



Report to Council

Department: Development Services
Division: Planning
Date: September 23, 2024
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: Planning-2024-24
Subject: Site Specific Zoning By-Law Amendment –127 Talbot Street North (Essex Centre, Ward 1)
Number of Pages: 9 including attachments

Recommendation(s)

That Planning report Planning-2024-24 entitled Site Specific Zoning By-Law Amendment – 127 Talbot Street North prepared by Rita Jabbour, RPP, Manager, Planning Services dated September 23, 2024, be received, and

That , By-Law Number 2373, Being a By-Law to Amend By-Law 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 first, a second, and a third time and finally passed on September 23, 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 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.

The lands are municipally known as 127 Talbot Street North and are herein referred to as the “Subject Lands”. The location of the Subject Lands is identified in Figure 1. The Owners and Applicants are SQRL Inc.

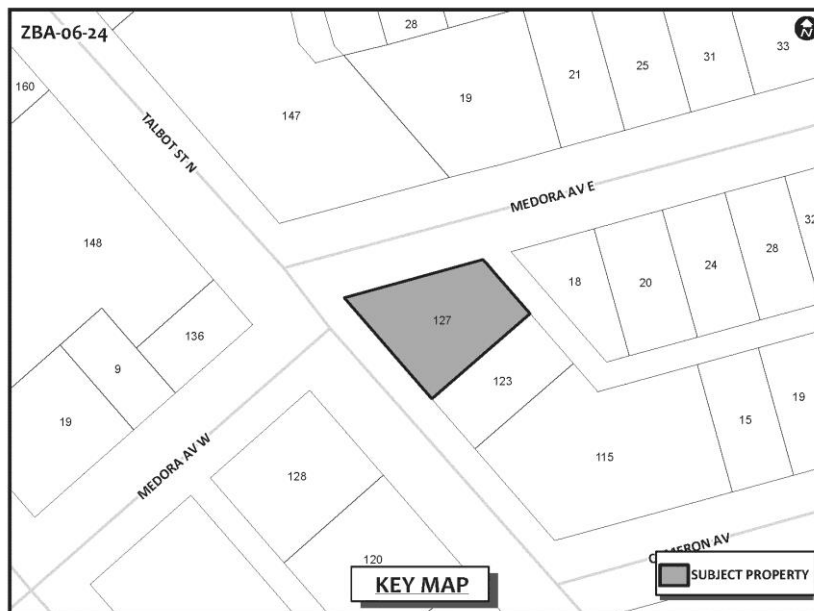


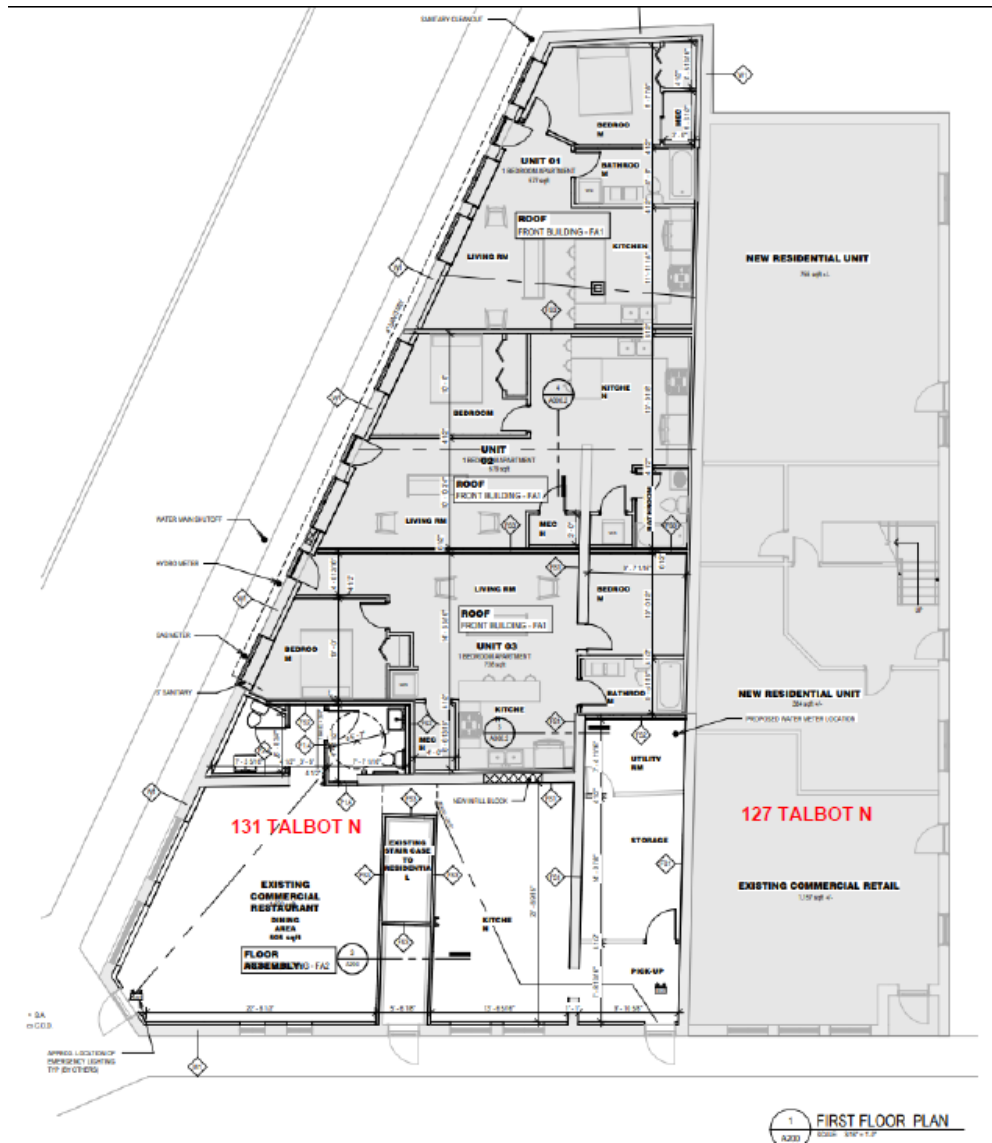
Figure 1. Location of Subject Lands

The Subject Lands are designated “**Essex Town Centre**” on Schedule A-2 of the Town of Essex Official Plan and are zoned Commercial District 2.2 (C2.2) under By-Law 1037 on Map 3, for general commercial uses, which includes dwelling units in a *Combined Use Building* (i.e. a Building with both commercial and residential uses).

Existing on the Subject Lands are the following buildings, structures, and uses:

- Two (2) attached Combined Use Buildings formerly identified as 131 and 127 Talbot Street North.
- A combined existing commercial floor space of **582 Square Metres** (6266 Square Feet).
