

LOCAL PLANNING APPEAL TRIBUNAL

Witness Statement of Harry Froussios, MCIP, RPP

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PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

Applicant and Appellant:	Prespa Construction Limited
Subject:	Application to amend Zoning By-law No. (1507) – Neglect of Municipality of Central Elgin to make a decision
Existing Zoning:	Residential Zone (R1), Business Zone 1 (B1) and Open Space Zone 3 (OS3)
Proposed Zoning:	Site Specific (To be determined)
Purpose:	To permit a mixed-use development consisting of 52 residential units in a 9 storey apartment building
Property Address/Description:	146-1546 William Street
Municipality:	Municipality of Central Elgin
Municipality File No.:	PS2-02-15
OMB Case No.:	PL180077
OMB Case Name:	Prespa Construction Limited v. Central Elgin (Municipality)

QUALIFICATIONS & RETAINER

1. I am a Senior Associate with the planning consulting firm, Zelinka Priamo Ltd. (“ZPL”), with offices in London and Toronto, Ontario. I am a full member of the Ontario Professional Planners Institute and the Canadian Institute of Planners, and I have practiced for 25 years as a land use planner. In that time, I have worked in several municipalities throughout Ontario, including the Municipality of Central Elgin. A copy of my Acknowledgement of Expert’s Duty and Curriculum Vitae and is attached as Appendix 1.
2. My experience has included working on a variety of commercial and residential development projects, including matters of Provincial and Municipal policy development and review, zoning, minor variances, consent, site plans and the preparation of plans of subdivision and condominium.
3. Over the past 25 years I have been qualified on a regular basis by the Ontario Municipal Board (“OMB”)/Local Planning Appeal Tribunal (“LPAT”) to provide opinion evidence on land use planning matters.
4. I am familiar with the matters before the Tribunal. ZPL accepted a retainer on behalf Prespa Construction Ltd. (“Prespa”) in October 2014 concerning the planning merits regarding a Zoning By-law Amendment Application (the “Application”) to permit the construction of a

nine (9) storey mixed use building consisting of two ground floor commercial units and 52 residential units above the first floor; and three detached dwellings on lands known municipally as 146-156 William Street, in the Municipality of Central Elgin (the “**subject lands**”).

5. As part of our retainer, we submitted the Application on behalf of Prespa; prepared a Planning Justification Report (the “**Planning Report**”) in support of the Application; attended the statutory Public Meeting; and conducted a Public Information Session to inform the public of the revised proposal to construct two (2), 5-storey buildings on the subject lands.

SUBJECT LANDS & LOCATIONAL CONTEXT

6. The subject lands are known municipally as 146-156 William Street, in the Municipality of Central Elgin, County of Elgin. The site is located within the Community of Port Stanley on the west side of William Street, between Erie Street and Edith Cavell Boulevard.
7. The subject lands are comprised of several rectangular shaped parcels with a combined area of approximately 0.63 hectares (1.56 acres); and 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
8. A recently approved land swap (By-law 2326) between Prespa and the Municipality will facilitate the proposed development and allow for the widening of Edith Cavell Boulevard and an increase of the area of Why Not Park, which is adjacent to the subject lands.
9. Surrounding land uses include low density residential (east, west, north), commercial (south, southwest, north, east), and open space (south). Port Stanley harbour lies approximately 220m to the east of the subject lands; while the Main Beach, including the including the recently reconstructed West Pier and Hofhuis Park, is approximately 150m to the south. Built form surrounding the subject lands ranges between 1-3 storeys. Full municipal services are available to the subject lands.

PRESPA APPLICATION

10. The Application (File No. PS2-02-15) was submitted by ZPL, on behalf of Prespa, in October 2015 for the purpose of constructing a nine storey mixed use development consisting of 52 residential units and ground floor commercial units on the west side of William Street; and three detached dwellings fronting on to Edith Cavell Boulevard. The Application was deemed complete in January 2016.
11. The Central Elgin Planning Department (the “**Planning Department**”) prepared Report CEP.05.16 on January 11, 2016 (the “**2016 Staff Report**”) to be considered by Council at its January 18, 2016 meeting.
12. The 2016 Staff Report contained a recommendation to receive the Report for information; direction be given by Council to prepare a site-specific draft amendment to the Zoning By-law to permit a mixed-use development on the subject lands; and that a date for a public meeting be established.
13. The 2016 Staff Report provided the opinion that the proposed use (residential with a commercial component on the William Street frontage) is compatible with existing development in the area; however, it also opined that the proposed height of 9 storeys did not complement the character of the neighbourhood and did not achieve a good fit with the surrounding neighbourhood in terms of architecture, built form, streetscape and land use.
14. The public meeting was held on March 1, 2016. The Planning Department provided a summary of the public meeting in the Background section of Report CEP.04.19 (the “**2019**”

Staff Report”), noting “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.” I concur with the information provided in the 2019 Staff Report as it relates to the public meeting.

15. Since the public meeting, Prespa has had informal discussions with the Municipality regarding a revised development proposal for two 5-storey buildings, including consideration for a land exchange between the subject lands and the adjacent park (Why Not Park) that would facilitate the revised proposal.
16. The land exchange involved a portion of the west side of Why Not Park in exchange for more land on the north side of the park, resulting in a larger, reconfigured park space. In addition, Prespa would convey a 4.9 metre strip of land necessary for the Municipality to reconstruct Edith Cavell Boulevard.
17. Council provided direction to Staff on September 26, 2016 to prepare the necessary legal documents to finalize the exchange of lands. Council passed By-law 2326 on January 14, 2019 to authorize execution of the Land Exchange Agreement with Prespa.
18. The Application was appealed by Prespa to the OMB in December 2017 due to the Municipality’s failure to make a decision on the Application within the statutory period.
19. As noted in the Background section of the 2019 Staff Report, *“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 they wished to continue negotiating with the Municipality.”* I concur with this statement.
20. A Pre-hearing Conference (the “**PHC**”) was held on August 22, 2018. A revised development proposal was introduced by Prespa’s counsel during the PHC. As noted in Paragraph 5, the revised proposal consists of two (2), 5-storey buildings. The first building is a mixed-use building fronting on to William Street and consists of 32 residential units and 2 ground floor commercial units (“**Building 1**”). The second building fronts on to Edith Cavell Boulevard and consists of 30 residential units (“**Building 2**”).
21. In accordance with the Decision and attached Procedural Order issued by the LPAT on October 10, 2018, the following materials were updated in support of the revised development proposal and provided to the Municipality on November 13, 2018:
 - Planning Report
 - Preliminary Servicing Report
 - Traffic Impact Study
 - Shadow Impact Study
 - Site Plan

A copy of each of the above will be included in the Appellant’s Document Book.

