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# Planning Justification Report

## **Official Plan Amendment & Zoning By-law Amendment Commercial Development**

4980 Sunset Drive  
Municipality of Central Elgin (Port Stanley), Ontario

NOVEMBER 2022

Prepared for:

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## 1. INTRODUCTION

**Monteith Brown Planning Consultants (MBPC)** on behalf of our client, Wastell Developments Inc. (“Wastell”) (c/o Julian Novick), is pleased to submit applications to amend the current Municipality of Central Elgin Official Plan, the recently-adopted Central Elgin Official Plan, and the Township of Yarmouth Zoning By-law as it applies to 4980 Sunset Drive (“the subject lands”) in the Community of Port Stanley, Ontario.

It is understood that the lands are currently owned by The Corporation of the Municipality of Central Elgin; the proponent has entered into an agreement of purchase and sale (“APS”) with the Municipality to take ownership of the property. The offer set out in the APS is conditional upon our client obtaining the necessary official plan and zoning by-law amendment to allow for the development on the property for the proponents intended use. In this case, the proposal is for four stand-alone commercial buildings on the site.

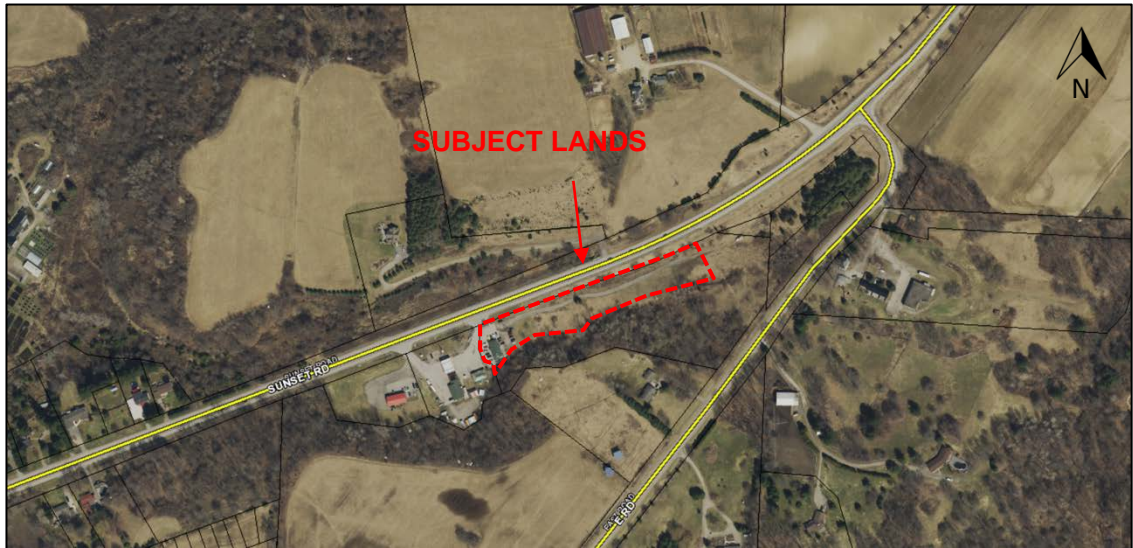
The intent of this report is to analyze the land use planning merits of the proposed Official Plan and Zoning By-law Amendments to determine the appropriateness of the proposed development. The proposal will be analyzed within the context of the surrounding community and the relevant planning documents, including the Provincial Policy Statement, the County of Elgin Official Plan, both the current and adopted Central Elgin Official Plans, and the Township of Yarmouth Zoning By-law.

### 1.1 Site Description

The subject lands, irregular in shape, have a total area of approximately 1.86 acres (0.75 Ha), with 222.8 metres of frontage along Sunset Drive (County Road 4). The property is located in the northerly portion of Port Stanley, southwest of the Sunset Drive and East Road T-intersection. Based on aerial photography, the site is currently occupied by a vacant one-storey building in the westerly portion of the site (approximate area of 160 square metres and proposed to be demolished) with the remaining majority of the property currently vacant.

Based on a review of the Plan of Survey for the property a sanitary sewer easement runs along the north extent of the property boundary. A shared access easement is also located over the westerly portion of the site to provide access to the site via Sunset Drive for both the subject lands and the gas bar immediately adjacent to the west of the property.

**Figure 1 – Key Map**



Source: Elgin Mapping, 2015 Overlay

**Figure 2 – Street View of Subject Lands**



Source: Google Maps, Captured: July 2021

## 1.2 Land Use Context

The following provides a description to the lands immediately adjacent to the subject lands.

### North

The Urban Settlement Area Boundary for the Community of Port Stanley runs along Sunset Road (County Road 4), adjacent to the north. The lands north of Sunset Road are occupied by natural

heritage (woodlands), the Moore Water Garden swamp (locally significant swamp), and agricultural fields (See Figure 3).

**Figure 3 –View on Sunset Drive Looking North Towards Natural Heritage, Swamp and Agricultural Lands**



*Source: Google Maps, Captured: July 2021*

### **East**

The lands to the east of the property are comprised of natural heritage features as well as the recently-constructed Central Elgin Fire Station #1, with established single-detached dwellings accessed from East Road further to the east.

**Figure 4 –View on Sunset Drive Looking North Towards Natural Heritage and Agricultural Lands**



*Source: Google Maps, Captured: July 2021*

### South

The lands immediately to the south of the property are occupied by natural heritage (woodlands), with vacant residential lands (currently used for field crops) owned by the proponent further to the south along East Road.

**Figure 5 – View on East Road Looking Southwest Towards Vacant Residential Lands owned by Wastell Developments Inc.**



Source: Google Maps, Captured: September 2018

### West

The lands immediately to the west are occupied by commercial uses (i.e., Shell Gas Station, Car Wash, Dick Walters Auto Service), along with Natural Heritage (woodlands) and established street-fronting single-detached dwellings along Sunset Drive further to the west.

**Figure 6 – View on Sunset Drive Looking West Towards Commercial Uses and Natural Heritage Woodlands**



Source: Google Maps, Captured July 2021

### 1.3 Pre-Application Consultation Meetings

A Pre-Consultation meeting was held on January 24, 2022 with County of Elgin, Municipality of Central Elgin, and Kettle Creek Conservation Authority staff to discuss the proposed commercial development on the subject lands and to receive input and comments on the preliminary issues for consideration and requirements for the submission of a complete Official Plan Amendment (local) and Zoning By-Law Amendment application.

City Staff confirmed that an Official Plan & Zoning By-Law Amendment would be required to permit the proposed development. The specific amendments proposed are outlined in Section 3 below. The following items listed were identified as requirements for the Official Plan Amendment & Zoning By-Law Amendment applications:

- Planning Justification Report;
- Geotechnical Report;
- Environmental Impact Study (EIS);
- Subwatershed Study; and,
- Traffic Impact Study.

The supporting materials outlined above are all included as part of this complete submission package and the results are summarized in the sections below. Additional materials may subsequently be provided during the Site Plan Approval process and/or detailed design stage.

As part of a complete application, Municipal Staff had requested that the proponent confirm with the County of Elgin's Engineering Department on required setbacks for a proposed development adjacent to a County Road. The County engineer advised that, in accordance with the County of Elgin's Roads Plan and Policies Document, the minimum setback of buildings and structures to be placed on a lot adjacent to Sunset Drive (County Road 4) shall be 26 metres from the centreline of the right-of-way. The proposed development, as shown on the Site Plan submitted as part of a complete application, has been setback accordingly (See Figure 7).

## 2. DEVELOPMENT PROPOSAL

Wastell is proposing to maximize development opportunity of the subject lands by re-developing the largely vacant and underutilized site into a commercial plaza. To accommodate the proposed development, the existing vacant building will be demolished. As a result of detailed technical studies undertaken (i.e., Environmental Impact Study, Geotechnical Study), the developable area of the site has been specifically re-defined and as such, the proposed re-designation and re-zoning applications discussed below in Section 3 are appropriate.

A total of four one-storey, stand-alone commercial buildings are proposed (illustrated on Figure 7, below):

- Building 'A' – 338 square metres
- Building 'B' – 250 square metres
- Building 'C' – 300 square metres

- Building 'D' – 470 square metres

A total of 1358 square metres of gross leasable floor area is proposed for the property.

With the exception of Building 'B', which is proposed to be used as a drive-thru eating establishment, the specific use of Buildings 'A', 'C' and 'D' have not yet been confirmed. It is; however, anticipated that the uses that will occupy these buildings will align with the permitted uses set out in the 'Commercial-Industrial' Designation of the Municipality of Central Elgin Official Plan as it currently applies to the westerly portion of the property (designation proposed to be extended for the property in its entirety through the proposed Official Plan Amendment), the general commercial uses requested through the Official Plan Amendment, and the permitted uses set out in the existing Site-Specific Business Zone 3 (hB3-32) zone in the Township of Yarmouth Zoning By-Law that applies to the entire property, and/or the parent Business Zone 3 zone. A list of potential uses proposed through the Amendment applications is outlined in Section 3, below.

