

**854377 Ontario Limited,
Property Management**

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Box 368, 1580 20th St. E.,
Owen Sound, Ontario.
N4K 5P5

June 27, 2023

City of Owen Sound
808 2nd Avenue East Owen Sound, ON N4K 2H4

Attention: Sabine Robart
Manager of Planning & Heritage

**Re: Zoning By-law Amendment Application
1580 20th St E, Owen Sound, ON
Part Park Lot 5, Range 8 EGR, Owen Sound; RP16R-3041, Prt 1,2; 16R-6691 Pt4,5&6
Owner: 854377 Ontario Limited aka. The Business Centre
Planning Justification Report**

Dear Ms. Robart:

Further to pre-consultation discussions involving a rezoning of the above-noted property, please find enclosed:

- Planning Application Form A.0;
- Planning Application Form A.7;
- Engineering Review Form C.1; and,
- Application fees

The purpose of the Zoning By-law Amendment is to amend the zoning of the subject property, from 'M2' (Industrial Zone -Heavy) to 'M1' (Industrial Zone -Light), causing a change of use permissions to include a Community Lifestyle Facility, which will facilitate the establishment of an indoor climbing -bouldering gym facility in Units 10 & Units 11 of the existing building.

To assist City staff in the review and evaluation of the proposed amendment, please accept the following report.

We appreciate the help and assistance of the City planning staff.
If you have any questions regarding this proposal, please contact us.

We look forward to your response.

Yours truly,

Bert Wakeford, President
For: 854377 Ontario Limited, aka The Business Center

Background:

The subject property is located at 1580 20th St. East, Owen Sound Ontario; on the North West corner of the intersection of 20th St. East and 16th Ave. East. It is currently zoned 'Industrial M2'-Heavy.

The site comprises approximately 8,143 square metres of land and possesses frontage of 75.32 metres along 20th St. E. and 108.11 metres of frontage along 16th Avenue E.

These lands are owned by the 854377 Ontario Limited, aka The Business Center.

Located on the subject property is a single storey concrete block, flat roofed, industrial mall consisting of 13 rental units, each with an average size of 185 square metres, creating a total a floor area of approximately 2,399 square metres.

Since constructed in approximately 1976 this building has hosted a variety of uses, as permitted within the M2 designation.

The building currently has two vacant units consisting of approximately 569 square metres.

A prospective tenant would like to occupy this space to provide the community with an indoor rock climbing-bouldering gym, a use which is a compatible use with other current tenant profiles. The gym, which will bring new employment to Owen Sound, requires high ceilings which are not available elsewhere in Owen Sound.

The property provides paved parking areas surrounding the building that can accommodate up to 89 stalls.

There are approximately 75 parking stalls, which are over-width to reduce accidental side door-denting.

Based upon current tenant uses approximately 63 parking spaces are required for this building.

Two catch basins are located within these parking areas to handle storm-water.

Ingress and egress to and from the parking areas is provided from both 20th St. E. and 16th Ave. E..

The building, parking area, driveway, etc. are shown on the site plan, Appendix 1 attached to this Planning Report.

Adjacent Land Uses:

The subject property is situated within and towards the west edge the Owen Sound Industrial Zone.

Permitted land uses within the immediate surrounding lands of this site include M1 to the South, North and West, the Kenny Drain Hazard land is to the East. Uses in the extended vicinity to the west and north includes; professional offices, storage and transportation services.

The south edge of the East Bluff Planning Area, (O.P. Sch.'A1") which includes high density residential uses is approximately 155 meters to the North-West of the subject property.

City of Owen Sound Zoning By-law:

The site is currently zoned, Industrial Zone ‘M2’ (Heavy Industrial), a zone which reflects the current uses of this site which included office, wholesale and light industrial uses.

The proposed use of a Community Lifestyle Facility is not allowed in the M2 zone.

The proposed Zoning By-law Amendment would apply the ‘M1’ (Light Industrial) zone to the subject land, which is consistent with the all lands surrounding this property and provides greater compatibility with the residential pressures from the west.

The ‘M1’ zone would permit the proposed use of a Community Lifestyle Facility and is more congruent with the smaller sized business units found within this industrial mall.

The proposed M1 zoning schedule uses is provided in Appendix 7 of this Planning Report.

City of Owen Sound Official Plan:

According to Schedule “A”, of the City of Owen Sound Official Plan, the subject property, is located within an employment zone (Appendix 3) and further designated within Zoning Map 17 as ‘Industrial Zone-M2”. (Appendix 6) A variety of Industrial uses are permitted within this land use designation including, ‘Industrial Mall’-limited to permitted uses, Office, Wholesale Establishments, Indoor/Outdoor Storage, including inflammables, explosive and other liquids and gases, Industrial uses –Heavy.

The Official Plan promotes a variety of employment zone uses, predominant being manufacturing, assembly, packaging, printing, warehousing and storage. Also permitted are sales and service uses ancillary to employment uses, offices and research establishment and recreational uses such as fitness centres. (OP 3.9) The development focus will include the attraction of a wide range of employment and business uses within the Employment Lands.

