



Special Council Meeting

Draft Plan of Subdivision:
Colchester Heights

Zoning By-law Amendments:
127 Talbot St N & 103 Centre St
Monday, September 23, 2024

Draft Plan of Subdivision

Colchester Heights Subdivision (Ward 3)
County of Essex File #37-T-24008

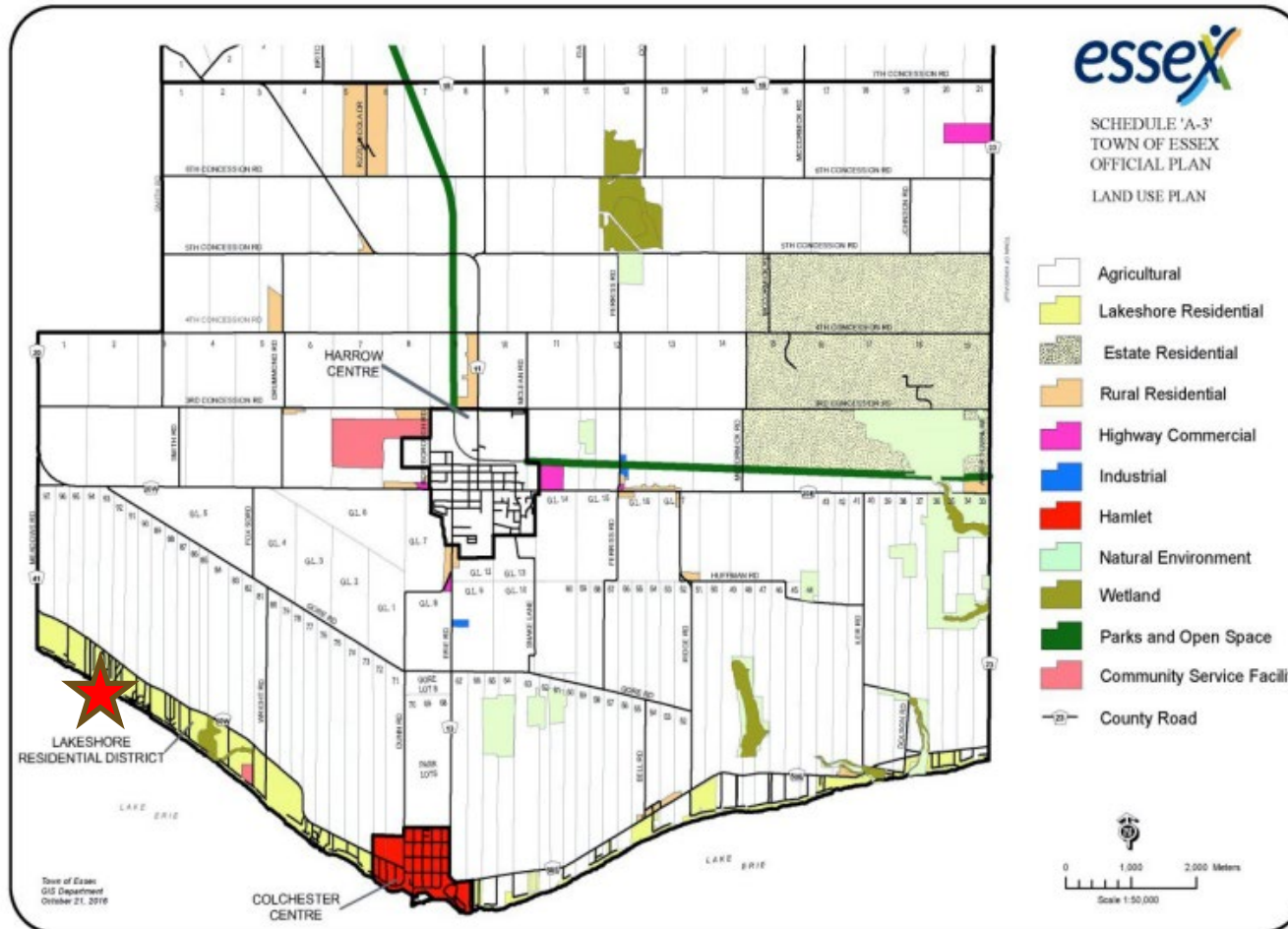


Purpose

- 1) To provide members of Council and the public with an opportunity to receive information respecting a proposed Plan of Subdivision for Colchester Heights Residential Subdivision (Ward 3), and,
- 2) To recommend Draft Plan of Subdivision Approval to the County of Essex with conditions.

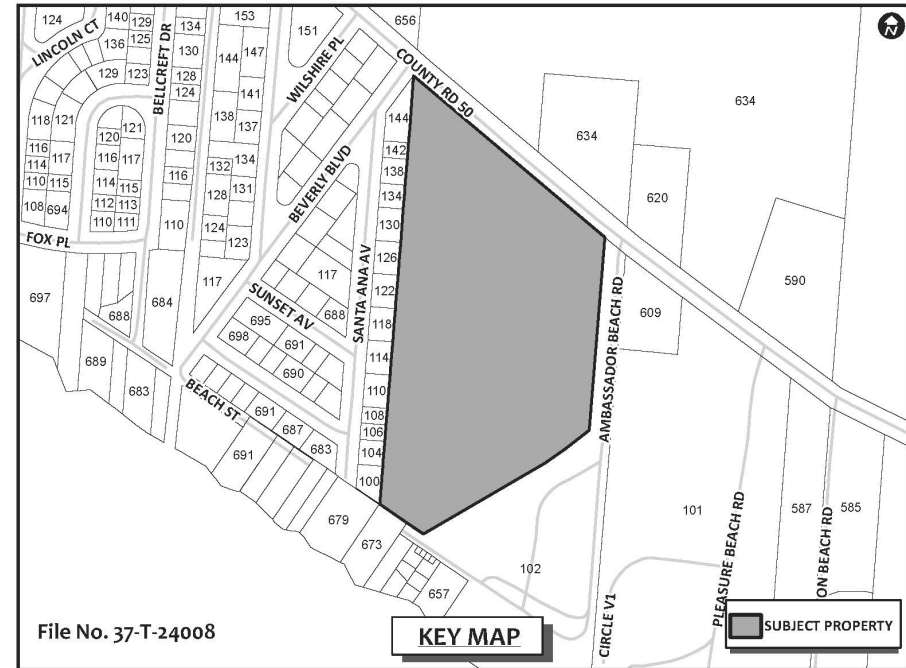
Subject Lands

Subject Lands



- Located in the **Lakeshore Residential West Secondary Settlement Area**
- Designated **“Lakeshore Residential”** in the Official Plan
- Zoned **“Residential R1.1 – Holding”** in the Zoning By-law

