



The Corporation of the Municipality of  
**Central Elgin**

**REPORT**

**DATE:** January 11<sup>th</sup>, 2019

**REPORT:** CEP.04.19  
**CEPO FILE:** PS2-02-15

**TO:** Her Worship the Mayor and Council

**PREPARED BY:** Jim McCoomb, Planner  
Central Elgin Planning Department

**SUBJECT:** Prespa Construction Limited, Revised Development Concept, 146-156 William Street

**ATTACHMENTS:** Staff Report CEP-05-16, elevation drawings, site plan, original revised concept plan

**TO COUNCIL:** January 14<sup>th</sup>, 2019

**RECOMMENDATION:**

THAT Report CEP.04.19 be received.

**BACKGROUND**

- In October of 2015 Prespa Construction Limited (the "applicant") approached the Municipality of Central Elgin with a proposal to construct a nine storey mixed use development on the west side of William Street, north of Edith Cavell Boulevard. The original development concept proposed 52 residential units within a 9 storey apartment building with ground floor commercial space and three detached dwellings fronting onto Edith Cavell Boulevard. It was proposed that the units on the site will be in condominium ownership.
- A staff report was prepared for Council at their January 18<sup>th</sup>, 2016 meeting (Report CEP-05-16, attached as Appendix 1) with a recommendation to receive the application and set a public meeting date.
- A public meeting was held on March 1<sup>st</sup>, 2016 at the Port Stanley Community Centre. The public meeting was well attended with in excess of 200 people. The majority of comments at the public meeting were in objection to the development proposal, with most citing as reasons that they thought it was too high and not compatible with the character of the village.



- The staff report on the original development concept concluded that *"The difficulty with this proposed development is that there is no transition between the proposed 9 storey apartment and the surrounding neighbourhood, which is predominantly single and two storey buildings. Compatibility does not require that higher density development be identical to the surrounding neighbourhood, but it should complement the character of the neighbourhood. It should try and achieve a good fit with the surrounding neighbourhood in terms of architecture, built form, streetscape and land use. In staff's opinion the proposed development does not achieve this."*
- After the public meeting the applicant and his consultants indicated that they wanted an opportunity to reconsider the development concept, given the significant public opposition to it. Consideration of the amendment was deferred.
- Without formally amending its application, the applicant revised the development concept to two five-storey buildings. In order to make the revised concept work the applicant requested that Council consider a land exchange of a portion of the west side of Why Not Park in exchange for more land on the north side of the park, with the net result of a larger, reconfigured park. Without interpretation as approval of the application, Council indicated support in principle, subject to receiving details on the revised concept. The applicant also presented the revised concept to the Port Stanley Village Association, however the concept was not formally brought to Council in the form of a revised application.
- In December of 2017 the applicant filed an appeal with the Local Planning Appeals Tribunal (LPAT), citing as the reason the lack of a decision from Council within the 120 days as was then required under the Planning Act. The applicant's planning consultant advised staff that the appeal was submitted to protect their client's rights under the old Ontario Municipal Board rules, since the new Tribunal was just coming into place, and that they still wished to continue negotiating with the Municipality. However, the applicant was advised that since an appeal had been filed the practice of the Municipality is that any further communications go through the Municipal solicitor.
- A Pre-Hearing Conference was held by the LPAT on August 22, 2018 in the County Council Chambers. During the course of the Pre-Hearing Conference, the applicant formally advised that it would be changing its application from the 9 storey building to two 5 storey buildings on the reconfigured parcel. That process resulted in a Procedural Order that identified the parties to the matter as the Municipality of Central Elgin and Prespa Construction Limited. 9 participants from the community were also identified. A hearing has been set for the week of March 11, 2019 and is scheduled for 5 days. It will be held in the upper hall at the Port Stanley arena.
- The Procedural Order further required the applicant/appellant to produce updated documentation in support of the revised development concept no later than November 15<sup>th</sup>, 2018. That documentation was received November 14<sup>th</sup> and is available at the Municipal website at <https://www.centralelgin.org/en/business->



[development/current-planning-applications.aspx](#). The Order also required that on or before January 18, 2019, the Applicant/Appellant shall arrange for and hold a Public Information Session at an appropriate facility within the Community of Port Stanley at which the details and specifications and planning justification for such modified proposal shall be disclosed to the public. That Session has been scheduled for Tuesday, January 15<sup>th</sup>, 2019 from 6:00 to 8:00 p.m.

## **REPORT:**

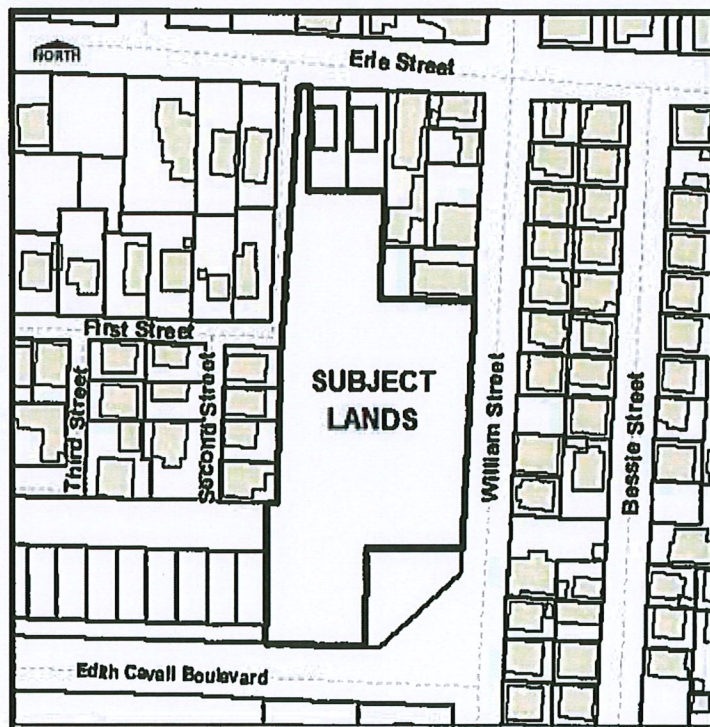
### **1) Revised Development Proposal:**

The applicant's revised development concept consists of two 5-storey residential apartment buildings. The first building ("Building 1"), which fronts onto William Street, has 32 residential units with ground floor parking and commercial uses at the William Street frontage. The second building ("Building 2") is a 30-unit residential apartment building fronting onto Edith Cavell Boulevard (total of 62 residential units). Conceptual elevation drawings and a preliminary site plan are attached as Appendices 2 & 3.

It is noted on the site plan that the first floor terraces and balconies for the second and third stories for Building 1 abut the property line at the southerly end, and similarly on Building 2 on both the east and west ends. Units above the third storey on both buildings are stepped back from the property lines (see elevation drawings, attached).

A total of 93 parking spaces are provided in the form of surface parking underneath a portion of Building 1 as well as in the area behind both buildings. Primary access to the site is from First Street. There is an emergency access proposed from the abutting development to the west on Edith Cavell Boulevard, to be controlled through the use of a gate or bollards.

Location Plan:



Approximately 168m<sup>2</sup> (1,808ft<sup>2</sup>) of commercial floor area is proposed. The commercial space is located on the frontage of Building 1 along William Street.

The subject lands have approximately 0.63 hectares (1.56 acres) of lot area with approximately 71.7m (235 ft.) of frontage along William Street, 30.4m (100 ft.) of frontage along Edith Cavell Boulevard, and 42.1m (138 ft.) along First Street. They may

be legally described as Part of Lots 6-14, South Side of Erie Street & Part of Lot 15, West of Sydenham Street, Plan 117, geographic Village of Port Stanley, now Municipality of Central Elgin. Known municipally as 146-156 William Street, the subject lands are shown on the Location Plan.

### **3) Existing Policies:**

#### **a) 2014 Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. In my opinion, the key policies from the PPS that are applicable to the proposed development include (with staff comment in parentheses and italics):

- 1.1.1 Healthy, liveable and safe communities are sustained by:
  - b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; *(The proposed amendment seeks approval of apartment dwellings, which would contribute to the range and mix of residential dwelling types in Port Stanley.)*
  - e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs; *(The proposed high density residential development is a means to minimize land consumption and efficiently uses existing services.)*
- 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. *(The Community of Port Stanley is designated as an Urban Settlement Area in the Municipality's Official Plan.)*
- 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;
  - b) 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. *(The proposed amendment supports an intensification project of a density that efficiently uses resources and available infrastructure.)*



- 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. *(The proposed amendment supports an intensification project that efficiently uses available infrastructure.)*
- 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:
    - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3; *(The proposed development is an intensification project that adds to the mix of housing choices in Port Stanley.)*
  - 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; *(The Director of Physical Services advises that there is adequate servicing capacity to service the proposed development. The updated servicing study submitted further confirms there are adequate services.)*
- 1.6.6.2 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. *(The proposed development is intensification on full services.)*

The updated Planning Justification Report submitted in support of the revised development concept (Zelinka Priamo Ltd., November 12, 2018) suggests that there are additional PPS policies that support the proposed development. Those policies were reviewed and it is my opinion that they are not necessarily applicable as I believe that they are not being read in the proper context by which they were intended.

In the final analysis, it is my opinion that the proposed amendment is consistent with what I believe to be the applicable policies of the 2014 PPS.

**b) County of Elgin Official Plan:**

The Official Plan of the County of Elgin designates the subject lands as a Tier 1 Settlement Area in accordance with Schedule 'A' – Land Use. Section B1 of the Plan states that "Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted." Tier 1 settlement areas have both municipal sewage and water services, and are the preferred locations for new development.



The Planning Justification Report provided in support of the revised development concept refers to the policies of Subsection B2.6 of the County Plan as applicable to the proposal. However, the Plan clearly states that the policies of B2.6 are applicable where "new development is proposed outside of a built up area, but within a settlement area boundary". The subject lands are within a settlement area, but are not located outside of the built up area. As such, it is my opinion that the policies of B2.6 are not applicable to the proposed amendment.