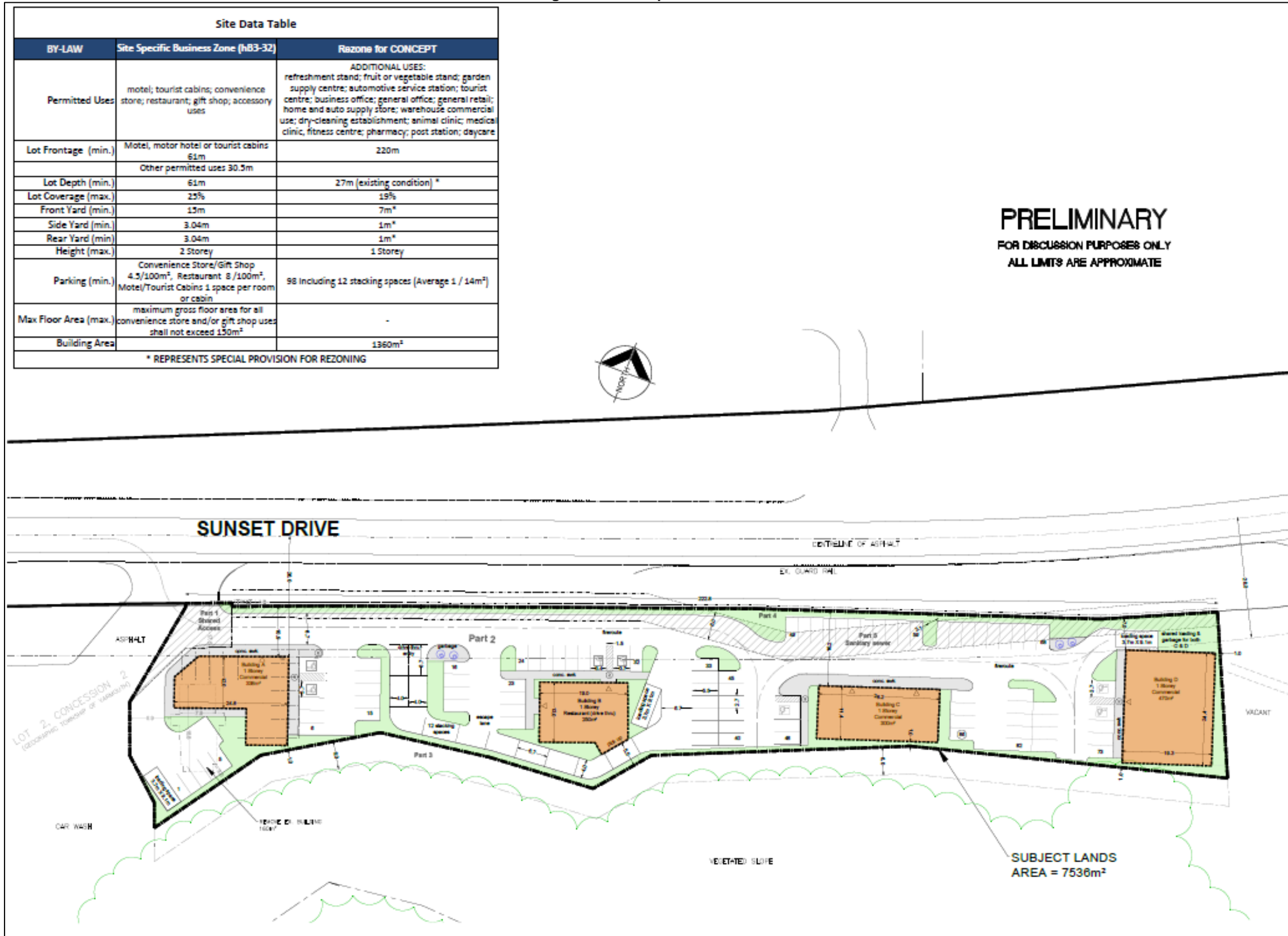
Access onto the site is proposed to be maintained via the existing entrance in the north-westerly portion of the subject lands through the shared access easement. This access connects to Sunset Drive (County Road 4).

A total of 98 parking spaces are proposed for the subject lands, providing a parking ratio of approximately 7.2 parking spaces per 100 square metres.

A Conceptual Site Plan illustrating the proposed development is provided as part of our complete application submission, and provided as Figure 7 below. Please note that components to development such as, but not limited to, architectural design and treatment, landscaping, off-street parking, commercial and building layout and use, will be refined through a subsequent Site Plan Approval process.



Figure 7 - Conceptual Site Plan



Source; Monteith Brown Planning Consultants, 2022

### 3. PROPOSED PLANNING APPROVALS

To fulfil the conditions set out in the agreement of purchase and sale between the Municipality and the proponent, the following planning approvals are required to permit the proposed development.

#### 3.1 Proposed Official Plan Amendment (Current and Adopted)

An amendment to Schedule “G” (Community of Port Stanley Land Use Plan) in the current Municipality of Central Elgin Official Plan (“CEOP”) and the recently-adopted Central Elgin Official Plan (“adopted OP”) is requested, to re-designate the **easterly portion** of the subject lands **FROM** “Natural Heritage” **TO** “Commercial - Industrial”, to permit the future re-development of the site as a commercial plaza.

The proposed re-designation would provide for a contiguous extension of the existing designation that applies to the westerly portion of the subject lands and the neighbouring Commercial-Industrial designated property to the west.

In addition, the Official Plan Amendment seeks a Site-Specific Special Policy for the entire site that provides relief from subsection 4.3.1d) of the CEOP and subsection 4.4.1d) of the adopted OP, which states, “*Commercial uses which are more appropriate to lands designated General Commercial shall be prohibited*”. Accordingly, the Site-Specific Special Policy requests for each Official Plan are as follows:

##### **CEOP**

*Notwithstanding subsection 4.3.1d of the Central Elgin Official Plan, for the lands located at Municipal No. 4980 Sunset Drive and designated “Commercial-Industrial”, general commercial uses may also be permitted, with a minimum gross leasable floor area of 125 metres squared per single use. These uses may include retail stores, pharmacy, personal and business services, general office, clinics, restaurants and other eating establishments, and fitness centre.*

##### **Adopted OP**

*Notwithstanding subsection 4.4.1d of the Central Elgin Official Plan, for the lands located at Municipal No. 4980 Sunset Drive and designated “Commercial-Industrial”, general commercial uses may also be permitted, with a minimum gross leasable floor area of 125 metres squared per single use. These uses may include retail stores, pharmacy, personal and business services, general office, clinics, restaurants and other eating establishments, and fitness centre.*

The Site-Specific Special Policy would present greater flexibility in use of the property to serve both the travelling public as well as residents who reside in the up-and-coming residential community in North Port Stanley. Further, the amendment would restrict general commercial uses to only those within a larger building format that cannot easily or readily be accommodated in commercial buildings in the commercial core of Port Stanley.

The proposed Amendment is illustrated on Figure 8, below.

### 3.1 Zoning By-Law Amendment

An amendment to the Township of Yarmouth Zoning By-Law Schedule “B” (Map Part 9) to re-zone the subject lands **FROM** ‘Business Zone 3, Special Zone 32 – Holding’ (‘hB3-22’) **TO** ‘Business Zone 3, Special Zone (\*)’ (‘B3-\*)’ to permit the re-development of the site as a commercial plaza with the following special provisions:

- Permitted uses: hotel-motel business; convenience stores; restaurant or other eating establishments; gift shop; refreshment stand; fruit or vegetable stand; garden supply centre; automotive service station; tourist centre; business office; general office; general retail; home and auto supply store; warehouse commercial use; dry-cleaning establishment; animal clinic; medical clinic, fitness centre; pharmacy; post station; and daycare.
- Minimum Lot Depth of 27 metres (existing condition), whereas 61 metres is required;
- Minimum Front Yard Setback of 7 metres, whereas 15 metres is required;
- Minimum Side Yard Setback of 1.0 metres, whereas 3.04 metres is permitted;
- Minimum Rear Yard Setback of 1.0 metres, whereas 3.04 metres is permitted;
- Site-Specific Parking Requirement of 98 Parking Spaces; and,
- Site-Specific Minimum Gross Leasable Floor Area of 125 metres squared per single use.

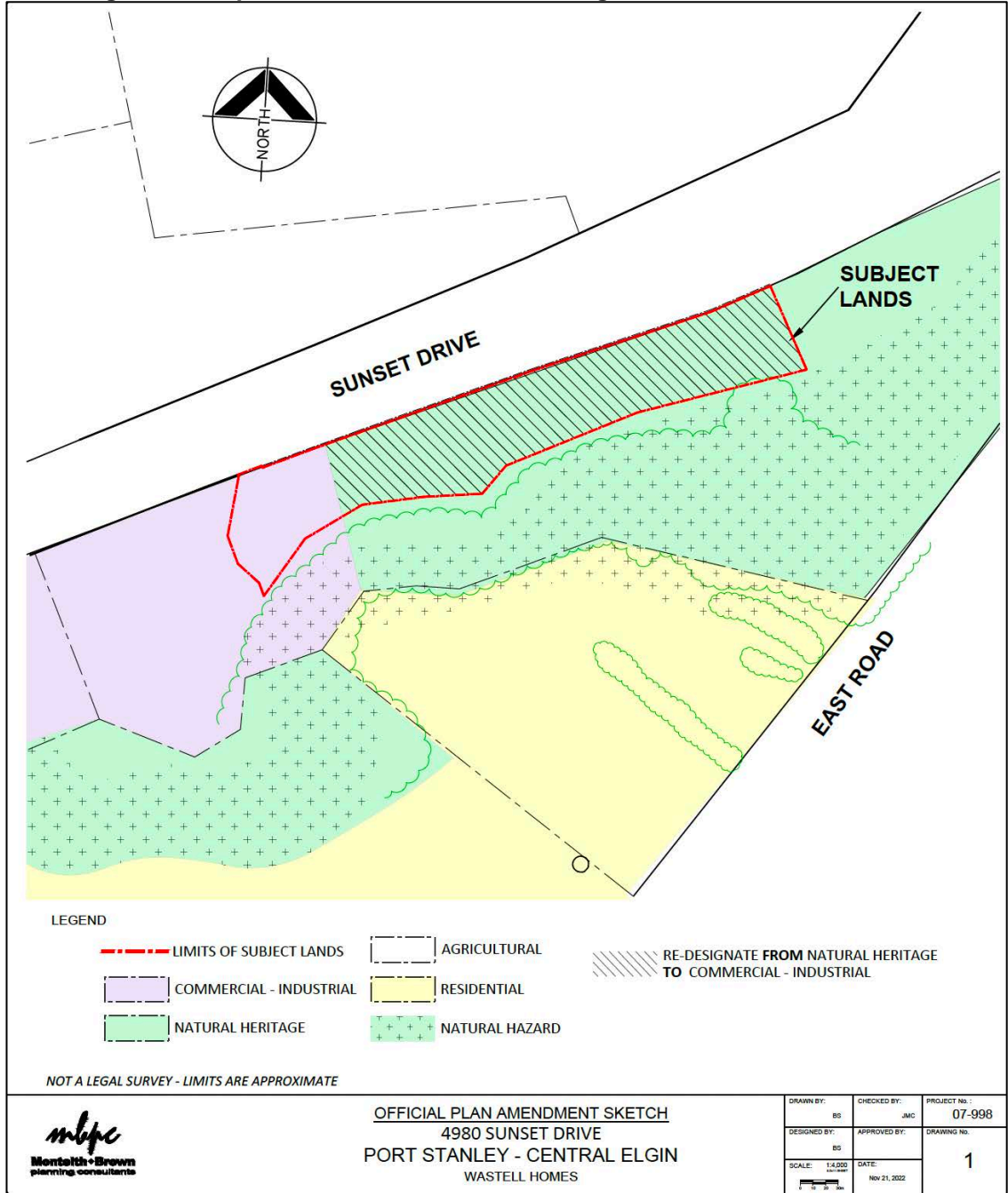
The proposed development satisfies all other regulations of the current hB3-22 zone that applies to the subject lands.

