

Planning Report

Application for Zoning By-law Amendment

Sydenham Heights
1960 16th Street East
Owen Sound, ON N4K 6X8
Grey County

Prepared for:
Thompson Centres Inc.
6-2400 Dundas Street West,
Mississauga, ON L5K 2R8

Prepared by:
Cuesta Planning
Consultants Inc.
978 First Avenue West
Owen Sound, ON N4K 4K5
Tel: 519-372-9790
Fax: 519-372-9953
cuesta@cuestaplanning.com

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PLANNING JUSTIFICATION REPORT
Application for Zoning By-Law Amendment
1960 16th Street East
The City of Owen Sound
Grey County

1.0 BACKGROUND AND CONTEXT

1.1 Purpose of Report

Cuesta Planning Consultants Inc. (CPC) has been retained by Mr. Lou Meandro (Thompson Centres Inc.) to prepare and submit a planning report in support of an application for a Zoning By-Law Amendment to construct a four (4) building commercial plaza in Owen Sound at 1960 16th Street East.

The following report provides a description of the holdings and surrounding land use, as well as an evaluation of the proposal with regard to relevant land use policy. This report will assess the merits of the proposal and its consistency with the Provincial Policy Statement (PPS), Grey County Official Plan (Recolour Grey), and the City of Owen Sound Official Plan (OSOP).

This report and associated application are intended as well, to satisfy the requirements of Sections 34 (10.1 & 10.2) of the Planning Act regarding the submission of a complete application.



Figure 1: Subject Lands

1.2 Background and Description of the Proposal

The proposed development will consist of four (4) commercial buildings and associated parking areas. As indicated on the site plan (figure 2), the buildings will be referred to as buildings A through D. The size and unit count of each of the buildings is shown in Table 1 below (Site Data)

Table 1: Site Data

	Square Feet	Square Metres	Unit Count	Lot Coverage
<i>Building A</i>	2,386	221.65	1	1.99%
<i>Building B</i>	5,800	538.80	5	4.84%
<i>Building C</i>	4,517	419.64	1	3.77%
<i>Building D</i>	8,738	811.78	5	7.29%
<i>Totals</i>	21,440	1991.87	12	17.90%

Both buildings A and C will be designed as drive-through restaurants for providing convenient service for the travelling public. Buildings B and D will be designed to accommodate commercial operations that do not require a large amount of space but will benefit from the visibility offered via close proximity to an arterial road.

Buildings A, B, and C will be located along the southern property line to take advantage of the visibility from 16th Street East. Building D will be located in the northeast corner of the subject property. In terms of the phasing the development, it is intended that the proposed will be built out in two (2) phases. The first phase will include Buildings A, B, and C while Building D will constitute the second phase.

The subject lands currently have frontage on 16th Street East and 17th Street East with an existing access to 16th Street East. This access will be closed as part of the approval process of this application. In addition to removing the existing 16th Street access and as a condition of site plan approval the 20th Avenue road allowance will be opened to provide appropriate access to the subject property via the use of a recently upgraded controlled intersection at the 16th Street East and 20th Avenue East. The road allowance will connect 16th Street East to 17th Street East and will provide a third frontage for the proposed development. Two (2) accesses will then be created for the development. One access off 17th Street East will be located in the northwest corner of the subject lands and the 2nd access will be off the 20th Avenue East extension near the centre of the project.

The subject development as proposed, requires 121 parking spaces. As indicated on the site plan there are 117 spaces provided. Eight (8) barrier free spaces are proposed, with two allocated per building. One loading space is required and will be provided on the north side of Building A.

In order to permit the development as proposed, a Zoning By-Law Amendment will be required. The subject lands are currently zoned General Industrial (M1 14.88). The special provision indicated in the present zone allows a vehicle sales establishment use in addition to other permitted uses of the M1 zone. The proposed Zoning By-Law Amendment will rezone the lands to the Retail Commercial Zone (C2) to permit a wide variety of service and retail commercial uses, including a drive-through restaurant use. Minor relief will be required to reduce the parking requirement from 121 to 115 spaces

and to provide a reduced exterior side yard setback (from 3m to 2m). The C2 zoning will be in keeping with the other commercial zoned properties in the surrounding area.

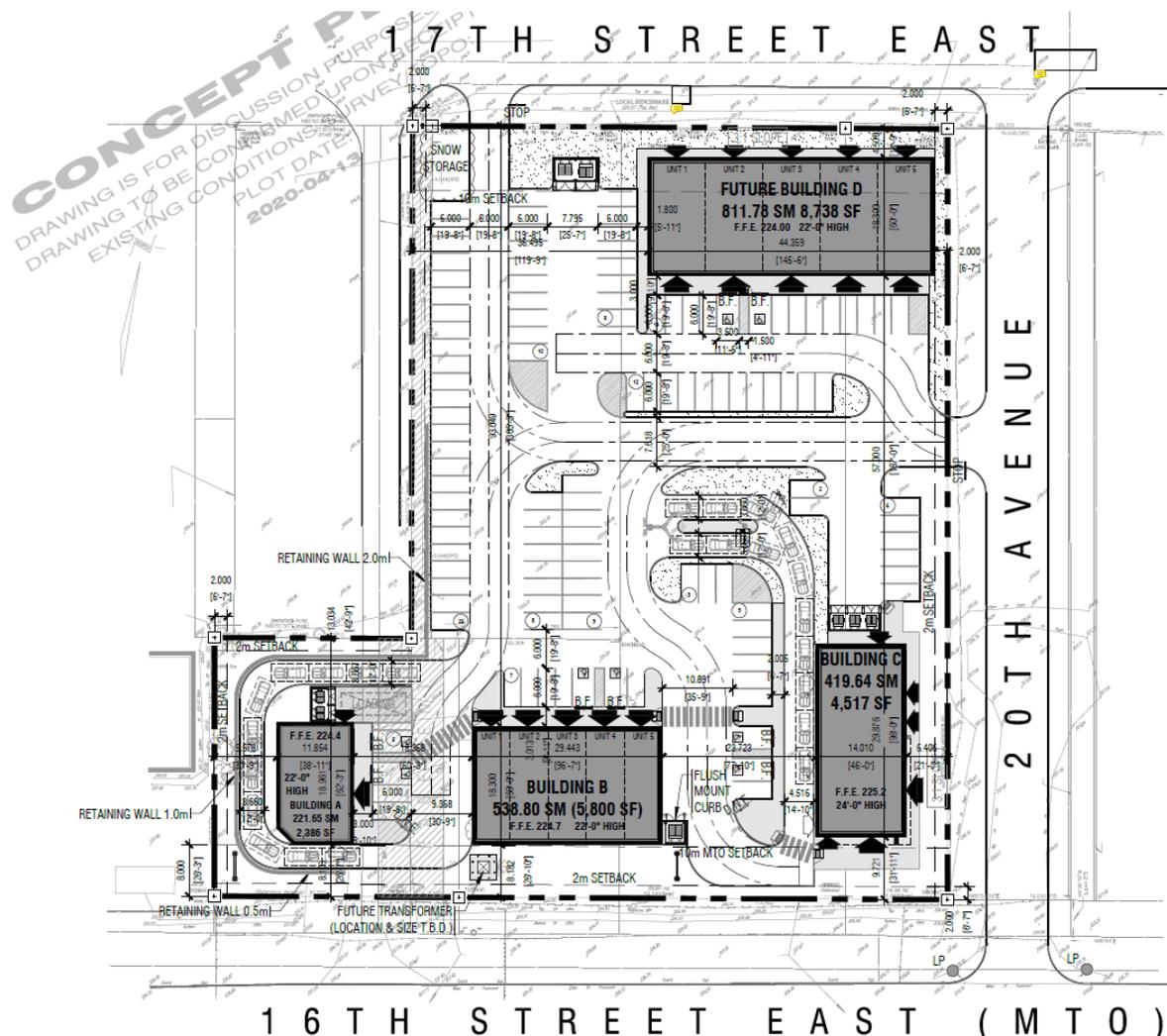


Figure 2: Proposed Site Plan (Conceptual)

1.3 Description of Subject Lands and Surrounding Uses

The subject lands are near the east boundary of Owen Sound at the northwest corner of the intersection of 16th Street East and 20th Avenue East. The parcel is legally described as PT Park LT 8 Range 6 Owen Sound PT 1 16R712 PT 2 & 3 and consists of 5 parcels which have been consolidated and will be developed as one property. The subject lands have an area of 11,187.22m², a frontage of 113.482m along 16th Street East, a frontage of 87.19 m along 17th Street East and a frontage of 119.43m along the unopened 20th Avenue East road allowance.

The subject lands are currently undeveloped and contain a small-wooded area and some scrub brush areas. Historically a residence was located on a portion of the site. A tree inventory of the subject lands notes that the trees are predominantly ash, poplar and scrub vegetation. These trees will not be salvageable when the development proceeds,

therefore supplemental plantings will be required as part of the site plan approval phase of development. The topography of the subject site is relatively flat with a gentle slope from the southeast section to the low point in the northwest corner with an average gradient of 4.6%. The most pronounced change in elevation is along the 16th Street East frontage, where there is a three (3) meter change in elevation from the southern property line to the edge of the travelled portion of the 16th Street East road allowance.

As outlined in the geotechnical investigation completed by the Paterson Group, the groundwater levels are roughly 3-4 metres below the existing ground surface and may fluctuate seasonally. The site is for the most part covered in a layer of topsoil, over a layer of compact glacial till including cobbles and boulders.

An existing easement is present along the western side of the property that connects a watermain, sanitary sewer and an electrical duct from 16th Street East to 17th Street East.

The surrounding lands uses are outlined below:

North: Directly north of the subject lands can be described as vacant employment lands. The Tenneco manufacturing plant parking lot is located to the northwest.

South: On the south side of 16th Street East, a variety of commercial buildings and associated parking is located. The area is mainly comprised of “big box” stores with some smaller retail service outlets.