The edge of the East Bluff Planning Area, (O.P. Sch.’A1”; Appendix 3&4) which includes high density residential uses is approximately 155 meters to the North-West of the subject property.

The official Plan states that ‘in locations adjacent to residential areas, light employment and ancillary uses that would have a limited impact on the surrounding area will be permitted’, and shall be evaluated based upon compatibility with existing and proposed uses in the surrounding area. (OP 3.9.2.1; 3.9.2.2)

The amending of the lot zone from M2-Heavy Industrial to M1-Light Industrial appears to provide greater compatibility with the adjacent use and may reduce the need for additional buffering and screening. (OP 8.6.7.5)

Based upon the criteria found within the Official Plan it appears that at the proposed Zoning By-law Amendment conforms to the City of Owen Sound Official Plan.

Provincial Policy Statement [PPS] section 3 of the *Planning Act*, May 1, 2020

The Provincial Policy Statement provides provincial policy direction on matters related to land use planning and development within designated Ontario settlement areas, such as Owen Sound. This statement provides for the balancing of appropriate development, with the protecting of health, safety, and environmental quality. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Land Use Compatibility

According to the PPS, land uses shall be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate any potential adverse effects from odour, noise and other contaminants, to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities. (PPS 1.2.6.1) When unavoidable, the planning and development of proposed adjacent sensitive land uses are only permitted if:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and
- d) potential impacts to these uses are minimized and mitigated. (PPS 1.2.6.2)

To address these requirements it is noted that:

- a) There is no similar Rock Climbing Gym facility within 100 kilometers of Owen Sound, a small facility is available 65 kilometers away. The local rock climbing community is underserved.
- b) The tenant has evaluated several alternatives, none of which offered the required ceiling height.
- c) Adverse effects to adjacent land uses are minimized by the rezoning from heavy industrial to light industrial.
- d) Potential future adverse tenant uses are also minimized.
- e) The long term economic viability of the facility is enhanced.

Employment

According to the PPS, planning authorities shall promote economic development and competitiveness by providing a long-term mix and range of employment, institutional, and broader uses, in conjunction with opportunities economic diversification supported by a range of choices of suitable sites for employment uses and ancillary uses, considering the needs of existing and future businesses. (PPS 1.3.1)

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses*. *Employment areas* planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-*employment areas*. (PPS 1.3.2.3)

To address these requirements it is noted that:

The proposed zoning change mitigates the potential industrial impacts upon the East Bluffs Planning Area.

Based upon the criteria found within the PPS it appears that at the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement.

Public Consultation Strategy

Upon acceptance of this application, we will follow any direction from the city planning staff regarding public notifications and meetings.

Furthermore, it is the intention to post signage of appropriate size upon front property's edge of the subject property clearly facing 20th St. East and a second sign clearly facing 16th Ave. East.

Notification in the local Suntimes is anticipated as are flyers covering the appropriate postal code.

Draft Zoning By-Law Amendment

The Draft Zoning By-Law Amendment in text and the appropriate schedule is attached. (Appendix 8 & 9)

Summary:

The proposed Zoning By-law Amendment amending the zoning of the subject property from Industrial –M2 Heavy to Industrial M1-Light has great merit.

Conformity / Consistency:

The proposal appears to be both to be conforming with the Owen Sound Official Plan, June 28, 2021 and to be consistent with the Provincial Policy Statement.

Community Benefit:

In the immediate term this proposal will provide the Owen Sound community with a new, additional and attractive recreational facility. There will be an improvement in local activities and employment opportunities. It will enhance Owen Sound community offering to attract additional businesses and residence.

Enhanced Transition from Residential Uses:

In the long term this amendment will provide for an enhanced transition from the East Bluffs Planning Area and reduce the possible need for additional buffering, screening and separation.

Enhanced Congruency with the existing and future uses of the existing Industrial Mall

With an average unit size of 185 sq. m. [1,990 sq. ft.] the units within this mall are much smaller than typical heavy industrial uses. We service the smaller business community, as is reflected in M1 zoning.

BY-LAW NO. 2023-
THE CORPORATION OF THE CITY OF OWEN SOUND

BEING A BY-LAW TO AMEND BY-LAW 2010-078, BEING "A COMPREHENSIVE ZONING BY-LAW TO IMPLEMENT THE CITY OF OWEN SOUND OFFICIAL PLAN AND TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE CITY OF OWEN SOUND, as AMENDED",

RESPECTING THE CREATION OF SITE-SPECIFIC ZONING FOR LANDS KNOWN AS PART OF PARK LOT 5 RANGE 8 EGR, OWEN SOUND, RP16R-3041, PART 1,2 & 16R-6691 PART 4,5,6 (1580 20TH STREET EAST).