Subject Lands



- Vacant lands south of County Road 50 West
- Adjacent to existing low density residential development in the Ambassador and Bellecreft Beach Areas of Colchester
- Zoned R1.1 to permit Low Density Residential Dwellings (Single-Unit, Two-Unit, Three-Unit Dwellings, Semi-detached Dwellings)
- Subject to a Holding (H) Zone restriction

Subject Lands

Environmental Considerations:

- Located within ERCA's Regulated Area of Lake Erie and the Langlois-Arner Drain

Servicing Considerations:

- Lands are accessed from County Road 50 West
- Municipal water and sanitary services are available
- Land are serviced by the Bellcreeft Beach Diversion Drain and the Langlois Arner Outlet, both of which outlet to Lake Erie

Proposed Plan of Subdivision

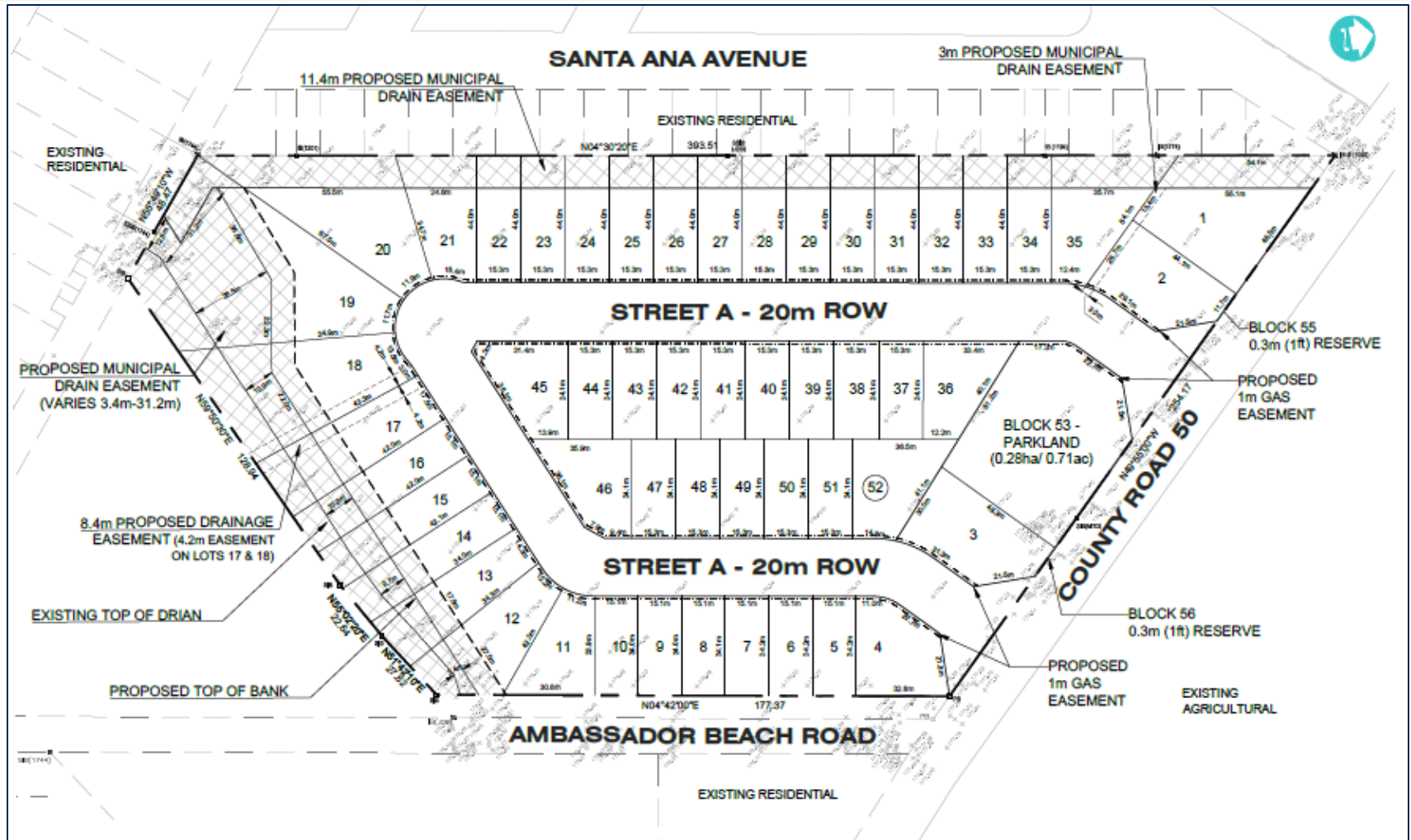
Proposed Plan of Subdivision

- Applicant: Colchester Bay Inc. (c/o Wing On Li)
- Agent: Dillon Consulting Ltd. (c/o Melanie Muir)
- County of Essex File: #37-T-24008
- Proposal: To create fifty-two (52) lots for the construction of fifty-two (52) single-unit dwellings

Existing Zoning

- Zoned HR1.1 to permit Low Density Residential Dwellings, including:
 - Single-Unit Dwelling
 - Up to Two Additional Dwelling Units (ADUs)
 - Two-Unit Dwelling
 - Three-Unit Dwelling
 - Semi-Detached Dwelling
- Subject to a Holding (H) Zone restriction

Proposed Plan of Subdivision



Proposed Plan of Subdivision

Required Studies (Received and Approved):

- Planning Justification Report
- Stage 1 and 2 Archaeological Assessment
- Traffic Impact Statement
- Phase 1 Environmental Site Assessment
- Information Gathering Report on Species at Risk
- Functional Servicing Report
- Water Servicing Memo
- Flood Inundation Assessment
- Drain Hydraulic Analysis Memo
- Stormwater Management Report