22. The Planning Department prepared the 2019 Staff Report on January 11, 2019, to be presented to Council at its meeting of January 14, 2019. The analysis and conclusions contained in the 2019 Staff Report are discussed in the Issues List section of my Witness Statement.
23. In accordance with the Procedural Order issued by the LPAT on October 10, 2018, a Public Information Session (the “**PIS**”) was held on January 15, 2019 to disclose details of the modified proposal to the public.
24. The oral and written comments provided at the PIS were both supportive and non-supportive of the revised development proposal. Non-supportive comments were generally

based on the proposed height and lack of landscaping area associated with the proposed development.

ISSUES LIST

Issue #1 – Did Central Elgin fail to make a decision relative to the subject Zoning By-law Amendment Application within the timeframe provided for in the *Planning Act*?

25. As noted in Paragraph 18, Prespa appealed the Application to the OMB in December 2017 due to Council's failure to make a decision on the Application within the statutory time frame provided for in the *Planning Act*.
26. As noted in Paragraph 19, the appeal was submitted by Prespa to protect its rights under the old Ontario Municipal Board rules; however, they wished to continue negotiating with the Municipality regarding the proposed development of the subject lands.

Issue #2 – Is the development proposed by the Applicant/Appellant consistent with the *Provincial Policy Statement, 2014*?

27. Section 3.1 of the Planning Report (pages 12-16) provides a detailed analysis of the following policies of the Provincial Policy Statement, 2014 (the “PPS”) that are relevant with respect to the proposed development:
 - 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6, 1.4.1, 1.4.3, 1.5.1, 1.6.6.1, 1.6.6.7, 1.6.7.1, 1.6.7.4
28. As stated in the Planning Report, the proposed development is consistent with the PPS as follows:
29. 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. (*addresses Section 1.1.1b*)
30. The proposed development will make efficient use of existing municipal water and sanitary sewer services. 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. (*addresses Section 1.1.1e and f*)
31. The subject lands are located within and identified settlement area, being the village of Port Stanley, and are an appropriate location for redevelopment. (*addresses Section 1.1.3.1*)
32. 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. (*addresses Section 1.1.3.2*)
33. As the proposed development consists of a greater number of dwelling units than previously occupied on the subject lands, 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. (*addresses Section 1.1.3.3*)

34. The proposed implementing zoning regulations to permit the proposed development are based on recently approved zoning regulations for apartment buildings and existing zoning regulations for mixed-use 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. *(addresses Section 1.1.3.4)*
35. The proposed buildings are an inherently compact building form, and, in the case of Building 1, provide a vertically integrated mixed-use building. As previously noted in Paragraph 30, this development makes efficient use of land, infrastructure, and public service facilities. *(addresses Section 1.1.3.6)*
36. 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. *(addresses Section 1.4.1 a) and b))*
37. The proposed residential intensification development is intended to provide a type of housing that is desired, but currently lacking, in the Community, 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. *(addresses Section 1.4.3)*
38. 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. The land exchange between Prespa and the Municipality results in an enlarged public open space feature adjacent to the subject lands (Why Not Park). *(addresses Section 1.5.1)*
39. 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 CJD Consulting Engineers (the “**PSR**”), and confirmed by Municipal Staff, existing services have sufficient capacity to accommodate the proposed development. *(addresses Sections 1.6.6.1, 1.6.6.7)*
40. The *Traffic Impact Study* prepared by F.R. Berry & Associates (the “**TIS**”) 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.*” *(addresses Section 1.6.7.1)*
41. 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 or use other forms of transportation (i.e. cycling) to these proximate locations. *(addresses Section 1.6.7.4)*
42. Based on the above, in my opinion, the proposed zoning amendment to permit two, 5-storey buildings consisting of residential and commercial uses on the subject lands is consistent with the PPS.
43. The 2019 Staff Report contained an analysis of the PPS and determined that the proposed development is consistent with the following PPS policies:
- 1.1.1b), 1.1.1e), 1.1.3.2a), 1.1.3.2b), 1.1.3.3, 1.4.3b), 1.4.3c), 1.6.6.2

44. Report CEP-04-19 notes that additional PPS policies were contained in the Planning Report (as referenced in Paragraph 27) but gave the opinion that the additional policies were not necessarily applicable. Notwithstanding, the Central Elgin Planning Department provides the opinion that the proposed amendment is consistent with the applicable policies of the PPS.
45. Based on the above, it is my opinion that the proposed development is consistent with the PPS.

Issue #3 – Do the development and zoning by-law proposed by the Applicant/Appellant conform to the relevant Official Plans?

County of Elgin Official Plan

46. The subject lands are designated Tier 1 Settlement Area in the County of Elgin Official Plan (the “**County OP**”).
47. Section 3.2 of the Planning Report (pg. 17) provides an analysis of the County OP, specifically Sections B2.6 (New Development in Existing Settlement Areas), C.1 (Settlement Areas), and D3.2 (Shoreline of Lake Erie).
48. In my opinion, the proposed development is consistent with the policies of the County OP 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;
 - 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.
 - It has been demonstrated through the PSR that adequate services exist to properly service the proposed development.
 - 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
49. The 2019 Staff Report included an analysis of the County OP and concluded that the proposed development conforms to the applicable policies of the County OP. I concur with the opinion of the Central Elgin Planning Department.
50. Based on the above, it is my opinion that the proposed development is consistent with the County OP.