The holding provision (‘h’) on the property is proposed to be removed; matters of sewage capacity and the development agreement will be addressed through the subsequent Site Plan Approval process.

The natural heritage lands south of the development lands are proposed to be re-zoned **FROM** ‘Business Zone 3, Special Zone 32 – Holding’ (‘hB3-22’) **TO** ‘Open Space 2, Special Zone’ (‘OS2-\*)’) to align with the Official Plan Amendment land use designations.

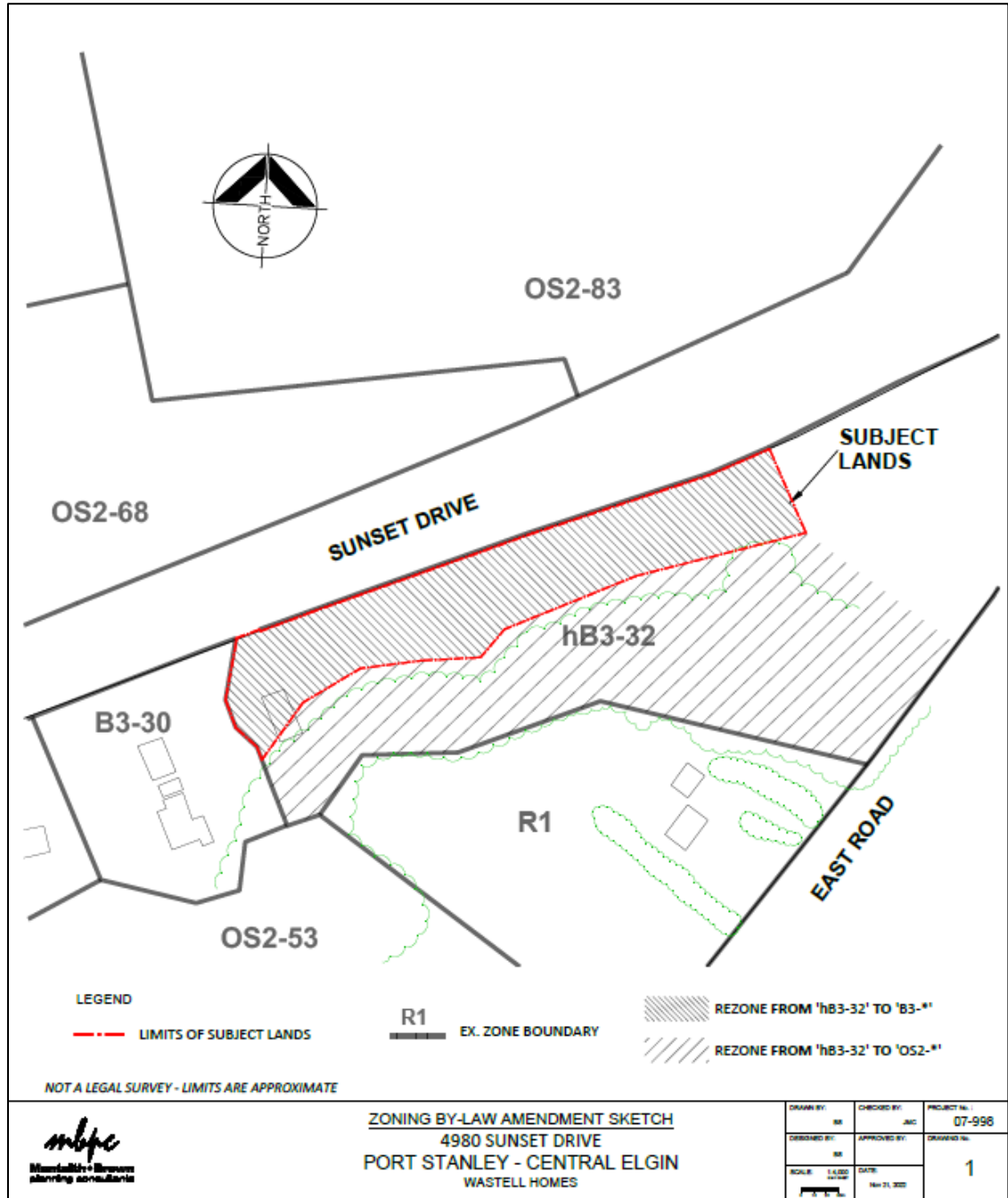
The proposed Amendment is illustrated on Figure 9, below.

**Figure 8 - Proposed Amendment to Central Elgin Official Plan Schedule G1**



Source: Monteith Brown Planning Consultants, 2022

**Figure 9 - Proposed Amendment to Township of Yarmouth Zoning By-Law**



Source: Monteith Brown Planning Consultants, 2022

## 4. TECHNICAL STUDIES

### 4.1 Geotechnical Report (LDS, 2022)

LDS Consultants Inc. (“LDS”) was retained to undertake a geotechnical investigation and preliminary hydrogeological assessment as it pertains to the commercial development on the subject property. The purpose of the investigation was to provide geotechnical and hydrogeological comments and recommendations regarding site preparation, temporary excavations, excavation support, groundwater control or Environmental Activity and Sector Registry (“EASR”) submission for construction dewatering, foundation design, slab on grade construction, site servicing, pavement design, and slope stability review and analysis.

Four boreholes were advanced to a depth of 5.0 metres (16.5 feet) below existing grade, with monitoring wells installed in two of the boreholes (BH1 and BH3) to allow for monitoring of the stabilized groundwater level at site. Shallow groundwater was present within the near-surface sandy soils (approximately 4.4 to 4.5 metres below existing ground surface), which will vary in response to climatic or seasonal conditions and, as such, may differ at the time of construction, with higher levels possible during mild weather conditions which create melting conditions, and during wet periods. The water level measurements taken at the site were also indicative of a westerly groundwater flow direction.

In terms of subsurface conditions, soils observed in the boreholes consisted of a layer of surficial topsoil/fill, underlain by natural sand soils. The natural water-bearing sand soils were calculated to have a saturate hydraulic conductivity in the range of  $4.0 \times 10^{-5}$  m/s. However, a number of factors can influence the actual soil permeability and infiltration rate onsite during the site grading activities, including cut-fill activities, and the use of onsite or imported materials to achieve design grades.

A Slope Stability Assessment was prepared as part of the Geotechnical Investigation, to determine site-specific setback limits to natural hazards. At the time of the site visit, the slope of the natural heritage feature south of the property was observed to be well vegetated with mature trees. The Slope Instability Rating was calculated in the range of 30-34, indicating a low potential for instability. It was recommended that a minimum planning setback of 6 metres be applied to the base of the slope. This setback has been applied to the edge of the designation and zone boundary proposed for the subject property.

A copy of the Geotechnical Investigation Report with full results and recommendations is provided as part of the complete application submission.

### 4.2 Environmental Impact Study (MTE, 2022)

MTE was retained to complete an Environmental Impact Study (“EIS”) for the proposed development site. An EIS is a requirement for development or site alteration within or adjacent to an area designated as “Natural Heritage” on the Municipality of Central Elgin Official Plan Land Use Schedules, development or site alteration within 50 metres of an Earth Science ANSI shown on Schedule A2 of the Municipality of Central Elgin Official Plan, and/or unmapped natural features. The purpose of the EIS is to demonstrate that the proposed development and/or site alteration will not have a negative impact on natural heritage features or their ecological function.

Field investigations were conducted within the subject lands and adjacent woodland to the south between May and August in 2022 to classify vegetation communities, inventory plant species, document breeding birds, identify potential habitat for Protected Species, and record incidental observations of wildlife. Natural Heritage features on adjacent lands were also assessed from the edge of the property. These investigations were completed to support the assessment of potential impacts on natural heritage features and species at risk.

In summation:

- Moore Water Garden swamp – a locally-significant wetland – was present on adjacent lands across Sunset Drive. There is no direct surface water connection between the wetland and the subject lands and no direct impacts are anticipated as a result of the proposed development.
- The proposed development will result in the removal of 0.75 hectares of cultural meadow vegetation. This community has been subject to past disturbance, and is not considered sensitive or significant. No rare or protected plant species were observed within the subject lands.
- To the south of the subject lands is a cultural woodland that is part of a significant Woodland as defined by the Municipality of Central Elgin to protect this significant heritage feature and its functions, a **setback of 5 metres from the dripline** of the significant woodlot to the development property is recommended. In order to accommodate the proposed development, the removal of one tree at the east corner and slight encroachment on the 5-metre woodland setback at the westernmost corner of the development may be required. The loss of approximately 300m<sup>2</sup> from the feature will be offset by a gain of 700m<sup>2</sup> of naturalized area where the buffer is greater than 5 metres in width. A Tree inventory and Preservation shall be prepared.
- No Significant Valleylands exist within the Study Area, and no landform depressions with flowing or ephemeral water are present on or adjacent to the subject lands.
- No Significant Wildlife Habitat (“SWH”) are present on the subject lands, therefore there will be no direct impact to Significant Wildlife Habitat. The Significant Woodland feature south of the subject lands is too narrow to contain interior habitat and is already subject to edge effects from adjacent roads and agricultural lands. Indirect impacts will be reduced as the development has a setback a minimum of 5 metres from the dripline, as well as the intention to naturalize the 5-metre setback with trees and shrubs to increase overall woodland area and act as a physical buffer between the woodland and the proposed development. It is unlikely that candidate SWH within the wetland feature to the north would be impacted by the proposed development.
- The proposed development will conserve the topography of the subject lands and will have no direct or indirect impacts to the adjacent Earth Sciences ANSI northwest of the subject lands.
- No Protected Species or their habitats are present on the subject lands. Potential habitat for Little Brown Myotis, Northern Myotis, and tri-coloured Bat are present on the adjacent woodland, however, no impacts are anticipated as the trees will be retained on the adjacent lands. Three Butternut Trees were observed within the Study area, however,

the area of protected habitat for these species does not include the subject lands and therefore no negative impacts to the species are expected.