East: Lands to the east are vacant with a significant amount of tree cover.

West: Directly to the west of the subject lands a series of commercial buildings that include retail uses, storage uses, and a vehicle sales establishment is located.

The commercial and light industrial nature of the surrounding land uses is depicted in figure 3.



Figure 3: Surrounding Land Uses

1.4 Pre-Submission Consultation and Required Approvals

In April of 2020 Thompson Centres Inc. approached the City of Owen Sound to review the proposed development. Comments from the City staff and other circulated parties were received on June 18th, 2020 and indicated that the proposal would be required to go through the rezoning process and would be subject to Site Plan approval.

Based on the pre-submission consultation a number of technical studies and fees were required in order to deem the application complete.

The technical studies required as part of the re-zoning include the following:

- Servicing Feasibility Study
- Tree Inventory
- Scoped Market Study
- Archeological Assessment
- Planning Report (including Urban Design Brief and draft by-law)
- Preliminary Site Plan

Prior to obtaining a building permit a complete application under Section 41 of the Planning Act (Site Plan approval) is required which will include the following supporting materials:

- Fully dimensioned site plans
- Landscape Plans
- Stormwater Management Report and Plan
- Grading Plan (including Sediment and Erosion Control Plan)
- Elevations and cross-section renderings
- Traffic Impact Analysis (including parking analysis if required)

In addition to the above noted requirements, a Phase 1 Environmental Assessment and Geotechnical Investigation have been completed in support of the proposal.

Based on the pre-submission comments and a review of the applicable policy the following approvals are required.

Table 2: Required Approvals

Required Approvals	Approval Authority
A Zoning By-Law Amendment will be required. The proposed Zoning By-Law Amendment will seek to rezone the lands to the Retail Commercial Zone (C2) to permit the proposed commercial uses, including but not limited to, retail, service and drive-through restaurant uses. Additionally, relief will be sought to reduce the required parking rate from 121 to 115 spaces and to recognize a reduced exterior side yard.	The City of Owen Sound
A Site Plan Control Application is also required which will refine the details and requirements of the site's development and include any cost-sharing arrangements between the developer and the City related to off site infrastructure improvements.	The City of Owen Sound

1.4 Required Studies

As noted in the pre-submission consultation, a number of technical studies were completed in support of the proposed development and as required by the Planning Act and Ontario Building Code requirements. A summary of the studies completed to date follows. The studies have been submitted with the application and should be reviewed in conjunction with the planning report and application.

Servicing Feasibility Study

Tatham Engineering was retained by Thompson Centres Inc, to complete a Servicing Feasibility Study in support of the proposed application. The purpose of the report was to review the servicing requirements of this site, evaluate the existing municipal and utility infrastructure surrounding the site and outline a servicing strategy for the proposed development. The study confirmed there are existing water, storm and sanitary lines on 17th Street East which can be accessed from the development. It is anticipated that based on the proposed development the average daily demand of water will be 42.98m³/day and a maximum demand of 210.60 m³/day based on a commercial equivalent of 95.5 persons. A 200mm water line will be connected to the existing 457mm watermain on 17th Street East for both domestic and fire protection purposes. A downstream analysis of the receiving sewer system shows that there is capacity to accommodate flows from the development. A 200mm diameter sanitary sewer line is recommended to connect to the existing 450mm sanitary line present on 17th Street East. The capacity of the Owen Sound Wastewater Treatment Plant is operating at approximately 50% capacity and can readily accommodate the development.

The proposed development will increase the impervious area of the subject lands thereby increasing the amount of stormwater runoff. A combination of flow control rooftop, surface and an underground system will be provided and detailed during the site plan approval phase. Prior to entering the underground facility, a quantity control manhole will be required on the downstream end of the storm sewer system. The flows will travel through a Stormceptor model EF-8, which is anticipated to remove 83% of the total suspended solids prior to discharging into the 17th Street East roadside ditch. In accordance with the City of Owen Sound Engineering Standards, 80% of the total suspended solids in the runoff is to be removed.

The Tatham study concluded there should be no major issues in servicing the proposed development.

Tree Inventory

Redmond's Tree Services was retained by Thompson Centres Inc. to record and describe the tree cover on the subject lands and provide recommendations on the preservation of any identified salvageable trees. The inventory completed by Redmond indicated that no Butternuts or any other Species at Risk were identified. The inventory noted that the trees on site were primarily Ash, Poplar and scrub vegetation. The inventory concluded that the trees on site would not be salvageable. No recommendations on the replanting of new trees on site was provided, however it was recommended via email to conduct tree removal outside of bird breeding season, which is May 1st to August 15th. Supplemental landscaping will be required as part of the Site Plan approval process.

Stage 1 & 2 Archaeological Assessment

Scarlett Janusas Archeology Inc. (SJA) was retained by the proponent to conduct a stage 1 and a stage 2 archaeological assessment. The stage 1 assessment was completed in October 2020. The purpose of this assessment was to determine if any

areas of archaeological potential were present on the subject site and if a stage 2 assessment would be warranted. A stage 2 assessment was recommended for 90% of the subject site on the basis that the subject lands are within proximity to primary water sources (Bothwell's Creek, a small pond, and Georgian Bay), past water sources (prehistoric Lake Nipissing shoreline), early historic transportation routes (modern-day highway 26), and a strong Indigenous and early Euro-Canadian presence in the general geographic area. The stage 2 archeological assessment was conducted, by means of test-pitting, in the autumn of 2020 and studied 88% of the subject lands, which had potential archaeological significance. The remaining 12% of the subject lands was not studied due to the level of disturbance in this area.

The study determined that no archeological sites, cultural materials, or features, were present during the stage 2 archeological assessment.

December 3, 2020 correspondence from the Ministry of Heritage, Sport, Tourism and Culture Industries confirmed the assessment was accepted into the Provincial Registry (see Appendix).

Geotechnical Investigation

Patterson Group (Patterson) was retained by Thompson Centres to conduct a geotechnical investigation on the subject lands. The investigation was carried out on September 15, 2020 and was intended to determine the subsoil and groundwater conditions at this site by means of test holes and to provide geotechnical recommendations for the design of the proposed development including construction considerations which may affect the design. The findings were based on a field investigation, field survey and laboratory testing. The field program included the digging of six (6) test pits at a maximum depth of 2.8m, distributed across the site to provide an acceptable lot coverage. Soil samples were collected from the test pits and further analysed in a laboratory which determined the grain size distribution.

Based on the study findings the following recommendations were provided:

Concrete Walkways Adjacent to Proposed Buildings

To avoid differential settlements within the proposed concrete sidewalks adjacent to the proposed buildings, the study recommended that the upper 600 mm of backfill placed below the sidewalks adjacent to the building footprints consist of free draining, non frost susceptible material such as Granular A crushed stone or Granular B Type II.

Protection of Footings Against Frost Action

For perimeter footings for heated structures a minimum of 1.2 m thick soil cover (or an equivalent combination of soil cover and foundation insulation) should be provided. For exterior unheated footings a minimum of 1.8 m of soil cover or combination of soil cover and foundation insulation is required.

Excavation Side Slopes

The side slopes of excavations in the soil and fill overburden materials should either be cut back at acceptable slopes or should be retained by shoring systems from the

start of the excavation until the structure is backfilled. Excavated soil should not be stockpiled directly at the top of excavations and heavy equipment should be kept away from the excavation sides. Slopes more than 3 m in height should be periodically inspected by the geotechnical consultant to detect if the slopes are exhibiting signs of distress. A trench box is recommended to protect personnel working in trenches with steep or vertical sides. Services are expected to be installed by “cut and cover” methods and excavations should not remain open for extended periods of time.

Pipe Bedding and Backfill

A minimum of a 150 mm layer of OPSS Granular A crushed stone should be placed for pipe bedding for sewer and water pipes for a soil subgrade. For backfill, it should generally be possible to re-use the site materials above the cover material if the operations are carried out in dry weather conditions and the material is approved by the Geotechnical consultant. Where hard surface areas are considered above the trench backfill, the trench backfill material within the frost zone (about 1.8 m below finished grade) and above the cover material should match the soils exposed at the trench walls to minimize differential frost heaving.

Groundwater Control

It is anticipated that groundwater infiltration into the excavations should be low and controllable using open sumps. Pumping from open sumps should be sufficient to control the groundwater influx through the sides of shallow excavation. For impact on the neighbouring structures, no issues are expected with respect to groundwater lowering that would cause long term damage to adjacent or nearby structures.

Winter Construction

If winter construction is considered for this project, the founding stratum should be protected from freezing temperatures by the use of straw, propane heaters, tarpaulins or other suitable means. The base of the excavations should be insulated from sub-zero temperatures immediately. The trench excavations should be carried out in a manner to avoid the introduction of frozen materials, snow or ice into the trenches.

Corrosion Potential and Sulphate

Analytical testing shows that the sulphate content is less than 0.1%. This result indicates that Type 10 Portland Cement (normal cement) would be appropriate for this site.

In addition to the previous recommendations the following observation services are required by the geotechnical engineer:

- Observation of all bearing surfaces prior to the placement of concrete.
- Sampling and testing of concrete and fill materials used.
- Periodic observation of the condition of unsupported excavation side slopes in excess of 3m in height, if applicable.
- Observations of all subgrades prior to back filling.

- Field density tests to determine the level of compaction achieved.
- Sampling and testing of the bituminous concrete including mix design reviews.

Implementation of the geotechnical investigation recommendations will be identified during the Site Plan and Building Permit approval processes.

