

# Planning Justification Report

146-156 William Street, Port Stanley

Municipality of Central Elgin

Prespa Construction Limited



November 12, 2018



**ZELINKA PRIAMO LTD.**  
*A Professional Planning Practice*

## Table of Contents

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>3</b>
1.1	The Subject lands .....	3
1.2	SURROUNDING LAND Uses .....	5
<b>2.0</b>	<b>PROPOSED DEVELOPMENT .....</b>	<b>7</b>
2.1	Proposed Zoning By-Law Amendment.....	11
<b>3.0</b>	<b>PLANNING POLICYANALYSIS.....</b>	<b>12</b>
3.1	2014 PProvincial policy statement (pps) .....	12
3.2	County of Elgin Official Plan .....	17
3.3	Municipality of Central Elgin Official Plan.....	18
3.4	Municipality of Central Elgin Zoning By-Law .....	25
<b>4.0</b>	<b>LAND USE COMPATIBILITY.....</b>	<b>28</b>
4.1.1	Abutting Land Uses.....	28
4.1.2	Intensity of Use .....	28
4.1.3	Scale and Massing.....	29
4.1.4	Shadowing .....	29
4.1.5	Pedestrian Circulation .....	30
4.1.6	Traffic.....	30
4.2	Kettle Creek Conservation Authority .....	30
4.3	Servicing.....	31
4.4	Site Soil Conditions.....	31
4.5	Port Stanley Community Investment Considerations .....	31
<b>5.0</b>	<b>CONCLUSIONS .....</b>	<b>32</b>

## 1.0 INTRODUCTION

Prespa Construction Limited has made application to the Municipality of Central Elgin to amend the Village of Port Stanley Zoning By-Law (No. 1507) for the lands at 146-156 William Street in Port Stanley (the “subject lands”). The purpose of the proposed amendment is to permit the development of two, five-storey apartment buildings on the subject lands (62 units total), one of which is to contain commercial uses fronting onto William Street.

The purpose of the following land use Planning Justification Report is to evaluate the proposed Zoning By-Law Amendment (ZBA) within the context of existing land use policies and regulations, including the Provincial Policy Statement, the County of Elgin Official Plan, the Municipality of Central Elgin Official Plan, and the Village of Port Stanley Zoning By-law.

### 1.1 THE SUBJECT LANDS

The subject lands are comprised of several rectangular shaped parcels with a combined area of approximately 0.63 hectares (1.56 acres) on the west side of William Street, between Erie Street and Edith Cavell Boulevard. The subject lands have a frontage of 71.7m (235 ft) along William Street, 30.4m along Edith Cavell Boulevard, and 42.1m along First Street. The subject lands are currently vacant and have access points on William Street, Edith Cavell Boulevard, and First Street (Figures 1-5).

Figure 1 – Subject lands (highlighted in red) and surrounding area





Figure 2 – Subject lands and surrounding area



Figure 3 – Subject lands with abutting 3-storey dwelling (looking northeast from Edith Cavell Boulevard)



The northerly portion of the subject lands slopes from north to south while the remainder of the lands are generally flat. No significant vegetation exists on the lands.

A Council-approved land swap is currently being finalized that will facilitate the proposed development: a portion of the subject lands abutting the north side of Why Not Park is to be conveyed to the Municipality, and in return, the Municipality is to convey a portion of the west side of the park to Prespa Homes. This land swap is noted on the proposed Site Plan.



Figure 4 – Subject lands with abutting 2-storey restaurant to north (looking west from William Street)



Figure 5 – Subject lands and abutting dwellings (looking south from First Street)



## 1.2 SURROUNDING LAND USES

Surrounding land uses include low density residential (east, west, north), commercial (south, southwest, west, east), and open space (south) (see Figures 6-8). Residential lands to the east, north, and west of the subject lands are comprised of single detached dwellings and cottages; these dwellings are generally small, single storey, cottage style dwellings with very small yards and near zero lot line setbacks. Some dwellings have been converted to bed and breakfast establishments and restaurants, including the Pierside Pub which abuts the subject lands to the north. Three-storey single-detached dwellings are currently under construction to the west of the subject lands, on lands formerly used as a parking lot (Figure 3). A parkette abuts to the south of the subject lands at the northwest corner of Edith Cavell Boulevard and William Street, known as “Why Not Park”. Built form around the subject lands ranges from one to three-storey structures



Port Stanley harbour lies approximately 220m to the east of the subject lands, while Main Beach, including the recently reconstructed West Pier and Hofhuis Park, is approximately 150m to the south.

Figure 6 – 3.5-storey dwelling west of the subject lands (looking south from Edith Cavell Blvd)



Figure 7 – Surface parking lot across from subject lands (looking south)



Figure 8 – Commercial and residential buildings west of subject lands (looking southeast from William Street)



## 2.0 PROPOSED DEVELOPMENT

The subject lands are proposed to be developed for two, five-storey apartment buildings; *Building 1* is a 32-unit building with ground floor commercial fronting onto William Street; and, *Building 2* is a 30-unit building fronting onto Edith Cavell Street. Conceptual renderings are shown below in Figures 9-12, an excerpt from the site plan is shown in Figure 13 with conceptual elevations in Figures 14-15.

Figure 9: Conceptual Rendering of Building 1 (looking southwest from William Street)



The proposed apartment buildings will be positioned along the William Street and Edith Cavell Street frontages, promoting a strong and active street edge along the primary access to, and across from, Main Beach. Extensive glazing will be provided along the ground floor to encourage views into and out of the building. Commercial uses on the ground floor of *Building 1* will engage the public environment and improve the existing street edge.

Above the ground floor commercial uses of *Building 1*, four floors of residential units (32 units total) are proposed, set back from William Street. Numerous windows are proposed for each unit, occupying the vast majority of exterior elevations. Each unit is provided with a balcony, and, due to a building step-backs, open air terraces are provided for units on the 4<sup>th</sup> and 5<sup>th</sup> floors incorporating the same decorative glass and iron railings as provided in the lower storeys. The southerly second and third floor balconies abut the southerly lot line.

Conceptual cladding materials are proposed to be consistent with the range and colour of materials present on the abutting 3-storey dwellings to the west, consisting of coloured siding



and white trim. These materials are also found throughout Port Stanley, as siding (wood, vinyl, and cement board) is a popular cladding material in the area.