Proposed Plan of Subdivision

- The proposed plan of subdivision complies with the land use designation under the Official Plan and lot regulations for the Zoning District under Zoning By-law 1037

Agency Comments

Agency Comments

Agency	Comment
Town of Essex	<p>Recommend approval of the Draft Plan of Subdivision, subject to the following conditions:</p> <ul style="list-style-type: none">• The Owner enters into a Subdivision Agreement with the Town• Conveyance of Block 53 for parkland purposes• Registration of an Easement along Lots 1, and 12-35 inclusive for a drainage maintenance corridor
ERCA	<ul style="list-style-type: none">• The lands are within the ERCA Regulated Area of Lake Erie and the Langlois-Arner Drain and will be required to obtain a Permit from ERCA prior to any construction or site alteration• Conditions provided to the County of Essex Manager of Planning Services related to stormwater management, drainage improvements, drainage access/maintenance easement, and permitting requirements

Next Steps

Next Steps

1. **September 23, 2024:** Council to provide resolution of support with recommended conditions as presented in Development Services Report 2024-07,
2. County of Essex will provide their Notice of Decision with conditions to the Applicant and Town,
3. Town of Essex Planning Services will prepare a Subdivision Agreement for Council adoption with the recommended conditions,
4. Applicant will sign the agreement and commence construction on municipal services (roads, water, sanitary, storm, electrical)
5. Applicant has three (3) years to satisfy all the conditions of draft plan approval,
6. Final approval of subdivision from County of Essex is granted following completion of all conditions and installation of services, allowing the individual lots to be sold,
7. Holding (H) Provision is removed and building permits for dwelling construction can be issued.

Questions

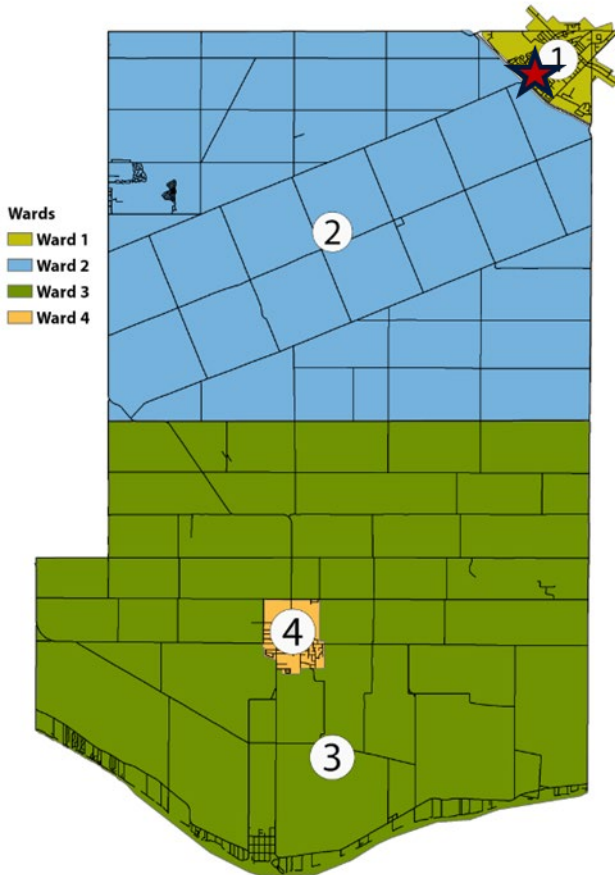
Zoning By-law Amendment

103 Centre Street (Ward 1)

ZBA-05-24



ZBA-05-24: Subject Lands



Location:

103 Centre Street

Official Plan Designation:

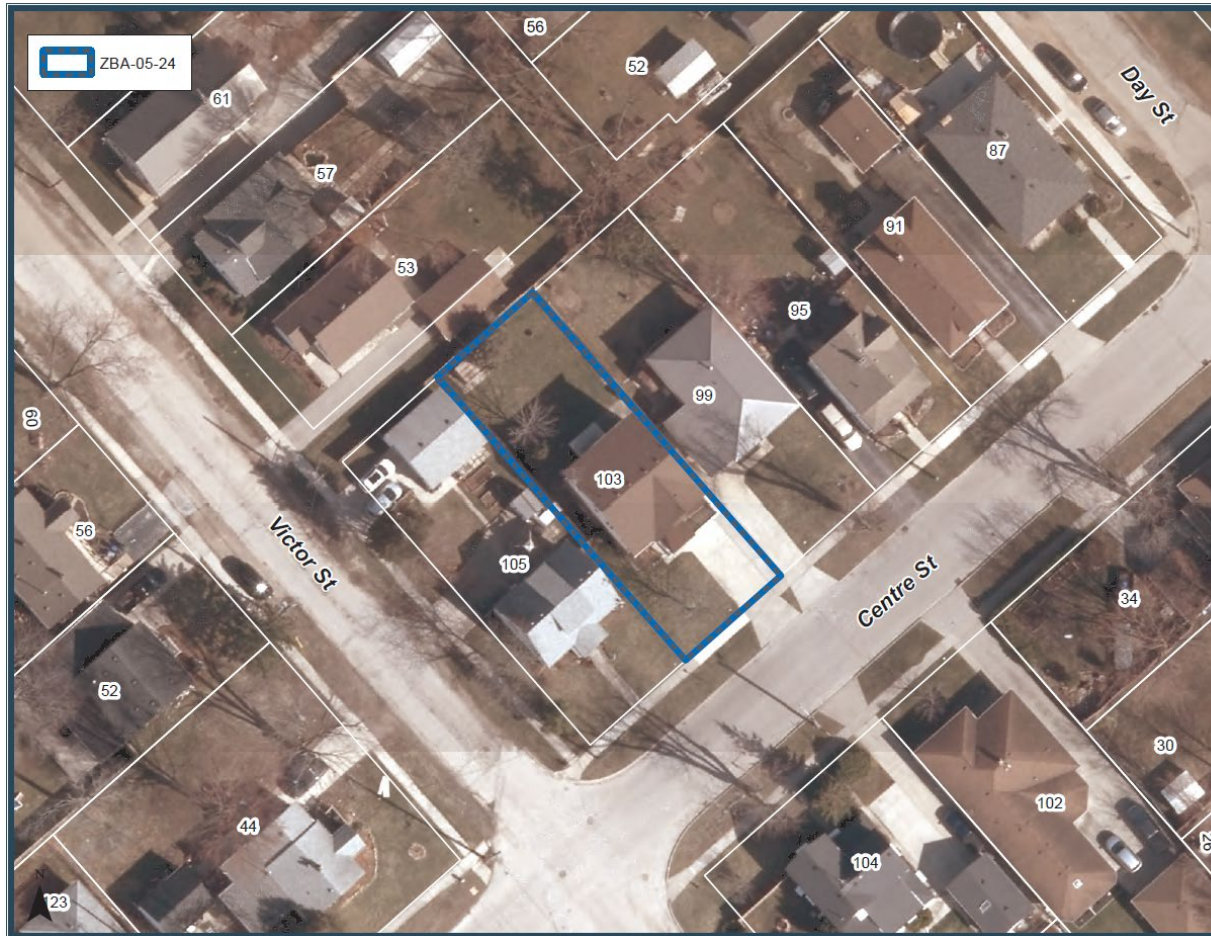
Residential

Existing zoning:

Residential District 1.1 (R1.1)

★ Subject lands

ZBA-05-24: Subject Lands



Property Dimensions :

- 530.95 square meters in total lot area
- 13.41 metres of frontage along 103 Centre Street

Existing Buildings and Structures:

- One (1) single unit dwelling
- One (1) accessory structure

Access:

- One (1) existing driveway to 103 Centre Street

Road Classification:

- 103 Centre Street is owned and assumed by the Town of Essex

ZBA-05-24: Subject Lands



ZBA-03-24: Subject Lands

103 Centre Street: Front and side yards



Southern interior side yard



Front yard & Northern interior side yard

ZBA-05-24: Subject Lands

103 Centre Street: Rear yard



ZBA-05-24: Subject Lands

103 Centre Street: Surrounding road and sidewalk



Proposed Zoning Change

ZBA-05-24

ZBA-05-24: Proposed Zoning Change

To permit:

- an existing Single Unit Dwelling to be used as a Medical Office to provide an educational and therapeutic space for children with autism, and associated office space for staff.
- an exemption from the required amount of parking spaces for a medical office.

ZBA-05-24: Current Zoning Regulations

Current Zoning Regulations:

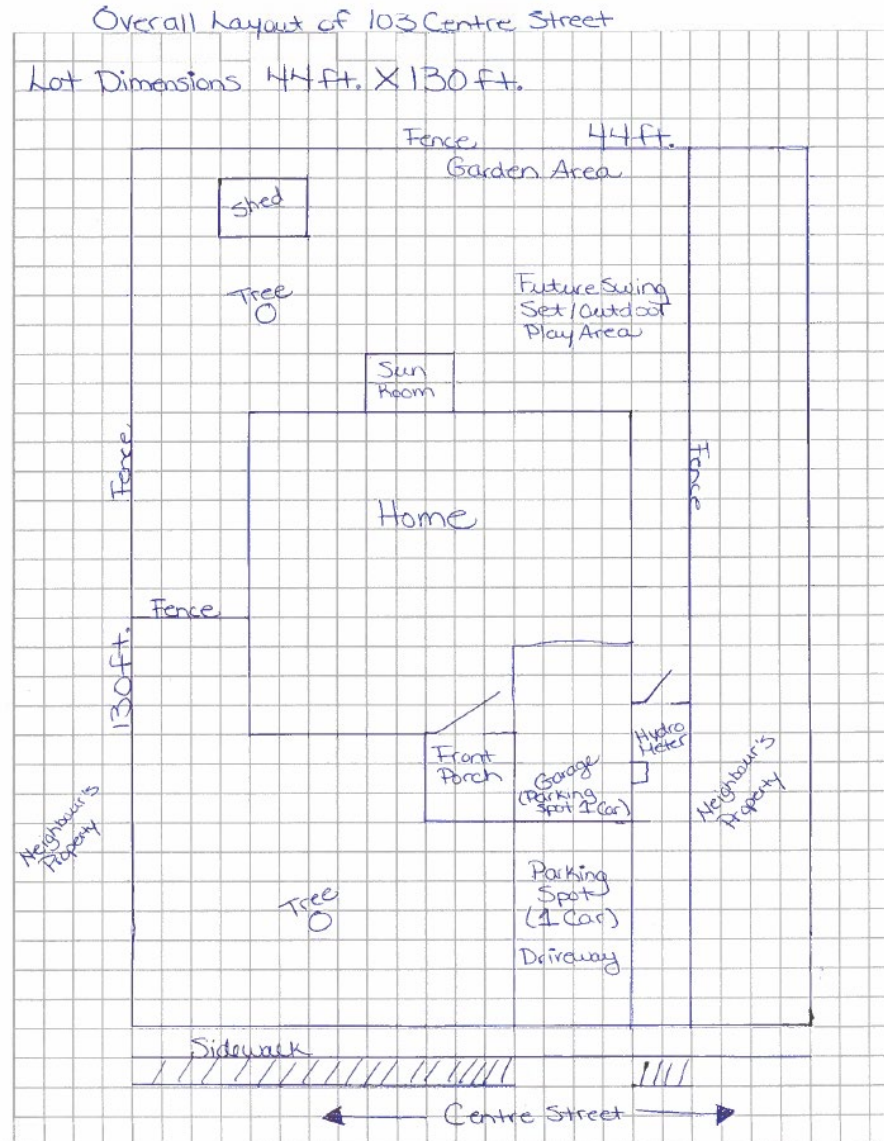
- A *medical office* is not a permitted use within the R1.1 zoning district. (14.1 a) i.)
- The R1.1 zoning district permits a *single unit dwelling* and *accessory uses*. (14.1 a) i.)
- A medical office requires one (1) parking space per 7.5 meters of gross floor area.