Based on the above, provided that the appropriate recommendations for mitigation (provided in the EIS report) are followed during all stages of proposed construction, no significant impacts to the adjacent natural heritage features are expected. MTE has determined that potential impacts to natural heritage features on adjacent lands will be avoided and/or mitigated with the recommendations set out in the EIS report.

A copy of the Environmental Impact Study Report with full results and recommendations is provided as part of the complete application submission.

### 4.3 Subwatershed Study (Dillon, 2022)

Dillon Consulting Limited (“Dillon”) was retained to prepare a subwatershed study memorandum for the proposed development on the subject lands.

With respect to drainage, the existing drainage catchments on the subject lands include:

- Catchment 101 – Includes the Subject Site limits;
- Catchment EXT 1 – Upstream external drainage area that contributes runoff to the subject site.

In regard to existing conditions, runoff from both the subject site and the external drainage area located to the south travels as shallow surface flow to the Sunset Drive right-of-way. An existing concrete box culvert carries the site stormwater northward to an unnamed tributary, which then conveys it approximately 1.2 km westward to Kettle Creek.

As part of the detailed design process, stormwater from the proposed site will be released to the Sunset Drive roadside ditch and conveyed to Kettle Creek by the downstream tributary. Stormwater quantity control measures will be required to mitigate the risk of downstream flooding and erosion caused by the proposed site development. The proposed stormwater management strategy will provide sufficient storage to reduce the post-development peak discharges to existing conditions magnitudes for all design events up to and including the 100-year storm.

The required stormwater storage volume may be provided by a combination of measures, including but not limited to: rooftop storage; underground storage; temporary parking lot ponding; and, stormwater infiltration measures.

Water quality control measures will be required to protect the downstream tributary. The proposed stormwater management strategy shall provide treatment to achieve Enhanced Protection Level water quality control to remove 80 percent of total suspended solids (TSS) from the site runoff. Furthermore, given the substantial parking area proposed, the proposed SWM strategy will incorporate measures to capture and retain oil and floatable debris from the site runoff.

With respect to external site drainage, stormwater from the external drainage areas will either need to be conveyed around the site perimeter to an appropriate outlet or accommodated in the proposed site SWM design. The proposed site construction drawings for the development shall include an erosion and sediment control plan to protect the downstream tributary during construction.



The proposed stormwater management measures will be privately owned on-site controls. All maintenance will be performed by the site owner. A stormwater management strategy will be prepared during detailed design to control the runoff from the proposed development. The final stormwater management strategy will be documented in a Servicing Report to demonstrate how the recommendations of the Stormwater Management Concept Plan will be implemented.

A copy of the Subwatershed Study Memorandum is provided as part of the complete application submission.

#### 4.4 Traffic Impact Study (Paradigm, 2022)

Paradigm Transportation Solutions Limited (“Paradigm”) was retained to prepare a Traffic Impact Study to identify and assess the potential traffic impact resulting from the proposed development. More specifically, the study analyzed existing traffic conditions, traffic forecasts at development completion (2024), five-year horizon (2029) and ten-year horizon (2034), and an assessment of traffic impacts with recommendations to accommodate the proposed development appropriately.

The study area intersections included: Sunset Drive (County Road 4) and East Road (County Road 23) (unsignalized); Shell Gas Station driveway (Driveway A) intersection on Sunset Drive (County Road 4); and Shared driveway (Driveway B) intersection on Sunset Drive (County Road 4). The analysis was undertaken for weekday AM and PM and Saturday peak hours. The analysis also had regard for background developments, including: Little reek West Lands (302 units); East Road (96 units); Kokomo (510 units); Lakeview (60 units and 1,800 square feet of retail GFA); and, West Harbour Area (178 units and 20,274 square feet of retail GFA).

Based on the investigation carried out, the following conclusions were derived:

- The study area intersections at existing traffic conditions are operating at acceptable levels of service;
- The development is forecast to generate 88 AM peak hour trips, 120 PM peak hour trips and 146 Saturday peak hour trips;
- With respect to 2024 Background traffic conditions, the study area intersections are forecast to operate at acceptable levels of service, with the exception of the northbound shared-lane movement (East Road approach) at the intersection of East Road and Sunset Drive which is forecast to operate with Level of Service (LOS) F during the Saturday peak hour. As the existing traffic volumes were collected over a long weekend in July, the Saturday peak hour analysis represents the worst-case scenario;
- With respect to 2024 Total Traffic Conditions, the study area intersections are forecast to operate at similar levels of service as under 2024 background traffic conditions, with the addition of the following critical movements:
  - **East Road and Sunset Drive:** The northbound shared-lane movement (East Road approach) is forecast to operate with LOS F during the weekday PM peak hour.
  - **Sunset Drive and Driveway B:** The northbound (outbound) shared-lane movement is forecast to operate with LOS F during the long weekend Saturday peak hour.

- With respect to 2029 and 2034 Background Traffic Conditions, the study area intersections are forecast to operate at similar levels of service as under 2024 background traffic conditions.
- With respect to 2029 and 2034 Total Traffic Conditions, the study area intersections are forecast to operate at similar levels of service as under 2024 total traffic conditions.
- In terms of site access, a westbound left-turn lane with 40 metres of storage is warranted on Sunset Drive at Driveway B under 2024, 2029 and 2034 total traffic conditions. The outbound (northbound) approach at Driveway B is forecast to operate with poor levels of service only during the Saturday peak hour. The eastbound and westbound through volumes on Sunset Drive are forecast to operate with acceptable levels of service during all three peak hours. As the existing traffic volumes were collected over a long weekend in July, the analysis represents the worst-case scenario.

Based on the results of the analysis and conclusions outlined above, the traffic engineers' opinion was that the proposed development be considered for approval.

A copy of the Traffic Impact Study Report is provided as part of the complete application submission.

## 5. PLANNING FRAMEWORK AND ANALYSIS

The following sections will analyse the merits of the proposed amendments within the context of the existing planning framework and the Port Stanley community.

### 5.1 Provincial Policy Statement, 2020

The *Provincial Policy Statement 2020* ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. Any decision by a planning authority that requires approval under the Planning Act, "*shall be consistent with*" policy statements issued under the Section 3 of the Act.

In brief, the proposed planning amendments are consistent with the policies of the PPS which seek to:

- Direct growth and development to existing settlement areas (Policy 1.1.3.1);
- Provide for land use patterns within settlement areas that are based on densities and a mix of land uses that:
  - *efficiently use land and resources,*
  - *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and*
  - *are transit supportive* (Policy 1.1.3.2(a)).
- Provide a range of uses and opportunities for intensification and redevelopment, taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure (Policy 1.1.3.2(b) and Policy 1.1.3.3).
- Protect natural heritage features for the long term (Policy 2.1.1) and prohibit development and site alternation in significant woodlands and wildlife habitat unless

it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions;

- Direct development to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards (Policy 3.1.1);

The proposed development will allow for the efficient use of commercially-designated (partially) and zoned lands within the Port Stanley Settlement Boundary, that have largely sat vacant and underutilized for years.

The proposed development will support the Energy Conservation, Air Quality and Climate Change policies (Policy 1.8.1) of the PPS by promoting compact urban form, focusing commercial land uses on a site that is well served by transit, supports intensification, and protects the natural heritage areas adjacent to the property.

The commercial operation of the proposed development will provide a place of employment and economic development, supportive of Policy 1.3.1 of the PPS which speaks to promoting economic development and competitiveness and. This is accomplished by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs and providing opportunities for a diversified economic base. The proposed applications are also consistent with Policy 1.7.1 of the PPS, which speaks to supporting long-term economic prosperity by promoting opportunities for economic development. The operation of the commercial plaza will support job creation and economic growth in the Community.

Based on the geotechnical assessment and EIS, an appropriate development limit has been recommended which has been incorporated into the proposed Site Plan Concept, in keeping with Policy 2.1 and Policy 3.1 of the PPS, respectively, which seek to protect natural features and areas for the long term and to direct development and site alteration away from Natural Heritage and Natural Hazard features/areas.

Policy 1.6.7 of the PPS states that transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. Based on the Traffic Impact Study, no major traffic impacts were determined that would affect the safe movement of people and goods along Sunset Drive and surrounding roads.

Based on this analysis, the proposed amendments are consistent with the PPS.

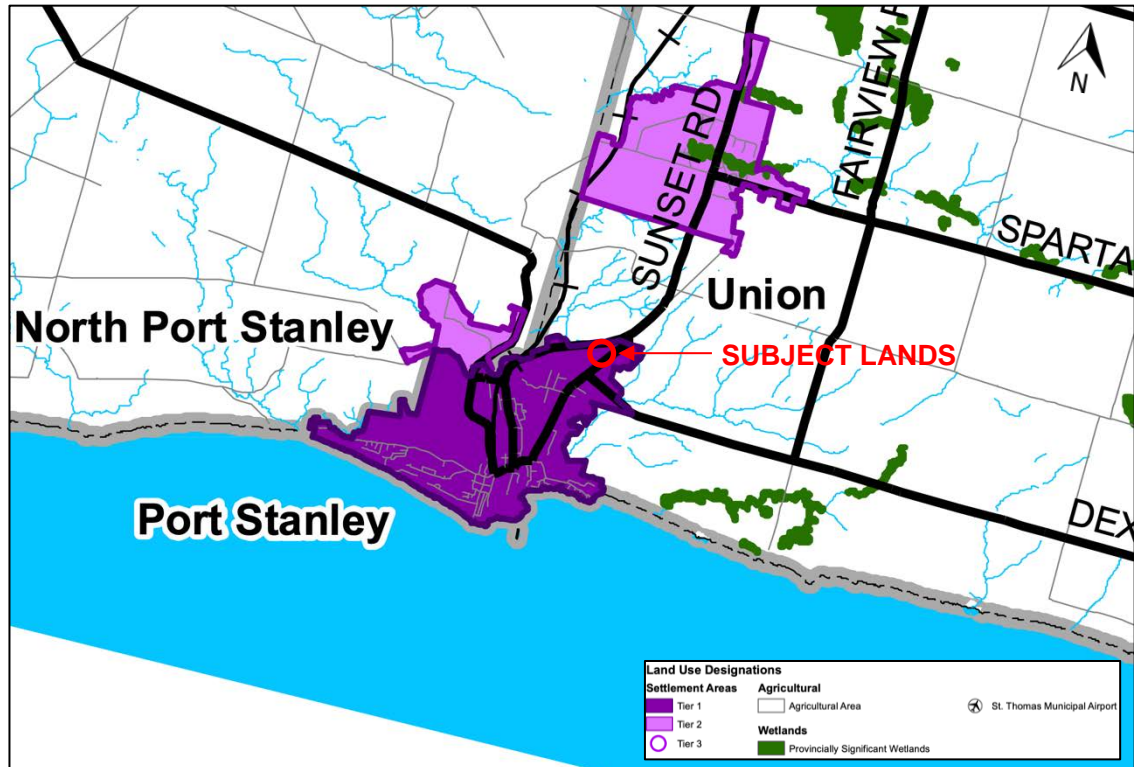
## 5.2 County of Elgin Official Plan

The County of Elgin operates under a two-tier planning system, which divides planning responsibilities between the County and the local municipalities within the County. Under this system, the County Official Plan (hereafter, "County OP") provides the overall County planning policy framework for local planning authorities and all local Official Plans and planning decisions must be in conformity with the County OP.

