



Report to Council

Department: Development Services
Division: Planning
Date: April 4, 2022
Prepared by: Corinne Chiasson, Assistant Planner
Report Number: Planning-2022-05
Subject: Site Specific Zoning Bylaw Amendment – 32 Arthur Avenue
Number of Pages: 6

Recommendation(s)

That Planning-2022-05 Report entitled Site Specific Zoning Amendment 32 Arthur Avenue (ZBA-02-22), prepared by Corinne Chiasson, Assistant Planner, dated April 4, 2022 be received;

That By-Law 2139, being a by-law to amend By-Law Number 1037, the Comprehensive Zoning By-law for the Town of Essex, for the lands identified as 32 Arthur Avenue (Essex Centre), be read a first, a second and a third time and finally passed on April 4, 2022; and

That Council direct Administration to review Parking By-Law 224 regarding the removal of the signage restricting parking to a 2-hour maximum on Arthur Avenue between Talbot Street North and Wilson Avenue.

Purpose

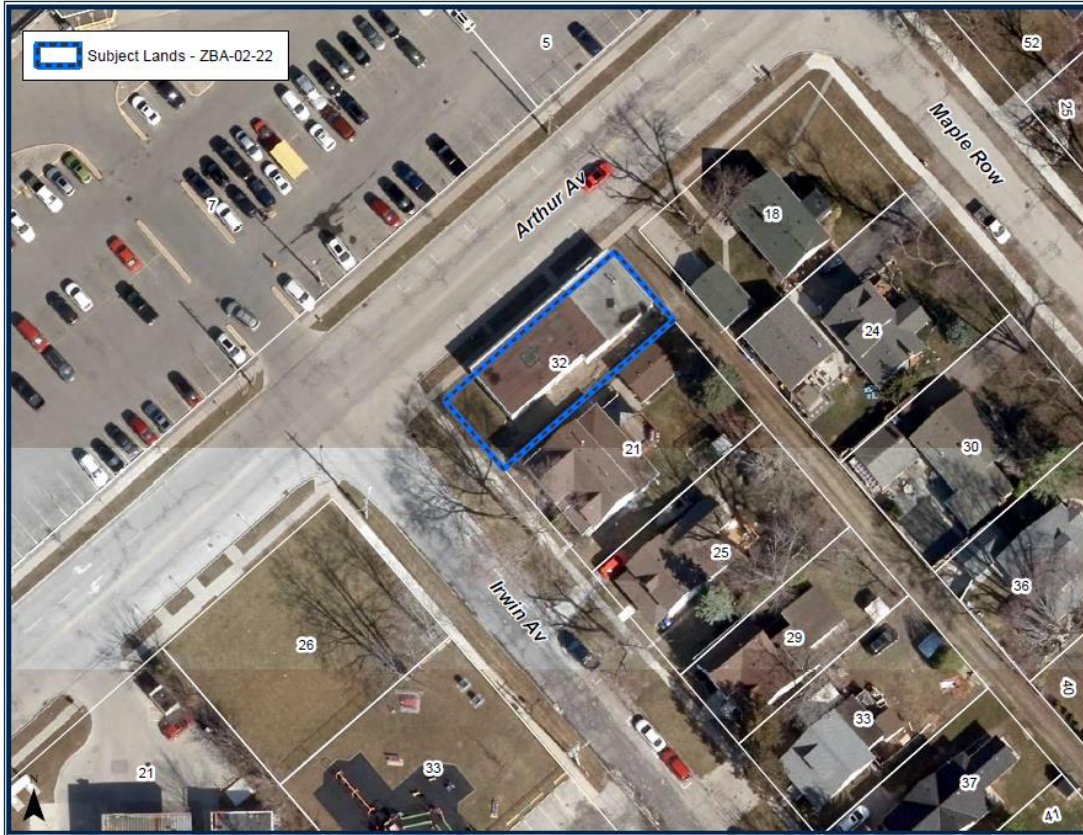
To recommend adoption of a site-specific zoning amendment for the property identified as 32 Arthur Avenue, Essex Centre (Ward 1). The zoning amendment is required to permit two (2) dwelling units on the ground floor within a combined use building and exemption from Section 11.5 of Bylaw 1037.