Municipality of Central Elgin Official Plan

51. Section 3.3 of the Planning Report (pages 18-24) discusses the various policies of the Municipality of Central Elgin Official Plan (the “**Central Elgin OP**”) that are relevant to the proposed development.
52. 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. 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.

53. 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 within Building 1 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.
54. The 2019 Staff Report concurs with the Planning Report’s assessment of Section 5.5
55. The proposed development is considered to be residential intensification, defined in the Central Elgin OP as “*development of a property, site or area at a higher density than currently exists through redevelopment; the development of vacant and/or underutilized sites; infill development; and, the expansion or conversion of existing buildings*”, as the development seeks to add additional dwelling units to the subject lands, which are vacant and underutilized.
56. Section 2.3.2 (Residential Intensification) of the Central Elgin OP contains the following policies:
- 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.*
57. The Planning Report addresses Section 2.3.2 (pg. 19) and concludes that, “*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.*”
58. The 2019 Staff Report notes that policies a) and b) described in Paragraph 52 are addressed by the proposed development.
59. The relevant Land Use policies in Section 4.0 of the Central Elgin OP are discussed in the following paragraphs.
60. 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 of the Central Elgin OP provides that high density residential uses, in excess of 35 units per hectare (“**uph**”), are permitted within the “*Residential*” designation, subject to satisfying specific policies outlined in Section 4.4.2.c). The residential component of the proposed development is 62 units, which equates to a density of 98 uph.
61. Section 4.2.2.c) contains the following policies to be considered for new high-density residential proposals:
- 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 this 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 is 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.*
62. Section 3.3 of the Planning Report (pages 20-21), as well as additional analysis regarding land use compatibility contained within Section 4.0 (pages 28-30), details how each of the policies noted in Paragraph 59 have been addressed.
63. In summary, the Planning Report concludes the following regarding Section 4.2.2.c):
- The proposed design of the residential development in terms of height and appearance is compatible in scale with the character of surrounding uses (*addresses 4.2.2.c)1*;
 - The location, size and configuration of the subject lands, as well as available infrastructure, is capable of accommodating the proposed development (*addresses 4.2.2.c)2*;
 - As demonstrated in the PSR, the proposed development can be fully serviced with existing municipal services (*addresses 4.2.2.c)3*;
 - The TIS provides that all intersections 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 as a result of the proposed development (*addresses 4.2.2.c)4*;
 - The proposed development provides parking at a rate that is consistent with current zoning requirements for mixed-use buildings and residential uses. An alternative parking space standard size is being sought, consistent with standards utilized in other municipalities, in order to make more efficient use of the subject lands and provide the minimum parking requirement (*addresses 4.2.2.c)5*;
 - Matters with respect to Land Use Compatibility are addressed in Section 4.0 of the Planning Report (pages 28-30), and are discussed in detail in the following paragraphs, and also as part of Issue #4 (see Paragraphs 91-127) (*addresses 4.2.2.c)6*).
64. The 2019 Staff Report raises specific concerns with sections 4.2.2.c)1 and 4.2.2.c)5 as they relate to compatibility and parking, respectively.
65. With respect to 4.2.2.c)1, the 2019 Staff Report notes that the scale and massing of the proposed development does not comply with this policy, opining that buildings being pushed out to the property limits as well as the street frontage is not in keeping with the character of the surrounding community.
66. I disagree with the 2019 Staff Report regarding the proposed development's lack of compliance with Section 4.2.2.c)1. The commercial component of Building 1 (main floor) is positioned close to the William Street road allowance in accordance with the provisions of the B1 Zone. The residential component (2nd-5th storeys) is setback from the commercial component. The side yard setbacks of Building 1 are also consistent with the B1 Zone

requirements (0.0m). The north side yard setback for Building 1 is 4.58m, which provides more than sufficient separation space between the proposed building and the commercial use to the north; and also provides the ability to shift the building to the north in order to increase the setback on the south side of the building if necessary.

67. The front yard setback of Building 2 is consistent with the front yard setback of the abutting residential dwelling units to the west. Moving the building further back from the front property line would create an inconsistent and irregular streetscape along Edith Cavell Boulevard. The reduced side yard setbacks are required, in part, to recognize the proximity of the upper level balconies to the abutting property lines. The main building is actually located a minimum of 1.5m from the side property lines. A reduced setback abutting the park is appropriate in this instance as there are no known impacts associated with proximity of the proposed use on the park.
68. Based on the above, it is my opinion that the proposed development complies with section 4.2.2.c)1 of the Central Elgin OP and is compatible in scale with the character of surrounding uses.
69. With respect to 4.2.2.c)5, the 2019 Staff Report notes that adequate parking is required for the proposed development, and that the site likely cannot accommodate the required parking if the appropriate standards are applied.
70. I do not agree with the 2019 Staff Report as it relates to the analysis of section 4.2.2.c)5. The Planning Report addresses this section (page 21) and demonstrates that the minimum parking requirement for all proposed uses is satisfied. Based on the calculations provided in the Planning Report, a minimum of 93 parking spaces are required based on utilizing the municipal minimum parking requirements for mixed use buildings (Building 1) and apartment buildings (Building 2). A total of 93 parking spaces are shown on the current site plan.
71. The 2019 Staff Report concurs with the minimum parking space calculations for the commercial component within Building 1 (4 spaces) and for the residential units in Building 2 (45 spaces); but suggests that the residential component within Building 1 should require 48 parking spaces, as opposed to 44 spaces, as per the calculations contained in the Planning Report. The 2019 Staff Report suggests that a total of 97 parking spaces should be required; whereas the Planning Report calculates a total of 93 spaces.
72. The 2019 Staff Report suggests that the residential component within Building 1 should be calculated at a rate of 1.5 spaces per unit, which is the standard rate for stand-alone residential uses, as it is a predominantly residential building and *“Residential is treated as more of an accessory use, with the main use being commercial”* as it relates to residential uses in the B1 zone.
73. However, Building 1 is a mixed-use building which, under the provisions of the B1 zone (Section 10.2.1.7), requires parking for “Dwelling Units above the main or first storey” at a rate of 1.25 spaces per dwelling unit. Applying the B1 parking rate to the residential component of Building 1 equates to a minimum requirement of 44 spaces.
74. Furthermore, I do not agree that residential uses are treated as accessory uses within the B1 zone. “Dwelling units above the main or first storey” are shown as a main permitted use under Section 10.2.1.1 of the Zoning By-law, similar to “Retail Store”, “Restaurant”, “Business Office, and “Personal Service Shop”. “Accessory Uses” are also listed as a separate use within the same section of the By-law. As such, the prescribed rate of 1.25 spaces per unit should apply to the residential component within Building 1.
75. The Application also requests an alternative parking space standard (5.5m x 2.75m), which is utilized in municipalities such as London and St. Thomas, as opposed to the Municipality’s requirement of (3.0m x 6.1m). The alternative standard is not discussed in the Planning

