

August 4, 32024

Planning Services
Town of Essex

REGARDING: Zoning Bylaw Amendment (ZBA)
127-131 Talbot Road North, Town of Essex
Adam Rossetto and Andrew Schincariol

On behalf of my client, please find attached a Zoning Bylaw Amendment (ZBA) for the building identified as 127-131 Talbot Road North, Town of Essex. The subject lands are designated 'Essex Town Centre' on Schedule A to the Official Plan and zoned 'General Commercial District 2.2 (CD2.2)' under Section 19.2 in the CZB for the Town of Essex.

The ZBA application attached purports to rezone these lands from a 'General Commercial District 2.2 (CD2.2)' zone to a site specific 'General Commercial District 2.2 Exception ## (CD2.2(-##))' zone to provide for the recognition of the existing mixed use building and to provide for additional inclusion of residential apartments.

127—131 TALBOT STREET NORTH, ESSEX





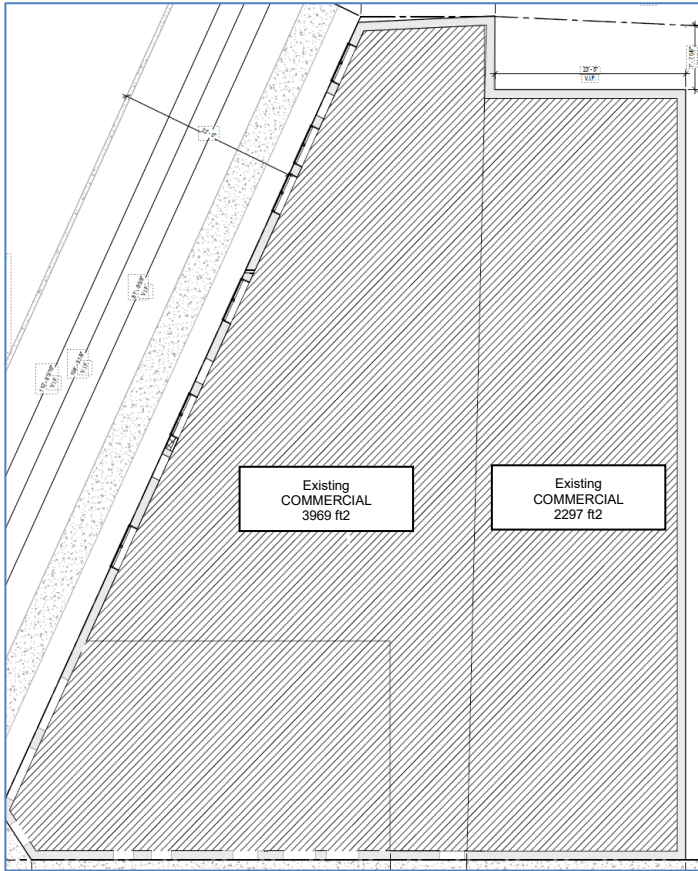
The subject building is a mix of uses comprised of two previously separate lots with a building on each parcel with a common shared wall. 127 Talbot Street North and 131 Talbot Street North (corner building) were merged in title (consolidated) to create 1 building on 1 parcel known as 127-131 Talbot Street North.

1: ORIGINAL USES OF THE TWO PROPERTIES:

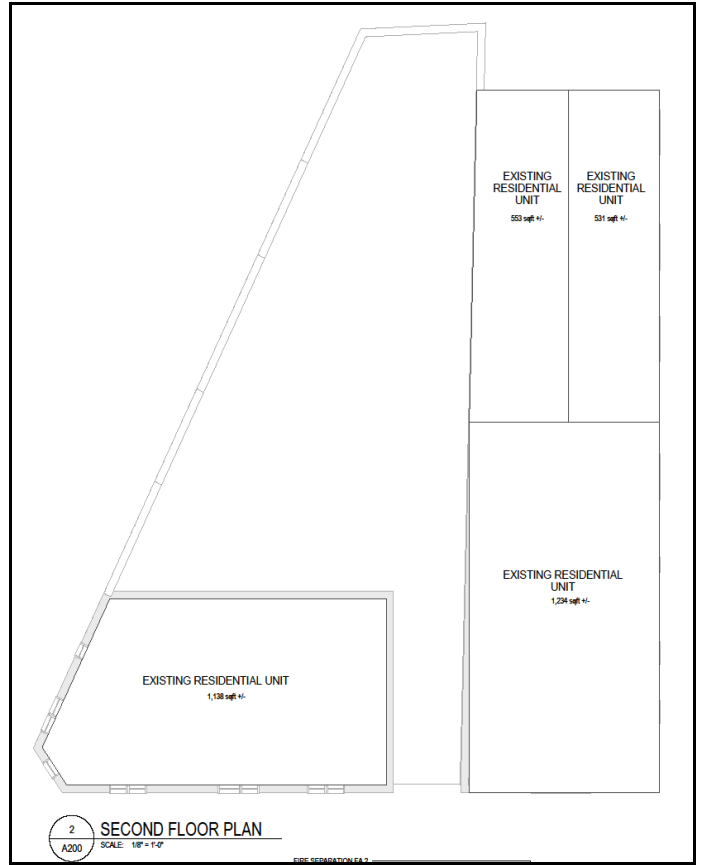
The **building known previously as 131 Talbot North** (corner building) is comprised of a main floor with 3,969 ft² with an **existing** restaurant/commercial use comprising the front of the main floor with wide open space used for a banquet hall behind the restaurant. Typically, the banquet hall was open/rented only sporadically for special occasions such as weddings. There is only part of the second floor where there is one existing residential apartment unit above the restaurant.