The County's Official Plan does not contain extensive policies governing specific land uses within the settlement areas. In that regard it defers to the more specific policies of the respective lower tier plans. The Plan sets out a series of objectives for the various areas of land use in settlement areas (residential, commercial, employment) in Section C1.1 of the Plan. The objectives for residential areas are set out in Subsection C1.1.1 and include:

- a) maintain and enhance the character and identity of existing residential areas;
- b) encourage the provision of a range of housing types to accommodate persons with diverse social and economic backgrounds, needs and desires while promoting the maintenance and improvement of existing housing;
- c) promote the efficient use of existing and planned infrastructure by supporting opportunities for various forms of residential intensification, where appropriate;
- d) encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development;
- e) ensure that residential areas permit a variety of complementary and compatible land uses including special needs housing, community facilities, schools, small-scale commercial uses and recreational open space areas;
- f) require a high standard of urban design for development and redevelopment; and,
- g) encourage local municipalities to establish comprehensive design guidelines and policies to foster the establishment of communities that are safe, functional and attractive.

Recognizing that these are objectives and not policies, it is noteworthy that support is provided for residential intensification, *where appropriate*. The objectives also encourage increases in density *in new development areas*. The subject lands are not in a new development area but rather within an established neighbourhood characterized by a mix of residential and commercial in a low density, low rise form. It is therefore questionable as to if the proposed development meets with the first objective of maintaining and enhancing the character and identity of existing residential areas.

Section C1.3 of the County Plan contains the policies regarding housing. The general policies are found in Subsection C1.3.2 and state, among others, that the County supports "residential intensification and redevelopment within settlement areas, where



an appropriate level of physical services is or will be available in the immediately foreseeable future and subject to the policies of this Plan." The housing goals encourage "the development and redevelopment of lands within settlement areas and in appropriate locations at higher densities to maximize the use of infrastructure".

The County Plan contains policies relative to Natural Hazards, including those associated with the shoreline of Lake Erie. The policies require that the lower tier plans reflect the specific hazards for their respective jurisdictions. There is further discussion on this in the section on the Central Elgin Official Plan.

While the proposed amendment supports a development concept that may not meet with some of the objectives established for development in settlement areas, in my opinion it does conform with the applicable Housing policies of the County of Elgin Official Plan.

**c) Municipality of Central Elgin Official Plan:**

The subject lands are located within the "Residential" and "Commercial" designations in accordance with Schedule "G" – Community of Port Stanley Land Use Plan, to the Municipality of Central Elgin Official Plan. The Residential Policies of the Plan permit a full range of dwelling types including the proposed apartment dwellings. A full range of density is permitted including low, medium and high density, subject to the policies of the Plan. The 62 residential units proposed for the subject lands equates to a density of approximately 98 units per hectare, which falls within the high density definition (>35 units per net hectare). The proposal also meets the Plan's definition for residential intensification, which states that "Intensification means the development of a property, site or area at a higher density than currently exists through redevelopment (including the reuse of brownfield sites); the development of vacant and/or underutilized lots; infill development; and, the expansion or conversion of existing buildings."

Subsection 2.3.2.1 of the Plan contains the policies applicable to intensification proposals. They include (with staff comments in parentheses and italics):

- a) Residential intensification shall only be supported within the built up areas of the Urban Settlement Areas identified in Subsection 2.1.1 to the Plan. *(The subject lands are located within the built area limits of the Community of Port Stanley, which is designated an "Urban Settlement Area" in accordance with Schedule "1", Land Use Structure to the Municipality of Central Elgin Official 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 the Plan. *(The Community of Port Stanley is serviced with full municipal piped water and sanitary sewer services. The Director of Physical Services has advised that there is sufficient capacity in the piped water system and the sewage treatment system to accommodate the proposed development.)*
- c) Residential intensification shall comply with the policies contained within Section 4.0 of the Plan. *(See below.)*



Subsection 4.2.2(c) of the Plan contains policies specific to new medium or high density residential developments. Those policies require that:

1. The proposed design of the residential development is compatible in scale with the character of surrounding uses; *(Surrounding uses are a mix of commercial and low density residential uses that are typically 1 to 2 storeys with some at 3 storeys, see Analysis below)*
2. The site is physically suited to accommodate the proposed development; *(While the draft site plan shows that the buildings and parking will fit into the site, it proposes zero setbacks at three of four ends of the two buildings; the balance of the site is predominantly parking with little in terms of outdoor landscaping or amenity area.)*
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 the Plan; *(The Director of Physical Services has advised that there is sufficient capacity in the piped water system and the sewage treatment system to accommodate the proposed development.)*
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; *(Access to the site is proposed from First Street, which is designated as a local street in accordance with Schedule "G1" – Community of Port Stanley Roads Classification and Widening to the Official Plan. This triggered the requirement for a traffic study.)*
5. Sufficient off-street parking facilities are provided in accordance with the standards set out in the Zoning By-law; *(The applicant is proposing two different standards for parking for each building and has sized the parking spots smaller than the by-law standard, see Analysis below.)*
6. Consideration shall be given to matters related to land use compatibility, traffic impacts and proximity effects such as noise and visual impacts. *(The applicant has submitted supporting documentation including the Planning Justification Report, Traffic Impact Report and a Shadowing Study to address impacts, see Analysis.)*

Subsection 4.2.2(d) of the Plan states that medium and high density residential projects shall be developed on the basis of comprehensive site plans, and that such projects shall require an amendment to the zoning by-law and site plan approval.

The commercial policies of the Plan permit a range of commercial uses including retail stores, personal and business services, offices, restaurants and other eating establishments, hotels, motels, places of entertainment and general assembly. A high standard of building and landscape design shall be applied to commercial development through the requirements of the implementing Zoning By-law and site plan approval, particularly where such developments are adjacent to residential uses or are located in

a strategic location. Proposals for new commercial uses shall be reviewed on the basis of general conformity with the following:

1. The proposed development shall provide adequate buffering and landscape screening to ensure visual separation between the commercial use and adjacent land uses; *(The proposed commercial component is one storey in height and separated from nearby residential uses by William Street, a similar condition for existing commercial uses in this same area.)*
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; *(In my opinion, landscape screening is not a requirement for the limited commercial component.)*
3. Provision shall be made for parking, loading, vehicle circulation, garbage collection/storage, and other required facilities for the development; *(There are four parking spaces allocated for the commercial uses, there is no dedicated loading area proposed.)*
4. The property shall have frontage on a public road maintained to a municipal standard; *(The commercial component has frontage along William Street.)*
5. The site shall be provided with full municipal services; *(Full municipal services are available.)* and
6. Outside storage or display of merchandise shall be regulated through the implementing zoning by-law and through Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.

Subsection 4.6.6.6 of the Plan contains additional policies for commercial uses in Port Stanley. Many of the policies are general in nature and deal with matters of preserving and improving streetscapes, active transportation including access to the beach and harbourfront, and infilling. Subsection 4.6.6.6(i) provides additional policies specific to reviewing mixed use commercial/residential development in the commercial core.

These include:

1. Compatibility with the general character of the area and, in particular, proximity effects upon adjacent uses, i.e. visual, shadowing; *(The applicant has submitted supporting documentation to address impacts including a Planning Justification Report and a Shadow Impact Study, see Analysis, below.)*
2. Capacity of existing infrastructure services and roads to accommodate the proposed use(s); *(The Director of Physical Services has advised that there is sufficient capacity in the piped water system and the sewage treatment system to accommodate the proposed development.)*
3. Proximity to community services and facilities; *(Community facilities within proximity are the public main beach, the harbour, the library, the arena and the school.)*



4. Availability of on-site or shared off-street parking; *(There is parking provided on-site (see discussion in Analysis) and nearby municipal lots.)*
5. Structural/physical character of a host building or site to accommodate intensification, re-use and/or redevelopment; *(The site is just large enough to accommodate the proposed buildings, parking and minimal landscaping but no outdoor amenity area is provided.)*
6. Provision of open space amenities, landscaping, buffers, etc. *(There is little to no outdoor landscaping and amenity area.)*

The subject lands are within the Regulatory Flood Uprush for Lake Erie as indicated on Schedule "G2" – Community of Port Stanley Natural Hazards. The policies for the Lake Erie shoreline uprush hazard are found in Section 3.2.4(ii) of the Plan. The policies require that

- a) All development on the lands within the Lake Erie Regulatory Flood Uprush as shown on Schedule G2 to this Plan shall be floodproofed to the 1:100 year flood uprush level of 176.8m Geodetic Survey of Canada.
- b) Prior to the issuing of building permits, plans and designs for floodproofing measures shall be submitted to the Municipality for review. All plans and designs for floodproofing shall be prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies.
- c) All plans and designs for floodproofing measures shall also be submitted to the Kettle Creek Conservation Authority for review and approval.
- d) The Regulatory Flood Uprush shall be recognized in a separate category in the Zoning By-law.

The policies of the Official Plan relative to Natural Hazards are implemented through the Port Stanley Building By-law, which requires that plans for floodproofing measures be submitted for all building proposals within the flood prone areas of Port Stanley. Floodproofing measures must also be approved by the local conservation authority.

**b) Zoning By-law No. 1507:**

The subject lands are located within the Residential Zone 1 (R1), Business Zone 1 (B1) and Open Space Zone 3 (OS3) of the Village of Port Stanley Zoning By-law No. 1507, as amended.

The R1 zone permits residential use, institutional uses lawfully existing on the day of passing of the by-law, home occupations and accessory uses. However, the only permitted dwelling types are single detached and semi-detached dwellings to a maximum density of one unit per lot.

The B1 zone permits retail store, restaurant, business office, personal service shop and dwelling units above the main or first storey. However, the B1 zone limits the height of buildings and structures to 10 metres.

The OS3 zone permits farm use, public, private and commercial recreational uses, summer cottages and residential uses that legally existed on the day of passing of the by-law.

A site specific zoning by-law amendment is required in order to support the proposed development on the subject lands, and establish site specific regulations to control the development.