Report, as the deficiency was brought to our attention by Staff upon review of the Planning Report, in an e-mail dated December 3, 2018.

76. It is my opinion that the alternative standard sought is appropriate considering it allows the proposed development to meet its minimum parking requirements based on acceptable parking space standards; and allows the proposed development to make more efficient use of the subject lands.
77. Based on the above, it is my opinion that the proposed parking provides an adequate parking supply, as required in Section 4.2.2.c)5 of the Official Plan.
78. 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.
79. Section 4.3.2.e) of the Central Elgin OP provides the following policies regarding proposals for new commercial development:
 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;*
80. Section 3.3 of the Planning Report (pages 21-22) details how each of the policies noted in Paragraph 79 have been addressed.
81. The 2019 Staff Report contains an analysis of the policies noted in Paragraph 63 and does not note any concerns; however, notes that only 4 parking spaces are provided for the commercial component, and that no dedicated loading area is proposed.
82. As noted in paragraph 69, a minimum of 4 parking spaces are required for the proposed commercial uses. Additional parking for commercial uses in the area is available on existing municipal parking lots to the south of the subject lands, across Edith Cavell Boulevard. Due to the size and nature of the intended commercial uses, a dedicated loading space is not warranted. When deliveries are required for the commercial, accommodations can be made within the subject lands; alternatives can be explored through the site plan approval process, as required.
83. Section 4.6.6.6.i) of the Central Elgin OP provides policies for reviewing applications for mixed-use commercial developments, as follows:
 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, reuse and/or redevelopment; and,*
 6. *Provision of open space amenities, landscaping, buffers, etc.*
84. Details on how each policy in paragraph 83 is satisfied are provided in the Planning Report (pages 23-24).
85. In summary, the Planning Report concludes the following regarding Section 4.6.6.6.i):
- The proposed development is compatible with surrounding uses (see also Issue #4) (*addresses 4.6.6.6.i)1*);
 - The PSR has demonstrated that there is sufficient capacity in existing servicing infrastructure to fully service the proposed development on municipal services. The TIS provides that the existing municipally maintained roads are sufficient to accommodate the proposed development and will not require any improvements (*addresses 4.6.6.6.i)2*);
 - 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 (*addresses 4.6.6.6.i)3*);
 - All required parking is provided on site. Additional parking is readily available in nearly municipal parking lots (*addresses 4.6.6.6.i)4*);
 - 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 (*addresses 4.6.6.6.i)5*)
86. The 2019 Staff Report raises specific concerns with sections 4.6.6.6.i)1 and 4.6.6.6.i)4) as they relate to compatibility and parking, respectively. The concerns with these policies are very similar to the concerns regarding sections 4.2.2.c)1 and 4.2.2.c)5 that are discussed in Paragraphs 61-77. My response to the Planning Department's concerns with sections 4.2.2.c.1) and 4.2.2.c)5 also apply to sections 4.6.6.6.i)1 and 4.6.6.6.i)4).
87. The subject lands are located within the *Regulatory Flood Uprush* area as shown on Schedule "G2" – Natural Hazards and regulated through Section 3.2.4(ii) of the Central Elgin Official Plan. 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.
88. Section 2.10.3.1 contains policies to evaluate the design of the proposed development. 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.

89. 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. The proposed development 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.

90. Based on the above, it is my opinion that the proposed development conforms to the Central Elgin OP.

Issue #4 – Will the development proposed by the Applicant/Appellant cause unacceptable adverse impact upon either the subject or adjacent lands?

91. Section 4.0 of the Planning Report addresses the issue of Land Use Compatibility and includes a review and analysis of Abutting Land Uses (4.1.1), Intensity of Use (4.1.2), Scale and Massing (4.1.3), Shadowing (4.1.4), Pedestrian Circulation (4.1.5), and Traffic (4.1.6) (pages 28-30).

Abutting Land Uses

92. Land uses abutting the subject lands are commercial (north, east, south), open space (south), and low density residential (north, east and west). Lands to the south are dominated by surface parking lots associated with Main Beach and related businesses.
93. The function of adjacent commercial uses to the north (restaurants, personal service establishments) will not be impacted by the proposed development; these uses will likely benefit from the proposed development through the increase of year-round local residents.
94. The positioning of the proposed buildings towards the street(s) and away from existing low-density residential uses to the north and northwest, 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 building fronting William Street and the single detached dwellings on the east side of William Street is compatible.
95. The amenity of Why Not Park is not anticipated to be impacted by the proposed development. Development of the subject lands, together with the land exchange resulting in an increase of the size of the park, will encourage the improvement of the park, and its usage.
96. The 2019 Staff Report states that *“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.”*

97. However, the 2019 Staff Report raises concerns with the proximity of the proposed development to Why Not Park, and that *“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”*.
98. In my opinion, the proximity of the proposed buildings to the Why Not Park does not reduce the park’s ability to function as an open space feature for the general public or the residents of the proposed development. It is more appropriate to situate taller buildings closer to open space lands, as opposed to other buildings, in order to minimize compatibility issues such as noise, shadowing, and privacy. Specific design aspects relating to compatibility can be addressed through the site plan approval process.
99. The B1 zone has a 0m side yard setback requirement for buildings, except where they abut a residential zone. The park is zoned Open Space (OS3). As such, Building 1 is permitted to be located along the shared north property line of the park. Building 2 has been positioned in a similar fashion along the park’s west boundary in order to frame the park and provide more separation between Building 2 and from the abutting residential uses to the west.