ZBA-05-24: Current Zoning Regulations

Definitions:

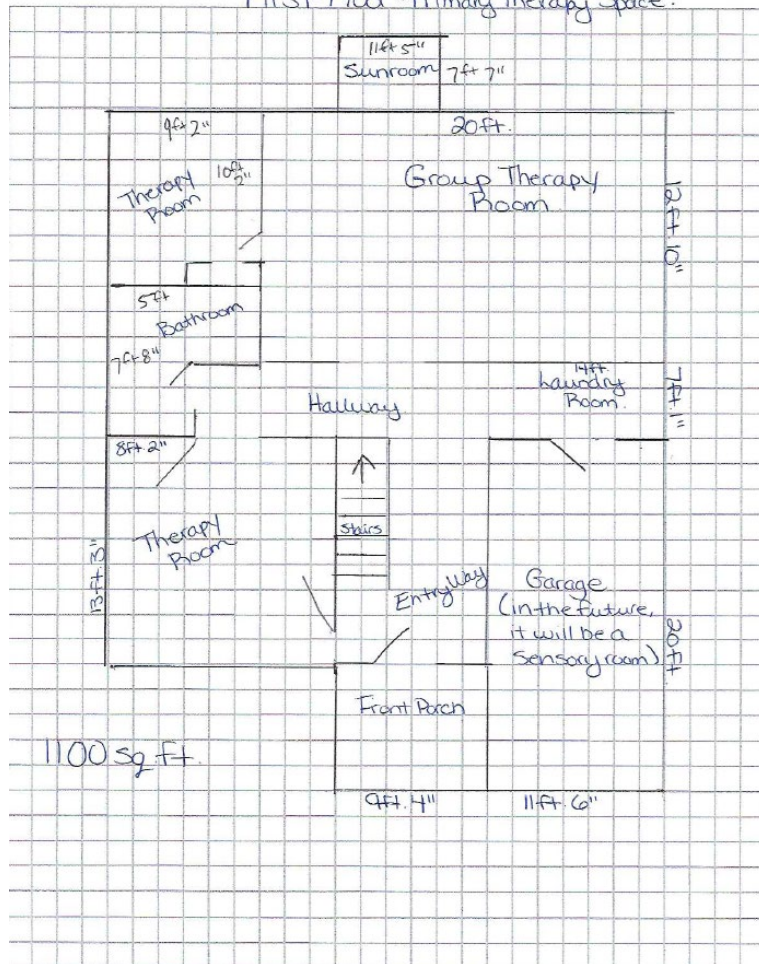
A "Medical Office" means the office of any one (1) or more of the following persons: chiroprapist, acupuncturist; alternative medicine practitioner; chiropractor; dentist; denturist; dietician; nurse; nutritionist; occupational therapist; optometrist; osteopath; physician; physiotherapist; podiatrist; psychiatrist; surgeon; any other licensed professional person offering treatment services for the physical, mental or emotional health of people.

ZBA-05-24: Proposed Site Plan

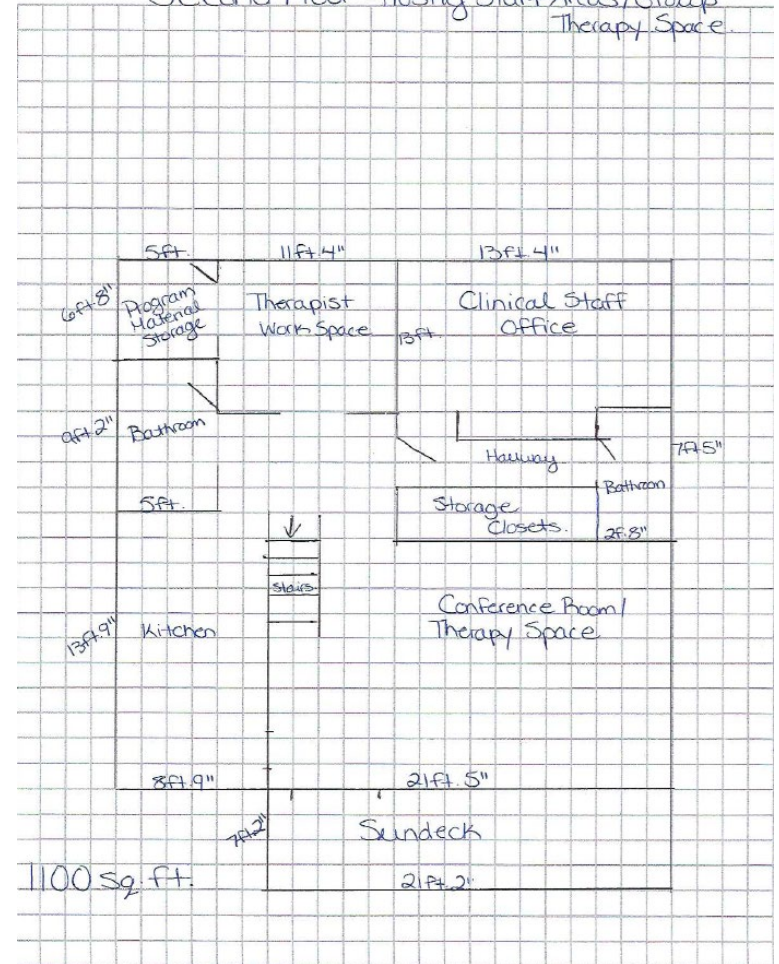


ZBA-05-24: Proposed Site Plan

First Floor - Primary Therapy Space.



Second Floor - Mostly Staff Areas / Group Therapy Space.



Policy Considerations

ZBA-05-24

ZBA-05-24: Policy Considerations

Provincial Policy Statement (PPS) 2020

- communities are sustained by improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society
- providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- long-term economic prosperity should be supported by encouraging residential uses to respond to dynamic market-based needs

ZBA-05-24: Policy Considerations

County of Essex Official Plan

- Promote development within Primary Settlement Areas that is compact, mixed-use, pedestrian oriented, with a broad range of housing types, services and amenities available for residents from all cultural, social and economic backgrounds

ZBA-05-24: Policy Considerations

Town of Essex Official Plan Policy:

Section 5.7 i) details permitted uses for lands designated “Residential” which includes neighbourhood commercial uses subject to a site-specific Zoning By-law amendment if the following provisions are maintained:

- i. the proposed use(s) is deemed to be compatible in its scale, form and height with the surrounding land uses;
 - Utilizes the existing single unit dwelling
- ii. there is a demonstrated need for the proposed uses(s) for the existing neighbourhood;
 - Need is demonstrated within the business plan provided by the residents

ZBA-05-24: Policy Considerations

Town of Essex Official Plan Policy:

- iii. the building and parking areas have adequate setbacks or other buffering from existing residential uses and adequate onsite parking;
 - Exemption from parking is requested, only two onsite spaces are available. Entire rear yard is fenced in. No further buffering required.