Schedule 'A' of the Elgin County Official Plan designates the subject lands as 'Settlement Areas', with Port Stanley delineated as a Tier 1 Settlement Area (See Figure 10). Settlement Areas shall be the focus of growth and provide a concentration of development and mix of permitted land uses including a variety of housing types, commercial and employment uses, institutional uses,

community and recreational facilities, and open space (s.s. B1). Tier 1 settlement areas generally have the largest populations in the County and as a result have full municipal services (s.s. B2.5d)).

**Figure 10 – Excerpt from County of Elgin Official Plan Schedule ‘A’, Land Use**



Source: County of Elgin Official Plan

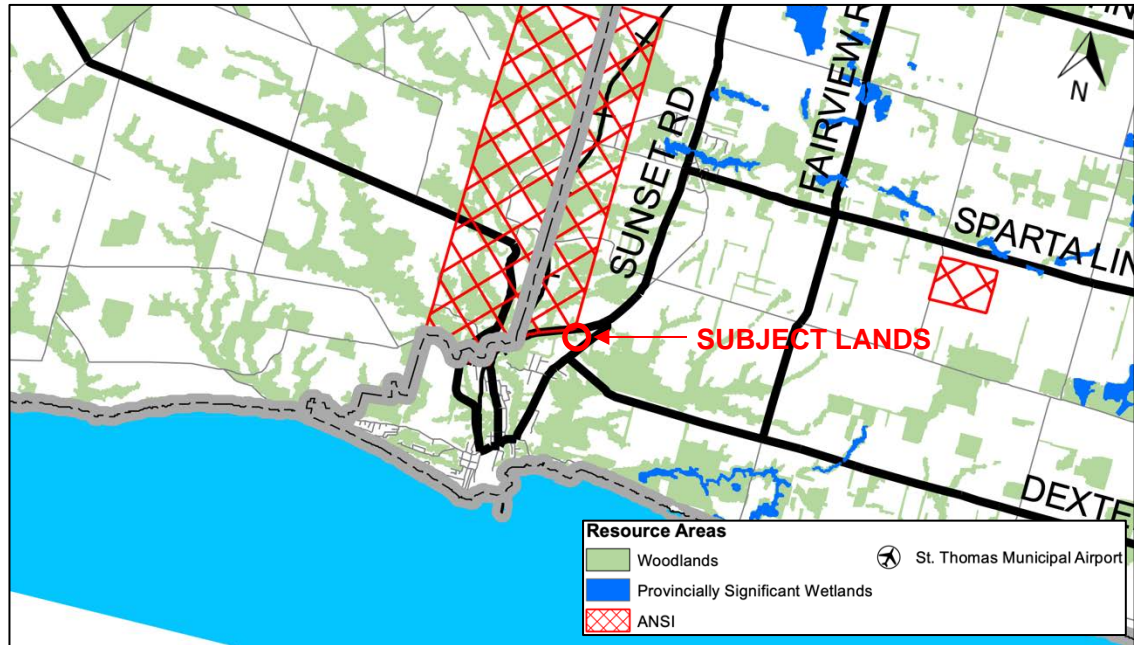
The proposed development for intensifying a largely vacant and underutilized commercial-industrial site is in keeping with the objectives of the Commercial Area and Employment Area Policies of the County OP, which are to:

- Encourage commercial development that provides a full range of goods and services, at appropriate locations, to meet the needs of the County’s residents, employees and businesses (s.s. C1.1.2a);
- Encourage and promote development in appropriate locations that combine a mix of employment uses and supports more efficient use of urban land (s.s. C1.1.3d); and,
- Promote the efficient. Use of existing and planned infrastructure by creating the opportunity for various forms of intensification, where appropriate (s.s. C1.1.3e).

Appendix ‘1’ of the County OP delineates Woodlands on the property (See Figure 11). The County considers woodlands 10 hectares or greater, or woodlands within 30 metres of the boundary of a significant natural heritage feature (i.e., significant wetland, significant valleyland, fish habitat and/or watercourse) as significant. Development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated through an Environmental Impact Study that there will be no negative impact on the natural features or their ecological

functions (s.s. D1.2.6). Based on the analysis undertaken by the EIS, the subject lands do not have any woodland features on site. The significant Woodland feature south of the property will be protected through appropriate development setbacks.

**Figure 11 - Excerpt from County of Elgin Official Plan Appendix '1', Natural Heritage Features and Areas**



Source: County of Elgin Official Plan

It shall be noted that the boundaries of Natural Heritage Features in Appendix '1' are considered to be approximate (s.s D1.2.3), and that the County encourages local municipalities to continue to identify and protect provincially and locally significant natural heritage features and areas (s.s. D1.2.1). Based on the results of the Environmental Impact Study, MTE has determined that potential impacts to natural heritage features on adjacent lands will be avoided and/or mitigated with the recommendations set out in the EIS report. Further, provided that the appropriate recommendations for mitigation (provided in the EIS report) are followed during all stages of proposed construction, no significant impacts to the adjacent natural heritage features are expected. As part of the recommendations, and previously mentioned, a 5-metre average development setback from the dripline has been incorporated into the proposed development to protect the significant natural heritage feature and its function south of the property.

Part C (Land Use Designations) of the County OP directs local Official Plans to provide additional policy direction regarding Land Use Designations. As the subject lands are located within the Tier 1 Settlement Area in the County OP and an amendment to the local official plan is proposed to permit the proposed uses, no amendment to the County of Elgin Official Plan is required.

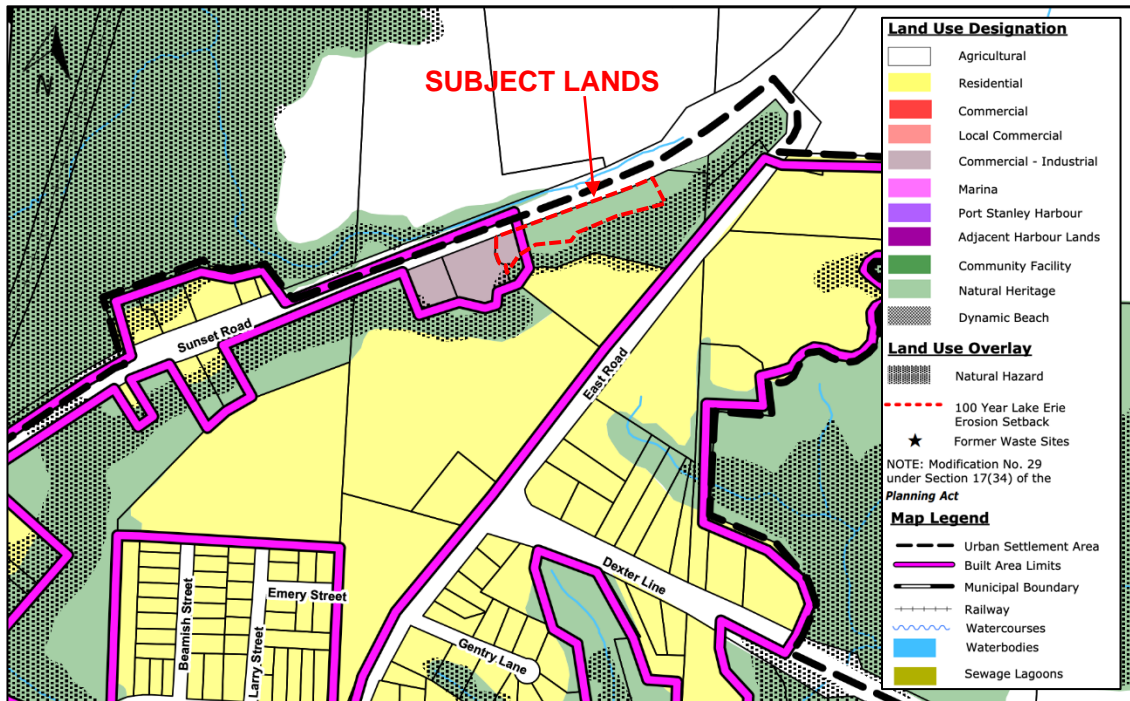
It shall be acknowledged that, at the time of authoring this report, the County is in the process of undertaking an Official Plan Review; however, a draft copy of the Official Plan has not been made public.

Based on the above analysis, the proposed amendments are consistent with the general intent and purpose of the County of Elgin Official Plan. No amendments are required to the County Official Plan.

### 5.3 Municipality of Central Elgin Official Plan (Current, 2013)

Schedule ‘G’ of the Municipality of Central Elgin Official Plan (“CEOP”) designates the westerly portion of the subject lands as ‘Commercial-Industrial’, with the majority of the southerly and easterly portion of the subject lands designated ‘Natural Heritage’ with a partial ‘Natural Hazard’ land use overlay.