Retail Impact Study

The J.C. Williams Group was retained by Thompson Centres Inc to conduct a scoped retail impact study for the subject property. In order to identify the requirements for the market study report, the J. C. Williams Group and Thompson Centres Inc. management consulted extensively with the City of Owen Sound staff and with James Tate of Tate Economic Research, who acts for the City on matters related to retail development and redevelopment. Through this consultation process the key issues identified and discussed in the market study report relate to section 4.4.2.9 of the City of Owen Sound Official Plan. The City's representative required that the retail impact study 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.
- 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 research determined that the "Sydenham Heights" development proposal consists of almost 7,000 square feet, or a third of the total area, in "drive-through restaurants". This restaurant type is not allowed in Downtown and one must assume they can be considered in other commercial areas. The balance of the site consists of approximately 14,000 square feet of commercial space, which constitutes less than 1.4% of the total retail in Downtown. The small amount of retail space in the Sydenham Heights proposal will not have any appreciable effect on the vacancies in downtown. As mentioned previously, drive-through restaurants are not allowed in Downtown and so this type of development is inappropriate for Downtown. As outlined in the market study, Downtown contains more than 1 million square feet of retail space with an 8% vacancy rate. The Downtown has remained strong through the past 20 years as new developments have been built outside the Central Business District (CBD) and the CBD has also seen redevelopment within its borders. All these factors suggest that the downtown will continue to compete effectively with new development.

Phase 1 Environmental Assessment

BZ Environmental Consulting (BZEC) was retained by Thompson Centres Inc., to undertake a Phase 1 Environmental Assessment (ESA) for the subject lands. The assessment was completed as a part of the due diligence phase of development and was completed in March 2020. The scope of the work was to include an investigation of any underground/ above ground storage tanks, waste sites, PCB's, lead, asbestos, mould, monitoring wells and hazardous materials such as batteries, drums and chemicals.

A site visit was conducted on February 28th, 2020 by an employee of BZEC. The visit consisted of a visual survey of the property. The purpose of the site visit was to determine evidence of hazardous materials and/or visible contamination on the site. It should be noted that on the day of the site visit the site was blanketed with a significant snow cover. From the initial study conducted and a review of the 79 databases which were searched and provided information on entries within a 0.25km radius of the property, the study found that the subject site does not appear to have any major or obvious industrial or environmental hazards or contamination. During the review, no major environmental issues were discovered. It was determined that all environmental risks can be managed effectively and all environmental activities should follow accepted policy and procedures. The study recommended that no further environmental investigative work needed to be conducted.

2.0 LAND USE POLICY CONSIDERATIONS

As stated under Section 3 of the Planning Act, all decisions by any authority that affect a land use planning matter shall be consistent with the Provincial Policy Statement (PPS). On May 1, 2020, the Province of Ontario implemented the updated Provincial Policy Statement. Any decisions made, on or after this date, are to be consistent with the 2020 PPS.

In addition to the Provincial Policy Statement, the Grey County Official Plan, the City of Owen Sound Official Plan and the City of Owen Sound Comprehensive Zoning By-law Number 2010-078 provide land use policy applicable to the proposal.

2.1 Provincial Policy Statement (PPS)

Any land use decision must be assessed against the applicable provisions of the PPS. Although the PPS is to be read in its entirety, the following provisions are deemed to be the most applicable to the consideration of the proposal.

Table 3: Provincial Policy Statement Evaluation

Provincial Policy Statement	
Policy	Evaluation
<i>1.0 Building Strong Healthy Communities</i>	
<i>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</i>	
<i>1.1.1 Healthy, liveable and safe communities are sustained by:</i>	
<i>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</i>	The proposed development is a 1.1 ha site that will contain four (4) one storey commercial buildings that will utilize lands that are designated for commercial use in a settlement area. The proposed commercial use will provide employment opportunities to the City of Owen Sound and increase the tax base.

<p>b) <i>(In part) accommodating an appropriate affordable and market-based range and mix of employment (including industrial and commercial)</i></p>	<p>The proposed use will aid in providing an appropriate range of commercial uses. The proposed structures will create a mix of medium sized retail stores and two (2) drive-through restaurants, which are to be situated in a designated commercial area along a major arterial road.</p>
<p>c) <i>avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i></p>	<p>A Stage 1 Environmental Assessment (ESA) was prepared for the owner as part of its due diligence. The ESA determined that the site does not have any environmental hazards or contamination present. The study recommend that no further environmental investigative work needs to be completed.</p> <p>Implementation of the recommendations of the geotechnical investigation during the construction phase will also ensure provincial public health and safety requirements are met by the proposal.</p> <p>A key safety aspect of the development pertains to the traffic movements on and to and from the site. Currently the subject lands have an existing access to 16th Street East (Highway 26). The existing access is to the site will be closed and two new accesses will be established on 17th Street East and the extension of 20th Avenue East. An extension to 20th Avenue East will be established along the western frontage and will provide safe access to the major arterial through a controlled intersection. Should additional traffic control measures be identified in the traffic impact analysis, these requirements can defined a separate agreement between the developer and the City.</p>
<p>e) <i>promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and</i></p>	<p>The proposed development is within a settlement area on serviced lands designated for commercial development. The proposal is along an existing bus route (East Bayshore line) within the city and has a bus stop approximately 350m</p>

<p><i>standards to minimize land consumption and servicing costs;</i></p>	<p>from the site. The development will satisfy the intent and purpose of this policy.</p>
<p><i>g) promoting development and land use patterns that conserve biodiversity; and</i></p>	<p>A tree inventory was prepared for the site which indicated that the lands do not currently possess any vegetation or biodiversity that would be considered significant or reflect any type of natural heritage characteristics. A recommendation was made to have the existing tree coverage removed prior to the early spring bird breeding.</p>
<p><i>1.1.2. Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.</i></p>	<p>The subject lands are currently designated for commercial development. With the introduction of the East City Commercial area the city has provided lands to which commercial growth is to be directed. The proposed development will aid in supporting the growth of this area while not detracting from the existing downtown area. The proposed development will add to the diversity of uses in the east city commercial area.</p>
<p>1.3 Employment</p>	
<p><i>1.3.1 Planning Authorities shall promote economic development and competitiveness by:</i></p>	
<p><i>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</i></p>	<p>The City has determined that commercial development in this area will aid improving a wide range of employment. The proposal will compliment the objectives of this policy in the Owen Sound Official Plan (OSOP).</p>
<p><i>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</i></p>	<p>The proposed use will introduce four new commercial buildings intended for a range of commercial options which require a relatively large site. The uses that will be included in this proposal will assist in diversifying the commercial options in the area while complimenting the surrounding uses. The uses will provide a different type of consumer experience than found in Downtown and cannot be expected to detract from the CBD.</p>
<p><i>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of</i></p>	<p>It is understood that the selected site is an appropriate location for this type of development as it has been identified as such in the OSOP.</p>

<p><i>employment sites, including market-ready sites, and seeking to address potential barriers to investment;</i></p>	
<p>e) <i>ensuring the necessary infrastructure is provided to support current and projected needs.</i></p>	<p>An extension of 20th Avenue from 16th Street East to 17th Street East will be developed by the applicant to accommodate infrastructure and access requirements of the proposal. The development of 20th Avenue will allow for the use of the existing controlled intersection to the southeast on 16th Street East which appears to comply with the anticipated traffic needs of the area.</p>
<p>1.6 Infrastructure and Public Service Facilities</p>	
<p>1.6.1 Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:</p>	
<p>b) <i>available to meet current and projected needs.</i></p>	<p>From the pre-submission comments provided by the City of Owen Sound, a retroactive cost sharing agreement will be required for the intersection upgrades at 16th Street East and 20th Avenue. An extension to 20th Avenue will facilitate the use of this intersection and provide safe access to and from the proposed development. Two accesses will be established for the subject lands, one off 20th Avenue and another off 17th Street East which will satisfy the intent of this policy.</p>
<p>1.6.6 Sewage, Water and Stormwater</p>	
<p>1.6.6.2 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. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	
<p>1.6.6.7 Planning for stormwater management shall:</p>	<p>The proposed development will utilize the existing municipal water and sewage services. A Servicing Feasibility Study was completed by Tatham Engineering and concluded that there is sufficient capacity to accommodate both water and sewage services within the city.</p>
<p>a) <i>be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</i></p>	<p>The proposed development will be integrated into the existing municipal stormwater management system. The proposed development will attenuate the stormwater peak flows with flow control rooftops, parking areas and underground storage. The stormwater management</p>

<p>b) <i>minimize, or, where possible, prevent increases in contaminant loads</i></p> <p>d) <i>mitigate risks to human health, safety, property and the environment;</i></p> <p>e) <i>maximize the extent and function of vegetative and pervious surfaces; and</i></p> <p>f) <i>promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</i></p>	<p>system proposed will control both quality and quantity of stormwater prior to discharge from the site. Drainage and stormwater management design will be refined at the site plan approval stage, prior to the issuing of a building permit.</p>
<p>2.1 Natural Heritage</p>	
<p>2.1.1 Natural Heritage features and areas shall be protected for the long term</p>	<p>A Tree Inventory Study was completed for the subject lands and concluded that there are no significant natural heritage features, including species at risk that need to be addressed. Avoidance of tree removal during bird breeding season (May 1st to August 15th) has been recommended. To date, no natural heritage concerns have been identified by the Grey Sauble Conservation Authority (GSCA).</p>
<p>3.1 Natural Hazards</p>	
<p>3.1.1 Development shall generally be directed in accordance with guidance developed by the province (as amended from time to time), to areas outside of:</p> <p>a) <i>hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;</i></p> <p>b) <i>hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and</i></p> <p>c) <i>hazardous sites</i></p>	<p>The subject lands do not exhibit any natural hazard features. Pre submission comments were received from the Grey Sauble Conservation Authority dated May 29th, 2020, indicated that the proposed development has demonstrated consistency with Section 3.1 of the Provincial Policy Statement (see Appendix 1).</p>

2.2 Grey County Official Plan (ReColour Grey)

The Grey County Official Plan (Recolour Grey) was endorsed by Council in 2018 and provides direction for the County’s goals related to community and natural resources development. The subject lands are within the Primary Settlement Area of Owen Sound on Schedule A of Recolour Grey. Settlement areas are defined in the Grey County Official Plan as larger settlements with full municipal servicing, and a wide range of uses, services, and amenities which are intended to be the primary target for residential and non-residential growth. The following analysis will evaluate the proposal against applicable policy.