WHEREAS the Planning Act R.S.O. 1990 c.P. 13, as amended, 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 the Council of the Corporation of the City of Owen Sound is desirous of adopting a zoning by-law amendment pursuant to Section 34 of the Planning Act and,

WHEREAS such amendment to By-law 2010-078, as amended will maintain the terms and intent of the City of Owen Sound Official Plan; and,

WHEREAS the Council of the Corporation of the City of Owen Sound has carefully considered all public comments throughout the process; and,

WHEREAS it is now deemed desirable and in the public interest to adopt By-law 2023-____.

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

- 1) That Schedule A, Zoning Map 17, forming part of By-law 2010-078, as amended, is hereby further amended by changing the zoning category on the subject lands from the General Industrial Zone (M2) to a General Industrial Zone (M1) shown more particularly on Schedule 'A' attached hereto and forming part of this By-law,
- 2) That this by-law shall come into force and effect on the final passing thereof by the Council of the City of Owen Sound, subject to compliance with the provisions of the Planning Act, R.S.O. 1990, as amended.

Read a first and second time this ____day of _____, 2023.

_____ Mayor

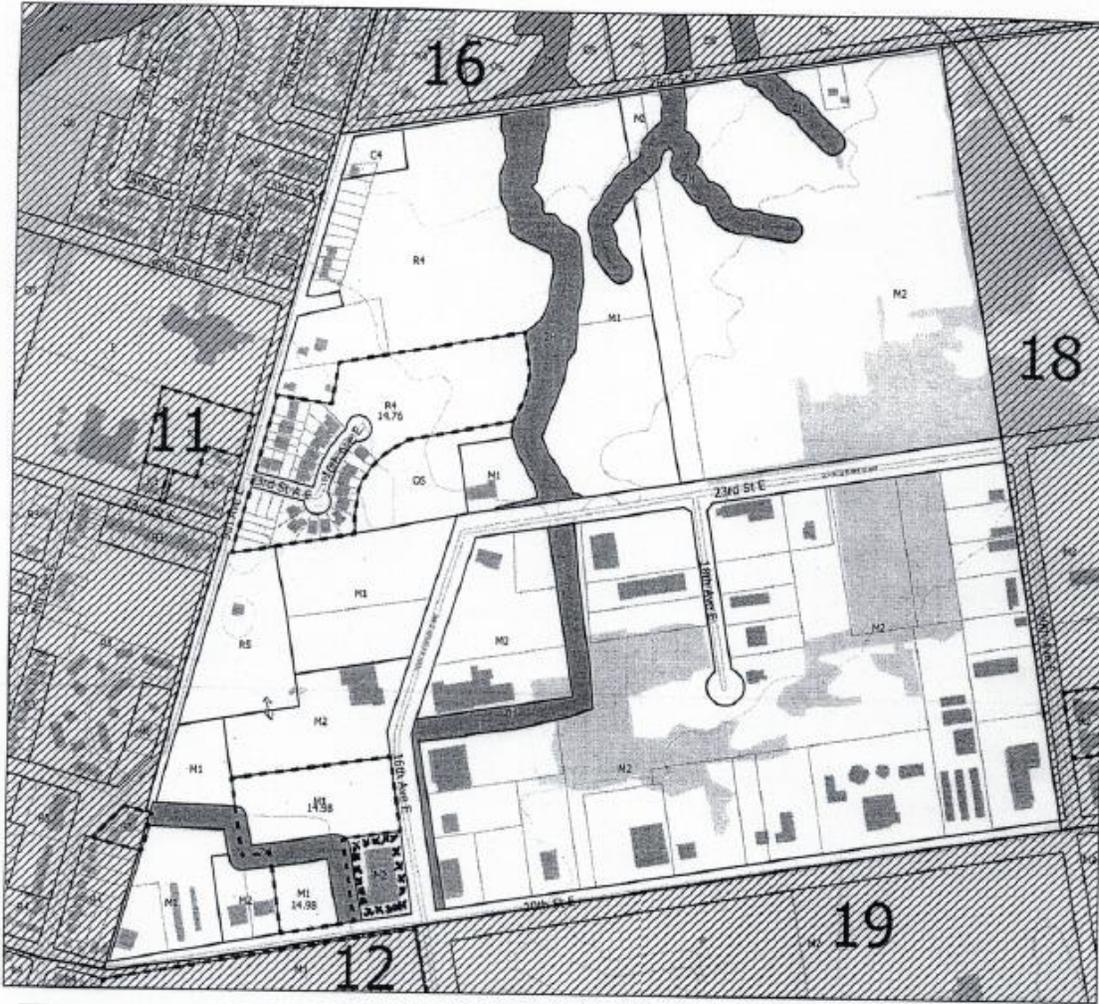
_____ Clerk

Read a third time this ____day of _____, 2023.