**Figure 12 - Excerpt from the Municipality of Central Elgin Official Plan Schedule ‘G’, Community of Port Stanley Land Use Plan**



Source: Municipality of Central Elgin Official Plan

Policy section 4.3.1 of the CEOP sets out the permitted uses in the Commercial-Industrial designation. Where lands are designated Commercial-Industrial, “a mix of space-extensive commercial activities along with light industrial activities shall be permitted” (s.s. 4.3.1a). More specifically, permitted commercial uses in this designation may include hotel-motel business, automotive service, automotive dealership, gas bars, business offices, eating establishments, and home and auto supply stores (s.s. 4.3.1c). Commercial uses that are more appropriate to lands designated General Commercial shall be prohibited (s.s. 4.3.1d).

Permitted light industrial uses shall be limited to those activities such as manufacturing, processing, repair and servicing, bulk fuel sales, storage of goods and raw materials, warehousing, and similar such uses. These uses must be small in scale, self-contained within a building and produce no emissions including noise, odour, dust and/or vibrations (s.s. 4.3.1e).

Section 3.1 and 3.2 of the CEOP outlines the Natural Heritage and Natural Hazard Policies, respectively. Generally speaking, permitted uses within the Natural Heritage designation include, but are not limited to, passive open space, walking/biking trails, conservation uses, forest and resource management uses, erosion and flood control, low-intensity public and private recreation uses, and necessary public utilities and services, among other uses (s.s. 3.1.1a). Notwithstanding, new permitted uses – including buildings or structures – within a Natural Heritage designation that require a Planning Act approval may be permitted, *“only if it can be demonstrated through an **Environmental Impact Study (EIS)**, prepared to the satisfaction of the Municipality in accordance with the policies contained in Section 3.4 of this Plan, that there will be no negative impacts to the natural heritage features and/or their ecological functions”* (s.s. 3.1.1.b). Further, Schedule ‘A2’ of the CEOP specifically identifies the natural heritage features (designated Natural Heritage on the Land Use Schedule) associate with the property as ‘Wooded Area’; the boundaries may be refined through the preparation of an Environmental Impact Study without an amendment to the Local OP (s.s. 3.1.1.2 b)).

The Natural Hazard overlay on Schedule ‘G’ identifies lands which have the potential for hazardous condition due to their susceptibility to flooding, erosion, subsidence, slumping, inundation, the presence of steep slopes or other physical limitations (s.s. 3.2.1a). It is the policy of the CEOP that where Natural Hazard designation overlaps with. The limits of another land use designation, the uses permitted in the Natural Hazard designation shall be the same as those in the underlying land use designation (s.s. 3.2.1b). With regard to development, no buildings, structures or additions thereto are permitted, with the exception of buildings or structures required for flood control, erosion control or other conservation purposes, without the approval of the Municipality and the conservation authority having jurisdiction in the area.

For development or site alteration adjacent to Natural Hazard lands, the site-specific limits of the natural hazard(s) shall be determined through relevant studies prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies to the satisfaction of the Municipality and the conservation authority having jurisdiction in the area (s.s. 3.2.1c). **Those limits shall be interpreted as the correct limits of the Natural Hazard designation and such interpretation shall not require amendment to this Plan** (s.s. 3.2.1d).

### Required Official Plan Amendment

An amendment to the Municipality of Central Elgin Official Plan is required to permit the development of a commercial plaza on the entirety of the subject lands. More Specifically, the **easterly portion** of the subject lands are required to be re-designated **FROM** “Natural Heritage” **TO** “Commercial - Industrial”. The proposed re-designation would provide for a contiguous extension of the existing designation that applies to the westerly portion of the subject lands and the neighboring Commercial-Industrial designated property to the west.

As previously mentioned, subsection 3.1.1b) of the CEOP states that new permitted uses within a Natural Heritage designation that require a Planning Act approval may be permitted only if it can be demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts to the natural heritage features and/or their ecological functions. The removal of the existing “Natural Heritage” designation on the easterly portion of the subject lands – in favour of the “Commercial-Industrial” designation – is supported by the EIS undertaken by MTE. In accordance with subsection 3.1 of the CEOP, supported by the findings from the EIS report,

areas designated Natural Heritage on the land use schedules may consist of one or any combination of the following features:

- Significant Wetlands – *no significant wetlands were found on the subject lands. The adjacent Moore Water Garden swamp has no direct surface water connection between the wetland and the subject lands and no direct impacts are anticipated as a result of the proposed development.*
- Significant Woodlands – *no significant woodlands were found on the subject lands. To protect this significant heritage feature and its functions of the adjacent woodland, a setback of 5 metres from the dripline of the significant woodlot to the development property has been recommended. In order to accommodate the proposed development, the removal of one tree at the east corner and slight encroachment on the 5-metre woodland setback at the westernmost corner of the development may be required. However, the loss of approximately 300 square metres from the feature will be offset by a gain of 700 square metres of naturalized area where the buffer is greater than 5 metres in width.*
- Fish Habitats – *Watercourses or water bodies providing direct fish habitat are absent from the subject lands/study area.*
- Habitat of Endangered Species or Threatened Species – *No Protected Species or their habitats are present on the subject lands. Potential habitat for Little Brown Myotis, Northern Myotis, and tri-coloured Bat are present on the adjacent woodland, however, no impacts are anticipated as the trees will be retained on the adjacent lands. Three Butternut Trees were observed within the Study area, however, the area of protected habitat for these species does not include the subject lands and therefore no negative impacts to the species are expected.*
- Areas of Natural and Scientific Interests (ANSI's) – *The proposed development will conserve the topography of the subject lands and will have no direct or indirect impacts to the adjacent Earth Sciences ANSI northwest of the subject lands.*
- Significant Wildlife Habitats – *No Significant Wildlife Habitat ("SWH") are present on the subject lands, therefore there will be no direct impact to Significant Wildlife Habitat. Indirect impact for the significant woodland feature to the south will be reduced through the development setback, as well as the intention to naturalize the setback to increase overall woodland area and act as a physical buffer between the woodland and the proposed development. It is unlikely that candidate SWH within the wetland feature to the north would be impacted by the proposed development.*
- Significant Valleylands – *No Significant Valleylands are mapped within the Study Area, and no landform depression with flowing or ephemeral water is present on or adjacent to the subject lands.*
- Environmental Sensitive Areas – *Subject lands are not within an Environmental Sensitive Area.*

Based on the discussion above, because there are neither direct natural heritage features on the property nor significant impacts to the adjacent natural heritage features expected as a result of the proposed development, it is our opinion that the removal of the existing "Natural Heritage"



designations on the easterly portion of the subject lands, and replacing it with the “Commercial-Industrial” Designation similarly to the westerly portion of the subject lands, is appropriate. The area associated with natural heritage features to the south of the development property will remain designated as “Natural Heritage” in accordance to the findings of the EIS.

With respect to the Natural Hazard area, subsection 3.2.1 of the CEOP states that for development and/or site alteration proposed on lands adjacent to the Natural Hazard designation, the site-specific limits of the natural hazard(s) shall be determined through relevant studies and that those limits shall be interpreted as the correct limits of the Natural Hazard designation. Such interpretation shall not require amendment to this Plan. Based on the Geotechnical Report undertaken by LDS, it was recommended that a minimum setback of 6 metres be applied to the base of the slope, outside the natural hazard delineation. This setback has been applied to the proposed development, in keeping with subsection 3.2.1 of the CEOP which aims to direct development away from hazardous lands.

The development setback limits established through the EIS and Geotechnical Report that have been incorporated into the design of the proposed development are in keeping with the Natural Heritage Policies in Subsection 3.1 and the Natural Hazard Policies in Subsection 3.2.

In addition to the above, the Official Plan Amendment request also seeks a Site-Specific Special Policy that provides relief from subsection 4.3.1d) of the CEOP, which states, “*Commercial uses which are more appropriate to lands designated General Commercial shall be prohibited*”. Accordingly, the Site-Specific Special Policy request is as follows:

*“Notwithstanding subsection 4.3.1d of the Central Elgin Official Plan, for the lands located at Municipal No. 4980 Sunset Drive and designated “Commercial-Industrial”, general commercial uses may also be permitted, with a minimum gross leasable floor area of 125 metres squared per single use. These uses may include retail stores, pharmacy, personal and business services, general office, clinics, restaurants and other eating establishments, and fitness centre.”*

The proposed re-designation is in keeping with the Commercial-Industrial Policies of the CEOP. Specifically, the intent of the subject lands is to provide for commercial activities, with opportunity to allow for light industrial activities – if necessary and appropriate - that are small in scale, self-contained and produce no noise, odour, dust and/or vibration emissions (i.e., bulk fuel sales; storage of goods and raw materials warehouse; manufacturing, processing, repair and servicing, etc.). As previously mentioned, with the exception of Building ‘B’ which is proposed to be used as a drive-thru restaurant, the use of Building ‘A’, ‘C’ and ‘D’ have not been specifically confirmed. More information on the use of the building may be determined during the Site Plan Control process. However, it is proposed that the specific use of the buildings will be in keeping with the permitted uses of the “Commercial-Industrial” designation set out in subsection 4.3.1c) of the CEOP, along with those commercial uses requested through the Site-Specific Special Policy as part of the Official Plan Amendment.

The Special Policy to permit General Commercial Uses but require a minimum gross leasable floor area of 125 metres squared per single General Commercial use so as to permit flexibility in use at this premier gateway location but not undermine the existing, future, or planned function of the Port Stanley Commercial Core. The uses to be considered on the subject lands are focused towards enhancing the regional function of the commercial service or retail throughout Port Stanley, with exposure to the County Road. Further, the proposal provides for larger,

clustered commercial building spaces that cannot be easily or readily accommodated in commercial buildings in the Port Stanley Core, which are largely characterized by converted single-detached dwellings on smaller lots.

Commercial uses proposed on the subject lands are intended to be in keeping with the functional characteristics of “Commercial-Industrial” uses. Specifically, permitted uses on the subject lands are intended to be vehicle-oriented for single-purpose shopping trips and will be accessible and serviced by a County Road (Sunset Drive) that attracts traffic going to and from the Port Stanley community (s.s. 4.3.1b). The additional commercial uses requested through the Site-Specific Special Policy further presents greater flexibility in use of the property to serve both the travelling public as well as residents who reside in the up-and-coming residential community in North Port Stanley. The proposed development would also be supported by the commercial-industrial use (i.e., Shell Gas Station, Car Wash, Dick Walters Auto Service) of the lands immediately to the west.