The applicant's consultants have suggested an amendment to the by-law that would apply the B1 zone to all lands north of Why Not Park, including Building 1 and the lands west of the apartment building. The amendment also proposes to place Building 2 into an R2 zone, with site specific regulations to control the use. It is staff's position that the B1 zone should apply only to the commercial component of Building 1. The reason being that the apartment building, and the parking underneath it, is a residential use. In my opinion it would be more appropriately zoned R2, similar to Building 2.

### **ANALYSIS:**

#### **Planning Justification Report (Zelinka Priamo Ltd., November 12, 2018):**

The applicant's planning consultant has prepared an updated Planning Justification Report (PJR) for the revised development concept. That report identifies many of the same policies noted in this staff report as being applicable to the proposal. While staff do not necessarily disagree with many of the conclusions drawn by the consultant as to compliance with Official Plan policies, there are some noted areas where staff do not agree with the interpretations provided. These include:

- (a) It is noted in Section 3.3 of the PJR (on page 18) that the proposed development straddles the boundary between the "Residential" and "Commercial" designations, however the commercial component occupies only a portion of the area designated "Commercial". The balance of the development in the "Commercial" designation consists of residential units above the parking lot. The report author is relying on the provisions of Subsection 5.5.1(a) and concludes that the land use boundaries are considered approximate and no amendment is required to make minor adjustments to a land use boundary.

*Staff Comment: Staff concur with this assessment.*

- (b) It is noted in the PJR that only a minimum of off street parking spaces are being provided for the commercial component of the development. The rationale provided is that the (unspecified) commercial uses are intended to take advantage of the passing pedestrian traffic and local population, and there is local municipal parking proximate to the subject lands to provide for the needs of the proposed commercial uses. The Report further states that the nature and scale of the proposed development does not warrant a loading space. It is intended to use the resident pickup/drop off area internal to the site for loading as required.



Staff Comment: There are a very limited range of commercial uses in Port Stanley that are not dependent on users from outside of the Community. However, this is a common issue for commercial uses in Port Stanley and one of the reasons that the Municipality has created and maintains public parking facilities. The parking on the site should be made available for the owners/employees of the commercial uses to ensure that they do not have to pay to park in order to be at work.

- (c) In the discussion about Section 4.6.6.6(i) policies on mixed use developments, Item 6 (page 23) regarding provision of open space amenities, landscaping and buffers, the response provided by the consultant is that there are open space and parkland opportunities in locations in close proximity to the subject land, and that landscaping and buffering will be addressed at the site plan approval stage.

Staff Comment: The intention of this policy is to encourage open space, landscape and urban design elements to be incorporated into mixed use developments as an integral component of the site plan. This would typically serve to soften the look of proposed development and avoid too much hardened surface. The proposed development leaves little opportunity for any on-site open space amenity as it is largely covered by buildings and paved surface. During the consultation process on the original development concept staff had suggested using the area close to Edith Cavell Boulevard as an opportunity for some on-site outdoor amenity area, but the applicant has chosen instead to seek a further block of apartments in that location. Open space and landscaping opportunities are reduced to perimeter planting areas.

It has already been noted that the applicant sought a land swap with the Municipality to facilitate the new development concept that will result in an enlarged Why Not Park, which lost some area as a result of recent road widening and intersection/streetscape improvements. However, the updated development concept proposes that the two buildings will be located immediately adjacent to the revised park boundaries (zero setback). This has the potential effect of making the park less of a public asset and more of one for the development itself. This was not the scenario shown by the applicant to Council at the time of the discussions on the proposed land swap for Why Not Park (see original concept, Appendix 4 attached).

(d) Compatibility:

Section 4.0 of the PJR attempts to demonstrate compatibility with the surrounding neighbourhood on six grounds, being abutting land uses; intensity of use; scale and massing; shadowing; pedestrian circulation; and traffic.

- (i) Abutting Land Use: The PJR acknowledges the surrounding land uses, albeit incorrectly referring to land use west of the subject lands as commercial. It correctly characterizes those uses as a mix of predominantly low density residential and commercial uses. There is little argument that the proposed use, being residential with a commercial component on the William Street frontage, is compatible with existing development in the area.

In my opinion, the last paragraph of this section of the PJR, which argues that the development of the subject lands will encourage the improvement of the park and its usage, is debatable. As shown on the site plan and elevation drawings, the revised development concept proposes that the balconies/terraces of the buildings will abut the west and north property lines of the park. It isn't until the fourth and fifth stories that the buildings are stepped back. The park may end up appearing as more of an amenity area for the proposed development and less of a public space, particularly with the first level patios for Building 2 opening up onto the park.

- (ii) **Intensity of Use:** The PJR suggests that the commercial component will be of an intensity that is similar to, and compatible with, existing commercial uses along William Street and there is no disagreement with this. The report then goes on to suggest that the 62 residential dwelling units, representing high density at 98 units per hectare, is appropriate because other urban environments have permitted this and even higher densities to interface with low density residential uses "across a main road". The report goes on to suggest that the influx of tourists to main beach in the summer has a "demonstrably greater impact on surrounding uses than the level of intensity proposed for the subject lands."

William Street is designated as a collector road on Schedule "G1" – Community of Port Stanley Roads Classification and Widening Plan to the Official Plan. However, it is physically constrained by existing development and has an allowance width of only approximately 15 metres. This offers very little separation distance between the proposed development and the low density uses on the east side of William. Further, while the main beach does attract a great number of tourists, this is particular to the summer season and peaks typically on long weekend, weather dependant. The potential impact associated with the proposed development would be a permanent one to the surrounding neighbourhood.

- (iii) **Scale and Massing:** The PJR describes the proposed five storey height of the buildings as "a modest increase from the abutting three storey dwellings" and "less than the recently approved six storey apartment buildings in the Wastell Homes development". While height may be a modest increase above the abutting buildings to the west (also owned by the applicant/appellant) it is a more significant increase above the predominantly 1 and 2 storey buildings that exist surrounding the subject lands. The comparison to the Wastell development is, in my opinion, irrelevant as the Wastell development is located on green field lands with no surrounding development so there is no comparison in terms of compatibility.



In my opinion, scale and massing includes height as a consideration but it is also about the way a building is arranged on its site and is particularly important for larger buildings. The orientation of the principal mass of the building on the site should avoid significant and visually jarring contrast between the scale of the proposed building and any adjacent buildings. Where the building is at the street edge, step backs for the upper floors can help to prevent visual dominance at the street edge. The proposed development includes a step back for the William Street frontage through the use of the single storey commercial component, however the Edith Cavell Boulevard frontage does not incorporate a similar step back and is located just over 1 metre away from the road allowance. The lower levels are the parts of the building that most affect the experience of people in the public realm that pass by. Issues of privacy for occupants at these lower levels also require consideration. The proposed development has residential uses in ground floor areas that adjoin the public realm at both the Edith Cavell Boulevard frontage and at Why Not Park.

The proposed development places the greatest massing at the two principle street frontages. Further, it extends that massing virtually to each of the lot lines, save for that adjacent to the Pierside Pub, where there is a 4.58m setback to the building and a 3.08m setback to the balconies. Where buildings are intended to be of a greater height or mass than existing developments there should be an attempt to blend into the neighbourhood. While the proposed height is better than the previously proposed 9 storeys, the proposed scale and massing of the buildings being pushed out to the property limits at the street frontage is not, in my opinion, in keeping with the character of the surrounding community. This is contrary to the policies of Subsection 4.2.2(c) of the Official Plan regarding new medium and high density developments, which require that the proposed design of the residential development is compatible in scale with the character of surrounding uses.

- (iv) Shadowing: A shadowing study ("Access to Sunlight – Sun Study", Strik, Baldinelli, Moniz, File SBM-18-2286) was submitted along with the revised development concept. The study itself contained no analysis, only the imagery from the shadow modeling. Analysis was contained in the PJR and consisted of a summary of the modeling results and a conclusion that "shadow impacts on surrounding lands are minimal and will not create undue adverse impacts on adjacent lands." No criteria were identified upon which the analysis was based.

Because the study and the analysis were completed by different consultants, it was suggested by planning staff that the Municipality have a peer review of the shadowing study completed. Philip Agar Architect Inc. ("Agar") was retained to do an independent shadowing study and analysis to compare against the work submitted with the revised development concept. Since the Municipality does not have its own shadow study criteria, the Agar study (Shadow Impact Study, Project No. 1000) employs the City of Waterloo Shadow Study Criteria that

have been used and accepted in other municipalities in this area including St. Thomas and London. Those criteria contain the following design principles:

- *As a principle, at least 50% or more of any property should not be shaded for more than two interval times (a four hour equivalency); or,*
- *As a principle, at least 50% of any property should be in full sun for at least two interval times (a four hour equivalency).*

Based on these principles, the Agar study concluded that *"the study shows that there is minimal to no impact on the surrounding buildings and properties. The siting of the new development is such that the shadow impact is mostly internal due to the north-south orientation of the site."* Staff asked Agar to take a closer look at the impacts associated with the fall equinox (September 21<sup>st</sup>) for periods just before and after the modeling timeframes of 3 p.m. and 6 p.m. given the extended shadows at this time of the year. That further review concluded that:

*"The small park at the north-west corner of Edith Cavell Boulevard and William Street is impacted by shadowing during this time period. The park is more than 50% shaded from 3pm to 7pm. Sunset for this time period is approximately 7:24pm. The park would still be more than 50% shadowed up until the setting of the sun. This park will be in shade for more than the maximum 4 hours from the City of Waterloo Shadow Study Criteria using these time periods."*

Therefore, while the proposed development will not have an impact on most surrounding properties from a shadowing perspective in accordance with accepted criteria, it will have a negative impact on Why Not Park during the fall period. It is noted that the analysis in the PJR stated 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." Staff are advised by staff at Agar that 8 a.m. is almost never used and that 6 p.m. is actually a critical time period for the analysis.