Intensity of Use

100. The proposed development will contain 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.
101. The residential component of the proposed development will provide a total of 62 dwelling units which correspond to a residential density of 98 units per hectare (UPH). This level of density is generally considered to be high density, according to the Central Elgin OP. The rationale for new high-density residential uses, in accordance with Section 4.4.2.c) is provided in Paragraphs 63-68 and in Sections 3.3 and 4.0 of the Planning Report.
102. The 2019 Staff Report agrees with the Planning Report in that the commercial component will be of an intensity that is similar to, and compatible with, existing commercial uses along William Street. However, the 2019 Staff Report notes that there is little separation distance between the proposed development and the low density uses on the east side of William Street.
103. Both sides of William Street, between Erie Street to the north and Edith Cavell to the south (except Why Not Park) are designated Commercial in the Central Elgin OP. The west side of William Street is zoned Business (B1), while the east side is zoned Open Space (OS3). As such, any existing residential uses along the east side of William Street do not comply with the intent of either the Central Elgin Official Plan or Zoning By-law.
104. Building 1 is consistent with the intent of the Commercial land use policies and the regulations of the B1 Zone that permits buildings to be constructed with 0m front yard building setback.
105. Furthermore, the Shadow Studies completed by both Prespa and the Municipality confirmed that there are minimal to no shadow impacts imposed by the proposed buildings on existing residential uses to the east. In my opinion, there are no other impacts imposed by Building 1 on the low-density residential uses to the east.

Scale and Massing

106. In my opinion, the five-storey height of the proposed apartment buildings is a modest increase from the abutting three-storey dwellings to the west and is in keeping with the

recently approved six-storey apartment buildings in the Wastell Homes development to the west of the subject lands. Approval of the Wastell development demonstrates a desire by Council to permit multi-storey apartment buildings within the Port Stanley community.

107. The 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. It has been confirmed through separate shadow studies prepared by the Applicant and the Municipality that there is minimal to no impact of shadowing on adjacent residential uses.
108. 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.
109. The 2019 Staff Report acknowledges that the proposed 5 storey height is a modest increase above the buildings to the west, but it is a more significant increase above the predominantly 1 and 2 storey buildings that surround the subject lands. The 2019 Staff Report is also concerned with the massing of buildings being pushed out to the property limits.
110. The proposed buildings have been strategically located so that they are situated closer to existing commercial and open space uses, rather than existing 1 and 2 storey residential buildings, in order to minimize impacts of higher density development on nearby residential uses; and are positioned to be consistent with the streetscape that has been established by existing and planned uses along both William Street and Edith Cavell Boulevard.
111. Building 1 will be setback from William Street and abutting properties in accordance with the B1 Zone regulations; Building 2 will be setback from Edith Cavell Boulevard at a distance that is in keeping with abutting dwellings recently constructed to the west. A building setback of 1.5m (0.0m for balconies) is requested along the side property lines for Building 2. It is my opinion that the proposed setbacks are appropriate for the proposed development.

Shadowing

112. A shadow study has been prepared by SBM Engineering ("**SBM**") which demonstrates shadow impacts on adjacent lands from the proposed apartment building.
113. The shadow study reviewed the potential shadowing impacts on surrounding properties during the summer solstice (June 21), equinox (March 21/September 21) and winter solstice (December 21).
114. Overall the shadow study demonstrates that 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.
115. The 2019 Staff Report notes that Philip Agar Architect Inc. ("**Agar**") was retained to do an independent shadow study to and analysis to compare against the SBM study for the revised development concept.
116. The Agar study employed the following accepted design principles in completing the analysis:

- At least 50% or more of any property should not be shaded for more than two interval times (a four-hour equivalency); or,
 - At least 50% of any property should be in full sun for at least two interval times (a four-hour equivalency).
117. Based on the above 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 largely internal due to the north-south orientation of the site.”*
118. At the direction of Staff, Agar had a closer look at the impacts of shadowing of Why Not Park during the fall equinox (Sept. 21) and concluded that the park is more than 50% shaded from 3pm to 7pm and up until the setting of the sun, which would equate to more than the maximum 4 hours of shade.
119. In my opinion, the shadowing impacts on Why Not Park during the fall equinox should not be a concern as the fall months are not the primary time for usage of the park, as compared to the summer months. Furthermore, the intent of the shadow study is also to ensure that outdoor privacy areas are not unnecessarily impacted by shadows of nearby buildings during the primary times for outdoor leisure and activity. As noted in paragraphs 113 and 116, there is minimal to no impact of shadowing on surrounding buildings and properties.

Pedestrian Circulation

120. As stated in the Planning Report, *“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.”*
121. The 2019 Staff Report did not disagree with the conclusion of the Planning Report regarding enhanced pedestrian flow along the William Street streetscape and the proposed commercial uses serving as a point of interest for pedestrians. However, the Report suggests that *“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 access to William Street.”*
122. it is not the intention of the proposed development to promote or allow for “cut-through” pedestrian traffic from west to east, or vice-versa, for security and safety reasons. Future improvements to First Street as a result of the proposed development, including the construction of sidewalks will improve the ability for residents west of the subject lands to travel to William Street via First Street and Erie Street.

Traffic

123. A *Traffic Impact Assessment*, prepared by F.R. Berry & Associates (the “TIA”), examined 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 TIA 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.

124. 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.
125. The 2019 Staff Report noted that Dillon Consulting was retained by the Municipality to perform a peer review of the TIA. The Dillon peer review of the TIA concluded that the traffic associated with the proposed development would not have an impact on the function of any of the local roads and intersection.
126. In addition to the above, there are no known noise issues associated with the proposed development.
127. Based on the above, it is my opinion that the proposed development will not create undue adverse impacts on the subject lands or surrounding properties.

Issue #5 – Do the development and zoning by-law amendments proposed by the Applicant/Appellant represent sound land use planning?