- A combined total of four (4) existing Dwelling Units located on the second level of the buildings.
- An existing retail use on the ground level of **127 Talbot Street North (Just Stylin’ | Family Apparel & Fashion Accessories)**. The existing retail use occupies **108 Square Metres** (1157 square feet) of the commercial floor area.
- A proposed restaurant on the ground level of 131 Talbot Street North. The restaurant will occupy **183 Square Metres** (1970 Square Feet) of the commercial floor area.

A Site Plan has been provided below:



There is no on-site parking available on the Subject Lands for tenants of the existing dwelling units. On-street parking is available along Talbot Street North and Medora Avenue East but are not solely dedicated to the tenants of the dwelling units.

The Subject Lands are fully serviced and connected to municipal water and sanitary sewers. The Subject lands are also bound by a municipal sidewalk that connects to the Heritage Gardens Park (i.e. the area of the Spitfire Memorial, Train Station, and Chrysler Canada Greenway) and the Essex Centre commercial district.

The Proposal

The Applicants are requesting a site-specific zoning amendment to By-Law 1037 for the Subject Lands to permit the following:

- Five (5) dwelling units on the ground floor of the existing Combined Use Buildings (three in 131 Talbot Street North and two in 127 Talbot Street North). The dwelling units will be one-bedroom apartments ranging in size from 36 Square Metres (384 square feet) to 70 Square Metres (755 square feet)
- An exemption from the minimum required number of parking spaces for the five (5) dwelling units.
- An exemption from the minimum required amenity area for the five (5) dwelling units.