- (v) **Pedestrian Circulation:** The PJR concludes that the proposed development will enhance pedestrian flow along the William Street streetscape and the proposed commercial uses will serve as a point of interest for pedestrians. Staff do not disagree with this conclusion. However, the massing of the proposal does not facilitate public pedestrian movement through the site by those living in the area to the west and wanting to access William Street.
- (vi) **Traffic:** The PJR references the Traffic Impact Assessment ("TIA") that was submitted in support of the revised development concept (F.R. Berry & Associates, November, 2018). The Report summarizes the findings of the TIA 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." Municipal staff requested clarifications on the report but



otherwise did not take issue with those conclusions. However, it was also noted by staff that the TIA did not examine potential traffic movements from Smith Street through Sydenham to George Street. It was noted that during busy weekends traffic may avoid William Street and access George Street via Sydenham Street.

The Municipality retained Paul Bumstead of Dillon Consulting to perform a peer review of the TIA. Mr. Bumstead commented that he did not believe that the traffic associated with the proposed development will have an impact on the function of any of the local roads and intersections. This addressed the concern raised by staff.

**Parking:**

It is noted that the Municipality's Official Plan, in subsections 4.2.2(c)(5) and 4.6.6.6(i)(4) requires high density and mixed use developments to have adequate parking on site.

As noted earlier in the discussion on the Municipality's Official Plan policies, the applicant is proposing two different standards for parking for each building and has sized the parking spaces smaller than the by-law standard. For Building 1 it is proposed to use the B1 standard of 1.25 spaces per dwelling unit, for a total of 44 parking spaces for the 32 dwelling units. For building 2 it is proposed to use the residential standard of 1.5 spaces per dwelling unit, for a total of 45 spaces. It is also proposed to apply the B1 standard for the commercial component in Building 1, which results in an additional 4 spaces for a grand total of 93 spaces required.

While staff are in agreement with the B1 commercial parking standard being applied to the commercial component of the proposed development, it is not felt to be appropriate to apply the B1 residential standard to the balance of Building 1. The B1 zone is a common zone applied to much of the existing commercial core area along Main Street, Bridge Street and William Street. The zone permits a limited range of commercial uses (retail store, restaurant, business office, personal service shop) as well as dwelling units above the main or first storey. The standards were created based upon the built form common to these areas, being predominantly 1 – 2 storey buildings. This in turn means little opportunity for a significant number of residential units, which in turn requires less parking for the potential residential uses. Residential is treated as more of an accessory use, with the main use being commercial.

The character of Building 1 is just the opposite. It is predominantly a residential building. Even the parking area underneath the second floor is predominantly for the residential use as only 4 spaces are identified as necessary for the commercial component. As such, it would be more appropriate to apply the same residential parking standard to Building 1 that is being applied to Building 2. Doing otherwise implied that there is less of a need or demand for parking spaces between the two buildings, which makes no logical sense, particularly when Building 1 has more units. People who occupy these units will be dependent on cars to get to work, appointments,

etc. as there is no public transit servicing Port Stanley, so adequate parking is a critical consideration.

Applying 1.5 spaces per dwelling unit to Building 1 results in a parking requirement for the residential component of 48 spaces. This increases the overall parking requirement for the development to 97 spaces. The site plan appears to maximize the available space for parking, so it is doubtful that the site can accommodate another 4 spaces. Further, the site plan indicates that parking spaces have been sized at 2.75m x 5.5m (9ft. x 18ft.). The Port Stanley by-law requires that parking spaces be sized at 10ft. x 20ft. If the size requirement is applied there will be even less parking spaces available for the proposed development.

### **STAFF CONCLUSIONS:**

Infilling in the form of higher density development has many advantages and is supported by Provincial and local planning policies. It can help municipalities to maximize the efficient use of existing serviced areas, increase assessment and bring larger numbers of residents into an area that will support local businesses and services. However, if not implemented properly it can have impacts on existing, established neighbourhoods.

It is not being suggested by staff that higher density development could not work in Port Stanley, or that all new development should be limited in scale to match that of existing development. On the other hand, Port Stanley has great potential for attracting development and investment, particularly in the harbor lands. There is a balance to be sought between preserving the charm of the village and yet demonstrating that the Community is open for business and investment. The Harbour Visioning exercise yielded possible development scenarios that promoted higher density residential development on both sides of the harbour.

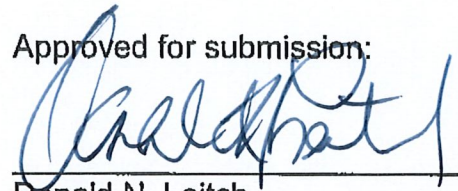
This analysis has determined that the proposed development is consistent with what I see as the relevant policies from the 2014 Provincial Policy Statement. It also finds that the proposed development complies with the applicable policies of the County of Elgin Official Plan. This is not surprising as the policies associated with both documents are higher level and do not necessarily get into the details associated with the site and its relationship to the surrounding neighbourhood.

In my opinion it is compliance with the policies of the Municipality of Central Elgin Official Plan that is at issue. Particularly those policies associated with compatibility (scale) and parking. The policies of subsections 4.2.2(c)(1) and 4.6.6.6(i)(1) speak to new development being compatible with the scale and character of the area and surrounding uses. In my opinion the scale and massing of the proposed development does not comply with these policies. Further, subsections 4.2.2(c)(5) and 4.6.6.6(i)(4) requires high density and mixed use developments to have adequate parking on site. This analysis has shown that the site likely cannot accommodate the required parking if the appropriate standards are applied and I am of the opinion that the proposed development is not in compliance with these policies.

Respectfully submitted:

  
\_\_\_\_\_  
Jim McCoomb, MCIP, RPP  
Manager of Planning Services

Approved for submission:

  
\_\_\_\_\_  
Donald N. Leitch  
CAO/Clerk



**Appendix 1**  
**Staff Report CEP-05-16**



The Corporation of the Municipality of  
**Central Elgin**

**REPORT**

**DATE:** January 12<sup>th</sup>, 2016

**REPORT:** CEP.05.16  
**CEPO FILE:** PS2-02-15

**TO:** His Worship the Mayor and Council

**PREPARED BY:** Jim McCoomb, Planner  
Central Elgin Planning Department

**SUBJECT:** Application to Amend Village of Port Stanley By-law 1507 – Prespa Construction Limited, 146-156 William Street

**ATTACHMENTS:** Planning Justification Report; Preliminary Servicing Report; Traffic Report; Shadowing Study; Site Plan, Elevation Drawing

**TO COUNCIL:** January 18<sup>th</sup>, 2016

**RECOMMENDATION:**

**THAT** Report CEP.88.15 be received;

**AND THAT** direction be given by Council to prepare a site-specific draft amendment to the Zoning By-law to permit a mixed use development on lands located at 146-156 William Street, which may be legally described as Plan 117, Part of Lots 6-9, South Side of Erie Street geographic Village of port Stanley, now Municipality of Central Elgin;

**AND FURTHER THAT** a date for a public meeting be established in accordance with Ontario Regulation 545/06 as amended. (*Recommended Date: February 16th, 2016 @ 7:00 p.m.*)

**ORIGIN:**

- The applicant has approached the Municipality of Central Elgin with a proposal to construct a nine storey mixed use development on the west side of William Street, north of Edith Cavell Boulevard. The development proposes 52 residential units within the 9 storeys with ground floor commercial space and three detached dwellings fronting onto Edith Cavell Boulevard. It is proposed that the units on the site will be in condominium ownership.

- Through the consultation process it was noted that documentation to support the proposed development would include planning justification (to address, among other things, land use compatibility), shadowing study, servicing study and traffic impact analysis. A geotechnical study to determine the suitability of the local soils to accommodate the proposed building was also requested.
- Staff have reviewed the application and documentation provided by the applicant and are satisfied that the application is complete relative to the requirements of Subsections 34(10.1) and 34(10.2) of the Planning Act, R.S.O., 1990 as amended. In accordance with Subsection 4.1(d) of By-law 1864, the applicant has been notified that the application is considered complete.

## **ANALYSIS:**

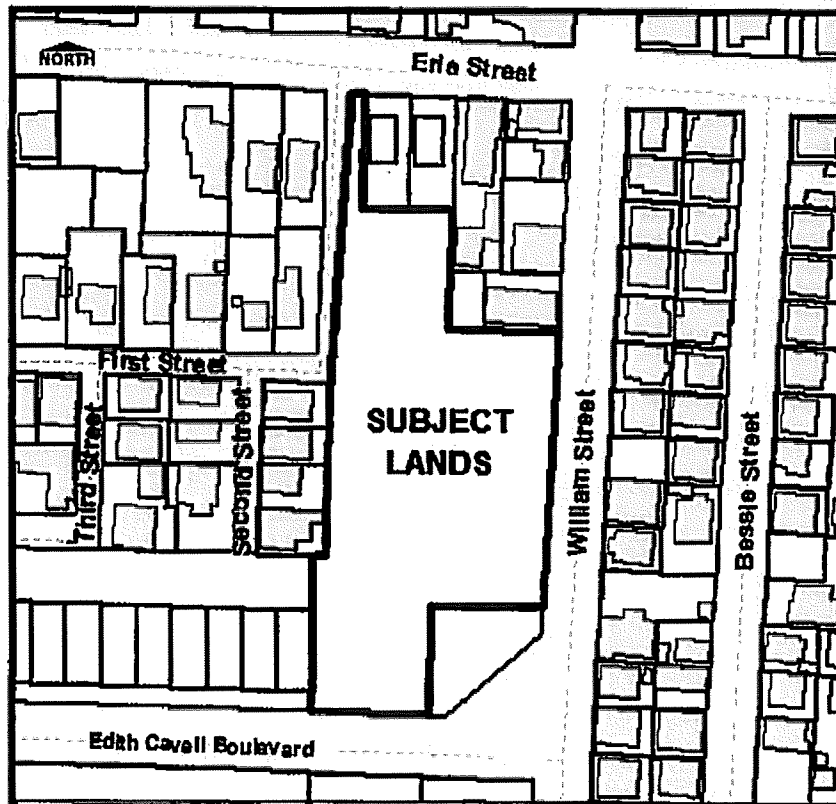
### **1) Location:**

The subject lands, which are located on the west side of William Street, north of Edith Cavell Boulevard, have approximately 71.7 metres of frontage on William Street and are approximately 6300m<sup>2</sup> (1.56 acres) in lot area (see Location Plan). Municipally known as 146-156 William Street, they may be legally described as being Plan 117, Part of Lots 6-9, South Side of Erie Street geographic Village of port Stanley, now Municipality of Central Elgin.

