



NOTICE OF COMPLETE APPLICATION & PUBLIC MEETING

Zoning By-law Amendment No. 43
1730 27th Avenue East

TAKE NOTICE that the City of Owen Sound has received an application for a Zoning By-law Amendment being an application to amend Comprehensive Zoning By-law 2010-078 under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended for lands located at 1730 27th Avenue East.

TAKE NOTICE that the City of Owen Sound has deemed this Zoning By-law Amendment No. 43 (ZBA 43) application complete and will hold a Public Meeting to consider ZBA 43 on January 16, 2023 at 7:00 PM, in the Council Chambers of the City of Owen Sound, in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

PURPOSE AND EFFECT:

The purpose of the application is to permit an indoor storage facility with ten (10) buildings. The proposal includes the construction of a parking area, an internal road system, landscaping, and a stormwater management system.

The effect of the application is to amend the zone categories and add special provisions applying to the subject lands generally in accordance with the following:

Current Zone	Proposed Zone
Heavy Industrial (M2) General Industrial (M1) Hazard Lands (ZH)	Heavy Industrial (M2) with Special Provision 14.XX

The proposed special provisions provide for site specific off-street parking and reduced landscaped open space requirements, among other matters.

PROPERTY DESCRIPTION:

The subject lands are legally described as PLAN 16M44 BLOCK 3 & 4. The lands are located at 1730 27th Avenue East and are shown more particularly on the Key Map below.

PUBLIC MEETING:

Date: Monday, January 16, 2023
Time: 7:00 p.m.
Location: City Hall, Council Chambers
808 2nd Avenue East, Owen Sound

PUBLIC COMMENTS:

Oral and written comments will be considered at the Public Meeting. Written comments will be accepted until Monday, January 16, 2023, and may be submitted to Briana Bloomfield, City Clerk as follows:

Electronic Mail: notice@owensound.ca

Regular Mail: 808 2nd Avenue East, Owen Sound, ON N4K 2H4

Written comments received by January 11, 2023 will appear on the Council Meeting agenda which will be available for review on January 12, 2023, on the [Council and Committees webpage](#).

If you wish to participate in the Public Meeting in person, no registration is required. If you wish to participate in the Public Meeting electronically, you must contact the City Clerk by Friday, January 13, 2023, at 4:30 p.m. at bbloomfield@owensound.ca or 519-376-4440 ext. 1247 to be registered to participate in the Public Meeting.

To ensure that your comments are clearly understood and received prior to Council making a decision, you are strongly encouraged to submit written comments prior to the Public Meeting even if you intend to attend the Public Meeting.

PUBLIC RECORD:

Personal information is collected under the authority of the *Planning Act* and the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended. The information collected will be used to complete the Zoning By-law Amendment process and will form part of the public record. Questions about this collection should be addressed to Briana Bloomfield, City Clerk.

ADDITIONAL INFORMATION:

For more information about this matter, including information about appeal rights, please contact **Sabine Robart**, Planning Division by email at planning@owensound.ca or telephone at 519-376-4440 ext. 1236 during regular business hours (8:30 a.m. – 4:30 p.m.), or by visiting www.owensound.ca/development. A copy of the proposed Zoning By-law Amendment is available on the website together with additional plans, background studies and reports submitted with the application.

The public meeting and all Council proceedings can be viewed live on Rogers Cable TV or the [Rogers TV Website](#) or viewed during and after the meeting on the [City's Council and Committee webpage](#).

If you are the owner of a building that contains 7 or more residential units, please post this notice in a location that is visible to all the residents.

If you wish to be notified of the decision of The Corporation of the City of Owen Sound on the proposed zoning by-law amendment, you must make a written request to The Corporation of the City of Owen Sound at the address listed below.

If a person or public body would otherwise have an ability to appeal the decision of The Corporation of the City of Owen Sound to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to The Corporation of the City of Owen Sound before the by-law is passed, the person or public body is not entitled to appeal the decision.