The proposed amendments are required because under By-Law 1037:

- all dwelling units within a combined use building must be located above the ground floor (subsection 19.2 [b][v]).
- Each dwelling unit is required to have a minimum amenity area, such as a landscape open space yard or recreational facility. A one-bedroom dwelling unit requires a minimum amenity area of 10 Square Metres (108 square feet) under subsection 19.2 (b) (i). Therefore, 50 square metres (538 square feet), is the minimum required amenity area for the proposed dwelling units.
- In a Combined Use Building, 1.25 parking spaces are required for each dwelling unit under subsection 11.5 (a). A minimum of 15% of the required number of parking spaces must be reserved for visitors. Therefore, a minimum of six (6) parking spaces are required and one (1) parking space must be delineated for visitor parking.

Proposal Conformity with Provincial Policy Statement, 2020 (PPS, 2020) and Official Plan

Any By-law passed under Section 34 of the Planning Act such as By-law 1037, may be amended to allow for uses that are not permitted in the respective zoning district so

long as the new use is consistent with the Provincial Policy Statement and conforms with the Official Plan for the County of Essex and the Town of Essex.

The Applicants have submitted a Planning Opinion Memo prepared by Jacqueline Lassaline, a Registered Professional Land Use Planner. The Planning Opinion Memo provides the justifications for consistency with PPS, 2020 and conformity with the County and Town Official Plan as well as compliance with the intent of By-Law 1037. A copy of the Planning Opinion Memo is **attached to this Report**.

In summary, the proposed zoning by-law amendment is consistent with the PPS (2020) and conforms with the County of Essex and Town of Essex Official Plan for the following reasons:

- It allows for growth and development within a settlement area that is based on densities and a mix of land uses which efficiently use land and infrastructure and provides for an opportunity for intensification and redevelopment.
- It promotes appropriate development standards (reduction of parking and amenity area space) which facilitate intensification, redevelopment and compact form.
- It supports the vitality and viability of the downtown and main street.
- It encourages a full range of mixed uses in the Town Centre and anticipates an evolution of built form that is compact and cohesive.
- It permits multiple dwelling units within a mixed-use commercial building that preserves a strong and vibrant retail and office commercial presence at the street level.

Since the combined use building is existing and occupies 80 percent (%) of the total lot area, there is limited opportunity on the site to accommodate the required amenity areas and parking spaces.

An amenity area is intended, as an accessory use, to provide space or facilities for recreation or leisure. There are several off-site facilities and infrastructure that can be utilized for amenity purposes by the new tenants of the building including: the Chrysler Canada Greenway,

walkways at Heritage Gardens, and sidewalks for active transportation. Therefore, amendments for amenity area reduction are considered appropriate.

On-street parking is available on Talbot Street North and Medora Avenue; however, these spaces are not dedicated tenant parking. Several commercial uses within the vicinity of the Subject Lands including but not limited to, the Kennedy Funeral Home at 128 Talbot Street North and the Libro Credit Union at 147 Talbot Street North have on-site parking areas for the needs of their patrons. Therefore, amendments for parking reduction are considered appropriate.

Comments Received

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.

At this meeting, Council was informed that internal departments and external agencies were circulated on the proposal. As of September 19, 2024, no objections to the proposal were received from the following Departments and Agencies:

- Infrastructure Services
- Essex Region Conservation Authority (ERCA)

The Town of Essex Environmental Services Division has advised that only one water metre will be permitted for the building to capture the consumption of the entire building.

As a result of circulation and as of September 19, 2024, Administration received no letters from the public in advance of the public meeting.

Next Steps

Council may:

- Approve the proposed Bylaw 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 Bylaw 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:	Site Specific Zoning By-law Amendment for 127 Talbot Street North - Planning-2024-24.docx
Attachments:	- ZBA OPINION MEMO 127-131 TALBOT AUG 26 2024 JL.pdf - By_law 2373.pdf
Final Approval Date:	Sep 19, 2024

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



Lori Chadwick, Director, Development Services - Sep 19, 2024 - 10:17 AM

No Signature - Task assigned to Doug Sweet, Chief Administrative Officer was completed by delegate Kate Giurissevich, Director, Corporate Services

Doug Sweet, Chief Administrative Officer - Sep 19, 2024 - 6:13 PM