It is anticipated that a high standard of building design, landscaping and signage will be required for the proposed development. However, these matters will be addressed at the time of Site Plan Control (s.s. 4.3.1i).

Subsection 4.3.5 (New High Order Commercial Developments) of the CEOP states that, to support an Official Plan or Zoning By-law Amendment to permit a commercial development in excess of 930 square metres of gross leasable floor area, the following items are required:

- a) *A planning study demonstrating the appropriateness of the proposed development in relation to existing and planned land uses;*

This Planning Justification Report has been prepared to support the proposed development and demonstrates the appropriateness of the development in relation to existing and planned land uses in the surrounding context.

- b) *A traffic analysis indicating how the traffic generated by the proposed development can be accommodated without creating adverse impacts on the capacity of the road system or on adjacent land uses;*

A Traffic Impact Study prepared by Paradigm has been included in the complete application submission package, with a summary of results provided in Section 4.4 of this report. Based on the study, no adverse impacts on the capacity of the road system or adjacent land uses are anticipated with the proposed development.

- c) *A market impact study indicating that the proposed development can be justified on the basis of market demand without severely impacting existing and planned commercial development;*

During the pre-consultation meeting, Municipal Staff did not require a market impact study to be undertaken as part of the complete application submission. Instead, staff asked that some justification be provided as to why more commercial uses are appropriate in this location instead of industrial. This Planning Justification Report has been prepared to address this policy.

It is important to note that the future use of each building proposed on the subject lands has not been confirmed, and may be used by either a commercial or industrial use permitted as-of-right in the “Commercial-Industrial” designation in the CEOP, or those commercial uses requested through the Site-Specific Special Policy as part of the Official Plan Amendment. Notwithstanding,

more commercial may be proposed for the site understanding that light industrial uses are limited to those uses that produce no noise, odour, dust and/or vibration emissions; as well, light industrial uses may be more space extensive and thus restricted to what can be accommodated on the limited available space on the site.

The proposed development is not intended to impact existing and planned commercial development, specifically in the community core. The future use of the buildings on the property are not intended to be oriented towards casual pedestrian-oriented shopping activity, but rather vehicle oriented single-purpose shopping trips geared towards travelling public/tourists into and out of Port Stanley, along with those residents who reside in North Port Stanley. These types of uses typically require sites accessible to Urban or County Roads to serve their market need, which this site provides. There are no other vacant “Commercial-Industrial” designated lands that serve this purpose in proximity to the subject lands.

Discussion with the Municipality confirmed that there is currently no available data on vacant commercial building inventory. A majority of commercially-designated lands in the community of Port Stanley are clustered in the community core and are largely characterized as existing single detached dwellings planned for future commercial use or converted dwellings currently used for commercial purposes. The uses in the community core have also developed a significant clustering of services and are recognized as a primary destination for those functions; the core is well supported. As such, the subject lands provide for a differentiated commercial-industrial cluster with larger building formats that are proposed to accommodate uses that cannot be easily or readily accommodated in commercial buildings in the Port Stanley Core. Ultimately, the nature of commercial uses which would likely locate on the subject site have different space requirements and expectations, therefore reducing any potential conflict with the commercial core of Port Stanley.

As the majority of these lands have largely sat vacant and have not been historically designated for commercial-industrial uses, the proposed amendments increase the supply of “Commercial-Industrial” lands in the community. There is also a sufficient supply of vacant commercial-industrial designated lands in Central Port Stanley that provide opportunity for light industrial uses that may not be accommodated on the subject lands.

- d) *An engineering analysis demonstrating that municipal services necessary to support the proposed development can be provided.*

The necessary engineering studies required by the Municipality have been provided as part of a complete application submission. It is anticipated that further engineering analysis be undertaken at the time of Site Plan Approval and the detailed design stage.

Based on the above, it is our opinion that the proposed Official Plan Amendment is in keeping with general intent and purpose of the Central Elgin Official Plan.

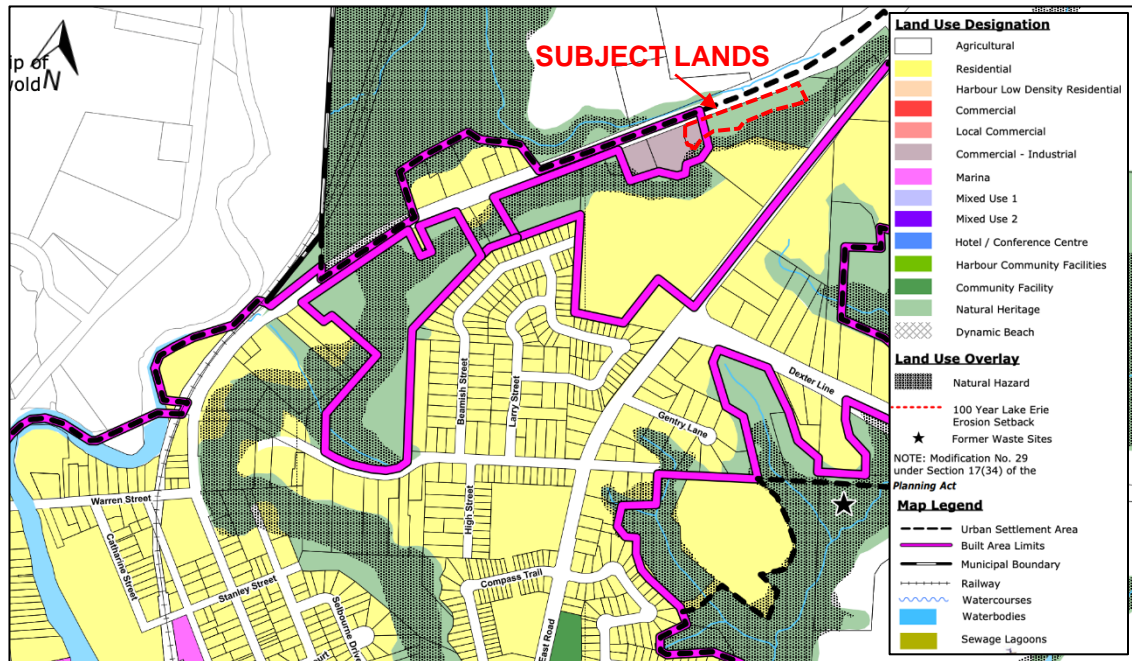
## **5.4 Municipality of Central Elgin Official Plan (Adopted, 2022)**

Municipality of Central Elgin Council passed By-law No. 2732 on August 18, 2022, to adopt the new Municipal Official Plan (“adopted OP”). The new Official Plan has gone to the County of Elgin for review and approval; at the time of preparing this Planning Justification Report, final approval by the County of Elgin has not been granted. As such, the Municipality is current

working with two official plans; both plans must be consulted for a full picture of the applicable policy framework.

Similarly to the existing CEOP, the adopted OP designates the westerly portion of the subject lands as 'Commercial-Industrial', with the majority of the southerly and easterly portion of the subject lands designated 'Natural Heritage' and 'Natural Hazard'.

**Figure 13 - Excerpt from the Municipality of Central Elgin Official Plan Schedule 'G', Community of Port Stanley Land Use Plan**



Source: Municipality of Central Elgin Official Plan

### Required Official Plan Amendment

An amendment to the adopted OP is required to permit the development of a commercial plaza on the entirety of the subject lands. Similar to the proposed Official Plan Amendment outlined in subsection 5.3 above, the easterly portion of the subject lands are required to be re-designated FROM "Natural Heritage" and TO "Commercial - Industrial" in the adopted OP.

The policy framework in the adopted OP is similar to that of the existing CEOP; however, any policy changes will be addressed in this section.

Alike the CEOP, subsection 3.1.1b) of the adopted OP also states that new permitted uses within a Natural Heritage designation that require a Planning Act approval may be permitted only if it can be demonstrated through an Environmental Impact Study (EIS) that there will be no negative impacts to the natural heritage features and/or their ecological functions. The removal of the existing "Natural Heritage" designation on the easterly portion of the subject lands and extending the "Commercial-Industrial" designation applied to the westerly portion of the subject lands is supported by the Environmental Impact Study undertaken by MTE which found no direct natural heritage features on the property and/or that no significant impacts to the adjacent natural heritage features are expected as a result of the proposed development.

With respect to the Natural Hazard area, a development setback of 6 metres has been provided based on the results of the Geotechnical Report; the setback has been applied by the proposed development and thus the proposed development will be outside of the natural hazard area, in accordance with subsection 3.2.1 of the adopted OP.

The proposed development also has regard for the Air Quality and Climate Change Policies of the adopted OP. Specifically, the development promotes compact urban form that is transit supportive and contributes to making North Port Stanley a mixed commercial and residential community, while protecting the adjacent natural heritage features. Further, measures such as appropriate tree planting and landscaping as well as the promotion of sustainable design and construction standards may be adopted through subsequent Site Plan Approval and/or Detailed Design processes to further contribute to alleviating the effects of climate change (s.s. 3.6.2).

The Official Plan Amendment also seeks a Site-Specific Special Policy be included into the adopted OP that provides relief from subsection 4.4.1d) of the adopted OP, which states, “Commercial uses which are more appropriate to lands designated General Commercial shall be prohibited”. Accordingly, the Site-Specific Special Policy request is as follows:

*“Notwithstanding subsection 4.4.1d of the Central Elgin Official Plan, for the lands located at Municipal No. 4980 Sunset Drive and designated “Commercial-Industrial”, general commercial uses may also be permitted, with a minimum gross leasable floor area of 125 metres squared per single General Commercial use. These uses may include retail stores, pharmacy, personal and business services, general office, clinics, restaurants and other eating establishments, and fitness centre.”*

As previously discussed, the Amendment presents greater flexibility in use of the property to serve both the travelling public as well as residents who reside in North Port Stanley and the expected residential growth to come from the planned and up-and-coming residential communities in the area.

The proposed re-designation is in keeping the Commercial-Industrial Policies of the adopted OP by providing opportunity for commercial uses and allowing for light industrial activities. As previously mentioned, it is proposed that the specific uses of the buildings proposed on the property will be in keeping with the permitted uses in the “Commercial-Industrial” designation or those commercial uses requested through the Site-Specific Special Policy as part of the Official Plan Amendment. Further, any commercial uses proposed on the subject lands are in keeping with the functional characteristics of “Commercial-Industrial” uses set out in subsection 4.4.1b) of the adopted OP.