_____ Mayor

_____ Clerk

Schedule 'A'



Legend: Land to be Rezoned from M2 General Industrial to M1 General Industrial: xxxxx

City of Owen Sound
Grey County

DRAFT

Draft Zoning Bylaw Amendment Schedule 'A' **For Discussion Purposes Only**

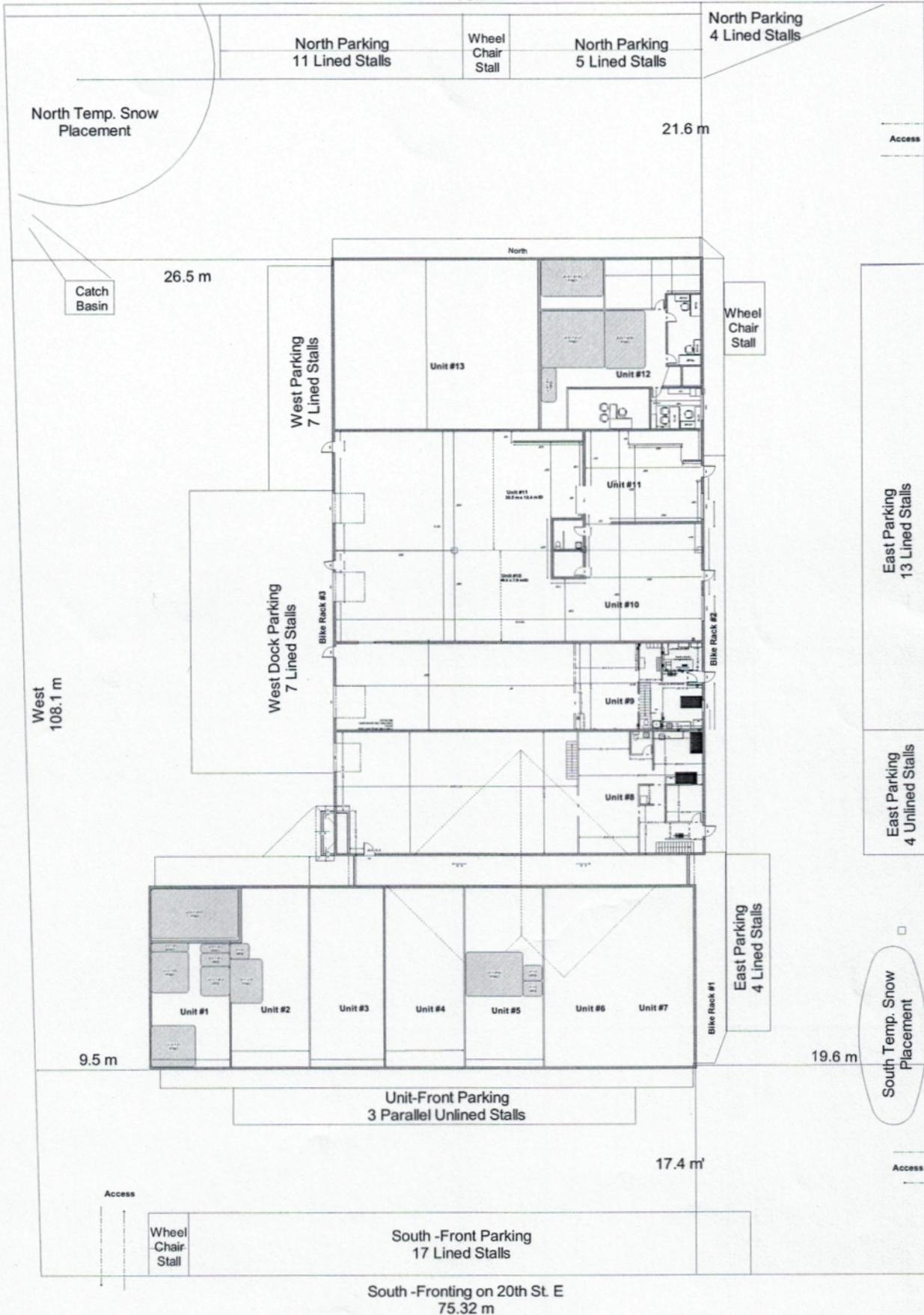
the property located at:
1580 20th St. East,
PART OF PARK LOT 5 RANGE 8 EGR, OWEN SOUND, RP16R-3041, PART 1,2 & 16R-6691 PART 4,5,6
City of Owen Sound
Grey County