- iv. adequate municipal services and facilities are available
 - No change in municipal services required. Road is owned and assumed by the Town.

- v. the uses or combination of uses serve the walk in public and no drive through facilities are provided;
 - No drive-through facilities proposed, site is accessible at the street level and a sidewalk fronts the entire property.

ZBA-05-24: Policy Considerations

Zoning By-law 1037:

Section 11.5 of Bylaw 1037 requires one (1) parking space for every 7.5 meters of gross floor area.

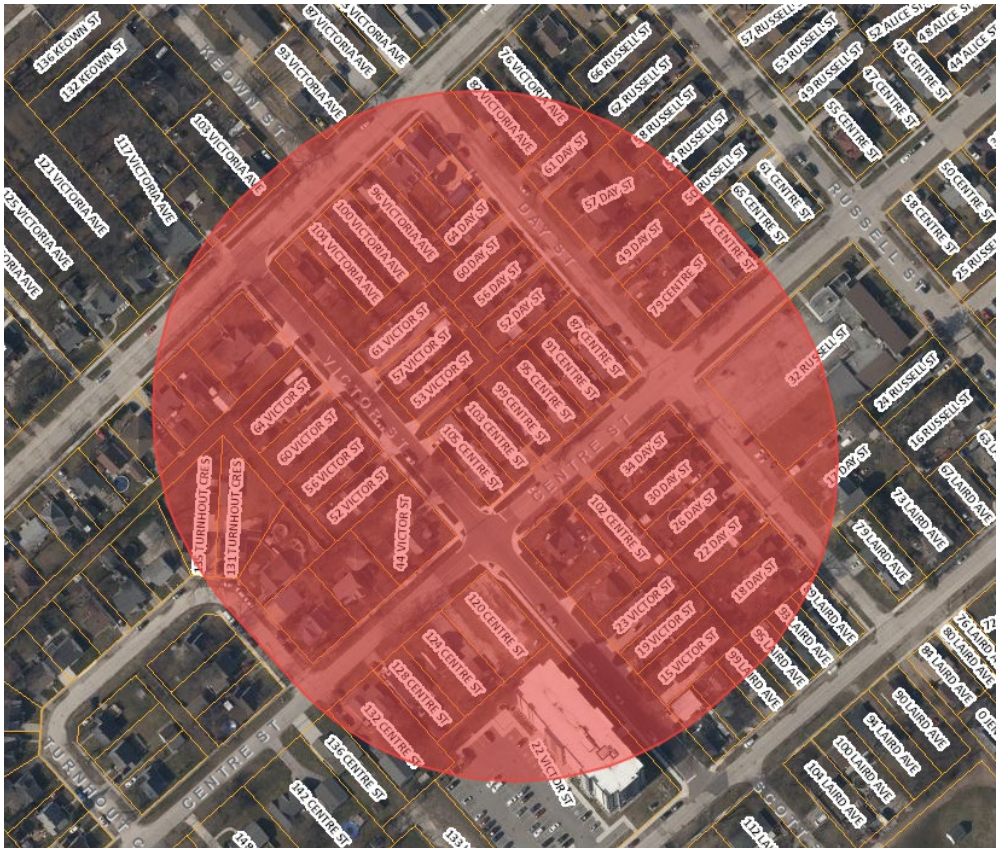
For Consideration:

- Intent of development standard is to ensure adequate parking for all types of medical offices.
- 25 parking spaces would be required.
- Limited opportunity to provide onsite parking.
- Subject property has two (2) onsite parking spaces, one (1) in the attached garage, on (1) in the front yard.
- On street parking is available along Centre Street.

Agency and Public Comments

ZBA-05-24

ZBA-05-24: Agency and Public Comments



- Circulated all property owners within 120 metre radius
- No Comments from Public as of September 18, 2024

ZBA-05-24: Agency and Public Comments

Infrastructure Services

No objections

Building Services

No objections

Essex Region Conservation Authority (ERCA)

No objections

Next Steps

ZBA-05-24

ZBA-05-24: Next Steps

1. A report to Council and proposed Bylaw has been prepared for Council's decision at the September 23rd Special Council Meeting.
2. 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.

Staff Recommendation: Approval





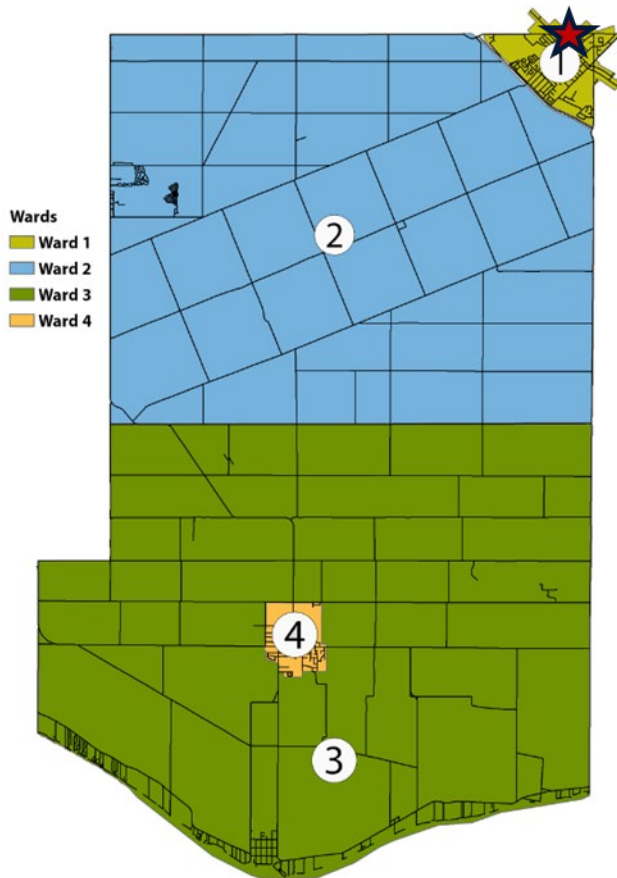
Questions

Zoning By-law Amendment

127-131 Talbot Street North (Ward 1)