Table 4: Grey County Official Plan Evaluation

Grey County Official Plan	
Policy	Evaluation
<i>3.0 Develop Grey</i>	
<i>3.2 Economic Objectives</i>	
<i>2) Economic development and planning policies should be flexible and adaptive to support an open and competitive investment climate</i>	The proposed development is a 1.1 ha site that will contain four (4) one storey commercial buildings on lands that are designated for commercial use in a settlement area. The proposed use will be able to support and diversify the local economy by providing a range of retail and service commercial. The proposed commercial uses are adjacent to a major arterial which is a significant location criterion for these types of larger format and vehicle-oriented of commercial uses.
<i>3) Encourage a diverse economy while recognizing and promoting economic specialization in areas such as tourism, agriculture, manufacturing, retail, etc.</i>	
<i>4) Support a wide range of business activities</i>	
<i>5) Ensure available lands, services, and zoning policies are in place to attract a wide range of investment and businesses.</i>	
<i>6) Support infrastructure and its renewal, since it is necessary to support long term economic growth which includes traditional infrastructure like roads, bridges, gas, electricity but also new and emerging technologies (i.e. telecommunication, broadband, drones, and autonomous vehicles).</i>	
<i>8) Direct businesses requiring municipal water and sewer services to commercial and business areas that have those services available.</i>	The proposed development will utilize the existing municipal water and sewage services. As noted previously a Servicing Feasibility Study was completed by Tatham Engineering and concluded that there is currently capacity within the City’s infrastructure to accommodate both water and sewage requirements of the development. The proposal will also support existing and develop new transportation infrastructure in this area of City, implementing this policy goal.
<i>10) Long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define</i>	It is understood that the overall architectural design and other related specifics will be handled through the site plan phase.

<p><i>character, including built heritage resources and cultural heritage landscapes.</i></p>	<p>There are no cultural heritage components associated with the subject lands or surrounding area.</p>
<p>3.2.1 Encouraging Economic Growth: 1) <i>The County will work with local municipalities to meet the physical needs of businesses, which include working towards:</i> a) <i>Flexible and diverse zoning and serviced sites are available to support a range of industrial and commercial activities;</i></p>	<p>The OSOP reflects this policy objective by providing for serviced lands options in sections of the City to support future commercial development. The proposal implements the intent of this policy.</p>
<p>3) <i>The County will plan for the maintenance and improvement of modern infrastructure systems including roads, railways, airports, harbours, pipelines, telecommunications and broadband networks to service existing and future employment centres.</i></p>	<p>The proposed development will aid in improving the City's, County's, and province's infrastructure. Under a servicing agreement between the City and Thompson Centres Inc. there will be three areas of road improvements to aid in facilitating the development. 1) 20th Avenue East will be extended from 16th Street East to 17th Street East which will create another road frontage and access for the subject lands, 2) 17th Street East which will provide a frontage and access to the subject lands 3) Cost recovery related to the intersection of 16th Street East and 20th Avenue East, a newly constructed intersection which will provide safe access to the subject lands, will also form part of the servicing agreement.</p>
<p>3.2.4 Variety of Employment: 1) <i>The County will encourage a variety of employment opportunities in various locations. Opportunities for industrial, commercial, and recreational activities will be supported in appropriate locations. The majority of opportunities will occur in primary settlement areas where full municipal services are available.</i> 2) <i>Land shall be set aside in settlement areas to provide employment opportunities which will keep pace with residential growth.</i></p>	<p>The proposed development is an appropriate development for this designated commercial area. The lands are currently within a settlement area and will be providing employment opportunities for lands within the East City Commercial area.</p>

3.3 Settlement Area Land Use Types

The majority of growth will be directed to settlement areas. Development within settlement areas will occur on full municipal services, where available. For the purposes of this Plan, the County Plan establishes five main land use types for areas of concentrated development:

- 1) Primary Settlement Areas – larger settlements with full municipal servicing, and a wide range of uses, services, and amenities which are intended to be the primary target for residential and non-residential growth

3.4 General Policies Affecting Settlement Area Land Use Types

<p>3) <i>Local official plans, secondary plans, plans of subdivision and condominium plans shall ensure a proper and orderly street pattern facilitating safe motor vehicle, bicycle and pedestrian travel, efficient use of services, and a variety of housing and development opportunities within Settlement Area land use types. Consideration should also be given to the orientation of the streets and dwelling units in order to ensure energy efficiency, convenient access to retail facilities, schools, recreational facilities, and services via motor vehicle, bicycle and pedestrian travel. Street design and layout should also promote healthy community design.</i></p>	<p>The OSOP contains policies which implement this County goal. An efficient and safe access to the subject project will be provided from 20th Avenue, which accesses the main traffic route via a controlled intersection. The development will also have access to 17th Street East through a new entrance that will maintain efficiency. The City of Owen Sound has provided the East City Commercial Area to accommodate future retail and service development. The proposal meets this locational criterion.</p>
<p>4) <i>Local official plans and/or secondary plans should allocate land use types or sufficient land area to accommodate development potential for a minimum of ten years to a maximum of 20 years.</i></p>	<p>The proposed development is within lands that are designated for commercial growth. In order to tailor the development proposal a Zoning By-Law amendment will be required to permit the commercial use.</p>
<p>9) <i>It is the policy of this Plan to accommodate appropriate development in settlement areas in accordance with the servicing policies of this Plan as outlined in Section 8.9.</i></p>	<p>The proposed development will be on full municipal services and is within a Settlement Area which meet provincial and county goals related to servicing requirements.</p>
<p>10) <i>Growth should be compatible with historic features or areas, archaeological sites, and properties with potential or identified as having significant cultural heritage value or interest, cultural heritage landscapes, or areas of archaeological potential by ensuring adverse impacts to heritage resources are mitigated through</i></p>	<p>A stage 1 and 2 Archaeological Assessment was completed for the subject lands, which determined that there are no matters of archeological significance on this site.</p>

<p><i>conservation or preservation in advance of development.</i></p>	
<p>16) <i>Settlement form and building design must consider conservation in energy, water and wastewater management, the current use or eventual introduction of public transit, the integration of paths and trails, bicycle routes, a compact and convenient design which encourages walking, the incorporation of natural heritage features and areas, public safety including the impact on crime prevention, and the preservation of public access to shorelines.</i></p>	<p>To implement key aspects of this policy, provisions have been included in the OSOP and relevant City engineering and design guidelines. As site plan control is a requirement of the proposal, requirements related to building design, landscaping lighting, pedestrian access and public safety will be implemented at this later phase.</p>
<p>17) <i>Local municipalities are encouraged to preserve and revitalize traditional main streets, downtowns, and commercial areas. Renewed investment is encouraged in downtowns to support retention and development of retail, personal service, office, entertainment, tourism and specialty shopping activities to meet local, regional, and tourist needs. The viability of the downtown should be reinforced through continued efforts that provide a mix of residential, institutional, and community activities, and the development of riverfront, or Bay front and downtown as a tourist destination.</i></p>	<p>A retail impact study completed by the J.C Williams Group indicates that the Sydenham Heights development will not negatively impact the economy of the historic downtown.</p> <p>The vehicle oriented, larger scale retail format offers a different consumer experience than occurs in the Downtown area.</p>
<p>3.5 Primary Settlement Areas <i>Primary Settlement Areas are areas suitable for high intensification targets, public transit services, and have full municipal services. Municipalities with primary settlement areas will, in their official plans, identify and plan for intensification within these areas. The development of high-quality urban form and open public spaces within these areas is also encouraged through site design, and urban design standards, to create attractive and vibrant places that support walking and cycling for everyday activities and are transit supportive.</i></p>	
<p>1) <i>Primary Settlement Areas as identified in Table 5 and shown on Schedule A of this Plan include existing major urban settlement areas on full municipal services</i></p>	<p>The subject lands are within this designation and are proposed to be on full municipal servicing.</p>

<p>2) <i>Land use policies and development standards in areas designated Primary Settlement Areas will be in accordance with local official plans and/or secondary plans</i></p>	<p>The Sydenham Heights development will be evaluated against the land use policies of the OSOP in Section 2.3 in this report.</p>
<p>3) <i>This Official Plan promotes the development of Primary Settlement Area land use types for a full range of residential, commercial, industrial, recreational, and institutional land uses. These areas will be the focus of the majority of growth within the County. Lands may be designated to accommodate the growth projected in Tables 1, 2, and 3 of this Plan;</i></p>	<p>The proposed development is designated for commercial growth within the East City Commercial Area of the OSOP. The proposal will be able to support this policy objective by adding to the range of retail and service options that will compliment and diversify the economic base of the City.</p>

2.3 City of Owen Sound Official Plan (OSOP)

The purpose of the Official Plan is to provide policies, goals and objectives to guide the development, growth, and redevelopment of Owen Sound for the next 20 years. The Official Plan was adopted in 2006 and was updated in 2012 as part of a 5-year review. The City is presently conducting another Official Plan update. A preliminary review of the proposed policy relevant to this proposal revealed little change in the policy direction and requirements for the East City Commercial district.

The subject lands are currently designated as East City Commercial as depicted in figure 4 below. The East City Commercial designation is located near the main eastern entrance to the City and provides the first visual impression when entering the City from the east. The principal function of this area is to accommodate large format retail uses which are dependent on large traffic volumes and limited smaller scale retail on underutilized or infill type lots in support of large format retail uses. The relevant polices of this OSOP that apply to the Sydenham Heights proposal are reviewed in table 5.