June 27, 2023

Site Plan - The Business Centre
1580 20th St. East, Owen Sound, ON

Appendix 1

North
76.2 m



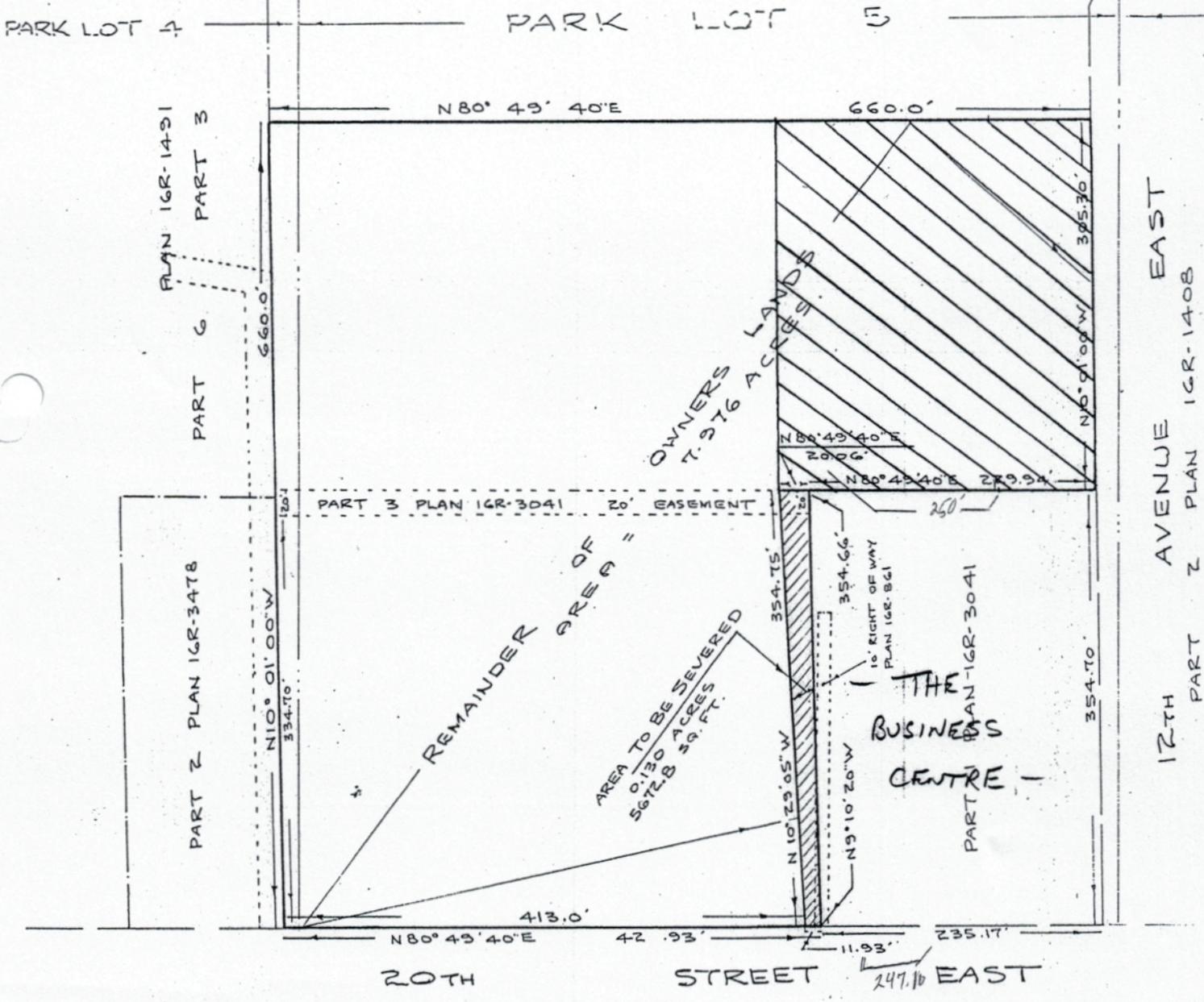
South -Fronting on 20th St. E
75.32 m

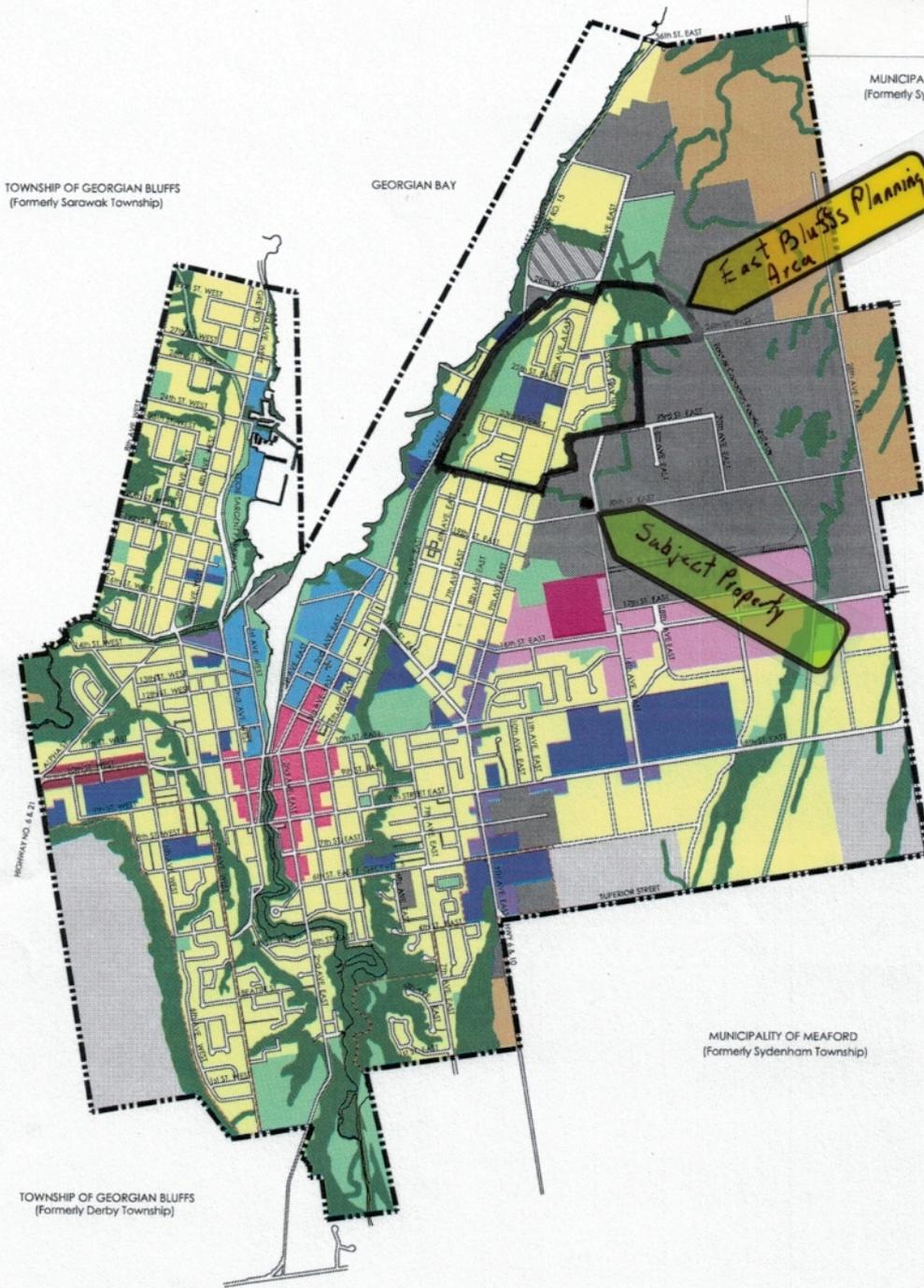
SKETCH OF PART OF
PARK LOTS 4 & 5 RANGE 8
EAST OF THE GARAFRAXA ROAD
CITY OF OWEN SOUND
COUNTY OF GREY

SCALE 1" = 100'
1997

JANUARY 30TH 1997
HEWITT AND MILNE LIMITED
ONTARIO LAND SURVEYORS
BOX 112 OWEN SOUND ONT.

PART 1 PLAN 16R-1408





Legend

- | | | | |
|---|---------------------------|---|--------------------------------------|
|  | Residential |  | Open Space |
|  | River District Commercial |  | Rural |
|  | Regional Shopping Centre |  | Hazard Lands |
|  | East City Commercial |  | Niagara Escarpment Plan Area |
|  | West City Commercial |  | Niagara Escarpment Plan Area - Urban |
|  | Arterial Commercial |  | Planned Road |
|  | Waterfront Mixed Use | | |
|  | Industrial Transitional | | |
|  | Employment | | |
|  | Institutional | | |



Schedule 'A'

Official Plan
City of Owen Sound
Land Use Plan

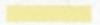
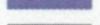


May 2021
1:28,000

Appendix 4



Legend

-  Planning Area Boundary
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Institutional
-  Arterial Commercial
-  Industrial
-  Open Space
-  Hazard Land