ZBA-06-24

ZBA-06-24: Subject Lands



Location:


127 Talbot Street North
Corner of Talbot Street North and Medora Avenue East
in Essex Centre Primary Settlement Area (Ward 1)

Official Plan Designation:

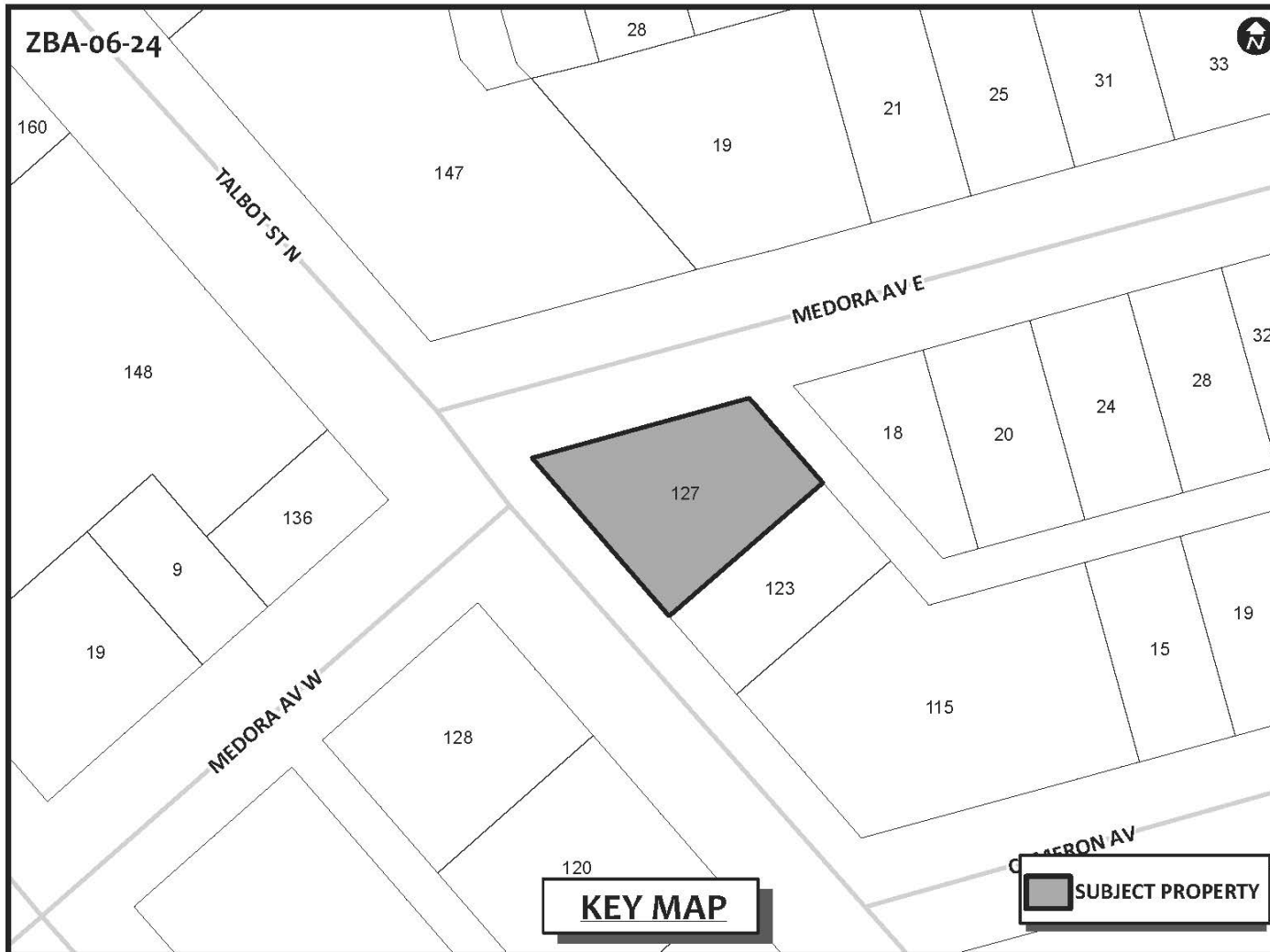
Essex Town Centre

Existing zoning:

Commercial District C2.2 - General Commercial Uses

 Subject lands

ZBA-06-24: Subject Lands



ZBA-06-24: Subject Lands



ZBA-06-24: Subject Lands



ZBA-06-24: Subject Lands

Existing Uses:

- Two (2) attached Combined Use Buildings with a combined existing commercial floor space of 582 Square Metres (6,266 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 (retail use occupies 108 Square Metres)
- A proposed restaurant on the ground level of 131 Talbot Street North (restaurant will occupy 183 Square Metres)