Background and Discussion

The subject property is presently zoned Commercial District 2.2 (C2.2) under Bylaw 1037 which permits general commercial uses and dwelling units in a *combined use building*. The subject property is designated "Town Centre" under the Town of Essex Official Plan. The subject property is located in the downtown core area of Essex Centre, (Ward 1), approximately 95 metres from Main Street (Talbot Street).

The subject property lies on the edge of the commercial zoning district. Abutting properties to the south and east of the subject property are zoned to permit residential dwellings. The subject property is also adjacent to the Southland Plaza commercial block.

The subject lands have full access to municipally owned and operated storm, water, and sanitary sewers and Arthur Street is municipally owned. The location of the subject lands is identified below:



The Proposal

The applicant has applied for a site-specific zoning amendment to allow for the following uses at the subject property:

- two (2) residential dwelling units on the ground floor within the existing commercial building, and,
- An exemption from the parking requirements for a dwelling unit under Section 11.5 of Bylaw 1037

Under Bylaw 1037, a *combined use* building is defined as a building having, as main uses, both a dwelling unit(s) and a non-residential use(s). In a combined use building, all dwelling units, not including entrances thereto, must be located above the ground floor. Under Section 11.5, 1.25 parking spaces are required for each dwelling unit and 15% of those parking spaces must be

reserved for visitor parking. The renovations of the units from commercial to residential will be conducted within the existing footprint of the building.

On the site plan below, the commercial units are identified as "A and B" on the attached site plan and are currently being used as a printing shop and business office. The residential units are identified as "B and C". The gross floor area of each unit are as follows below:

- Unit A – 540 sq feet (commercial)
- Unit B – 523 sq feet (commercial)
- Unit C – 524 sq feet (residential)
- Unit D – 493 sq feet (residential)