The **building known as 127 Talbot North** (south building) is comprised of an existing two storey building with a main floor with 2,297 ft² retail commercial space and storage space and with access to Talbot Road. The second floor consists of 3 existing residential units.

1ST FLOOR: COMMERCIAL

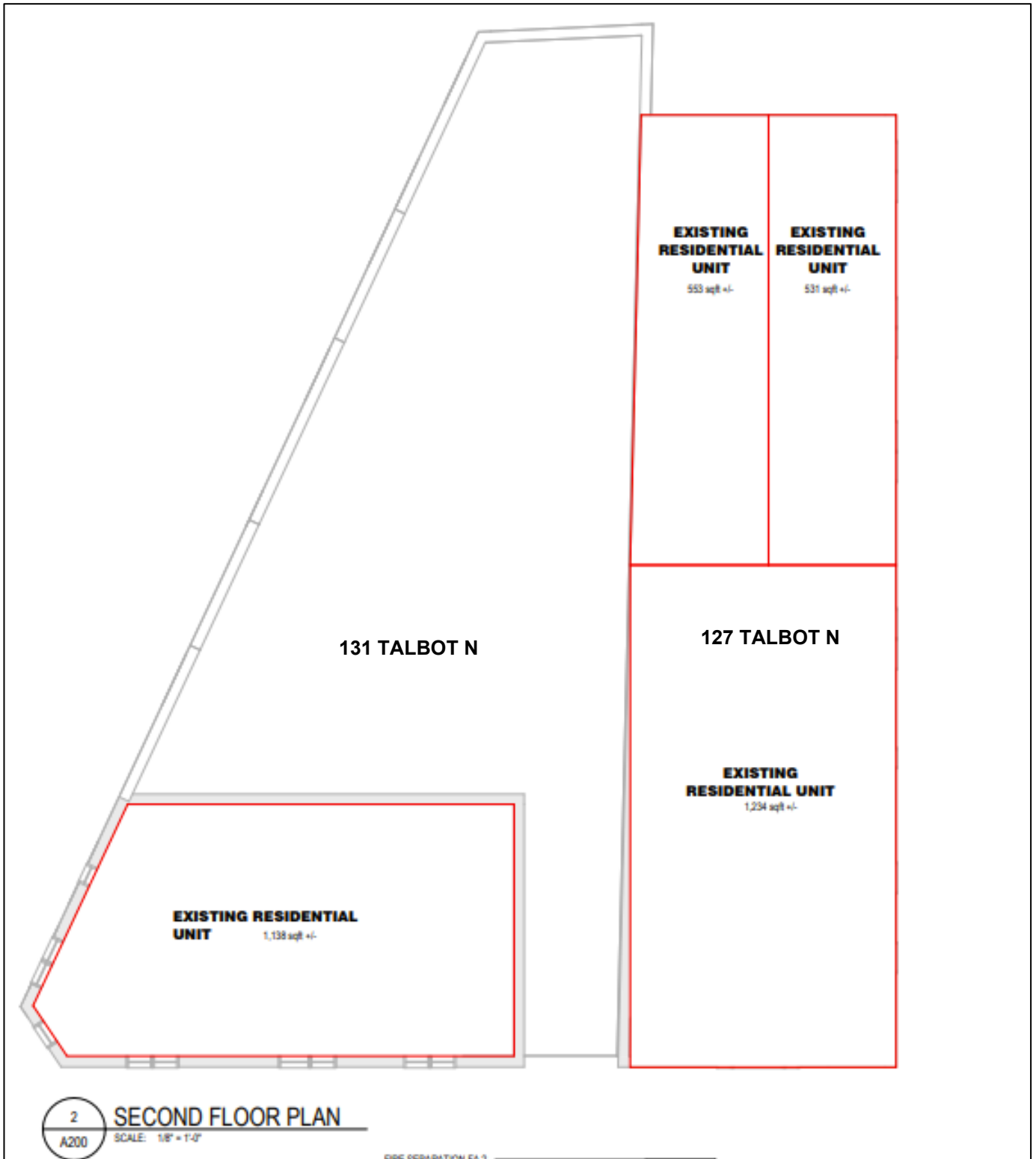


2ND FLOOR: 4 EXISTING SECOND FLOOR
(1 apt in 131 Talbot) (3 apt in 127 Talbot)

