



Report to Council

Department: Development Services
Division: Planning
Date: October 21, 2024
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: Planning-2024-25
Subject: ZBA-06-24 (127 Talbot Street North, Essex Centre)
Number of Pages: 6 including attachments

Recommendation(s)

That Planning report 2024-25 entitled ZBA-06-24 (127 Talbot Street North, Essex Centre) prepared by Rita Jabbour, RPP, Manager, Planning Services dated October 21, 2024 be received, and

That By-Law Number 2373, being a by-law to Amend By-Law Number 1037, the Comprehensive Zoning By-Law for the Town of Essex, to permit five (5) dwelling units on the ground floor of a combined use building and exemptions to the minimum number of required parking spaces and required amenity area for the lands municipally known as 127 Talbot Street North, be read a third time and finally passed on October 21, 2024.

Purpose

To recommend the adoption of site-specific Zoning By-Law amendments for the lands municipally known as 127 Talbot Street North in the Essex Centre (Ward 1). The Zoning By-Law amendments are required to permit the construction of five (5) residential dwelling units on the ground floor of a combined use building (i.e. a building which includes both commercial and

residential uses); an exemption from the minimum required number of parking spaces for the five (5) dwelling units; and an exemption from the minimum required amenity area for the five (5) dwelling units.

Background and Discussion

An application for a site-specific amendment to the Comprehensive Zoning By-law for the Town of Essex, By-Law Number 1037, has been received by the Town for the commercial lands located in the Primary Settlement Area of Essex Centre (Ward 1) at the corner of Talbot Street North and Medora Avenue East.

A statutory public meeting – required to hear public comments on the application for site-specific zoning amendment prior to the rendering of a decision of Council – was held on Monday, September 23. **A copy of Planning Report 2024-25 and the Public Meeting presentation is attached to this report.**

The comments received at the Public Meeting are summarized in the following Table:

Comment	Response
<p>Is there no overnight parking on the main street during winter months?</p> <p>Adding five units will exacerbate the parking situation for existing businesses.</p> <p>Can there be signage placed on Talbot Street that states that overnight parking is prohibited or that there is a time limit for on-street parking.</p>	<p>There are parking restrictions on Talbot Street from Medora Avenue to Brien Street from 7pm to 7am.</p> <p>There are no parking restrictions on Medora Avenue East.</p> <p>Infrastructure Services will review the current street signage available and will determine if signage, in accordance with the Parking By-Law, is required.</p>

	<p>There will be a clause in the tenant agreement that will stipulate that on-site parking is not available.</p> <p>Several commercial uses within the vicinity of the Subject Lands such as 148, 147, 128, 120, 110, 103 Talbot Street North have on-site parking areas dedicated for their patrons.</p>
<p>Application will result in the loss of commercial space.</p>	<p>Viable commercial units fronting Talbot Street North will not be impacted.</p> <p>The Town of Essex has 13.2 Hectares of vacant population related employment land according to the growth management report prepared NPG Planning Solutions for the County of Essex.</p> <p>The forecasted population related employment land needs for the Town of Essex is 7.6 hectares when applying the High forecast at 400 square feet per employee. Therefore, there is a surplus of commercial</p>

	<p>lands within the Town of Essex and the application will not result in a loss of commercial space.</p>
<p>What will be the tax implications?</p>	<p>The prediction is that the addition of five (5) more dwelling units, for a total of nine (9) dwelling units, will result in the tax rate being in the multi-residential category (for the area with the residential units only).</p>
<p>Will the elimination of one (1) dwelling unit improve the amenity space and parking space requirements?</p>	<p>The removal of a dwelling unit will not improve the parking and amenity space requirements because the building is existing.</p> <p>There is no on-site parking for the four (4) existing units.</p> <p>The Chrysler Canada Greenway, sidewalks, Sadler’s Pond, and Heritage Park are located within the vicinity of the Subject lands and serve as amenity area space.</p>
<p>Can we ask for cash in lieu of amenity space or donation to our tree program?</p>	<p>We don’t have a policy in our Official Plan that would allow us to ask for cash in lieu of parkland.</p> <p>The applicants will be required to pay Development Charges at the time of building permit.</p>

	Development charges include costs for outdoor and indoor recreation services.
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By-Law Number 2373

By-Law Number 2373 was provisionally adopted on September 23, 2024.

No changes to By-law Number 2373 have been proposed as a result of comments received at the Public Meeting.

Next Steps

Council may:

- Approve the proposed By-Law where notice of approval will be sent to the applicant and all persons requesting to be notified of the decision, and a 20-day appeal period takes effect.
- Deny the proposed By-Law where notice of denial will be sent to the applicant and all persons requesting to be notified of the decision and a 20-day appeal period takes effect.
- Defer the decision to a later date if further information is required.

It is the recommendation of Administration that By-Law Number 2373 be approved.

Financial Impact

Notwithstanding an appeal, there is no financial impact associated with costs to undertake normal administrative operations for notifying the applicant and interested parties of the decision of Council and revising planning documents to reflect the amendments. Costs are recouped 100 percent through the application fee.

Consultations

Notice of the application for zoning bylaw amendment was circulated to all persons and public bodies required to be notified under subsection 5(9) of Ontario Regulation 545/06, including staff members from each Town of Essex department.

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	ZBA-06-24 (127-131 Talbot Street North, Essex Centre) - Planning-2024-25.docx
Attachments:	<ul style="list-style-type: none">- Bylaw 2373.pdf- Site Specific Zoning By-law Amendment for 127 Talbot Street North - Planning-2024-24.pdf- September 23, 2024 Special Council Meeting.pdf- ZBA OPINION MEMO 127-131 TALBOT AUG 26 2024 JL.pdf
Final Approval Date:	Oct 16, 2024

This report and all of its attachments were approved and signed as outlined below:



Lori Chadwick, Director, Development Services - Oct 15, 2024 - 5:44 PM



Doug Sweet, Chief Administrative Officer - Oct 16, 2024 - 8:12 AM