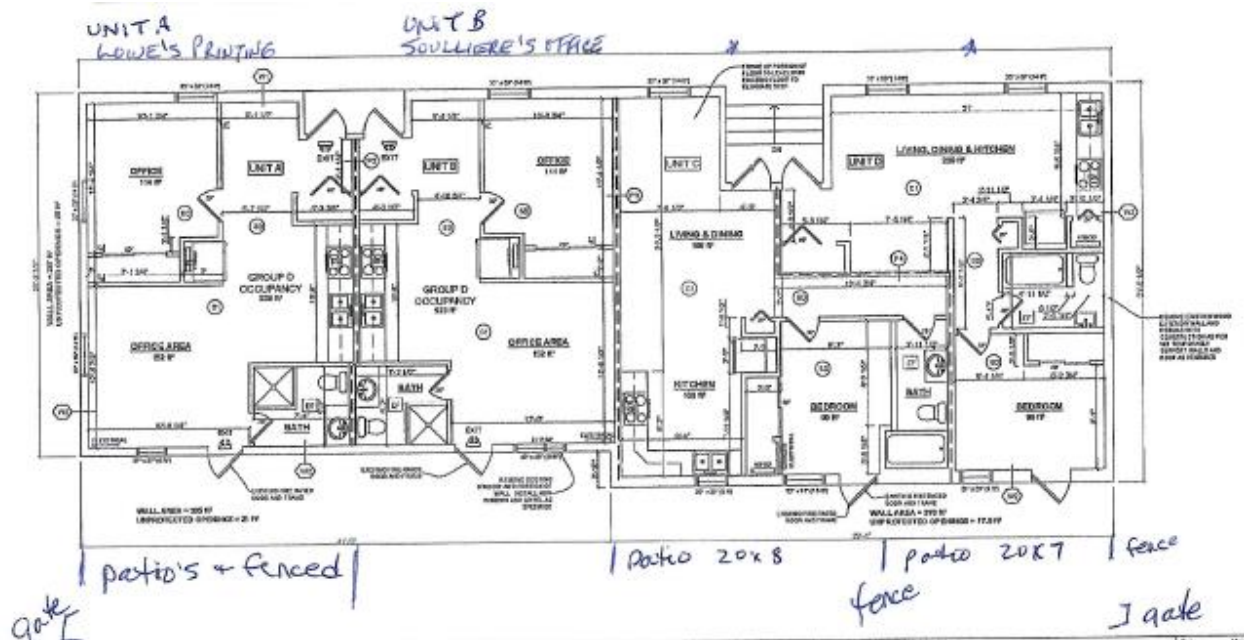


Figure 2. Proposed Interior Layout – Units A, B, C, and D

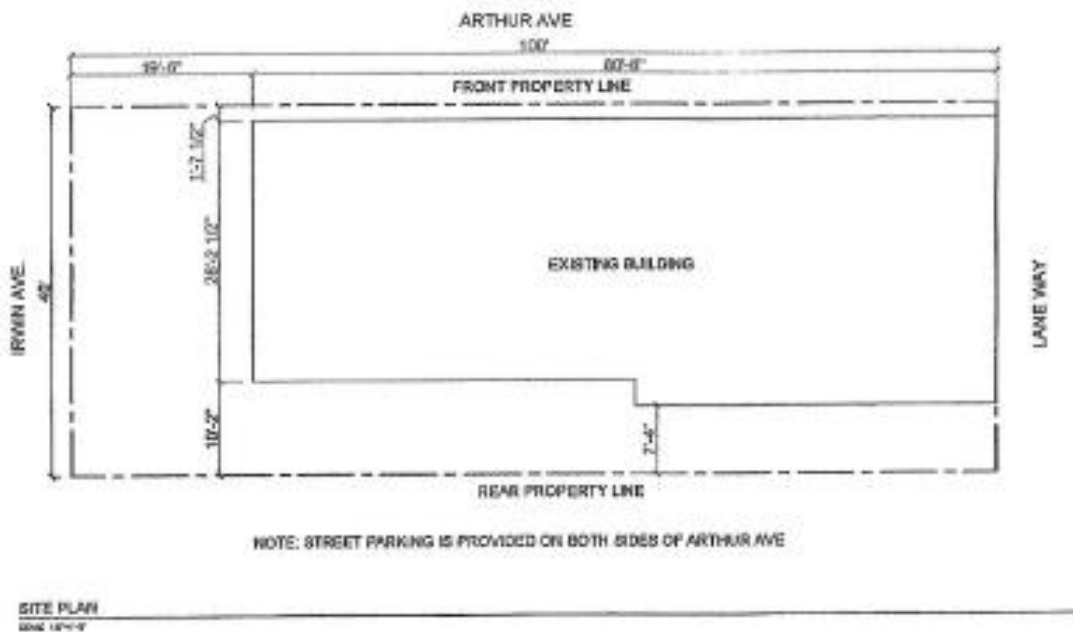


Figure 3. Site Plan

Parking Exemption

The existing building at 32 Arthur has no designated on-site parking spaces for the existing commercial units or the proposed residential units. The subject property is located within the “Parking Exception Area”. For existing buildings located on lands identified as a “Parking Exception Area”, no on-site parking spaces are required for such commercial uses including a business office or personal service shop. Dwelling units are, however, not exempt.

There are nineteen (19) public parking spaces located along Arthur Street, within a one block radius of the subject property, with three (3) public parking spaces located directly in front of the subject property. These nineteen (19) parking spaces are identified as maximum 2-hour parking use only, from the hours between 7 am and 6 pm. These spaces are underutilized by the public as there are no other commercial businesses located along Arthur outside of the Southland Commercial plaza, which has its own private parking lot area. On-street parking

spaces along Arthur Avenue are not utilized for residential use due to the limiting maximum two (2) hour time provision.