128. In my opinion, 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 vacant and underutilized subject lands. The proposed buildings are 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 on the local economy and will generate significant development charges that may be used to improve services in the community.
129. The proposed Zoning By-Law Amendment is consistent with the policies and intent of the County OP and the Central Elgin OP. The proposed development is a good example of intensification on underutilized lands while making efficient use of existing municipal services, which is consistent with the policies of the PPS.
130. In my opinion, the proposed development is desirable for the subject lands and represents good planning practice.

Issue #6 – If the Application/Appeal is to be allowed, either in whole or in part, what amendments to the Zoning By-law are to be ordered?

131. If the Application/Appeal is to be allowed, amendments to the Village of Port Stanley will be required to permit the proposed development.
132. Section 3.4 of the Planning Report outlines the various site-specific provisions required for the proposed development, including use, height, density, and setbacks, and proposed that the portion of the subject lands north of Why Not Park be placed into a site-specific B1 Zone category; while the balance of the lands be zoned under the site-specific R2 Zone category.
133. The 2019 Staff Report disagrees with this approach and suggests that only the commercial component of Building 1 be zoned B1 and the balance of the property and buildings be zoned R2.
134. The attached draft Zoning By-law Amendment is a hybrid between the Planning Report and 2019 Staff Report recommendation for the zoning amendments. A site-specific R2 Zone is proposed over the entire subject lands, which would also permit a mixed-use building within a specific area of the subject lands. As noted, in paragraphs 53-54, there is no dispute regarding the provisions of Section 5.5 of the Central Elgin OP which provides

that land use designation boundaries are considered approximate and no amendment to the Plan is required to make minor adjustments to a land use boundary.

135. The draft Zoning By-law Amendment is attached as Appendix 2.

Issue # 7 – At the hearing of this appeal, will the Tribunal hear evidence and make its decision with respect of a modified proposal by the Applicant/Appellant Prespa Construction Limited, providing for the construction of two (2) – five (5) storey buildings?

136. As noted in paragraph 20, the PHC was held on August 22, 2018. During the PHC, Prespa's solicitor (Alan Patton – Patton Law) informed LPAT that approvals for a modified development plan consisting of two, 5-storey buildings would be sought at the hearing.

137. LPAT provided an Oral Decision during the PHC to confirm the Parties and Participants; set the date of the hearing; and provide a Procedural Order outlining the organization of the hearing and requirements to be completed prior to the hearing.

138. The written Decision was issued on October 10, 2018. The Procedural Order was included as Attachment 1 to the Decision.

139. Within Section 7 of the Procedural Order, there are specific requirements to be completed prior to the hearing in relation to the modified development proposal, as follows:

- (i) on or before November 15, 2018, the said Applicant/Appellant shall deliver to the Municipality of Central Elgin details and specifications and any additional studies, submissions and other material to be relied upon in support of such modified development proposal at the hearing herein; and,*
- (ii) on or before January 18, 2019, the Applicant/Appellant shall arrange for an hold a Public Information Session at an appropriate facility within the Community of Port Stanley in the Municipality of Central Elgin at which the details and specifications and planning justification for such modified proposal shall be disclosed to the public; provided that written notice of such Public Information Session shall be delivered by the Applicant/Appellant to the Municipality of Central Elgin, as a party herein, and all participants identified above no less than 30 days prior to the date of such Public Information Session; and provided further that the Municipality of Central Elgin shall assist in securing the said facility at which the Public Information Session should be held.*

140. On November 13, 2018, ZPL submitted the following items to the Municipality on behalf of Prespa:

- Three (3) copies of the Planning Justification Report, prepared by Zelinka Priamo Ltd.;
- Three (3) copies of the Preliminary Servicing Report, prepared by CJDLC Consulting Engineers;
- Three (3) copies of the Traffic Impact Study, prepared by F.R. Berry & Associates;
- Three (3) copies of the Shadow Impact Study (images only) prepared by Strik Baldinelli Moniz; and
- Three (3) full-size copies of the Preliminary Site Plan, plus four reductions (11x17).

141. The Central Elgin Planning Department Report CEP-04-19 notes that receipt of the updated documentation occurred on November 14, 2018 and that the information was also posted on the Municipal website.

142. ZPL prepared and delivered notice of the Public Information Session to the Municipality of Central Elgin and all participants by mail on December 10, 2018. The notice was also sent via email to the Central Elgin Planning Department and Counsel for the Municipality on

December 10, 2018. The notice provided the date of the “Neighbourhood Open House” to be held on Tuesday, January 15, 2019 at the Community Hall of the Port Stanley Arena, between 6:00 to 8:00 pm.

143. The Public Information Session was held on January 15, 2019. I attended the Session together with 2 colleagues from ZPL to review and discuss the revised development proposal with interested members of the public. Mr. Frank Sherifi of Prespa was also in attendance. Enlarged versions of the proposed site plan, elevations, and building renderings were on display in 2 different locations within the venue to allow more efficient circulation, review, and discussion amongst the many members of the public in attendance. A power point presentation containing various visuals (maps, plans, Official Plan, zoning information) with respect to the proposed development was also on display during the entirety of the Session.
144. It is estimated that 125 members of the public were in attendance; 119 names are noted in the Sign-In sheet that was provided. Several members of the public engaged in 1-on-1 discussions with myself or my colleagues during the Session. Comment sheets were also made available for the public to provide written comments on the proposed development; a total of 24 comment sheets were completed and returned.
145. In my opinion, the requirements of Section 7 of the Procedural Order have been satisfied. As such, it is appropriate for the LPAT to hear evidence and make its decision with respect of a modified proposal by Prespa, providing for the construction of two (2) – five (5) storey buildings.

SUMMARY

146. In my opinion, the proposed revised development proposal for two, 5-storey buildings containing a mix of residential and commercial uses, and the requested Zoning By-law Amendment is consistent with the policies and intent of the County OP and the Central Elgin OP. The proposed development is a good example of intensification on underutilized lands while making efficient use of existing municipal services, which is consistent with the policies of the PPS.
147. In my opinion, the proposed development is desirable for the subject lands and represents good planning practice.