Figure 10: Conceptual Rendering of Building 2 with Why Not Park at right (looking northeast from Edith Cavell Blvd)



While *Building 1* provides step-backs on its north and south elevations (i.e. apparent step-backs most notable when viewed from the east or west), *Building 2* provides a similar design and layout, with 4<sup>th</sup> and 5<sup>th</sup> storey step-backs on the east and west elevations (most apartment from north or south). These building designs slope the buildings down towards Why Not Park (as shown in Figure 8 below), and towards abutting lands to the west and north. Second and third floor balconies on *Building 2* abut the east and west lot lines.

Both buildings provide a sloped, gabled roof, rather than a flat roof. The sloped roof design allows for decorative gables on street-facing elevations, and provides the buildings with a notably residential look.

A total of 93 parking spaces, including five accessible spaces and four spaces for ground floor commercial uses, are provided in the form of surface parking underneath a portion of *Building 1* as well as behind the buildings. Placing parking behind the buildings screens the parking



area from view from William Street and Edith Cavell Boulevard. Principal access to the parking area is proposed along First Street with an emergency access to Edith Cavell Boulevard via the adjacent detached condominium development.

Figure 11: Conceptual Rendering of Why Not Park in foreground and proposed development to the rear (looking northwest from Edith Cavell Street)



Figure 12: Conceptual Rendering from vehicular access point at First Street (looking southeast)



Figure 13: Conceptual Site Plan

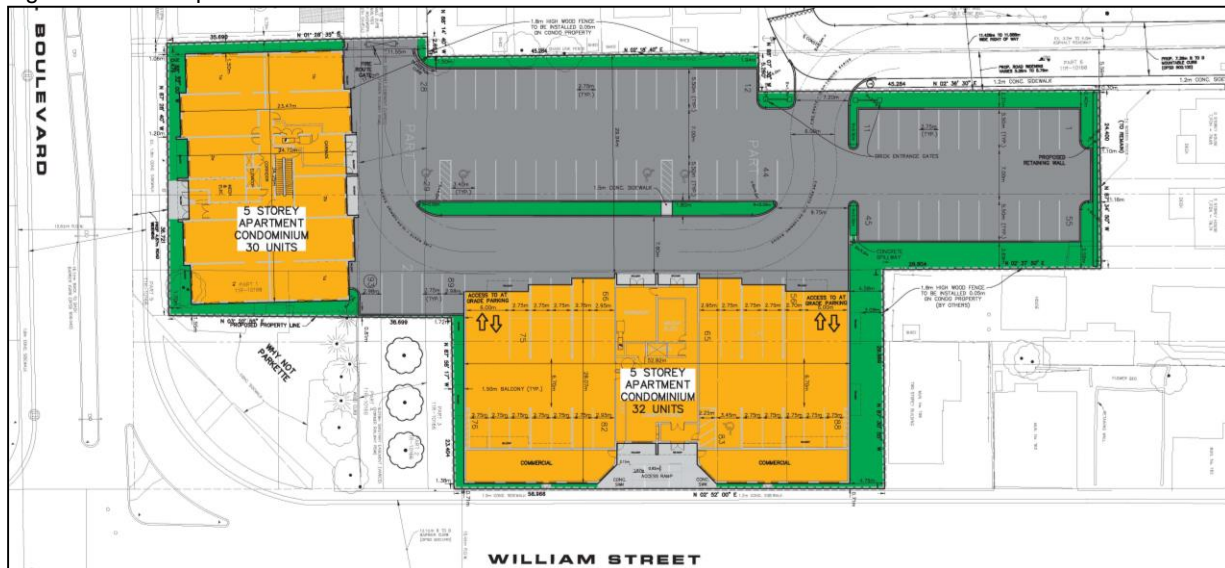


Figure 14: Building 1 Conceptual Front Elevation (facing William Street)



Figure 15: Building 2 Conceptual Front Elevation (facing Edith Cavell Blvd)





A total of 62 residential units and approximately 168m<sup>2</sup> (1,808ft<sup>2</sup>) of commercial floor area are proposed. Total residential density is 98 units per hectare (UPH) prior to road widening.

Please see attached site plan for additional notes on the proposed development including specific site plan calculations.

## **2.1 PROPOSED ZONING BY-LAW AMENDMENT**

In order to permit the proposed apartment buildings, an amendment to the Zoning By-Law is required. It is proposed that the subject lands be re-zoned to two separate, site specific zones; a site-specific “*Business Zone 1 (B1-(\_))*” with a special provision to permit a five-storey, 32-unit, mixed-use apartment building, a maximum depth for commercial uses of 30m from the William Street frontage, and a minimum parking supply of 4 spaces for commercial uses; and, a site-specific “*Residential Zone 2 R2-(\_)*” to permit a five-storey, 30-unit apartment building. Residential parking is proposed to be a total of 89 spaces, corresponding to rate of 1.44 spaces per unit.

## 3.0 PLANNING POLICY ANALYSIS

### 3.1 2014 PROVINCIAL POLICY STATEMENT (PPS)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “*provides policy direction on matters of provincial interest related to land use planning*” in order to ensure efficient, cost-effective development and the protection of resources. All planning applications, including Zoning By-Law Amendment applications, are required to be consistent with these policies.

In this section, relevant policies are *bordered and in italics*, with discussion on how the proposed application is consistent with that policy immediately after:

#### **Section 1.1.1**

*Healthy, liveable and safe communities are sustained by:*

- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*

As the apartment-style housing market in Port Stanley is currently under-served, the proposed development provides an appropriate form of housing, proximate to public open spaces, to meet the growing demand for this type of dwelling in Port Stanley. Providing a denser, more compact form of housing allows for a greater number of persons to live in the proposed development for a lower cost and land consumption rate than less dense forms of housing, such as single-detached dwellings.

The proposed development will make efficient use of existing municipal water and sanitary sewer services, as noted in the submitted *Preliminary Servicing Report*. The provision of apartment dwelling units can help accommodate people of all abilities and all age groups, removing land use barriers that restrict full participation in society.



**Section 1.1.3.1**

*Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

The subject lands are located within and identified settlement area, being the village of Port Stanley, and are an appropriate location for redevelopment.

