designated 'East City Commercial' in the City's Official Plan (2006) and are zoned 'General Industrial' (M1) with Special Provision 14.88 in the City's Zoning By-law (2010-078, as amended).

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

The Proposal

The applicant is proposing a multi-unit commercial development, including a mix of restaurants and retail/service commercial uses, tentatively contained in four (4) detached buildings. The proposed rezoning would facilitate the construction of shared surface parking area, internal road system, landscaping and the extension of 20th Avenue East north of 16th Street East under a future application for site plan approval.

The effect of the application is to amend the Zoning By-law from 'General Industrial' (M1) with Special Provision 14.88 to apply the 'Retail Commercial' (C2) zone provisions to the subject property and to provide for site specific zone regulations with regard to setbacks from lot lines, among other matters.

Submission & Process Details

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

Submission Item Title	Submission Item Detail
Concept Plan	Prepared by Greystone dated April 27, 2020
Geotechnical Investigation	Prepared by Paterson Group Inc. dated October 19, 2020
Retail Impact Study for Sydenham Heights Centre, Owen Sound	Prepared J.C. Williams Group dated December 9, 2020
Sydenham Heights Centre Servicing Feasibility Study	Prepared by Tatham Engineering Ltd. dated December 18, 2020
Planning Report	Prepared by Cuesta Planning Consultants Inc. dated January 2021
Stage 1 & 2 Archaeological Assessment	Prepared by Scarlett Janusas Archaeology Inc. dated October 31, 2020 & November 25, 2020
Survey	Prepared by Dinsmore & England Ltd. dated March 2, 2020

The applicant engaged the City in the Pre-consultation process in June 2020. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step
January 13, 2021	Submission of complete application and fees
February 3, 2021	Letter of Complete Application to Applicant
February 5, 2021	Notice of Complete Application given to public via newspaper notice and mailed courtesy notice to landowners within 120 m of subject property
February 5, 2021	Request for City Staff and Agency comments sent

Technical Review:

The subject proposal is required to meet all development standards and policies applicable to projects within the City of Owen Sound. The proposal is required to be consistent with the Provincial Policy Statement and in conformity with the City Official Plan and Zoning By-law. The application is subject to review by the City's Development Team, as well as external commenting agencies.

All applicable policies, standards, and review comments will be reviewed in the Staff Recommendation Report (anticipated for Council agenda on April 19, 2021). The review below describes the proposal more completely and outlines the key considerations, evident to staff at this time, that are relevant to the subject application.

A: Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) 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, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The PPS directs development to full serviced, designated settlement areas and requires contiguous development that minimizes land consumption and servicing costs.

The PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs of the municipality. Downtowns are to be maintained, and where possible, the vitality and viability of the downtown and mainstreets are to be enhanced.

The pending recommendation report will assess if the proposal is consistent with the direction provided by the PPS.

B: County of Grey Official Plan

The subject property is designated 'Primary Settlement Area' in the County of Grey Official Plan (County OP). 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 Primary Settlement Area. Land use policies and development standards are to be in accordance with the local Official Plan.

The pending recommendation report will assess if the proposal conforms to the policies of the County OP and if conditions of approval respecting County OP conformity should be applied.

C: City of Owen Sound Official Plan

The subject property is designated 'East City Commercial' in the 2006 Owen Sound Official Plan (OP).

The East City Commercial designation identifies lands in the east part of the City that are the main eastern entrance to the City and is a key element in the image of the City. The main function of the designation is to accommodate large format retail uses requiring relatively large sites. These

sites serve as a regional destination and may include single or multi-purpose sites. Permitted uses in the designation include:

- Large format retail and service commercial uses (4.4.1.1 a).
- Smaller scale retail, service commercial and personal uses, financial institutions and services, business, professional and medical offices, restaurants, entertainment and community facilities in support of the retail and service commercial uses (4.4.1.1 b).

Sec. 4.4.2.9 of the OP applies when a rezoning application is received within the East City Commercial designation for a commercial use. Sec. 4.4.2.9 stipulates that the applicant is required to provide a market analysis/study to demonstrate the need for the proposed development and the impact of the proposed use on the commercial structure of the City and the Region, including all commercial areas within and close to the City. The study shall confirm that:

- i. Designated commercial property, suitable for the intended scale and type of development is not available within the Downtown Area.
- ii. Available commercial property in the Downtown is not economically viable for the intended scale and type of development.
- iii. The proposed increase in commercial floor space will not be premature by increasing the amount of commercial floor space in the City beyond the 5-year market demand.
- iv. The proposed development will not undermine the economic viability or planned function of a significant commercial component of the Downtown or impair the function of a designated commercial district as identified in this Plan.