Dated this 31st day of January 2019



Harry Froussios, BA, MCIP, RPP
Senior Associate
Zelinka Priamo Ltd.

APPENDIX 1

ACKNOWLEDGEMENT OF EXPERT'S DUTY & CURRICULUM VITAE

Harry Froussios – MCIP, RPP



Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL180077	Municipality of Central Elgin

1. My name is.....Harry Froussios.....(name)
I live at theCity of London.....(municipality)
in the.....County of Middlesex.....(county or region)
in theProvince of Ontario.....(province)
2. I have been engaged by or on behalf of.....Prespa Construction Limited.....(name of party/parties) to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date.....January 14, 2019.....

.....
Signature



CURRICULUM VITAE

HARRY C. FROUSSIOS, BA, MCIP, RPP

EDUCATION

- Bachelor of Arts (B.A.) Honours Geography, Area of Concentration – Urban Development, University of Western Ontario, 1992
- Diploma, Urban Design (Co-operative), Fanshawe College of Applied Arts and Technology, 1987
- Certificate of Completion, AutoCAD Professional Level 2, Fanshawe College – School of Continuing Education, 1997

PROFESSIONAL ASSOCIATIONS

- Member, Canadian Institute of Planners (CIP)
- Member, Ontario Professional Planners Institute (OPPI)
- Registered Professional Planner (RPP)

PROFESSIONAL EXPERIENCE

ZELINKA PRIAMO LTD. (London, Ontario) - February 1999 to Present **Senior Associate**

- Lead planner responsible for full project management and supervision of numerous private residential, commercial, and industrial development projects throughout Ontario that include Official Plan and Zoning By-law Amendments, Consents, Minor Variances, Plans of Subdivision/Condominium, and Site Planning.
- Represent various clients at public meetings and the Ontario Municipal Board in achieving development approvals, such as Official Plan and Zoning By-law Amendments, Minor Variance, and Consent to Sever.
- Prepare and oversee completion of Land Use Planning Analyses for both large and small-scale residential, commercial, and industrial developments within the Province to determine potential development opportunities for various clients. Analysis includes the review of provincial legislation, Municipal Official Plans and Zoning By-laws, in addition to consultation with Municipal Staff and relevant agencies.
- Prepare and oversee completion of Planning Justification Reports and Urban Design Briefs/Guidelines in support of Official Plan/Zoning By-law Amendment and Site Plan Approval applications for various development proposals.

MONTEITH ZELINKA PRIAMO LTD. (London, Ontario) - 1994 to 1999
Planner, Urban Designer

- Responsible for planning assignments in support of senior staff including: preparation of draft reports, Official Plan and Zoning By-law research, field research, questionnaire survey analysis, and data processing.
- Design duties include the preparation of site plans, plans of subdivision, and conceptual layouts for development proposals in both computerized and manually drawn form; the preparation of Ontario Municipal Board Hearing exhibits, promotional displays, photograph exhibits and report graphics.
- Assisted in research, data collection, field surveys and preparation of the Official Plan and Zoning By-law consolidation Study for the Town of Amherstburg. Conducted land use inventory as well as research and consolidation of the Town of Amherstburg, Anderdon Township, and Malden Township Zoning By-laws.
- Responsible for conducting a land use inventory and preparing mapping for the Official Plan and Zoning By-law Consolidation for the Town of Haldimand.
- Assisted in research, data collection, field surveys and preparation of the Comprehensive Community Plan Background Report for the Chippewas of Sarnia. Conducted land use inventory as well as produced and coordinated AutoCAD mapping for the Report.
- Responsible for questionnaire tabulation and conducting inventory of existing Arts & Recreation facilities for the city of Niagara Falls Strategic Plan for Parks, Recreation, Arts and Culture.
- Prepared a Land Use Justification analysis for a private land developer in the City of Sarnia. Analysis involved the collection of background data, reports, and statistics to determine the demand for additional golf courses within a defined market area.
- Project Planner, socio-economic analysis for the Argyle Mall Trade area in the City of London. Involved in the collection of background data, reports and statistics, field surveys of existing residential dwellings, and the determination of potential residential dwelling units through existing Plans of Subdivision and vacant parcels of land.
- Responsible for exploring the effects of expropriation on the development potential of a site in London, Ontario. Process involved thorough examination and understanding of the city's Zoning By-Law with respect to setbacks, building coverage, parking, and open space requirements.

CO-OPERATIVE WORK EXPERIENCE

CENTRAL ELGIN PLANNING OFFICE (St. Thomas, Ontario)
May 1986 to January 1987
Planning Technician

- Responsible for the preparation of Official Plan and Zoning By-law Amendment exhibits for use in public meetings.
- Prepared land use mapping for the City of St. Thomas, the Village of Port Stanley, Southwold Township, and Yarmouth Township.
- Conducted detailed assessment research on land ownership for the City of St. Thomas.
- Assisted in collection of data and preparation of the Official Plan for the City of St. Thomas.

APPENDIX 2

**DRAFT ZONING BY-LAW AMENDMENT
146-156 WILLIAM STREET, PORT STANLEY**

Municipality of Central Elgin

MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. _____

A By-law to amend Village of Port Stanley By-law No. 1507

THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN ENACTS AS FOLLOWS:

1. Village of Port Stanley By-law No. 1507, as amended, is further amended by adding to Section 3, which Section includes the Zoning Maps and Schedules, Schedule “A” to this By-law, which Schedule is attached to and forms part of this By-law, and such Schedule shall form part of By-law No. 1507 as amended, and shall be known as “Map Part _____”
2. Village of Port Stanley By-law No. 1507, as amended, is further amended by designating the lands outlined in heavy solid lines on Schedule “A” hereto as “R2- _____”, and the provisions of Section 9.3.2 of By-law No. 1507 as amended, shall apply to such lands, subject to the provisions of Section _____ of this By-law.
3. Village of Port Stanley By-law No. 1507, as amended, is further amended by adding thereto, after subsection 9.3.2. _____ the following subsection:

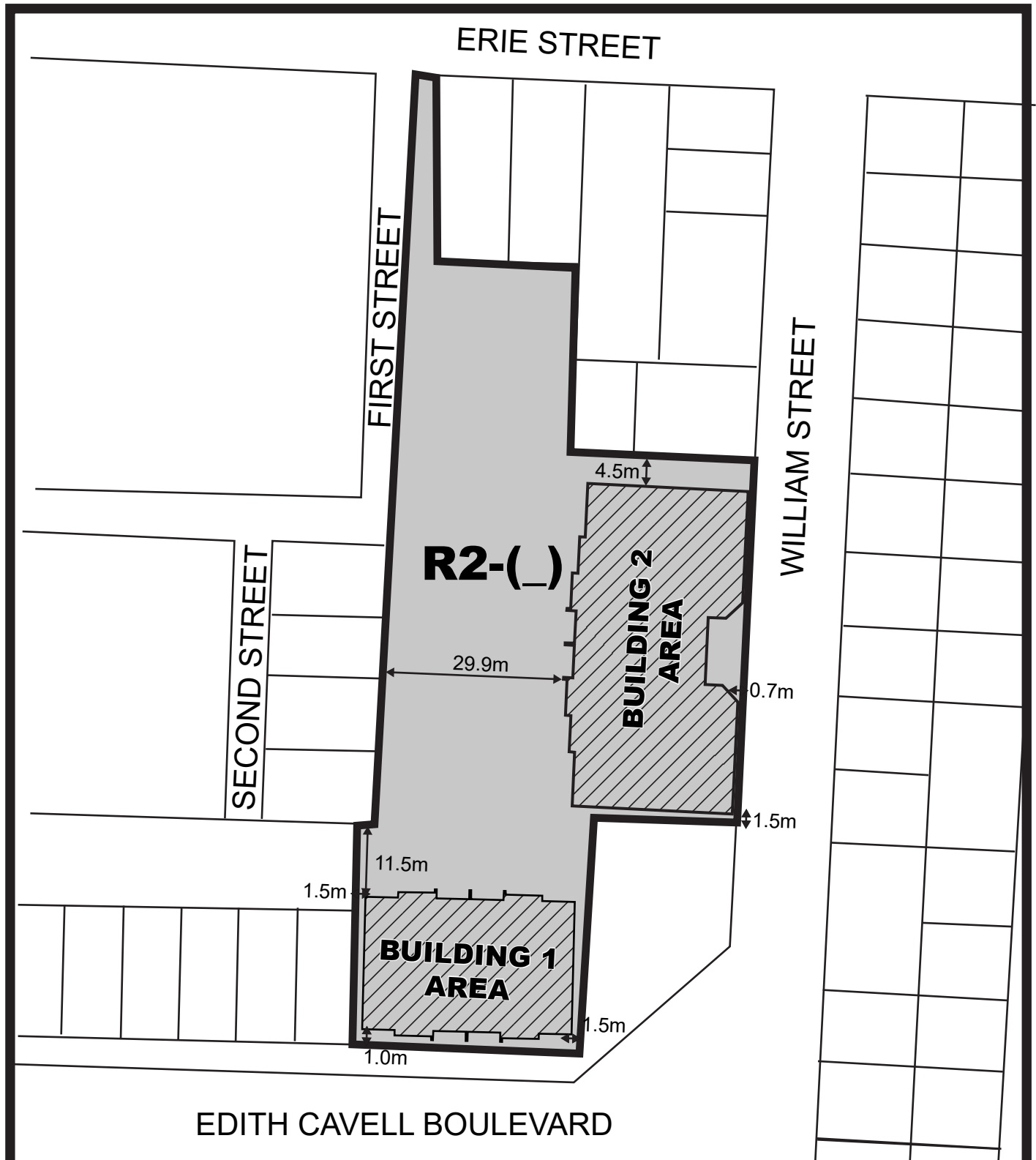
“9.3.2. _____

9.3.2. _____	Defined Area:	R2-_____, as shown on Zoning Map Part _____
9.3.2. _____	Only Permitted Uses:	(a) Apartment Building (b) Mixed Use Building consisting of the permitted uses within the B1 Zone on the main floor; and residential dwelling units above the main floor (c) Accessory uses
9.3.2. _____	Permitted Buildings and Structures:	Buildings and structures for the uses permitted by Subsection 9.3.2. _____
9.3.2. _____	Maximum Density (Residential):	98 units per hectare

9.3.2. _	Maximum Building Height:	5 storeys
9.3.2. _	Location of Buildings and other Structures:	
	(i) Apartment Building	Buildings and structures for the uses permitted by 9.3.2. _(a) shall only be located within the area shown as “Building Area 1” on Special Map ____.
	(ii) Mixed Use Building	Buildings and structures for the uses permitted by 9.3.2._(b) shall only be located within the area shown as Building Area 2” on Special Map ____.
	(iii) Balconies	Balconies within buildings and structures for the uses permitted by 9.3.2._(a) and 9.3.2._(b) may extend a maximum of 1.5 m beyond the Building Area limits identified in 9.3.2._(i) and 9.3.2._(ii), and shown on Special Map ____.
9.3.2. _	Required Minimum Number of Parking Spaces:	
	(i) Apartment Building:	1.5 spaces per dwelling unit
	(ii) Mixed Use Building:	
	Retail Store, Restaurant, Business Office or Personal Service Shop:	1 space per 50 m ² of floor area
	Dwelling units above the main floor:	1.25 spaces per dwelling unit
9.3.2. _	Minimum Parking Stall Dimensions:	2.75m x 5.5m

4. This By-law is approved by the Local Planning Appeal Tribunal and shall come into effect on this ____ day of _____, 20__.

VILLAGE OF PORT STANLEY BY-LAW NO. 1507
ZONING MAP AND SCHEDULES



THIS IS SCHEDULE "A" TO BY-LAW NO. _____
PASSED ON THIS ____ DAY OF _____ 2019

Donald N. Leitch, CAO/Clerk

Sally Martin, Mayor