Figure 4: City of Owen Sound Official Plan Excerpt

Table 5: Owen Sound Policy Evaluation

Owen Sound Official Plan

Policy	Evaluation
4 Land Use	
4.4 East City Commercial	
4.4.1 Permitted Land Uses	
4.4.1.1 The following uses may be permitted within lands designated East City Commercial:	
<p>a) <i>large format retail and service having significant needs for on-site storage and parking.</i></p> <p>b) <i>Limited smaller scale retail on underutilized or infill type lots, service commercial and personal uses, financial institutions and services, business, professional and medical offices, restaurants, entertainment and other community facilities such as day care centres, ancillary to and in support of large format retail and service commercial uses.</i></p>	<p>The proposed development is a permitted use.</p>
4.4.2 General Policies	
<p>4.4.2.1 <i>The East City Area shall be developed in an orderly and co-ordinated manner to provide a high quality, automobile accessible retailing environment to serve the community and surrounding region.</i></p>	<p>The proposed development can be considered an orderly extension of the commercial development to the west on the north side of 16th Street East. Similar developments have been approved on the opposite side of 16th Street East. The proposal is adjacent to a controlled intersection. Through an extension of 20th Avenue, from 16th Street to 17th Street East development and traffic flow will occur in an orderly and coordinate manner as per the objectives of this policy.</p>
<p>4.4.2.2 <i>The area shall be capable of providing both large-scale lots to accommodate large format retail uses and medium scale properties to accommodate service and support businesses.</i></p>	<p>The proposal will consolidate five (5) existing parcels which would compliment the large-scale lots provisions in the surrounding East City Commercial area.</p>
<p>4.4.2.3 <i>Additional urban design guidelines may be prepared for the continuing development and redevelopment of the East City Area, addressing, among other things, access, landscaping, pedestrian connections and signage as well as gateway opportunities</i></p>	<p>The urban design guidelines included in policy 7.8.3.5 will be considered in this report, however specifics regarding the design and functionality of the building will be determined during the site plan phase prior to building permits being issued.</p>

<p><i>to create an appropriate entrance to the City as described in Section 7.8.3.5, Urban Design, Experiencing the City</i></p>	
<p><i>4.4.2.4 All development shall be consistent with the urban design policies of Section 7.8, Urban Design, and all relevant design guidelines.</i></p>	<p>Noted above.</p>
<p><i>4.4.2.5 The urban design policies of Sections 7.8.6.4, Streetscape, Front Yard Parking, and 7.8.6.5, Streetscape, Large Lot, respecting the appropriate form of development on large lots and lots with front parking apply to this area.</i></p>	<p>This report reviews the relevant urban design policies related to large lots implementing side and/or rear yard parking. The conceptual site plan (figure 2) places the focus on building form as three of the four buildings will be placed along the 16th Street frontage. The parking is in a central area which assists with the aesthetic limitation of parking facilities.</p>
<p><i>4.4.2.6 Off-street automobile parking areas shall be established at a rate that will adequately serve the related commercial facilities, including parking for all employees and customers. Parking areas and points of access are to be developed in accordance with Section 7.8.7, Urban Design, Parking and Access, and relevant urban design guidelines for the East City Commercial Area.</i></p>	<p>As outlined in section 2.5 of this report, the zoning standards require 121 parking spaces. The current proposal provides 117 spaces. The utilization of parking spaces varies with the use of the commercial building. Drive through restaurants by their nature require less medium and long-term parking spaces. A reduction from 121 to 115 is a minimal and reasonable change in the number of provided parking spaces.</p>
<p><i>4.4.2.8 In order to sustain the planned function for the East City Area, the City may limit the minimum and maximum gross floor area of any permitted use through the City's Zoning Bylaw.</i></p>	<p>The proposed Zoning By-Law Amendment will seek to rezone the lands to Retail Commercial Zone (C2). The provisions within the Retail Commercial Zone do not specify a limit for commercial gross floor area or floor space index. That being said, the proposed development will achieve a F.S.I of 0.178 which is within the maximum requirements of other comparable commercial zones.</p>
<p><i>4.4.2.9 Should a rezoning of the East City Commercial designation or an expansion to the East City Commercial designation be proposed for the uses listed in Section 4.4.1.1 a) and b), the City shall require the following information and studies acceptable to the City:</i></p>	
<p><i>a) A market analysis of 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</i></p>	<p>As noted earlier in this report, a Retail Impact Study was completed by the J.C. Williams Group for the subject development with specific focus on policies identified by staff during the</p>

<p><i>and close to the City. Such a study shall confirm that:</i></p> <ul style="list-style-type: none"> <i>i. Designated commercial property, suitable for the intended scale and type of development is not available within the Downtown Area.</i> <i>ii. Available commercial property in the Downtown is not economically viable for the intended scale and type of development</i> <i>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.</i> 	<p>consultation process. The study noted that the Sydenham Heights development proposal is comprised of almost 7,000 square feet or a third of the total area, in drive through restaurants. These restaurants are not allowed in the Downtown and therefore suitable in other commercial areas that are vehicle oriented. The balance of the site consists of approximately 14,000 square feet which is less than 1.4% of the total retail in Downtown. It is expected that this space will not have any significant impact on the vacancies in downtown. Downtown remained relatively strong through the last planning period despite new developments being built outside the CBD area and redevelopment continuing within its borders. Cumulatively, these facts suggest that the Downtown will continue to compete effectively with other commercial districts.</p>
<p><i>b) An assessment of the traffic, land use, ecological and servicing impacts of the proposed use, including recommended infrastructure improvements necessary to accommodate the proposed use.</i></p>	<p>A servicing feasibility study was completed by Tatham Engineering and concluded that there is currently capacity in the City's system to accommodate both water and sewage requirements. A traffic impact study may be required during the site plan approval to ensure adequacy of the existing intersection.</p>
<p><i>c) Site development information to ensure high quality urban design, safe access, on-site environmental controls, store size and function, and similar information necessary to assess the impact of the use on the area.</i></p>	<p>Most of the matters identified in this policy will be considered during the site plan approval phase. The proposed use is similar in nature to those in the surrounding area. Regarding environmental controls, a stormwater management report and plan, grading plan including sediment and erosion control plan, will be submitted as part of the site plan application under Section 41 of the Planning Act.</p>
<p>6 Transportation and Municipal Services</p>	
<p>6.2 Municipal Services</p>	
<p>6.2.1 General Policies</p>	
<p>6.2.1.1 Development will be permitted in areas that can be adequately serviced by</p>	<p>The servicing feasibility study concluded that there is adequate capacity in the</p>

<p><i>municipal services, municipal water and sewage services, stormwater management and emergency services.</i></p>	<p>City's system to accommodate both water and sewage requirements for all phases of the proposed development.</p>
<p>6.2.4 Stormwater Management</p>	
<p><i>6.2.4.1 Stormwater should be managed onsite where practical minimizing stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces. No new development shall have a negative impact on the drainage characteristics of adjacent land.</i></p>	<p>With the implementation of a water retention and treatment system, the development will achieve The City engineering standards. The specifics of the report are included in section 1.4 of this report.</p>
<p><i>6.2.4.2 Stormwater management facilities shall be designed to manage stormwater quality and quantity, at an appropriate level as determined in consultation with the appropriate Conservation Authority. The integration of natural vegetative features in new facilities shall be pursued and the naturalization of existing stormwater management facilities is encouraged. The City shall require the implementation of approved plans through the development process.</i></p>	<p>As previously indicated a stormwater management system will be provided on site that will remove 83% of the total suspended solids in 90% of the runoff. As a required material for the site plan application a stormwater management report and plan will be submitted. Additionally, a grading plan that includes a sediment and erosion control plan will be a requirement of a complete application. To date, comments from the Grey Sauble Conservation Authority have indicated no concerns related to develop at the site.</p>
<p><i>6.2.4.5 The City shall require new developments or redevelopment projects to have a stormwater management plan in place prior to the construction. These plans should address such matters as:</i></p> <ul style="list-style-type: none"> <i>a) The physical characteristics of the site including slope gradient, slope length, soil texture, soil drainage and vegetative cover</i> <i>b) Pre and post-development runoff expected based on guidelines provided by the City and/or Grey Sauble Conservation Authority.</i> <i>c) Quantity and quality control in conformity with sub watershed plans.</i> <i>d) Methods to be used to control runoff and erosion both during and after construction, emphasizing at-source measures.</i> 	<p>Regarding the physical characteristics of the site, a geotechnical investigation was completed by the Patterson Group which reviewed the soil and drainage characteristics of the subject site. The specifics of the report pertain to construction requirements for building drainage, parking and wall foundations are all reviewed in section 1.4 of this report. The servicing feasibility study has been reviewed and included as part of section 1.4 of this report, and addresses the matters related to stormwater management as identified in section 6.2.4.5.</p>
<p>7.8 Urban Design</p>	
<p>7.8.3 Experiencing the City</p>	

<p><i>7.8.3.5 The City may identify certain points of entry into the City and certain key intersections as Gateways and Nodes. These are points that may be used to create a sense of welcome and arrival, assist in orientation and create a memorable image of the City. The primary locations are at the highway entrances at Highway 26 in the east, Highways 6/10 in the south and Highways 6/21 in the west and nodes identified in area studies such as the Owen Sound Harbour and Downtown Urban Design/Master Plan Strategy. These locations may be marked with special structures, landscaping or signage that reflects the unique character of the City. Design opportunities and the integration of these elements into the surrounding area may be identified through Urban Design studies.</i></p>	<p>The existing and proposed development around the intersection of 20th Avenue and 16th Street East is considered to be part of the Gateway to the City and therefore Urban Design policies and their implementation are a key consideration of this proposal. The Sydenham Heights project will attempt to address these policies of the gateway area by emphasising structures as opposed to parking lots. It is proposed to shield parking from view as much as possible and promote a landscaped frontage.</p> <p>Site Plan control can implement landscaping and signage requirements in addition to façade details such as use of certain materials and colour.</p>
<p>7.8.6.3 Side or Rear Yard Parking</p>	
<p><i>7.8.6.3.1 In an area where existing development is less than 10 m from the sidewalk or where a higher level of landscaping is desired to present a more attractive street edge, non-residential buildings should be kept at a fairly uniform distance from the street, with parking located behind the line of the front of the building.</i></p>	<p>As noted above, there will be no front yard parking as this form of development is generally not attractive and would not compliment the aesthetics needed in developing an attractive gateway. Instead, the developer has opted to locate 3 of 4 of the on-site building at a uniform distance from the street with parking behind as per this policy direction. This central parking area will try to address the aesthetic limitations of parking lots. Sidewalks may be set back from the road with landscaped boulevards where appropriate.</p>
<p><i>7.8.6.3.2 The area between the building and street should be landscaped in accordance with applicable design guidelines.</i></p>	<p>Adequate landscaping between the buildings and the 16th Street East frontage will form a requirement of site plan approval.</p>
<p><i>7.8.6.3.3 Sidewalks may be set back from the road with landscaped boulevards where appropriate.</i></p>	<p>The proposed parking layout will provide adequate landscape buffers between the proposed parking lot and the anticipated sidewalk for the 20th Avenue extension.</p>
<p><i>7.8.6.4.4 In a retail commercial area, consideration should be given to</i></p>	<p>While the nature of the proposal is more vehicle oriented, sidewalks and pedestrian</p>