Location Plan:

### **2) Proposal:**

The applicant is proposing to rezone the subject lands to permit a mixed use development consisting of 52 residential units in a nine storey apartment building with commercial space (2 units) on the main floor and three detached residential units fronting onto Edith Cavell Boulevard. It is proposed that all of the units will be in condominium ownership. A conceptual elevation drawing and preliminary site plan are attached.



### 3) Existing Policies:

#### a) Official Plan Policies:

The subject lands are located within the "Residential" and "Commercial" designations in accordance with Schedule "G" – Community of Port Stanley Land Use Plan, to the Municipality of Central Elgin Official Plan. The Residential Policies of the Plan permit a full range of dwelling types including the proposed apartments and detached dwellings. A full range of density is permitted including low, medium and high density, subject to the policies of the Plan. The 55 residential units proposed for the subject lands equates to a density of 87 units per hectare, which falls within the high density definition. The proposal also meets the Plan's definition for residential intensification, which states that *"Intensification means the development of a property, site or area at a higher density than currently exists through redevelopment (including the reuse of brownfield sites); the development of vacant and/or underutilized lots; infill development; and, the expansion or conversion of existing buildings."* Subsection 2.3.2.1 of the Plan contains the policies applicable to intensification proposals. They include:

- a) Residential intensification shall only be supported within the built up areas of the Urban Settlement Areas identified in Subsection 2.1.1 to the 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 the Plan.
- c) Residential intensification shall comply with the policies contained within Section 4.0 of the Plan.

Subsection 4.2.2(c) of the Plan contains policies specific to new medium or high density residential developments. Those policies require that:

- 1. The proposed design of the residential development is compatible in scale with the character of surrounding uses;
- 2. The site is physically suited to accommodate 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 the Plan;
- 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;
- 5. Sufficient off-street parking facilities are provided in accordance with the standards set out in the Zoning By-law; and
- 6. Consideration shall be given to matters related to land use compatibility, traffic impacts and proximity effects such as noise and visual impacts.

Subsection 4.2.2(d) of the Plan states that medium and high density residential projects shall be developed on the basis of comprehensive site plans, and that such projects shall require an amendment to the zoning by-law and site plan approval.



The commercial policies of the Plan permit a range of commercial uses including retail stores, personal and business services, offices, restaurants and other eating establishments, hotels, motels, places of entertainment and general assembly. A high standard of building and landscape design shall be applied to commercial development through the requirements of the implementing Zoning By-law and site plan approval, particularly where such developments are adjacent to residential uses or are located in a strategic location. Proposals for new commercial uses shall be reviewed on the basis of general conformity with the following:

1. The proposed development shall provide adequate buffering and landscape screening to ensure visual separation between the commercial use and adjacent land uses;
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.;
3. Provision shall be made for parking, loading, vehicle circulation, garbage collection/storage, and other required facilities for the development;
4. The property shall have frontage on a public road maintained to a municipal standard;
5. The site shall be provided with full municipal services; and
6. Outside storage or display of merchandise shall be regulated through the implementing zoning by-law and through Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended.

Subsection 4.6.6.6 of the Plan contains additional policies for commercial uses in Port Stanley. Many of the policies are general in nature and deal with matters of preserving and improving streetscapes, active transportation including access to the beach and harbourfront, and infilling. Subsection 4.6.6.6(i) provides additional policies specific to reviewing mixed use commercial/residential development in the commercial core. These include:

1. Compatibility with the general character of the area and, in particular, proximity effects upon adjacent uses, i.e. visual, shadowing;
2. Capacity of existing infrastructure services and roads to accommodate the proposed use(s);
3. Proximity to community services and facilities;
4. Availability of on-site or shared off-street parking;
5. Structural/physical character of a host building or site to accommodate intensification, re-use and/or redevelopment; and,
6. Provision of open space amenities, landscaping, buffers, etc.

**b) Zoning By-law No. 1507:**

The subject lands are located within the Residential Zone 1 (R1), Business Zone 1 (B1) and Open Space Zone 3 (OS3) of the Village of Port Stanley Zoning By-law No. 1507, as amended.

The R1 zone permits residential use, institutional uses lawfully existing on the day of passing of the by-law, home occupations and accessory uses. However, the only permitted dwelling types are single detached and semi-detached dwellings to a maximum density of one unit per lot.

The B1 zone permits retail store, restaurant, business office, personal service shop and dwelling units above the main or first storey. However, the B1 zone limits the height of buildings and structures to 10 metres.

The OS3 zone permits farm use, public, private and commercial recreational uses, summer cottages and residential uses that legally existed on the day of passing of the by-law.

A site specific zoning by-law amendment is required in order to support the proposed development on the subject lands, and establish site specific regulations to control the development.

**Staff Comments:**

The applicant retained the services of a planning consultant to prepare a Planning Justification Report for the proposed development (see attached). That report identifies many of the same policies noted in this staff report as being applicable to the proposal. While staff do not necessarily disagree with many of the conclusions drawn by the consultant as to compliance with Official Plan policies, there are some noted areas where staff do not agree with the interpretations provided. These include:

- (a) It is noted in Section 3.3 of the report (on page 10) that the proposed development straddles the boundary between the "Residential" and "Commercial" designations, however the commercial component occupies only a portion of the area designated "Commercial". The balance of the development in the "Commercial" designation consists of residential units above the parking lot. The report author is relying on the provisions of Subsection 5.1(a) and concludes that the land use boundaries are considered approximate and no amendment is required to make minor adjustments to a land use boundary.

*Staff Comment: While it is true that Subsection 5.1(a) states that the boundaries of the land use designations as shown on the land use schedules to the Plan are approximate, it also states that they shall be considered absolute only where they coincide with roads, railway lines, lot lines or other clearly defined physical features. In the case of the "Commercial" designation affecting the subject lands, its westerly boundary does coincide with the westerly or rear lot lines of the majority of the lots fronting onto William Street. In that regard the policy states that the boundary shall be considered absolute where it coincides with a lot line.*

*Notwithstanding the above, it is staff's opinion that Council can consider the proposed development concept without requiring an amendment to the Plan. There are policies in Subsection 4.6.6.6(i) that specifically deal with mixed use*

*commercial/residential developments in the commercial core. The very existence of these policies clearly indicates that mixed use development is anticipated in the commercial designation, subject to meeting the policies of the Plan.*

- (b) It is noted in two sections of the Planning Justification report that no off street parking spaces are being provided for the commercial component of the development (see the last paragraphs on pages 12 and 13). The rationale provided is that the (unspecified) commercial uses are not intended to be destination uses attracting users from outside Port Stanley. Further, they are intended to take advantage of the passing pedestrian traffic and local population, and there is local municipal parking proximate to the subject lands to provide for the needs of the proposed commercial uses.

*Staff Comment:* *There are a very limited range of commercial uses in Port Stanley that are not dependent from one degree to another on users from outside of the Community. Further, this argument does not address the parking needs of employees of the commercial uses, who would be forced to seek parking opportunities on the street or in paid parking lots. Also, given the size of the subject lands it is not reasonable for the applicant to argue that they cannot provide off street parking to meet even the minimum requirements of the zoning by-law.*

- (c) In the discussion about Section 4.6.6.6(i) policies on mixed use developments, Item 6 (page 15) regarding provision of open space amenities, landscaping and buffers, the response provided by the consultant is that there are open space and parkland opportunities in locations in close proximity to the subject land, and that landscaping and buffering will be addressed at the site plan approval stage.

*Staff Comment:* *The intention of this policy is to encourage open space, landscape and urban design elements to be incorporated into mixed use developments as an integral component of the site plan. This would typically serve to soften the look of proposed development and avoid too much hardened surface. The proposed development leaves little opportunity for any on-site open space amenity as it is largely covered by buildings and paved surface. During the consultation process staff had suggested using the area close to Edith Cavell Boulevard as an opportunity for some on-site outdoor amenity area, but the applicant has chosen instead to seek a further three detached units in that location. Open space and landscaping opportunities are reduced to perimeter planting areas.*

*Staff have advised the applicant that the Municipality may seek a parkland dedication rather than cash-in-lieu. It is considered an opportunity to enlarge Why Not Park, which will lose some area as a result of future road widening and intersection improvements. Staff would suggest that enlarging the park, which is located adjacent to the subject lands, would help in adding some more green space that the development is not providing.*

### **Compatibility:**

The consultants who prepared the applicant's Planning Justification Report attempt to demonstrate compatibility with the surrounding neighbourhood on six grounds, being abutting land uses; intensity of use; scale and massing; shadowing; pedestrian circulation; and traffic. The discussion within the report is not so much about how the proposed development is compatible with the surrounding land uses but how the

proposal attempts to mitigate against anticipated impacts associated with the recognition that it may not be viewed as compatible with the scale of surrounding uses. This is an important distinction because the report recognizes clearly that:

- "...the scale of the proposed development is larger than surrounding buildings..." (p.12)
- "...the proposed apartment building is larger than any other building in Port Stanley and, by virtue of its size, does not fall within the traditional built form character of the area." (p.16)
- "...the proposed apartment building represents a significant increase in massing, scale, and intensity in the area." (p.19)
- "...no existing building in Port Stanley contains this level of residential density..." (p.20)
- "The height of the proposed apartment building is an increase beyond the maximum building height that currently exists in Port Stanley." (p.20)

These statements from the report focus on the height and massing of the proposed apartment building more so than the proposed uses. This is likely coming from the reasonable expectation that if there will be objections to the proposal they will likely be with respect to the height/mass. However, if that aspect of the proposal is isolated from the discussion and the use itself is examined there is little argument that the use, being residential with a commercial component on the William Street frontage, is compatible with existing development in the area.