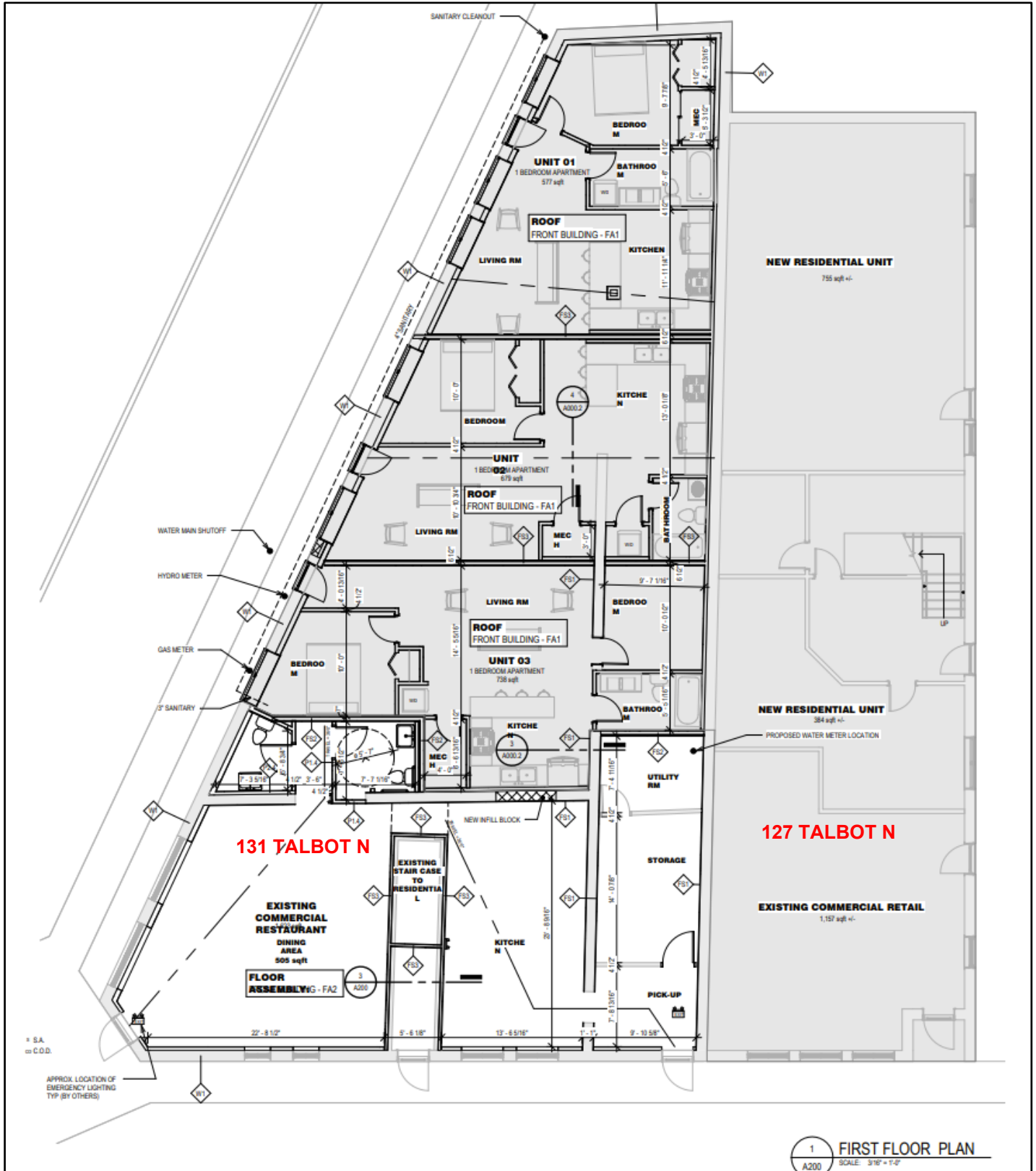


2. PROPOSED USES:

SECOND FLOOR: NO CHANGES = 4 EXISTING RESIDENTIAL APARTMENTS



**FIRST FLOOR: 3 NEW RESIDENTIAL APARTMENTS IN 131 TALBOT
2 NEW RESIDENTIAL APARTMENTS IN 127 TALBOT**



PROPOSED UNITS BY AREA:

EXISTING UNITS:	FLOOR AREA	PROPOSED UNITS:	FLOOR AREA
131 TALBOT		131 TALBOT	
Main Floor Commercial	368 m ²	Main Floor Commercial	183 m ²
Second Floor Residential Apt. (1)	105 m ²	Main Floor Residential (3)	185 m²
		Second Floor Residential Apt (1)	105 m ²
127 TALBOT		127 TALBOT	
Main Floor Commercial	219 m ²	Main Floor Commercial	113 m²
Second Floor Residential (3)	219 m ²	Main Floor Residential (2)	106 m²
		Second Floor Residential (3)	219 m ²
TOTAL COMMERCIAL UNITS (2)		TOTAL COMMERCIAL UNITS (2)	
TOTAL RESIDENTIAL UNITS (4)		TOTAL RESIDENTIAL UNITS (9)	

The **building known previously as 131 Talbot North** (corner building) is proposed to have the existing storage area behind the restaurant converted for three residential apartment units. The existing restaurant area will remain with the old banquet hall (now storage area) behind the restaurant to be converted to 3 new residential apartment units on the ground floor. The 1 residential apartment unit on the second floor will remain and will only be updated. **The site specific ZBA will allow for the additional 3 new ground floor residential apartments.**

The **building known as 127 Talbot North** (south building) is comprised of the existing retail commercial on the main floor fronting Talbot Street. The unused storage area behind the commercial is proposed to be converted to 2 new main floor apartment units. The 3 long existing apartment units on the second floor will remain. **The site specific ZBA will recognize the new main floor 2 residential apartment units behind the commercial use.**

4. PROPOSED USES:

As shown in the table above, the proposed inclusion of three new apartment units will not be reducing the number of commercial units, rather will be efficiently and effectively adapting un-used storage space for needed affordable, alternative housing as rental apartments, appropriate in my professional opinion.