The Site-Specific Special Policy to require a minimum gross leasable floor area of 125 metres squared per single general commercial use has been addressed in subsection 5.3 of this report. The request is to ensure that proposed general commercial uses do not undermine the existing, future, or planned function of the Port Stanley Commercial Core by focusing this development towards enhancing the regional function of the commercial service or retail throughout Port Stanley, with increased County Road exposure, and providing for larger building formats in a cluster that cannot be easily or readily accommodated in commercial buildings in the Port Stanley Core. The proposed development would also be supported by the commercial use of the lands immediately to the west.

It is anticipated that a high standard of building design, landscaping and signage will be required for the proposed development and will be addressed at the time of Site Plan Control (s.s. 4.4.1h)).

Similarly to the CEOP, subsection 4.4.5 of the adopted OP states that Official Plan or Zoning By-law Amendments to permit a commercial development in excess of 930 square metres of gross leasable floor area are required to submit a planning study, traffic analysis, market impact study, and engineering analysis. These matters have been addressed in subsection 5.3 of this Report. In addition, the adopted OP also requires, “*comprehensive site plans for the purpose of integrating the development with adjacent properties as much as possible*” (s.s. 4.4.5e)). A Conceptual Site Plan has been prepared and submitted as part of the complete application package. It shall be acknowledged, however, that the Site Plan is subject to refinement at the subsequent Site Plan Approval stage.

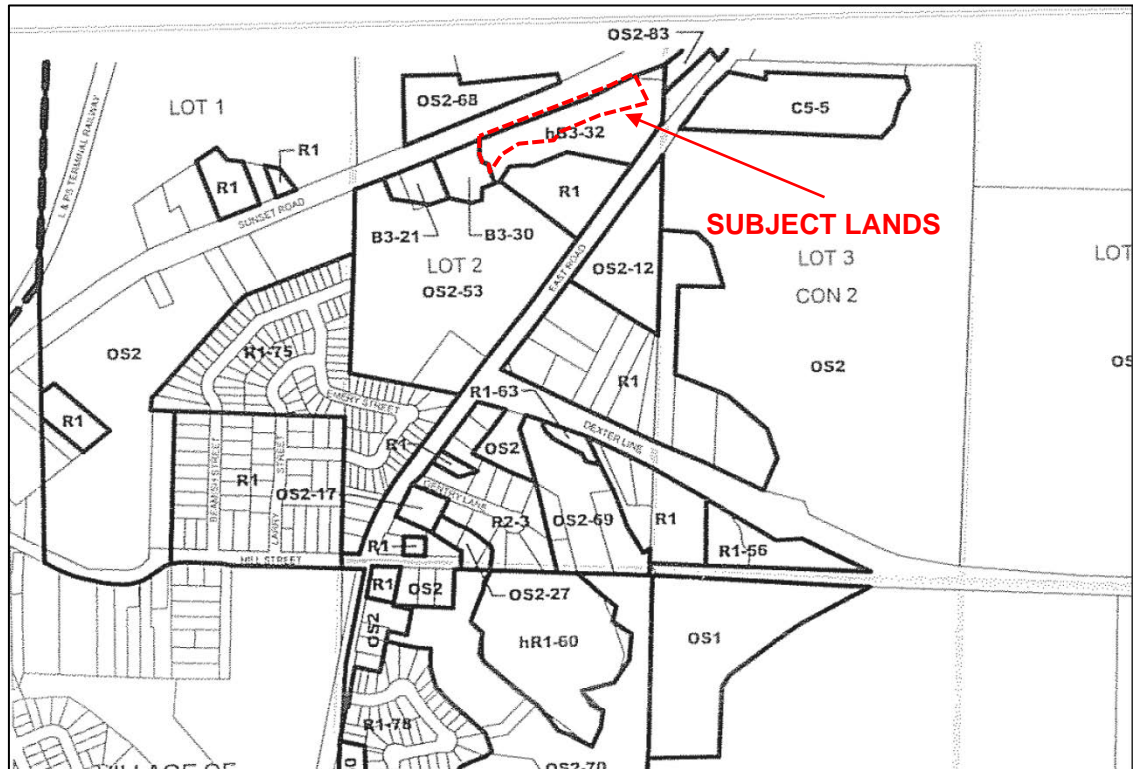
Based on the above, it is our opinion that the proposed Official Plan Amendment is in keeping with general intent and purpose of the adopted Official Plan.

## 5.5 Township of Yarmouth Zoning By-law No. 1998

The Municipality of Central Elgin does not have a consolidated Zoning By-law. Instead, the Zoning By-laws from former Townships and communities continue to be used to establish permitted uses and regulations on properties within the Municipality.

The subject lands are currently zoned ‘Business Zone 3, Special Zone 32 – Holding’ (‘hB3-22’) on Schedule “B” (Map Part 9) of the Township of Yarmouth Zoning By-Law (See Figure 14).

**Figure 14 - Excerpt from the Township of Yarmouth Zoning By-Law Schedule ‘B’ (Map 9)**



The **only** uses permitted in the B3-22 are as follows:

- Motel;
- Tourist Cabins;
- Convenience store;
- Restaurant;
- Gift Shop; and,
- Accessory Uses.

Subsection 10.4.2.32.8 of the Zoning By-law states that the permitted uses in the parent B3 zone (provide in subsection 10.4.1.1) do not apply to the subject lands.

The Holding Provision applied to the property requires the following:

1. *A development agreement is entered into for the lands in question with the Municipality of Central Elgin, with respect to municipal servicing, financial, administrative and other matters thereto.*
2. *The Municipality of Central Elgin certifies that there is adequate uncommitted reserve sewage capacity available for the development of the lands in question.*

### Required Zoning By-law Amendment

An amendment to the Township of Yarmouth Zoning By-Law Schedule “B” (Map Part 9) is required to permit the proposed development. The amendment proposes to re-zone the subject lands **FROM** ‘Business Zone 3, Special Zone 32 – Holding’ (‘hB3-22’) **TO** a new ‘Business Zone 3, Special Zone (\*)’ (‘B3-\*’).

The amendment requests the following:

- Permitted uses: hotel-motel business; convenience stores; restaurant or other eating establishments; gift shop; refreshment stand; fruit or vegetable stand; garden supply centre; automotive service station; tourist centre; business office; general office; general retail; home and auto supply store; warehouse commercial use; dry-cleaning establishment; animal clinic; medical clinic, fitness centre; pharmacy; post station; daycare.
- Minimum Lot Depth of 27 metres (existing condition) whereas 61 metres is required;
- Minimum Front Yard Setback of 7 metres, whereas 15 metres is required;
- Minimum Side Yard Setback of 1.0 metres, whereas 3.04 metres is permitted;
- Minimum Rear Yard Setback of 1.0 metres, whereas 3.04 metres is permitted;
- Site-Specific Parking Requirement of 98 Parking Spaces; and,
- Site-Specific Minimum Gross Leasable Floor Area of 125 metres squared per single use.

The proposed development satisfies all other regulations of the current hB3-22 zone that applies to the subject lands. The holding provision (‘h’) on the property is proposed to be removed;

matters of sewage capacity and the development agreement will be addressed through the subsequent Site Plan Approval process.

The zone boundary delineation responds to the findings and setbacks recommended from the Geotechnical Study and Environmental Impact Study.

The request to expand the permitted uses on the site will allow the lands to both reflect the policies and land use designation outlined in the requested Official Plan Amendment, as well as allow for greater flexibility and opportunity for commercial and light industrial use on the subject lands. The additional permitted uses outside of the “Commercial-Industrial” designation in the CEOP/Adopted OP and the B3 and B3-22 Zone in the Yarmouth Zoning By-law have been permitted in *similar* zones (i.e., Highway Commercial Zones) in other urban-rural municipalities in Southwestern Ontario.

The request for a reduced Lot Depth minimum is to recognize existing conditions of the saleable lands. The request for reduced Front Yard, Side Yard, and Rear Yard setbacks is to allow for more flexibility and appropriate building configurations and design on the property, acknowledging the irregular shape of the subject lands, required setbacks from the County Road, and required setbacks from the Natural Heritage and Natural Hazard lands bounding the property. The proposed reduced yard setbacks requested are anticipated to have minimal impact on surrounding land uses, as these lands are adjacent to commercial-industrial uses to the west and are adequately buffered from any non-commercial uses to the north, east, and south.

A site-specific Parking Requirement for the subject lands is proposed, acknowledging that the uses of each building is undetermined. As previously mentioned, a total of 98 parking spaces provides a parking ratio of approximately 7.2 parking spaces per 100 square metres. This parking ratio is a slight reduction from the existing parking requirement on the site for restaurant uses (8 spaces per 100 square metres of floor area), but is greater than the existing parking requirements on the site for convenience store/gift shop uses (4.5 spaces per 100 square metres of floor area) and motel/tourist cabin uses (4.5 spaces per 100m<sup>2</sup> of floor area). It is anticipated that the mix of the uses on the property will fit within the parking arrangement on the property.

The natural heritage lands south of the development lands are proposed to be re-zoned **FROM** ‘Business Zone 3, Special Zone 32 – Holding’ (‘hB3-22’) **TO** ‘Open Space 2, Special Zone’ (‘OS2-\*)’) to align with the Official Plan Amendment land use designations, and to protect these lands from development.

## 6. CONCLUSION


The proposed amendments will help facilitate commercial infill and intensification on commercially-zoned and marketed lands along a key gateway into the Port Stanley community that have remained largely vacant and undeveloped. The Official Plan and Zoning By-law Amendment applications will provide the ability to efficiently develop the site on full municipal services for its intended commercial and/or industrial purpose. Further, the amendments will provide a place of employment and economic development, support an appropriate mix and range of employment uses to meet long-term needs and providing opportunities for a diversified economic base.




Based on the analysis of this Planning Justification Report, the proposed Official Plan Amendment and Zoning By-Law Amendment, are consistent with the Provincial Policy Statement, is in conformity with the County of Lambton Official Plan, and maintains the general intent and purpose of the current and adopted Municipality of Central Elgin Official Plans and the Township of Yarmouth Zoning By-Law No. 1998, and represent good land use planning.

Respectfully Submitted,

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