**Section 1.1.3.2**

*Land use patterns within settlement areas shall be based on:*

*a) densities and a mix of land uses which:*

*1. efficiently use land and resources;*

*2. 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;*

*a) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated*

**Section 1.1.3.3**

*Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

*Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.*

The proposed development contributes to a diversified mix of land uses in a compact form which efficiently uses land and servicing resources. Existing servicing infrastructure is appropriate to accommodate the proposed development and no expansion of public services is required.

As the proposed development consists of a greater number of dwelling units that previously occupied the subject lands within the surrounding context of existing development, it is considered to be intensification. The PPS encourages appropriate intensification as a means of accommodating growth in a cost efficient and resource efficient manner. The subject lands are an ideal location for intensification by virtue of their location proximate to open space, recreational opportunities, and within walking distance to the commercial core of Port Stanley.

**Section 1.1.3.4**

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

The proposed implementing zoning regulations to permit the proposed development are based on recently approved zoning regulations for apartment buildings in Port Stanley. The proposed zoning regulations facilitate appropriate intensification in a compact form. The proposed development does not contribute to risks to public health and safety.

**Section 1.1.3.6**

*New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

The proposed apartment buildings are an inherently compact building form, and, in the case of *Building 1*, provide a vertically integrated mixed-use building. As previously noted, this development makes efficient use of land, infrastructure, and public service facilities.

**Section 1.4.1**

*To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all time the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

The proposed apartment development provides a form of housing specifically intended to meet the needs of the housing market in Port Stanley, and will provide accommodations for residential growth through redevelopment of vacant lands. There is sufficient servicing capacity for the proposed development.



### **Section 1.4.3**

*Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

- b) permitting and facilitating:*
  - 1. all forms of housing required to meet the social, health, and well-being of requirements of current and future residents, including special needs requirements;*
  - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*

The proposed residential intensification development is intended to provide a type of housing that is desired, but currently lacking, in the marketplace, in a form that is appropriate for the site's context. Appropriate levels of infrastructure and public service facilities currently exist to service the proposed development, including road infrastructure. This higher density form of development efficiently uses land and resources.

### **Section 1.5.1**

*Healthy, active communities should be promoted by:*

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction, and facilitate active transportation and community connectivity;*
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.*

The inclusion of commercial uses on the ground floor of *Building 1* will help to activate the streetscape, thereby improving the public realm along the street, fostering social interaction, and potentially acting as a trigger for more development, and/or redevelopment, along William Street.

While not directly facilitated by the proposed development, it is understood that the Municipality intends to improve Why Not Park subsequent to the Council approved land swap.

### **Section 1.6.6.1**

*Planning for sewage and water services shall:*

- a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:*
- d) municipal sewage services and municipal water services;*
- e) integrate servicing and land use considerations at all stages of the planning process;*

**Section 1.6.6.7**

*Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*

**Section 1.6.6.7**

*Planning for stormwater management shall:*

- a) minimize, or, where possible, prevent increases in contaminant loads;*
- b) minimize changes in water balance and erosion;*
- c) not increase risks to human health and safety and property damage;*

The proposed development will make efficient use of full municipal services, being the preferred servicing solution for intensification and redevelopment projects. As outlined in a *Preliminary Servicing Report* by CJDLC Consulting Engineers Existing, municipal services have sufficient capacity to accommodate the proposed development.

**Section 1.6.7.1**

*Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.*

**Section 1.6.7.4**

*A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future uses of transit and active transportation.*

The *Traffic Impact Study* prepared by F.R. Berry & Associates concludes that existing road infrastructure is appropriate to accommodate the proposed development, and more specifically that *“Under projected 2025 summer weekday peak hour conditions, the intersections of William Street with George Street and Erie Street will continue to operate at a good level of service. No intersection improvements will be required.”*

Given the location of the subject lands proximate to Main Beach, Hofhuis Park, and the village centre of Port Stanley, it is anticipated that residents will choose to walk to these proximate locations.

Based on the above, the proposed Zoning By-Law Amendment is consistent with the policies of the 2014 Provincial Policy Statement.



### 3.2 COUNTY OF ELGIN OFFICIAL PLAN

The subject lands are designated Tier 1 Settlement Area as per Schedule 'A' – Land Use in the County of Elgin Official Plan. **Section B2.6** provides policies regarding new development in existing settlement areas, in that new development shall be a logical extension to the existing built up area, be compact and minimize land consumption, and that adequate services are provided. Policies regarding settlement areas are found in **Section C.1**, which generally provides that residential areas should maximize the use of infrastructure and minimize the amount of land for new development, and ensure compatibility between land uses.

**Section D3.2** provides that Conservation Authorities have developed design standards within shoreline hazard areas. Although the proposed development is located in proximity to the Lake Erie shoreline and may be subject to natural hazards associated with flood uprush, the finished floor elevation of the development will be at or above the flood uprush elevation, thereby complying with risk management policies.

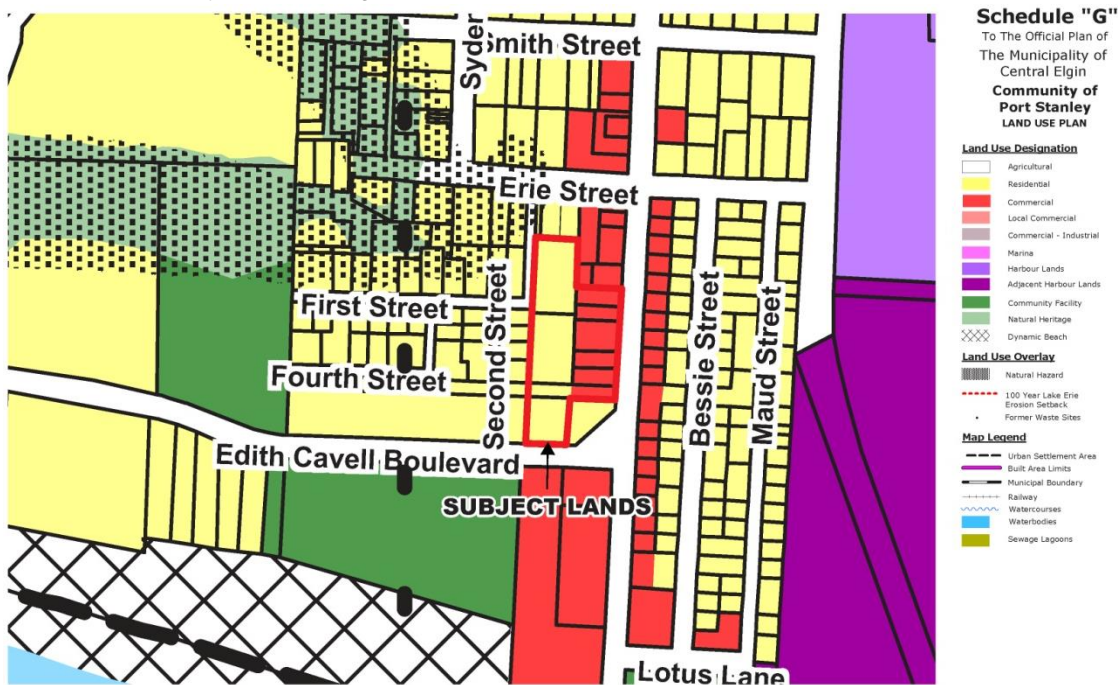
The proposed development is consistent with the policies of the Elgin County Official Plan for the following reasons:

- The proposed development utilizes land in a compact and efficient manner, and is located within the existing built-up area in Port Stanley;
- As discussed in this report, the proposed development is compatible with surrounding land uses, is integrated with existing development, contains a level of density that is appropriate for the area, and is consistent with the local Official Plan. Full analysis and discussion on land use compatibility is provided in Section 4.0 of this report ;
- It has been demonstrated through a *Preliminary Servicing Report*, prepared by CJDLC Consulting Engineers, that adequate services exist to properly service the proposed development.

### 3.3 MUNICIPALITY OF CENTRAL ELGIN OFFICIAL PLAN

The subject lands are within the Port Stanley Urban Settlement Area as per Schedule “1” of the Municipality of Central Elgin Official Plan and are further designated “Residential” and “Commercial”, as per Schedule “G” – Land Use (Figure 16). The “Residential” designation extends to include lands to the north, east, and west, while the “Commercial” designation extends to the north, south, and east, along both sides of William Street.

Figure 16 – Municipality of Central Elgin Official Plan – Schedule G



The proposed mixed use development falls within two land use designations; the westerly portion of the lands are designated “Residential” and the easterly portion “Commercial”. The proposed site plan locates *Building 1* (mixed-use) on the “Commercial” lands with the associated parking area within both the “Commercial” and “Residential” designations, and *Building 2* (residential only) within the “Residential” designation. As such, the residential component above the first floor of *Building 1* will be within the “Commercial” designation. **Section 5.5** provides policies regarding the interpretation of land use designation boundaries, in that boundaries are considered approximate and no amendment to the Plan is required to make minor adjustments to a land use boundary. The intent of the Official Plan to provide commercial uses along the William Street frontage is maintained through provision of ground-floor commercial uses fronting on to William Street. Using the policies provided in **Section 5.5**, the development of dwelling units above ground floor commercial units in the “Commercial” designation complies with the purpose and intent of the Official Plan.

Conversely, a maximum depth for commercial uses is proposed to ensure the intent of the “*Residential*” designation is maintained.

The proposed development is considered to be residential intensification, as the development seeks to add additional dwelling units to the subject lands. **Section 2.3** provides goals regarding housing and residential intensification. Notable goals are the encouragement of a sustainable mix and range of housing that is required to meet the needs of present and future residents; encouragement of intensification within built-up areas; and, encouragement of the provision of a full range of housing types and densities to meet demographic and market requirements.

**Section 2.3.2** provides specific policies for residential intensification as follows:

- a) Residential intensification shall only be supported within the built up areas of the Urban Settlement Areas identified in Subsection 2.1.1 to this Plan.*
- b) Residential intensification shall only be permitted where full municipal sewer and water services exist, and in accordance with the policies of Subsection 2.8 to this Plan.*
- c) Residential intensification shall comply with the policies contained within Section 4.0 of this Plan.*

The proposed development on the subject lands is consistent with the above noted policies by being located within the built up area; can be serviced by full municipal services; and, as demonstrated through this report, is consistent with the Land Use policies in Section 4.0 of the Official Plan.

**Section 2.13.1** provides policies for healthy communities: development is encouraged to be of a compact urban form that incorporates mixed land uses and promotes active transportation and trip reduction. The proposed development is consistent with the goal of contributing to a healthy community by making efficient use of land in a compact form, incorporates both residential and commercial uses, and provides opportunities for active transportation in the Port Stanley area. Furthermore, residents of the proposed development will be able to enjoy the amenities of nearby public open space including Why Not Park, Main Beach, the West Breakwater, and Hofhuis Park; all of which are within short walking distance.

The “*Residential*” designation permits a range of residential uses, including **single detached dwellings** and **apartment dwellings**, along with ancillary uses such as schools, parks, and places of worship. **Section 4.2.2** provides that high density residential uses, in excess of 35 units per hectare, are permitted within the “*Residential*” designation, subject to additional policies. As the proposed development results in a density of 98 units per hectare, the following section lists the applicable policies *bordered and in italics* of Section 4.2.2. with reasons why the proposed development is consistent with each policy underneath:



1. *The proposed design of the residential development is compatible in scale with the character of surrounding uses;*

The conceptual design of the two buildings is intended to be complimentary to existing buildings in the area through the use of cladding materials and architectural details. The buildings are modestly taller than the abutting 3-storey dwellings to the west, and provide a range of cladding materials that are already present in the immediate area. As further analyzed in Section 4.0 of this report, the proposed development is compatible in scale and character with surrounding land uses.

2. *The site is physically suited to accommodate the proposed development;*

As shown on the conceptual site plan, the subject lands provide ample space for the proposed development and all required parking. The location of the lands along a main route to Main Beach and area amenities is well suited to accommodate a landmark development. The *Preliminary Servicing Report* and *Traffic Impact Statement* demonstrates that the lands and available infrastructure are physically capable of appropriately accommodating the proposed development.

3. *The proposed site can be serviced with adequate water supply and sanitary sewage disposal in accordance with the policies contained in Section 2.8 of this Plan;*

As demonstrated in the *Preliminary Servicing Report*, the proposed development can be fully serviced with existing municipal services.