ZBA-06-24: Subject Lands



ZBA-06-24: Subject Lands



Proposed Zoning Change

ZBA-06-24

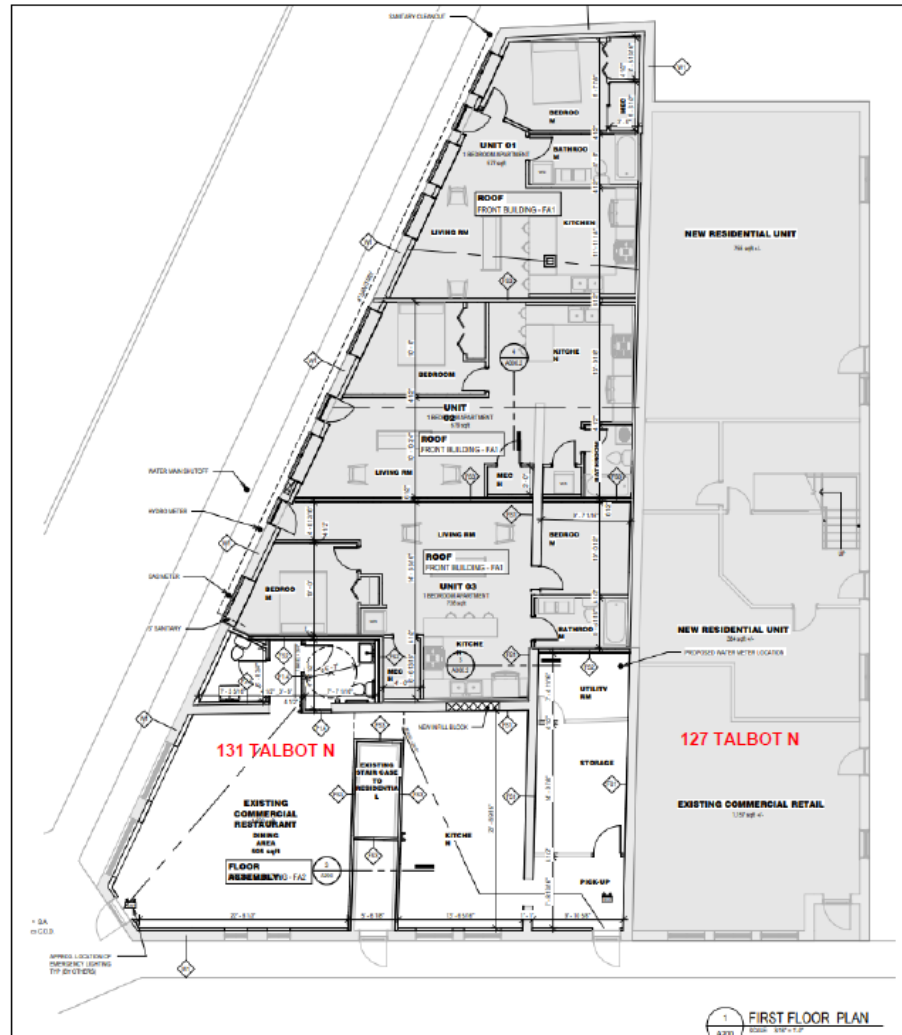
ZBA-06-24: Proposed Zoning Change

To permit:

- Five (5) residential dwelling units on the ground floor within a combined use building,
- An exemption from parking requirements for the five (5) ground floor residential units
- An exemption from the amenity space requirements for the five (5) ground floor residential units.

ZBA-06-24: Proposed Floor Plan

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



ZBA-06-24: Zoning Definitions

Definitions:

A *Combined Use Building* is defined as having, as main uses, both a dwelling unit(s) and a non-residential use(s)

A *Dwelling Unit* means a room or suite of rooms used by or designated to be used by one(1) or more individuals as an independent and separate housekeeping unit

An *Amenity Area* means a landscaped open space yard, or a recreational area, as an accessory use to a dwelling or dwelling unit or other land use

ZBA-06-24: Current Zoning Regulations

Current Zoning Regulations:

- In a *combined use building*, all dwelling units, not including entrances thereto, shall be located above the ground floor
- Section 11.5 (a) requires 1.25 parking spaces for each dwelling unit and 15% of those parking spaces are to be reserved for visitor parking
- Section 19.1 (i) requires an amenity space for each residential apartment unit within a mixed-use building. A one (1) bedroom unit requires 10 m² (108 ft²) in amenity space.

Policy Considerations

ZBA-06-24

ZBA-06-24: Policy Considerations

Provincial Policy Statement (PPS) 2020

- Allows for growth and development within Settlement Areas that are based on densities and a mix of land uses which:
 - Efficiently Use Land and Infrastructure
 - Provides for intensification and redevelopment opportunities.
- Promotes development standards such as the reduction of parking spaces and amenity areas, which are appropriate and facilitate intensification, redevelopment, and compact form.
- Supports the vitality and viability of the downtown and main streets.

ZBA-06-24: Policy Considerations

Town of Essex Official Plan Policy:

- Encourages a full range of mixed uses in the Town Centre and anticipates an evolution of built form that is compact and cohesive.
- 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.

ZBA-06-24: Policy Considerations

Zoning By-law 1037:

In mixed-use buildings residential units are only to be located on the second storey of the building.

For Consideration:

- Intent of development standard is to preserve commercial presence at street level in the Town Centre
- Dwelling units will be located at the back of the building.
- Commercial presence along Talbot Street North and at the corner of Talbot and Medora will be maintained.

ZBA-06-24: Policy Considerations

Zoning By-law 1037:

Section 11.5 of Bylaw 1037 requires 1.25 parking spaces for each dwelling unit and 15% of those parking spaces are to be reserved for visitor parking.

For Consideration:

- Intent of development standard is to ensure parking is available for tenants and to not aggravate existing on-street parking conditions.
- The proposed development would require an additional six (6) parking spaces
- Existing building covers 80% of the total Land area. There is limited opportunity to accommodate on-site parking.
- On-street parking is available along Talbot Street North and Medora Avenue. On-street spaces are not dedicated for any particular business or tenant.
- Several commercial establishments in the area of the Subject Lands have on-site parking areas.
- Potential tenants will be made aware that on-site parking is not available and on-street parking is not guaranteed.

ZBA-06-24: Policy Considerations

Zoning By-law 1037:

Section 19.1 i) requires amenity space for each residential apartment unit within a mixed-use building. A one (1) bedroom unit requires 10 m² (108 ft²) in area.

For Consideration:

- Intent of development standard is to ensure tenants have access to space or facilities for recreation or leisure.
- The proposed development would require 50 m² (538 square feet) of amenity area.
- Existing building covers 80% of the total land area. There is limited opportunity to accommodate on-site amenity space.
- Building is located within walking distance to several recreational facilities including the Chrysler Canada Greenway, Heritage Park.

Agency and Public Comments

ZBA-06-24

ZBA-06-24: Agency and Public Comments

Department/Agency	Comments	Response
Infrastructure Services	Only one (1) water metre will be permitted for the building	Information has been conveyed to Applicant
	Parking within the ROW is not designated to one business, building or unit, as it is meant to be public parking.	Information has been conveyed to Applicant
Essex Region Conservation Authority (ERCA)	No objections to the Application.	Information has been conveyed to the Applicant.

ZBA-05-24: Agency and Public Comments



Circulated all
property owners
within 120 metre
radius

No Comments from
the Public as of
September 19, 2024

Next Steps

ZBA-06-24

ZBA-06-24: Next Steps

1. A report to Council and proposed Bylaw has been prepared for Council's decision at the September 23rd Special Council Meeting.
2. At the Special Council Meeting, 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.

Staff Recommendation: Approval

Questions