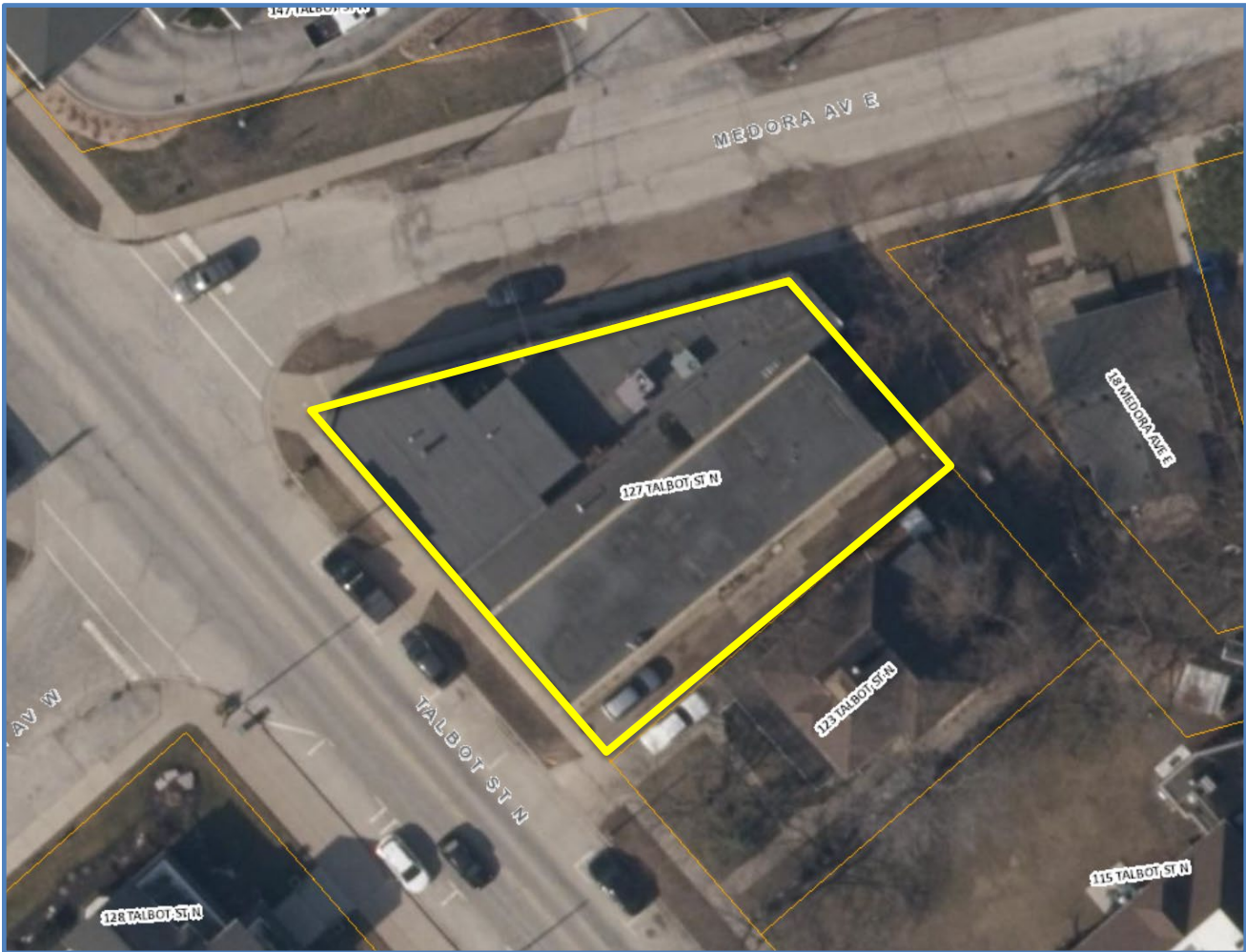
The applicant has requested a Zoning Bylaw Amendment (ZBA) to establish a regulatory framework for the adaptive inclusion of 5 new residential units within an existing serviced mixed-use building. The ZBA will not change the zone of (CD2.2) but will add site specific provisions to the (CD2.2) zone to recognize additional units that are being converted from unused space to new, needed affordable residential apartments within the downtown area of the municipality. In my professional opinion, the conversion of existing unused space to five new residential apartments supports the provision of needed residential apartments in the downtown area of Essex.

When adapting five new apartments into an existing building, there is always challenges with meeting modern standards in an older building. The only resolve is to add new regulations on a site specific basis to recognize the uniqueness of the existing building and the uses of this building. The following site specific provisions will be included to allow for the inclusion of the five new residential units and recognize size existing units within the existing building:

- 1) **Residential Uses Above Commercial Section 19.2 b)v) – 5 units on ground floor;**
- 2) **Amenity Space required for each residential unit Section 19.2 b)i)– 0 m2 available;**
- 3) **Parking Spaces, Section 11.4 – relief for 9 parking spaces- 0 spaces available.**

The need for housing is critical in the Town of Essex and the provision of three additional rental residential apartment units within a mixed use neighbourhood will provide for additional 'missing middle' units and will allow for some of the older home owners in the neighbourhood to stay and age in place in affordable rental, a critical need in my professional opinion for the Town. As well, the three new residential apartment units are located on the ground floor, making the three new units accessible as well as affordable.

AERIAL SUBJECT SITE: 127-131 TALBOT RD NORTH



Presently the site has no recognized on-site parking for either the existing commercial units or the existing residential apartments. With the building existing and the proposal is for an adaptive re-use of unused space within this existing building, there is no opportunity on site to provide parking.

There is on-street parking along Talbot Road and along Medora at the north end. The previous owners of the building had residential apartments for years without on-site parking. The building has existed for years without parking for commercial and residential units within the building.

The requested relief to the parking requirement in my professional opinion, makes for sound planning knowing that there has been 4 residential units and 2 commercial retail units without parking and the 5 new units will have the same tenancy agreement.

The tenant contract specifies that there is no on-site parking and the tenants should not have cars otherwise it is their responsibility to make arrangements with local facilities for rental parking spaces.

The lack of on-site parking supports the healthy, walkable community as well as reducing emissions and car generated pollution.