4. *The property shall have direct access to an arterial or collector road maintained to a municipal standard with capacity to accommodate traffic generated from the site;*

The subject lands have frontage on William Street (a Collector Road), Edith Cavell Boulevard (a Collector Road), and First Street (a Local Road). It is neither practical, nor in the interest of good urban design, to place a driveway on William Street or Edith Cavell Boulevard. As such, vehicular access to the site is proposed from First Street. A *Traffic Impact Statement*, prepared by F.R. Berry & Associates provides that all intersection deemed affected by the proposed development (William Street with Erie Street, Smith Street, and George Street) will continue to operate at a good level of service and no intersection improvements will be required. It is important to note that the proposed commercial uses are not a significant traffic generating use, and instead are intended to be accessed by pedestrians.

5. *Sufficient off-street parking facilities is provided in accordance with the standards set out in the Zoning By-law; and*

The proposed development provides all required off-street parking to meet current zoning standards. *Building 1* requires a total of 44 parking spaces (32 units @ 1.25/unit = 40 spaces, 186m<sup>2</sup> commercial floor area @ 1/50m<sup>2</sup> = 4 spaces) and *Building 2* requires 45 spaces (30 units @ 1.5/unit), for a total parking demand of 89 spaces, whereas 93 parking spaces are provided.

The commercial uses are intended to take advantage of passing pedestrian traffic and the existing population proximate to the subject lands; the commercial uses are not intended to be destination uses attracting users from outside the Port Stanley community. As such, the minimum required parking for the commercial uses is provided while additional parking is provided by proximate municipal parking lots and on-street parking.

6. *Consideration shall be given to matters related to land use compatibility, traffic impacts and proximity effects such as noise and visual impacts.*

The proposed development is compatible with surrounding uses (see discussion in Section 4.0 of this report) and traffic impacts have been addressed through the *Traffic Impact Statement*. Neither of the apartment buildings will be a source of any significant noise.

The easterly portion of the lands is designated “*Commercial*” and falls under the policies of **Section 4.2** of the Official Plan. The “*Commercial*” designation permits general commercial uses such as retail stores, personal and business services, offices, restaurants and other eating establishments, hotels, motels, places of entertainment, and general assembly. As the subject lands are at a prominent location along William Street, and lie adjacent to residential uses, a high standard of building and landscape design shall be applied to the proposed development, as per **Section 4.3.2.c)** In addition, the Official Plan states in **Section 4.3.2.e)** that proposals for new general commercial uses shall conform to the following policies (details of how each policy is satisfied is provided below each policy):

1. *The proposed development shall provide adequate buffering and landscape screening to ensure visual separation between the commercial use and adjacent land uses;*

Buffering from adjacent low density uses to the west is provided by the parking area, which provides a distance buffer between the two uses. Landscaping along the perimeter (implemented through the Site Plan Approval process) will provide additional buffering. Buffering from low density residential uses to the east is provided by William Street. It is noted that there are a number of commercial uses on William Street that do not require any buffering from the proposed development. The Pierside Pub (abutting the north) is

separated from *Building 1* by approximately 4.6m, an area which also contains a sidewalk providing access to the rear of the subject lands.

*2. Landscape screening may include the provision of plantings, earthen berms, fences, trees; the construction of screen walls or a combination of the aforementioned techniques. The use of native species in landscaping shall be encouraged;*

A landscape plan will be provided at the time of Site Plan Approval to ensure appropriate screening is provided.

*3. Provision shall be made for parking, loading, vehicle circulation, garbage collection/storage, and other required facilities for the development;*

All required parking for the residential component is provided on-site for the proposed development at a rate of 1.44 spaces per unit residential unit. The minimum required parking for the commercial component is provided, as these uses are also intended to take advantage of passing pedestrian traffic and the existing population proximate to the subject lands; they are not intended to be destination uses attracting users from outside the Port Stanley community. There is ample municipal parking proximate to the subject lands to provide for the needs of all proposed commercial uses. The nature and scale of the proposed development does not warrant a loading space; a resident pick-up/drop-off area is located to the west of the building, internal to the site. Garbage is to be stored internally and brought outdoors on collection day.

*4. The property shall have frontage on a public road maintained to a municipal standard;*

The subject lands have frontage on three, year-round maintained municipal roads.

*5. The site shall be provided with full municipal services;*

The proposed development will be serviced with full municipal services, as outlined in the *Preliminary Servicing Report*.

**Section 4.6.6.6** provides special policies for commercial lands in Port Stanley, as designated on Schedule 'G'. Generally, improvements to streetscapes, provisions for pedestrian connectivity, and infill development are encouraged. Special policies for review of proposed mixed-use commercial/residential developments are provided, stating that proposals shall be reviewed with regard to compatibility with the surrounding area, capacity of infrastructure services and roads, proximity to community services and facilities, parking, physical character, and the provision of open space amenities, landscaping, and any necessary buffering. A full discussion on these items is provided in Section 4.0 of this report. The proposed development is consistent with policies relating to streetscape improvements and landscaping (subsections a, e, f) by filling in a gap in the William Street streetscape with a well-designed building with landscaping.



**Section 4.6.6.6.i)** provides policies for reviewing applications for mixed-use commercial developments. Details on how each policy is satisfied are provided below:

1. *Compatibility with the general character of the area and, in particular, proximity effects upon adjacent uses, i.e. visual, shadowing;*

The proposed development is compatible with surrounding uses. A full discussion on how the development is compatible, including shadow and proximity effects is provided in Section 4.0 of this Report.

2. *Capacity of existing infrastructure services and roads to accommodate the proposed use(s);*

Through the *Preliminary Servicing Report* it has been demonstrated that there is sufficient capacity in existing servicing infrastructure to fully service the proposed development on municipal services.

A *Traffic Impact Statement* provides that the existing municipally maintained roads are sufficient to accommodate the proposed development and will not require any improvements.

3. *Proximity to community services and facilities;*

The subject lands are proximate to community services and facilities including Main Beach, the Port Stanley Memorial Arena, the Royal Canadian Legion, and Port Stanley Public School. Many facilities and commercial amenities are within short walking distances from the subject lands, promoting active transportation.

4. *Availability of on-site or shared off-street parking;*

All required parking is provided on site. Additional parking is readily available in nearly municipal parking lots.

5. *Structural/physical character of a host building or site to accommodate intensification, reuse and/or redevelopment; and,*

The proposed buildings are appropriate to accommodate the proposed residential intensification. The proposed apartment buildings will contain large units with balconies and open-air terraces.