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 permitted under the Official Plan for the area in which the subject property is designated.

This proposal satisfies Essex Official Plan policies for Essex Centre, as it supports intensification and mixed use commercial residential uses. There is a strong need for attainable rental accommodations located within walking distance to the downtown core areas. This property is located at the edge of the commercial district and poses an appropriate transition into the surrounding residential district.

Comments:

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 virtually on **Monday, March 14, 2022**. A copy of the presentation is attached to this report.

At this meeting, Council was informed that internal departments and external agencies were circulated on the proposal. No objections to the proposal were received from the following Departments:

- Infrastructure Services
- Development Services
- Essex Region Conservation Authority (ERCA)

As a result of circulation, administration received no letters from the public in advance of the public meeting. Comments expressed at the public meeting are as follows:

Comments from Public	Response
(Received via Deputy Mayor Bjorkman) public concerns that this will result in less available parking spaces on Irwin Ave.	Upon review of air photography from 2000 to 2021, as well as observations conducted over the last 2 weeks, multiple open on-street parking spaces were observed on Irwin Ave, at 8:30 am, noon, and 5pm.

Comments from Council	Response
Councillor Vanderdolen: Explain why it is not feasible to construct a second storey over the existing structure?	The walls of the existing structure are made out of 2x4 walls, whereas a second storey addition would require 2x6 walls to support the weight load as per the Building Code.
Councillor Bondy: Supportive of a mixed- use building, however concerns whether there is any overnight parking. Where would it be available, what are the limits.	Council may opt to remove on-street parking provisions, restrictions to commercial vehicle parking, and 2 hour maximum parking spaces (between the hours of 7 am & 6 pm) from Arthur Avenue between Main Street Talbot Road and Cranberry Court
Councillor Garon: parking around this building has a 2 hr parking maximum, therefore the existing business would not be permitted to park for a longer duration than	The parking by-law states that parking along Arthur is limited to 2 hr maximum during the hours of 7am to 6pm. No commercial parking is permitted at anytime. The bylaw does not specify if overnight parking is

<p>2 hrs. Southland plaza has a parking area that has 200+ spaces but is privately owned.</p> <p>8-5 pm daily the spots across the street are seldom used.</p>	<p>prohibited or if it can be used for residential parking. Overnight parking is permitted along Maple Way, and Irwin Ave.</p>
<p>Deputy Mayor Bjorkman: received 2 calls from residents on Irwin Ave having concerns that parking is already very limited. Are residents allowed to park overnight in a municipal lot. Assuming they are not, this item needs to be addressed. Parking along Irwin is also affected by Town staff parking on the street when the staff parking lot is full.</p>	<p>The parking Bylaw does not specify a prohibition against overnight parking in municipal lots.</p>
<p>Councillor Vanderdolen: this poses an issue if Town staff are allowed to park on the street, but residents are not. It wouldn't be fair for residents to park in front of their houses on residential streets, but these residents would not be permitted. It should be applicable here for this property. Perhaps the public sector could rent out a space or two.</p>	<p>The commercial vehicle prohibition and the 2 hr maximum parking area does not extend over Irwin - this limited parking area is only confined to Arthur Ave between Main Street and the adjacent parking spaces to Shoppers Drug Mart.</p>
<p>Councillor Bowman: we need to look into this further as the 2 hr parking is only between certain hours. There is also a restriction on commercial vehicles. This is a</p>	<p>Council has the ability to make a motion to remove prohibitions or provisions in the Parking Bylaw.</p>