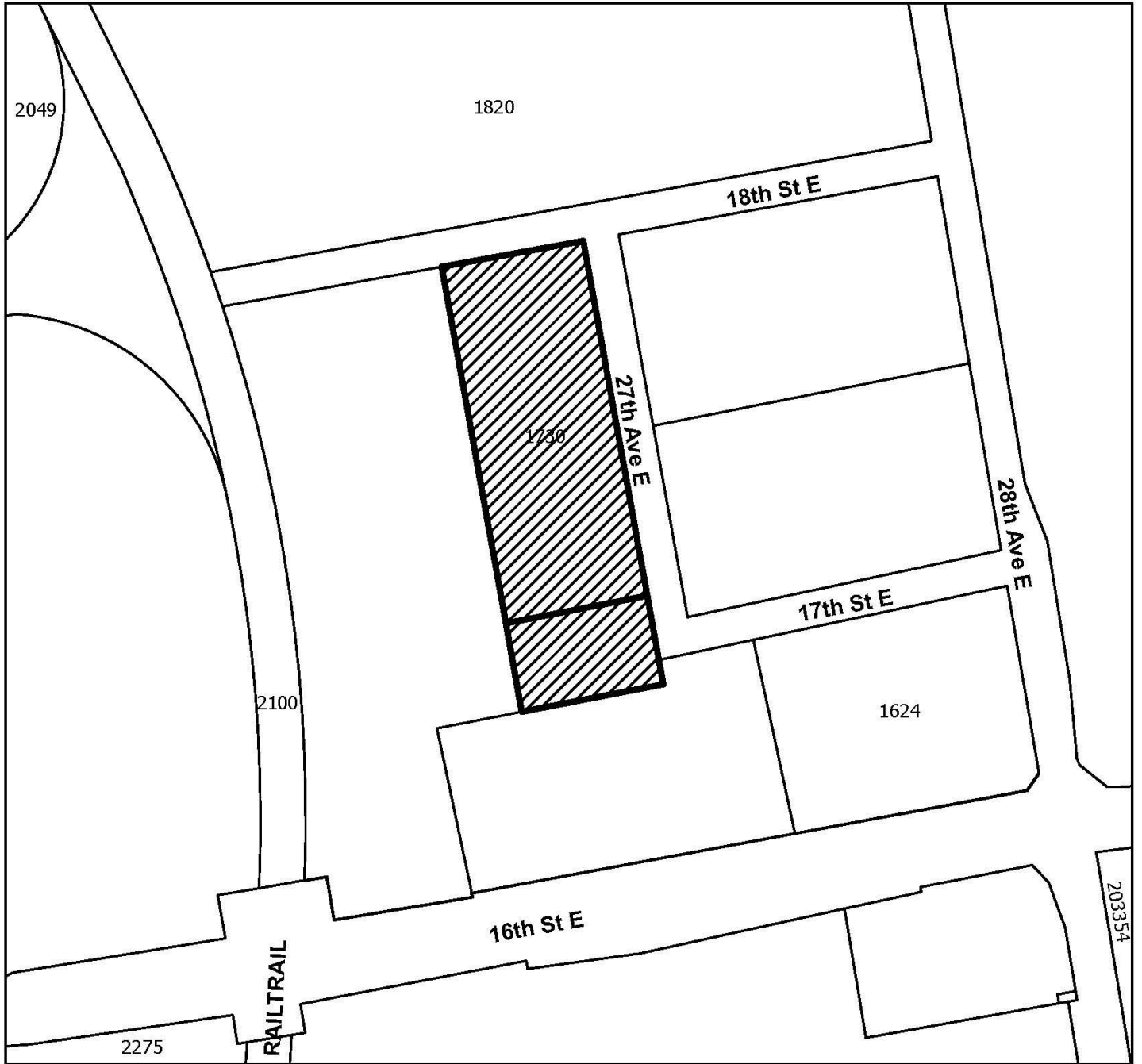
If a person or public body does not make oral submissions at a public meeting or make written submissions to The Corporation of the City of Owen Sound before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Any person may attend the public meeting and make oral and/or written submissions either in support of or in opposition to the proposed applications. All submissions will form part of the public record.

DATED AT the City of Owen Sound this 16th day of December 2022

Staci Landry
Deputy Clerk
City of Owen Sound
808 2nd Avenue East
Owen Sound, ON N4K 2H4
Telephone: 519-376-4440 ext. 1235
Facsimile: 519-371-0511
Email: notice@owensound.ca

Key Map





RON DAVIDSON
LAND USE PLANNING CONSULTANT INC.

November 17, 2022

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

Attention: Sabine Robart
Senior Planner

Dear Sabine:

**Re: Planning Justification Report
Application for Zoning By-law Amendment
Blocks 3 and 4, Plan 16M44
City of Owen Sound
(1730 27th Avenue East)
Owner: Andpet Realty Limited**

Further to recent pre-consultation discussions regarding the development proposed for the above-noted property, enclosed please find:

- Planning Application Form A.0;
- Planning Application Form A.7;
- Engineering Review Application;
- GSCA Planning Services Fee form.