6. *Provision of open space amenities, landscaping, buffers, etc.*

Open space (Why Not Park) abuts the subject lands, while Main Beach, the West Breakwater, and Hofhuis Park are located approximately 150m to the south. Additional parkland is available at Stanley Park (460m west) and Selbourne Park (1.5km north). It is

anticipated that remediation and redevelopment of the East Berm will expand open space resources within walking distance. Landscaping and buffers will be addressed through the Site Plan Approval process.

The subject lands are located within the *Regulatory Flood Uprush* area as shown on Schedule “G2” – Natural Hazards. The finished floor elevation of the proposed buildings will be above the flood uprush level, thereby mitigating flood risk. Approval from the Kettle Creek Conservation Authority (KCCA) will be required for any proposed dwellings on the subject lands. Any further flood proofing requirements will be satisfied through the Site Plan Approval and building permit stages, in consultation with KCCA.

Policies to evaluate the design of the proposed development are laid out in **Section 2.10.3.1**. These policies provide that development applications will be reviewed to ensure that new development is designed to:

- Remain in keeping with the traditional character of the Settlement Areas in a manner that both preserves their traditional community image and enhances their sense of place within Central Elgin;
- Promote cost effective and efficient land use patterns;
- Promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks; and,
- Be respectful of traditional street patterns and neighbourhood structure.

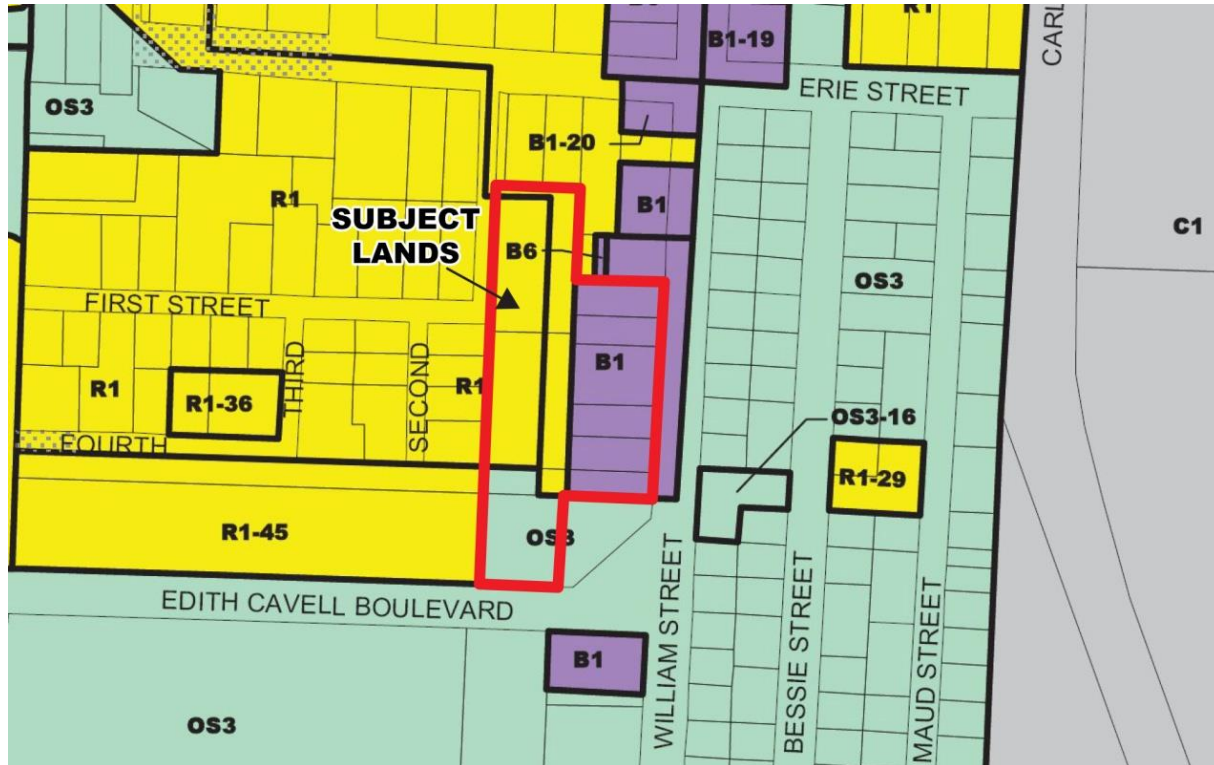
The proposed development has been designed to improve the streetscape along both William Street and Edith Cavell Boulevard by placing buildings close to the street and providing a pedestrian friendly environment with active frontages. While the original proposal for the subject lands was significantly taller (nine storeys), the present proposal at five storeys is a modest and appropriate increase in height from the abutting three-storey dwellings. Given the prominent location of the subject lands, and well executed design that is reflective of the architectural style and materials present in Port Stanley, the proposed development is appropriate. Specific details of the proposed buildings, including architectural treatments, cladding materials, landscaping, can be implemented through the Site Plan Approval process.

The Zoning By-Law Amendment seeks to intensify underutilized lands and make efficient use of space and existing services. Section 4.0 of this report provides analysis concluding that the development is compatible with surrounding land uses, will not create undue adverse effects in the area, and is a desirable addition to the Port Stanley community. As such, the proposed Zoning By-Law Amendment to permit the development of a five-storey apartment building and a five-storey mixed-use building on the subject lands is consistent with the intent and policies of the Central Elgin Official Plan.

### 3.4 MUNICIPALITY OF CENTRAL ELGIN ZONING BY-LAW

The subject lands are currently zoned “Residential Zone 1(R1)”, “Business Zone 1 (B1)”, and “Open Space Zone (OS3)” in the Municipality of Central Elgin Zoning By-Law (Figure 17).

Figure 17 – Municipality of Central Elgin Zoning By-Law – Schedule A (excerpt)



(It is noted that a zone line runs through the R1 zoned lands which denotes an R1 zone on either side. This appears to be a mapping error in the Zoning By-Law schedule.)

Permitted uses within the “Business Zone 1 (B1)” are:

- Retail stores;
- Restaurants;
- Business Office;
- Personal Service Shop;
- Dwelling units above the main or first storey; and,
- Accessory uses.