Municipal services of water and sewer are existing and connected to the building and in pre-consultation discussions, we were told there was municipal capacity to accommodate the three new units. As well, Aleo Engineering confirms the availability of municipal sewer and water services for the existing units and the additional 3 residential units. In my professional opinion, the adaptive re-use of a large banquet hall to residential apartments is a more efficient and effective use of available municipal services.

There is a municipal sidewalk around the building leading to the downtown for the tenants to walk for all necessary amenities. There is a municipal bus that travels between other towns and the university/college in Windsor, reducing the need for a car and in my professional opinion, supporting walking, and other alternative forms of transportation. Also, the location of the units downtown and on municipal sidewalk, allows for citizens to work and live within the same neighbourhood, in my professional opinion, reducing the need and dependency on the car.

The inclusion of the five new units will allow for the low profile building to extend its years of worth and vitality in an efficient and effective manner. Further, the adaption of five new residential units within the low profile building allows, in my professional opinion, allows for the continuation of an appropriate mixed use building providing needed retail commercial on the main floor as well as critical needed affordable rental apartments.

This memo has been provided to summarize planning legislative framework and to provide a brief professional planning opinion of the requested Zoning Bylaw Amendment (ZBA). The proposed site development has been reviewed and placed within context of the Provincial Policy Statement (PPS), the Town of Essex Official Plan and the Comprehensive Zoning Bylaw for the Town of Essex

5. PROVINCIAL POLICY STATEMENT:

When reviewing a planning application to determine if the requested Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

"Section 1.1.3.2 Settlement Areas

Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- (a) efficiently use land and resources;*
- (b) 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;*
- (c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- (d) prepare for the impacts of a changing climate;*
- (e) support active transportation;*
- (f) are transit-supportive, where transit is planned, exists or may be developed;*
and
- (g) are freight-supportive.*

Land use patterns within settlement areas shall also be based on 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."

PPS COMMENTS:

In my professional opinion, the inclusion of five new units within an existing mixed use building is an efficient use of existing resources such as the building infrastructure and municipal services without a need for expansion or enlargement of the building or services. Please refer to Aleo Engineering providing the professional engineering opinion that municipal capacity is available for the inclusion of the three new units.

The subject lands are located within the urban settlement area of the Town of Essex. The subject property is located within the downtown area of the municipality and within walking area to amenity space, municipal parks, and the downtown commercial and institutional area. The location of the building is within minutes of walking or biking to all amenities, and services and in my professional opinion provides supports active transportation and reduces the need for the car. The close proximity to be able to walk for amenities such as groceries, churches, doctors, dentists, clothing, etc also means less dependence on car trips, reducing air emissions and pollution.

It is my professional opinion that the inclusion of more residential units in the building rather than leaving vast, unused, open space heated and electric will allow for energy sharing and conservation and promotes a more energy-efficient building.

The proposed interior conversion to provide additional residential units is an efficient use of the existing infrastructure of water and sewer that presently services the building. As well, there is no need to extend or expand the services since they are presently used for servicing unused commercial banquet hall.

The proposal supports active transportation by being located in a fully supported area of the town accessible by alternative transportation such as walking, biking. Located within the downtown area of the urban settlement area, in my professional opinion, means that the car is not needed to go to work, to recreate or to shop.

“1.1.3.4 Settlement Areas:

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

PPS COMMENTS:

In my professional opinion, the adaptive reuse of unused storage space within the existing building with the infill of the five new residential apartments is a gentle intensification that be considered appropriate: the new residential apartments will remove unused space; the new units will provide for units within walking distance to live work; will provide for new, affordable housing; will provide for alternative housing tenure and style; will provide for missing middle housing; municipal services and services are available without expansion; and will assist with the conservation of energy by sharing services.

“1.7 Long-Term Economic Prosperity

Long-term economic prosperity should be supported by:

- a) *promoting opportunities for economic development and community investment-readiness;*
- b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- f) *promoting the redevelopment of brownfield sites;*
- g) *providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- h) *providing opportunities for sustainable tourism development;*
- i) *sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;*
- j) *promoting energy conservation and providing opportunities for increased energy supply;*
- k) *minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;*
- l) *and encouraging efficient and coordinated communications and telecommunications infrastructure.”*

PPS COMMENTS:

The requested interior renovations to convert unused space to residential apartments provides for needed alternative housing while efficiently and effectively utilizing an existing building with municipal services. The provision of accessible and affordable apartment housing will allow for the senior members of the neighbourhood to age in place.

The space to be converted to residential apartments are no longer used for commercial purposes: the space used for a banquet hall is no longer used for banquets and sits empty and used for storage while other areas of the building used for storage are no longer needed for storage. There will be no loss of commercial space since the area being converted to residential are unused banquet hall or storage space.

The ZBA, in my professional opinion, will allow for the main street commercial space to be an economically viable scale with the unnecessary storage space removed and converted area to needed residential apartments. With the building fully rented, it is my professional opinion that the building will remain vital and economically viable.

The conversion of portions of the un-used commercial space to provide needed residential units is considered an optimization of existing built form with needed residential affordable units. The rental units will provide for needed housing of an alternative tenure and style and provide for diversity in housing located within the downtown area of the Town.

The addition of residential units will not be removing viable commercial areas of the building therefore there is no loss of economic generators through the change from unused storage areas and old banquet hall. Rather, the inclusion of additional residential units will be supporting economic vitality of the building and downtown by providing rental apartment units and bringing more people to the downtown. Also, it is my professional opinion, that providing housing downtown will allow for more access to work by living downtown and walking to work within the downtown.

Utilization of the unused storage spaces and unused old banquet hall converted to residential use is an efficiency needed in the downtown to ensure the continuation of the economic vitality of the building and subsequently the downtown.