Also included with this package are the required application fee, GSCA fees and the Site Plan.

To assist your office with its review of the proposal, I offer the following:

Background:

Andpet Realty Limited is proposing to construct an indoor storage facility on lands situated within the industrial subdivision at the east end of Owen Sound. The development would

involve nine one-storey buildings and one two-storey building, with the latter including office and building maintenance space, as illustrated on the Site Plan.

This development would provide a total of 5537.05 square metres of storage space and 148.65 square metres of office/maintenance floor area.

The construction would occur in two phases, as shown on the Site Plan.

Approvals Required:

The proposed development requires an amendment to the City's Comprehensive Zoning By-law, for reasons explained below, and a Site Plan Agreement. At this time, only the Zoning By-law Amendment application is being filed with the City. The Site Plan Agreement application will be filed in the near future.

In addition to the above, a Deeming By-law having the effect of merging the two subject properties must also be adopted by City Council.

Furthermore, since the entire Block 3 and a small portion of Block 4 are situated within the GSCA Regulated Area, a permit from GSCA will be required.

Subject Lands:

The subject lands currently consist of two separate parcels (i.e. Blocks 3 and 4, Plan 16M44) within the industrial subdivision owned by Andpet Realty Limited. The lands comprise a total of 2.01 hectares.

At the time of writing of this Planning Justification Report, the construction of the buildings in Phase 1 of the development had begun.

City of Owen Sound Zoning By-law:

Current Zoning:

According to Schedule A of the City's Comprehensive Zoning By-law, Block 3 is zoned mostly 'ZH' (Hazard), with the remainder of this lot being zoned 'M1' (General Industrial).

Block 4 is zoned almost entirely 'M2' (Heavy Industrial). A small area in the southwest corner is zoned 'ZH' (Hazard).

The current zoning is shown on Figure 1 of this Planning Report.

Proposed Zoning:

The proposed Zoning By-law Amendment is intended to:

1. remove the 'ZH' zone from the subject lands;
2. reduce the minimum landscaped open space requirement from 25% to 24.5%; and,
3. reduce the minimum parking requirement from 86 spaces to 25 spaces.

Justification of Zoning By-law Amendment:

The following demonstrates the merit of this three-part rezoning request:

1. Removing the 'ZH' zone

The 'ZH' zoning that covers most of Block 3 and a sliver of Block 4 was originally placed on the property to reflect a drainage course that previously existed on the site. With the approval of the Department of Fisheries and Oceans, that intermittent watercourse was realigned several years ago and no longer traverses any portion of the subject lands. Through the recent pre-consultation discussions with the City and Grey Sauble Conservation Authority, it was agreed that the 'ZH' zoning on Blocks 3 and 4 is no longer necessary and can be removed.

Removing the 'ZH' zone would result in Block 3 being zoned entirely 'M1' and Block 4 being zoned entirely 'M2'. Since these two parcels are merging on title, there is merit in having just one zone applied to these lands instead of a split zoning. City Planning staff agree with this approach and have recommended that the entire site be zoned 'M2'. The requested rezoning is shown on Figure 2.

2. Reducing the minimum landscaped open space requirement

The requested reduction from 25% to 24.5% is so minor that the reduction will not be visually noticeable and could not possibly have a negative impact on the overall development.

3. Reducing the minimum parking requirement

The office floor space that will be included within the proposed two-storey building requires six parking spaces, based on the "1 space per 28 m² GFA" requirement for "offices". In this regard, six parking spaces will be provided.

The Zoning By-law does not include a specific parking requirement for indoor storage, and therefore the parking requirement defaults to the “5 spaces plus 1 space per 90 m² GFA” provision that applies to “all other industrial uses”, which means that 80 parking spaces are required for the storage units. The Site Plan, however, proposes 19 parking spaces.

Notwithstanding this apparent deficiency, no parking shortage problem should actually be expected because sufficient parking will, in fact, be provided, just not within an identified parking area. With storage facilities such as this, the customers always park their vehicles directly in front of their leased unit when picking up or dropping off their belongings. Logistically, it would not make sense to park elsewhere. In this regard, there will be ample area for vehicles to be parked in front of the individual units. Granted, if all customers showed up at the same time, there would be a parking congestion issue; however, given the nature of the business and the fact that customers may visit their storage unit once or twice a month, at most, once they’ve initially moved their belongings into the unit, the amount of traffic within the storage complex and the associated need for parking is very low.