<p>good exercise to review the bylaw and know where these areas are.</p>	
<p>Mayor Meloche: Are these one-bedroom apartments?</p>	<p>The applicant wishes to convert these units because commercial units have not been successful at this location. Whether it is the accessibility issues, or simply they are not getting the public traffic. The rent has not been restrictive, it appears that it cannot compete with the attention the plaza receives. Residential uses would just be a better use for the property.</p>
<p>Mayor Meloche: is there a way of restricting parking for these units to Arthur Avenue only, rather than turning the corner on Irwin Ave.</p>	<p>Without having a parking permit program, we cannot limit use of public parking through the existing parking by-law except for the commercial vehicles or certain times. As parking is at a premium in the downtown core, restricting spots to certain businesses and properties is not the typical business for the Town of Essex.</p>
<p>Councillor Bowman: there are units on Irwin that do not have driveway parking and need to use on-street parking. Adding more needs in this area would not be a good idea.</p>	<p>Council has the ability to make a motion to remove the prohibitions and provisions on parking spaces on Arthur Ave, which would provide additional parking for this proposal and residents on Irwin Ave.</p>

<p>Deputy Mayor Bjorkman: I am for more development for the downtown, and these units, but we need to make sure that there is already enough parking before we introduce more need into the area. We need a way to work with where there can be overnight parking. Is there a possibility for parking behind the building? Any room off Irwin Ave on that side yard?</p>	<p>Upon review of the site plan, there is 7 feet width between the building and the rear yard, which allow one vehicle, however would remove the amenity area allocated for the 2 residential units. No parking spaces could be permitted on the Irwin Ave side of the building due to the daylight corner of the intersection.</p>
<p>Councillor Garon: there are residents on Irwin that don't have driveways. We need to consider the hardship on the commercial building over the years, in which this owner is looking to shift to a more appropriate use. We've approved similar applications on ground floors in commercial areas, and it would be no different of a hardship to these dwellings units than the ones on Irwin. This is an opportunity to solve some of the need for housing, it makes sense for all parties involved, these are all good points to have a discussion.</p>	<p>The C2.2 Zone currently allows for a mixed-use building at this location. This amendment allows the owner to have flexibility to locate 2 residential units on ground floor. There is a need for residential rental units in downtown core areas.</p>
<p>Councillor Vanderdolen: suggestion that if this could move forward on the basis that Mr. Soulliere only rent it out to citizens that</p>	<p>Rental agreements are outside of the requirements of this application.</p>

do not require parking spaces. It would fall within our active transportation planning.	
Councillor Verbeek: Sorry to hear the retail business have not been successful, happy to see this proposal of renovation, and for attainable housing. We need to find a solution for this work. Perhaps advising the tenants upfront of the parking constraints.	Solutions are presented below.

Bylaw 2139

Bylaw 2139 amends Bylaw 1037 to allow two (2) residential dwelling units on the main floor of a commercial building at the subject property. Bylaw 2139 also waives the required parking spaces for dwelling units and visitor parking at the subject property. The subject property will be subject to all other building regulations for Commercial District 2.2 (C2.2).

As a result of Council discussion, and after further review of the Town of Essex Parking By-law, administration recommends the following for Council’s consideration:

- That Council enact through resolution that on-street parking provisions for 2 hour maximum parking spaces (between the hours of 7 am & 6 pm) be removed from Arthur Avenue between Main Street Talbot Road and Cranberry Court.

These recommendations are based on the request from Council to provide a solution to support this Site-Specific Zoning By-law amendment. On-street parking spaces along Arthur Avenue are underutilized because of the 2-hour restrictions, and that the only 2 commercial businesses are located at 32 Arthur Avenue. There are no other businesses located on Arthur Avenue outside of the Southland Commercial Plaza which has ample private parking.

Removing the time restricted parking (2-hour limit) on these parking spaces would also allow daytime and overnight parking for the surrounding residential neighbourhood. We anticipate that this neighbourhood will benefit from additional on-street parking as increased density and second dwelling units are permitted in the Residential - R2.1 Zone.

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. However, should Council remove the 2-hour parking restriction there will be a cost to the Operation's Department to remove the existing signage. These costs will be absorbed through the Town's approved 2022 operational budget.

Development Charges will be applicable for the two (2) new residential dwelling units in the amount of \$13,499 each.

Consultations

Notice of the application for zoning bylaw amendment was circulated to all persons and public bodies require 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

- 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.