<p><i>continuous pedestrian access along the building fronts and connecting to adjacent development. Safe and comfortable pedestrian points of access from the street should be provided at regular intervals.</i></p>	<p>crosswalks have been included in the site design. The current building layout provides adequate room between the buildings to provide safe comfortable access to and within the subject lands. Pedestrian access to the development can be addressed during the site plan approval phase of the development if required.</p>
<p>7.8.6.5 Large Lots</p>	
<p><i>7.8.6.5.1 In order to create an attractive street edge, buildings on large commercial, industrial or institutional lots with sufficient depth to provide internal traffic distribution are encouraged to be located close to the street with parking located further from the street with appropriate landscape treatment as specified in the City's Site Plan Submission and Approval Guidelines.</i></p>	<p>The proposed building and parking lot layout allows for internal circulation and access to all buildings. The proposed development intends to place focus on building form and landscaping. Having the buildings face onto 16th Street East and 17th Street East will place emphasis on attractive design rather than parking lots.</p>
<p><i>7.8.6.5.2 Buildings close to the street could be developed in a form similar to that described in Section 7.8.6.3.</i></p>	<p>As indicated on the site plan (figure 2) and previously in this report, the proposed lot layout will have internal parking and circulation and compliment the direction of the provisions in policy 7.8.6.3.</p>
<p><i>7.8.6.5.3 Consideration should be given to continuous pedestrian access along the building fronts near the street and connecting to adjacent development. Safe and comfortable pedestrian points of access from the street should be provided at regular intervals to all buildings on the lot</i></p>	<p>Pedestrian access and linkages with adjacent developments can be addressed during the site plan approval phase of the development as required. Given the location of the property and its proximity to a highway corridor, external pedestrian access is somewhat limited.</p>
<p><i>7.8.6.5.4 In this form of development, parking should be separated from sidewalks by a landscaped buffer. Sidewalks may also be set back from the road with landscaped boulevards where appropriate. These areas should be landscaped in accordance with applicable design guidelines.</i></p>	<p>The preliminary site plan has identified only internal access, connecting parking to store fronts. Sidewalks along the municipal road right of ways have not been shown as there is a question of need.</p>
<p>7.8.7 Parking and Access</p>	
<p><i>Where off street parking is required, the City may develop and enforce design criteria and guidelines to provide for:</i> a) <i>Safe vehicular access.</i> b) <i>Pedestrian safety and convenience.</i></p>	<p>The subject lands currently have frontage on 16th Street East and 17th Street East. The subject lands currently have an existing access to 16th Street East, which is to be closed through the approval</p>

<p>c) <i>Adequate lighting, signage and landscaping.</i></p> <p>d) <i>Controlled visual impact by appropriate location on the site.</i></p>	<p>process. A new municipal street will be established along the eastern property line and will form an extension of 20th Avenue East. An access will connect to the new street as well as, a second access being created off 17th Street East. The proposed access locations will increase the level of safety when accessing the subject lands. The streetscape has been taken into consideration by emphasizing the buildings and shielding parking facilities. Other visual impact considerations will be further addressed during the site plan approval phase.</p>
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2.5 City of Owen Sound Zoning By-Law

The zoning of the surrounding lands is provided in figure 5 below. The subject lands are currently zoned General Industrial with exceptions (M1 14.88). The special provision within the zone allows for the permitted use of a vehicle sales establishment in addition to other permitted uses. The proposed Zoning By-Law Amendment proposes to rezone the lands to the Retail Commercial Zone (C2) to permit the proposed development. Additionally, special provisions are being requested to reduce the required parking rate from 121 to 115 spaces and provide minor relief from the required exterior side yard setback.

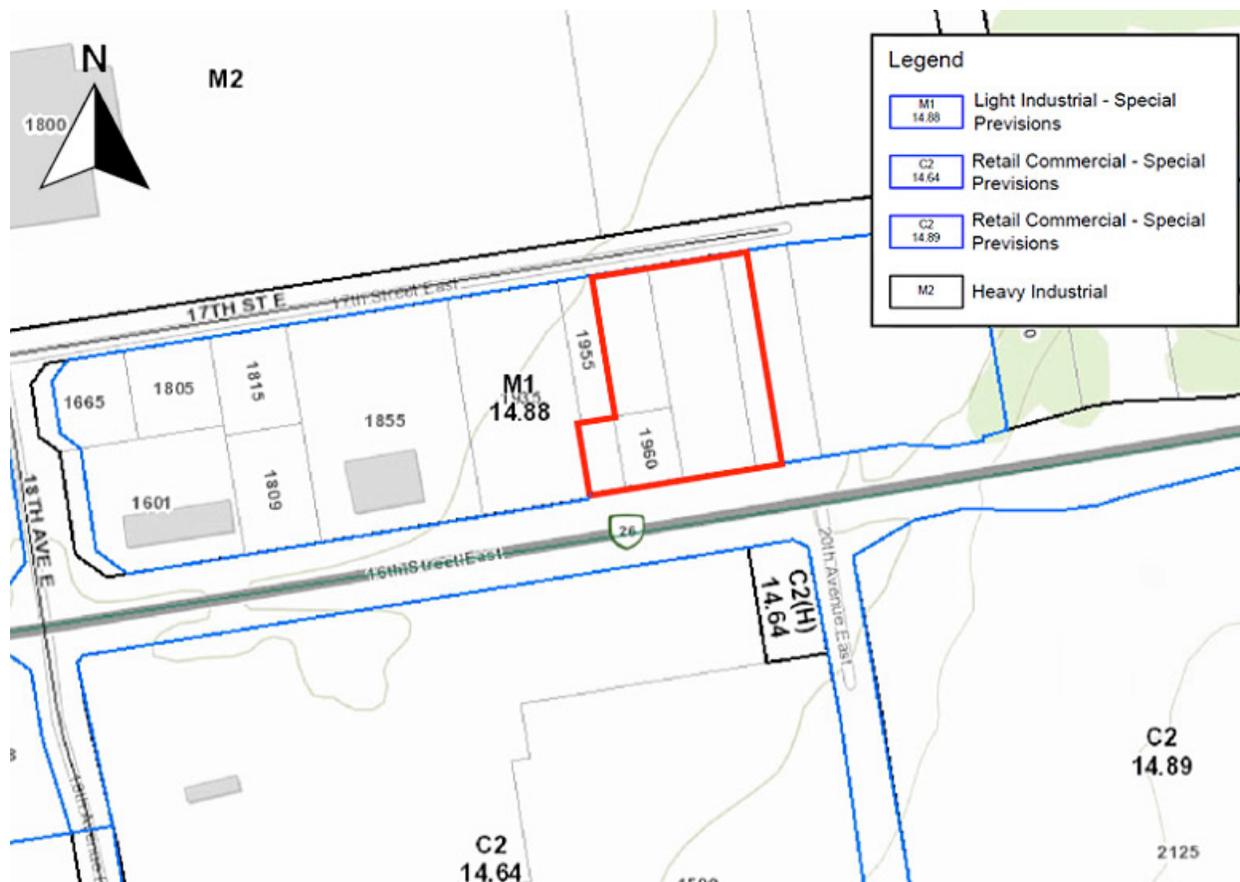


Figure 5: Zoning Excerpt

With the current proposal all the required lot coverage and setback provisions are adhered to as indicated in table 6 below with the exception of a minor reduction in parking on one side yard. As noted previously it is reasonable to adjust the parking provisions as one space per nine square meters of gross floor area is not needed for a drive-through restaurant. A reduction from 121 to 115 is therefore a minimal and reasonable change in the number of provided parking spaces.

Table 6: Relevant Zoning Standards

Provision	Required – Retail Commercial (C2)	Proposed - Retail Commercial (C2) Special
<i>Lot Frontage (min.)</i>	30m	108.6m
<i>Lot Area (min.)</i>	1,500m ²	11,187.22m ²
<i>Lot Coverage (max.)</i>	50%	17.8%
<i>Front Yard Setback (min.)</i>	10m	8.103m
<i>Rear Yard Setback (min.)</i>	2.0m	4.5m
<i>Interior Yard Setback (min.)</i>	2.0m	9.678m
<i>Exterior Yard Setback (min.)</i>	3.0m	2.0m
<i>Building height (max.)</i>	18m	9m (tallest structure)
<i>F.S.I (max.)</i>	N/A	0.178
<i>Parking Spaces</i>	121 spaces	115 spaces
<i>Barrier Free Parking Spaces</i>	51 - 75 required spaces = 3 spaces	8 Spaces (2 per building)
<i>Loading Spaces</i>	300m ² – 3000m ² gfa = 1 space	1 Space

Table 7: Required Parking Space Calculations

Provision	Area (m²)	Required parking rate	Required Parking
<i>Building A & C (Restaurant, Drive Through)</i>	641.29m ²	1 space per 9 m ² of gross floor area	72 spaces
<i>Building B & D (Other Commercial uses)</i>	1,350.58m ²	1 space per 28.0 m ² of gross floor area	49 spaces
<i>Totals</i>	1991.87 m ²	...	121 spaces

3.0 SUMMARY AND CONCLUSIONS

The proposed zoning by-law amendment for the Sydenham Heights development, including the minor reduction in the required number of parking spaces is consistent with the Provincial Policy Statement, conforms to the policies of the Grey County Official Plan and the City of Owen Sound Official Plan.