The height of the proposed apartment, at 9 storeys, would make it the tallest building in Port Stanley. To give it some perspective, according to existing contour information the bluff upon which the Mariner's Bluff condominium development was built is 30 metres (98.4 feet) high. The front elevation drawing provided with the application shows a height from grade level to the roof top recreation level of 25.36 metres. If the roof top recreation level has a height at least that of the first floor commercial (3.66 metres) that will make the overall height approximately 29 metres (95.14 feet). Therefore the proposed apartment will be almost as high as the nearby bluff to the northwest.

The difficulty with this proposed development is that there is no transition between the proposed 9 storey apartment and the surrounding neighbourhood, which is predominantly single and two storey buildings. Compatibility does not require that higher density development be identical to the surrounding neighbourhood, but it should complement the character of the neighbourhood. It should try and achieve a good fit with the surrounding neighbourhood in terms of architecture, built form, streetscape and land use. In staff's opinion the proposed development does not achieve this.

#### **Staff Comment:**

In addition to the planning justification report the applicant has submitted a preliminary servicing report, traffic impact study and a shadowing study to support the proposed development. The reports conclude that the proposed development can be adequately serviced and will have no impact on the traffic function and operation of local streets. The shadowing study indicates that there would be shadowing impacts to nearby properties during certain times of the day and of the year, however no property is subject to constant shadowing impacts.



Infilling in the form of higher density development has many advantages and is supported by Provincial and local planning policies. It can help municipalities to maximize the efficient use of existing serviced areas, increase assessment and bring larger numbers of residents into an area that will support local businesses and services. However, if not implemented properly it can have impacts on existing, established neighbourhoods.

It is not being suggested by staff that higher density development could not work in Port Stanley, or that all new development should be limited in scale to match that of existing development. On the other hand Port Stanley has great potential for attracting development and investment, particularly in the harbor lands. There is a balance to be sought between preserving the charm of the quaint fishing village and yet demonstrating that the Community is open for business and investment. The Harbour Visioning exercise yielded possible development scenarios that promoted higher density residential development on both sides of the harbour.

Staff are not recommending that Council reject the application outright, but rather receive it and establish a public meeting date. That way public review and input into the proposal can be sought and considered by Council and the applicant before final decisions are made. The applicant has indicated in discussions with staff that a lower height design is possible, but would be more of a standard rectangular building, a block so to speak. Therefore there may be avenues for further negotiation with the developer on the overall design concept for the lands after input from the public and Council.

Respectfully submitted:

Approved for submission:

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Jim McCoomb  
Planner

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Donald N. Leitch  
CAO/Clerk

**Appendix 2  
Site Plan**



**Appendix 3  
Elevation Drawings**





**NYC**

1992, p. 100). The paper also discusses the impact of the 1991-1992 crisis on the political and economic situation in the country. The paper also discusses the impact of the 1991-1992 crisis on the political and economic situation in the country.


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**STRIK  
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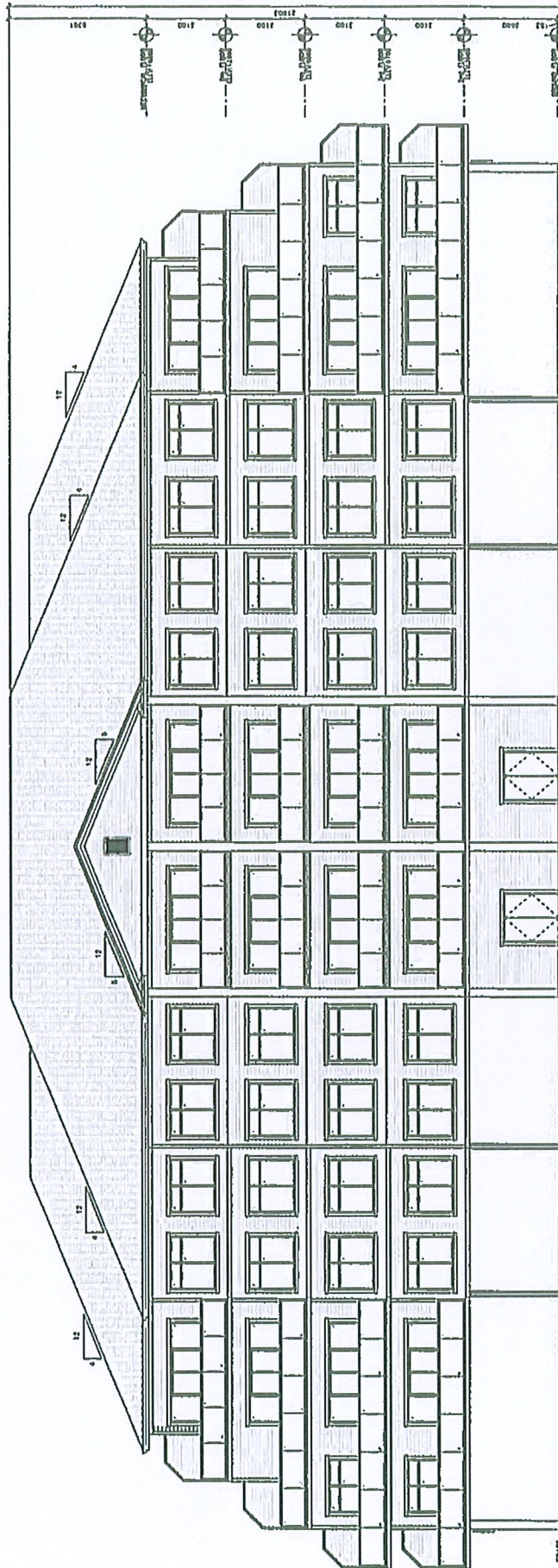
**PRESPA  
CONSTRUCTION LTD  
355 EDITH CAVELL ST.  
PORT STANLEY, ON**

**BUILDING 1 - NORTH  
ELEVATION**

DATE	DESCRIPTION	AMOUNT	BALANCE
1/1/00	OPENING BALANCE		0.00
1/15/00	PAYROLL	100.00	100.00
1/20/00	RECEIVED	50.00	150.00
1/25/00	PAYROLL	100.00	250.00
1/30/00	RECEIVED	50.00	300.00
2/1/00	PAYROLL	100.00	400.00
2/15/00	RECEIVED	50.00	450.00
2/20/00	PAYROLL	100.00	550.00
2/25/00	RECEIVED	50.00	600.00
2/28/00	PAYROLL	100.00	700.00
3/1/00	RECEIVED	50.00	750.00
3/15/00	PAYROLL	100.00	850.00
3/20/00	RECEIVED	50.00	900.00
3/25/00	PAYROLL	100.00	1000.00
3/30/00	RECEIVED	50.00	1050.00
4/1/00	PAYROLL	100.00	1150.00
4/15/00	RECEIVED	50.00	1200.00
4/20/00	PAYROLL	100.00	1300.00
4/25/00	RECEIVED	50.00	1350.00
4/28/00	PAYROLL	100.00	1450.00
5/1/00	RECEIVED	50.00	1500.00
5/15/00	PAYROLL	100.00	1600.00
5/20/00	RECEIVED	50.00	1650.00
5/25/00	PAYROLL	100.00	1750.00
5/30/00	RECEIVED	50.00	1800.00
6/1/00	PAYROLL	100.00	1900.00
6/15/00	RECEIVED	50.00	1950.00
6/20/00	PAYROLL	100.00	2050.00
6/25/00	RECEIVED	50.00	2100.00
6/28/00	PAYROLL	100.00	2200.00
7/1/00	RECEIVED	50.00	2250.00
7/15/00	PAYROLL	100.00	2350.00
7/20/00	RECEIVED	50.00	2400.00
7/25/00	PAYROLL	100.00	2500.00
7/28/00	RECEIVED	50.00	2550.00
7/30/00	PAYROLL	100.00	2650.00
8/1/00	RECEIVED	50.00	2700.00
8/15/00	PAYROLL	100.00	2800.00
8/20/00	RECEIVED	50.00	2850.00
8/25/00	PAYROLL	100.00	2950.00
8/28/00	RECEIVED	50.00	3000.00
8/30/00	PAYROLL	100.00	3100.00
9/1/00	RECEIVED	50.00	3150.00
9/15/00	PAYROLL	100.00	3250.00
9/20/00	RECEIVED	50.00	3300.00
9/25/00	PAYROLL	100.00	3400.00
9/28/00	RECEIVED	50.00	3450.00
9/30/00	PAYROLL	100.00	3550.00
10/1/00	RECEIVED	50.00	3600.00
10/15/00	PAYROLL	100.00	3700.00
10/20/00	RECEIVED	50.00	3750.00
10/25/00	PAYROLL	100.00	3850.00
10/28/00	RECEIVED	50.00	3900.00
10/30/00	PAYROLL	100.00	4000.00
11/1/00	RECEIVED	50.00	4050.00
11/15/00	PAYROLL	100.00	4150.00
11/20/00	RECEIVED	50.00	4200.00
11/25/00	PAYROLL	100.00	4300.00
11/28/00	RECEIVED	50.00	4350.00
11/30/00	PAYROLL	100.00	4450.00
12/1/00	RECEIVED	50.00	4500.00
12/15/00	PAYROLL	100.00	4600.00
12/20/00	RECEIVED	50.00	4650.00
12/25/00	PAYROLL	100.00	4750.00
12/28/00	RECEIVED	50.00	4800.00
12/30/00	PAYROLL	100.00	4900.00
1/1/01	RECEIVED	50.00	4950.00
1/15/01	PAYROLL	100.00	5050.00
1/20/01	RECEIVED	50.00	5100.00
1/25/01	PAYROLL	100.00	5200.00
1/28/01	RECEIVED	50.00	5250.00
1/30/01	PAYROLL	100.00	5350.00
2/1/01	RECEIVED	50.00	5400.00
2/15/01	PAYROLL	100.00	5500.00
2/20/01	RECEIVED	50.00	5550.00
2/25/01	PAYROLL	100.00	5650.00
2/28/01	RECEIVED	50.0	