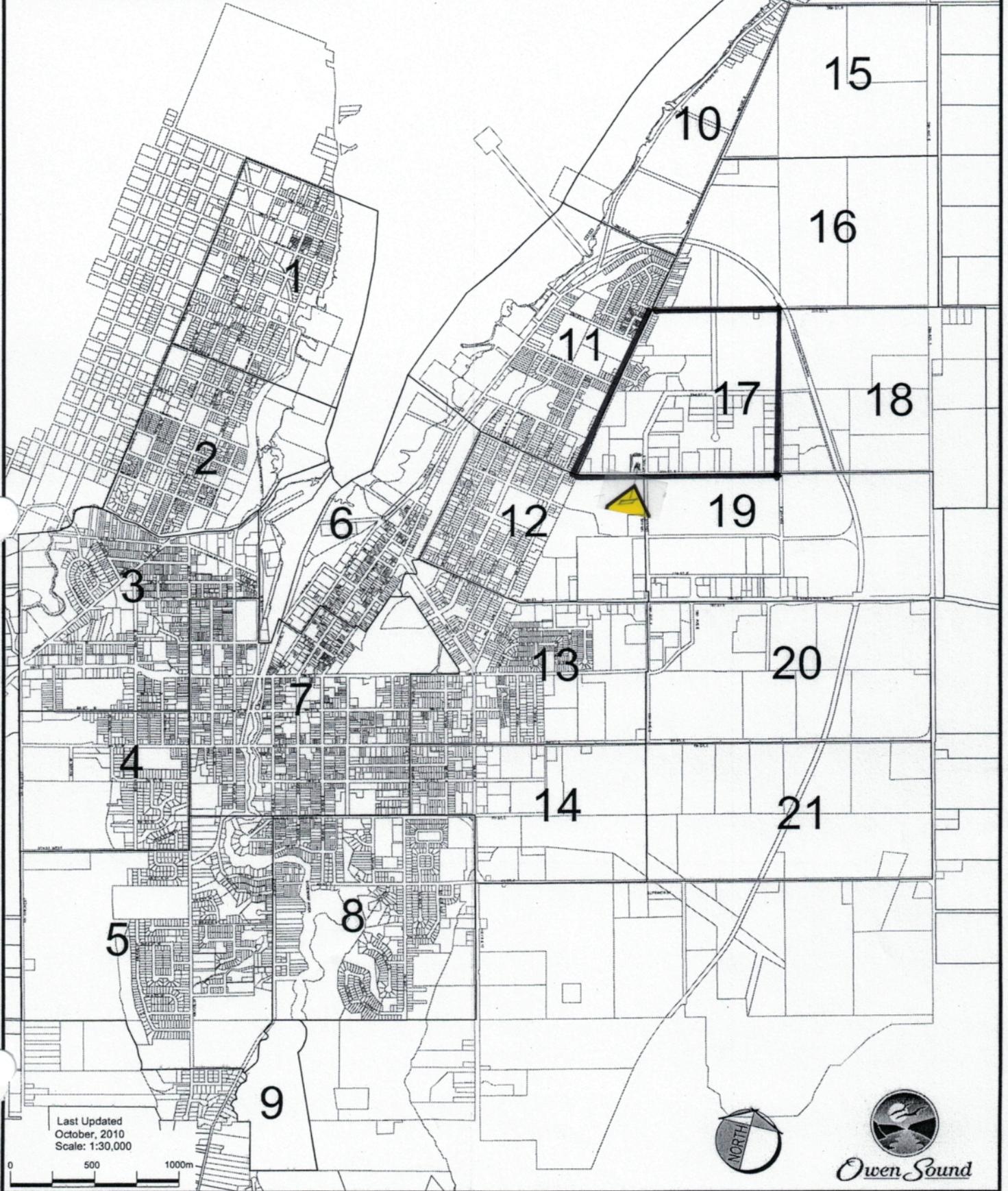
Schedule 'A1'

Official Plan
City of Owen Sound
East Bluffs Planning Area
Land Use Plan



May 2021
1:10,000

City of Owen Sound Schedule "A" Index Map for Zoning Maps

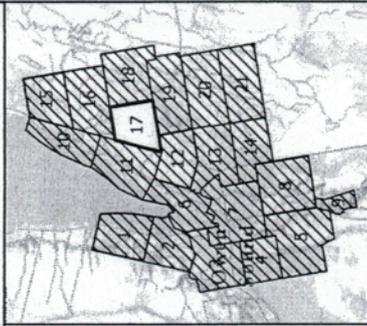


City of Owen Sound
Zoning By-law
Schedule "A"

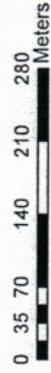
17

- R1 Single Residential
 - Ra Low Density Residential
 - Rb Low Density Residential
 - Rc Medium Density Residential
 - Rd General Residential
 - MR Multiple Residential
 - C Core Commercial
 - C1 Retail Commercial
 - C2 Neighbourhood Commercial
 - C3 Arterial Commercial
 - C4 Regional Shopping Centre
 - MC Mixed Use Commercial
 - M1 General Industrial
 - M2 Heavy Industrial
 - MU Mixed Use Industrial
 - I Institutional
 - A Agricultural
 - RUR Rural
 - OS Open Space
 - Hazard Land
 - Special Provision - (Amendment #)
 - (H) Holding Provision
1. This map does not represent a legal plan of survey.
2. Reference to be made to Schedule 'B' for Hazard Zone