In consideration of this report, the following can be concluded:

1. The proposed will introduce a four (4) building commercial development that will add to the diversity of the East City Commercial Area.
2. The proposal is consistent with the Provincial Policy Statement as the proposal will aid in expanding the commercial and economic base of the City and region.
3. The proposal conforms to the Grey County Official Plan as it is within a settlement area and will be on full municipal services and adds to the economy of the County.
4. The proposal is in conformity with the City of Owen Sound Official Plan as the proposed use will serve to provide additional commercial support to the City while not hindering development in the historic downtown.
5. The proposal represents appropriate urban planning for this area of the City and should be considered favourably.

Respectfully submitted,



Prepared by Ryan Kochuta, BES



Approved by Don Scott, MCIP, RPP
Cuesta Planning Consultants Inc.

4.0 Appendix 1 Pre-Submission Consultation Comments



237897 Inglis Falls Road, R.R.#4, Owen Sound, ON N4K 5N6
Telephone: 519.376.3076 Fax: 519.371.0437
www.greysauble.on.ca

May 29, 2020
GSCA File: P20140

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

Attn: Amy Cann
Manager of Planning & Heritage
acann@owensound.ca

Dear Ms. Cann,

Re: Pre-circulation Application PC2020-004
1960 16th Street E
Roll No's 42-59-010-006-230-00, 42-59-010-006-229-04, 42-59-010-006-231-01,
42-59-010-006-231-02, 42-59-010-006-231-03
City of Owen Sound
Applicant: Thompson Centres

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 151/06. Grey Sauble Conservation Authority (GSCA) has also provided comments as per our Memorandum of Agreement (MOA) with the City of Owen Sound representing their interests regarding natural heritage and water identified in Sections 2.1 and 2.2, respectively, of the Provincial Policy Statement. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies. Finally, GSCA has provided advisory comments related to policy applicability and to assist with implementation of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan under the Clean Water Act.

GSCA staff have reviewed the above-noted pre-circulation application for a proposed commercial centre with four detached buildings. The buildings propose to include two restaurants with drive-through facilities, professional and personal service uses and convenience-oriented retail stores.

1 of 4



Watershed Municipalities
Arran-Elderslie, Chatsworth, Georgian Bluffs, Grey Highlands
Meaford, Owen Sound, South Bruce Peninsula, Blue Mountains

Documents Reviewed

- Site Development Plan, prepared by Greystone, dated April 27, 2020, received by GSCA staff May 22, 2020.

Site Characteristics

Existing mapping indicates that the subject property is:

- Is not regulated under Ontario Regulation 151/06
- Designated East City Commercial in the City of Owen Sound Official Plan
- Zoned 'M1 light industrial with special provisions' in the City of Owen Sound Comprehensive Zoning By-law
- Located within an area that is subject to the policies contained in the Source Protection Plan;
- We note, this review was completed using a desktop review. A site inspection has not been conducted at this time due to the challenges surrounding COVID-19.

Delegated Responsibility and Statutory Comments

- 1. GSCA has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement.**

GSCA Comment: There were no natural hazards identified on the subject property.

- 2. GSCA has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 151/06. This regulation, made under Section 28 of the Conservation Authorities Act, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. GSCA also regulates the alteration to or interference in any way with a watercourse or wetland.**

The subject property is not regulated under Ontario Regulation 151/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses administered by the GSCA. Therefore, a permit is not required from our office.

Advisory Comments

- 3. GSCA has reviewed the application through our responsibilities as a service provider to the City of Owen Sound in that we provide comment on natural heritage features under Section 2.1 of the Provincial Policy Statement and on water under Section 2.2 of the Provincial Policy Statement through a MOA.**

2.1 Natural Heritage

2.1.1 Natural heritage features and areas shall not be protected for the long term.

GSCA Comments: The desktop review did not identify natural heritage features on the subject property. We note, significant woodland is mapped in the County of Grey Official Plan adjacent to the east. However, there is no area wide mapping for natural heritage features related to significant wildlife habitat or habitat of threatened and endangered species. As such, the presence or absence of these features is not confirmed at this time.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The County Official Plan and Natural Heritage Reference Manual utilize an adjacent lands width of 120 metres for consideration of negative impacts. The property falls within 120 metres of the significant woodland feature. In this regard, the air photos indicate deciduous tree species and grassland areas within northern portion of the property. However, these areas appear to have been historically disturbed and are limited in size. Additionally, given the existing development immediately adjacent to the west and Highway 26 to the south, the site does not appear to support any obvious connections or linkages between natural areas. As such, it appears that the property does not contribute to the easterly significant woodland.

As a site inspection has not been completed, GSCA reserves the right to further comment on the natural heritage features and to request an Environmental Impact Study (EIS) if deemed necessary.

GSCA recommends a tree inventory be completed for the subject property, specifically to determine if any butternut trees are present on the property. Butternut trees are identified as a specie at risk and has been identified within the larger vicinity to the property. The tree inventory should be completed by a qualified arborist or ecologist.

2.2 Water

GSCA Comment: The proposal will greatly increase the imperviousness of the property. We recommend a stormwater management report be prepared to address both stormwater quantity and quality. Quantity controls should be specified by City of Owen Sound Engineering Services. Quality controls should be to an enhanced level.

- 4. GSCA has reviewed the application in terms of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the *Clean Water Act, 2006*. The Source Protection Plan came into effect on July 1st, 2016 and contains policies to protect sources of municipal drinking water from existing and future land use activities.**

The subject property is located within an area that is subject to the local Source Protection Plan.

Summary

Given the above comments, it is the opinion of the GSCA that:

1. Consistency with Section 3.1 of the PPS has been demonstrated;
2. Ontario Regulation 151/06 does not apply to the subject site.
3. Consistency with PPS Section 2.1 has not been demonstrated at this time;
4. A stormwater management plan is required to demonstrate consistency with PPS Section 2.2.
5. The subject site is located within an area that is subject to the policies contained in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan.

Recommendation

GSCA recommends the following:

1. GSCA staff complete a site visit for further review of the property and natural areas.
2. A tree inventory is to be completed by an arborist or ecologist.
3. A stormwater management plan be provided as part of the formal site plan application.

Should you have any questions, please contact the undersigned.

Sincerely,



Mac Plewes
Watershed Planner, Environmental Planning & Regulations

Cuesta Planning Consultants

From: MacLean Plewes <m.plewes@greysauble.on.ca>
Sent: July 24, 2020 10:03 AM
To: Lou Meandro
Cc: Amy Cann
Subject: RE: GSCA FILE P20140 1960 16th Street E Owen Sound

Good morning,

GSCA has completed a site inspection of the subject property. Based on our review we are of the opinion that an EIS is not necessary for the proposed development in this instance. We do maintain the recommendation that a tree inventory should be provided to confirm the presence or absence of butternut trees. None, were observed during the visit but there were potential dead standing trees that may have been butternut and younger butternut trees are more difficult to identify. We also recommend that tree removal occur outside of the woodland bird nesting/rearing season from May 1st to August 15th, in accordance with the Federal Migratory Birds Act.

Should you have any questions please let me know.

Best regards,

Mac Plewes

Watershed Planner | Grey Sauble Conservation Authority
R.R. #4, 237897 Inglis Falls Road, Owen Sound, ON, N4K 5N6
Phone (cell): 226-668-8942 Email: m.plewes@greysauble.on.ca

Please note that due to the escalating concerns regarding COVID-19, GSCA has closed its Administrative Office to the public and most GSCA staff will be working remotely.

Rest assured that GSCA is committing to continuing to provide a high level of service and staff will be doing their best to ensure this.

From: Lou Meandro <lmeandro@thompsoncentres.com>
Sent: Thursday, July 9, 2020 4:10 PM
To: MacLean Plewes <m.plewes@greysauble.on.ca>
Cc: Amy Cann <acann@owensound.ca>
Subject: GSCA FILE P20140 1960 16th Street E Owen Sound

Hi Mac,

Per your comments in your letter dated May 29, 2020, please arrange for a Site Visit of the above property as soon as is feasible. We would like to have the matter of a potential Environmental Impact Study resolved. Based on your comments in the letter of May 29th it seems unlikely that such a study will be required.

Thank you for your kind attention to this matter.

