



## Report to Council

Department: Development Services  
Division: Planning  
Date: August 23, 2021  
Prepared by: Corinne Chiasson, Assistant Planner  
Report Number: PLANNING-2021-17  
Subject: Site Plan Control Amendment Approval for 9 Maidstone Avenue (Essex Centre, Ward 1)  
Number of Pages: 7 (including 3 file attachments)

### Recommendation(s)

**That** Planning report PLANNING2021-17 entitled Site Plan Control Amendment Approval for 9 Maidstone Ave (Essex, Ward 1) prepared by Corinne Chiasson, Assistant Planner, dated August 23, 2021, be received, and

**That** Bylaw 2053, being a Bylaw to amend Bylaw 260, the existing Site Plan Control Agreement between: The Corporation of the Town of Essex and K.S. Crowder Enterprises Inc. (Norene Investments), for the reduction of six (6) required off-street parking spaces, be executed and registered.

### Purpose

**To obtain Council's authorization to execute** an amendment to Bylaw 260, the existing registered site plan control agreement for the subject property located at 9 Maidstone Avenue, for the reduction of six (6) required off street parking spaces to accommodate the

construction of a dual lane drive-thru and widening of the property entrance off Maidstone Ave East (Essex Centre, Ward 1).

## Background and Discussion

An application for Site Plan Control amendment has been received at the Town of Essex for the commercial property, **currently occupied by Tim Horton's**, located at the intersection of Maidstone Avenue East and Talbot Road North, and known municipally as 9 Maidstone Avenue East, in Essex Centre (Ward 1). The location of the existing property is identified below:



The subject property is zoned Commercial 3.1(C3.1) for Highway Commercial Uses under the Town of Essex Zoning Bylaw, Bylaw 1037. This zoning category permits drive-thru food

outlets and restaurants as a main use. The subject property is occupied by a Tim Hortons restaurant with a single lane drive-thru and twenty-nine (29) associated parking spaces. The property is subject to a Site Plan Control agreement through Bylaw 260 which was approved on December 18, 2000. Bylaw 260 binds the Owner to provide a minimum of twenty-nine (29) off street parking spaces to service the development. **A copy of Bylaw 260 is attached to this report.**

**The Proposal**

The subject property is located **along Essex Centre’s main street** and has an irregular intersection angle. The subject site experiences traffic congestion during peak commute times as exemplified in the photos below:



In an effort to alleviate safety concerns for traffic entering and exiting the premise and to provide better service for restaurant patrons, the applicants, K.S. Crowder Enterprises Inc. (Norene Investments), wish to widen the entrance into the parking area from Maidstone

Avenue and construct a dual lane drive-thru. As a result of the modification, the required number of parking spaces under Bylaw 260 (29) will be reduced by six (6) for a total of twenty-three (23) parking spaces. Therefore, an amendment to the Site Plan Control Agreement is required.

Although lawfully existing uses, such as a restaurant, do not need to make up any deficiencies in parking before any addition or change of use, the existing number of parking spaces (29) are legally recognized under Zoning Bylaw 1037 and cannot be reduced without a minor variance as well. The applicants were granted a minor variance for the reduction of six (6) parking spaces on May 19, 2021 (File No. A-08-21).

The parking spaces to be removed are underutilized during peak times due to the drive thru staging area which blocks access to parking spots on the east side. There will be no impact on the total number of existing accessible parking spaces. A site plan of the proposed modification is attached to this report and is provided below:



Upon circulation of the application for Site Plan Control Amendment, Planning Services received two (2) comments from the following agencies:

1. **Town of Essex Infrastructure Services** recommended that the entrance be perpendicular to the roadway to provide the least conflicting orientation for traffic flow for entrance/egress from the site. This will provide the best solution to the access issues currently experienced at the subject site. Infrastructure Services further noted that any shifting of the proposed entrance westward, closer to the main intersection of Talbot Street and Maidstone Avenue, would not be supported by administration. The proposed changes will not impact accessibility, or inhibit the fire route.
2. **Town of Essex Accessibility Committee** stated they did not have any objections to the proposed parking lot changes because accessibility would not be impacted. There are no changes to the existing restaurant being proposed. There was, however, a recommendation that the proposed widened entrance be shifted west to retain the large existing spruce tree which acts as a landscaping buffer to the east neighbouring property identified as 13 Maidstone Avenue East. This recommendation cannot be accommodated as it would result in a shifting of the entrance closer to the intersection.

Bylaw 2053 amends Bylaw 260 by replacing reference to the site plan registered on December 28, 2000 with the site plan dated July 22, 2021, and amending item 3 to reflect the amended parking allotment (23 parking spaces).

## Financial Impact

Costs associated with the registration of the Site Plan Control Amendment will be recouped through the deposit submitted by the applicant as a component of the application fee.

## Consultations

Kevin Girard, Director, Infrastructure Services

Kevin Carter, Chief Building Official, Development Services

Rita Jabbour, Manager, Planning Services

Kate Giurissevich, Manager, Finance & Business Services

Town of Essex Accessibility Committee

## Link to Strategic Priorities

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Site Plan Control Amendment Approval for 9 Maidstone Ave (Essex Centre, Ward 1).docx
Attachments:	<ul style="list-style-type: none"><li>- Draft By-law 2053 - Tim Hortons.DOCX</li><li>- FINAL AMENDED SITE PLAN - July 20 2021.pdf</li><li>- By-Law 260 SP 54.pdf</li></ul>
Final Approval Date:	Aug 17, 2021

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

**Rita Jabbour, Manager, Planning Services - Aug 11, 2021 - 2:18 PM**



**Lori Chadwick, Director, Development Services - Aug 11, 2021 - 3:32 PM**



**Chris Nepszy, Chief Administrative Officer - Aug 17, 2021 - 10:53 AM**