A3.0





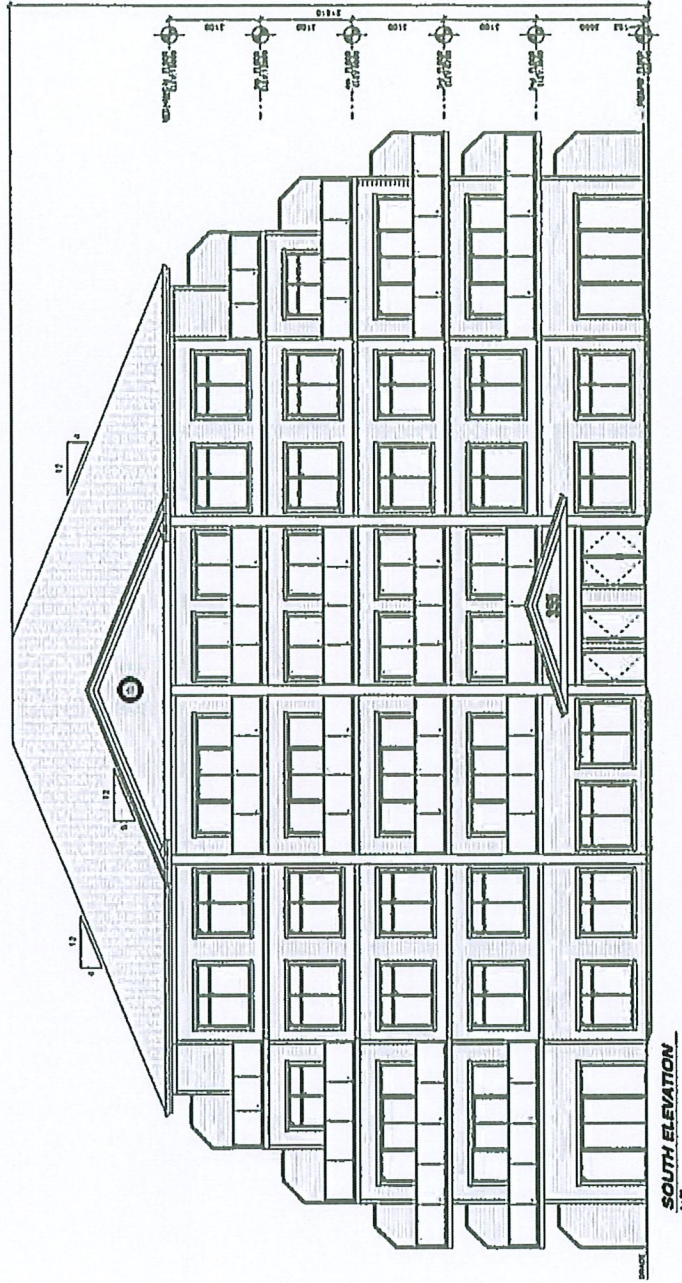
SOUTH ELEVATION  
1:175

<p><b>GENERAL NOTES</b></p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND THE LATEST EDITIONS OF THE CANADIAN NATIONAL PLUMBING CODE (CNPC).</p> <p>2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.</p> <p>3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.</p> <p>5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES LOCATIONS.</p> <p>6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCESS TO THE SITE.</p> <p>7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY NOTICES.</p> <p>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY AGREEMENTS.</p> <p>9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p> <p>20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ADJACENT PROPERTY EASEMENTS.</p>	<p><b>STRIK BALDINELLI MONIZ</b></p> <p>Architects</p> <p>365 EDITH CAVELL ST. PORT STANLEY, ON</p>	<p><b>PRESIPA CONSTRUCTION LTD</b></p> <p>365 EDITH CAVELL ST. PORT STANLEY, ON</p>	<p><b>BUILDING 1 - SOUTH ELEVATION</b></p> <p>DATE: 10/10/2020 DRAWN BY: J. BALDINELLI CHECKED BY: J. BALDINELLI APPROVED BY: J. BALDINELLI</p>	<p><b>A3.1</b></p> <p>10/10/2020</p>
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SOUTH ELEVATION  
1/2" = 1'-0"

**GENERAL NOTES**

1. All dimensions are given in feet and inches. Dimensions are given to the center of the member unless otherwise noted.
2. All materials and workmanship shall conform to the requirements of the applicable building codes and standards.
3. The contractor shall be responsible for obtaining all necessary permits and approvals for this project.
4. The contractor shall maintain access to all existing utilities and structures on the site.
5. The contractor shall protect all existing structures and utilities from damage during construction.
6. The contractor shall maintain the site in a safe and clean condition at all times.
7. The contractor shall submit all required documentation to the appropriate authorities.
8. The contractor shall comply with all applicable laws and regulations.
9. The contractor shall provide all necessary safety measures for the construction site.
10. The contractor shall provide all necessary insurance coverage for the project.

**LEGEND**

- 1. 1/2" = 1'-0"
- 2. 1/4" = 1'-0"
- 3. 1/8" = 1'-0"
- 4. 1/16" = 1'-0"
- 5. 1/32" = 1'-0"
- 6. 1/64" = 1'-0"
- 7. 1/128" = 1'-0"
- 8. 1/256" = 1'-0"
- 9. 1/512" = 1'-0"
- 10. 1/1024" = 1'-0"

**REVISIONS**

- 1. 1/2" = 1'-0"
- 2. 1/4" = 1'-0"
- 3. 1/8" = 1'-0"
- 4. 1/16" = 1'-0"
- 5. 1/32" = 1'-0"
- 6. 1/64" = 1'-0"
- 7. 1/128" = 1'-0"
- 8. 1/256" = 1'-0"
- 9. 1/512" = 1'-0"
- 10. 1/1024" = 1'-0"



**PRESIPA**  
**CONSTRUCTION LTD.**  
385 EDITH CAVELL ST.  
PORT STANLEY, ON.

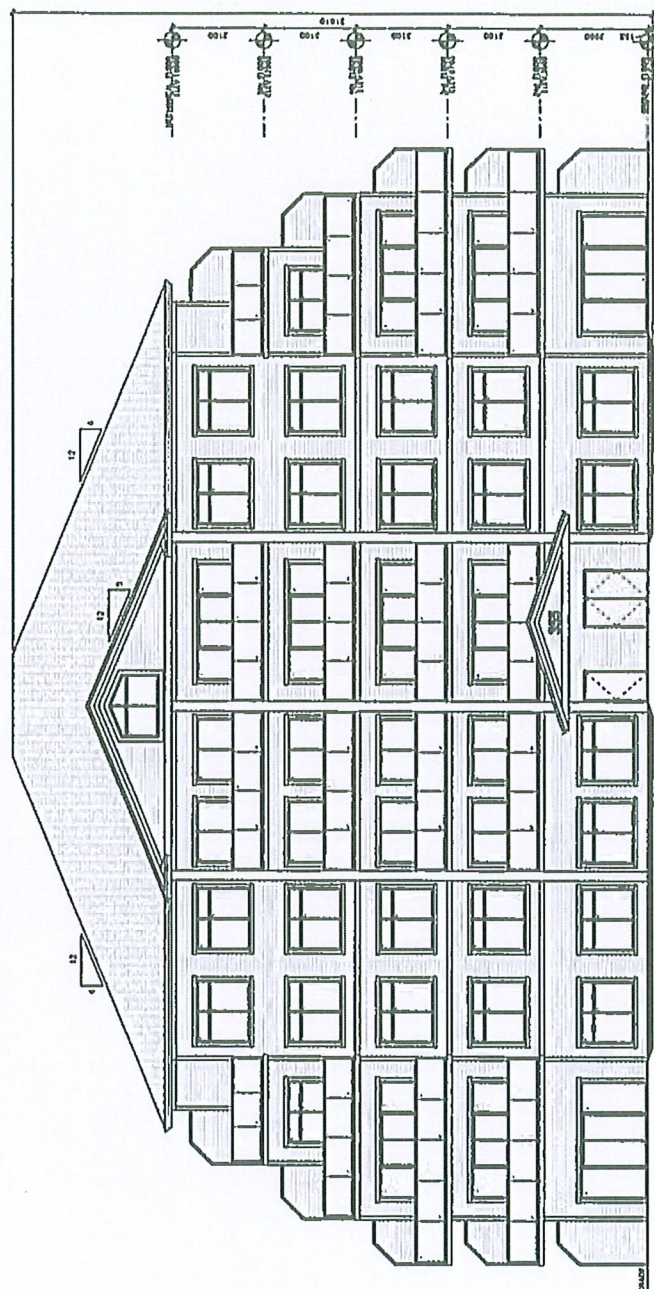
**APPROVED FOR THE PROJECT**

**BUILDING 2 - SOUTH ELEVATION**

NO.	DATE	REVISIONS	BY	CHECKED	APPROVED
1	2024-01-15	ISSUED FOR PERMIT	JAL	JAL	JAL
2	2024-01-15	REVISIONS	JAL	JAL	JAL
3	2024-01-15	REVISIONS	JAL	JAL	JAL
4	2024-01-15	REVISIONS	JAL	JAL	JAL
5	2024-01-15	REVISIONS	JAL	JAL	JAL
6	2024-01-15	REVISIONS	JAL	JAL	JAL
7	2024-01-15	REVISIONS	JAL	JAL	JAL
8	2024-01-15	REVISIONS	JAL	JAL	JAL
9	2024-01-15	REVISIONS	JAL	JAL	JAL
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**A3.3**