The provision of housing will provide for a dynamic and safer neighbourhood with the utilization of vacant space for housing brings more people to the downtown area and provides for 'eye on the downtown'. With additional units and additional people living downtown, the new units will provide for an enhanced activities and will support the sense of place for the residents in the downtown area.

In my professional opinion, the requested ZBA to allow for the inclusion of five additional residential apartments is consistent with the PPS 2020 policy direction for providing for alternative housing style and tenure needed within the downtown. The proposal can be considered consistent with healthy community policies of the PPS by providing for an appropriate range and mix of housing types, densities and tenure.

In my professional opinion, the proposed conversion of vacant storage space in an existing mixed use building and an unused banquet hall used for storage to residential units are an efficient, effective adaptive re-use of a portion of an unused commercial area.

The ZBA, in my professional opinion, is consistent with the PPS and is supportive of the PPS policies ensuring compatible new adaptive re-use development within the existing neighbourhood.

6. TOWN OF ESSEX OFFICIAL PLAN:

The subject lands and existing building is located within the Essex Town Centre designation of the Town of Essex Official Plan.

“5.13 Lands Designated Town Centre

It is the intent of this Plan to encourage a full range of commercial, mixed use (residential/commercial), cultural and public service uses within the areas designated “Town Centre”. Over the planning period, it is anticipated that these areas will continue to evolve, mature and redevelop into a built form that is compact and cohesive with integrated shopping, recreational, cultural, leisure and civic functions.”

“5.13 GOALS

c) to recognize that town centres are dynamic in nature, and must be able to evolve, adapt and redevelop as market conditions, consumer needs and preferences, and retail trends change over time, and to provide a corresponding policy environment which will permit these changes to occur in a manner which is beneficial to the Town of Essex ratepayers;”

“5.13 Permitted Uses: Town Centre:

- c) multiple dwelling units within a mixed-use commercial/residential development that:*
- i) has a height of not less than two stories and not more than six stories;*
 - ii) will preserve, to the greatest extent possible, a strong and vibrant retail and office commercial presence at the street level;*
 - iii) is designed in such a manner as to create and maintain safe and convenient pedestrian linkages and shared parking areas;*
 - iv) incorporates architectural and design elements which are in keeping with the area and contribute to a built form which is compact and energy efficient.”*

OFFICIAL PLAN COMMENTS:

The subject lands and existing mixed use building is located within the Town Centre area of the urban settlement area of the Town of Essex. The subject property is located within downtown area of the Town within walking distance to amenities, parks, commercial areas and parking areas.

The further adaptive re-use of un-used portion of the of the existing building will result in additional needed alternative residential units within the downtown area of the town. The additional units will provide for a gentle intensification that is appropriate in an existing mixed use building and within the downtown area of the municipality.

The additional residential apartment units will provide for alternative accomodation in style and tenure and will assist and aid in providing appropriate affordable housing in the present housing shortage.

Adapting the unused storage space and the unused banquet hall space within the low profile, two storey building for residential apartment units will provide alternative style and tenure needed within the Town of Essex. The additional rental housing provision conforms with the OP policies that promotes compatible uses and buildings of similar height within the neighbourhood and efficient and effective use of buildings for the provision of alternative housing.

OP policies encourage and support infilling and adaptive reuse such as the proposal when the building and use is compatible with the existing mixed use buildings and residential buildings within the neighbourhood.

The provision of alternative housing will provide needed alternative housing in the Town of Essex. The requested ZBA will provide a regulatory framework for the proposed alternative tenure and style of residential units that will support a healthy, diversified residential neighbourhood.

In my professional opinion there is no loss of employment opportunities since the viable retail commercial and restaurant commercial components will remain. The storage areas that are to be converted to residential apartments are not viable commercial rental space that have been un-used for years. The storage areas are not considered available commercial enterprise and not rentable areas therefore no longer provides rental income or employment opportunities. It is therefore my professional opinion that the re-use of this space for residential apartments will not remove employment opportunities but will provide for needed alternative housing.

In my professional opinion, the proposed conversion of commercial space to residential is an efficient, effective adaptive re-use a portion of an unused commercial area within an existing building that will further provide for a mix of housing tenure and style within Essex. The ZBA, in my professional opinion, conforms with the relevant policies of the Official Plan.

7. CZB - REQUESTED RELIEF:

The proposal will result in changes to the interior of the existing building with the adaptive re-use of portions of the building unused or used for storage. There are no intended changes to the exterior of the building with the exception of cleaning the brick, fixing broken stairs, repairing roof issues, and bringing the building into compliance with the OBC for items such as doors and windows. There are no intended additions or exterior modifications.

The following site specific provisions will be included for the site specific bylaw:

- 1) **Residential Uses on main floor** – 5 units on ground floor;
- 2) **Amenity Space required for each residential unit** – 0 m² required;
- 3) **Parking Spaces** - 0 spaces required.