The applicant has submitted a retail market impact study. A peer review by MHBC Planning Consultants (Tate Economic Research) is underway.

In addition, the application is required to provide an assessment of the traffic, land use, ecological and servicing impacts of the proposed use, including recommended infrastructure improvements necessary to facilitate the development. The applicant has provided a number of supporting studies as noted above. The reports and studies will be evaluated in the Recommendation Report following the Public Meeting.

The recommendation report following the Public Meeting will assess if the proposal conforms to the policies of the City OP.

D: City of Owen Sound Zoning By-law

The subject property is zoned 'General Industrial' (M1) and is subject to Special Provision 14.88 in the City's Zoning By-law (2010-078, as amended).

Permitted uses in the M1 zone include a wide range of light industrial type uses. The site specific provisions permit a vehicle sales establishment in addition to the uses permitted in the M1 zone. The M1 zone does not permit restaurants or any type of commercial, personal service or retail uses.

The applicant is proposing a multi-unit commercial development, including a mix of restaurants and retail/service commercial uses, tentatively contained in four (4) detached buildings.

The effect of the application is to amend the Zoning By-law from 'General Industrial' (M1) with Special Provision 14.88 to apply the 'Retail Commercial' (C2) zone provisions to the subject property and to provide for site specific zone regulations with regard to setbacks from lot lines, among other matters.

The C2 zone permits commercial uses, offices, personal service uses, restaurants (including drive through restaurants) and retail stores among other uses.

The amendment is also required to provide site specific relief from the required front yard setback and the exterior side yard setback. The extension of 20th Ave E north of 16th St will create a lot abutting a street on three sides (16th St, E, 20th Ave E and 17th St E). The Zoning By-law states that in the case of a corner lot where there are three abutting streets the front lot line shall be deemed to be the lot line where the face of the building is intended to be the front.

In this case, the buildings will front/face 16th St E and therefore the 16th St E lot line is the front lot line. The required front side yard setback in the C2 zone is 10.0 m. The provided front yard setback is 8.0 m for Buildings A and B and 9.7 m for Building C from 16th St E. A reduction of 2.0 m is requested from 16th St E, being the front lot line.

Due to the extension of 20th Ave E, the eastern lot line will become an exterior side lot line. The required exterior side yard setback in the C2 zone

is 3.0 meters. The provided exterior side yard setback is 2.0 meters. A reduction of 1.0 m is requested from 20th Ave E, being the exterior side lot line.

The pending recommendation report will assess if the proposed reductions meets the purpose and intent of the City's Zoning By-law, and if the other site metrics are compliant.

E: Site Plan Control Matters

The proposed development is subject to Site Plan Control in accordance with Section 41 of the *Planning Act* and City By-law 2019-185. An application for Site Plan Approval has not been submitted at this time. Staff anticipate the submission of an application for Site Plan Approval for the proposed development once zoning policy is in place to enable the proposed development with the approval of the zoning amendment.

Next Steps:

In accordance with the *Planning Act* and City protocols for processing Planning Act Applications, the following outlines the next steps in the process:

Anticipated Date	Step
March 5, 2021	Notice of Public Meeting Given
March 29, 2021	Public Meeting
April 19, 2021	Recommendation Report to Council
May 3, 2021	Enacting By-laws to Council subject to Council approval

Financial Implications:

No implications to the City. The development will have a positive impact on assessment.

The cost of peer review will be paid for by the applicant.

Communication Strategy:

Notice of Complete Application was given as required by the *Planning Act*.

Consultation:

The public meeting is scheduled for March 29, 2021. Members of the public are welcome to attend and make oral submissions at the public meeting, or submit comments in writing prior to the public meeting. Comments received prior to the Public Meeting date will be included in the Public Meeting Council agenda package.

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 will be considered as part of the Staff Recommendation Report.

Attachments:

Schedule 'A': Orthophoto

Schedule 'B': Official Plan and Zoning Map

Schedule 'C': Property Details

Schedule 'D': Site Plan, Grading and Drainage Plan, Landscape Plan

Recommended by:

Sabine Robart, MSC (PLAN), Planner

Reviewed by:

Amy Cann, M. PL. MCIP, RPP, Manager of Planning & Heritage

Supported by:

Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Sabine Robart, Planner at srobart@owensound.ca or 519-376-4440 ext. 1236.