Permitted uses within the “Residential Zone 1(R1)” are:

- Residential uses (single-detached dwelling or semi-detached dwelling);
- Institutional uses (lawfully existing on the day of passing of the by-law)
- Home occupations; and,
- Accessory uses.



The “*Open Space Zone (OS3)*” is intended to regulate open space uses including parkland.

The existing zones on the subject lands do not permit the proposed development. As such, a Zoning By-Law Amendment is being sought to re-zone the “*Business Zone 1 (B1)*” and “*Residential Zone 1 (R1)*” lands to a special provision “*Business Zone 1 (B1-( ))*”, and re-zone the “*Open Space Zone (OS3)*” lands to a special provision “*Residential Zone 2(R2-( ))*” zone to permit the proposed development.

The existing zone provisions of the “*Business Zone 1 (B1)*” allow for dwelling units above the first floor. This provision is sufficient to allow for the development of a mixed-use building, which contains ground floor commercial and residential units above. Furthermore, no density limitation is provided in the *B1* zone which would limit the number of units for the apartment building.

The maximum height permitted by the “*Business Zone 1 (B1)*” is 10m, which is lower than the approximately 18.7m height (five storeys) of the building. (It is noted that height to the top of the roof peak is 21.6m, while for the purposes of zoning, building height is typically measured to halfway between the eaves and peak, in this case being 18.7m) As such, a special provision to permit a height of five storeys is being sought through the Zoning By-Law Amendment. Permitting height based on number of storeys rather than a specific distance allows for design flexibility and the ability to incorporate architectural features that may enhance the design of the building.

The proposed special provision “*Business Zone 1 (B1-( ))*” is to be applied to all the lands to north of Why Not Park, including the west of the apartment building, to permit the accessory parking area. However, it is noted that the Official Plan designates these lands “*Residential*”. In order to ensure that no commercial uses develop on the lands designated “*Residential*” it is proposed that a special provision be included that limits all commercial uses to within 30m of the William Street frontage. The intent of the proposed special provision zone is to satisfy both land use designations on the subject lands through the proposed permitted uses.

The existing “*Open Space Zone (OS3)*” zoned portion of the subject lands is proposed to be re-zoned to a special provision “*Residential Zone 2(R2-( ))*” to permit a five-storey, 30-unit apartment building. As the *R2-1* zone was recently approved in Port Stanley to permit six-storey apartment buildings, it is being used as a template for the implementing zone for *Building 2* on the subject lands.

Special provisions for the proposed “Residential Zone 2 (R2-( ))” will include:

<b>R2-( ) Zone Regulation</b>	<b>Proposed</b>
Permitted Use	Apartment building
Minimum Lot Frontage	30m
Maximum Ground Floor Area	850m <sup>2</sup>
Maximum Density	100 UPH (as calculated including abutting lands zoned B1-( )) and prior to road widening)
Maximum Building Height	5 Storeys
Minimum Front Yard Setback	1.2m
Minimum Side Yard Setback	1.5m (0.0m for balconies)
Minimum Rear Yard Setback	11m
Minimum Number of Parking Spaces	89 (combined with abutting lands zoned B1-( ))

It is noted that the limits of the proposed zones are to correspond with the ultimate parcel configuration due to the Council approved land swap. Portions of the existing *B1* zone are to be occupied by the expanded Why Not Park, while the easterly portion of the park (zoned OS3) will be included in the proposed *R2-( )* zone.

Considering the existing permitted uses on the subject lands through the existing zones and the context of the subject lands, the proposed Zoning By-Law Amendment represents a more efficient use of land in a manner that, as discussed in Section 4.0 of this report, is compatible and desirable for the area.

---

## 4.0 LAND USE COMPATIBILITY

The proposed Zoning By-Law Amendment seeks to permit two, five-storey apartments on the subject lands, one of which with ground floor commercial uses. This section outlines how the proposed development is compatible with the surrounding land uses.

### 4.1.1 *Abutting Land Uses*

Land uses abutting the subject lands are commercial (north, west, south), open space (south), and low density residential (east and west). Lands to the south are dominated by surface parking lots associated with Main Beach and businesses (Figure 7).

The commercial lands to the north consist of a number of restaurants and a personal service establishment; the function and amenity of these uses will not be impacted by the proposed development. Conversely, these types of commercial uses will likely benefit from the proposed development through the increase in year-round, local residents.

The proposed apartment buildings are positioned along the William Street and Edith Cavell Boulevard frontage, away from existing low density residential uses to the north and northwest, and abutting highly travelled main roads. Placing the buildings in these locations limits the impact (visual and otherwise) of the development on lands to the west while William Street serves as a buffer with low density residential and commercial uses to the east. The relationship between the proposed mid-rise *Building 1* and the single detached dwellings on the east side of William Street is compatible.

The amenity of Why Not Park is not anticipated to be impacted by the proposed development. Development of the subject lands, including the anticipated land swap, will encourage the improvement of the park, and its usage.

### 4.1.2 *Intensity of Use*

Intensity of use incorporates several factors, including the general nature of use, intended users, number of users, and the activity level of those users. The proposed development contains a limited range of uses, consisting of ground floor commercial (likely to be retail, restaurant, office, and/or personal service) and apartment residential units. The ground floor commercial uses will complement the existing uses along William Street and are the intended uses for this portion of the subject lands in the Official Plan and Zoning By-Law. Commercial uses are intended to take advantage of passing pedestrian traffic and the existing population proximate to the subject lands; the commercial uses are not intended to be regional destination uses attracting users from outside the Port Stanley community. As such, the added intensity of the proposed ground floor commercial uses will be relatively low, and likely less than the adjacent Pierside Pub.



The proposed development will provide a total of 62 dwelling units which correspond to a residential density of 98 units per hectare (UPH), which is generally considered to be high density. Although no existing building in Port Stanley currently contains this level of residential density, it has been demonstrated in other urban environments that high density uses, including much higher residential densities than is being proposed, are appropriate to interface across a main road with low density residential uses.

It is also noted that Port Stanley receives significant volumes of tourist activity in the summer months which congregate at Main Beach, proximate to the subject lands. The influx of tourists to the area has a demonstrably greater impact on surrounding uses than the level of intensity proposed for the subject lands.