- Zoning Map Boundary
- Zone Boundary
- Property Boundary



owen sound
where you want to live

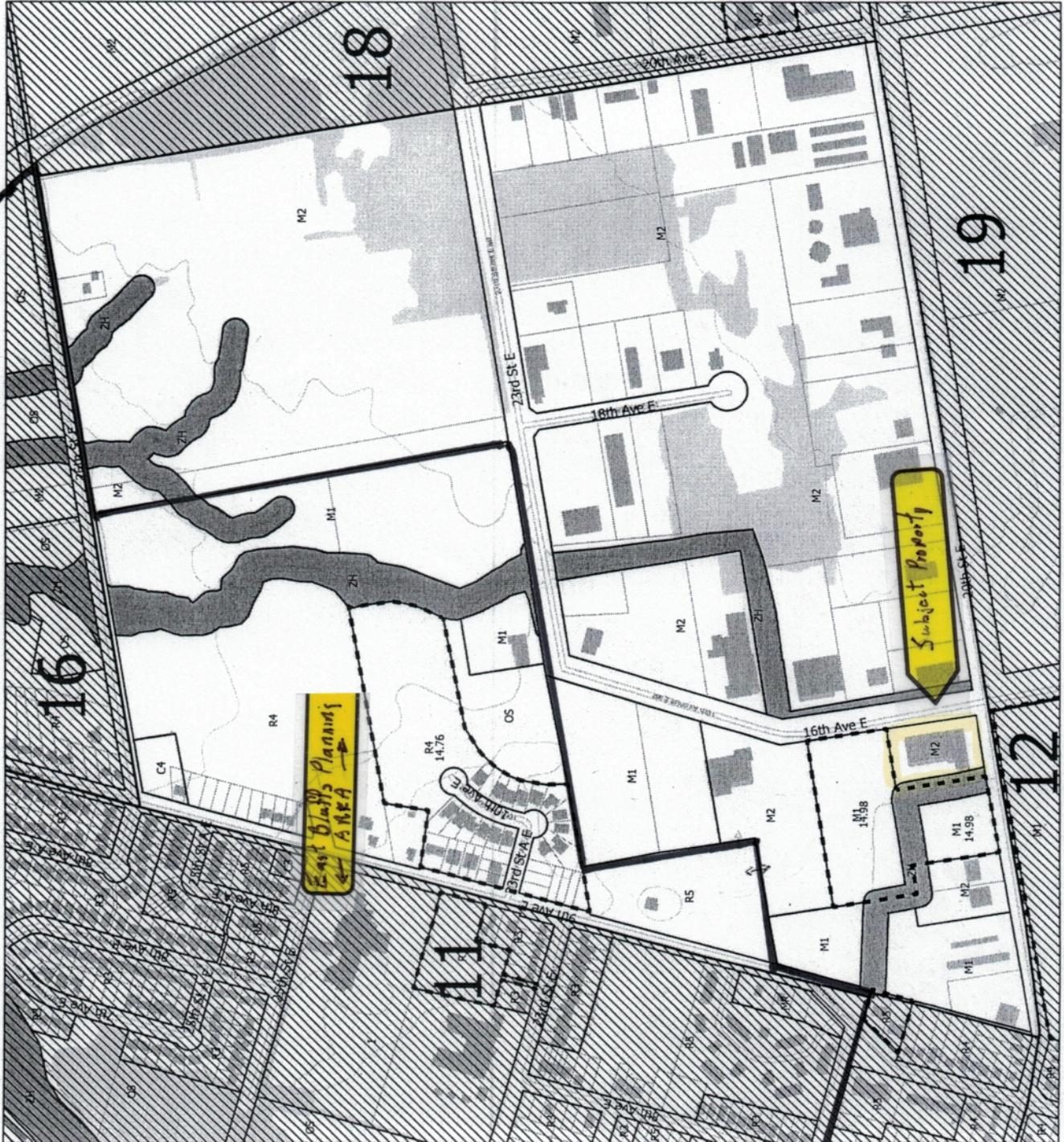


By-law No. _____

Passed on _____, 20____

Mayor _____

Clerk _____



SECTION 8

INDUSTRIAL ZONES

In any Industrial Zone, no land shall be used and no building or structure shall be erected, located or used for any purpose except in accordance with the following regulations:

8.1 PERMITTED USES IN INDUSTRIAL ZONES

Within any Industrial Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

Uses	Uses Permitted In Zone		
	M1	M2	MU
Animal Shelter	●	●	●
Automotive Rental Establishment	●		
Automotive Body/Repair Shop (see Section 5.16.1)	●	●	●
Automotive Washing Establishment	●	●	
Cannabis Production Facility (See Sec. 5.16.7)	●	●	
Catering Services	●	●	●
Clinic			●
Commercial School	●		
Community Lifestyle Facilities	●		●
Contractors Yard		●	
Day Nursery	●		
Dwelling unit (1) accessory to a permitted use for a custodian or maintenance employee	●	●	●
Financial Institution	●	●	●
Food/Beverage Production Facility (See Sec. 5.16.8)	●	●	●
Hotel			●
Industrial Mall	●	●	
Kennels (see Section 5.16.5)		●	
Laboratory	●		
Marina			●

Uses	Uses Permitted In Zone		
	M1	M2	MU
Monument Sales	●	●	
Museums/Galleries			●
Office	●	●	●
Printing and Publishing Establishments	●	●	
Public Park (see Section 5.16.4)	●	●	●
Railway Marshalling Yard	●	●	●
Public Use	●	●	●
Rental Store, General	●	●	
Repair Store	●	●	●
Retail Store Accessory to a Permitted Use	●	●	●
Restaurant			●
Self Serve Use	●		
Service Use	●	●	●
Storage, Indoor	●	●	●
Storage, Outdoor		●	
Storage of Inflammable, Explosive and other Liquids and Gases		●	
Studio	●	●	●
Transportation Depot	●	●	●
Uses, Industrial		●	●
Uses, Light Industrial	●		●
Utility Service and Buildings	●	●	
Veterinarian Clinic	●	●	●
Warehouse	●	●	
Warehouse (within enclosed building)	●	●	●
Wholesale Establishment	●	●	●

Amendments affecting the table above: **ZBA [15], [25]**

i) Permitted Accessory Uses within an Industrial Mall are limited to 25% gross floor area.