The following provisions are to be addressed in the site specific (CD2.2) bylaw amendment:

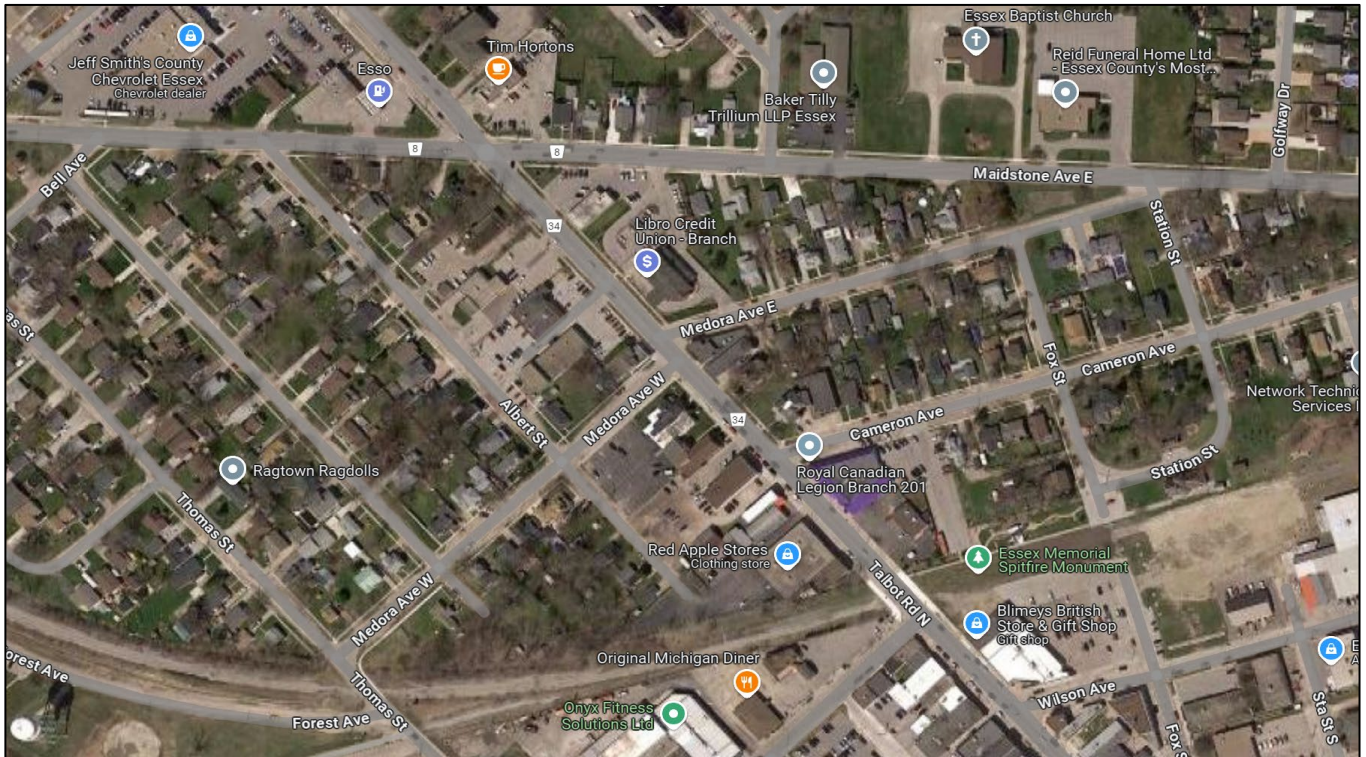
- 1) **Residential Uses Above Commercial Section 19.2 b)v)** – “In a combined use building, all dwelling units, not including entrances, shall be located above the ground floor”.
 - The ZBA will recognize the residential units behind the commercial units on the main floor, not above the commercial units;

- the ZBA will recognize the 5 new residential rental apartment units on the main floor behind the commercial units.
- The ZBA will allow for the unused storage space that is no longer used, be converted for needed rental apartment units while efficiently and effectively using all the space within the building;
- a total of 9 residential units are proposed within the mixed use building;
- **The ZBA will support the provision of 5 residential units on the main floor of the mixed use building located within the downtown area.**

2) **Amenity Space required for each residential unit Section 19.2 b)i) – “Bachelor Unit=7.5 m²/unit; One bedroom unit=10 m²/unit; Two or more bedroom unit=15m²/unit. There are 4 units with one bedroom (4x10 m² = 40 m²) and 5 units with two bedrooms (5x15 m² = 75 m²) for a total of 115 m² amenity area required for the residential units. **The site specific bylaw will identify 0 m² amenity space within the building for the apartment units.****

- With the existing building on the existing lot, it is not possible to provide for additional amenity space on site;
- there are municipal parks, bike trails, sidewalks, the old train station, and the Chrysler Greenway in close proximity to provide for amenity space for the tenants of the apartment units.

AMENITY AND COMMERCIAL AREAS AROUND 127-131 TALBOT RD N



PARKING AREAS AROUND 127-131 TALBOT N



3) **Parking Spaces, Section 11.4:**

MAP 3 OF SCHEDULE A TO THE CZB



- Note the map above showing that the lands are within the parking relief area of the downtown core providing for 0 parking spaces required for commercial uses.
- **There is presently no on-site parking for the retail use or the 4 existing residential apartment units.**
- **Relief is requested in the site specific bylaw for 5 residential units and the existing 4 residential apartment units for a total of 9 residential units with 0 parking spaces.**
- Section 11.4 **Location of Parking Spaces:** “c) *When a lawfully existing use has an insufficient number of existing parking spaces to conform to the provisions of subsection 11.5 or 11.6, it is not required that the deficiency be made up prior to the construction of any addition or a change of use. However, any additional parking spaces required by this Section for such addition or change of use shall be provided and maintained in accordance with all applicable provisions of this by-law;*”
- There is a municipal parking lot within 2 blocks of the subject site that would provide for visitor parking as well as parking on Medora and parking on Talbot Road North.