Sincerely,
Lou Meandro

Lou Meandro



6-2400 Dundas St West
Mississauga, ON L5K 2R8

Cell: 416.209.4336
Office: 905.278.0727
Fax: 1.866.735.0990

Email: lmeandro@thompsoncentres.com

5.0 Appendix 2 Ontario Public Register of Archaeological Reports

**Ministry of Heritage, Sport, Tourism, and
Culture Industries**

Archaeology Program Unit
Programs and Services Branch
Heritage, Tourism and Culture Division
401 Bay Street, Suite 1700
Toronto ON M7A 0A7
Tel.: (416) 212-4019
Email: Zeeshan.Abedin@ontario.ca

**Ministère des Industries du patrimoine, du sport, du
tourisme et de la culture**

Unité des programme d'archéologie
Direction des programmes et des services
Division du patrimoine, du tourisme et de la culture
401, rue Bay, bureau 1700
Toronto ON M7A 0A7
Tél. : (416) 212-4019
Email: Zeeshan.Abedin@ontario.ca



Dec 3, 2020

Scarlett Janusas (P027)
Scarlett Janusas Archaeology Inc.
PO BOX none Tobermory ON N0H 2R0

RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "STAGE 2 ARCHAEOLOGICAL ASSESSMENT 1960 16TH STREET EAST PART OF PARK LOT 8, RANGE 6 EAST OF THE GARAFRAXA ROAD PLAN OF OWEN SOUND, GT OF SYDENHAM CITY OF OWEN SOUND, GREY COUNTY ORIGINAL REPORT ", Dated Nov 25, 2020, Filed with MHSTCI Toronto Office on N/A, MHSTCI Project Information Form Number P027-0439-2020, MHSTCI File Number 0013372

Dear Ms. Janusas:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.¹

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to Archaeology@Ontario.ca

cc. Archaeology Licensing Officer
Lou Meandro, Thompson Centres
Amy Cann, County of Grey, Planning

¹In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

6.0 Appendix 3 Draft Zoning By-Law

BY-LAW NO. 2021-_____

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 RANGE 6 EGR PARK PART LOT 8 RP;16R712 PART OF PART 1, CITY OF OWEN SOUND, COUNTY OF GREY (1960 16th 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 2021-_____.

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

- 1) **That** Schedule A, Zoning Map 19, 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 (M1) 14.88 to an Retail Commercial (C2) subject to Special Provision 14.____ shown more particularly on Schedule 'A' attached hereto and forming part of this By-law,
- 2) **That** By-law 2010-078, as amended, being the Comprehensive Zoning By-law for the City of Owen Sound, is further amended by adding the following to Section 14 - Special Provisions:

“14.____

- **Notwithstanding the requirements of Section 5.18 General Parking Regulations of By-law 2010-078, total required parking spaces shall be 115;**
- **Notwithstanding the requirements of 7.3 Retail Commercial (C2) Zone Regulations of By-law 2010-078, the Minimum Exterior Side Yard Setback shall be 2.0 m.**

- **The entire property is designated as a Site Plan Control area under Section 41 of the Planning Act.”**

3) **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 _____, 2021.

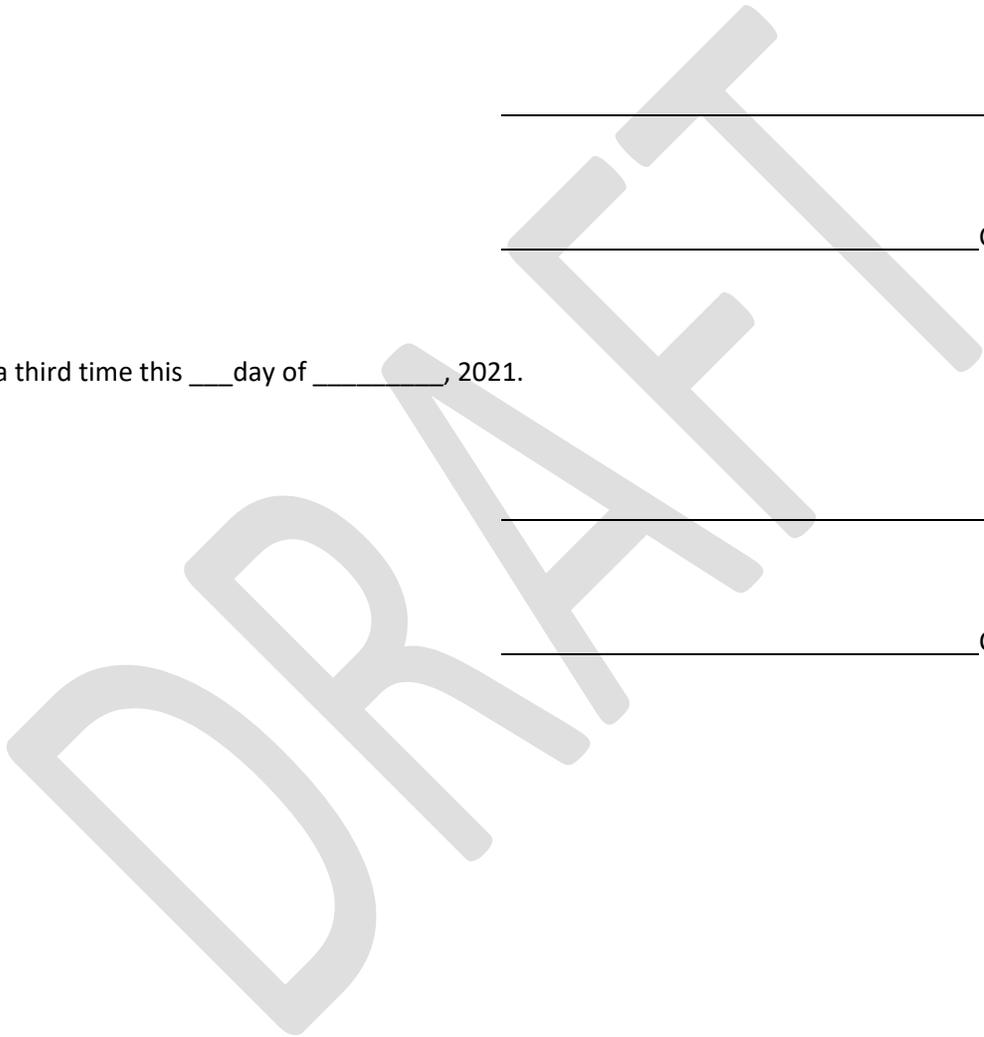
_____ Mayor

_____ Clerk

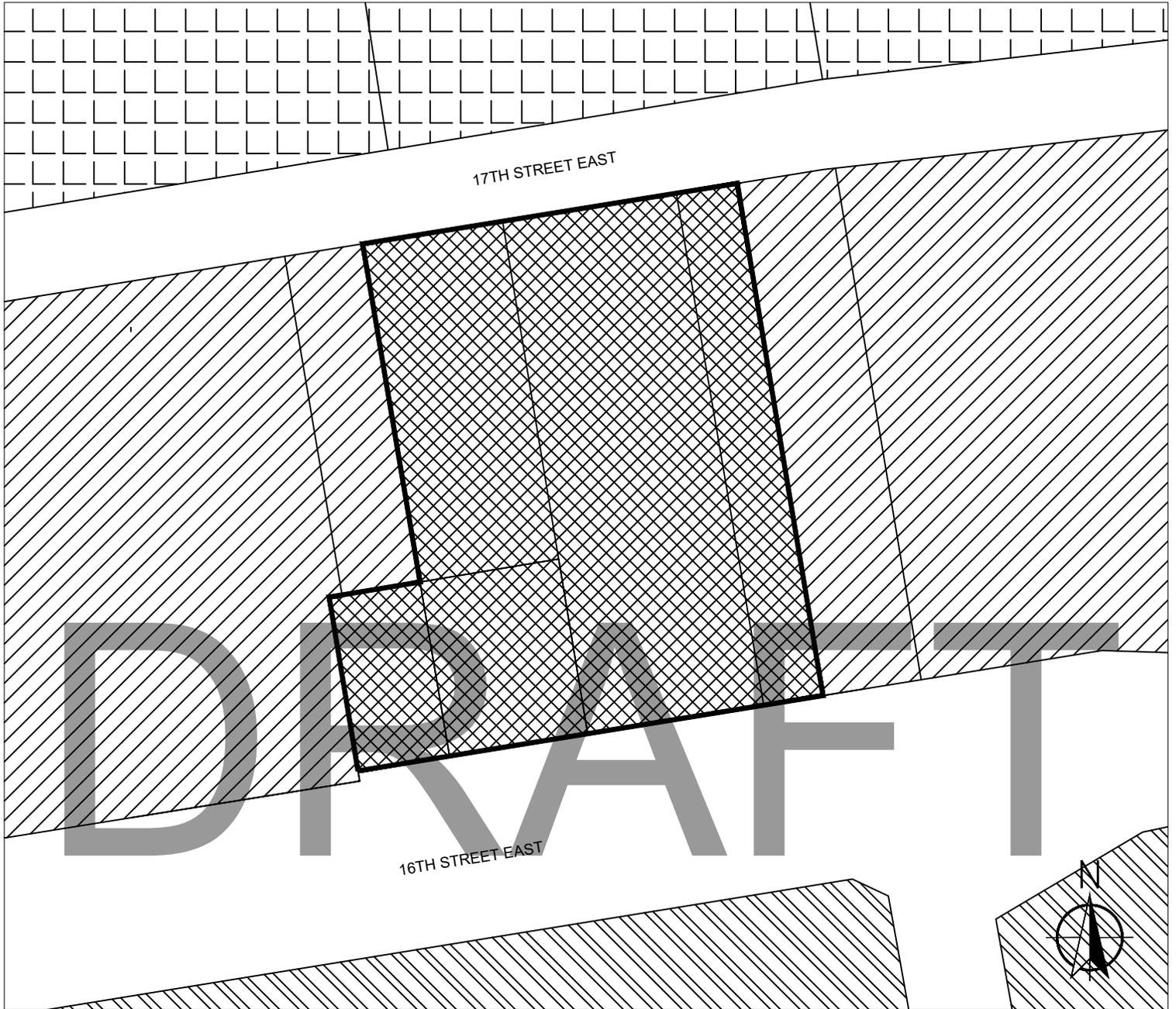
Read a third time this ___ day of _____, 2021.

_____ Mayor

_____ Clerk



Schedule A



City of Owen Sound
Grey County

Draft Zoning Bylaw Amendment Schedule for
property located at:

1960 16TH STREET EAST
RANGE 6 EGR PARK PT LOT 8 RP;16R712
PART OF PART 1
City of Owen Sound
County of Grey

Legend

 Lands to be Rezoned from M1 14.88 General Industrial to C2-Special Provision 14.__ - Retail Commercial Special

 M1 - General Industrial

 M2 - Heavy Industrial

 C2 - Retail Commercial

January 12, 2021