#### **4.1.3 Scale and Massing**

The five-storey height of the proposed apartment buildings is a modest increase from the abutting three-storey dwellings, and is less than the recently approved six-storey apartment buildings in the Wastell Homes development to the west.

Conceptual building elevations show a terraced building design which is much narrower at the top than at the base. This design serves to reduce the visual impact of the building when viewed perpendicular to the building orientation (east or west for *Building 1*, north or south for *Building 2*), and reduces shadow impacts. While an increase in scale and massing over what currently exists in Port Stanley, the proposed building design, coupled with a modest height of five-storeys, is compatible with abutting development.

Due to the area elevations, configuration of the subject lands, and the surrounding land uses, current views of Lake Erie from the north of the subject lands are limited to a small number of dwellings. The proposed buildings will have little effect on viewsheds to the lake from private property, and will have no impacts on viewsheds to the lake from public property.

#### **4.1.4 Shadowing**

A shadow study has been prepared by SBM Engineering which demonstrates shadow impacts on adjacent lands from the proposed apartment building. As the subject lands are surrounded by existing buildings, some shadowing of adjacent lands is expected. It is noted that shadow models for the early morning (8am) and evening (6pm) are typically not used to evaluate shadow impacts, due to the small timeframe that the sun is at a very low angle.

Summer solstice (June 21<sup>st</sup>) shadows are largely contained to the subject lands until after 4pm. After this time shadows begin to fall on the west side of William Street. Morning shadows are present on the abutting dwelling to the west.

Equinox shadows (March 21<sup>st</sup> and September 21<sup>st</sup>) are also largely contained to the subject lands with minor shadowing of lands to the northwest in the early morning, and shadowing of the abutting parcel to the north (Pierside Pub) during midday. Afternoon shadows are present on few properties to the east of the subject lands after 4pm.

Winter solstice (December 21<sup>st</sup>) shadows are cast on adjacent lands to the north in the morning. After 2pm, shadows are present on few properties on the west side of William Street. Shadows are most evident in the winter months due to the lower angle of the sun.

Overall, due to the position of the buildings away from abutting uses and towards the street frontages, and its medium-rise height, shadow impacts on surrounding lands are minimal and will not create undue adverse impacts on adjacent lands.

#### **4.1.5 Pedestrian Circulation**

The proposed site design provides direct pedestrian access to the apartment building and ground floor commercial uses from William Street. Vehicular access will not interfere with pedestrians along William Street as vehicular access is proposed from First Street. The proposed site design will enhance pedestrian flow along the improved William Street streetscape and commercial uses will serve as a point of interest for pedestrians walking past the site.

#### **4.1.6 Traffic**

A *Traffic Impact Assessment*, prepared by F.R. Berry & Associates, examines the impact of the proposed development on the function of William Street and the intersections of William Street with Erie Street, Smith Street, and George Street. The study projects traffic volumes to the year 2025, and concludes that the proposed development will not have a significant effect on existing traffic flow and that the intersections noted will continue to function at a good level of service without the need for any roadway or intersection improvements.

In addition, First Street is proposed to be reconstructed from Erie Street to the main entrance of the proposed development, including road widening and drainage improvements. This reconstruction will have a positive effect on the traffic flow along First Street.

## **4.2 KETTLE CREEK CONSERVATION AUTHORITY**

The subject lands lie within the regulated flood uprush level, as shown on Central Elgin Official Plan mapping. As such, approval from the Kettle Creek Conservation Authority will be required for any building permits

### **4.3 SERVICING**

As outlined in the *Preliminary Servicing Report* (CJDL Consulting Engineers), there is sufficient capacity and infrastructure to fully service the proposed development. Services installed to service the adjacent condominium development to the west along Edith Cavell Boulevard were designed with capacity to service the subject lands as well. Sanitary sewage servicing will connect to an existing sanitary pipe that bisects the subject lands, running east/west, south of *Building 1* and north of *Building 2*. Storm drainage and stormwater management will utilize a combination of stormwater connections to existing services and an on-site drywell system. The drywell system is intended to delay flows from major storm events to reduce the possibility of localized flooding. Water service is proposed to connect to the existing water main on William Street.

### **4.4 SITE SOIL CONDITIONS**

A Phase II Environmental Site Assessment (ESA) on the subject lands was undertaken by Exp Services Inc. which identified soil contaminants in a concentration beyond the acceptable limit, as established by the Ministry of Environment and Climate Change (MOECC). The report recommended that approximately 300 tonnes of soil be removed from the site and replaced with suitable fill material. In May and October 2014, contaminated soil was removed from the site. Subsequent testing determined that the site is now suitably remediated and that soil and groundwater quality on the subject lands is now in compliance with the applicable MOECC standards. It is the opinion of Exp Services Inc. that no further investigative or remedial efforts are required.

### **4.5 PORT STANLEY COMMUNITY INVESTMENT CONSIDERATIONS**

The proposed development seeks to add 62 dwelling units and 168m<sup>2</sup> (1,808ft<sup>2</sup>) of commercial floor area proximate to Main Beach in Port Stanley. The subject lands are within walking distance to commercial amenities along William Street, Bridge Street, and Main Street. The addition of permanent residents to the area will have a positive impact on local businesses.

The proposed development will incur development charges, as per the Municipality of Central Elgin's development charges by-law. The residential units and commercial floor area will generate approximately \$558,031.72 in applicable development charges (at a rate of \$8,819.18 per unit plus \$66.92/m<sup>2</sup> for commercial space). Development charges are utilized to improve existing services in community, including water, sewer, recreation facilities, and libraries.

---

## **5.0 CONCLUSIONS**

The proposed Zoning By-Law Amendment to permit the development of two, five-storey apartment buildings, one of which will provide ground floor commercial space, is an efficient and desirable use of the underutilized subject lands. The buildings have been demonstrated to be compatible with surrounding land uses and will not create undue negative effects for adjacent residents and businesses. The addition of residential units in the area will have a positive effect in the local economy and will generate significant development charges that may be used to improve services in the community.

The proposed Zoning By-Law Amendment is consistent with the policies and intent of both the County of Elgin Official Plan and the Municipality of Central Elgin Official Plan. The practice of intensification on underutilized lands while making efficient use of existing municipal services is consistent with the policies of the 2014 Provincial Policy Statement. The proposed development is desirable for the subject lands and represents good planning practice.