- There is an area used as access to the alleyway behind the building from Talbot Road North but there is no area for parking.
- 4 parking spaces along the Medora Street frontage historically have been used in association with the building and there is no other use adjacent or across the street that would stop the continuation of the use of these 4 spaces.
- In my professional opinion, accommodating 4 parking spaces on the side of Medora; and entering into a tenant agreement identifying that the tenant must use alternative transportation as there is no allocated parking complies with the intent of the CZB for relief for parking for appropriate uses such as residential in a mixed use building, is appropriate for a re-development of a mixed use building in the downtown area.

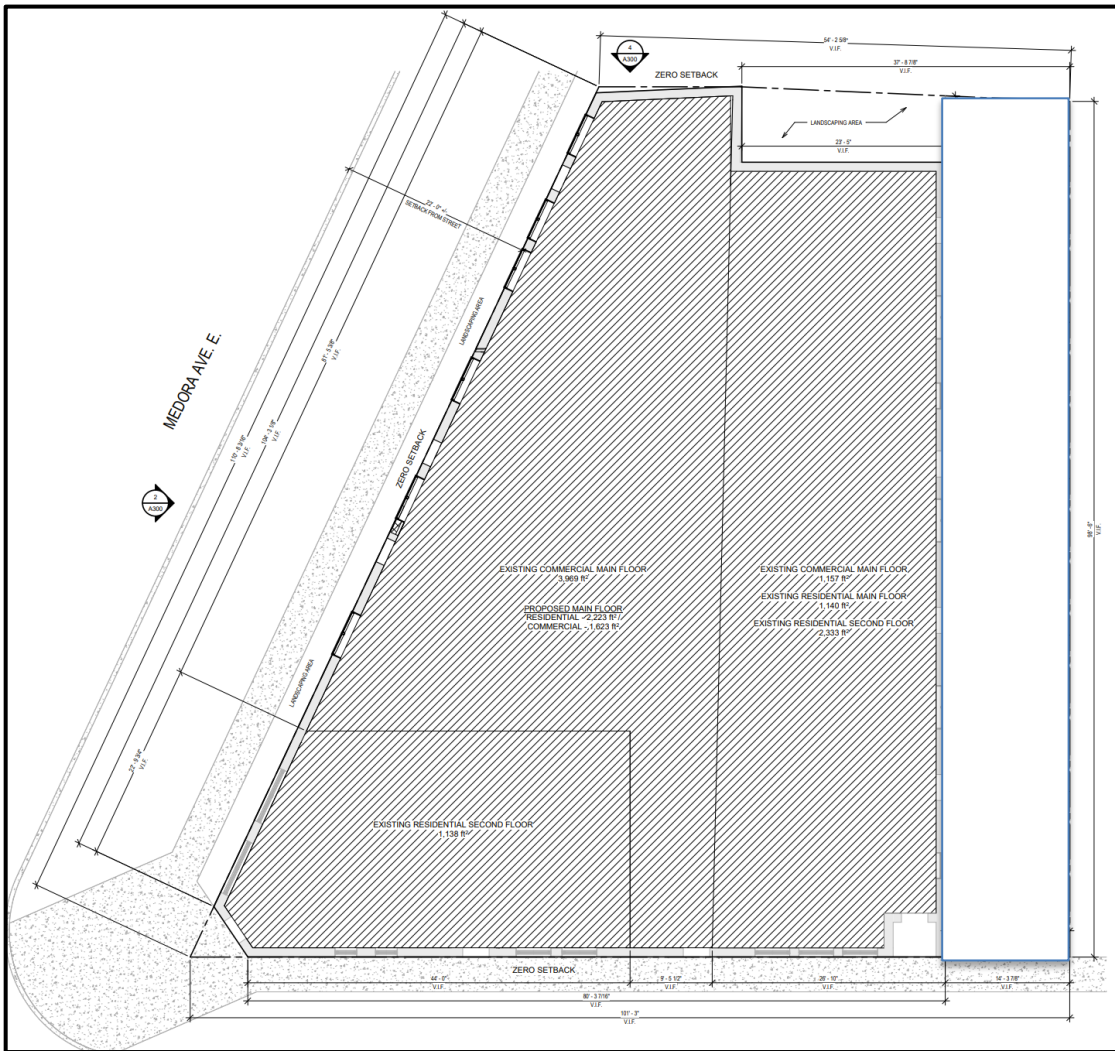
8. CONCLUSIONS:

The requested Zoning Bylaw Amendment (ZBA) purports to maintain the existing CD2.2 zone while adding 3 site specific zone provisions that will support the establishment of new residential apartment units within the existing, underutilized building.

The Zoning Bylaw Amendment can be considered sound planning by providing needed rental apartment units within the downtown urban area of the Town of Essex, supporting the healthy, walkable community. The ZBA will provide for sound, affordable alternative tenure and style of housing needed within the community of the Town of Essex.

The proposed interior modifications that will add an additional 5 residential apartment units in areas unused within an existing building make sound planning. The proposed inclusion of alternative, rental housing within an existing building is an efficient and effective use of existing infrastructure. The ZBA will provide alternative tenure and style of housing within the urban core area of Essex. Inclusion within the low profile building will be appropriate in this location and compatible with the existing low profile residential and commercial mixed use neighbourhood. The proposed residential re-use of the existing infrastructure is sound and represents a complimentary and compact built form of housing alternative styles and tenure supporting a healthy community.

SITE PLAN 127-131 TALBOT N



In my professional opinion the proposed ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with the relevant policies of the Town of Essex Official Plan;
- 3) complies the regulations of the Comprehensive Zoning Bylaw for the Town of Essex after the passing of the site specific ZBA; and
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Regards,

Lassaline Planning Consultants

Jacqueline Lassaline

Jackie Lassaline BA MCIP RPP