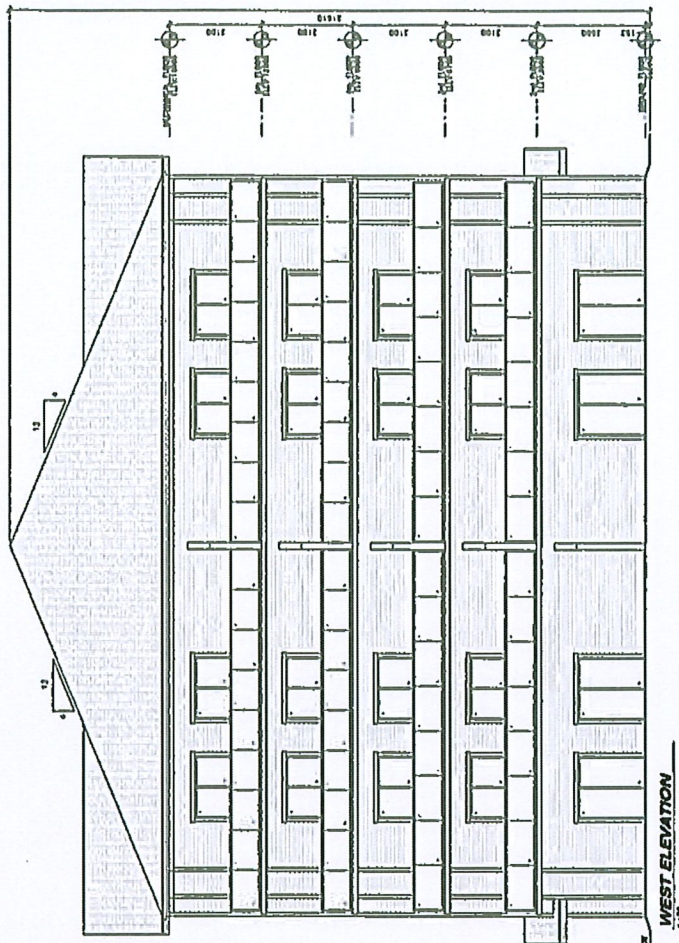


NORTH ELEVATION  
1" = 16'

<p><b>GENERAL NOTES</b></p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 CANADIAN NATIONAL BUILDING CODE (CNBC) AND THE 2018 ONTARIO BUILDING CODE (OBC).</p> <p>2. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>3. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>4. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>5. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>6. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>7. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>8. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>9. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p> <p>10. THE DESIGNER HAS ASSUMED THAT THE FOUNDATION SHALL BE PROVIDED BY OTHERS. THE DESIGNER HAS NOT PERFORMED A FOUNDATION DESIGN.</p>	<p><b>REVISIONS</b></p> <p>1. 12/15/2018</p> <p>2. 12/15/2018</p> <p>3. 12/15/2018</p> <p>4. 12/15/2018</p> <p>5. 12/15/2018</p> <p>6. 12/15/2018</p> <p>7. 12/15/2018</p> <p>8. 12/15/2018</p> <p>9. 12/15/2018</p> <p>10. 12/15/2018</p>	<p><b>PROJECT INFORMATION</b></p> <p>PROJECT NAME: <b>BUILDING 2 - NORTH ELEVATION</b></p> <p>CLIENT: <b>PRESIPA CONSTRUCTION LTD.</b></p> <p>ADDRESS: <b>385 EDITH CAVELL ST. PORT STANLEY, ON.</b></p>	<p><b>DESIGNER</b></p> <p><b>STRIK BALDINELLI</b></p> <p><b>MONIZ</b></p> <p>1000 SHEPPARD AV. E. SUITE 100</p> <p>SCARBOROUGH, ONTARIO M1S 1T5</p> <p>TEL: (416) 291-1111</p> <p>WWW.STRIKBALDINELLI.COM</p>	<p><b>DATE</b></p> <p>12/15/2018</p>	<p><b>SCALE</b></p> <p>1" = 16'</p>	<p><b>PROJECT NO.</b></p> <p>2018-001</p>	<p><b>DATE</b></p> <p>12/15/2018</p>	<p><b>PROJECT NO.</b></p> <p>2018-001</p>	<p><b>PROJECT NO.</b></p> <p>2018-001</p>	<p><b>PROJECT NO.</b></p> <p>2018-001</p>
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A3.4





WEST ELEVATION

[illegible]

**CONSTRUCTION LTD**  
**3365 EDITH CAVELL ST.**  
**PORT STANLEY, ON.**

**BUILDING 2 - EAST & WEST ELEVATIONS**

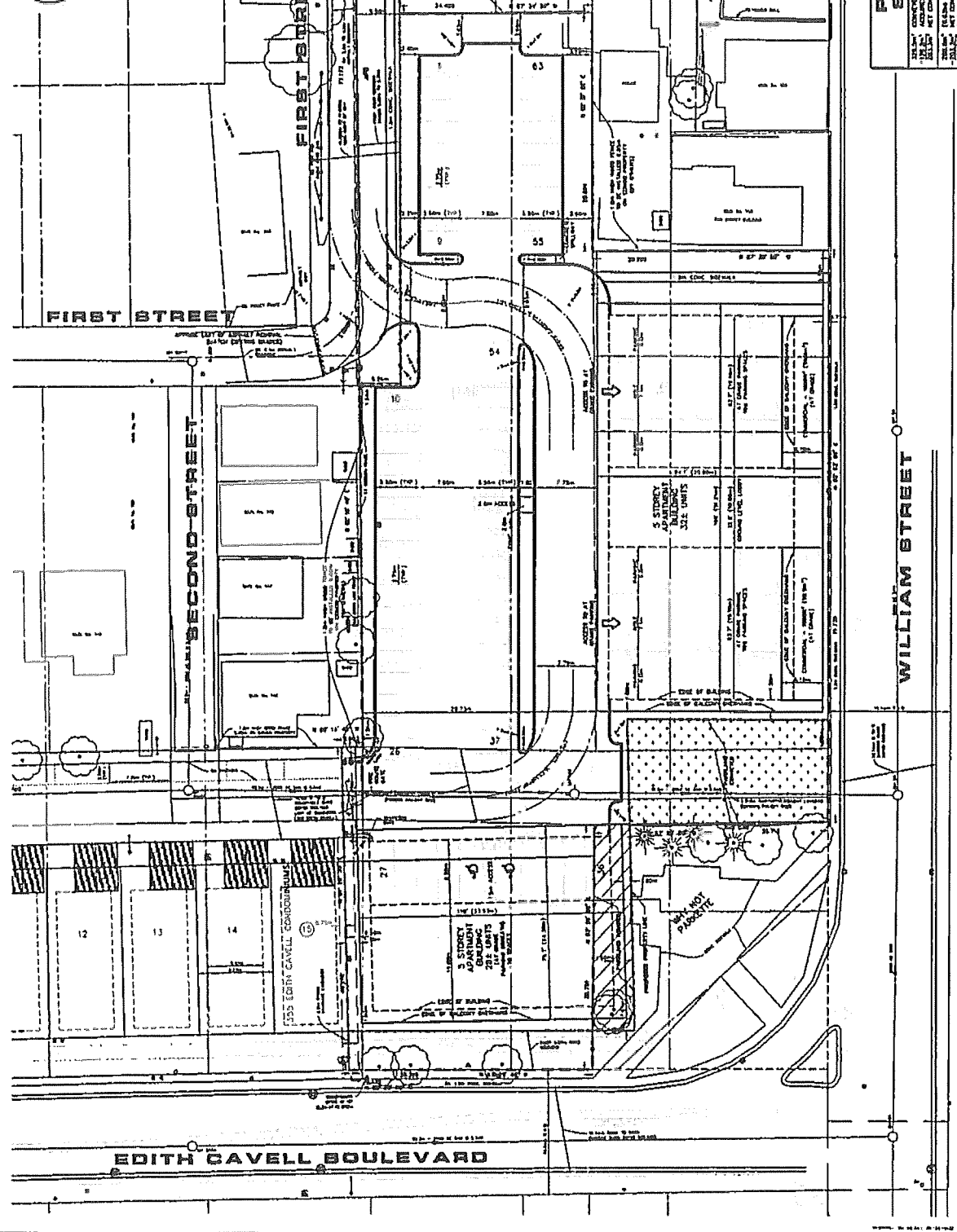
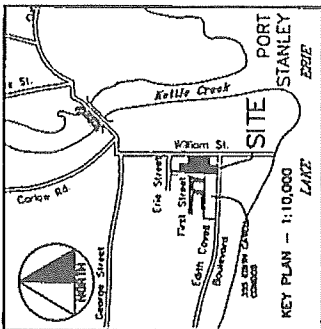
A3-15







Appendix 4  
Original Revised Concept



### PARKLAND SUMMARY

22.5m <sup>2</sup> CONCRETE	10.0m <sup>2</sup> ASPHALT	10.0m <sup>2</sup> GRASS	10.0m <sup>2</sup> MULCH
10.0m <sup>2</sup> ASPHALT	10.0m <sup>2</sup> GRASS	10.0m <sup>2</sup> MULCH	10.0m <sup>2</sup> CONCRETE
10.0m <sup>2</sup> GRASS	10.0m <sup>2</sup> MULCH	10.0m <sup>2</sup> CONCRETE	10.0m <sup>2</sup> ASPHALT
10.0m <sup>2</sup> CONCRETE	10.0m <sup>2</sup> ASPHALT	10.0m <sup>2</sup> GRASS	10.0m <sup>2</sup> MULCH

### RELEVANT PARAMETERS

1.0m <sup>2</sup> CONCRETE	1.0m <sup>2</sup> ASPHALT	1.0m <sup>2</sup> GRASS	1.0m <sup>2</sup> MULCH
1.0m <sup>2</sup> ASPHALT	1.0m <sup>2</sup> GRASS	1.0m <sup>2</sup> MULCH	1.0m <sup>2</sup> CONCRETE
1.0m <sup>2</sup> GRASS	1.0m <sup>2</sup> MULCH	1.0m <sup>2</sup> CONCRETE	1.0m <sup>2</sup> ASPHALT
1.0m <sup>2</sup> CONCRETE	1.0m <sup>2</sup> ASPHALT	1.0m <sup>2</sup> GRASS	1.0m <sup>2</sup> MULCH

SEE DRAWING NO. 5 FOR GENERAL NOTES

MUNICIPALITY OF CENTRAL ELGIN

LAKEVIEW CONDOMINIUMS  
PRESA CONSTRUCTION LIMITED  
MUNICIPAL NO. 44 WILLIAM STREET

**CJDL**  
Consulting Engineers

PROJECT NO. 108 | DRAWN BY: ALR | CHECKED BY: JWP  
DATE: 2 JUNE 2016

METRIC SCALE: 1:250

LEGEND

- 1.0m<sup>2</sup> CONCRETE
- 1.0m<sup>2</sup> ASPHALT
- 1.0m<sup>2</sup> GRASS
- 1.0m<sup>2</sup> MULCH