Based on the foregoing, the proposed parking arrangement should be deemed acceptable.

City of Owen Sound Official Plan:

The subject lands are designated entirely ‘Employment’ on Schedule A of the City of Owen Sound Official Plan, and no portion of these lands are designated ‘Hazard’. As such, removing the ‘ZH’ zoning from the site would clearly conform with the Official Plan.

Notwithstanding the above, it should be noted that the entire Block 3 and a small portion of Block 4 are situated within the GSCA Regulated Area, and therefore a permit from the GSCA will be required.

According to Section 3.9. of the Official Plan, the ‘Employment’ designation permits a wide range of employment and business uses, including storage facilities.

The Official Plan does not provide detailed policies pertaining to such matters as parking requirements or landscaping standards. In this regard, the proposed reductions to the parking and landscaping provisions would not conflict with the City’s Official Plan.

Section 6.1.5 states that an Environmental Impact Study (EIS) may be required where there is an application for development that involves hazard lands or where the lands are located adjacent to any significant natural heritage feature. In this regard, an EIS was prepared by Aquatic and Wildlife Services Inc. in 2009, i.e. when this industrial subdivision was established. An updated EIS has not been requested to support the proposed rezoning; however, one remaining issue pertaining to two Butternut trees, which have an “endangered” status on

Ontario's Species At Risk list, must be addressed. Those two trees and their respective required 25-metre buffer zones are shown on the Site Plan. These buffer zones encroach into the development area of the subject lands. In this regard, Aquatic and Wildlife Services Inc. completed a Butternut Health Assessment for the two Butternut trees in August of 2022 and determined that both trees are considered to be "Category 3" under the Butternut Provincial Health Assessment Criteria, which means the trees may be resistant to the Butternut Canker disease. The Ecologist is in the process of filing an application with the Ministry of Environment, Conservation and Parks to allow for development to occur within the recommended setback with mitigative planting elsewhere on that same property in case the existing trees suffer due to the development.

Strategy for Public Consultation:

Andpet Realty Limited will not be contacting the neighbouring land owners to discuss this Zoning By-law Amendment. First of all, the developer owns all of the other lots within the industrial park and the City of Owen Sound owns the property to the west; and, the City is obviously aware of this development. Secondly, all property owners within 120 metres of the site will be notified by the City of the proposed development and the upcoming Public Meeting. Thirdly, the Planning Act doesn't require an applicant to notify the neighbours.

Provincial Policy Statement:

The Provincial Policy Statement (PPS) directs urban type development to the designated settlement areas, such as Owen Sound.

The PPS requires development to be serviced with sanitary sewers and municipal water where such services can be made available. The proposed development will be fully serviced.

Furthermore, the PPS encourages employment opportunities such as new commercial and industrial opportunities, which would clearly include an indoor storage facility.

The PPS does not include development policies dealing with such matters as parking and landscaping.

Moreover, the PPS serves to protect areas of natural hazards. As explained above, no portion of the subject lands is considered to be within the hazard area since the drainage course that previously existed on the site has been re-routed.

Lastly, the PPS protects natural heritage features from development and site alteration that could negatively impact such features and their ecological functions. As explained above, the

proposed development is situated within the required 25-metre buffer area of two Butternut trees that exist on the abutting property, and the Ecologist is in the process of applying to the Province to allow development to occur within the 25-metre setback. If approved, the Development will be required to purchase Butternut trees and plant them elsewhere, likely on the same property, as allowed under the Endangered Species Act exemption process. Provided approval is granted by the Province, the development will be consistent with the natural heritage policies of the PPS. As discussed with the City during the pre-consultation exercise, this matter can be addressed at the Site Plan Agreement stage and shouldn't interfere with the Zoning By-law Amendment being requested at this time.

In view of the foregoing, the proposed Zoning By-law Amendment should be deemed to be consistent with the Provincial Policy Statement.

Concluding Comments:

The proposed Zoning By-law Amendment conforms to the Official Plan and is consistent with the Provincial Policy Statement. The proposal represents sound land use planning.

Based on the foregoing, the submitted application has merit and should be given favourable consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ron Davidson', with a stylized flourish at the end.

Ron Davidson, BES, RPP, MCIP

c.c. Peter Van Dolder

Figure 01: Existing Zoning

 Subject Lands

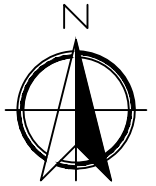


Figure 02: Proposed Zoning

 Subject Lands

